



TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION
MONDAY – OCTOBER 19, 2020

Regular Meeting
7:00 PM

THIS MEETING WAS HELD VIA WEBEX

DUE TO COVID-19
THE PUBLIC MAY VIEW THIS MEETING AS DESCRIBED BELOW

TOWN CLERK, KILLINGLY, CT
2020 NOV -4 PM 2:49
Brynn M. Wiles

MINUTES

**THE PUBLIC WAS ABLE TO VIEW THIS MEETING ON FACEBOOK LIVE.
GO TO 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 7:01 pm.
- ROLL CALL** – Virge Lorents, John Sarantopoulos, Keith Thurlow. Brian Card joined the meeting at 7:57 p.m. Milburn Stone and Matthew Wendorf were absent with notice.
- Staff Present** – Ann-Marie Aubrey, Director of Planning and Development; Jonathan Blake, Planner I/ZEO; Jill St. Clair, Director of Economic Development.
- Also Present** – Harold Kahn, Acting Chief Financial Officer of WISH; Harvey Eisen, Chairman and CEO of WISH; Rodney Galton, Deborah Lamiotte and Beth Dubofsky of the Killingly Inland Wetlands & Watercourses Commission; Patti Larrow George, Town Council Liaison.

Jonathan Blake noted that the IWWC did not have a quorum present.

- II. **SEATING OF ALTERNATES** – Keith Thurlow announced that John Sarantopoulos would be seated as a Voting Member for this meeting.
- 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)

There were no callers offering comments.

NOTE: Pursuant to Governor's Executive Order 7B, all public comments can be emailed to publiccomment@killinglyct.gov or mailed to the Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comment received prior to the meeting will be posted on the Town's website www.killinglyct.gov.

At approximately 7:07 p.m., Jonathan Blake noted that the meeting had not been airing on Facebook, therefore, Ms. Aubrey recapped what had taken place up to that point.

Ann-Marie Aubrey gave a summary of each of the e-mails that she had received regarding the proposal by Wright Investors' Service Holdings, Inc. for the Five Ponds/dams to be presented in Agenda Item VIII.1. Ms. Aubrey explained that all of the public comments had been distributed to all Commission Members as well as having been posted on the website.

Opposed to the proposal:

- Daphne Righter is opposed to turning Killingly Pond into a park.
- Tracey Mulligan is opposed to turning the dam and land into a public property.
- Amy Righter is opposed.
- Bukk Carleton is opposed.
- David and Brenda Merchant would like more information, but do not seem to be in agreement.
- Nicola Leonetti thought that this was for demolition of the dams and draining of the ponds.
- Shannon Cairo does not agree with breaching the dams and draining the ponds.

In agreement:

- Joyce McCormack Goff
- Jacob Gadbois
- Alfred Dufresne and Karrie Demers-Dufresne are in agreement, but want to make it known to the Town that they are in negotiations to purchase a portion of the property.
- Risa Gerrish is in agreement with the Town taking over the property.

Neutral:

- Jeanne McCormack would like more information.
- Frank DeFelice was neutral, but his comments were extensive regarding that he feels that the transfer could be very complex, lengthy and expensive.

Keith Thurlow asked if there were any comments from the Commission regarding the public comments that had been received.

Virge Lorents commented that she feels that this proposal is a good opportunity to keep this land wild and natural in perpetuity.

1. Letter received on October 16, 2020 from Richard O'Keefe regarding the subject of tonight's presentation. Urging the PZC to strongly "consider securing the destiny" of these resources.

Ms. Aubrey explained that this letter had been received in time to make it on the agenda and in packets to Commission Members. She stated that it had also been posted on the website.

At this time, Ms. Aubrey stated there is a lot of misinformation out there regarding this proposal (e.g. the dams are going to be demolished/breached). She stated that this is a presentation only and that it is the same presentation that WISH put forth before the Town Council months ago. Ms. Aubrey explained that she will bring comments on behalf of the Commission to the Town Council. The formal 8-24 review will happen later in the process. The Town Council will make the final decision and there is a detailed procedure that they must follow to make that decision. There will be a public hearing before the Town Council (not the PZC).

V. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS – See Virge Lorents' response (above Item IV.1).

VI. PUBLIC HEARINGS – (review / discussion / action)
NONE

VII. UNFINISHED BUSINESS – (review / discussion / action)
NONE

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

1) Special Presentation – by Harold Kahn of Wright Investors' Service Holdings, Inc. (WISH); regarding "The Historic Ponds of Chestnut Hill Reservoir Company, East Killingly, CT" (a/k/a {locally known as} Five Ponds)

Keith Thurlow explained, for the record, that he is employed by WISH to do maintenance on the dams. He recused himself and turned the position of Chair over to Virge Lorents. Mr. Thurlow muted himself and stopped his video for this portion of the meeting.

Harold Kahn, Acting Chief Financial Officer of WISH, gave a presentation. A map showing the properties was displayed. Mr. Kahn explained that this would not be the same, very detailed presentation that had been done before the Town Council back in February of this year, but that he would hit some of the high points. He said that the proposal is pretty self-explanatory and a very attractive proposition for the Town. He explained that, although they and their predecessor companies have been excellent stewards of these properties for 200 years and have maintained them and have been very mindful of their civic and legal ownership responsibilities, they have no intent to do anything with these properties other than to maintain them. There are no development opportunities/no profit motive. Mr. Kahn explained that they want these properties to be with an owner who is genuinely concerned about maintaining them and who believes that they have the appropriate civic, social and environmental value to them. WISH believes that the Town of Killingly is in the best position to be the owner. He said that there are no strings attached and it is exactly as they have represented it. He agreed with Ms. Aubrey that there is a lot of misinformation out there. He said that there is no attempt to engage in any sort of breaching or changing of the properties as they are.

Descriptive information and photographs regarding the properties was displayed. Mr. Kahn explained that, over the last several years, the CT DEEP had required them to do work on the two largest of the properties (Killingly Pond Dam and Acme Pond Dam). He said that the DEEP has accepted all of the work that has been done and has signed off as to the efficacy and sufficiency of the work that has been done. He said that they are as good as they can be in terms of structural integrity, maintenance, and every other test that would normally be applied. He explained that all of the dam properties are subject to a seven-year rotation in terms of self-assessment and evaluation as to the maintenance, integrity and the propriety of those dams. Mr. Kahn explained that all of the dams subject to this proposal have gone through that process within the last couple of years and are quite current. He said that Keith Thurlow, who maintains the dams, knows very well the state of these dams. He said that they have followed Mr. Thurlow's advice regarding the maintenance of these properties. Mr. Kahn also stated that, for the last fifteen years, they have been working with one of the foremost geological consultants, Ulrich LaFosse of GeoDesign, Inc. (a leading national firm).

Mr. Kahn spoke about the cost of maintaining these properties. He explained that the average maintenance cost (not structural) for all of the properties for the last three-to-five years has been approximately \$25,000-\$30,000 per year (this does not include the cost for the work that had been required by the DEEP because that is not expected to reoccur).

Mr. Kahn spoke about the public access. He referred to his e-mail to Ms. Aubrey dated October 17, 2020, in which, a short summary for each property was provided. He said that if the Town wanted to encourage the public use of these properties, there is reasonable physical access.

Ms. Lorents asked if there were questions from the Commission. There were none.

Mr. Kahn commented that WISH is very highly motivated to try to transfer ownership. He said that they made sure that the properties are in a state suitable for donation. Mr. Kahn clarified that they are not in discussions with any party regarding a sale of any interest at this time. He explained that they had approached the Governor's office (because WISH believes that public ownership is most appropriate) and received initial positive

reaction, but there has been no further development. He said that there are other conversations taking place which they intend to pursue until one party demonstrates that they are the most serious and would like to bring it to fruition.

Ms. Aubrey stated that Brian Card had asked for more documentation that he would like to see. Mr. Kahn commented that he had provided complete information to Town Manager, Mary Calorio. Ms. Aubrey will get the additional information from Mary Calorio and will disseminate it to the Commission Members.

Town Council Liaison, Patti Larrow George referred to the Certificate of Compliance for the two dams for which the DEEP had required work (provided in packets to Commission Members) and asked if the other three dams are still needing work. Mr. Kahn explained that the two specific work orders were for Killingly Pond Dam and Acme Dam and that the other three dams were not subject to any order. Ms. Aubrey asked if there is documentation/Engineer's report stating that nothing needs to be done to the other three dams. Mr. Kahn stated that they have self-reporting dated within the last couple of years (current as required by DEEP for the examination cycle) which Mary Calorio has copies of.

Ms. Aubrey asked each Member present of the PZC and the IWWC if they had any comments or questions:

- Beth Dubofsky did not comment.
- Deborah Lamiotte said that she has a lot of questions and would like more information regarding the proposal. She voiced concern regarding whether the Town can afford this. Much of what she said was inaudible.

Ms. Aubrey suggested that the IWWC could put a letter together stating their concerns/question to give input to the Town Council.

At this time, John Sarantopoulos asked what the State's interest was. Mr. Kahn stated that it was a pretty high-level discussion and that the initial reaction was positive. He said that the view was that these properties should be in the public domain in some fashion. He said there was curiosity as to why there had not been local action taken. He said that the State was going to look at it to see if it may be more appropriate for State-level action. Mr. Sarantopoulos suggested that someone get the State to respond so that the Town Council would have that information to consider. Mr. Sarantopoulos also commented that the Town Council would want to know whether funding from the State would be available. Mr. Kahn recommended that a conversation between the Town and the State would be most appropriate and that WISH would not want to be in the middle of those discussions.

Jonathan Blake asked if a recent A-2 survey had been done of all the properties (potentially looking at encroachments, etc.). He said that he has not seen one recorded with the Town. Mr. Kahn stated that, to the best of his knowledge, the last survey was done in 2010 (approximately). He said that this had come up during the meeting with Town Council and that Mary Calorio had said that the Town Legal Counsel or appropriate party would take a look at that survey and possibly update it.

- Rodney Galton, Vice-Chair for the IWWC, commented that these properties are exactly what we want to have for public land, but he is not sure whether the Town should be responsible for ownership and maintenance.

Ms. Aubrey asked that Mr. Kahn send her (electronically) the complete packet of information.

Mr. Sarantopoulos commented that he believes that the majority of the Town's residents would agree that those properties are an asset to the Community, so he feels that people in authority should have conversations with the State of CT to determine if there is a pathway where either the State or the Town could take stewardship. Ms. Lorents agreed.

Ms. Lorents asked if there were any other comments. There were none.

Ms. Aubrey commented that this is strictly a presentation and she offered to get more information for the PZC if they would like her to. She asked if the PZC would like to do a general consensus and she asked if the Commission feels that it would be worth it for the Town Council to look further into this.

Virge Lorents – yes (She commented that with ownership, comes control.); John Sarantopoulos – yes (He feels the Town Council should investigate further, but would not mind if the State has control).

Jonathan Blake stated that some of the IWWC Members have expressed interest in seeing more documentation. Mr. Blake asked if any Members feel it should be further explored by the Town Council.

Rodney Galton – yes (He stated that he feels it should move forward to Town Council, but he prefers that ownership be at the State level rather than at the local level);

Deborah Lamiotte – yes (She feels it should move forward to Town Council with more information, but it should be broken down into smaller bits);

Beth Dubofsky – (She stated that she agrees with Mr. Galton, but would like to fully read through all of the information before making a decision).

The IWWC Members left the meeting at this time.

Keith Thurlow rejoined the meeting at approximately 7:48 p.m. and resumed the position of Chair.

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

1) Regular Meeting Minutes – Monday, September 21, 2020

Motion was made by Virge Lorents to adopt the Minutes of the Regular Meeting of September 21, 2020. Second by John Sarantopoulos. No discussion.

Roll Call Vote: John Sarantopoulos – yes; Virge Lorents – yes; Keith Thurlow – yes. No discussion. Motion carried unanimously (3-0-0).

X. OTHER / MISCELLANEOUS – (for informational purposes only)

1) **Site Plan Approval #20-1250 (STAFF LEVEL APPROVAL)** – Green Hollow Properties, LLC; 101 Green Hollow Road; planned residential development (previously approved by PZC); GIS MAP 217; Lot 50; Medium Density. This site plan is being submitted as the original site plan has gone beyond its approval time with all extensions. New developer being brought in by landowner to complete the condominiums as previously approved under special permit.

Ms. Aubrey explained that they have three buildings so far, but they have brought in a new developer who may purchase the whole situation and he would like to start clean and have the full five years to move forward with the rest of it. The site plan has expired because it was not completed within five years. Ms. Aubrey has looked at the plans as well as the original plans that were submitted and they have not changed. They will need to get a new bond.

Brian Card joined the meeting at approximately 7:57 p.m.

Ms. Aubrey stated that they are not increasing units. She explained that they are going under the special permit and the special permit was already approved.

Motion was made by Virge Lorents to allow for Staff Level Review/Approval for **Site Plan Approval #20-1250** – Green Hollow Properties, LLC; 101 Green Hollow Road; planned residential development (previously approved by PZC); GIS

MAP 217; Lot 50; Medium Density. This site plan is being submitted as the original site plan has gone beyond its approval time with all extensions. New developer being brought in by landowner to complete the condominiums as previously approved under special permit. Second by John Sarantopoulos. No discussion.
Roll Call Vote: Brian Card – abstained as he was not present for the entire discussion; Keith Thurlow – yes; Virge Lorents – yes; John Sarantopoulos – yes. Motion carried (3-0-1).

XI. CORRESPONDENCE – None.

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

A. Zoning Enforcement Officer's & Zoning Board of Appeal's Report(s)

Jonathan Blake reported that it has been business as usual: approximately 11 zoning permits in September; numerous continuing projects, inspections and COVID-19 related items.

B. Inland Wetlands and Watercourses Agent's Report – None.

C. Building Office Report – None.

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

Jill St. Clair reported that the public comment portion of the sale of 140 Main Street had been continued due to technical difficulties, so a Special Town Council Meeting for public comments will be held on Tuesday, October 20, 2020.

XIV. TOWN COUNCIL LIAISON REPORT

Patti Larrow George reported:

- At the Special Meeting on October 20th, the Town Council will also be looking at a transfer of \$45,000 to the River Trail Capital Project.
- Set the November 10th meeting. Ordinance Subcommittee – Three chapters will be revised. There will be a new ordinance regarding illicit discharge into storm water systems.
- Two Board of Education positions were reclassified.
- New logo for highway department vehicles/equipment.
- COVID-19 – We are now in Stage 3. To go back to Stage 2 if there is a spike.

Mr. Thurlow asked that Town Council consider Matthew Wendorf to be moved from Alternate Member to Regular Member.

XV. ADJOURNMENT

Motion was made by Virge Lorents to adjourn at 8:05 p.m. Second by John Sarantopoulos. Motion carried unanimously (4-0-0).

Respectfully submitted,

J.S. Perreault
Recording Clerk