



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

TUESDAY – FEBRUARY 18, 2020

Regular Meeting

7:00 PM

Town Meeting Room, Second Floor

**Killingly Town Hall
172 Main St., Killingly**

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Elizabeth M. Wilson

MINUTES

I. CALL TO ORDER – Chair, Keith Thurlow, called the meeting to order at 7:04 pm.

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

Staff Present – Ann-Marie Aubrey, Director of Planning and Development; Jonathan Blake, Planner/Zoning Enforcement Officer; Elsie Bisset, Economic Development Director. Mary T. Calorio, Town Manager, was seated in the audience.

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)

Johnathan Shatzman, 95 Bailey Hill Road, commented regarding a 14-lot, residential subdivision that he had received PZC approval for eleven years ago. Open space, behind the 14 lots, was to be used for an equestrian trail and nature walk. Mr. Shatzman explained that he had planned for the 14 homeowners to be members of a condominium association with rights to use the open space area. However, there is no interest in a condominium association/leases. There is more interest in homeowners' associations or timeshares. He asked if he is entitled to sell the 14 lots individually and keep the equestrian trail for himself, or does he have to give access to the trail to the 14 lots?

V. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS

Motion was made by Virge Lorents to add to the agenda, Item X. OTHER / MISCELLANEOUS. 2) Discussion regarding a previously approved 14-lot, condominium subdivision (Johnathan Shatzman), to the agenda. Second by Milburn Stone. No discussion. Motion carried unanimously (5-0-0).

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

1) Plan of Conservation and Development (POCD) – The Commission has completed its review and re-write of the Town's Plan of Conservation and Development as required under State Statute. New Plan will cover 2020-2030; and if passed the effective date will be Monday, May 4th, 2020 at 12:01 am.

Ann-Marie Aubrey stated that she had received comments from a member of the public.

Ms. Aubrey stated the following for the record:

- Town Council received their copies of the Draft in November and December 2019;
- NECCOG received their copy of the Draft in November 2019;
- A copy of the Draft was posted to the Town's website;

- Copies of the Draft were available for public viewing in the Planning & Development Office and in the Town Clerk's Office, Public Library, and the Killingly Community Center;
- Advertisements were placed in the *Norwich Bulletin*, *Turnpike Buyer*, and *Shoppers' Guide*.
- Minor Comments/Editorial Changes from the Town Council Review:
 - 1) Cover page – change IWWC to IWWA (after Johnathan Blake)
 - 2) Page 5 – last paragraph change “one large dairy farm” to “a cattle farm”
 - 3) Page 7 – first full paragraph, next to last sentence – include “Rogers Corp”
 - 4) Comment from Town Council – please be aware of the areas of conservation (state interest) within the Town – does not want to see “industrial or other commercial development” creep into those areas. Staff did explain that we were looking for more “infill development” – especially in the industrial areas.

Ms. Lorents and Sheila Roddy, as well as Ms. Aubrey, commented that they would like time to review any suggested changes. Ms. Aubrey explained that the public hearing could be continued, and that Ms. Lorents could e-mail her comments to Ms. Aubrey who would, then, forward them to the other PZC Members.

COMMENTS FROM THE PUBLIC:

Donna Bronwell, 699 Bailey Hill Road, almost 40-year resident and 20-year Member of the Killingly Conservation Commission, referred to her written comments/minor corrections that she had prepared for the Commission Members/Staff. She explained that, due difficulty in getting a quorum, the Conservation Commission had not been able to meet, specifically regarding the POCD, since its last meeting with the PZC.

Ms. Bronwell reviewed her report containing her suggestions for changes which include the following:

- Page 8: Some public events that the Conservation Commission has done could be added to the introduction.
- Pages 12 and 13: Promote acquisition of open space.
- Community Facilities Map (after page 14): Add Old Furnace Park, Old Killingly Pond, and hiking indicators for trails.
- Page 20: Action 3 is a duplicate of Action 2.
- Maps after page 8: Pink circles are DEEP critical habitat areas (Future Land Use Map). She said that the proposed new power plant is within one of the pink circles.
- Page 45: Under Action #2 – Educating the General Public, add a statement regarding coordinating public events with the Last Green Valley and NECCOG to promote more public awareness.
- Page 45: Add Action #3 – To establish and approve the 490 designation for open space. The 490 plan is a tax break to encourage protection for forestry and agriculture. There is an option for towns to include open space (ordinance).
- Page 47: Add Action #3 at the top of the page – Make a concerted effort to protect additional critical farmlands from development.
- Add an Action Item – Accept the Killingly Five Ponds Donation in East Killingly.
- Page 51 – Establish a Killingly Green Team.
- Page 52 – New Action Item under Communications - Enhance Channel 22 postings and publicity.

Ms. Bronwell confirmed that the above suggestions are her own, not from the Conservation Commission as a whole, but she stated that she does not think that the other Commission Members would object.

There was discussion regarding whether the suggested changes would be considered minor or major changes. Ms. Aubrey explained that it is under the PZC's discretion whether to accept any of the recommendations or not. Mr. Blake noted that the date received stamp on Ms. Bronwell's report is incorrect as it was received today, February 18, 2020, not in 2019. Ms. Bronwell to with meet with Staff on, or about, February 20th. Ms. Aubrey will report to the PZC for next month.

Motion was made by Virge Lorents to continue the public hearing for **Plan of Conservation and Development (POCD)** – (The Commission has completed its review and re-write of the Town's Plan of Conservation and Development as required under State Statute. New Plan will cover 2020-2030; and if passed the effective date will be Monday, May 4th, 2020 at 12:01 a.m.), to the next regularly scheduled meeting of the Killingly Planning and Zoning Commission on Monday, March 16, 2020, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, at 7:00 p.m.

Discussion:

Comments from Commission Members:

- Sheila Roddy stated that she is okay with making the editorial comments now so that the Commission can just focus on the more significant actions.
- Brian Card commented that the inclusion of additional action items may be above and beyond what was public noticed. He suggested that as the Commission reviews the action items, see where editorial changes can be made in existing action items to try to incorporate the intent of the new action item. So, it would be more of an editorial change as opposed to adding new action items into the Document.

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

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

1) Plan of Conservation and Development (POCD) – The Commission has completed its review and re-write of the Town's Plan of Conservation and Development as required under State Statute. New Plan will cover 2020-2030; and if passed the effective date will be Monday, May 4th, 2020 at 12:01 am. – Continued (see above).

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

- 1) **Special Permit Application #20-1233** – Rene Bernier (Pine Hill Farm, LLC /landowner); conversion of an existing chicken coop into a storage facility; 204 Hartford Pike; GIS MAP 108, Lot 34, ~5.0 acres; Low Density. Article VII, Section 700 etc., Special Permits; Section 410.2.2.o Proposed Adaptive Re-Use of an Agricultural Building (Low Density). **Receive and if application is complete schedule for a public hearing. The next available hearing date is March 16, 2020; will allow enough time for proper legal notice.**

Ms. Aubrey stated that the Application appears to be complete at this time.

Motion was made by Brian Card to receive and schedule a public hearing for **Special Permit Application #20-1233** – Rene Bernier (Pine Hill Farm, LLC /landowner); conversion of an existing chicken coop into a storage facility; 204 Hartford Pike; GIS MAP 108, Lot 34, ~5.0 acres; Low Density. Article VII, Section 700 etc., Special Permits; Section 410.2.2.o Proposed Adaptive Re-Use of an Agricultural Building (Low Density), for the next regularly scheduled meeting of the Killingly Planning and Zoning Commission on Monday, March 16, 2020, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, at 7:00 p.m. No discussion. Second by Virge Lorents. Motion carried unanimously (5-0-0).

- 2) **Site Plan Review Application #20-1234** – Nabil Roufaz (MSDC Realty Trust/landowner); re-establishment (renovation) of the strip mall located at 544 Main Street; GIS MAP 175, Lot 10, ~1.0 acre; Village Commercial. **The mall is pre-existing, there is no change to the structure, this is just a renovation/re-establishment of mall.**

Ms. Aubrey explained that this is a renovation to the exterior and that there are some interiors that are empty right now, so new people will be coming in.

Exterior renovations:

- Parking lot
- Making sure that they meet handicap requirements
- Realigning the parking lot
- Building itself will not change, except for different signs when new tenants come in
- Entrance and exiting to the road will stay the same

Motion was made by Brian Card to allow Staff to review **Site Plan Review Application #20-1234** – Nabil Roufaz (MSDC Realty Trust/landowner); re-establishment (renovation) of the strip mall located at 544 Main Street; GIS MAP 175, Lot 10, ~1.0 acre; Village Commercial. **The mall is pre-existing, there is no change to the structure, this is just a renovation/re-establishment of mall.** Second by Virge Lorents. No discussion. Motion carried unanimously (5-0-0).

- 3) **§8-24 Review Application #20-1235** – Town of Killingly; Killingly Memorial School; removal of modular classrooms and replace with a new school wing and library; 339 Main Street; GIS MAP 181, Lot 142; ~10.5 acres; Boro Res High.

Copies of the presentation, to the Town Council, by Silver/Petrucelli & Associates were included in packets to Commission Members.

Town Manager, Mary T. Calorio explained that the new wing would be a permanent structure which would replace all the needed classroom space that is currently being housed within the modular classrooms (from 1971 and 2003 – each with a lifespan of 8-10 years). It is estimated to be an 18-month project. Ms. Calorio explained the timeline. The Superintendent has evaluated the impacts on the school and students. Students will not have access to the construction area or see or hear any of the construction activity, so there will be no impact on the students. The plan also includes reconfiguration of parking to alleviate some of the congestion around the traffic light on Route 12. It gives a different exit point for the buses. It also gives a longer on-premises line for parent drop-off.

Motion was made by Brian Card to support the **§8-24 Review Application #20-1235** – Town of Killingly; Killingly Memorial School; removal of modular classrooms and replace with a new school wing and library; 339 Main Street; GIS MAP 181, Lot 142; ~10.5 acres; Boro Res High. Second by Virge Lorents. No discussion. Motion carried unanimously (5-0-0).

- 4) **§8-24 Review Application #20-1236** – Town of Killingly; Killingly Community Center Relocation; 79 Westfield Avenue, GIS MAP 176, Lot 9, ~17 Acres; Boro Res High.

Copies of the presentation, to the Town Council, by Silver/Petrucelli & Associates were included in packets to Commission Members.

Town Manager, Mary T. Calorio explained that the Town Council has looked at several alternatives. The existing building poses several challenges and would require a heavy infrastructure investment. The Westfield Avenue building was evaluated, and they would be utilizing the Vo-Ag wing, the rear wing, and the Auditorium wing for the Community Center space. The Board of Education Central Offices and Eastconn's program would still remain located at this facility. Security mechanisms needed to maintain each program's security were evaluated. Veterans' Coffeehouse would be co-shared with Recreation in the Cafeteria. The gymnasium would be maintained as a shared space (Eastconn uses it during the school day until 2 p.m.). The High School and Recreation wrestling programs now located in the Cafeteria have been relocated near the weight room.

The evaluation showed that the following have been identified as needed work at the Westfield Avenue building even if the Community Center were not located there: roof; brick veneer; windows; HVAC components/heating system. It is felt that relocating the Community Center to Westfield Avenue is the best utilization of Town assets.

The main entrance, in the Vo-Ag area, would be renovated. All renovations for the Community Center portion are interior. The interior, where the Vo-Ag Center is now located, would be the Recreation main office as well as staff offices and some programming space, RSVP (which now utilizes space at the current Recreation Center). Down the hall, where the science classrooms were, would be converted into classroom and program space. The Community Store, currently in the band and music rooms, would be located to the other side of the theatre. The theatre, band and music rooms would be converted into makeup/dressings rooms to support the theatre.

There is no expansion or addition to the building. The other exterior modification is on the parking lot on the Vo-Ag side. The parking lot would be expanded using existing green space to add additional necessary parking, to make the driveway appropriately sized for two vehicles to pass, and to add additional lighting.

Once the current Community Center building is vacated, the Town would dispose of the building, getting the property back on the tax rolls. Ms. Calorio explained that, although there is a deed restriction, there is a reverter clause on it, so the Town could still dispose of the property.

Motion was made by Brian Card to support the **§8-24 Review Application #20-1236** – Town of Killingly; Killingly Community Center Relocation; 79 Westfield Avenue, GIS MAP 176, Lot 9, ~17 Acres; Boro Res High. Second by Milburn Stone. No discussion. Motion carried unanimously (5-0-0).

- 5) **Site Plan Review Application #20-1237** – Dandeneau Properties, LLC; proposed building addition and parking lot; 40 Louisa Viens Drive; GIS MAP 57, Lot 12, ~8.7 acres; Industrial Zone. **Receive, and if application is complete, schedule for the next regularly scheduled meeting of Monday, March 16, 2020 for review and action. DOES NOT require a public hearing.**

Keith Thurlow recused himself, turned the Chair Position over to Brian Card and he left the room.

Mr. Card announced that Alternate Member, John Sarantopoulos would be seated as a Voting Member for this Agenda Item.

The Application is complete. There was no discussion.

Motion was made by Virge Lorents to receive and schedule, for review and action, **Site Plan Review Application #20-1237** – Dandeneau Properties, LLC; proposed building addition and parking lot; 40 Louisa Viens Drive; GIS MAP 57, Lot 12, ~8.7 acres; Industrial Zone, for the next regularly scheduled meeting of the Killingly Planning and Zoning Commission on Monday, March 16, 2020, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, at 7:00 p.m. Second by Milburn Stone. No discussion. Motion carried (5-0-0). Keith Thurlow had recused himself.

Bruce Woodis, KWP Associates, who was seated in the audience, asked if the Commission would like a brief overview of the project. Mr. Card stated that the Site Plan Review was scheduled for the March 16, 2020 meeting.

Mr. Thurlow returned and resumed the position of Chair.

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

- 1) Special Workshop Meeting of Tuesday, January 21, 2020
- 2) Regular Meeting of Tuesday, January 21, 2020

Motion was made by Virge Lorents to approve the Minutes of the Special Workshop Meeting of Tuesday, January 21, 2020, and the Minutes of the Regular Meeting of Tuesday, January 21, 2020. Second by Brian Card. No discussion. Motion carried unanimously (5-0-0).

X. OTHER / MISCELLANEOUS – (review/discussion/action)

- 1) **Subdivision (Issue) Application # 19-1228**; Anthony J & Josephine A Pulcinella, Trustees; determination of unapproved subdivision 10/21/2019; 309 & 333 Breakneck Hill Road; GIS MAP 65; Lot 7; (a/k/a “Fourth Parcel – first and second tracts”); Rural Development Zone. **Re-establishment of original parcel, and request for “first/free split”. Referred to Town’s Legal Counsel for their opinion.**

Ann-Marie Aubrey gave an update:

- Staff met with the Town’s legal counsel earlier in the day regarding this matter.
- The Town Attorney has concerns with the title regarding how the parcels were supposedly merged back together. (Deeds were created/recorded after Mr. Pulcinella’s last meeting with the PZC where it was found that the subdivision was unapproved).
- A letter will be sent to Mr. Pulcinella explaining the issues/concerns. If Mr. Pulcinella has questions, he will contact the Town Attorney directly. Ms. Aubrey will provide copies of the letter to the Commission Members.
- As far as Staff knows, Mr. Pulcinella does not have an Attorney representing him in this matter. Ms. Lorents urged that Mr. Pulcinella get an attorney. Ms. Aubrey explained that it will be suggested in the letter that Mr. Pulcinella get legal counsel of his own.

No action was taken by the Planning and Zoning Commission.

2) Discussion regarding a previously approved 14-lot, condominium subdivision (Johnathan Shatzman).

Mr. Thurlow stated that this subdivision had been approved under a different set of Regulations no longer in effect (Flex Development).

Johnathan Shatzman stated that 14 lots had been created each with its own legal description (Assessor’s Map). He explained that there is no interest in having an association where people would have to put money into it in order to benefit from it. He said that he is willing to own it, pay taxes on it, and give each of the 14 lots an easement or a limited license so that they can use it without having to be part of an association. He said that they could opt out if they don’t want to use it.

Mr. Thurlow recalls that the only restriction was whatever the requirement was for the open space for that particular type of subdivision. He said that there was no issue at the time because Mr. Shatzman was looking at the whole thing as being a shared condominium which sounded creative at the time. Mr. Thurlow suggested that legal counsel be consulted. Ms. Aubrey commented that the only issue would be that if Mr. Shatzman is maintaining the open space, if it is to be preserved in perpetuity as open space, a conservation easement should be put in place and who would handle the conservation easement. On the Map it says proposed open space. Mr. Shatzman stated that a large portion is wetlands and that he had to give a certain amount of acreage for open space, which he did, he just wants the 14 homeowners to be able to use it for recreation. Ms. Aubrey explained that it is a possibility under conservation easement, which she explained is a contract agreement. Mr. Shatzman stated that there is an existing conservation easement (Town of Killingly). Mr. Shatzman was advised to consult with his legal counsel regarding the open space, as Ms. Aubrey had previously advised him to do.

Ms. Aubrey will research to see if there are already conservation easements held by the Town on that property and, if that is the case, Mr. Shatzman would need to negotiate with the Town (Town Manager/Town Attorney) about the possibility of increasing the conservation easement.

There was discussion regarding the fact that one lot is in the process of being sold. The mylars were filed and the approval was filed. They are shown as individual lots. When the lots sell, the deeds could be created including language regarding the conservation easement. Mr. Thurlow stated that he would like it reviewed and approved by the Town's legal counsel. Ms. Aubrey confirmed that if they want to do conservation easements, Mr. Shatzman's legal counsel and the Town's legal counsel would need to negotiate the terms and conditions/deed restrictions.

XI. 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

Ann-Marie Aubrey stated that she had received correspondence earlier in the day from D'amato (Ballouville Road) requesting a 90-day extension which will be on the agenda for next month. She explained that it was received on time (ie. Before the end of the 90-day recording period), but she was not able to get it on the Agenda for tonight's meeting. The current extension expires on March 10, 2020, which can be backed-up to the date (as has been done in the past).

XII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

Elsie Bisset reported:

- The RFQ (Request for Qualifications) for 140 Main Street is due February 26th at 3:00 p.m. The façade is completed.
- The rest of the façades on Main Street are also finished. Owners are signing final paperwork so that liens can be filed (five-year forgivable, deferred-payment loan).
- Ribbon cutting for Threads Consignment Shop on February 20th.
- KBA Mixer will be held on February 20th at Threads Consignment Shop.
- Ms. Bisset will be retiring at the end of March.

XIII. TOWN COUNCIL LIAISON REPORT – No representation.

XIV. ADJOURNMENT

Motion was made by Milburn Stone to adjourn at 8:05 p.m. Second by Virge Lorents. Motion carried unanimously (5-0-0).

Respectfully submitted,

J.S. Perreault
Recording Clerk