



**TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION
MONDAY – MARCH 18, 2019**

Regular Meeting

7:00 PM

Town Meeting Room, Second Floor

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

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TOWN CLERK
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C. B. B. B.

MINUTES

- I. CALL TO ORDER – Acting Chair, Brian Card, called the meeting to order at 7:02 pm.**
- ROLL CALL –** Brian Card, Sheila Roddy, Virge Lorents, Mathew Wendorf.
Keith Thurlow and Milburn Stone were absent with notice.
- Staff Present –** Ann-Marie Aubrey, Director of Planning and Development; Elsie Bisset, Director of Economic Development; David Capacchione, Town Engineer; Mary Calorio, Town Manager (seated in audience).
- Also Present –** Lynn LaBerge, Town Council Liaison; Frank Anastasio and Virginia Keith, Killingly Agricultural Commission.
- II. SEATING OF ALTERNATES**
- Brian Card announced that Matthew Wendorf would be seated as a Voting Member for this meeting.
- 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 – (review / discussion / action)**
- A. Zone Change Applications**
None
- B. Special Permits**
None
- C. Site Plan Reviews**
None
- D. Subdivisions**
None
- 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

None

E. Other/Various

None

VIII. NEW BUSINESS

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

None

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

1. Special Permit Application #19-1209 – Section 410.1.2(b) Dog Kennel; Believe Enterprise, Inc.; Angelina & Hugh Viele; 81 Squaw Rock Road, GIS Map 257; Lot 10; ~13.6 acres; Rural Development Zone. Receive application, and if it is complete, then schedule a public hearing for April 15, 2019. NOTE: Applicant going before IWWC on Monday, April 1, 2019 for declaratory ruling.

Ann-Marie Aubrey explained that the Dog Kennel is proposed to be part of a farm and that the plans will include barns. The PZC only needs to be concerned with the Special Permit for the Dog Kennel. Everything else meets the Zoning Requirements. Ms. Aubrey explained that the Application is not complete; but that the Applicant had filed for a declaratory ruling on the same day (they will be before IWWC on April 1st). There was discussion regarding procedure.

Motion was made by Virge Lorents to receive and schedule a public hearing for Special Permit Application #19-1209 – Section 410.1.2(b) Dog Kennel; Believe Enterprise, Inc.; Angelina & Hugh Viele; 81 Squaw Rock Road, GIS Map 257; Lot 10; ~13.6 acres; Rural Development Zone for Monday, April 15, 2019, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, at 7:00 p.m. Second by Sheila Roddy. Motion carried unanimously (4-0-0).

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

None

D. Subdivisions – (review/discussion/action)

None

E. Other/Various

None

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

1) Special Meeting of Tuesday, February 19, 2019 – Special Meeting POCD

Motion was made by Virge Lorents to approve the Minutes of the Special Meeting of Tuesday, February 19, 2019 – POCD Workshop, as presented. Second by Sheila Roddy. Motion carried unanimously (4-0-0).

2) Regular Meeting of Tuesday, February 19, 2019 – RE: Regular Meeting

Motion was made by Virge Lorents to approve the Minutes of the Regular Meeting of Tuesday, February 19, 2019. Second by Sheila Roddy. Motion carried unanimously (4-0-0).

X. OTHER – (review/discussion/action)

A. CGS 8-24 Referrals

1. 2019-2020 Town of Killingly Capital Improvement Program – Presentation/review/discussion/action

David Capacchione, Town Engineer, gave a brief overview of the Capital Improvement Program (copies were included in packets to Commission Members) and answered questions from the Commission regarding Peep-toad Road, the Sewer Plant Upgrades, and the amount of detail provided for the Board of Education.

Motion was made by Virge Lorents to approve the CGS 8-24 referral for the 2019-2020 Town of Killingly Capital Improvement Program. Second by Sheila Roddy Motion carried unanimously (4-0-0).

At this time, Ms. Aubrey introduced Mary Calorio, New Town Manager, to the Commission.

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

1. Discussion / Workshop – Revisions to Agricultural Regulations for the Town of Killingly, and the Boro of Danielson. **At end of the workshop the commission should either schedule another workshop for MONDAY, APRIL 15, 2019 or schedule a public hearing; suggested hearing date MONDAY, MAY 20, 2019 at 7:00 PM, due to notification requirements.**

Public Hearing for the Town of Killingly Agricultural Regulations is scheduled for April 15, 2019.

Included in packets to the Commission Members, were copies of the amended Draft of the Town of Killingly Agricultural Regulations, which included revisions that the Commission had approved last month. Also included in packets to the Commission Members were copies of revisions to the Draft of the Boro of Danielson Agricultural Regulations, which Mr. Card stated were very similar to those done to the Town Agricultural Regulations.

Motion was made by Virge Lorents to open the floor for public comment on the Borough of Danielson Agricultural Regulations. Second by Matthew Wendorf. Motion carried unanimously (4-0-0).

Frank Anastasio and Virginia Keith represented the Killingly Agricultural Commission.

Mr. Anastasio explained that, essentially, the proposed revisions to the Boro Agricultural Regulations mirror the Town's, except that the Boro has a few more restrictions (e.g. keeping of backyard chickens due to the size of properties – proposing a limit of six chickens with no roosters if property is .25 acre or less). He explained that there are some (although not many) properties with more than .25 acre and they didn't want to restrict those property owners from doing something that is farm-related. He stated that property size makes a big difference and that is why there is a differentiation between .25-acre properties and larger properties in the Boro.

Ms. Aubrey explained that they did try to mirror the Town and Boro Agricultural Regulations, but that there are different aspects. She said that the two main things were: the backyard chickens; and the temporary 4-H/school projects for students (if the project does not meet the zoning requirements, at the end of the project it must be removed within 30 days). She asked Lynn LaBerge (Member of the Boro Council) if this would be acceptable to the Boro Council. Ms. LaBerge stated that the problem is with knowing when the project is done. Ms. Aubrey explained that a project plan is required to be submitted to her office and that students must be supervised by a teacher. Projects for the classroom typically end at the end of the school year and would need to be removed within 30 days of that date. Ms. LaBerge stated that that would be fine and she also expressed thanks for putting a limit on the number of chickens as those were the concerns.

Mr. Anastasio noted that the chickens would also be restricted to the rear yard. There was discussion regarding projects that could run for all four years that a student is in high school. Ms. Aubrey explained that the plan would need to be revised every year. Mr. Anastasio explained that the project would continue through the summer in those cases.

Virginia Keith had reviewed the Draft and suggests grammatical corrections and some for consistency which she submitted to Ms. Aubrey to incorporate.

John Sarantopoulos, 37 Tunk City Road, commented on the Draft Boro Agricultural Regulations which he stated he has had for some time (he was not sure if it was the latest Draft):

- **Buffers** - He feels the Draft only refers to the amount of room that a building has to be back from the property line. In his experience, he had animals come up to his property line.
- He referred to a publication called the *Hartford Foundation, Planning for Agriculture: A Guide for Connecticut Municipalities*.

- He commented that it is left up to the communities to determine the number of animals people can have.
- He commented about animals (pigs and chickens) being slaughtered and health issues.
- He commented that there is no limitation on animals on lots over five acres.
- He stated that the Right to Farms is to make harmony between residential and farming and he feels that the Draft Regulations does the opposite.
- He feels that ten horses on an 80,000 square foot property are too many.
- He stated that the Agricultural Commission is made up of farmers and there is a bias which is reflected throughout the document.
- Mr. Sarantopoulos commented that Generally Accepted Agricultural Practices is a document that does not exist and was put in to allow for more animals at the discretion of the Agricultural Commission and the PZC at will.
- The language, "to accommodate said livestock" is arbitrary and capricious.
- He commented that the Right to Farm is for existing farms that have not been substantially changed within one year. The law protects both sides and regulations should be adopted that are fair to both sides.
- He commented about money that the Conservation Commission has which he feels should be used for a farmland preservation program.
- He said that there should be regulations that are not forcing the issue.
- He commented on a neighbor of his that runs a rescue program for horses in the summer. He said that half-way through the summer, the property is stripped. How much can the land support?

Mr. Card suggested that Mr. Sarantopoulos review the most current Draft and submit his specific comments either verbally or in writing. Ms. Aubrey explained the procedure for complaints which get referred to the Department of Agriculture to determine if the farmer is following Generally Accepted Agricultural Practices. Mr. Sarantopoulos disagreed and commented about when a neighbor has 340 chickens with their odor and noise. He said that the Boro had regulations for six chickens, but eliminated it, but now they are proposing to put six chickens back in. Mr. Card stated that the Boro Council had been asked for their comments for these proposed Draft Regulations. Mr. Card offered that Mr. Sarantopoulos come to the public hearing. Mr. Sarantopoulos stated that common sense should prevail.

Mr. Card recommended that comments that may be received be reviewed in relation to the Boro at another Workshop next month (April 15, 2019). He also stated that any comments that may be received regarding the Town of Killingly Agricultural Regulations may be taken into account before the public hearing.

Motion was made by Virge Lorents to close public comment during the Workshop discussion of Revisions to Borough of Danielson Agricultural Regulations. Second by Sheila Roddy. Motion carried unanimously (4-0-0).

2. Discussion / Workshop – Continuation of Discussion regarding proposed new zoning regulations for Adaptive Re-Use of an Agricultural Buildings.

Copies of Draft Regulations dated March 15, 2019, were included in packets to Commission Members.

Motion was made by Sheila Roddy to open the Workshop for the continuation of discussion regarding proposed new zoning regulations for Adaptive Re-Use of Agricultural Buildings. Second by Matthew Wendorf. Motion carried unanimously (4-0-0).

Paul Archer, Archer Surveying, explained that this type of regulation is currently in place in the Town of Brooklyn. He suggested that it be by special permit only and that the following Sections be added:

- Section 410.1.2.q Rural Development
- Section 410.2.2.o Low Density Zone
- Section 410.3.2.m Medium Density Zone

Ms. Aubrey noted that the adaptive re-use would most likely be done by a third party (not the land owner) as the property would be rented or leased. This would need to be added to the Draft.

There was discussion regarding impact of vehicular traffic for which the PZC could require a traffic study if they feel it is needed. Ms. Aubrey explained that the PZC could also refer to the Definitive Special Permitted Uses Section and make sure that the use meets all of the criteria. Mr. Card clarified that the only uses allowed for an adaptive re-use would be what are allowed in the zone already.

Mr. Archer commented that contractors in Brooklyn retro-fit a barn to store materials in stalls and that East Conn rents some chicken coop units for classrooms. He feels it is a great use for old buildings that may, otherwise, just rot and fall down. Maintaining these buildings keeps the rural characteristics.

Sheila Roddy noted that there is no guarantee that the building will be improved. Mr. Archer commented that there is a better chance for the building to be improved if there is money coming in. Ms. Aubrey stated that it could be made a condition of the special permit that Inspectors will visit the site to make sure that the building can accommodate the use. If it is determined that a repair needs to be done, it could be required to be done before occupancy. Mr. Archer explained that the buildings need to be brought up to code.

There was discussion regarding storage vs. running a business out of the building. Ms. Roddy expressed concern for abutting property owners. Ms. Aubrey explained that it is either something that is already permitted by or right or permitted by special permit.

Ms. Aubrey suggested that the PZC review the Special Permitted Use Section to make sure they understand what restrictions they can put on. She stated that an Application had been submitted earlier in the day for a zone text change.

Mr. Card suggested that the PZC Members review the Rural, Low Density and Medium Density Zones and look at what is allowed/not allowed and determine if there are any additional conditions that should be added. Another Workshop will be on the Agenda for the April 15th Regular Meeting.

Motion was made by Virge Lorents to close the Workshop for the continuation of discussion regarding proposed new zoning regulations for Adaptive Re-Use of Agricultural Buildings. Second by Sheila Roddy. Motion carried unanimously (4-0-0).

C. Bond Releases / Reductions / Calls

None

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

None

E. Requests to Allow Overhead Utilities / Wireless Telecommunications Facility

None

F. Upcoming P&Z Commission Meetings

1. Next Regular Meeting – **MONDAY, APRIL 15, 2019, at 7 p.m.**
2. Next Special Meeting – **MONDAY, APRIL 15, 2019 at 6 p.m. (May be a training session.)**

XI. CORRESPONDENCE – (review/discussion/action)

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

Included in packets to Commission Members. No comments were made.

B. Inland Wetlands and Watercourses Agent's Report

Included in packets to Commission Members. No comments were made.

C. Building Office Report

Included in packets to Commission Members. No comments were made.

XII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

Elsie Bisset reported:

- Two properties sold for commercial/industrial uses: 429 Lake Road; and 574 Wauregan Road.
- 140 Main Street – RGQ was issued and proposals are due April 3rd.
- Facades are in progress.
- KBA mixer on March 19th.
- Town Council goal setting session March 26th.
- Danielson Airport Open House on June 8th (10 a.m. to 2 p.m.).
- Mill at Killingly Apartments – People have starting moving in as of February 28th.

- Chamber of Commerce honored John Deary as a business leader.

XIII. TOWN COUNCIL LIAISON REPORT

Lynn LaBerge reported:

- Proclamation to a Boy Scout who earned Eagle.
- Approved budgetary transfers.
- Two Resolutions approved – Small Cities Community Block Grant Applications: Rehabilitation of Birchwood Terrace; and Continuation of Rehabilitation at the Domestic Violence Shelter.

XIV. ADJOURNMENT

Motion was made by Virge Lorents to adjourn at 8:05 p.m. Second by Sheila Roddy. Motion carried unanimously (4-0-0).

Respectfully submitted,

J.S. Perreault
Recording Clerk