



**TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION
MONDAY – NOVEMBER 21, 2016**

Regular Meeting

7:00 PM

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 7:04 pm.

ROLL CALL – Brian Card, Todd Nelson, Sheila Roddy, Milburn Stone, Virge Lorents, Keith Thurlow.

Staff Present – Ann-Marie Aubrey, Director of Planning and Development; Jonathan Blake Zoning Enforcement Officer; Attorney William St. Onge.

Also Present – Joyce Ricci, Town Council Liaison.

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) – None.

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

VI. **PUBLIC HEARINGS**

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

None

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

1. **Special Permit Application #16-1145**; of Briarwood Falls, LLC (Dereck Santini); revised layout and phasing for a 142 unit active adult community per section 570 (Planned Residential Development) Town of Killingly Zoning Regulations; Cook Hill Road & Deerwood Drive; GIS MAP 138; Lot 012; ~91.5 acres; Low Density Zone. **(CONT. FROM 10/17/16)**

Norm Thibeault, Killingly Engineering, represented the Applicant and stated that this is a modification of the previously approved permit (2004 and 2005). Significant changes:

- To build single-family residences rather than duplexes (same number of units);
- Phasing revised to take advantage of the roadways currently constructed;
- To construct a Community Center.

Mr. Thibeault addressed the question from last month's meeting regarding whether the bridge is capable of supporting the H-20 loads for construction vehicles. He looked at the bridge and found that it is well constructed, well maintained (on an annual basis), and in good condition. The manufacturer/designer of the bridge had been contacted and they expressed concern regarding continual, extended loading on the bridge by construction vehicles.

Mr. Thibeault spoke about the issue regarding the gated access from Deerwood Drive. He contacted the Fire Marshal who had provided a letter stating that, in accordance with 2012 NFPA, the gate could be left open for construction purposes and for emergency access during the construction period.

Keith Thurlow asked, for the record, if the Design Engineer of the bridge said that the bridge is not capable of handling all of the construction traffic. Mr. Thibeault answered that it was designed for H-20 loading, but that it would be preferable not to have continual high-volume, construction traffic going over it.

Attorney St. Onge stated that according to Minutes from meetings in 2004/2005 that both the Applicant and Town Planner at the time were clear that there was a gravel road running off Deerwood for emergency purposes that was to be both gated and locked. The original

State traffic study was done on the basis that both accesses would be used and the P&Z Commission directed that Applicant to have the plan re-done based upon access on Cook Hill only because that was the Commission's understanding. According to Minutes from meetings in 2010, there was a modification and extension of the permit regarding site safety which required continued input from Town Staff and the Town Safety Director on the site. He referred to Section 570 and 570.4 (which references Section 470 - Special Permit). His two major points of analysis:

- Section 470.9.1 requires that all areas be readily accessible for fire and police.
- There should be a finding that a project, if approved, should not have a significant effect on the neighborhood.

Attorney St. Onge stated that he does not feel comfortable disagreeing with the Fire Marshal on a safety issue. However, he (the Fire Marshal) indicated, in his letter, that the reason for a second means of access was during periods of major construction. Therefore, Attorney St. Onge felt that it may be possible to modify to allow unlocked access, but only during actual periods of major construction. This would not change the overall character. He stated that there is no easy answer as there are two competing goals.

Discussion ensued regarding safety on Deerwood Drive with parking on both sides of the narrow street (there are also sharp curves), where the remaining major construction will be located (back of property), bridge safety.

Randy Towne, Mockingbird Drive, Site Manager for Briarwood Falls, LLC, stated that they do not want to encroach upon the people who live on Deerwood Drive; they want the gate open for safety. He stated concern because EMS always gets stuck there because they never know where the key is.

Discussion ensued. Keith Thurlow asked for a letter of inspection for the bridge. There was discussion regarding the key access for the gate.

Attorney St. Onge, again, restated his opinion and added that there may be a communication problem regarding EMS not knowing where the key is (which has nothing to do with the P&Z Commission). He made the following suggestions:

- Get clarification of the Fire Marshal's term, "periods of major construction."
- That the P&Z Commission follow the Fire Marshal's directive that the road be unlocked during periods of major construction.
- That someone contact the fire/ambulance to figure out why the problem exists when the gate is locked.

Ann-Marie Aubrey has the e-mail from the Fire Marshal, and a copy of the NFPA information. She stated that the Fire Marshal had originally made the request that the gate be open during major construction at a meeting between Staff and the New Developer of the property. She will get clarification regarding the following:

- What is his definition of major construction?
- Construction and earthmoving activities?
- How many houses is major construction?
- Is a single major construction?
- Is it only open during that time period (7 a.m. to 4 p.m.)?
- How much traffic?

There was discussion centered upon the actual address of the undeveloped land within the PRD. Keith stated that someone (staff) made an error in putting the address on the property. Ann-Marie Aubrey (Dir. P&D) and Jonathan Blake (ZEO) searched through all of the application files – the address always state Deerwood Drive and Cook Hill Road. The special permit in 2004 referred to the address as 90 & 80 Deerwood Drive; and in 2010 the address was stated as 61 Deerwood Drive. Brian Card mentioned that the new access was constructed off of Cook Hill Road, and that the original address was Deerwood Drive.

Discussion went back to the construction – William St. Onge said the commission must give the Fire Marshal's recommendation "very strong consideration". Then the discussion centered upon the "need to have two access roads to the complete the construction" is it a safety issue?

There was discussion around the narrowness of the street (Deerwood Drive) especially when people do park on both sides of the street, there was also discussion regarding the curves along Deerwood Drive. Keith Thurlow offered his opinion of the concerns on Deerwood Drive.

Keith Thurlow asked Attorney St. Onge for his legal opinion (Keith had previously stated on the record that he would listen to Attorney St. Onge, and would base his vote on what Attorney St. Onge stated.)

Attorney William St. Onge – in his opinion – The original intent was this was not to go through (across) Deerwood – very clearly was not to go across (over) Deerwood – Linda Walden stated what the facts were in the public hearing – 12 years ago – St. Onge feels that the commission had to be have been convinced in 2004 that the bridge was totally accurate to handle all of the construction activity (some references in the minutes) – having said all that, if you have a town Fire Marshal that issues an opinion that says that during periods of major construction it has to be opened – his fear is that not to accede to that (opinion) could potentially expose the town to liability -

however, St. Onge's opinion does not affect this gentleman's (Randy Towne) concern in terms about his elderly friends and neighbors always having access to that thing (the gate) – my understanding is that the Fire Marshal basis and code reference is based entirely on periods of major construction – if there (or) has been problems with fire and ambulance having problems getting through than that has nothing to do with this commission, as it is a communication (problem) that needs to be addressed – that really is the sort of argument that says if you don't do what I want or what I think is right – you could be responsible for someone's death – though (I) believe it is made in all sincerity, but it is the sort of argument that sweeps everything out in terms of logic – I think the Fire Marshal order that it be left open during periods of major construction – I think we can get a better clarification – I think the PZC should accede to the Fire Marshal directive that the road should be unlocked during periods of major construction – at the same time I don't see why there is any reason why somebody can't take charge of this thing and get in touch with the Fire Department and the ambulance service and see why this problem exists when the gate is locked – KT and BC alluded that these things (lock boxes) are neither rocket science or unusual.

Therefore, it is my opinion that if you got a written opinion from your Fire Marshal that during periods of major construction that the road should be open, I would follow his recommendation simply because to fail to do so might put the town in a legally difficult position.

Brian Card asked if we had such a written opinion, Ann-Marie Aubrey stated that Fire Marshal had written something informally but it was not in the packet for the commission members. Therefore, it was requested that the Fire Marshal put something in writing in time for the next meeting.

There was more general discussion. Keith Thurlow asked for a five-minute break.

Motion by Todd Nelson for a five-minute break at 8:01 p.m. Second by Sheila Roddy. Motion carried unanimously (5-0).

Brian Card assumed the position of Chairman and called the meeting back to order at 8:08 p.m. Keith Thurlow did not return.

Brian Card stated that the public hearing could be extended to the next meeting with a request from the Applicant, or the Commission could move forward and hear more comments to try to close the public hearing. He asked the Applicant which route they would like to take. Mr. Thibeault asked if there were any pending issues/questions with the Project, other than the bridge and the gate.

- Bonding – The Town Engineer will determine the bond amount for each of the Phases.
- Sidewalks – 1/3 of the sidewalks for Phase One will be put in at the completion of Phase Two; 1/3 of the sidewalks for Phase One will be put in at the completion of Phase Three; and the final 1/3 of the sidewalks for Phase One will be put in at the completion of Phase Four. This gives the Homeowners' Association the opportunity to grow their funds to maintain the sidewalks.
- Mr. Thibeault will provide a letter providing a summary of the analysis of the bridge. The designer of the bridge feels that, if there is more continual traffic, it may need to be inspected and/or maintained on a more frequent basis.
- The Town Engineer would like to see a plan for Phase One earth removal/earth fill (steep slope) to be sure all State Statutes/requirements are followed. He would like to review it with Mr. Thibeault. Mr. Thibeault explained that they have been designing site plans for each unit as they are proposed and they have been addressing insufficiencies with the original design (e.g. the way drainage structures were discharging). He explained that the road will have to be constructed and they will redesign it from the original plans (the low point is not where the drainage comes out). Mr. Thibeault explained that there were a number of large boulders that were pushed to the back of the site and filled behind them. Now, water running through is creating voids. When that area is slated for development, the proper slope stabilization procedures will be used.

Skylark Lane is in Phase One which includes 74 units as well as the Community Center. There are eight units under various stages of construction now.

Mr. Thibeault stated that the most appropriate action would be to continue the public hearing. The Applicant will provide a request for continuation in writing.

Ann-Marie Aubrey explained that zoning permits were signed off under the old Phase One which had already been pre-approved. Mr. Thibeault explained that they are working within the footprint of the infrastructure that has been installed already.

There were no comments from the public.

Brian Card stated that Virge Lorents would be seated as a voting member (in the absence of Keith Thurlow).

Motion by Milburn Stone to continue the public hearing for Special Permit Application #16-1145; of Briarwood Falls, LLC (Dereck Santini); revised layout and phasing for a 142 unit active adult community per section 570 (Planned Residential Development) Town of Killingly Zoning Regulations; Cook Hill Road & Deerwood Drive; GIS MAP 138; Lot 012; ~91.5 acres; Low Density Zone to Monday, December 19, 2016, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, 7:00 p.m. Second by Todd Nelson. Motion carried unanimously (5-0).

2. Special Permit Application #16-1152; of Community Health Resources; under Section 420.2.2(f); to relocate and expand its behavioral health services clinic; ~4,900 sf of leased space at 71 Westcott Road; GIS Map 182, Lot 75; General Commercial Zone.

Jeff Lefkovich represented CHR and introduced Michele Gaudet, Chief Financial Officer, and Stan Schapiro, Senior Vice President of Adult Services, who were also present. Mr. Lefkovich gave an overview:

- No changes to the footprint of the building, the site, or the utilities.
- To include 9 private offices and 4 group rooms with ample indoor waiting space for clientele.
- Services to include individual and group therapy sessions; psychiatric evaluation and medication management. Medication prescription by psychiatrists and advanced practice registered nurses, but no medication dispensing and no medications to be kept on site.
- Services open to all persons who may self-refer or be referred by other organizations, State agencies/health-care organizations.
- CHR's presence there will be similar to other occupants of the space including the USDA Offices, Planned Parenthood and a retail establishment.
- Hours of service: Stan Schapiro stated currently, Monday through Thursday 8:00 a.m. to 8:00 p.m. and Friday 8:00 a.m. to 5:00 p.m.
- Most services are by appointment, but there are walk-in services as well. All rooms full at the same time. Providing the same services as at Commerce Avenue.
- Mr. Lefkovich stated that, based on the Zoning Requirements, there is adequate parking on the premises.
- It is a non-sprinkled building.
- There are three means of egress.
- No changes outside.
- Signage will be typical of the rest of the signage.
- Mr. Schapiro stated that it is a relocation of their services, and it is an expansion to meet the current demand for their services.
- This will allow them to adequately meet the current need and to house the current staff.
- They have no plans to take the optional additional 3400 square feet of space.

There were no comments from the public.

Ann-Marie Aubrey read the definition of clinic. Brian Card stated that they will be accommodating up to eighteen clients.

Motion by Todd Nelson to close the public hearing for Special Permit Application #16-1152; of Community Health Resources; under Section 420.2.2(f); to relocate and expand its behavioral health services clinic; ~4,900 s.f. of leased space at 71 Westcott Road; GIS Map 182, Lot 75; General Commercial Zone. Second by Milburn Stone. Motion carried unanimously (5-0).

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)

None

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

1. **Special Permit Application #16-1145;** of Briarwood Falls, LLC (Dereck Santini); revised layout and phasing for a 142 unit active adult community per section 570 (Planned Residential Development); Cook Hill Road & Deerwood Drive; GIS MAP 138; Lot 012; ~91.5 acres; Low Density Zone. **(CONT. FROM 10/17/16) - Continued.**

2. **Special Permit Application #16-1152;** of Community Health Resources; under Section 420.2.2(f); to relocate and expand its behavioral health services clinic; ~4,900 sf of leased space at 71 Westcott Road; GIS Map 182, Lot 75; General Commercial Zone.

Motion by Sheila Roddy to approve Special Permit Application #16-1152; of Community Health Resources; under Section 420.2.2(f); to relocate and expand its behavioral health services clinic; ~4,900 s.f. of leased space at 71 Westcott Road; GIS Map 182, Lot 75; General Commercial Zone. Second by Virge Lorents.

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

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)

None

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

1. Renewal Request #16-1155 for a three year permit extension/renewal request of Ernest Joly and Sons for Sand and Gravel Excavation; Section 560.3 Existing Operations; Section 580 Aquifer Protection; 32 Beatrice Avenue; ~114 acres; General Commercial & Rural Development Zones; Classification Industrial Sand and Gravel.

Ann-Marie Aubrey stated that this is the usual extension that they have been requesting and that there are no issues.

Motion by Todd Nelson to approve Renewal Request #16-1155 for a three-year permit extension/renewal request of Ernest Joly and Sons for Sand and Gravel Excavation; Section 560.3 Existing Operations; Section 580 Aquifer Protection; 32 Beatrice Avenue; ~114 acres; General Commercial & Rural Development Zones; Classification Industrial Sand and Gravel. Second by Sheila Roddy. Motion carried unanimously (5-0).

2. Subdivision Application 10-462 of Brookside Estates, LLC (Rick O'Keefe) request for release of \$50,000.00 maintenance bond for Brookside Drive; letter dated 11/15/16.

Rick O'Keefe, Brookside Estates, LLC, stated that the road was built in 2013/2014 and was accepted by the Town in 2015. He stated that some minor issues have been completed and there is an inspection report from the Engineering Department.

Ann-Marie Aubrey read a memo from the Engineering Department to Mary Calorio, Director of Finance, approving the release.

Motion by Todd Nelson to release the \$50,000.00 maintenance bond for Brookside Drive Subdivision Application 10-462 of Brookside Estates, LLC (Rick O'Keefe). Second by Virge Lorents. Motion carried unanimously (5-0).

3. Definition of Clinic – copy definition of clinic from the Town of Killingly Zoning Regulations into the Borough of Danielson Zoning Regulations – no changes to the definition will be made. Schedule a public hearing for Tuesday, January 17, 2017. Note – hearing is in January due to the notification requirements to NECCOG and abutting communities.

Motion by Virge Lorents to schedule a public hearing for Tuesday, January 17, 2017 (Town Meeting Room, Second Floor, Killingly Town Hall, at 172 Main Street, 7:00 p.m.) to copy the definition of clinic from the Town of Killingly Zoning Regulations into the Borough of Danielson Zoning Regulations – no changes to the definition will be made. Second by Milburn Stone. Motion carried unanimously (5-0).

4. Introduction and Recognition of New Zoning Enforcement Officer, Jonathan Blake in accordance with Section 600, et seq of the Town of Killingly Zoning Regulations.

Ann-Marie Aubrey introduced ZEO, Jonathan Blake. Mr. Blake is a local resident. He gave a brief description of his experience.

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

Special Meeting of September 8, 2016 – review/discussion/action

Motion by Todd Nelson to accept the Minutes of the Special Meeting of September 8, 2016. Second by Milburn Stone. Motion carried unanimously (5-0).

Regular Meeting of September 19, 2016 – review/discussion/action

Motion by Todd Nelson to accept the Minutes of the Regular Meeting of September 19, 2016. Second by Milburn Stone. Motion carried unanimously (5-0).

Special Meeting of September 22, 2016 – review/discussion/action

Motion by Milburn Stone to accept the Minutes of the Special Meeting of September 22, 2016. Second by Todd Nelson. Motion carried unanimously (5-0).

It was decided that the Commission Members would review the following Minutes for adoption at the December 19th meeting:

Special Meeting of October 3, 2016 – review/discussion/action
Special Meeting of October 11, 2016 – review/discussion/action
Regular Meeting of October 17, 2016 – review/discussion/action

X. WORKSHOP SESSION

1. Begin Discussion regarding “Adult Retirement Communities” (formerly known as Elderly Housing) Zoning Regulations – review/discussion/action

To be discussed at the December 19th meeting. Ann-Marie Aubrey stated that this would be a Commission sponsored change and that Staff drafted a proposed definition (included in the packets to Commission Members, also included was the original request and Meeting Minutes).

XI. CORRESPONDENCE

1. Planning & Zoning Commission Regularly Scheduled Meeting Dates for Calendar Year 2017 - review/acceptance

Motion by Milburn Stone to accept the schedule of Planning & Zoning Commission Regularly Scheduled Meeting Dates for Calendar Year 2017. Second by Sheila Roddy. Motion carried unanimously (5-0).

XII. OTHER

A. CGS 8-24 Referrals – review/discussion/action – None.

B. Zoning Enforcement Officer's Report - None

C. Inland Wetlands and Watercourses Agent's Report - None

D. Building Office Report – Enclosed. There were no comments.

E. Bond Releases / Reductions / Calls – review/discussion/action (see above)

F. Project Completion / Mylar Filing Extension / Site Plan Extension Requests / Re-Classify Phases
None

G. Requests to Allow Overhead Utilities / Wireless Telecommunications Facility – (review/discussion/action)
None

H. Upcoming P&Z Commission Meetings – review/discussion/action

1. Next Regular Meeting – Monday, December 19, 2016

2. Next Workshop Meeting – Monday, December 19, 2016

3. Next Special Meeting – To Be Announced – If needed

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT – No Representation.

XIV. TOWN COUNCIL LIAISON REPORT

Joyce Ricci reported that the constable issue will be brought to the next meeting where there will be a Town Meeting to establish a Constabulary. It will be decided by Town Council rather than by referendum. However, it can be petitioned.

XV. ADJOURNMENT

Motion by Todd Nelson to adjourn at 8:58 p.m. Second by Milburn Stone. Motion carried unanimously (5-0).

Respectfully submitted,

J.S. Perreault
Recording Clerk