



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

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Elizabeth M. Wilson

MONDAY – MARCH 20, 2017

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 7:00 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; David Capacchione, Director of Engineering and Facilities; Elsie Bisset, Economic Development Director.

Also Present - Joyce Ricci, Town Council Liaison.

II. SEATING OF ALTERNATES – No Alternate was seated at this time.

III. AGENDA ADDENDUM – None.

At this time, a Motion was made by Sheila Roddy to move Agenda Item:

XII. OTHER

A. CGS 8-24 Referrals – review/discussion/action

1. 2017-2018 Town of Killingly Capital Improvement Program – review/discussion/action
to above Item:

VIII. NEW BUSINESS

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

IV. CITIZENS' COMMENTS ON ITEMS NOT SUBJECT TO PUBLIC HEARING – None.

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

VI. PUBLIC HEARINGS

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

1. Zone (MAP) Change Application #16-1158; Corner Properties, Inc.; to change a small industrial zoned parcel to rural development zoning; address 215 Tracy Road, GIS Map 34, Lot 6, ~ 50.102 sq. ft.; Industrial Zone (**CONT. FROM 02/21/17**)

Virge Lorents recused herself and left the room.

Ann-Marie Aubrey referred to the response from the Town Attorney (two letters from Attorney St. Onge both dated March 16, 2017) regarding questions from the Commission at the February meeting which she had posed to Attorney St. Onge via e-mail on February 24, 2017 and February 28, 2017.

Ms. Aubrey read from one of the letters regarding the following: Change from Industrial Zone to Residential Zone Affect the Abutting Industrial Zoned Parcels.

"If there is a valid existing site plan, I don't believe it would affect structures shown on the site plan and partially constructed and it certainly would not affect an existing industrial building. While you cannot place conditions on a zoning change, I think to avoid future issues, it would be helpful to have the individual requesting the zoning change acknowledge on the record that they are aware of the existing industrial zoning in both the existing buildings and the approved site plan and understand that they would not have the normal buffer protection as to those pre-existing items."

Todd Nelson, Brian Card, Sheila Roddy and Keith Thurlow stated that they had no further questions. Milburn Stone asked about intensification/expansion regarding the easement for electric and gas utilities. Ann-Marie Aubrey explained that they can enlarge the pipes in the easement as long as they stay within the easement. She had met with the Owner of the industrial property and he understands the difference between intensification and enlargement and that he does not feel that there would be an enlargement, but that there could possibly be an intensification as utilities change and need to be updated.

Ed Eramien, represented 207 Tracy Road Associates, stated that he had not read the letters from Attorney St. Onge, but that he had met with Ann-Marie Aubrey and Elsie Bisset and he stated that Building #1 is never coming closer to the line and, as long as they are okay for a usage in the back property (which may require a larger water or gas line), he is fine. He stated that they looked at the back line of the property and if a 50-foot buffer where to be put in parallel to Tracy Road, 50 feet would not extend beyond the easement for the distribution line that runs between the two building sites. You could never build inside the 50 feet. Mr. Eramien was provided copies of Attorney St. Onge's letters to read.

Mike Cristina, Corner Properties, stated that they are aware of Mr. Eramien's site plan. He had sent an e-mail to the buyers and they responded via e-mail stating that they are aware of it and that they have no problem with it.

There were no comments from the public.

Ann-Marie Aubrey (referred to the Staff Report included in the packets to the Commission Members) which noted some corrections to comments made during the February 21, 2017 Meeting, regarding buffers. The impression had been given that the buffer zone between an industrial site and a residential parcel would automatically be doubled from 25 ft. to 50 ft., but, actually, it could range anywhere between 25 ft. to 50 ft. (Section 430.2.5). She also included the definitions for Buffer Strip and Planted Screening (as found in Article III, Section 300). She referred to a Map (included in the packets to the Commission Members) and indicated that the buffer is already 50 feet wide and that a buffer strip can be the setback. She stated that Building #2 would not be able to get any closer than the 50 feet because of the high tension power lines and because there would be an issue with the septic system that is in the front of Building #2.

Town Engineer, David Capacchione had no comments.

Mr. Eramien asked if the possibility of Building #2 being made longer than 200 feet or wider than 150 feet (which is a site plan modification) would be affected by the change to 215 Tracy Road. Ann-Marie Aubrey explained that it would require a site plan review, but the maximum buffer zones are already met and that was the main concern. Mr. Eramien was satisfied and stated that he has no objection.

Motion was made by Todd Nelson to close the public hearing for Zone (MAP) Change Application #16-1158; Corner Properties, Inc.; to change a small industrial zoned parcel to rural development zoning; address 215 Tracy Road, GIS Map 34, Lot 6, ~ 50.102 sq. ft.; Industrial Zone. Second by Milburn Stone. Motion carried unanimously (5-0-0).

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

Keith Thurlow recused himself, turned the Chair position over to Brian Card, and left the room. Virge Lorents returned. Brian Card stated that Ms. Lorents would be seated as a voting member.

1. Special Permit Application #17-1162; Ellen Wilson; Section 566 of TOK Zoning Regulations; to add an accessory dwelling unit above a proposed garage/workshop on an existing foundation; address 620 Chestnut Hill Road; GIS Map

53; Lot 18; ~5.0 acres; Low Density Zone

Ellen Wilson and Dustin Wilson gave an overview of the proposal:

- To build an outside garage/workshop with a residential unit on the second floor.
- Existing foundation (block walls) needs to be strengthened. Existing 7-foot wall will be taken down and repoured. The other three walls are 3-feet tall and will be strengthened with concrete. Ann-Marie Aubrey stated that the Building Official may ask for an engineer's letter to be sure that the foundation is safe and secure.
- Gravel driveway.
- Setback requirements – meet all regulations off of the property lines.
- Single family.
- Within the 150 feet (Ann-Marie Aubrey stated that she verified the length on the map, based upon the scale located upon the map itself.)
- NDDH has inspected. NDDH recommended to use the existing septic (attach and pump from the new dwelling to the existing septic). Ann-Marie Aubrey has not received anything from NDDH as of this date.
- NDDH requires that they have a second well for the second dwelling. Request made and approval granted from NDDH, but it has not yet been submitted to the Town. They will submit when they apply for permits.
- Not to be a mobile home or recreational vehicle.
- Meets the minimum lot area requirement for the Zone.
- The Wilsons will be residing in the primary residence.
- One bedroom.
- Size 875 s.f.
- Appearance to look like a garage.
- Currently two driveways are connected and make a loop. Ann-Marie Aubrey stated that both driveways are pre-existing as stated on both maps. A gravel driveway to connect the driveway to the garage door.
- Off-street parking.

There were no comments from the public.

Brian Card asked if all building, fire and health codes will be followed. The Wilsons stated that they would.

Motion was made by Todd Nelson to close the public hearing for Special Permit Application #17-1162; Ellen Wilson; Section 566 of TOK Zoning Regulations; to add an accessory dwelling unit above a proposed garage/workshop on an existing foundation; address 620 Chestnut Hill Road; GIS Map 53; Lot 18; ~5.0 acres; Low Density Zone. Second by Milburn Stone. Motion carried unanimously (5-0-0). Keith Thurlow had recused himself.

Keith Thurlow returned to the room and resumed the Chair position.

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 (Map) Change Application #16-1158 – of Corner Properties, Inc.; to change a small industrial parcel to rural development zoning ; address 215 Tracy Road, GIS Map 34, Lot 6, ~50,102 sq. ft.; Industrial Zone. (CONT. FROM 02/21/17)

Virge Lorents recused herself, but stayed at the table.

Motion was made by Brian Card to approve Zone (MAP) Change Application #16-1158; Corner Properties, Inc.; to change a small industrial zoned parcel to rural development zoning; address 215 Tracy Road, GIS Map 34, Lot 6, ~ 50.102 sq. ft.; Industrial Zone with an effective date of April 17, 2017, at 12:01 a.m. Reasons for approval:

- Makes the property closer to being a conforming lot with the existing residential;
- He does not consider it spot zoning being that it is rural across the street;
- It allows for the continued use of the lot for sale to a new owner;
- An approved site plan exists (for industrial use) on the abutting property and it has been acknowledged by the Owner.

Second by Milburn Stone.

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

Keith Thurlow recused himself, turned the Chair position over to Brian Card, and left the room. Brian Card stated that Ms. Lorents would be seated as a voting member.

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

1. Special Permit Application #17-1162; Ellen Wilson; Section 566 of TOK Zoning Regulations; to add an accessory dwelling unit above a proposed garage/workshop on an existing foundation; address 620 Chestnut Hill Road; GIS Map 53; Lot 18; ~5.0 acres; Low Density Zone

Motion was made by Todd Nelson to approve Special Permit Application #17-1162; Ellen Wilson; Section 566 of TOK Zoning Regulations; to add an accessory dwelling unit above a proposed garage/workshop on an existing foundation; address 620 Chestnut Hill Road; GIS Map 53; Lot 18; ~5.0 acres; Low Density Zone. Second by Virge Lorents. Keith Thurlow had recused himself.

Motion was made by Sheila Roddy to amend the motion to approve Special Permit Application #17-1162; Ellen Wilson; Section 566 of TOK Zoning Regulations; to add an accessory dwelling unit above a proposed garage/workshop on an existing foundation; address 620 Chestnut Hill Road; GIS Map 53; Lot 18; ~5.0 acres; Low Density Zone to include the following conditions:

- Contingent upon NDDH approvals and following those approvals; and
- Building to follow all applicable health, building, and fire codes.

Second by Virge Lorents.

Roll Call Vote on Amendment: Sheila Roddy – yes; Milburn Stone – yes; Virge Lorents – yes; Todd Nelson – yes; Brian Card – yes. Motion carried unanimously (5-0-0). Keith Thurlow had recused himself.

Roll Call Vote on the Main Motion As Amended: Milburn Stone – yes; Virge Lorents – yes; Todd Nelson – yes; Sheila Roddy – yes; Brian Card – yes. Motion carried unanimously (5-0-0). Keith Thurlow had recused himself.

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

None

D. Subdivisions – (review/discussion/action)

None

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

None

XII. OTHER

A. CGS 8-24 Referrals – review/discussion/action

1. 2017-2018 Town of Killingly Capital Improvement Program – review/discussion/action

Keith Thurlow returned to the room and resumed the Chair position.

David Capacchione stated that the Capital Improvement Program for the upcoming year was included in the packets to the Commission Members and asked if there were any questions.

Virge Lorents asked about the Peeptoad Stone Arch Bridge (National Historic Register Designation). Mr. Capacchione stated that, at this time, there is zero funding in place for the Bridge. The DOT has identified some deficiencies that have been being addressed as maintenance items over the past several years which keeps it safe to use. State funding (loan or grant

program) would not pay to repair the stone arch, it would have to be borne by the Town. He will look into whether the sign (weight limit) that was there needs to be replaced. Discussion continued regarding the structural integrity of the Bridge.

Brian Card asked how many projects were carried over from last year. Mr. Capacchione stated that the North Street Bridge had been carried over. He explained that projects listed are things that will need to be addressed, but they will be done in order of priority.

Sheila Roddy asked about the Housing Rehabilitation/Lead Paint Hazard Control Project. Mr. Capacchione stated that it is handled by Mary Bromm, Community Development Department, through grants (CDBG). There is an application process.

Brian Card asked about the WPCA Projects. Mr. Capacchione explained that the funds have been approved and that Rogers Pump Station is currently under demolition, the Force Main has been installed, the approval for the Design at the Wastewater Facility has been received (approval for construction has not been issued). They hope to go out to bid just after the first of the New Year.

Keith Thurlow asked about Cotton Bridge. Mr. Capacchione explained that he hopes to prolong the lifespan of the bridges by doing preventative maintenance to them.

Keith Thurlow stated that he is pleased with the work that was done on Ware Road.

Motion was made by Brian Card to approve the CGS 8-24 Referral for the 2017-2018 Town of Killingly Capital Improvement Program. Second by Milburn Stone. Motion carried unanimously (5-0-0).

VIII. NEW BUSINESS

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

None

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

1. Special Permit Application #17-1164; Francine Nichols; Section 566 of TOK Zoning Regulations; to add an accessory dwelling unit above a garage; 20'x24'; 480 sq. ft. studio unit with full bath; address 91 River Road; GIS Map 30, Lot 15; ~1.8 acres; Rural Development Zone. Receive, and if the application is complete, schedule a hearing for Monday, April 17, 2017.

Ann-Marie Aubrey stated that the Application is complete.

Motion was made by Todd Nelson to receive and, as the Application is complete, schedule a public hearing for Special Permit Application #17-1164; Francine Nichols; Section 566 of TOK Zoning Regulations; to add an accessory dwelling unit above a garage; 20'x24'; 480 sq. ft. studio unit with full bath; address 91 River Road; GIS Map 30, Lot 15; ~1.8 acres; Rural Development Zone for Monday, April 17, 2017, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, 7:00 p.m. Second by Sheila Roddy. Motion carried unanimously (5-0-0).

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

None

D. Subdivisions – (review/discussion/action)

1. Re-subdivision Application #17-1166; T&B Building Company; proposed five (5) lot re-subdivision; 322 Mashentuck Road & Cook Hill Road; GIS Map 162, Lot 15; ~13.64 acres; Rural Development Zone. Receive, and if application is complete, schedule a hearing for Monday, April 17, 2017.

Ann-Marie Aubrey stated that the Application is complete.

Motion was made by Sheila Roddy to receive and schedule a public hearing for Re-subdivision Application #17-1166; T&B Building Company; proposed five (5) lot re-subdivision; 322 Mashentuck Road & Cook Hill Road; GIS Map 162, Lot 15; ~13.64 acres; Rural Development Zone for Monday, April 17, 2017, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, 7:00 p.m. Second by Todd Nelson.

Virge Lorents asked if this is what Paul Lehto built. Paul Archer, Archer Surveying, represented T&B Building, stated that it is across the street and a little south from Paul Lehto (on the corner of Mashentuck Road and Cook Hill Road).

Motion carried unanimously (5-0-0).

E. Other/Various – (review/discussion/action)
None

IX. ADOPTION OF MINUTES – (review/discussion/action)
Regular Meeting of February 21, 2017.

Motion was made by Todd Nelson to approve the Minutes of the Regular Meeting of February 21, 2017. Second by Sheila Roddy.

Corrections noted by Virge Lorents:

- Page 2, last paragraph, fourth sentence, should read, "Mr. Eramien has already been approved for a second building on that property."
- Page 11, Item XIV. Town Council Liaison Report, first bullet point, should read, "Council approved 5 government criteria to be eligible to receive grants."

Motion carried unanimously with the above corrections (5-0-0).

Special Workshop Meeting of March 13, 2017.

Motion was made by Sheila Roddy to adopt the Minutes of the Special Workshop Meeting of March 13, 2017. Second by Milburn Stone.

Correction noted by Virge Lorents:

- Page 2, top of page, third bullet point, a misspelling: change "graff" to "graph."
- Page 2, top of page, fourth bullet point, there was discussion and it was noted that the following sentence: "Congregate Living – 5,500 s.f. per unit; Assisted Living – 3,000 s.f. per unit," actually refers to Densities.

Motion carried unanimously with the above corrections (5-0-0).

X. WORKSHOP SESSION
None

XI. CORRESPONDENCE
See attached, if any.

XII. OTHER

A. CGS 8-24 Referrals – review/discussion/action

1. 2017-2018 Town of Killingly Capital Improvement Program – review/discussion/action (See Above).

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 – review/discussion/action

F. Project Completion / Mylar Filing Extension / Site Plan Extension Requests / Re-Classify Phases

1. Special Permit Application #16-1145; Mylar Filing Extension; Briarwood Falls, LLC (Dereck Santini); 142 unit active adult community per section 570 (PRD); Cook Hill Road & Deerwood Drive; GIS Map 138; Lot 012; ~91.5 acres; Low Density Zone.

(NOTE: New Deadline for Filing Mylars will be by the end of business on Monday July 10, 2017.)

Ann-Marie Aubrey explained that the bonding is required to be in place before the mylars can be recorded. They are waiting on the bank for the bonding. It would be a 90-day extension.

Motion was made by Milburn Stone to approve Special Permit Application #16-1145; Mylar Filing Extension; Briarwood Falls, LLC (Dereck Santini); 142 unit active adult community per section 570 (PRD); Cook Hill Road & Deerwood Drive; GIS Map 138; Lot 012; ~91.5 acres; Low Density Zone. New deadline: end of business on Monday, July 10, 2017. Second by Todd Nelson. Motion carried unanimously (5-0-0).

Keith Thurlow recused himself, turned the Chair position over to Brian Card, and left the room. Ms. Lorents acted as a voting member.

2. Subdivision Application #07-436; Site Plan Extension Request by Thomas Thurlow successor in interest to Steve Bousquet; requesting a five (5) year extension for a two lot subdivision {94 Williamsville} (one lot is already developed); located at 98 & 100 Williamsville Road (100 is the developed front lot); GIS MAP 108; Lots 13 & 13-1 (13 is developed lot); ~2.6 acres (~0.93 acres developed); Low Density Zone (**NOTE: If approved, approval retroactive to 12/17/2016**)

Ann-Marie Aubrey explained that this Application needs to be tabled because the IWWC will not be making their decision until April 3, 2017.

Motion was made by Todd Nelson to table Subdivision Application #07-436; Site Plan Extension Request by Thomas Thurlow successor in interest to Steve Bousquet; requesting a five (5) year extension for a two lot subdivision {94 Williamsville} (one lot is already developed); located at 98 & 100 Williamsville Road (100 is the developed front lot); GIS MAP 108; Lots 13 & 13-1 (13 is developed lot); ~2.6 acres (~0.93 acres developed); Low Density Zone to April 17, 2017, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, 7:00 p.m.. Second by Virge Lorents. Motion carried unanimously (5-0-0). Keith Thurlow had recused himself.

3. Special Permit Application #11-1015; Site Plan Extension Request by Timothy King; for 30 unit planned residential development; 46 Cardinal Drive; ~8.03 acres; Low Density Zone (**NOTE: If approved, approval retroactive to 01/17/2017**)

Brian Card explained that the request was for a ten-year extension, however, the Commission can only approve a five-year extension (per State Statute). Ann-Marie Aubrey explained that it is retroactive to January 17, 2017 because they missed the extension request date.

Motion was made by Milburn Stone to approve a five-year extension (retroactive from January 17, 2017 until January 17, 2022) for Special Permit Application #11-1015; Site Plan Extension Request by Timothy King; for 30 unit planned residential development; 46 Cardinal Drive; ~8.03 acres; Low Density Zone. Second by Todd Nelson. Motion carried unanimously (5-0-0). Keith Thurlow had recused himself.

Keith Thurlow returned to the room and resumed the Chair position.

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, April 17, 2017
2. Next Workshop Meeting – To Be Announced – If needed
3. Next Special Meeting – To Be Announced – If needed

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

Elsie Bisset reported:

- The EDC did not meet in March due to lack of quorum.
- Salvation Army Store opened March 13th.
- Harbor Freight hopes to open by April 1st.
- Moe's Southwest Grille and Team Mobile hope to open by July 1st.
- New York Pizza soft opening this weekend with a grand opening sometime later on.

XIV. TOWN COUNCIL LIAISON REPORT

Joyce Ricci reported:

- Last week's meeting was cancelled due to snow.
- At the next Council meeting, they will discuss forming a Police Commission. Two police cars have been ordered, the uniforms have been chosen, and there is a former policeman who would like to be the first constable (he will not need to go to the Academy).
- They will discuss the Common Environmental Benefit Package with NTE (\$5 million). Also, the cash payment schedule will be discussed (total \$90 million).

There was discussion.

Ann-Marie Aubrey explained that the Commission Members will receive a new monthly report table/graph.

XV. ADJOURNMENT

Motion was made by Todd Nelson to adjourn at 8:10 p.m. Second by Milburn Stone. Motion carried unanimously (5-0-0).

Respectfully submitted,

J.S. Perreault
Recording Clerk