



**TOWN OF KILLINGLY, CT  
PLANNING AND ZONING COMMISSION**

**TUESDAY – FEBRUARY 22, 2022**  
**Regular Meeting – HYBRID MEETING**  
**7:00 PM**

RECEIVED  
TOWN CLERK, KILLINGLY, CT  
2022 FEB 28 PM 3:05

*Elizabeth M. Wilson*

**TOWN MEETING ROOM – 2<sup>ND</sup> FLOOR**  
**Killingly Town Hall**  
**172 Main Street**  
**Killingly, CT**

THE PUBLIC IS ALLOWED TO ATTEND THE MEETING IN PERSON  
OR THE PUBLIC MAY VIEW THIS MEETING AS DESCRIBED BELOW

**MINUTES**

THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.  
GO TO [www.killinglyct.gov](http://www.killinglyct.gov) AND CLICK ON FACEBOOK LIVE AT THE BOTTOM OF THE PAGE.

**I. CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:06 p.m.

**ROLL CALL** – John Sarantopoulos, Matthew Wendorf, Michael Hewko, Keith Thurlow were present in person.  
Virge Lorents arrived, in person, at 7:21 p.m. Brian Card was absent with notice.

**Staff Present** – Ann-Marie Aubrey, Director of Planning & Development; Ken Slater, Town Attorney, Halloran & Sage (both were present in person); Jill St. Clair, Director of Economic Development (present via Webex).

**Also Present (in person)** – Attorney Joseph Hammer, Day Pitney, LLC; Brian Dotolo, Haskell (Project Director); David Kode, Design Director and Architect with Haskell Company (Project Consultant); Roger Gieseke, Frito-Lay (Senior Project Engineer); Sil Quenga, Frito-Lay (Director of Engineering and Maintenance); Ulla Tiik-Barclay, Town Council Liaison; J.S. Perreault, Recording Secretary.

**(via Webex)** – Steven Cole, Haskell (Civil Engineer); Bennett Brooks, President of Brooks Acoustics Corporation; Attorney Mary Miller, representing the Alexanders Lake Homeowners Association; Scott Hesketh, Traffic Engineer with F.A. Hesketh & Associates; Scott Lyons, Haskell; Walter Bone, Haskell.

**II. SEATING OF ALTERNATES**

Town Attorney, Ken Slater explained that new Alternate Member, Michael Hewko, would be able to be seated as a participant, but would not be able to vote on motions unless he has reviewed all of the materials. Mr. Hewko indicated that he had not.

Keith Thurlow stated that Michael Hewko, having heard the instructions of the Town Attorney, would be seated (in the absence of Brian Card).

**III. AGENDA ADDENDUM** – None.

- IV. CITIZENS' COMMENTS ON ITEMS NOT SUBJECT TO PUBLIC HEARING** (Individual presentations not to exceed 3 minutes; limited to an aggregate of 21 minutes unless otherwise indicated by a majority vote of the Commission)  
**NOTE: Public comments can be emailed to [publiccomment@killinglyct.gov](mailto:publiccomment@killinglyct.gov) or mailed to the Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comment must be received prior to 2:00 PM the day of the meeting. Public comment received will be posted on the Town's website [www.killinglyct.gov](http://www.killinglyct.gov).**  
**NOTE: To participate in the CITIZENS' COMMENTS– the public may join the meeting via telephone while viewing the meeting on Facebook live.**  
**To join by phone please dial 1-415-655-0001; and use the access code 2630-203-8265 when prompted.**

Keith Thurlow read aloud the above information regarding Citizens' Comments.

There were no comments from citizens and Ann-Marie Aubrey stated that no public comments had been received via e-mail.

- V. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS – None.**

- VI. PUBLIC HEARINGS – (review / discussion / action)**  
**NOTE: To participate in THE PUBLIC HEARINGS – the public may join the meeting via telephone while viewing the meeting on Facebook live.**  
**To join by phone please dial 1-415-655-0001; and use the access code 2630-203-8265 when prompted.**

1) **Special Permit Ap #21-1273:** David Kode (Frito-Lay/Landowner); 1886 Upper Maple St; GIS MAP 62, LOT 53; 94 acres; Ind Zone; for portion of proposed building addition that will exceed the maximum height of 50 ft for said zone, with a proposed height of 86 ft, 8.5 inches. **LIMITED CONT. FROM 01/18/2022**

Ann-Marie Aubrey explained that although Site Plan Application #21-1275 (Item VII.2 Below) has been presented simultaneously with this Special Permit Application, it is not part of the public hearing. Mr. Thurlow asked that Town Attorney, Ken Slater give an explanation of the current status of the public hearing. Attorney Slater summarized:

- The public had been advised that everyone has had an opportunity to be heard;
- Items left open: The Applicant was to submit additional information regarding Cut & Fill, as requested by the Commission; and the Intervener and the Applicant agreed that they were going to work together to see if they could come up with conditions that they were completely aligned on and that they would submit to Staff to have an opportunity to review and prepare draft motions for the Commission.

Attorney Slater suggested that the Applicant be allowed to present information on the Cut & Fill and then proceed with closing the public hearing. He offered that he would advise the Commission regarding the environmental intervention petition.

Attorney Joseph Hammer, Day Pitney, LLC, introduced Brian Dotolo, Haskell (Project Director) to speak regarding Cut & Fill. Before speaking about the Cut & Fill analysis and how they propose to transfer the fill on-site and off-site, Mr. Dotolo introduced Steven Cole, Haskell (Civil Engineer) to review the Cut & Fill analysis and the associated plan.

Steven Cole explained the Overall Cut-Fill Analysis Plan for all areas of work regarding the Phase 2 Project (plans were displayed as discussed):

- The analysis compares proposed surfaces to the existing surfaces survey.
- He referred to and explained the Elevations Table on the Overall Cut-Fill Analysis Plan.
- He explained some basis of design elements using boring logs taken from 2009 and 2020:
  - They determined that a Swell Factor of 1.20 (20 percent) would be appropriate to apply to all of the cut volumes.
  - From a shrinkage standpoint, they applied 1.05 (5 percent) for compaction of on-site transfer of fill material. This was taken into account when determining the volumes.
- Mr. Cole explained that it was broken down into five distinct areas around the site:
  - 1) Area 1 – The Auto Parking Lot. Roughly thirteen feet of cut, 19,300 c.y. of cut.

- 2) Area 2 - Finished Floor of All Proposed Buildings and Pavement Improvements (also on the cut side of the site) – 13,300 c.y. of cut.
- 3) Area 3 (south side fill condition) Location of the New Manufacturing Building – Roughly 10,500 c.y. of fill.
- 4) Area 4 – Lot with 900 Trailer Spaces (also primarily a fill condition) – 2,300 – 2,400 c.y. of fill.
- 5) Area 5 – Underground Retention System within the Existing Parking Lot (goes down to a depth of approximately 8 feet) – Approximately 4,300 c.y. of cut.

Mr. Cole explained that, looking at the site as a whole, taking into account shrink and swell of on-site transfer, the overall Cut & Fill analysis is 31,779 c.y. of cut on-site (export material).

There were no questions or comments.

Brian Dotolo indicated the cut locations and the fill locations (plans were displayed as discussed):

- He explained the routes that are proposed for the transfer of fill material from the cut locations (indicated in red on the plan) to the fill locations (indicated in green on the plan)
  - Passing through the western edge of the employee parking lot, transitioning to the west gravel road, to the fill locations (route indicated by a red arrow on the plan).
  - Would not be traveling on the public streets (Upper Maple Street / Attawaugan Crossing).
- Regarding the proposed route for the 31,779 c.y. of excess fill:
  - They would either take it through the employee parking lot/employee entrance or the truck entrance out to Attawaugan Crossing (avoiding using Upper Maple Street). Mr. Dotolo explained that to get to Attawaugan Crossing, they would utilize the temporary access road that connects the employee entrance to Frito-Lay and the truck entrance.
- Mr. Dotolo explained about the number of truck trips and the eight-week process to remove fill of the property:
  - Each dump truck holds an average of 13 c.y. of fill. They estimate that there would be an average of 75 truckloads per day exiting the site onto Attawaugan Crossing
  - Maximum amount would be approximately 115-150 trips off-site per day. This would be anticipating no issues on-site, no processing of gravel on-site, even flow process.
  - Cut Area #1 (Employee Parking Lot) would take approximately four weeks to complete the process of moving the excess fill off-site.
  - Cut Area #2 (Future ASRS Building Location) would also take approximately four weeks to complete the process of moving the excess fill off-site.
- Mr. Dotolo explained about the four companies that would be willing to accept the fill from the site (structural fill, topsoil or ledge which would be processed into gravel). He also explained the routes that would be taken, stressing that they would not use Upper Maple Street and also that a left cannot be taken onto Attawaugan Crossing to get to Desmarais & Sons location.

#### **QUESTIONS/COMMENTS FROM COMMISSION MEMBERS:**

**Keith Thurlow** asked about how they plan to remove ledge and how much ledge they expect to remove.

Mr. Cole explained about borings that had been performed and that there is some potential for ledge to be present.

Mr. Dotolo explained that if a large mass of ledge is encountered, they would blast going through the proper permitting procedures. Regarding the question of whether to process ledge into gravel on-site, he said that they would have the larger boulders hauled off-site and have it processed somewhere else, if they don't need it on-site.

Mr. Thurlow referred to Brian Card's comments regarding Regulations Section 560 for processing on-site.

Mr. Dotolo explained that it is still speculation.

Mr. Thurlow suggested that there be a condition of approval regarding ledge and complying with Section 560.

Ann-Marie Aubrey referred to, and read aloud from, Section 560.4 - Permitted Activities Require Zoning Permit Only (Sections 590 – Soil Erosion and Sediment Control, 560.6 – Application Process, 560.7 - Performance Standards, 560.8 – Performance Bonds, and 560.9 – Approval Criteria).

**Michael Hewko** asked about the number of trailers in Fill Area #1 because he said that on one plan it says 15, but on another plan it says 20.

Mr. Dotolo explained that the correct number of trailers is fifteen.

There were no comments from the public.

Motion was made by John Sarantopoulos to close the public hearing for **Special Permit Ap #21-1273**; David Kode (Frito-Lay/Landowner); 1886 Upper Maple St; GIS MAP 62, LOT 53; 94 acres; Ind Zone; for portion of proposed building addition that will exceed the maximum height of 50 ft for said zone, with a proposed height of 86 ft, 8.5 inches.

Second by Matthew Wendorf. No discussion.

Motion carried unanimously by voice vote (4-0-0).

2) **Special Permit Ap #21-1277**; American Storage Centers, LLC (Landowner same); 551 Westcott Road; GIS MAP 214; LOT 5; ~3.8 acres; General Commercial Zone; construction of 6 new buildings & conversion of existing building to establish a self-service storage facility (420.2.2.[q]). **HEARING CLOSED, DISCUSSION & DECISION – FROM 01/18/2022**

## VII. UNFINISHED BUSINESS – (review / discussion / action)

1) **Special Permit Ap #21-1273**; David Kode (Frito-Lay/Landowner); 1886 Upper Maple St; GIS MAP 62, LOT 53; 94 acres; Ind Zone; for portion of proposed building addition that will exceed the maximum height of 50 ft for said zone, with a proposed height of 86 ft, 8.5 inches.

Town Attorney, Ken Slater suggested that it be clarified as to whether or not, new Alternate Member, Michael Hewko is prepared to be seated to vote. Mr. Hewko stated that he is not. Attorney Slater advised that Mr. Hewko should not be seated or considered a present person because he is disqualified from voting tonight. He explained that the remaining Members of the Commission would be the number that the vote would be based on.

Attorney Slater explained about the role of the Commission regarding the Environmental Intervention Petition (22a-19). He explained that since both the Site Plan Application and the Special Permit Application were being addressed to the Commission in the context of a public hearing, the Intervener was given full rights to present information, just as the public was. The paperwork filed by the Intervener was sufficient to get the Intervener status. He explained that the Commission has some jurisdiction under both Special Permit and Site Plan regarding pollution concerns. The Commission would need to consider, based on all of the evidence submitted, whether the Intervener showed that it is reasonably likely that the activity will unreasonably pollute, impair or destroy the public trust in the air, water or other natural resources of the State. He gave some examples of cases. He advised/explained that if the Commission approves the Application, they incorporate a requirement that it comply with the DEEP Standards. He explained the sample motions to approve/deny that he had drafted with Staff.

There was discussion regarding the Sections of the Regulations that the Commission would need to consider regarding the Intervention Petition.

Motion was made by John Sarantopoulos to approve both **Special Permit Application #21-1273 AND Site Plan Application #21-1275**, as proposed by the Town Attorney and Staff.

Second by Matthew Wendorf.

Discussion:

Town Attorney, Ken Slater recommended that the Commission discuss the motion and come to a consensus on the language and amend it, if needed.

John Sarantopoulos explained that he feels comfortable with the language of the motion.

Virge Lorents spoke about the history of the mistake of placing the Industrial Park near the Lake. She feels this needs to be addressed at some point.

The Commission discussed the buffer with the Town Attorney and Staff. Keith Thurlow spoke about gaps in the buffer and he suggested not specifying a certain number of trees, but rather what is necessary and as needed, using 6-foot trees and a row of seedlings so that, over a period of time, there will be a full buffer and that it will be maintained. He feels it should be managed by a professional. He feels that this and the ledge issue have not been addressed in the motion. Discussion continued and new language was proposed by Attorney Slater and Ms. Aubrey.

Motion was made by Virge Lorents to amend the Original Motion to approve Special Permit Application #21-1273 and Site Plan Application #21-1275, to incorporate the following language:

- Under Conditions, Section 4.b.i, second, third and fourth sentences, to read as follows:

The Applicant shall install additional landscaping to fill in the gaps and buffers on the southwestern portion of the Frito-Lay property in accordance with a plan intended to maximize both sight and sound buffering prepared by a licensed arborist or forester engaged by the Applicant and approved by the Planning and Development Staff. The Applicant shall exercise due diligence to maintain the trees required by the plan.

And

- Under Conditions, Section 4.b.iii, first sentence, to read as follows:

The specific locations where such trees are to be installed shall be established in the plan set forth in Part i.

Amendment Seconded by Matthew Wendorf. No discussion.

Roll Call Vote on the Amendment to the Original Motion: Virge Lorents – yes; John Sarantopoulos – yes; Matthew Wendorf – yes; Keith Thurlow – yes.

Motion to amend the Original Motion carried unanimously (4-0-0).

Mr. Thurlow stated that he would like to see a landscaping plan before building. There was discussion and new language was proposed by Attorney Slater.

Motion was made by Virge Lorents to make a second amendment to the Main Motion to approve Special Permit Application #21-1273 and Site Plan Application #21-1275, to incorporate the following language:

- Under Conditions, Section 4.b.i, add the following sentence:

No building permit shall be issued before such plan is approved.

2nd Amendment Seconded by Matthew Wendorf. No discussion.

Roll Call Vote on the 2<sup>nd</sup> Amendment to the Main Motion: Matthew Wendorf – yes; Virge Lorents – yes; John Sarantopoulos – yes; Keith Thurlow – yes.

Motion for the 2nd Amendment to the Main Motion carried unanimously (4-0-0).

**The Final Amended Motion was read aloud, in its entirety, for the record, and is attached herewith as Exhibit A:**

Roll Call Vote on the Final Main Motion with the two Amendments: Virge Lorents – yes; John Sarantopoulos – yes; Matthew Wendorf – yes; Keith Thurlow – yes.

Main Motion, as amended, carried unanimously (4-0-0).

At this time (8:36 p.m.), Keith Thurlow called for a 5-minutes recess.

Mr. Thurlow called the meeting back to order at 8:43 p.m.

2) **Site Plan Application #21-1275**; David Kode (Frito-Lay/Landowner); 1886 Upper Maple St; GIS MAP 62, LOT 53; 94 acres; Ind Zone; for the proposed building additions that will be under the allowed height.

**Approved – See above (Item VII.1).**

3) **Special Permit Ap #21-1277**; American Storage Centers, LLC (Landowner same); 551 Westcott Road; GIS MAP 214; LOT 5; ~3.8 acres; General Commercial Zone; construction of 6 new buildings & conversion of existing building to establish a self-service storage facility (420.2.2.[q]).

Ann-Marie Aubrey gave a review:

- Public Hearing was closed on January 18, 2022, after hearing testimony from the Applicant's representative and the public. Tonight's discussion is to be strictly between Staff and the Commission. No further testimony can be taken.
- Comments from Staff:
  - Concern regarding the use of millings on the site. Town Engineer, David Capacchione had requested a hot-mix asphalt be used.
  - Permissible lot coverage in the GC Zone is 65 percent by right, but may be increased from 65 percent to 75 percent with a special permit by the PZC. Ms. Aubrey referred to and read aloud from Section 420.2 of the Regulations which describes the requirements for that special permit.

- Fire & Traffic Safety – Regarding fire trucks having access to all buildings on the premises, it had been requested that there be at least a 20-foot driveway or road between the buildings and the plated buffer. The building furthest to the left is only 15-feet wide.
- Fire & Ambulance Services – There should be a Knox box at the gate to allow fire and ambulance crews access to the premises.
- Snow Plowing & Storage – Are the aisles between the buildings and at each back corner large enough to allow for proper snow plowing and, if stored on-site, where would the snow piles be placed?
- Lighting on Buildings – All lighting on buildings should be tilted downward and make sure no lighting goes off the premises.
- Ms. Aubrey referred to Section 420.2.2.q.2 Special Permit Uses – Self Service Storage Facilities – Conditions, which must be adhered to by the Applicant. Staff suggests that reference to those conditions be made in the Commission’s motion.
- Ms. Aubrey read aloud suggested conditions of approval from Brian Card which she had received via email and provided copies to Commission Members: 1) Additional signage and curbing along south side; 2) Motion-activated lights on buildings – on less than 30 minutes; 3) Modify gravel base; 4) Snow storage locations shall be identified on site plan, as agreed to with Town Staff.

There was discussion regarding the width available vs. what is needed for emergency and plowing vehicles and snow storage. Smaller units was suggested. There was discussion regarding moving snow from inside the gated area to the storm water drainage areas. Ms. Aubrey stated that conditions and modifications to the site plan can be made.

There was discussion regarding that, on the far left, there is only 15 feet between the building and the grass-way. On the right, there are 40 feet from the building to the property line, but there is a required 25-foot buffer which would only leave 15 feet of asphalt. Ms. Lorents suggested removing the end units.

There was discussion regarding snow storage. Mr. Wendorf and Mr. Thurlow expressed that the site is too dense with everything in it and it limits access. Ms. Lorents expressed agreement. There was concern expressed regarding radii and Mr. Thurlow stated that the Commission cannot be responsible for design regarding major modifications. Attorney Slater agreed with Mr. Thurlow and explained that, if a major redesign of the plan is involved, it is better to deny giving a roadmap of the kind of changes that need to be made. Attorney Slater explained that a motion to deny would not have to state “without prejudice” and that the Applicant would be able to refile with a substantially changed application. Discussion continued. Mr. Thurlow stated that the concerns had been discussed with Norm Thibeault, the Applicant’s Representative, during the public hearing. Ms. Aubrey explained that Mr. Thibeault had designed it with millings (where he wanted a pervious surface) and if the hot-asphalt mix is used, as requested by the Town Engineer, Mr. Thibeault needs to be careful not to go over the 65 percent lot coverage.

Motion was made by Matthew Wendorf to deny, without prejudice, **Special Permit Ap #21-1277**; American Storage Centers, LLC (Landowner same); 551 Westcott Road; GIS MAP 214; LOT 5; ~3.8 acres; General Commercial Zone; construction of 6 new buildings & conversion of existing building to establish a self-service storage facility (420.2.2.[q]).

Second by Virge Lorents. No discussion.

Roll Call Vote: John Sarantopoulos – yes; Matthew Wendorf – yes; Virge Lorents – yes; Keith Thurlow – yes.

Motion carried unanimously (4-0-0).

Attorney Slater suggested that a copy of Brian Card’s recommended conditions be provided to the Applicant. Ms. Aubrey stated that she will include all of the concerns discussed in a letter to the Applicant.

Attorney Slater left the meeting at this time (9:06 p.m.).

#### VIII. NEW BUSINESS – (review/discussion/action)

**NOTE:** There is already one public hearing scheduled for Monday, March 21, 2022.

1) **Special Permit Ap #22-1282**; Jolley Commons, LLC (Applicant/Owner); 120 Wauregan Road; GIS MAP 220, LOT 21; ~6.4 acres; General Commercial Zone; excavation and removal of gravel products; under Section 560, et seq (Earth Filling and

Excavation); Section 700 et seq (Special Permits); and Section 470 et Seq (Site Plan Review) of the Town of Killingly Zoning Regulations. **Receive and schedule for public hearing. Proposed date Monday, March 21, 2022.**

Ann-Marie Aubrey stated that the Application is complete. There was discussion regarding the date to schedule the public hearing and it was decided to schedule for April 18, 2022.

Motion was made by Virge Lorents to receive and schedule a public hearing for **Special Permit Ap #22-1282**; Jolley Commons, LLC (Applicant/Owner); 120 Wauregan Road; GIS MAP 220, LOT 21; ~6.4 acres; General Commercial Zone; excavation and removal of gravel products; under Section 560, et seq (Earth Filling and Excavation); Section 700 et seq (Special Permits); and Section 470 et Seq (Site Plan Review) of the Town of Killingly Zoning Regulations, for the regularly scheduled meeting of Monday, April 18, 2022, Town Meeting Room, 2<sup>nd</sup> Floor, 172 Main Street, at 7:00 p.m.

Second by Matthew Wendorf. No discussion.

Motion carried unanimously by voice vote (4-0-0).

2) **Special Permit Ap #22-1283**; Steven E. MacCormack (Applicant/Owner); 42 Mechanic St; GIS MAP 181; LOT 104; ~0.13 acres; **AND** 26 Oak St; GIS MAP 181; LOT 105; ~0.25 acres; both Borough General Commercial Zone; self-service storage facility in two pre-existing buildings; under Section 430, et seq (General Commercial) and Section 700 et seq (Special Permit) of the Borough of Danielson Zoning Regulations. **Receive and schedule for public hearing. Proposed date Monday, March 21, 2022.**

Ann-Marie Aubrey stated that the Application is complete.

Motion was made by Virge Lorents to receive and schedule a public hearing for **Special Permit Ap #22-1283**; Steven E. MacCormack (Applicant/Owner); 42 Mechanic St; GIS MAP 181; LOT 104; ~0.13 acres; **AND** 26 Oak St; GIS MAP 181; LOT 105; ~0.25 acres; both Borough General Commercial Zone; self-service storage facility in two pre-existing buildings; under Section 430, et seq (General Commercial) and Section 700 et seq (Special Permit) of the Borough of Danielson Zoning Regulations, for the regularly scheduled meeting of Monday, March 21, 2022, Town Meeting Room, 2<sup>nd</sup> Floor, 172 Main Street, at 7:00 p.m.

Second by Matthew Wendorf. No discussion.

Motion carried unanimously by voice vote (4-0-0).

3) **Zone MAP Change Ap #22.1284**; State of CT; Aquifer Area Program Implementation Letter for Map Delineation; 360 Lake Road; GIS MAP 61; LOT 52; ~11 acres; Industrial Zone; Level "A" Mapping Approval for the Connecticut Water Company's Killingly Industrial Park Well Field. **Receive and schedule for public hearing. Proposed date Monday, March 21, 2022.**

Motion was made by Matthew Wendorf to receive and schedule a public hearing for **Zone MAP Change Ap #22.1284**; State of CT; Aquifer Area Program Implementation Letter for Map Delineation; 360 Lake Road; GIS MAP 61; LOT 52; ~11 acres; Industrial Zone; Level "A" Mapping Approval for the Connecticut Water Company's Killingly Industrial Park Well Field, for the regularly scheduled meeting of Monday, March 21, 2022, Town Meeting Room, 2<sup>nd</sup> Floor, 172 Main Street, at 7:00 p.m.

Second by Virge Lorents. No discussion.

Motion carried unanimously by voice vote (4-0-0).

#### **IX. ADOPTION OF MINUTES – (review/discussion/action)**

1) Regular Meeting Minutes – Tuesday, January 18, 2022

Motion was made by Matthew Wendorf to approve the Minutes of the Regular Meeting of Tuesday, January 18, 2022.

Second by Virge Lorents. No discussion.

Motion carried unanimously by voice vote (4-0-0).

#### **X. OTHER / MISCELLANEOUS – (review / discussion / action)**

1) **WORKSHOP – Discussion** – should the zoning regulations allow for an accessory structure to be constructed on a vacant parcel of real estate without the primary structure being in place?

Ms. Aubrey explained that the Town Attorney recommended that the Commission consider this as an allowed use. Staff suggests a special permitted use. Staff is preparing draft language to be ready by the meeting of March 21<sup>st</sup>.

Workshop continued.

2) **WORKSHOP – Discussion** – Five Mile River Overlay District.

Workshop continued.

**XI. CORRESPONDENCE**

Ms. Aubrey stated that March 22, 2022 (6:00 p.m. in the Town Meeting Room) is the date selected for the training class for Boards and Commissions. She will send a reminder.

Ms. Aubrey stated that there will be a Workshop regarding Retail and Growing of Cannabis. The State has opened the bidding process, but has given no direction/information to the towns regarding writing regulations. She will consult with the Town Attorney.

There was discussion regarding when to schedule the three workshops - Monday, March 28<sup>th</sup> at 6:00 p.m.

**XII. DEPARTMENTAL REPORTS – (review/discussion/action)**

**A. Zoning Enforcement Officer's & Zoning Board of Appeal's Report(s)** – No Report.

**B. Inland Wetlands and Watercourses Agent's Report** – No Report.

**C. Building Office Report** – No Report.

**XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT**

Jill St. Clair reported:

- She has been working with several potential businesses who are looking to locate in Killingly.
- RaRa's Ice Cream Shop has signed a lease with Owen Bell Park Concession Stand.
- Small Business Academy starting on March 22<sup>nd</sup> (six-session course and free to the public). Sign up through the Killingly Public Library.
- Borough Brewery (former location of Black Pond Brewery on Furnace Street) to open early spring.
- EDC continues discussions regarding the formation of a Cultural Commission and District.
- Eastern Regional Tourism District approved an \$8,000 matching tourism grant for The Last Green Valley.

Mr. Thurlow asked if the EDC would be giving feedback regarding the zone change for the Vance property. Ms. St. Clair explained that it is on their agenda, but a couple of the Members may have a conflict of interest.

**XIV. TOWN COUNCIL LIAISON REPORT**

Ulla Tiik-Barclay reported on the following:

- February 19-26 is National FFA Week.
- February is Black History Month, Teen Dating Violence Prevention & Awareness Month, and National Library Lovers Month.
- Appointments to Boards and Commissions.
- Monthly Town and BOE budgets were approved by Council.
- A series of annual statements of affirmation and policies had to be approved so that small-town grants could be received by the Town (accumulate to approximately \$1 million per year).

Mr. Thurlow suggested having tablets. There was discussion regarding paper vs. electronic. Ms. Aubrey clarified that it would be the Commissioners' own devices. She offered to email packets and have paper copies available at the meetings.

**XV. ADJOURNMENT**

Motion was made by Matthew Wendorf to adjourn at 9:26 p.m.

Second by Virge Lorents. No discussion.

Motion carried unanimously by voice vote (4-0-0).

Respectfully submitted,



J.S. Perreault  
Recording Clerk

**EXHIBIT "A"**

**MOTION TO APPROVE SPECIAL PERMIT AND SITE PLAN APPLICATIONS FRITO-LAY**

**WHEREAS** the Killingly Planning and Zoning Commission received Special Permit Application #21-1273 of David Kode (Frito-Lay, Inc. / Landowner) (the "Applicant"); 1886 Upper Maple Street, Killingly, CT GIS MAP 62; LOT 53; ~94 acres; Industrial Zone; to allow the construction of a new Automatic Stock Retrieval System (ASRS).

**WHEREAS**, the Killingly Planning and Zoning Commission received Site Plan Applications #21-1275 of David Kode (Frito-Lay, Inc./Landowner) (the "Applicant"); 1886 Upper Maple Street, Killingly, CT GIS MAP 62; LOT 53; ~94 acres; Industrial Zone; to allow the construction of buildings and related site improvements related to its existing industrial use of the site.

**WHEREAS**, said ASRS System ("System") will be an eight (8) rack high system enclosed in a building at the height of eighty-six (86) feet, eight and one-half (8.5) inches.

**WHEREAS**, the Killingly Zoning Regulations ("Regulations") allow construction to such a height under Section 450 (Dimensional Requirements); Subsection 450.3.1 (Height in Industrial Zones) by special permit request.

**WHEREAS**, two other ASRS units were previously approved for this site – 1) the original ASRS building built at a height of seventy-five (75) feet and ten (10) inches, and – 2) the ASRS building built in 2012 at a height of seventy-six (76) feet and eleven (11) inches.

**WHEREAS**, the Alexander's Lake Association, Inc. filed a petition to intervene filed pursuant to Conn. Gen. Stat. §22a-19 verified by its attorney, Mary Mintel Miller, in both the special permit and site plan applications.

**WHEREAS**, the Commission conducted a public hearing and conferred with and received information from the Applicant, Intervenor, and the public regarding both the special permit and site plan applications.

**THEREFORE**, I move that the Commission approve the site plan and approve the special permit application subject to the following conditions, each of which are integral to the special permit application, and subject to the following findings.

**WITH REGARD TO THE APPLICATIONS:**

1. The site plan application is substantially complete, and includes material and information required by the Commission under these Regulations to reach the findings contained herein.

2. The special permit application is substantially complete, and includes material and information required by the Commission under these Regulations to reach the findings contained herein.

3. Subject to the conditions of approval set forth below, the proposed special permit is in general conformance with the requirements of Article VII of the Regulations.

4. The approval is made with the following conditions:

a. Sound Attenuation Model and Testing

i. Applicant shall prepare a sound/noise attenuation model (the “Model”) to include the existing and new equipment proposed for the facility and all engineering controls to be employed. The Model shall clearly identify the recommended controls to demonstrate compliance with existing Local and State ambient noise levels. The Model is to be calibrated with actual on-site measurements taken during both daytime and night-time hours. The final results / report of this Model shall be submitted to the Planning & Development Department for review prior to on site construction activities.

ii. Following construction of the plant expansion that is the subject of the site plan application and the completion of installation of associated new manufacturing and rooftop equipment, the Applicant shall conduct a post construction monitoring (Sound Survey Test – the “Test”) within seventy-five (75) days of the full operation of Applicant’s expanded facility (includes ASRS and other buildings). Results of such testing shall be compared to the Model, to confirm that the facility is in compliance with the noise regulations promulgated by the Connecticut Department of Energy and Environmental Protection (“DEEP”) which are set forth in Regulations of Connecticut State Agencies Section 22a-69-1 et seq (the “CT DEEP Regulations”), and the Town of Killingly Noise Ordinance (Article VI. Noise Ordinance).

(1) The TEST shall be conducted in conformance with the requirements of the CT DEEP Regulations and in substantial conformity with acoustical test methods and procedures specified in generally accepted outdoor sound survey standards, including ASTM E1503-14.

(2) Said testing related to the Test shall be completed at a minimum of three (3) residential properties on the west side of Upper Maple Street; and shall be completed by an acoustical consultant. These

locations shall be determined in consultation with the Town Engineer and Zoning Enforcement Officer or their designee.

(3) The date and time of the Testing shall be done in consultation with the Town Engineer and Zoning Enforcement Officer; and said date and time shall be confirmed at least two days in advance of the proposed test.

iii. All Modeling and final reports of the Tests results shall be submitted to the Planning and Zoning Commission through the Planning and Development Office of the Town of Killingly within thirty (30) days of the completion of the Testing.

iv. If the Testing demonstrates that the facility as improved is not in substantial conformity with the CT DEEP Regulations, nor consistent with the pre-construction modeling, the applicant shall employ such noise mitigation measures that it determines are required to achieve compliance. Within thirty (30) days of employing such mitigation measures, the Applicant shall conduct another round of testing in accordance with the conditions listed above. If compliance is not achieved, additional measures shall be employed, and another round of testing shall be completed in accordance with the conditions listed above until compliance is demonstrated.

b. Landscape and Forest Plantings – Buffering

i. The Applicant shall maintain the existing landscape and forest plantings as shown on the 2010 and 2012 site plans and shall add to those plantings as described herewith. The Applicant shall install additional landscaping to fill in the gaps in buffers on the southwestern portion of the Frito-Lay Property in accordance with a plan intended to maximize both sight and sound buffering prepared by a licensed arborist or forester engaged by the applicant and approved by the Planning and Development staff. No building permit shall be issued before such plan is approved. The Applicant shall exercise due diligence to maintain the trees required by the plan.

ii. Once the additional landscape and forest plantings are completed in accordance with the direction of the Planning and Development staff the Applicant shall submit to Planning and Development staff an updated Landscape and Forest Management Plan to show then current conditions of said landscape and forest plantings. Said plan shall then become the basic plan for all future landscape and forest management to maintain, preserve, and enhance the

buffer zone and visual barrier. Said plan shall include annual monitoring of said areas by said Applicant.

iii. The specific locations where such trees are to be installed shall be established in the plan set forth in part i. At least once every five (5) years after installation of these plantings, the Planning and Development staff shall conduct a field inspection of the plantings to determine if additional plantings are necessary to maintain an effective barrier. If so, the Applicant shall plant / install those plantings in consultation with staff.

iv. The Applicant shall submit annual reports to the Planning and Development staff demonstrating compliance with the Landscape and Forest Management Plan.

c. The Applicant shall stipulate that all construction traffic (including materials, workers, and the removal of materials) shall be routed through the Attawaugan Crossing Road access point to the Frito-Lay Property.

d. The Applicant shall use mechanical means of removal for all cuts located within the project area. Blasting is not allowed unless additional approvals are granted by the Planning & Zoning Commission.

e. In connection with the construction of the Project, contracts with construction subcontractors shall include language directing the subcontractors to utilize carpooling measures for their employees during construction to reduce the overall number of vehicles travelling to and from the site. The Applicant shall require the construction workers to use the Attawaugan Crossing Road access point to the Frito-Lay property.

f. In connection with the Haskell response dated January 14, 2022, to the CLA Engineers, Inc. (CLA) review comments dated January 12, 2022, the additional information which Haskell indicates will be provided in response to CLA review comments, 2, 8, 11, 12, 14, 16, 17, 18, 19, 20, and 22 shall be submitted to the Town Engineer for review and approval prior to the issuance of a building permit.

g. The Applicant shall submit a construction phasing and management plan to address any additional concerns raised by the Commission or the Town Engineer following approval.

h. The Applicant shall post a bond, the amount to be determined by the Town Engineer & Planning and Development staff, to assure compliance with the above conditions/modifications.

**WITH RESPECT TO THE PETITIONS FOR INTERVENTION**

**Special Permit Application #21-1273**

As to Intervenor's Conn. Gen. Stat. § 22a-19 Notice of Intervention in Special Permit Application #21-1273, the Commission Finds:

1. The Commission has reviewed the allegations contained in the petition,
2. The Commission has considered all evidence submitted by the Intervenor, the Applicant and the Public that was relevant to the allegations in the petition.
3. The Intervenor did not prove that the activities authorized by the approval of the special permit with conditions set forth above are reasonably likely to unreasonably pollute, impair or destroy the public trust in the air, water, or other natural resources of the state.

**Site Plan Application #21-1275**

As to Intervenor's Conn. Gen. Stat. § 22a-19 Notice of Intervention in Site Plan Application #21-1275, the Commission Finds:

1. The Commission has reviewed the allegations contained in the petition.
2. The Commission has considered all evidence submitted by the Intervenor, the Applicant and the Public that was relevant to the allegations in the petition.
3. The Intervenor did not prove that the activities authorized by the approval of the site plan are reasonably likely to unreasonably pollute, impair, or destroy the public trust in the air, water, or other natural resources of the state.

Dated at Killingly, Connecticut, this \_\_22nd\_\_ day of February 2022.

Motion was made by John Sarantopolous seconded by Matt Wendorf.

There were two addendums made to the motion, they are included above.

The Motion passed 4 to 0.