



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

MONDAY – NOVEMBER 20, 2017

Regular Meeting

7:00 PM

Town Meeting Room, Second Floor

Killingly Town Hall

172 Main St., Killingly

MINUTES

RECEIVED
TOWN CLERK, KILLINGLY, CT
2017 NOV 27 PM 4:01
Elizabeth M. Wilson

- I. **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:02 pm.
- ROLL CALL** – Brian Card, Milburn Stone, Virge Lorents, Keith Thurlow.
- Sheila Roddy and Matthew Wendorf were absent with notice.
- Staff Present** – Ann-Marie Aubrey, Director of Planning and Development.
- Also Present** – Joyce Ricci, Town Council Liaison.
- II. **SEATING OF ALTERNATES** – No Alternate Present.
- 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**
- A. Zone Change Applications – (review/discussion/action)**
- 1) Zone (TEXT) Change Application #17-1181; Town of Killingly (TOK), under Section 900 of the TOK Zoning Regulations; for text amendments to Section 560 et seq. "Earth Filling and Excavation"; and Section 310 "Definitions"; to include Special Permit Use – Rock Quarries; to update the intent, definitions, application process, performance standards and approval criteria of said Section 560 et seq.

Ann-Marie Aubrey stated that the proper notices and postings were made and that she had not received any comments or any suggestions from the Town Attorney. She reviewed possible language for what the Commission had discussed at its last meeting as a possible change in wording on page 11, letter "n," regarding the handling of debris.

Public Comments:

Norm Thibeault, 66 Philip Lane, (Killingly Engineering Associates), suggested the following changes:

- Page 2, Under Section 560.2, Number 13 – Change "something" to "vegetation."
- Page 4, Under Section 560.3, Item b. – He pointed out a typographical error in the date October 10, 20105. Ms. Aubrey stated that it was a scrivener's error.

Mr. Thurlow asked if Mr. Thibeault had a suggestion for Page 11, Under Section 560.7, Item n. There was discussion and all parties agreed on the following language:

- All debris, including but not limited to, tree stumps, stones, rocks, and other debris shall be either removed from site or worked into the landscaping of the site. At no time will any debris or tree stumps be buried on site as it can create a dangerous situation and violate E&S Controls. Rocks and boulders may be buried on site with Commission approval as part of the site application process in the side and rear setback areas of the underlying zone of said parcel.

There were no more comments from the public.

Ms. Aubrey stated that the Town Engineer has reviewed the Application and that she has not received any comments from him. She said that if he any issues with any particular application, the Town Engineer would comment on those applications as they come before the PZC because they are all going to be site specific.

Motion was made by Virge Lorents to close the public hearing for Zone (TEXT) Change Application #17-1181; Town of Killingly (TOK), under Section 900 of the TOK Zoning Regulations; for text amendments to Section 560 et seq. "Earth Filling and Excavation"; and Section 310 "Definitions"; to include Special Permit Use – Rock Quarries; to update the intent, definitions, application process, performance standards and approval criteria of said Section 560 et seq. Second by Brian Card. Motion carried unanimously (4-0-0).

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

None

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

None

D. Subdivisions – (review/discussion/action)

None

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

None

VII. UNFINISHED BUSINESS

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

1) Zone (TEXT) Change Application #17-1181; Town of Killingly (TOK), under Section 900 of the TOK Zoning Regulations; for text amendments to Section 560 et seq. "Earth Filling and Excavation"; and Section 310 "Definitions"; to include Special Permit Use – Rock Quarries; to update the intent, definitions, application process, performance standards and approval criteria of said Section 560 et seq.

Motion was made by Brian Card to approve Zone (TEXT) Change Application #17-1181; Town of Killingly (TOK), under Section 900 of the TOK Zoning Regulations; for text amendments to Section 560 et seq. "Earth Filling and Excavation"; and Section 310 "Definitions"; to include Special Permit Use – Rock Quarries; to update the intent, definitions, application process, performance standards and approval criteria of said Section 560 et seq., **with an effective date of Monday, December 8, 2017, at 12:01 a.m.** Said updates to the Regulations make them more consistent with activities that are necessary in the Town. Second by Virge Lorents.

There was discussion and Brian Card stated that he would modify the approval to include the three changes that were recommended during public comment.

Motion was made by Brian Card to amend his motion to approve Zone (TEXT) Change Application #17-1181; Town of Killingly (TOK), under Section 900 of the TOK Zoning Regulations; for text amendments to Section 560 et seq. "Earth Filling and Excavation"; and Section 310 "Definitions"; to include Special Permit Use – Rock Quarries; to update the intent, definitions, application process, performance standards and approval criteria of said Section 560 et seq., **with an effective date of Monday, December 8, 2017, at 12:01 a.m.** Said updates to the Regulations make them more consistent with activities that are necessary in the Town.

To include the following changes:

- Page 2, Under Section 560.2, Number 13 – Change "something" to "vegetation."
- Page 4, Under Section 560.3, Item b. – Correction of the date to Monday, October 10, 2005.
- Page 11, Under Section 560.7, Item n. – To read as follows: "All debris including, but not limited to, tree stumps, stones, rocks, and other debris shall be either removed from site or worked into the landscaping of the site. At no time will any debris or tree stumps be buried on site as it can create a dangerous situation and violate E&S Controls. Rocks and boulders

may be buried on site with Commission approval as part of the site application process within the side and rear setback areas of the underlying zone of said parcel.

Second by Virge Lorents.

Roll Call Vote - Amendment to the Motion: Brian Card – yes; Milburn Stone – yes; Virge Lorents – yes; Keith Thurlow – yes. Motion carried unanimously (4-0-0).

Roll Call Vote - Main Motion as Amended: Milburn Stone – yes; Virge Lorents – yes; Brian Card – yes; Keith Thurlow – yes. Motion carried unanimously (4-0-0).

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

None

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

None

D. Subdivisions – (review/discussion/action)

None

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

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)

None

D. Subdivisions – (review/discussion/action)

1. Subdivision Application #17-1184; Jill Marquardt, Trustee; proposed 7-lot residential subdivision & open space; extension of Cardinal Drive; GIS Map 112; Lot 30; ~16.0 acres; Low Density Zone. **Receive, and if application is complete, consider scheduling a site visit; if a site visit is not necessary the Commission may consider scheduling a public hearing for Monday, December 18, 2017 or Tuesday, January 16, 2018.**

Ann-Marie Aubrey stated that a lot-line adjustment needs to be done before the whole application can be brought before the Commission.

Norm Thibeault, Killingly Engineering Associates, represented the Applicant and did a brief poster-board presentation. He explained that this had been previously approved as a 41-lot subdivision which included a road that went from Cardinal Drive to Hartford Pike (Route 101) and a cul de sac. However, it was never built and plans were never filed.

The property consists of three lots: Map 112, Lot 30 (owned by Joan Marquardt); Map 112, Lot 12 (owned by Patriot Homes); and Map 108 Lot 4 (owned by Patriot Homes). The owners have common interest, but are different LLC's. They want to consolidate the two lots owned by Patriot Homes, then there would be a boundary line adjustment and a plan would be filed. Mr. Thibeault indicated where the proposed boundary line would be. There would then only be two Lots: Map 112, Lot 30; and Map 108, Lot 4 (which would consist of 20.7 acres). No development is currently planned for Map 108, Lot 4.

Mr. Thibeault reviewed the proposal for Map 112, Lot 30:

- 7-Lot Subdivision
 - Remove the portion of the cul de sac that is currently adjacent to the Whitehead property and that land will become a portion of the Whitehead property and will be deeded to Whitehead.
 - The road will be extended a little over 200 feet to create the cul de sac.
 - They are proposing approximately 9.2 acres of open space. He explained that the Applicant is requesting to "bank" the open space in the event the other property is developed.
- There was discussion.

- Mr. Thibeault explained that the plan for the lot consolidation and the boundary line adjustment will be filed next week which will be prior to any public hearing or any advertisement for public hearing. He requested that a public hearing be scheduled for December.
There was discussion.

Motion was made by Brian Card to receive and schedule a public hearing for Subdivision Application #17-1184; Jill Marquardt, Trustee; proposed 7-lot residential subdivision & open space; extension of Cardinal Drive; GIS Map 112; Lot 30; ~16.0 acres; Low Density Zone for Monday, December 18, 2017, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, 7:00 p.m. Second by Milburn Stone. Motion carried unanimously (4-0-0).

2. Subdivision Application #17-1185; 40 Airport Road, LLC; proposed 7-lot residential subdivision (fee-in-lieu); 40 Airport Road; GIS Map 158; Lot 4 (portion of); ~9.5 acres; Low Density Zone. **Receive, and if application is complete, consider scheduling a site visit; if a site visit is not necessary the Commission may consider scheduling a public hearing for Monday, December 18, 2017 or Tuesday, January 16, 2018.**

Ann-Marie Aubrey stated that the Application is complete and explained that a free split will be taken out of the total lot. She has seen it and it meets all of the free-split criteria, but it has not been filed yet.

Norm Thibeault, Killingly Engineering Associates, represented the Applicant. He stated that they are waiting for a letter from the Attorney so that they can put it on the plan (per Ms. Aubrey's request).

There was discussion regarding the configuration of the lots.

Motion was made by Brian Card to receive and schedule a public hearing for Subdivision Application #17-1185; 40 Airport Road, LLC; proposed 7-lot residential subdivision (fee-in-lieu); 40 Airport Road; GIS Map 158; Lot 4 (portion of); ~9.5 acres; Low Density Zone for Monday, December 18, 2017, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, 7:00 p.m. Second by Virge Lorents. Motion carried unanimously (4-0-0).

E. Other/Various – (review/discussion/action)
None

Applications submitted prior to 5:00 PM on Monday, November 13, 2017 will be on the agenda as New Business, with a "date of receipt" of Monday, November 20, 2017, and may be scheduled for action during the regular meeting of Monday, December 18, 2017.

Applications submitted by 12:00 noon on Friday, November 17, 2017 will be received by the Commission ("date of receipt") on Monday, November 20, 2017. However, these applications may not be scheduled for action in December 2017 as they were submitted after the Commission's deadline. This is in accordance with Commission policy to administer Public Act 03-177, effective October 1, 2003.

IX. ADOPTION OF MINUTES – (review/discussion/action)
Regular Meeting of Monday, October 16, 2017.

Motion was made by Milburn Stone to approve the Minutes of the Regular Meeting of Monday, October 16, 2017. Second by Virge Lorents. Motion carried (3-0-1). Brian Card abstained as he 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. Upcoming P&Z Commission Meetings

1. Next Regular Meeting – Monday, December 18, 2017

2. Next Special/Workshop Meeting – To Be Determined.

I. ADOPTION OF KILLINGLY PLANNING & ZONING COMMISSION MEETING DATES FOR 2018

See Attached Schedule of Meeting Dates

Motion was made by Virge Lorents to approve the Schedule of Meeting Dates for 2018, as presented. Second by Milburn Stone. Motion carried unanimously (4-0-0).

XI. CORRESPONDENCE – (review/discussion/action)

None

XII. WORKSHOP SESSIONS – (review/discussion/action)

1. PA 17-155 – “**An Act Concerning Temporary Health Care Structures**” – This act took effect on October 1, 2017; the Town of Killingly has the opportunity to “OPT OUT” of this public act/statute.

Update: The PZC voted to start the process to “OPT OUT” of this public act. Staff is still researching proper process; and working on revising “Accessory Dwelling Unit” section of TOK Zoning Regulations to handle this particular issue.

Topics of discussion included:

- Temporary structures have to meet all zoning, building, and health code regulations.
- Amendments can be made to the Accessory Dwelling Unit Regulations to allow this type of health-care structure.
- There is also a need to review in-law apartment (Building Code Regulation) as it does not currently appear in the Zoning Regulations.
- If these will be temporary will they be done on Staff-level review?
- Another question that needs to be answered is how to put it on record (affidavit) that the approval runs with that particular individual and when the structure is no longer needed, it is removed from the property.
- Whether definition of relationship should be required.
- Whether the individual or the care giver is to live in the temporary structure.
- Whether to review every six months/yearly.
- Size requirement of less than 500 square feet.
- Define temporary structure?
- How to advertise for a public hearing so that those interested will be aware of it.

More definition/clarification is needed from the State. Keith Thurlow suggested that Ann-Marie Aubrey seek legal advice regarding the statute. Ms. Aubrey will draft language (which will attempt to protect all individuals: Those who would install a temporary structure; those who would be the resident of a temporary structure; neighbors; and any future owners) for review by the Commission.

2. Allowing Accessory Structures to be built on vacant real estate without a primary residential structure (beyond agricultural uses). **Update:** Chairman Thurlow is still working on draft wording.

There was no discussion.

3. First Split; Procedures: **Update:** Staff is still working on process and requirements; and will bring forth draft procedure to PZC for adoption when completed (and reviewed by legal counsel)

There was discussion regarding Subdivision Application #17-1185 which will involve a free split.

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT – No representation. Ann-Marie Aubrey explained that Elsie Bisset, Economic Development Director, will resume giving her reports at PZC meetings in January or February.

XIV. TOWN COUNCIL LIAISON REPORT

Mr. Thurlow announced that this would be Ms. Ricci's last meeting as the Town Council Liaison to the PZC. The Commission thanked her for her many years of service.

Joyce Ricci reported on the following:

- The Town Council voted to sell the land that the NECCOG building is on to NECCOG at market value.
- Town Manager and the Department Heads' waited to receive raises until after the State Budget was passed.
- NTE – There will be another meeting on November 30th.

Ms. Ricci spoke of her time as the Liaison to the PZC and stated that she may apply to become a member of the EDC.

XV. ADJOURNMENT

Motion was made by Brian Card to adjourn at 8:19 p.m. Second by Virge Lorents. Motion carried unanimously (4-0-0).

Respectfully submitted,

J.S. Perreault
Recording Clerk