



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

**Tuesday, February 16, 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 7:03 pm.

**ROLL CALL** – Brian Card; Sheila Roddy; Milburn Stone; William Ritter; Keith Thurlow. Todd Nelson was absent with notice.

**Staff Present** – Ann-Marie Aubrey, Director of Planning and Development; Elsie Bisset, Economic Development Director.

**Also Present** – Joyce Ricci, Town Council Liaison.

**II. SEATING OF ALTERNATES** – Keith Thurlow, Chair, stated that William Ritter would be seated as a voting Member.

**III. AGENDA ADDENDUM** – None.

Motion by Brian Card to move Agenda Item:

**XI. OTHER**

F. Project completion/mylar filing extension requests

**1. Request for Mylar filing extension request for Subdivision Application #15-1115 of Robert J. Misiaszek, request for a 90 day extension to file his mylars – for 1 new lot and 1 lot with an existing house, 90 Cutler Road; GIS Map 12, Lot 6; ~6.74 acres; Rural Development Zone.**

To before:

**VII. UNFINISHED BUSINESS**

Second by Milburn Stone. Motion carried unanimously (5-0).

**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)

**Jim Rivers**, a Pomfret resident who owns property at 134, 156 and 157 Main Street (he also owns a business on Main Street), spoke regarding the application that he made to add healthcare uses to the Main Street Central Business District. One of the main concerns of those against the application was that they wanted Main Street to remain retail. He commented that, at that time, there were 30 vacancies and that now there are even more empty spaces. He stated that retail is not coming back to Main Street but, that Healthcare is working in the peripheral areas. Regulations will not allow these types of businesses on Main Street. He asked the Commission for help in allowing these options on Main Street. He will come back before the Commission to speak more specifically about other issues that had been brought up before.

**V. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS** – There were no comments.

**VI. PUBLIC HEARINGS**

- A. **Zone Change Applications** – None
- B. **Special Permits** – None
- C. **Site Plan Reviews** – None
- D. **Subdivisions** – None
- E. **Other** – None

**XI. OTHER**

- F. Project completion/mylar filing extension requests

**1. Request for Mylar filing extension request for Subdivision Application #15-1115 of Robert J. Misiaszek, request for a 90 day extension to file his mylars – for 1 new lot and 1 lot with an existing house, 90 Cutler Road; GIS Map 12, Lot 6; ~6.74 acres; Rural Development Zone.**

Motion by Brian Card to approve the 90-day mylar filing extension request for Subdivision Application #15-1115 of Robert J. Misiaszek – for 1 new lot and 1 lot with an existing house, 90 Cutler Road; GIS Map 12, Lot 6; ~6.74 acres; Rural Development Zone. Second by Milburn Stone. Motion carried unanimously (5-0).

**VII. UNFINISHED BUSINESS**

- A. **Zone Change Applications** – None
- B. **Special Permits** – None
- C. **Site Plan Reviews** – None
- D. **Subdivisions** – None
- E. **Other - WORKSHOPS**

**1. Discussion and Direction on Remaining Plan of Conservation and Development Zone Map Changes – Informational Workshops; etc. - (review/discussion/action)**

**a. East Killingly POCD Map 10 (Part A) – East Killingly Village Area of Hartford Pike – Public Hearing is scheduled for Monday, March 21, 2016. – (review/discussion/action) – change of lots to Village Commercial.**

**b. Informational Workshop – East Killingly POCD Map 10 (Part B) –Informational Workshop; and Schedule a Public Hearing for April 18, 2016, or continue workshop if needed. – (review/discussion/action) – change of lots to Medium Density.**

Ann-Marie Aubrey explained that this is a continuation of the ongoing revisions designated under the current POCD. A letter (dated February 4, 2016) was mailed to all of the property owners (copies provided to P&Z Commission Members). What is proposed is based upon the accumulation of information since the acceptance of the POCD. Only one property owner had discussed concerns with her (copies of an e-mail from Edward Eramian, Bailey Hill Management, LLC, dated February 12, 2016, were provided to P&Z Commission Members). She offered to read Mr. Eramian's e-mail into the record at the appropriate time. Copies of maps showing existing conditions as well as the proposed changes were provided to P&Z Commission Members.

Motion by Milburn Stone to suspend the rules to allow the public to participate in discussion regarding Agenda Item:

**VII. UNFINISHED BUSINESS**

- E. **Other - WORKSHOPS**

**1. Discussion and Direction on Remaining Plan of Conservation and Development Zone Map Changes – Informational Workshops; etc. - (review/discussion/action)**

**a. East Killingly POCD Map 10 (Part A) – East Killingly Village Area of Hartford Pike – Public Hearing is scheduled for Monday, March 21, 2016. – (review/discussion/action) – change of lots to Village Commercial.**

b. Informational Workshop – East Killingly POCD Map 10 (Part B) –Informational Workshop; and Schedule a Public Hearing for April 18, 2016, or continue workshop if needed. – (review/discussion/action) – change of lots to Medium Density.

Second by Brian Card. Motion carried unanimously (5-0).

**Jim Shekelton**, who owns property at 19 Chestnut Hill Road and 1322 Hartford Pike, asked if the zone change would affect taxes, if it involved the Acme Cotton property, and if it was brought forward by a particular individual.

Keith Thurlow explained that it has nothing to do with the Acme property and that the map changes are based on recommendations by the P&Z Commission (due to previous discussions and the previous workshops) and are in accordance with guidelines set forth in the POCD which gets renewed every ten years.

**Mr. Shekelton** asked why only half of his 19 Chestnut Hill Road is being changed and why not the property across the road.

Brian Card explained that it had to do with the extension of the sewer line and that they looked at lot lines (not property owners) and they kept everything frontaged on Route 101. He explained that the change to Medium Density brought some non-conforming lots into conformity. He explained that the change to Medium Density from Low Density opens more opportunity and that taxes should not be affected since taxes are based on the use (still a residential use).

Keith Thurlow, for the record, asked if Mr. Shekelton is in favor or in opposition. Mr. Shekelton stated that he guesses that he is in favor if there aren't going to be any changes and that he is worried about Acme Cotton.

Ann-Marie Aubrey stated that there is already an approved plan for that property and that it will remain in the MMUDD Zone as long as the P&Z Commission is in agreement with that. There was discussion regarding an error that was on the map incorrectly showing it as LD.

**John Hallbergh**, 1252 and 1260 Hartford Pike, spoke in favor.

There was discussion regarding the property across the street from Mr. Shekelton. Ann-Marie read from notes from the Minutes from the May 16, 2011 P&Z Meeting (see also 9/29/2009 Minutes) which stated that it was identified as not currently being served by sewer and that it is in the sewer avoidance area. She stated that according to the notes from 5/16/11 stated that the front portion of 19 Chestnut Hill Road has sewer access, whereas, the 11.3-acre rear portion is in the avoidance area.

Ann-Marie Aubrey summarized the e-mail from Mr. Eramian (for the record): Mr. Eramian requested that his property be maintained as MMUDD because it is all part of the same lot even though the river goes through the property. Ann-Marie Aubrey stated that, on the map, it had not fully been changed into the MMUDD designation.

Motion by Sheila Roddy to schedule a public hearing for East Killingly POCD Map 10 (Part B) for April 18, 2016, at Killingly Town Hall, 172 Main Street, Town Meeting Room, Second Floor, at 7:00 p.m. Second by William Ritter. Motion carried unanimously (5-0).

2. Killingly Zoning Regulations Section 560 "Earth Filling and Excavation" –Informational Workshop; and Schedule a Public Hearing for April 18, 2016, or continue workshop if needed. – (review/discussion/action)

Motion by Milburn Stone to suspend the rules to open the remaining workshops on the Agenda for public discussion:

**E. Other - WORKSHOPS**

2. Killingly Zoning Regulations Section 560 "Earth Filling and Excavation" –Informational Workshop; and Schedule a Public Hearing for April 18, 2016, or continue workshop if needed. – (review/discussion/action)

3. An accessory structure on a parcel of real estate when a primary structure has not been built – Informational Workshop; and Schedule a Public Hearing for April 18, 2016, or continue workshop if needed. – (review/discussion/action)

4. Definition of Clinic for both Town and Borough Zoning Regulations – Informational Workshop; and Schedule a Public Hearing for April 18, 2016, or continue workshop if needed. – (review/discussion/action)

Second by Sheila Roddy. Motion carried unanimously (5-0).

Discussion regarding Killingly Zoning Regulations Section 560 “Earth Filling and Excavation”:

Keith Thurlow explained that the 3-year renewal for existing gravel operations (with review at that time) had not been included in a previous re-write of the Regulations. Other issues had been brought up with landscaping and it was decided to review the whole Section of the Regulations. He stated that, in the past, there had been a workshop with the gravel operators to get their input. Keith Thurlow stated that Jeff Rawson had contacted him with issues to discuss regarding the following Sections:

- 560.4 – Regarding the processing of imported material only being allowed in the Industrial Zone;
- On-site crushing allowed in all zones only when part of a plan for developing a property;
- 560.5 – Rock quarries not permitted at all – can mine surface rocks, but not just to get access to rock (there are some quarries in Town that have been grandfathered in);
- 560.6 #11 – How all noise will be held to the site and not reach an unacceptable level to the neighboring properties;
- 560.8 –Town Council approval is required for partial release (Bonding) - Mr. Rawson would like to know why;
- 560.9.d - Commission access to the site – Mr. Rawson feels there should be a requirement that the Owner or Manager be notified so that someone from the company can be there for inspections. He also mentioned concern for safety during walk-throughs;
- Periodic reports every 12 months – Mr. Rawson questions whether this is necessary, especially if surveying needs to be done.

**Dale Desmarais**, Country Club Road, stated that two people from All-State Asphalt were also present. He stated that Randy Joly and Jeff Rawson were unable to attend. Mr. Desmarais requested that a workshop be scheduled to discuss issues regarding these regulations. He stated that Linda Walden was not in agreement with the regulations as written and he would like the gravel operation renewals be changed from every year to every three years. He also mentioned that there is a property on Rock Avenue that was looked at for an industrial park which has a substantial amount of rock there that needs to come off and he requested that they take a look at that again too.

Milburn Stone stated that he has no objection as he would like to hear from the people who will be affected by these regulations. Sheila Roddy, William Ritter, and Brian Card agreed.

There was discussion regarding notification of the workshop and hearing feedback from the public. It was decided to hold a workshop on March 28, 2016, at 7:00 p.m. Dale Desmarais' group will submit a summary of issues/topics to they want to discuss with the commission, to Ann-Marie Aubrey prior to the next P&Z meeting to be held on March 21<sup>st</sup>. Sheila Roddy asked that they provide information on the process for mining.

3. An accessory structure on a parcel of real estate when a primary structure has not been built – Informational Workshop; and Schedule a Public Hearing for April 18, 2016, or continue workshop if needed. – (review/discussion/action)

Keith Thurlow opened discussion by asking why you wouldn't be able to put an accessory building on a piece of property that you own (such as a hunting camp on a 10-acre parcel). Ann-Marie Aubrey stated that she would

have to check the Zoning Ordinances, but, there are one or two instances where someone leaves a trailer at a site for use on the weekends (but that is more of a residence). Another time would be under Agriculture (a barn is an allowed use). Another instance was when someone has pulled a permit to build a residence and they asked to be allowed to build a shed to hold tools until the residence is completed.

Sheila Roddy asked about building a garage to house personal autos. Ann-Marie Aubrey stated that it is not permitted under the Regulations right now. Discussion ensued regarding potential for illegal uses/activities and whether people should be denied the use of their land because of the fear that they may conduct illegal activities in a residential area where the expectation is that a residence will be built. Ann-Marie Aubrey offered to research the zoning regulations of other nearby towns similar in size and population to see if they allow it. She stated that one of the main concerns/fears is that it wouldn't be watched/maintained as well as a primary residence would be. Keith Thurlow disagreed. Discussion continued. Sheila Roddy expressed her opinion that this should not be allowed in residential zones because she is equally concerned about the rights of the abutters. Brian Card stated that he would also like to do what he wants with his property, but the rules are in place for a reason and it is the job of the P&Z Commission to make the Regulations as workable as possible while looking at the "what ifs." Discussion continued. Ann-Marie Aubrey pointed out that there is a lot more to consider other than just putting up a building on a piece of property.

Milburn Stone, Sheila Roddy, and Keith Thurlow would like to know what other towns are doing. Ann-Marie Aubrey will research and report her findings at the next regular meeting of the P&Z Commission on March 21, 2016.

#### 4. Definition of Clinic for both Town and Borough Zoning Regulations – Informational Workshop; and Schedule a Public Hearing for April 18, 2016, or continue workshop if needed. – (review/discussion/action)

Ann-Marie Aubrey explained that the Commission had turned down, without prejudice, the proposal to add the definition of clinic into the Borough of Danielson Regulations. This allows it to come back before the Board. She consulted with Town Attorney, William St. Onge and he told her that the Board had gone around and around with this and that he had written two letters. She referred to his letters (dated November 19, 2012 and March 11, 2015) and stated that he was more concerned with the number of doctors, dentists, etc., that were in the professional office vs. a clinic because they would want the doctors and dentists to be able to continue, but not become oversized. She will mail copies of the letters to the Commission Members. She read the definition that Attorney St. Onge had come up with in 2012, and she explained that she believes that the Board came up with its original definition that is in the Town Regulations under Commercial District after receiving that letter from Attorney St. Onge.

There was discussion regarding whether to delete "clinic" from the Regulations and revisit the definition of medical office and limiting the size and uses as suggested by Brian Card. Ann Marie Aubrey read (from the meeting minutes of December 17, 2012) the definition that was approved by consensus of the Commission. She stated that it sounds like they were trying to limit the size. Milburn Stone stated that he agrees with Brian Card about deleting "clinic" and revisiting medical office. Sheila Roddy stated that she agrees with talking about limitations. Ann Marie Aubrey explained that Brian Card was stating that if you have more doctors, psychologists, etc., you would have to come before the Board for a special use permit and that there could be different sizes for different zones. Ann Marie Aubrey suggested that you could do medical office depending on size, and, even though it is a permitted use, the Commission could require site plan review (the numbers could be determined whether it comes before the Board or the Staff). Sheila Roddy stated that she feels it should be by special permit to give the public the opportunity to comment. Ann Marie Aubrey advised that the Commission could not be prejudicial against one type of medical office and favor another type.

Brian Card suggested eliminating the word “clinic” and substituting it with “medical office” in the definition and that a special permit is required. Sheila Roddy agrees with striking the word clinic, but feels that what is permissible in a “medical office” needs to be revisited and restrictions need to be added (such as size and no overnight). She would like Attorney St. Onge to be present for discussion on this topic and she wants to be sure that the public is heard. Discussion continued. Ann Marie Aubrey read the definition that had been denied. Discussion continued. Ann Marie Aubrey read definitions of medical building and health services.

Elsie Bisset stated that Putnam has a special zone around the hospital area for medical offices.

The Commission was in agreement to eliminate the word “clinic” from the Regulations and revisiting the definition of medical office. Ann Marie Aubrey will consult with Attorney St. Onge for his opinion on eliminating “clinic” and to differentiate between “medical office” and “clinic.”

Ann Marie Aubrey suggested that the Members of the P&Z Commission attend the Community Conversation Program on Thursday, March 31<sup>st</sup>. Elsie Bisset explained that CT Main Street Center is a non-profit organization that works with Eversource Energy to help Connecticut Towns, focusing on Downtowns and Village Centers. Sheila Roddy and Keith Thurlow stated that they would attend.

Keith Thurlow mentioned that he would like to attend the Annual Conference on March 17<sup>th</sup> which was advertised in the Quarterly Newsletter from Connecticut Federation of Planning and Zoning Agencies. Sheila Roddy stated that she would also like to attend.

5. Continuation of Annual Meeting – To schedule (or) review of By-Laws; and attend to other organizational business as the Chair deems appropriate. – (review/discussion/action)

Keith Thurlow stated that this would be tabled until the next meeting.

#### **VIII. NEW BUSINESS**

- A. Zone Change Applications - none**
- B. Special Permits - none**
- C. Site Plan Reviews - none**
- D. Subdivisions - none**
- E. Other – none**

#### **IX. ADOPTION OF MINUTES**

1. Regular Meeting of January 19, 2016.

William Ritter stated that he had left a voice mail for Karen Clark before that meeting and asked that the minutes be corrected to reflect that he was absent with notice.

Motion by Brian Card to approve the Minutes of Regular Meeting of January 19, 2016, with the following correction:

- William Ritter was absent with notice.

Second by Sheila Roddy. Motion carried unanimously (5-0).

#### **X. CORRESPONDENCE**

See enclosed.

#### **XI. OTHER**

- A. CGS 8-24 referrals – None.**

- B. Zoning Enforcement Officer's Report – Included in packets to the Commission Members.
- C. Inland Wetlands and Watercourses Agent's Report – Included in packets to the Commission Members.
- D. Building Office Report – Included in packets to the Commission Members.
- E. Bond releases/reductions/calls – None.
- F. Project completion/mylar filing extension requests  
**1. Request for Mylar filing extension request for Subdivision Application #15-1115 of Robert J. Misiaszek, request for a 90 day extension to file his mylars – for 1 new lot and 1 lot with an existing house, 90 Cutler Road; GIS Map 12, Lot 6; ~6.74 acres; Rural Development Zone. – See Above.**
- G. Request to allow overhead utilities – None.
- H. Upcoming P&Z meetings - **Next Regular Meeting – Monday, March 21, 2016.**

## **XII. ECONOMIC DEVELOPMENT DIRECTOR**

Elsie Bisset reported:

- There will be a guest speaker, Matt Nemeth, Small Business Development Center, at EDC's next meeting (March 1<sup>st</sup>). She invited P&Z Commission Members;
- KBA has new officers: President - John Hansen, Up-Top Screen Printing; Vice-President - Mike Teed, Black Pond Brews; Treasurer - Erica Gomes;
- Collecting information for the Business Guide – received 120 responses;

## **XIII. COUNCIL LIAISON**


Joyce Ricci reported:

- Police commission reported to Council and recommended a slow implementation of a police force: first year – add three constables; second year – add three constables and eliminate one Resident State Trooper, etc. It costs \$1 million per year for four Resident State Troopers. She will provide a copy of the presentation to Ann-Marie Aubrey who will then provide copies to Commission Members;
- The accountants did a presentation and Killingly is in good shape. Board of Education had issues with not submitting documents on time. There is a new computer program for the Student Services Account;
- Town Council met with the Board of Education and there was a presentation regarding a special account for money left over in their account which can be used with approval by Town Council.

## **XIV. ADJOURNMENT**

Motion made by William Ritter to adjourn at 9:20 p.m. Second was made by Milburn Stone. Motion carried unanimously (5-0).

Respectfully submitted,



J.S. Perreault  
Recording Clerk