



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

MONDAY – AUGUST 15, 2022

Regular Meeting – HYBRID MEETING

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

RECEIVED
TOWN CLERK, KILLINGLY, CT
2022 AUG 22 AM 11:56
Elizabeth M. Sullivan

MINUTES

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I. **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:02 p.m.

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

Staff Present – Ann-Marie Aubrey, Director of Planning & Development; Jonathan Blake, Planner I/ZEO; Jill St. Clair, Director of Economic Development (all were present in person).

Also Present (in person) – Patrick Doherty, MidPoint Engineering & Consulting, LLC; Ulla Tiik-Barclay, Town Council Liaison; J.S. Perreault, Recording Secretary.

There were three additional people seated in the audience.

Present via Webex: None.

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)

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 2633 171 9426 when prompted. Keith Thurlow read aloud the above information.

There were no comments from the public either in person or online.

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

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

NOTE: PUBLIC HEARING 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 Hearing comments received will be posted on the Town's website www.killinglyct.gov.

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 2633 171 9426 when prompted

1) **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, 6/20/2022 and 07/18/2022.**

Patrick Doherty, MidPoint Engineering & Consulting, LLC, represented the Applicant and gave an overview:

- The Applicant has owned the plaza for 15 years and has had difficulty renting out the end unit.
- There was interest in opening a liquor store there, but another party had applied for the last remaining liquor license in Town. Mr. Doherty explained that they do not have a tenant right now, but hope to be able to market it to another liquor store in Town that wants to relocate.
- Mr. Doherty addressed items left open from the previous public hearing:
 - Hours of Operation (as local and State requirements allow): Monday – Saturday 8 a.m. to 9 p.m.
Sunday – 10 a.m. to 5 p.m.
 - Bottle Returns: He said that there could be a condition that they be placed in the storeroom.
 - Parking: The parking analysis that was done had proposed this space to be retail sales and that no more than 80 percent (7,350 s.f.) would be sales floor.
 - Liquor Stores within the vicinity: Cost Cutters; Lucky's; Dayville Fine Wines & Spirits; Captain Jack's; Danielson Liquors. He explained that the concentration of stores in one area is due to proximity to Route 395/State Highway.
 - They reached out to the Resident Trooper and local Fire regarding accidents. Mr. Doherty explained that there are no official records of accidents on private property and there was no concern, in general, of this plaza being a safety hazard. They have done some renovations to the parking lot: added striping; signs are maintained. They feel that the plaza operates adequately. Liquor stores generate about the same traffic as stand-alone pharmacies or grocery stores. However, in the shopping center environment, a lot of the trips are cross trips. They feel that there is plenty of parking and that the driveway will function as it is now.
 - Mr. Doherty addressed Special Permit Criteria: Submitted As-Built Survey that would serve as the Site Plan; only renovating the interior of the existing building; existing plaza, not proposing to expand it and they believe it to be an appropriate location; when they renovated the parking lot they added handicap striping, cross walks, striped fire lane so, they feel that the traffic pattern is adequate; in a commercial district, no residential homes, they feel that the use fits in with the shopping center; in the commercial district away from schools and churches; regarding potential nuisance, they are proposing to add HVAC on the roof, not proposing any exterior coolers; the site plan is in compliance with the Zoning Regulations.

QUESTIONS/COMMENTS FROM THE COMMISSION AND STAFF:

- Keith Thurlow asked if a parking analysis had been done for all the businesses.
Mr. Doherty explained that it was done in 2008 based on how many parking spaces were required for Beit Bros and Ames. He said that they have provided an updated calculation each time a new business came in (the latest was for Harbor Freight in 2016). It would still be in compliance under this proposal. He explained that there are a lot of parking spaces to the east of the building that are not used at all during normal operations of the plaza.
Ms. Lorents suggested bringing attention to those parking spaces. Mr. Doherty offered that, if there are issues, they could put a small sign on the building with an arrow pointing to "Additional Parking." Mr.

Thurlow commented that there is usually a loader with a box plow in that area. Mr. Doherty stated that the plow is stored there and agreed to put it more toward the rear.

- Mr. Thurlow asked about coolers.
Mr. Doherty stated that they would all be inside and that they would be adding HVAC on this section of the building.
- Ann-Marie Aubrey clarified that this would just open it up to a possible tenant because there are no State licenses at this time.
- Jill St. Clair commented about the convenience of the location.
- John Sarantopoulos asked, if approved, how long the special permit would be in effect.
Ms. Aubrey stated that it runs with the land.

There were no further comments.

Motion was made by Virge Lorents to close 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). **CONT FROM 5/16/2022, 6/20/2022 and 07/18/2022.**

Second by John Sarantopoulos. No discussion.

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

2) 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. **CONT FROM 07/18/2022 – APPLICANT REQUESTS CONTINUANCE TO SEPT. 19, 2022.**

Motion was made by Virge Lorents to continue the 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, to the next regularly scheduled meeting of the Planning and Zoning Commission to be held on Monday, September 19, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by Matthew Wendorf. No discussion.

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

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

1) **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, 6/20/2022 and 07/18/2022.**

Motion was made by Brian Card to approve **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), with the following two conditions:

- That any deposit container storage be inside the building. No outdoor storage.
- That floor retail space be limited to 80 percent.

Second by Virge Lorents. No discussion.

Roll Call Vote: Brian Card – yes; Virge Lorents – yes; John Sarantopoulos – yes; Matthew Wendorf – yes; Keith Thurlow – yes.
Motion carried unanimously by voice vote (5-0-0).

2) 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. **CONT FROM 07/18/2022 – APPLICANT REQUESTS CONTINUANCE TO SEPT. 19, 2022.**

Continued to September 19, 2022.

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

1) **Special Permit Ap #22-1296** – Nutmeg Killingly JV LLC (Darien Post Rd LTD & Flanders Post Rd LP / Owner); 1076 North Main Street; GIS MAP 130, LOT 6; vacant bank bldg.; adult use cannabis retail establishment, under T.O.K. Zoning Regulations Section 420.2.2.r (under General Commercial Use); Section 567 Cannabis Establishments. **Receive application and schedule for public hearing – suggested hearing date September 19, 2022.**

Ann-Marie Aubrey stated that the Application appears to be complete.

Motion was made by Matthew Wendorf to receive **Special Permit Ap #22-1296** – Nutmeg Killingly JV LLC (Darien Post Rd LTD & Flanders Post Rd LP / Owner); 1076 North Main Street; GIS MAP 130, LOT 6; vacant bank bldg.; adult use cannabis retail establishment, under T.O.K. Zoning Regulations Section 420.2.2.r (under General Commercial Use); Section 567 Cannabis Establishments, and schedule a public hearing for the next regularly scheduled meeting of the Planning and Zoning Commission to be held on Monday, September 19, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m. Second by John Sarantopoulos. No discussion.
Motion carried unanimously by voice vote (5-0-0).

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

1) Regular Meeting Minutes – JULY 18, 2022

Brian Card noted a correction to Page 6, Fifth Bullet Point, Item 3, word missing in the sentence. Add the word “require.”

Motion was made by Brian Card to approve the Regular Meeting Minutes of July 18, 2022, as per the correction noted during discussion:

- Page 6, Fifth Bullet Point, Item 3, to read as follows: “We do not require any SDU’s to meet the requirements of affordable housing.”

Second by Virge Lorents. There was no further discussion.

Motion carried unanimously by voice vote (4-0-1). Brian Card abstained.

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

1) **Plant Permit Renewal – Ap #19-1227** – Ernest Joly & Sons, Inc.; 32 Beatrice Avenue; GIS MAP 262, LOT 15 & 16 (GPS Address: 583 Wauregan Road); ~175acres, GC Zone; to continue a gravel operation which includes crushing, the operation was established in 1955 as a sand and gravel operation. **Requesting another three (3) year extension.**

Motion was made by Virge Lorents to approve a three-year extension for **Plant Permit Renewal – Ap #19-1227** – Ernest Joly & Sons, Inc.; 32 Beatrice Avenue; GIS MAP 262, LOT 15 & 16 (GPS Address: 583 Wauregan Road); ~175acres, GC Zone; to continue a gravel operation which includes crushing, the operation was established in 1955 as a sand and gravel operation. Second by Matthew Wendorf.

Discussion: Brian Card asked if the State permits are current. Staff will verify.

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

2) **Subdivision – AP#13-1064** of The Building America Companies, LLC (transferred and assigned to Tri-Lakes, LLC) for Phase 1 – 31 Lots -single family cluster development; 520 Bailey Hill Road; Map 143, Lot 6; Rural Development Zone; Phase ~ 150 acres; total parcel ~645 acres. **Current approval expires in November 2023; and applicant is requesting an extension for an additional four (4) years until November 2027 – as allowed under CT General Statute §8-3k.**

Brian Card asked about the maximum amount of years allowed. Ms. Aubrey explained that it is by State Statute and, per the Town Attorney, one more extension of five years could be allowed (maximum of 19 years). Mr. Card suggested that the Subdivision Regulations be looked at and that the language be cleaned up.

Motion was made by Brian Card to grant a four-year extension for **Subdivision – AP#13-1064** of The Building America Companies, LLC (transferred and assigned to Tri-Lakes, LLC) for Phase 1 – 31 Lots -single family cluster development; 520 Bailey Hill Road; Map 143, Lot 6; Rural Development Zone; Phase ~ 150 acres; total parcel ~645 acres, to November 1, 2027 with the following two conditions:

- That the original approval letter from February 7, 2014, be incorporated into this extension;
- That the bonding requirement at the time of starting construction be re-submitted to Staff and confirmed with the Town Engineer and approved prior to starting.

Second by Virge Lorents. There was no further discussion.

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

3) **Special Permit – Ap #22-1286** – by American Storage Centers, LLC, for 551 Westcott Road, GIS MAP 214, LOT 5, ~3.8 acres; GC; request to construct 6 new buildings & convert 1 existing building for a self-service storage facility; under TOK Zoning Regulations Sections 420.2.2(q). **Applicant is requesting a 60-day extension to file the mylars and the approval letter, due to delays in receiving approval from CT DOT. This 60-day extension would bring the filing deadline to the end of business on Friday, September 16, 2022.**

Ann-Marie Aubrey explained that the Engineer and the Surveyor were working with the CT DOT. They weren't going to file plans that weren't approved by the CT DOT as well. CT DOT lapsed regarding timeframes, so they are asking for an extension. She recently received a letter from CT DOT indicating that it was approved, but there was just a small change that needed to be done on the map.

Motion was made by Matthew Wendorf to approve a 60-day extension for **Special Permit – Ap #22-1286** – by American Storage Centers, LLC, for 551 Westcott Road, GIS MAP 214, LOT 5, ~3.8 acres; GC; request to construct 6 new buildings & convert 1 existing building for a self-service storage facility; under TOK Zoning Regulations Sections 420.2.2(q), to Friday, September 16, 2022.

Second by Brian Card. No discussion.

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

XI. CORRESPONDENCE
NONE

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

- A. Zoning Enforcement Officer's & Zoning Board of Appeal's Report(s)**
Jon Blake reported that ZBA did not meet due to no applications.
- B. Inland Wetlands and Watercourses Agent's Report**
Jon Blake reported that the IWWC did not meet due to no applications and also due to no quorum of members. They need one more member to meet quorum.
- C. Building Office Report – No report.**

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

Jill St. Clair reported on Economic Development activities.

XIV. TOWN COUNCIL LIAISON REPORT

Ulla Tiik-Barclay reported on the recent actions and of the Town Council.

At this time, Ann-Marie Aubrey explained that copies of the Resolution for the Town to Opt-Out of the Accessory Dwelling Units had been included in packets to Commission Members to incorporate into their copies of the Regulations. Also provided to Commission Members was the Cannabis Regulations to incorporate.

XV. ADJOURNMENT

Motion was made by Virge Lorents to adjourn at 7:38 p.m.

Second by John Sarantopoulos. No discussion.

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

Respectfully submitted,

J.S. Perreault
Recording Clerk