



**TOWN OF KILLINGLY, CT  
PLANNING AND ZONING COMMISSION  
MONDAY – NOVEMBER 18, 2019**

RECEIVED  
TOWN CLERK, KILLINGLY, CT

2019 DEC -4 PM 3:06

**Regular Meeting**

**7:00 PM**

*Elizabeth M. Wilson*

**Town Meeting Room, Second Floor**

**Killingly Town Hall**

**172 Main St., Killingly**

**MINUTES**

**I. CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:00 pm.

**ROLL CALL** – Brian Card, Virge Lorents, Sheila Roddy, Matthew Wendorf, Keith Thurlow.  
Milburn Stone was absent with notice.

**Staff Present** – Ann-Marie Aubrey, Director of Planning and Development.

**II. SEATING OF ALTERNATES**

Matthew Wendorf was 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) – None.

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

**VI. PUBLIC HEARINGS – (review / discussion / action)**

1) **Special Permit Application #19-1226**; Michael S. Teed; request special permit to change one non-conforming use to another non-conforming use under Section 520.7 of the TOK Zoning Regulations; (production brewery combined with a retail space for the consumption and sale of beer); 1001 Hartford Pike; GIS MAP 117; Lot 29; Low Density Zone.

Michael Teed, 18 Melinda Terrace, represented Black Pond Brews and did a PowerPoint presentation.

- Black Pond Brews has been at 21 Furnace Street for over five years. They are a craft brewery producing all their own products focusing on high quality, diverse beers. Locally owned and operated. They are one of the smallest brewing systems in the State as their tap room/production facility is currently on a 1 ½ barrel system. They need more space to be able put in a larger brew house to produce more beer to meet the demand to ship out. They would like to stay in Town. They have been the only production brewery in Windham County for the past five years and they would like to maintain that.
- They would like to upgrade to the facility at 1001 Hartford Pike to have a maximum of a 10-15-barrel brew house which would allow them to produce approximately ten times more beer per brew (up to 2,500 barrels per year – 31 gallons per barrel). They would be going from their current, less than 1,700 s.f. facility to 6,700 s.f. which would also allow for an expanded tap room.
- Mr. Teed spoke of the other people involved in the operation.
- To start, they plan to put in a 7-10-barrel system and plan to grow to the maximum 10-15-barrel system based on sales.
- 2,000 s.f. to be dedicated for the tasting room.
- Hours of Operation: To start, to be open, to the public, five days per week as they are currently. Monday 5 p.m. to 9 p.m., closed Tuesday and Wednesday, Thursday 5 p.m. to 9 p.m., Friday 3 p.m. to 9 p.m., Saturday noon to 9

p.m., Sunday 11 a.m. to 5 p.m. He explained that they put being open seven days per week on the application, but he does not feel that that would happen for quite some time. Maximum, in the future, would be to be open until 10 p.m. He distinguished that they are not a bar, they are a tasting room.

- They plan to have a small, outdoor seating area by the entrance during months with nice weather.
- To create a more relaxed atmosphere in the tap room, they plan to have acoustic and small performances only (comedians, singer/songwriter events, trivia, etc.) as they currently do. This would only take place indoors in the tap room. He stated no full bands, no loud music, no noise pollution for the neighbors.
- Limited food options; mostly artisanal cheese boards and in the future, maybe personal sized pizzas. He knows that this would require Health Department approval.
- Upgrades to the property:

**Sewer Line**

Mr. Teed explained that they could operate with the current septic/effluent system but prefer to install a sewer line (connected via Brookside Ave). They have verbal approval from the neighbors, Roland and Janice Rivera (present in the audience) to install the sewer line through their property (1013 Hartford Pike). They are working with Mr. Teed to sign an easement. Mr. Teed explained that Mr. and Mrs. Rivera had asked that a noise-blocking fence be installed between the two properties and that they also have questions regarding signage.

Mr. Teed explained that they will be installing a new fire alarm and security system.

Mr. Teed displayed a map of the property showing the easement and where they would tie into the sewer line on Brookside Drive.

- General Considerations:

Philosophy: They operate a tap room, not a bar which allows for their customers to sample their products comfortably, respectfully and responsibly.

Noise Abatement – They plan to operate a steam generated system to power the brew house which is about as loud as a household water heater.

Neighborhood Impact – Mr. Teed feels that renovating/updating a vacant building will raise property values and it will add another attraction to the neighborhood. The Town would be gaining another business as they have secured a couple of home brewers to take over their current location on Furnace Street.

Other Pollution or Related Problems – The brewing process is not a pollutant. The major by-product is CO<sub>2</sub>, an odorless non-flammable gas.

Street Visibility and Parking – Photos were provided in packets to Commission Members. Mr. Teed explained that the DOT is okay with the brewery at this location, however, the DOT has concern for where signage would be located. Mr. Teed displayed photos of street visibility facing west and facing east. He explained that there is more concern with the east side, and he said that a general approximation would be seeing about 700 feet toward the crest of the hill. Looking west you can see over a quarter of a mile.

Mr. Teed displayed the proposed 37 parking spaces arranged by the surveyor.

Signage – Due to line of sight concerns raised by Mr. and Mrs. Rivera, Mr. Teed explained that they would put their logo on side of the building, not in sight line and he stated that this will also satisfy the DOT's concerns regarding placement of signage.

Lighting – Currently, there is a small light in the parking lot which illuminates the northern side of the building and there are two spotlights that shine into the general parking area which they plan to leave and not add to. Mr. Teed explained that they would put two downward facing lights on the soffit on the top of the building to illuminate the logo sign on the side of the building.

Public Safety - Fire alarm/Security system – See above.

Mr. Teed explained that the property is owned by a Trust (Louise Swift who passed away) which is the reason for the delay in the signing of the easement with Roland and Janice Rivera. The closing date is scheduled for November 19, 2019.

**QUESTIONS FROM THE COMMISSION:**

Keith Thurlow asked if any waste other than CO<sub>2</sub> is produced. Mr. Teed explained that the main by-product is the left-over barley and they partner with a couple of local cow farms who use it for feed.

Mr. Thurlow asked Staff if the proposed 37 parking spaces is enough to meet the Regulations. Ann-Marie Aubrey explained that Staff has calculated it and that 37 parking spaces is enough under the current Zoning Regulations.

Mr. Thurlow asked about pedestrian walkways. Mr. Teed displayed the parking map again and indicated the handicap parking space and proposed ramp, entrance, outdoor seating, where there are two stairways (they will update the handrails to code), and the route for foot traffic. There is currently a small light by the entry door.

Mr. Thurlow asked if any hazardous waste had been left by the former occupant of the building. Mr. Teed stated that there was a lot of sawdust left.

Virge Lorents voiced concern regarding sight line which she feels is a potential trouble spot. Ms. Aubrey explained that the photo that Staff had included in packets to Commission Members, was from Google Maps and that the photos displayed by Mr. Teed were more accurate portrayal. Ms. Lorents feels that the issue still exists for someone, who is even slightly intoxicated, exiting by turning left (heading westward) out of the parking lot. She noted that there is a lot more traffic on that road than there used to be. Mr. Teed explained that they always take responsibility very seriously and that they do not encourage bar behavior. They have a contract with Lift, a ride securing service, which they can call to give a free ride home for anyone who they feel to be even mildly intoxicated. Mr. Teed explained he does not feel concerned about it as he feels people will be careful when exiting and he noted that the DOT had no concerns with it.

Mr. Thurlow asked about the dumpster location. Mr. Teed displayed the map and indicated some locations where the two cubic yard dumpster could be located. He said that they will find a spot for it that is out of the way.

Matthew Wendorf commented about whether there is enough clearance space between the four parking spaces that are against the north side of the building. He suggested removing the one spot along the corner. Mr. Teed agreed, and he indicated another area where that parking space could be relocated to.

#### **PUBLIC COMMENTS:**

**Kevin Kerttula**, 14 Granite Court, spoke in favor of the Application. He said that even on busy nights, it is a calm atmosphere. He strongly recommended that this Application be approved.

Mr. Thurlow asked if there were any comments from the Town Engineer. Ms. Aubrey stated that he did not have any concerns. Mr. Thurlow asked about the sight lines. Ms. Aubrey explained that the sight line is a DOT issue as it is on a State Highway.

**Roland Rivera**, 1013 Hartford Pike, stated that, as the neighbor, the line of sight from the Swift property is pretty good and that the issue is with the speed at which people come over the hill. He stated that there is more of a problem with coming out of his own property, but he has not had any problem with pulling out.

**Jo-Ann Perreault**, 44 Furnace Street, spoke in favor. She said that they have been great neighbors.

Mr. Thurlow commented that he would like to see the parking issue that Mr. Wendorf brought up be resolved as the Regulations currently require 37 spaces and that he would like to see accessible walkways.

Matthew Wendorf asked if there are any events that would be moved to outside the building. Mr. Teed stated that they do two big events each year: Oktoberfest in either September or October; and their anniversary party in July. He explained that, currently, because of their limited space, they do indoor/outdoor. He explained that, at the proposed location, it would be almost exclusively inside as there will be enough square footage inside.

Motion was made by Virge Lorents to close the public hearing for **Special Permit Application #19-1226**; Michael S. Teed; request special permit to change one non-conforming use to another non-conforming use under Section 520.7 of the TOK Zoning Regulations; (production brewery combined with a retail space for the consumption and sale of beer); 1001 Hartford Pike; GIS MAP 117; Lot 29; Low Density Zone. Second by Brian Card. Motion carried unanimously (5-0-0).

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

1) **Special Permit Application #19-1226**; Michael S. Teed; request special permit to change one non-conforming use to another non-conforming use under Section 520.7 of the TOK Zoning Regulations; (production brewery combined with a retail space for the consumption and sale of beer); 1001 Hartford Pike; GIS MAP 117; Lot 29; Low Density Zone.

Motion was made by Brian Card to approve **Special Permit Application #19-1226**; Michael S. Teed; request special permit to change one non-conforming use to another non-conforming use under Section 520.7 of the TOK Zoning Regulations; (production brewery combined with a retail space for the consumption and sale of beer); 1001 Hartford Pike; GIS MAP 117; Lot 29; Low Density Zone, with the following conditions:

- The Applicant to provide a certified, recorded copy of the sewer easement, once it is complete, to Town Staff;
- Staff to review the final parking configuration and walkway enhancements to the site;
- Prior to opening, the Applicant to provide to Staff, for the record, copies of any other required licenses and approvals that the Applicant must receive from the State;
- Fencing to be installed on the east side between the property and the adjacent neighbor.

Second by Sheila Roddy.

Roll Call Vote: Brian Card – yes; Virge Lorents – yes; Sheila Roddy – yes; Matthew Wendorf – yes; Keith Thurlow – yes. Motion carried unanimously (5-0-0).

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

1) **Request for Extension to File Mylars – Subdivision Application #19-1213**; John C. D’Amato, Jr. and Ballouville Road, LLC; 51 Lot subdivision (approved 41 lots); 38 Ballouville Road (GIS MAP 63, Lot 50); and 82 Ballouville Road (GIS MAP 54, Lot 1.1); ~18 acres, Medium Density Zone – requesting their first (1<sup>st</sup>) extension of time to file mylars – if approved, the mylars will need to be recorded before the end of business on Wednesday, March 4, 2020.

Keith Thurlow recused himself and left the room. Vice Chair, Brian Card assumed the position of Chair.

Ann-Marie Aubrey read aloud from a letter from Attorney Harry Heller requesting that the Commission grant a 90-day extension to file mylars. Ms. Aubrey explained that there are some items, under the conditions of approval, that still need to be reviewed by the Town Engineer (who has been out on vacation).

Motion was made by Sheila Roddy to approve the **Request for Extension to File Mylars – Subdivision Application #19-1213**; John C. D’Amato, Jr. and Ballouville Road, LLC; 51 Lot subdivision (approved 41 lots); 38 Ballouville Road (GIS MAP 63, Lot 50); and 82 Ballouville Road (GIS MAP 54, Lot 1.1); ~18 acres, Medium Density Zone – requesting their first (1<sup>st</sup>) extension of time to file mylars. Mylars will need to be recorded before the end of business on Wednesday, March 4, 2020. Second by Virge Lorents. Motion carried (4-0-0). Keith Thurlow had recused himself.

Keith Thurlow returned and resumed the position of Chair.

2) **Zone MAP Change Application #19-1229**; Lisa A. Dauphinais; request change of zone map from industrial to commercial; 23 Wauregan Road, Killingly, CT 06239; GIS MAP 217; Lot 70; ~1.1 Acres; Industrial Zone. **Receive, and if application is complete, schedule the public hearing. The next available date is Monday, December 16, 2019.**

Ann-Marie Aubrey explained that the Application is complete.

Motion was made by Virge Lorents to receive and schedule a public hearing for **Zone MAP Change Application #19-1229**; Lisa A. Dauphinais; request change of zone map from industrial to commercial; 23 Wauregan Road, Killingly, CT 06239; GIS MAP 217; Lot 70; ~1.1 Acres; Industrial Zone, for Monday, December 16, 2019, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, at 7:00 p.m. Second by Brian Card.

Discussion: Ms. Aubrey explained where the property is located.

Motion carried unanimously (5-0-0).

**IX. UPDATE ON POCD – (review / discussion / action)**

1) Copies of 10/28/2019 Draft of the POCD were delivered to the Town Council on Tuesday, November 12, 2019. Copies will also be provided to the new Town Council Members when they take their seats on December 2<sup>nd</sup>.

2) Copy of the 10/28/2019 Draft of the POCD was hand-delivered to NECCOG on Friday, November 8, 2019.

3) Hearing is scheduled for Tuesday, February 18, 2020.

4) A copy of the 10/28/2019 Draft of the POCD is available for public review in the Planning & Development Office. A copy will also be available in the Town Clerk's Office as well as on the Town's website in the beginning of December.

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

1) Special Meeting / Workshop of Monday, October 21, 2019 – RE: Parking Regulations

Motion was made by Virge Lorents to approve the Minutes of the Special Meeting / Workshop of Monday, October 21, 2019 – RE: Parking Regulations. Second by Brian Card. Motion carried (3-0-2). Sheila Roddy and Matthew Wendorf abstained. They were not present at that meeting.

2) Regular Meeting of Monday, October 21, 2019 – RE: Regularly Scheduled Meeting

Motion was made by Virge Lorents to approve the Minutes of the Regular Meeting of Monday, October 21, 2019. Second by Brian Card. Motion carried (3-0-2). Sheila Roddy and Matthew Wendorf abstained. They were not present at that meeting.

3) Special Meeting / Workshop of Monday, October 28, 2019 – RE: POCD

Motion was made by Virge Lorents to approve the Minutes of the Special Meeting / Workshop of Monday, October 28, 2019 – RE: POCD. Second by Brian Card. Motion carried (3-0-2). Sheila Roddy and Matthew Wendorf abstained. They were not present at that meeting.

**XI. OTHER / MISCELLANEOUS – (review/discussion/action) – None.**

**XII. CORRESPONDENCE – (review/discussion/action).**

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

Enclosed

**B. Inland Wetlands and Watercourses Agent's Report**

Enclosed

**C. Building Office Report**

Enclosed

**XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT**

Elsie Bisset reported:

- Deary Gymnastics facility, 31 Commerce Avenue, is no longer owned by the Town (closing was last week).
- New businesses: Threads Consignment Shop; Blended Nutrition (both on North Main Street); Connecticut Indoor Sports Facility (Westcott Road).
- Main Street facades almost complete: New roof on 140 Main Street and have ordered mahogany doors for the front; took off the Sherwin & Williams marque and restored the glass. The Town has engaged Fuss & O'Neill to do another review for a cost estimate regarding environmental concerns. No responses were received to the third RFQ due to remediation costs of lead and asbestos.
- Two Handouts were provided to Commission Members: KBA Mixer on November 19<sup>th</sup>; and Luminaries in the Park on December 8<sup>th</sup>.

**XIV. TOWN COUNCIL LIAISON REPORT – No Representation.**

**XV. ADJOURNMENT**

Motion was made by Sheila Roddy to adjourn at 7:50 p.m. Second by Virge Lorents. Motion carried unanimously (5-0-0).

Respectfully submitted,

J.S. Perreault  
Recording Clerk