



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

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MONDAY – NOVEMBER 19, 2018

2018 NOV 28 PM 3:56

**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 7:03 pm.
- ROLL CALL** – Brian Card, Virga Lorents, Sheila Roddy, Milburn Stone, Keith Thurlow. Matthew Wendorf was absent without notice.
- Staff Present** – Ann-Marie Aubrey, Director of Planning and Development.
- II. **SEATING OF ALTERNATES** – None.
- 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)
- Ed Grandelski, 877 & 890 Upper Maple Street:**
- Voiced concern regarding that there is an active subdivision on Airport Road which is not a Town Road. He asked how the individuals who are building get access to the property if it is State of CT property which requires a DOT permit to do anything within the State right-of-way.
 - When putting in sidewalks, the Town should make them amenable to a machine to clear of snow. He commented that Eversource/Frontier put poles in the middle of the sidewalk. The sidewalks should be made for ease of maintenance for the Town.
 - He said that if he is still on the Council and he has to approve something that involves this, and it is a quagmire, he will vote no.
- V. **COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS**

Ann-Marie Aubrey explained that Airport Road is on the list of roads that the Town of Killingly maintains and it has been maintained by the Town for quite a few years. Someone from the Airport Corporation felt that they were deeded the road. There was a meeting with the Airport Corporation; Sean Hendricks, former Town Manager; David Capacchione, Town Engineer; and Ms. Aubrey at which it was explained that the State felt that the Town owned and maintained the road, however, the Airport Corporation was going to seek a determination from their legal counsel. At that time, it was mentioned that there was an application submitted to Planning and Zoning Commission and the Airport Corporation did not have a problem with that. Ms. Aubrey has not heard anything back yet and as far as she knows, it is still a Town road (according to the list).

Keith Thurlow agreed that the road was on the "Town Road List" put together by the CT DOT (Roadway Inventory Section); and he stated that the listed roads were part of the equation for determining the highway funding from the State to the Municipality.

There was discussion regarding the Town clearing sidewalks. Lynn LaBerge explained that the Ordinance states that once there is ten inches of snow at the Town garage, at the Town's discretion, they can plow the sidewalks.

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

A. Zone Change Applications

None

B. Special Permits

None

C. Site Plan Reviews

None

D. Subdivisions

1. Subdivision Application #18-1202; Doug Cutler, Jr.; proposed 2 lot residential subdivision first lot located at 190 Cutler Road, the second lot will front on Roth Road; 190 Cutler Road; GIS Map 5; Lot 5; ~2.6 acres; Rural Development.

Ms. Aubrey explained that it had come to her attention that the landowner had not sent out the proper notifications. The landowner had agreed to continue the public hearing on Monday, December 17th which would be within the timeframe.

Motion was made by Virge Lorents to postpone Subdivision Application #18-1202; Doug Cutler, Jr.; proposed 2 lot residential subdivision first lot located at 190 Cutler Road, the second lot will front on Roth Road; 190 Cutler Road; GIS Map 5; Lot 5; ~2.6 acres; Rural Development to Monday, December 17, 2018, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, 7:00 p.m. The landowner had agreed to postpone the public hearing since he had not sent out the proper notifications. Seconded by Milburn Stone. Motion carried unanimously (5-0-0).

2. Subdivision Application #18-1203; Aaron Giambattista; proposed 2 lot residential subdivision; 912 Upper Maple Street; GIS Map 132; Lot 82; ~7.8 acres; Low Density.

Paul Archer, Archer Surveying, represented the Applicant (seated in the audience) and gave an overview:

- 8-acre parcel with one house on it. Mr. Giambattista wants to cut off a two-acre parcel and grant it to his son.
- He indicated the free-split which had already been granted.
- He explained that when the State had done paving/reconstruction, Mr. Giambattista had given the 25-feet off the centerline of the road to the State. The property line is beyond the existing stone wall. Once the reconstruction was done, the State turned it over to the Town.
- Mr. Archer indicated that the State also took a 15-foot drainage easement that runs along the southerly side of the Giambattista's lot.
- They are proposing a single, four-bedroom home on the southerly side of the lot.
- They are requesting waivers for underground utilities as they are keeping the house near the road, and for sidewalks as there are no sidewalks anywhere near the vicinity where this subdivision is happening.
- LD Zone requires 40,000 s.f. minimum lot size and this is a two-acre lot.
- LD Zone minimum lot frontage is 100 feet and they are extending it to 200 feet.
- Have been to IWWC and there are no wetlands on the site.
- They have received Health Department approval.
- There is one difference in the plans that had been previously submitted: A line of silt fence had been added for the area of disturbance.
- Open space/fee-in-lieu not applicable because it is a family transfer.
- Mr. Archer explained the 25-foot and 75-foot well-arch radius. It is irrelevant that it goes beyond the property line.
- Notifications have been sent to property owners and placards were posted. Ms. Aubrey confirmed.

COMMENTS FROM THE PUBLIC:

Ed Grandelski, 877 & 890 Upper Maple Street, abutting property owner, asked about the 75-foot radius that goes beyond the property line. Ms. Lorents stated that it goes close to the road.

Motion was made by Virge Lorents to close the public hearing for Subdivision Application #18-1203; Aaron Giambattista; proposed 2 lot residential subdivision; 912 Upper Maple Street; GIS Map 132; Lot 82; ~7.8 acres; Low Density. Second by Milburn Stone. Motion carried unanimously (5-0-0).

E. Other/Various

None

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

A. Zone Change Applications

None

B. Special Permits

None

C. Site Plan Reviews

None

D. Subdivisions

1. Subdivision Application #18-1202; Doug Cutler, Jr.; proposed 2 lot residential subdivision first lot located at 190 Cutler Road, the second lot will front on Roth Road; 190 Cutler Road; GIS Map 5; Lot 5; ~2.6 acres; Rural Development. Continued – See Above.

2. Subdivision Application #18-1203; Aaron Giambattista; proposed 2 lot residential subdivision; 912 Upper Maple Street; GIS Map 132; Lot 82; ~7.8 acres; Low Density.

Motion was made by Brian Card to approve Subdivision Application #18-1203; Aaron Giambattista; proposed 2 lot residential subdivision; 912 Upper Maple Street; GIS Map 132; Lot 82; ~7.8 acres; Low Density granting waivers for the following:

- Underground Utilities;
- Sidewalks seeing that there are no sidewalks in the vicinity.

Seconded by Virge Lorents. There was discussion.

Motion was made by Brian Card amended his motion to approve Subdivision Application #18-1203; Aaron Giambattista; proposed 2 lot residential subdivision; 912 Upper Maple Street; GIS Map 132; Lot 82; ~7.8 acres; Low Density granting waivers for the following:

- Underground Utilities;
- Sidewalks

Noting that this is a family transfer, therefore, there is no requirement for open space or fee in lieu.

Virge Lorents agreed to the amendment and seconded.

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

E. Other/Various

None

VIII. NEW BUSINESS

A. Zone Change Applications – (review/discussion/action)

None

B. Special Permits – (review/discussion/action)

None

C. Site Plan Reviews – (review/discussion/action)

1. Site Plan Review Application #18-1204; Shaun J. Houle; secondary dwelling unit – free standing – per section 566 of TOK Zoning Regulations; 613 Bailey Hill Road; GIS Map 148; Lot 3; ~4.2 acres; rural development.

Ms. Aubrey explained that an error has been found on the site plan and it must be resubmitted.

Motion was made by Virge Lorents to allow Staff to handle Site Plan Review Application #18-1204; Shaun J. Houle; secondary dwelling unit – free standing – per section 566 of TOK Zoning Regulations; 613 Bailey Hill Road; GIS Map 148; Lot 3; ~4.2 acres; rural development. There is an error on the site plan and, therefore, a revised site plan must be submitted. Second by Milburn Stone. Motion carried unanimously (5-0-0).

2. Site Plan Review Application #18-1206; Johnny Gomez; secondary dwelling unit – interior of existing garage – per section 566 of TOK Zoning Regulations; 125 Lafantasie Road; GIS Map 173; Lot 23; ~3.6 acres; Rural Development.

Ms. Aubrey explained that an error has been found on the site plan and it must be resubmitted.

Motion was made by Virge Lorents to allow Staff to handle Site Plan Review Application #18-1206; Johnny Gomez; secondary dwelling unit – interior of existing garage – per section 566 of TOK Zoning Regulations; 125 Lafantasie Road; GIS Map 173; Lot 23; ~3.6 acres; Rural Development. There is an error on the site plan and, therefore, a revised site plan must be submitted. Second by Milburn Stone. Motion carried unanimously (5-0-0).

Ms. Roddy asked if the site plans are done by professionals and if there is a checklist for Applicants. Ms. Aubrey explained that the site plan for Application #18-1204 had been done by a professional and that the site plan for Application #18-1206 had been done by a private individual. The requirements are clearly written-out in the Regulations.

D. Subdivisions – (review/discussion/action)

None

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

- 1) Special POCD Meeting of Monday, October 15, 2018 @ 6:00 pm – RE: Special POCD Meeting

Motion was made by Sheila Roddy to approve the Minutes of the Special POCD Meeting of Monday, October 15, 2018 @ 6:00 pm. Second by Milburn Stone. Motion carried (4-0-1). Virge Lorents abstained as she had not attended that meeting.

- 2) Regular Meeting of Monday, October 15, 2018 @ 7:00 pm – RE: Regular Meeting

Motion was made by Sheila Roddy to approve the Minutes of the Regular Meeting of Monday, October 15, 2018 @ 7:00 pm. Second by Milburn Stone. Motion carried (4-0-1). Virge Lorents abstained as she had not attended that meeting.

X. OTHER – (review/discussion/action)

A. CGS 8-24 Referrals

None

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

Enclosed

C. Inland Wetlands and Watercourses Agent's Report

Enclosed

D. Building Office Report

Enclosed

E. Bond Releases / Reductions / Calls

None

F. Extension Requests, ETC. -Project Completion / Subdivision & Site Plan Approvals / Mylar Filings / Site Plan Amendments / Re-Classify Phases

None

G. Requests to Allow Overhead Utilities / Wireless Telecommunications Facility

None

H. Other/Various – (review/discussion/action)

1. Update on Plan of Conservation and Development Charrette

Date of Charrette – Saturday, January 12, 2019, with a snow date of February 9, 2019. To be held at the Killingly High School Cafeteria from 9 a.m. until approximately 12:30 p.m. Set up 8 a.m. and clean up until 1 p.m.

Memorandum of Understanding has been edited by legal counsel and must be reviewed by CERC and then will need to be signed by Mr. Thurlow.

2. Discussion / Workshop – Revisions to Agricultural Regulations for both the Town of Killingly, and the Boro of Danielson. Start or schedule a workshop to discuss the revised regulations with the Agriculture Commission. Members of the Agricultural Commission will be in attendance for this workshop.

Motion was made by Brian Card to open the floor to discussion regarding Revisions to Agricultural Regulations for both the Town of Killingly, and the Boro of Danielson with Members of the Killingly Agricultural Commission. Second by Sheila Roddy. Motion carried unanimously (5-0-0).

Frank Anastasio and Byron Martin represented the Agricultural Commission. Mr. Anastasio summarized the proposed changes to the Regulations specific to Agriculture:

- He explained that previously they had made the jobs of the people in the planning office a lot more difficult and they made farming in Killingly somewhat more difficult by applying numbers to livestock that could be on a farm. For example, identifying a certain number of chickens is very difficult. So, they are proposing that they want people to farm in a way that meets the generally accepted agricultural practices, given their piece of land, their conditions, their farm, the size of their land. It can be determined by consulting with Town Staff or, if necessary, the Department of Agriculture. He explained that a two acre-piece of land is very different if it has a stream running through it and six buildings compared to a two-acre piece of land that has no water at all and is open and has no buildings. These are two entirely different things when it comes to raising animals. They want the Zoning Regulations to be more flexible to accommodate more farming and to make it easier for farmers and for Staff to be able to identify a problem.
- They don't want to specify too much regarding zoning districts. If a property is in the Boro, it shouldn't make that much of a difference.
- They tried to add Village Commercial.

There was discussion regarding Town Staff knowledge about farming. Ms. Aubrey explained that the Department of Agriculture can be called when needed.

The recommendation of the Farm Bureau is to be as flexible as you can. Mr. Anastasio feels it makes more sense to deal with each situation as it arises and then call the Department of Agriculture when needed.

Ms. Roddy voiced concern for overlaying farming in all districts as some people may not want to live next to a farm. Ms. Aubrey explained that they revert back to generally accepted agricultural practices and would look to the Department of Agriculture if there was an issue. Mr. Anastasio explained that there are still a lot of regulations to safeguard neighbors: distance from property lines; buildings for housing animals; piles of manure. Ms. Aubrey explained that verbiage has been taken from Right to Farm and also that they were very careful with definitions. She said that they tried to protect both sides. Ms. LaBerge stated that the Boro Council has not reviewed the revised Regulations. Ms. Aubrey will send them a copy. Mr. Anastasio stated that the proposed Regulations (for the Boro) are not that different from the current Regulations for the Boro. Reference was made to Page 9 of the Boro Draft. Discussion continued regarding pigs. The USDA/NRCS has an office on Westcott Road.

Ms. Aubrey stated that the tables will be available for review at the next meeting. The previous Town Attorney has seen these Draft Regulations (no comment was received). The current Town Attorney has not review them. Ms. Aubrey will send them to the current Town Attorney, Karrie Olson of Murtha Cullina. Copies have been sent (via e-mail) to the Department of Agriculture and USDA/NRCS, but she has not heard back from them. Mr. Thurlow stated that he would like more time to review.

Ms. Roddy asked what means would someone have if there were a problem. Ms. Aubrey referred to Right to Farm Act and the State Statute in the Town Ordinance.

Motion was made by Virge Lorents to continue the Workshop Regarding the Agriculture Regulations (Boro and Town) to the Regular Meeting of January 22, 2019, after hearing from the Boro Council and the Town Attorney. Second by Sheila Roddy. Motion carried unanimously (5-0-0).

I. Upcoming P&Z Commission Meetings

1. Next Regular Meeting – Monday, December 17, 2018.
2. Next Special Meeting – To be determined.

XI. CORRESPONDENCE – (review/discussion/action)
None

XII. WORKSHOP SESSIONS – (review/discussion/action)
See Section X. (H) above.

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT – No Representation.

XIV. TOWN COUNCIL LIAISON REPORT

Lynn LaBerge reported:

- Second Killingly Police Officer, Paul McElroy, was sworn in.
- Resolution passed to use Program Income for low-interest housing rehab.
- Complaints regarding NECCOG animal shelter.
- Solid waste discussion with the Town Engineer. Rate per ton will be going up here. We will have to pay for recyclables.
- OSHA inspection.
- Report on Community Center regarding rehab vs. new building. Tracy Mason will speak before Town Council in January.

XV. ADJOURNMENT

Motion was made by Milburn Stone to adjourn at 8:11 p.m. Second was made by Virge Lorents. Motion carried unanimously (5-0-0).

Respectfully submitted,

J.S. Perreault
Recording Clerk