



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

**MONDAY – MARCH 19, 2018**

**Regular Meeting**

**7:00 PM**

**Town Meeting Room, Second Floor**

**Killingly Town Hall**

**172 Main St., Killingly**

RECEIVED  
TOWN CLERK, KILLINGLY, CT  
2018 MAR 27 AM 10:11

*Elizabeth M. Wilson*

**MINUTES**

**I. CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:05 pm.

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

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

**Also Present** – Lynn LaBerge, Alternate 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)**

1. Zone (TEXT) Change Application #18-1191; Town of Killingly (TOK) / Planning and Zoning Commission (PZC); under Sec. 900 of the TOK Zoning Regulations; for text amendment to Art. VI. Admin. & Enforce. Sec. 600 et seq. to include Sec. 610.1 Reasonable Accommodation; Sec. 610.2 RA-Application; Sec. 610.3 RA-Issuance; and any minor changes deemed necessary.

Ann-Marie Aubrey reviewed the minor changes to Section 610 – Enforcement Officer:

- Corrections to some titles
- Added a third person – Planner I.

Ms. Aubrey explained that this would mean that there would be three in-house Staff who would have the authority to act in the absence of the ZEO. She explained that the Chairman is a volunteer position. However, she offered that the Chairman could be added back if the Commission chooses.

There was discussion and it was decided to add the Chairman back in.

Major Changes:

- Reasonable accommodation.

- How to go about for application.
- Issuance

There were no comments from the public and there were no people present for the public hearing because of seeing the newspaper advertisement.

Lynn LaBerge stated that, having been on the ZBA previously, she feels that it is easy to have Staff handle these instances and that it is a waste of time and money for someone to have to come before the ZBA and to pay for a special permit. State law says you have to do it.

Motion was made by Virge Lorents to close the public hearing for Zone (TEXT) Change Application #18-1191; Town of Killingly (TOK) / Planning and Zoning Commission (PZC); under Sec. 900 of the TOK Zoning Regulations; for text amendment to Art. VI. Admin. & Enforce. Sec. 600 et seq. to include Sec. 610.1 Reasonable Accommodation; Sec. 610.2 RA-Application; Sec. 610.3 RA-Issuance; and any minor changes deemed necessary.

Discussion: Ms. Aubrey explained that the actions taken by Staff would be included on the ZEO's monthly report. Second by Sheila Roddy. Motion carried unanimously (5-0-0).

**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 #18-1191; Town of Killingly (TOK) / Planning and Zoning Commission (PZC); under Sec. 900 of the TOK Zoning Regulations; for text amendment to Art. VI. Admin. & Enforce. Sec. 600 et seq. to include Sec. 610.1 Reasonable Accommodation; Sec. 610.2 RA-Application; Sec. 610.3 RA-Issuance; and any minor changes deemed necessary.

Motion was made by Sheila Roddy to approve Zone (TEXT) Change Application #18-1191; Town of Killingly (TOK) / Planning and Zoning Commission (PZC); under Sec. 900 of the TOK Zoning Regulations; for text amendment to Art. VI. Admin. & Enforce. Sec. 600 et seq. to include Sec. 610.1 Reasonable Accommodation; Sec. 610.2 RA-Application; Sec. 610.3 RA-Issuance; and any minor changes deemed necessary. Second by Virge Lorents.

Discussion: Ms. Roddy had not included the edit to include the Chairman.

(NO ACTION TAKEN)

Motion was made by Sheila Roddy to amend her motion to approve Zone (TEXT) Change Application #18-1191; Town of Killingly (TOK) / Planning and Zoning Commission (PZC); under Sec. 900 of the TOK Zoning Regulations; for text amendment to Art. VI. Admin. & Enforce. Sec. 600 et seq. to include Sec. 610.1 Reasonable Accommodation; Sec. 610.2 RA-Application; Sec. 610.3 RA-Issuance; and any minor changes deemed necessary, to include one change, as follows:

- To add the Chairman of the Planning and Zoning Commission back in to Section 610 Enforcement Officer.

Second by Virge Lorents.

Discussion: Ms. Roddy had not included an effective date.

(NO ACTION TAKEN)

Motion was made by Sheila Roddy to make a second amendment to her motion to approve Zone (TEXT) Change Application #18-1191; Town of Killingly (TOK) / Planning and Zoning Commission (PZC); under Sec. 900 of the TOK Zoning Regulations; for text amendment to Art. VI. Admin. & Enforce. Sec. 600 et seq. to include Sec. 610.1 Reasonable Accommodation; Sec. 610.2 RA-Application; Sec. 610.3 RA-Issuance; and any minor changes deemed necessary, to include one change, as follows:

- To add the Chairman of the Planning and Zoning Commission back in to Section 610 Enforcement Officer.
- To include an effective date of Monday April 16, 2018, at 12:00 a.m. midnight. Second by Virge Lorents.

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

**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)**

1. Extension Request for Special Permit #15-1110; Snake Meadow Club, Inc.; for restoration and permitting of a gravel operation; location 377 Snake Meadow Road; GIS Map 267; Lot 1; ~51.0 acres; expiration of permit Nov. 16, 2018.

There was discussion regarding previous and current renewal processes. This particular permit was originally approved under the 2005 Amendment to Earth Filling and Excavation Zoning Regulations which allowed a permit to run for 24 months and the PZC could, at the time of the renewal application, permit an (one) additional 12-month period (for a total of three years). There was a limit on how many times this permit could be renewed. This is the last time that this permit can renew and, if approved, the permit would expire on November 16, 2019, then the Applicant would need to come before the PZC to apply for a new special permit under the new Regulations.

Ms. Aubrey read from Section 560.3 – Existing Operations. This permit would fall under Item (b) because it was issued after 12:01 a.m., October 10, 2005. Ms. Aubrey explained that this Applicant has decided to renew for this one more year and then will make a decision as to whether or not they want to continue on after that.

Ms. Aubrey explained that permits are governed by the rules that they are approved under. Mr. Thurlow was in disagreement. He stated that his understanding is that a renewal is just to see that they are conforming to the original plans are not changing anything regarding operations, but not that they would need to come back for a whole new application. Ms. Aubrey explained, again, that they have a permit for a grand total of three years, but that they need to come back each year for renewal. She read from the 2005 Regulations. Discussion continued.

There was discussion regarding the photos that had been provided in packets to the Commission Members which show a comparison between how the site looks now as opposed to how it looked a year ago. Ms. Aubrey referred to a map of the property (included in packets to Commission Members) and stated that they are finishing Phase 1B and are beginning Phase 2. Ms. Aubrey also referred to an e-mail from Mat Dube (Town of Killingly Engineering Tech) dated March 15, 2018 (included in packets to the Commission Members). Ms. Aubrey asked that the Commission consider the comments and concerns of the Staff:

- Hold the grade as shown on the original proposed plan;.
- Some sides and slopes could be restored as they complete each phase;
- They should have a rough layout on site for each phase delineation.

Motion was made by Brian Card to approve the one-year Extension Request for Special Permit #15-1110; Snake Meadow Club, Inc.; for restoration and permitting of a gravel operation; location 377 Snake Meadow Road; GIS Map 267; Lot 1; ~51.0 acres; expiration of permit Nov. 16, 2018, with the following conditions:

- They comply with the plan, as shown, holding the grade;
- They try to do some restoration for each phase as they progress along with some of the sides and slopes;
- They should have a rough layout for each phase delineated as they continue to clear the land.

Second by Virge Lorents. Motion carried unanimously (5-0-0).

2. Scenic Road Application # 18-1187: Adam Griffiths, request to designate Griffiths Road as a Scenic Road under Killingly Code of Ordinances Article IV. Scenic Roads; Sections 12.5-61 (Short Title) through and including Section 12.5-68 (Rescindment) **UPDATE: Staff spoke with Applicant, Applicant will not have the necessary documentation until next month, therefore, Applicant is aware and agrees that the hearing will not take place until May, 2018.**

Ann-Marie Aubrey stated that she and the Applicant had reviewed the requirements of the ordinance together. The Applicant will take photographs of stone walls and trees and will explain where they are located on the map. Virge Lorents commented that stone walls get to be below grade because highway crews keep adding sand.

#### **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)**

None

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

1) Special Workshop Meeting of Tuesday, February 20, 2018 (@6:00 pm).

Motion was made by Brian Card to accept the Minutes of the Special Workshop Meeting of February 20, 2018 (@ 6:00 p.m.). Second by Virge Lorents. Motion carried (4-0-1). Sheila Roddy abstained.

2) Regular Meeting of Tuesday, February 20, 2018 (@7:00 pm).

Motion was made by Brian Card to accept the Minutes of the Regular Meeting of February 20, 2018 (@ 7:00 p.m.). Second by Milburn Stone. Motion carried (4-0-1). Sheila Roddy abstained.

#### **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 of April 16, 2018 – IS CANCELED DUE TO BUDGET MEETINGS
2. Next Special Meeting – **Monday, April 23, 2018** (To replace the April 16, 2018 meeting.).
2. Next Special POCD Meeting – To be determined. (This Item was incorrectly numbered on the Agenda. It should be #3.)

Consensus to hold the next Special POCD Meeting on Monday, April 23, 2018 at 6:00 p.m.

**XI. CORRESPONDENCE – (review/discussion/action)**

None

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

1. Zone (TEXT) Change Application #18-1190; Town of Killingly; amendments to Section 566. Accessory Dwelling Unit to become Secondary Dwelling Unit. **Start Discussion of proposed Text Change; if the Commission is satisfied with the text changes, the Commission may schedule a public hearing for May 21, 2018.**

Ann-Marie Aubrey explained that the Commission had reviewed Section 566 - Accessory Dwelling Units, to decide whether to continue with the State Statute regarding Granny Pods or to create our own. Staff was requested to do research to make the current Regulations broad enough to allow the Town to opt out of the State Statute. Staff found a report from the University of New Mexico regarding different types of secondary dwelling units.

Draft Regulations for Section 566 – Secondary Dwelling Unit (dated February 14, 2018) were included in packets to the Commission Members.

- Interior - Like in the basement of a raised ranch with shared electricity and heating (In-Law Apartment);
- Attached – Living space that is added to the primary residence. The additional unit can be converted out of an existing attached garage or constructed on the side or the rear of the primary residence.
- Detached – A free-standing unit, separate from the primary residence, a detached garage conversion or a new construction within the same lot boundaries of the existing primary residence.

Ms. Aubrey stated that Staff also found that New Hampshire has passed a State Statute regarding Accessory/Secondary Dwelling Units and they will refer to that as well.

There was discussion regarding medical/health pods and Ms. Aubrey explained that if the Commission could make the Regulation broad enough and give people enough leeway, we may consider opting out of the State Statute.

Ms. Aubrey suggested that a definition be added for in-law apartment. There was discussion regarding defining a family. Ms. Aubrey explained that in-law apartment is a term that is recognized by the insurance companies and banking institutions as a single-family home. Ms. Aubrey suggested further defining interior: interior separate and interior secondary. Ms. Aubrey will research for a legal standing for in-law apartment. Discussion continued. Ms. Aubrey will research the New Hampshire laws. Section 566.3 of the Draft explains where these dwellings would be allowed. The Borough Regulations may need changes.

Mr. Thurlow questioned whether the Regulation for a separate dwelling on an existing foundation should be eliminated.

Currently, all accessory dwelling unit applications must come before the PZC for a special use permit. An application for an interior or attached secondary dwelling unit would require a zoning permit only (approved by Staff). An application for a detached secondary dwelling unit would require Staff site plan review. Nobody would need to come before the PZC for a special permit. There was discussion.

Milburn Stone mentioned concern regarding where Granny Pods could be located. Ann-Marie will research.

No public hearing was scheduled at this time.

### **XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT**

Elsie Bisset reported:

- Railside Tavern (formerly Mozzarella's) is open for business.
- EDC reviewed the Power Point Presentation for Country Living at Westview Commons. Murtha Cullina (new Town Attorney) reviewed Town Council's Ordinance which was put in place in 1999 (prior approval giving them 30 percent discount on taxes for seven years) and advised that it go back to Town Council for reconfirmation (for consideration by Council on March 20, 2018).
- For future consideration by the PZC: Facility for cannabis (either for production or retail of medical marijuana); solar farms; tiny houses.

### **XIV. TOWN COUNCIL LIAISON REPORT**

Lynn LaBerge reported:

- The last Town Council meeting was cancelled due to inclement weather.
- On the Agenda for the next Town Council Meeting (March 20, 2018): Two public hearings: Swap of property between Westcott-Wilcox and the Town (behind the Library); Sale of property to Giant Pizza (part of the parking lot).

### **XV. ADJOURNMENT**

Motion was made by Milburn Stone to adjourn at 8:16 p.m. Second by Virge Lorents. Motion carried unanimously (5-0-0).

Respectfully submitted,

J.S. Perreault  
Recording Clerk