



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

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MONDAY – JUNE 20, 2022
Regular Meeting – HYBRID MEETING

Elizabeth M. Wilson

7:00 PM

TOWN MEETING ROOM – 2ND FLOOR

Killingly Town Hall

172 Main Street

Killingly, CT

THE PUBLIC IS ALLOWED TO ATTEND THE MEETING IN PERSON
OR THE PUBLIC MAY VIEW THIS MEETING AS DESCRIBED BELOW

MINUTES

THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.

GO TO www.killinglyct.gov AND CLICK ON FACEBOOK LIVE AT THE BOTTOM OF THE PAGE.

I. CALL TO ORDER – Chair, Keith Thurlow, called the meeting to order at 7:03 p.m.

ROLL CALL – Brian Card, Virge Lorents, John Sarantopoulos, Michael Hewko and Keith Thurlow (all were present in person).

Matthew Wendorf was absent with notice.

Staff Present – Ann-Marie Aubrey, Director of Planning & Development; Jonathan Blake, Planner I/ZEO (both present in person).

Jill St. Clair, Director of Economic Development (present via WebEx).

Also Present (in person) – Norm Thibeault; Killingly Engineering Associates; Attorney Tim Bleasdale, Law Firm of Waller, Smith & Palmer; Brian Caya, Stuart Peaslee, Peaslee Architect, PC; Ulla Tiik-Barclay; Town Council Liaison; J.S. Perreault, Recording Secretary.

There were two additional people present in the audience.

II. ELECTION OF OFFICERS FOR THIS YEAR – ORGANIZATIONAL

Keith Thurlow turned the meeting over to Ann-Marie Aubrey for the Election of Officers.

1) Chair

Ms. Aubrey opened the floor for nominations for the position of Chair.

Motion was made by Brian Card to nominate Keith Thurlow for the Chair position.

Second by Virge Lorents.

Discussion: Mr. Thurlow accepted the nomination. There were no other nominations.

Motion for Keith Thurlow for Chair carried unanimously by voice vote (4-0-0).

2) Vice-Chair

Ms. Aubrey opened the floor for nominations for the position of Vice-Chair.

Motion was made by John Sarantopoulos to nominate Brian Card for the Vice-Chair position.
Second by Virge Lorents.

Discussion: Mr. Card accepted the nomination. There were no other nominations.

Motion for Brian Card for Vice-Chair carried unanimously by voice vote (4-0-0).

3) Secretary

Ms. Aubrey opened the floor for nominations for the position of Secretary.

Motion was made by John Sarantopoulos to nominate Virge Lorents for the Secretary position.
Second by Keith Thurlow.

Discussion: Ms. Lorents accepted the nomination. There were no other nominations.

Motion for Virge Lorents for Secretary carried unanimously by voice vote (4-0-0).

Ms. Aubrey turned the meeting over to Chair, Keith Thurlow.

III. SEATING OF ALTERNATES

Keith Thurlow stated that Michael Hewko would be seated as a Voting Member for this meeting in the absence of Matthew Wendorf.

IV. AGENDA ADDENDUM – None.

Ann-Marie Aubrey explained a correction to Agenda Item IX.3 - The public hearing for **Zone TEXT Change Ap# 22-1294** would be able to be scheduled for the July 18, 2022, meeting of the PZC, as it has been verified that NECCOG does not need to be notified because it is not within 500 feet of the Town boundary.

V. 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)

NOTE: Public comments can be emailed to publiccomment@killinglyct.gov or mailed to the Town of Killingly, 172 Main Street, Killingly, CT 06239. All public comment must be received prior to 2:00 PM the day of the meeting. Public comment received will be posted on the Town's website www.killinglyct.gov.

NOTE: To participate in the CITIZENS' COMMENTS– the public may join the meeting via telephone while viewing the meeting on Facebook live.

To join by phone please dial 1-415-655-0001; and use the access code 2634 149 2509 when prompted.

Mr. Thurlow read the above aloud.

There were no comments from the public in person, via WebEx or received in the office.

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

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

NOTE: To participate in THE PUBLIC HEARINGS – the public may join the meeting via telephone while viewing the meeting on Facebook live.

To join by phone please dial 1-415-655-0001; and use the access code 2634 149 2509 when prompted

1) **Spec Perm Ap #22-1282**; Jolley Commons, LLC (Applicant/Owner); 120 Wauregan Rd; GIS MAP 220, LOT 21; ~6.4 acres; Gen Comm Zone; excavation & removal of gravel products; under Sect 560, et seq (Earth Filling & Excavation); Sect 700 et seq (Spec Perm); & Sect 470 et Seq (Site Plan) of the TOK Zoning Regs. **CONT FROM 4/18/22 & 5/16/2022.**

Michael Hewko stated, for the record, that he is prepared to vote on this Application.

Keith Thurlow stated, for the record, that he has reviewed the minutes from the last meeting and spoke with Staff earlier in the day and he is prepared to vote on this Application.

Norm Thibeault, Killingly Engineering Associates, represented the Applicant and reviewed the items that needed to be resolved from the previous meeting:

- Section 560.7.i.2 – Mr. Thibeault stated that he had provided a cross section of the elevations at area with the berm and the railroad last month. He referred to, and read from, Section 560.6.c which allows the Commission to waive specific requirements. He explained, for the record, that he does not feel that their activity closer to the boundary, than what is specified in the Regulations, would result in any detriment to railroad property.
Mr. Thibeault stated that he has not received a response from the railroad.
- Mr. Thibeault read aloud from Section 560.7 Performance Standards – He had submitted a plan earlier showing that the two closest residences are 313 feet and 482 feet away, therefore, this Section of the Regulations is met.
- He said that all other outstanding items had been addressed at the last meeting, including drainage concerns.

Ms. Aubrey commented that a bond is usually required for this and that a bond amount of \$71,000 had been offered. Ms. Aubrey has reviewed this with the Town Engineer who feels it is okay by today's standards, but he would like a condition that the amount be verified before work commences.

Motion was made by Virge Lorents to close the public hearing for **Spec Perm Ap #22-1282**; Jolley Commons, LLC (Applicant/Owner); 120 Wauregan Rd; GIS MAP 220, LOT 21; ~6.4 acres; Gen Comm Zone; excavation & removal of gravel products; under Sect 560, et seq (Earth Filling & Excavation); Sect 700 et seq (Spec Perm); & Sect 470 et Seq (Site Plan) of the TOK Zoning Regs.

Second by Michael Hewko. No discussion.

Motion carried unanimously by voice vote (5-0-0).

2) **Zone TEXT Change Ap # 22-1287** – Town of Killingly, special permitted use under Business Park, General Commercial, Light Industrial, Mill Mixed Use and Mixed-Use Interchange Zones for the creation of cannabis establishments **CONT FROM 5/16/2022.**

Ann-Marie Aubrey explained that the issue of the 1,500-foot distance from all schools and public parks that had been raised by John Sarantopoulos at the last meeting. Staff and the Town Attorney did some research and verified that it is no longer required and it is now up to the individual municipalities to decide the distance. The proposed draft has it at 500 feet.

There was discussion:

- Mr. Sarantopoulos voiced disagreement with the 500-foot distance due to concerns that he has and he read aloud from Section 21.a of the Connecticut General Statutes. He feels that the distance should be 1,500 feet.

- Jonathan Blake expressed caution and explained about how the 1,500-foot distance would eliminate some zones. He suggested that there could be a different number for different zones.
- Virge Lorents asked if it is mandated to put this in the Regulations.
Mr. Blake explained that if we do not, it would go to the nearest similar use (package store). He explained that you have to adopt or prohibit and that prohibiting would need to be done by Town Council, but there has been no direction from them to do that.
- Keith Thurlow read aloud the following from page 6 of the Minutes of the PZC Meeting of May 16, 2022: "Ms. Aubrey asked if the Members of the Commission were happy with the following:
 - Within 1500 feet of the property comprising an elementary or secondary school or a licensed day care center and the remaining will be at 500 feet.No opposition was expressed."

Mr. Thurlow asked if this is correct. Mr. Hewko stated that he thought it was and Mr. Card stated no. Mr. Thurlow asked the Commission Members how they feel:

Mr. Card stated that he felt they did a good job with the 500.

Ms. Lorents expressed that she is ambivalent and explained that she, personally, would not want it in Town. She feels that it is the Town Council's responsibility to take the first step.

Mr. Card feels that the PZC should move forward with drafting regulations and if Town Council wants to vote one way or another, they can do that. Mr. Card, for the record, referred to his comment from page 6 of the Minutes of the PZC Meeting of May 16, 2022, for which he was Acting Chair:

"Mr. Card recommended that the public hearing be continued so that the Town Attorney could be consulted for an opinion regarding the Drug Free Zone – Minimum of 500 feet or Consistent with State Law."

Mr. Card stated that he feels that 500 feet or consistent with State Law is appropriate, which was his position at the May 16th meeting.

- Mr. Blake explained that this is being proposed as a special permit and, under special permit, the Commission has more authority. These would be guidelines and the distance could be increased if the Commission feels it is necessary.
- Mr. Thurlow asked for the opinion of Jill St. Clair, Director of Economic Development.
Ms. St. Clair stated that it is an opportunity that the Town can exercise and that the Commission has control through the application process.
- Ms. Aubrey noted that if there were no regulations passed and an application were received, it would have to go under the most similar use. If it is a store, it would be retail. If a grow facility, it would be agriculture. She stated agreement with Brian Card that it is best to put regulations in place.
- Mr. Thurlow asked Ulla Tiik-Barclay; Town Council Liaison, to comment:
Ms. Tiik-Barclay stated that it had not been brought forward to the Town Council that they can deny the grow and sell establishments. Only the tax information had been presented and that part of the revenue received would have to be used for drug abuse education. She said that she will bring it before the Town Council at their next meeting.
- Mr. Sarantopoulos feels that this is a pathway drug. He explained that he feels some regulations need to be put in place rather than taking no action. He explained that he is still in favor of 1,500 feet separation.
- Ms. Lorents explained that she disagrees with the term gateway drug as she feels that it does not apply.
- Mr. Thurlow stated that there are two Commission Members leaning to the State Regulations and that he, also, is leaning to the State Regulations based on what Mr. Blake explained that the distance can be increased if the Commission deems it necessary.
- Ms. Aubrey explained that the municipalities need to determine distances, there is no drug-free zone anymore. She suggested that there are two ways for special permit:
 - 1,500 feet just for schools and parks;
 - Leave it at 500 because there is higher scrutiny under special permit.

Mr. Blake suggested that clarifying language could be added under Section a, that the Commission may increase separation distance. Mr. Sarantopoulos commented that he disagrees with 500 feet as it gives the green light to the first applicant, it is too close.

Ms. Aubrey drafted the following language, "The Commission may, in its sole discretion, increase separation distances between the cannabis establishments and schools and public parks if the Commission deems it necessary." Discussion continued.

Jill St. Clair commented that, with this legislation, there is a delivery system that is not being regulated as to where they can deliver (at this point). Therefore, someone who lives next to a school could have a home delivery under a license permit. She noted that current street marijuana is being laced with fentanyl and that is where the real danger is. So, just because there is an establishment, it doesn't mean that everyone is going to partake in purchasing recreational marijuana.

Ms. Aubrey, again, asked about the following language, "The Commission may, in its sole discretion, increase separation distance between the cannabis establishment and schools, daycare centers and public parks if the Commission deems necessary."

Mr. Card commented that he wouldn't limit it to schools, daycare centers and public parks. He suggested "any institutions identified in this paragraph." He said that he doesn't like the language being open-ended. He suggested putting a maximum of 1,500 feet. Mr. Sarantopoulos expressed disagreement as he feels that it should be a minimum of 1,500 feet and he referred to, and read aloud from, Section 21.a. Discussion continued.

COMMENTS FROM THE PUBLIC:

A woman from the audience asked that the amended proposed language be read aloud. Ms. Aubrey read aloud the following amended proposed language to be added to Paragraph 1.a:

"The Commission may, within its sole discretion, increase separation distance between the cannabis establishment and any other uses identified in this paragraph, the Commission deems necessary, up to a maximum of 1,500 feet."

Ulla Tiik-Barclay, specified that she was speaking as a member of the public and not as a Town Council Member, and she stated that she agrees with John Sarantopoulos regarding the distance and with Virge Lorents regarding not wanting this in the Town.

Motion was made by Virge Lorents to close the public hearing for **Zone TEXT Change Ap # 22-1287** – Town of Killingly, special permitted use under Business Park, General Commercial, Light Industrial, Mill Mixed Use and Mixed-Use Interchange Zones for the creation of cannabis establishments

Second by Michael Hewko. No discussion.

Motion carried unanimously by voice vote (5-0-0).

3) **Special Permit Ap # 22-1289** – Dayville Four Corners, LLC (Applicant/Owner); 730 (736) Hartford Turnpike, GIS MAP 115, LOT 6, General Commercial Zone, ~7.07 acres, request use of existing space in building for liquor, beer & wine sales, under TOK Zoning Regs under 420.2.1(a) with reference to 420.1.2(i). **CONT FROM 5/16/2022.**

Patrick Dougherty, MidPoint Engineering & Consulting, represented the applicant and gave an overview:

- They would like to have the space (end unit, formerly the seasonal Halloween Spirit) be allowed for liquor sales.
- The prior use was retail and liquor sales would not require any more parking and it would continue to meet the Zoning requirements.

COMMENTS FROM COMMISSION MEMBERS:

- Virge Lorents asked how many liquor stores there are currently in that area.
Mr. Blake explained that there are a total of seven and that the newest license was the seventh.
Mr. Dougherty stated that it would be almost 9,200 s.f., not a mom and pop shop.
- Brian Card asked for clarification of the parking in the cover letter (dated May). He asked if the number of parking spaces has been recalculated for all of the existing uses. He said that the front entrance to the parking lot needs to be reconfigured which could be part of this application for a special permit.
Mr. Dougherty explained that they always assumed that retail would be 80 percent sales and 20 percent storage or inventory. He said that they would accept a condition that the sales area would be no larger than 80 percent of the area. He also asked about uses, hours of operation, etc., that is part of the special permit process for General Commercial.
Mr. Dougherty explained that they had come before the Commission in 2016 with a site plan change showing handicapped spaces, grading, and new utilities that were put in. He said that they would have made any necessary changes at that time. He feels that it is functioning pretty well. He offered to research with the Police to see if there have been any accidents.
Mr. Card asked to see that information and he commented that the configuration should be looked at again to be sure that it is still safe.
Mr. Dougherty stated that they will put something together regarding the hours of operation, etc. He said that they would probably do something similar to what the other stores are doing. Mr. Thurlow stated that Sections 720.4 and 740 need to be addressed.
- Ms. Lorents commented about it being a very busy parking lot.
- Mr. Thurlow expressed agreement with Mr. Card.
- Mr. Hewko asked if there is a Knox box on each store or one for all.
Mr. Dougherty stated that he is not sure, but will check. He said that they did whatever the Fire Department required. He thinks there are at least three in the fire rooms, he will confirm.
- Ms. Lorents asked if storage of bottle returns would be included in the 8 percent in the back storage area.
Mr. Dougherty stated that he would have an answer at the next meeting.
- John Sarantopoulos, for the record, stated that the number of liquor permits is governed by the State.
Mr. Dougherty stated that this would not be adding to the inventory. He said that if a current licensee wanted to expand or move into a bigger space, they would be able to provide that for them.

Ms. Aubrey noted that this would be the last continuance (July 18th). Mr. Dougherty stated that they do not have a lease in place right now, so they would request a continuance.

Motion was made by Virge Lorents to continue the public hearing for **Special Permit Ap # 22-1289** – Dayville Four Corners, LLC (Applicant/Owner); 730 (736) Hartford Turnpike, GIS MAP 115, LOT 6, General Commercial Zone, ~7.07 acres, request use of existing space in building for liquor, beer & wine sales, under TOK Zoning Regs under 420.2.1(a) with reference to 420.1.2(i), to the next regularly scheduled meeting of the Planning & Zoning Commission on Monday, July 18, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by Michael Hewko. No discussion.

Motion carried unanimously by voice vote (5-0-0).

4) **Special Permit Ap# 22-1291** – Melting Point Welding & Fabrication, LLC (Weld, LLC / Owner), 543 Wauregan Road, GIS MAP 262, LOT 20, Light Industrial, ~2.1 acres; to conduct manufacturing activities pursuant to TOK Zoning Regs. Sec. 430.2.2(b). **CONT FROM 5/16/2022.**

Attorney Tim Bleasdale, Law Firm of Waller, Smith & Palmer; Stuart Peaslee, Peaslee Architect, PC; and Brian Caya, Applicant were all present.

Attorney Bleasdale explained the following:

- Revisions were made to the site plan.
- A site walk with Staff had taken place looking at on-site conditions, sight lines, topography and existing vegetation. Discussion included changes that could be made to meet the spirit of the Regulations and to soften the building.
- He reminded the Commission that on the frontage of the property on Wauregan Road, the roadway is considerably higher than the parking lot in front of the building. He said that with the revisions, they are trying to come up with a plan that will soften the view of the building from the road knowing that it would be very difficult to plant any kind of vegetative buffer in that area that would completely block the view.

Stuart Peaslee reviewed the revisions (plans were displayed as discussed):

- He explained that they did not focus on trying to create a wall of green because it would not be practical due to height differential between the roadway and the parking lot.
- He explained that he wanted to make it look like there were features that would be a good representation of the business and also accommodating to those driving by: a sculpture pavilion; and added two other landscaped areas at the north and south ends of the parking lot.
- He suggested replacing 30-40 foot eastern white pines with another type of conifer that would be easier to maintain, but still provide an attractive buffer (e.g. arborvitae family).
- Existing 5-6 foot high and wide shrubbery are working well toward the buffering.
- The sculpture would highlight the production inside the facility and also a landmark/brand that people would recognize.
- This is a chance for creativity and innovation.

QUESTIONS/COMMENTS FROM COMMISSION MEMBERS:

Keith Thurlow asked about truck traffic/deliveries:

- Mr. Peaslee stated that incoming truck traffic for the existing loading dock will come from Lucienne Avenue. It is not high volume.
- Attorney Bleasdale stated the following regarding deliveries:
 - Steel deliveries (generated by the demands of the business) 1 to 3 deliveries per week. Unloading may take approximately 20 minutes. They are proposing to try to do the steel offloading indoors.
 - Consumable deliveries once per week.
 - UPS/FedEx once per day.

Mr. Thurlow asked about trucks exiting with finished product.

- Mr. Peaslee explained that the drivers would have two choices: Lucienne Avenue or Route 12. Mr. Peaslee stated that both would be bi-directional for trucks and that it works and he does not see a problem with it.
- Regarding the two entrances from Lucienne Avenue, Attorney Bleasdale stated that one leads only to the loading dock (near James Jr. Avenue) and the other is marked as "service entry" and is in the vicinity of the mechanic shop across the street (all, but steel deliveries, would use this entry). There are no customers, just employees and deliveries. There are seven field work employees who would come to the site to pick up tools from the tool storage area and then leave the site.

Mr. Thurlow asked about the buffer on Lucienne Avenue.

- Attorney Bleasdale explained that they would be preserving the existing vegetative buffer and augmenting it with additional plantings, as discussed with Staff on site. They are trying to soften the view for the neighbors in that area also.

Mr. Thurlow asked about the dimension of the buffering.

- Mr. Peaslee explained that the existing is approximately 25-feet thick and that the boundary of the property extends into that greenery approximately 5-10 feet (maybe more in some places). He said that along Route 12, it is only about five feet.

Mr. Thurlow asked about employee parking.

- Attorney Bleasdale explained that all of the parking would be available because there are no customers. Mr. Thurlow expressed concern regarding trucks being able to travel through and he suggested having a designated area for employee parking where it would be out of the way of the 53-foot trailer trucks.

- Brian Caya, Applicant, explained the traffic pattern for the trucks having enough room to back into the existing loading dock and to maneuver the way they need to (Sheet 105).

Mr. Thurlow asked about hours of operation.

- Attorney Bleasdale referred to Exhibit 2 submitted with the Application package. He read them into the record:
 - Office Hours: 7:00 a.m. to 5:30 p.m. There are three office employees.
 - Shop Hours: 6:00 a.m. to 4:30 p.m. There are five workshop employees.
 - Field Hours: 7:00 a.m. to 4:30 p.m.
Attorney Bleasdale explained that the Field Workers work off-site, but come to the site to pick up tools and products and take them off-site.
Attorney Bleasdale explained that the total number of employees at the site at one time fluctuates with business demand. Currently there are 15 employees, but may increase to a maximum 25 (driven by business demands).
 - Weekend Hours – Limited to the Owner, Brian Caya (office work, smaller equipment and vehicle maintenance tasks). No other employees on site on weekends.

Michael Hewko asked if the entrance would be gated.

- Mr. Caya stated that there would be a small swing gate that would be locked to keep vehicles out of the parking lot.

Mr. Hewko asked that there be access to it, by the Fire Department, on off hours.

- Mr. Caya agreed.

QUESTIONS/COMMENTS FROM STAFF:

Jonathan Blake explained about a map that Staff had made up showing plantings. He said that the only real, slight change is the rounded edge of the reclaimed green space at the southern entrance. He said that it is tentatively bi-directional, which he had not known. He stated that Staff had concern about the swing radius of the trucks and he said that the rounded edge should be more cut back.

Mr. Blake stated that, based on the discussion at the site walk, Staff feels that the landscaping, as proposed by the Applicant, is adequate and meets the spirit of the Regulations in terms of infilling of existing, as well as maintaining across the other areas of the site. He commented that, if, at some point, the State wanted to exercise their easement and cut down all of the plantings off-site, in theory, they could. He explained that the conversation with the Applicant would be, "Does the current Application meet the approved plan?" Could it be approached as a violation of the site plan approval or a portion of the special permit?

Ann-Marie Aubrey commented on the following:

- She explained that they had looked at other Commercial/Industrial properties along Route 12 and she noted that the buildings are visible from Route 12.
- She also commented about how the sculpture/artwork will be visible from Route 12.
- There will be no outside storage.
- She explained the Staff map that had been provided to Commission Members.

ADDITIONAL QUESTIONS/COMMENTS FROM COMMISSION MEMBERS:

Mr. Thurlow asked about the number of parking spaces for the up to 25 employees.

- Mr. Peaslee stated that there are 42.

Mr. Thurlow asked if it is the intent that the island stay there. If yes, will it be a problem for trucks.

- Mr. Peaslee stated that he does not see a problem with it at all.

Mr. Thurlow asked about lighting.

- Mr. Peaslee stated that they would be adding one new light over the export dock (pointing down), but the others will stay the same.
- Attorney Bleasdale stated that all existing lighting will stay on-site as much as possible.

Mr. Thurlow asked if the directional lines will be repainted, at least at the entrances.

- Mr. Caya explained that they will be restriping after everything is established throughout the lot.

Mr. Thurlow stated that it looks like the special permit requirements have been addressed. He asked about noise.

- Mr. Caya stated that everything will be inside the building.

Mr. Thurlow asked about clients coming to the site.

- Mr. Caya explained that there will be some, but it is relatively rare.

There were no comments from the public.

Motion was made by Virge Lorents to close the public hearing for **Special Permit Ap# 22-1291** – Melting Point Welding & Fabrication, LLC (Weld, LLC / Owner), 543 Wauregan Road, GIS MAP 262, LOT 20, Light Industrial, ~2.1 acres; to conduct manufacturing activities pursuant to TOK Zoning Regs. Sec. 430.2.2(b).

Second by Michael Hewko. No discussion.

Motion carried unanimously by voice vote (5-0-0).

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

1) **Spec Perm Ap #22-1282**; Jolley Commons, LLC (Applicant/Owner); 120 Wauregan Rd; GIS MAP 220, LOT 21; ~6.4 acres; Gen Comm Zone; excavation & removal of gravel products; under Sect 560, et seq (Earth Filling & Excavation); Sect 700 et seq (Spec Perm); & Sect 470 et Seq (Site Plan) of the TOK Zoning Regs. **CONT FROM 4/18/22 & 5/16/2022.**

Motion was made by Brian Card to approve **Spec Perm Ap #22-1282**; Jolley Commons, LLC (Applicant/Owner); 120 Wauregan Rd; GIS MAP 220, LOT 21; ~6.4 acres; Gen Comm Zone; excavation & removal of gravel products; under Sect 560, et seq (Earth Filling & Excavation); Sect 700 et seq (Spec Perm); & Sect 470 et Seq (Site Plan) of the TOK Zoning Regs. with the following conditions:

- That the performance Bond be a minimum amount of \$71,075 to be revisited with the Town Engineer prior to construction in the field in case of a price increase.
- That restoration continue as they go. They had stated that they would continue to restore behind them.
- That the provision of Section 560.7.i.2 was satisfied by the Applicant and is reference to the PZC having the ability to waive Section 560.6.c.

Second by Virge Lorents. No discussion.

Roll Call Vote: Brian Card – yes; Virge Lorents – yes; John Sarantopoulos – yes; Michael Hewko – yes; Keith Thurlow – yes.

Motion carried unanimously (5-0-0).

2) **Zone TEXT Change Ap # 22-1287** – Town of Killingly, special permitted use under Business Park, General Commercial, Light Industrial, Mill Mixed Use and Mixed-Use Interchange Zones for the creation of cannabis establishments. **CONT FROM 5/16/2022.**

Motion was made by Michael Hewko to approve **Zone TEXT Change Ap # 22-1287** – Town of Killingly, special permitted use under Business Park, General Commercial, Light Industrial, Mill Mixed Use and Mixed-Use Interchange Zones for the creation of cannabis establishments

Second by Brian Card. Discussion: See Roll Call Vote on Main Motion as Amended below Motion #10.

Motion was made by Brian Card to amend the motion to approve **Zone TEXT Change Ap # 22-1287** – Town of Killingly, special permitted use under Business Park, General Commercial, Light Industrial, Mill Mixed Use and Mixed-Use Interchange Zones for the creation of cannabis establishments to include the following:

- Additional language in Item 1.a: “The Commission may, in its sole discretion, increase separation distances between the cannabis establishment and any uses previously mentioned “identified” in this paragraph up to a maximum of 1,500 feet, as the Commission deems necessary.”
- Effective date of July 18, 2022 at 12:01 a.m.

The Amendment to the Main Motion was seconded by Michael Hewko. No discussion.

Roll Call Vote: Virge Lorents – yes; John Sarantopoulos – no; Brian Card – yes; Michael Hewko – yes; Keith Thurlow – yes. Motion to Amend the Main Motion carried (4-1-0). John Sarantopoulos was opposed.

(Vote on Motion #9) Roll Call Vote on the Main Motion As Amended: John Sarantopoulos – no; Brian Card – yes; Virge Lorents – yes; Michael Hewko – yes; Keith Thurlow – yes.

Motion carried (4-1-0). John Sarantopoulos was opposed.

Motion was made by Brian Card to lift the Moratorium on cannabis establishments with an effective date of July 18, 2022, at 12:01 a.m.

Second by John Sarantopoulos.

Discussion:

Mr. Sarantopoulos asked if it would be the same as the Town Council denying if the PZC did not lift the Moratorium. Mr. Blake and Ann-Marie Aubrey explained the purpose of the Moratorium and that it would expire at a certain date and time.

Roll Call Vote: Brian Card – yes; Virge Lorents – yes; John Sarantopoulos – yes; Michael Hewko – yes; Keith Thurlow – yes.

Motion carried unanimously (5-0-0).

3) **Special Permit Ap # 22-1289** – Dayville Four Corners, LLC (Applicant/Owner); 730 (736) Hartford Turnpike, GIS MAP 115, LOT 6, General Commercial Zone, ~7.07 acres, request use of existing space in building for liquor, beer & wine sales, under TOK Zoning Regs under 420.2.1(a) with reference to 420.1.2(i). **CONT FROM 5/16/2022.**

Continued to Monday, July 18, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

4) **Special Permit Ap# 22-1291** – Melting Point Welding & Fabrication, LLC (Weld, LLC / Owner), 543 Wauregan Road, GIS MAP 262, LOT 20, Light Industrial, ~2.1 acres; to conduct manufacturing activities pursuant to TOK Zoning Regs. Sec. 430.2.2(b). **CONT FROM 5/16/2022.**

Motion was made by Virge Lorents to approve **Special Permit Ap# 22-1291** – Melting Point Welding & Fabrication, LLC (Weld, LLC / Owner), 543 Wauregan Road, GIS MAP 262, LOT 20, Light Industrial, ~2.1 acres; to conduct manufacturing activities pursuant to TOK Zoning Regs. Sec. 430.2.2(b), with the following conditions:

- That the hours of operation be clarified in Exhibit 2.
- Landscaping as discussed during the public hearing with the Applicant, the Commission and Staff.

Second by John Sarantopoulos. No discussion.

Roll Call Vote: Virge Lorents – yes; John Sarantopoulos – yes; Michael Hewko – yes; Brian Card – yes; Keith Thurlow – yes.

Motion carried unanimously (5-0-0).

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

1) PLANNING ZONING COMMISSION BY-LAWS – Review and discuss the proposed amendment to the by-laws and act on same. Proposed amendment is the designated end of meeting time, and the requirement to make a motion to continue the meeting passed that time for one hour. NOTE: All members were notified of this proposed amendment.

There was discussion. Ms. Aubrey read aloud, for the record, the following proposed language to be added as Section 5 under Article VIII – Regular Meetings and as Section 4 under Article IX – Special Meetings:
“No Regular / Special Meeting shall run past the time of 10:00 p.m. unless the Chair entertains a motion to extend the meeting until the hour of 11:00 p.m. The motion shall be made at or before 9:45 p.m. to make the public aware of the Commission’s intentions. Once extended, the meeting shall promptly end at or before 11:00 p.m. and any business not reached shall be continued to the next regularly scheduled meeting.”
Discussion continued, but no changes were made to the above language.

Motion was made by John Sarantopoulos to amend the By-Laws by adding the following language as Section 5 under Article VIII – Regular Meetings and as Section 4 under Article IX – Special Meetings: “No Regular / Special Meeting shall run past the time of 10:00 p.m. unless the Chair entertains a motion to extend the meeting until the hour of 11:00 p.m. The motion shall be made at or before 9:45 p.m. to make the public aware of the Commission’s intentions. Once extended, the meeting shall promptly end at or before 11:00 p.m. and any business not reached shall be continued to the next regularly scheduled meeting.”

Second by Virge Lorents. No discussion.

Motion carried unanimously by voice vote (5-0-0).

2) OPT-OUT – ACCESSORY DWELLING UNITS STATE STATUTE – Per the State Statute, the PZC must schedule a public hearing to review, discuss, and act upon opting-out of the State’s Accessory Dwelling Unit Statute. **The suggested hearing date is July 18, 2022.**

Motion was made by Virge Lorents to schedule a public hearing to review, discuss, and act upon opting-out of the State’s Accessory Dwelling Unit Statute, on Monday, July 18, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.
Second by Michael Hewko. No discussion.

Motion carried unanimously by voice vote (5-0-0).

3) Zone TEXT Change Ap# 22-1294 – Rosemary & Thomas C. Clarie et als; proposed text amendment to Sections 436.1; 436.2; 436.3; 436.4.2; 436.4.3; 436.6.1.b; 436.2.2; and 450 of the TOK Zoning Regulations regarding permitted uses and requirements of the Business Park District – making changes to the Intent, General Requirements, Special Permitted Uses; Interior Circulation; Landscaping and Screening; replace Exemptions with Concept Plan Optional; Concept Plan; and Dimensional Requirements. **Receive and schedule a public hearing for August 15, 2022 – to allow time to properly notify NECCOG of proposed text changes.**

Ms. Aubrey explained, again (see Agenda Item #4 above), that the date for this public hearing can be set for July 18, 2022.

Motion was made by Virge Lorents to receive and schedule a public hearing for **Zone TEXT Change Ap# 22-1294** – Rosemary & Thomas C. Clarie et als; proposed text amendment to Sections 436.1; 436.2; 436.3; 436.4.2; 436.4.3; 436.6.1.b; 436.2.2; and 450 of the TOK Zoning Regulations regarding permitted uses and requirements of the Business Park District – making changes to the Intent, General Requirements, Special Permitted Uses; Interior Circulation; Landscaping and Screening; replace Exemptions with Concept Plan Optional; Concept Plan; and Dimensional Requirements, on Monday, July 18, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by Michael Hewko. No discussion.

Motion carried unanimously by voice vote (5-0-0).

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

1) Regular Meeting Minutes – APRIL 18, 2022

Motion was made by Michael Hewko to adopt the Regular Meeting Minutes of April 18, 2022.

Second by Brian Card. No discussion.

Motion carried unanimously by voice vote (5-0-0).

2) Regular Meeting Minutes – MAY 16, 2022

Motion was made by Virge Lorents to accept the Regular Meeting Minutes of May 16, 2022.

Second by Michael Hewko. No discussion.

Motion carried by voice vote (4-0-1). Keith Thurlow abstained as he had not attended that meeting.

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

1) Five Mile River Overlay District – No discussion. Staff will report during July 18, 2022, meeting.

XII. CORRESPONDENCE

1) Letter dated 04/11/2022 – Copy of correspondence from GDIT to Melanie A. Bachman, Ex. Director, CT Siting Council,

RE: Notice of Exempt Modification – 246 E. Franklin Street, Killingly, CT. Complete Notice is in the Planning and Development Office for Review.

2) Letter dated 05/25/2022 – Copy of correspondence from Northeast Site Solutions to Members of the CT Siting Council, RE: Tower Share Application – 246 E. Franklin Street, Killingly, CT. Complete Notice is in the Planning and Development Office for Review.

3) Letter dated 05/24/2022 – Copy of correspondence from Northeast Site Solutions to Members of the CT Siting Council, RE: Tower Share Application – 280 Ross Road, Killingly, CT. Complete Notice is in the Planning and Development Office for Review.

Ms. Aubrey explained about the three items above which are all about towers – just general notifications.

XIII. DEPARTMENTAL REPORTS – (review/discussion/action)

A. Zoning Enforcement Officer's & Zoning Board of Appeal's Report(s) – Jonathan Blake reported that the ZBA met and elected the same slate of Officers.

B. Inland Wetlands and Watercourses Agent's Report – Jonathan Blake reported that there was no meeting since there were no applications.

C. Building Office Report – No report.

XIV. ECONOMIC DEVELOPMENT DIRECTOR REPORT

Jill St. Clair reported:

- Town Council authorized ARPA Funds to be used for a Phase 1 and Phase 2 environmental assessment on 125 Alexander Parkway. RFP will go out soon.
- To submit a National Endowment for the Arts Grant application for "Our Town" for public art programming and video documentary.
- She is working with the Planning Department and UCONN Brownfield Target Assessment Team to assist with submitting a Community Brownfield application for the fall 2022 cycle.

- The State's Tourism Site is being revamped.
- EDC launched Eastern Connecticut Real Estate Group featuring presentations on Killingly's secondary dwelling regulations and the Brickyard Plaza Project.
- Over the summer, she will be working with a Sustainable CT intern.

XV. TOWN COUNCIL LIAISON REPORT

Ulla Tiik-Barclay reported:

- Mill rate was set at 25.14 (no increase).
- Proclamation recognizing June as Post Traumatic Stress Syndrome Month and National Dairy Month.
- Appointments to Boards and Commissions.
- Approved the Town Manager to expend some of the funds under the American Rescue Act Funding: Almost \$800,000 - Reynolds Street Sewer Project; \$800,000 - Police relocation/improvements; \$155,000 – Economic Development Phase 2 environmental assessment on 125 Alexander Parkway; \$4,700 – QV Senior Center reimbursement for HVAC system; QVCCA Facility requested \$20,000 for improvements; some for Meals on Wheels; ARC - \$7,500 for Organizational Study; Access Agency - \$21,000 for window replacement.
- Presentation by Attorney Roberts, Halloran & Sage, regarding Council Members' conduct at Boards & Commission meetings.

XVI. ADJOURNMENT

Motion was made by Virge Lorents to adjourn at 9:02 p.m.

Second by Michael Hewko. No discussion.

Motion carried unanimously by voice vote (5-0-0).

Respectfully submitted,

J.S. Perreault
Recording Secretary