



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

MONDAY – MAY 15, 2017

Regular Meeting

7:00 PM

Town Meeting Room, Second Floor

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

RECEIVED
TOWN CLERK, KILLINGLY, CT
2017 MAY 22 PM 4:41
Elizabeth M. Wilson

MINUTES

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

ROLL CALL – Brian Card, Todd Nelson, Sheila Roddy, Milburn Stone, Virge Lorents, Matthew Wendorf, Keith Thurlow.

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

Also Present - Joyce Ricci, Town Council Liaison.

Keith Thurlow introduced Matthew Wendorf, new Alternate Member of Commission.

II. SEATING OF ALTERNATES – No Alternates were seated.

III. AGENDA ADDENDUM

Motion was made by Todd Nelson to add the following Addendum to the Agenda:

VIII. NEW BUSINESS

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

2. Special Permit Application #17-1170 – Robert Heuer (Applicant); Borough of Danielson Zoning Regulations; Article VII, Section 700 (Special Permits); Section 440 (Central Business District); Section 440.3. (Uses Allowed by Special Permit); F. Commercial Indoor Recreation Facilities; to run an escape room (An adventure game in which players solve a series of puzzles and riddles using clues, hints and strategy to complete the objectives at hand; players are given a set time limit to unveil the secret plot which is hidden within the rooms.); Rivers Realty LLC (Landowner); 157 Main Street, Second Floor; GIS MAP 198, Lot 82; Boro Central Business District (Commercial). Receive, and if application is complete schedule a public hearing for June 19, 2017.

Second by Brian Card. Motion carried unanimously (5-0-0).

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) – There was no public comment.

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

VI. PUBLIC HEARINGS

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

None

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

1. Special Permit Application #17-1167; Harbor Freight Tools#795; to be allowed to conduct outside parking lot sales (length of 3 days) 4 to 6 times per year; Section 420.2.2.a Special Permit –Outdoor Sales; 720 Hartford Pike; GIS Map 115; Lot 6; General Commercial Zone.

Dan Butcher, Store Manager of Harbor Freight, represented the Applicant. Harbor Freight explained that the store runs parking lot sales 4 to 6 times per year of which 3 to 4 are outdoors in a tent. They have a special indoor layout when weather does not permit for outdoor sales.

Mr. Butcher answered questions from the Commission:

- Size of tent precisely 30' by 30' (about six parking spaces). Metal posts anchored down with concrete cylinders. No external supports beyond the 30' by 30'.
There was discussion regarding the best/safest location for the tent. Reference was made to a letter submitted by concerned citizen, Kathy H. Fedor (dated May 15, 2017).
- The tent is usually open on one side only. However, at times, they have opened all four sides.
- Potential nuisance – none.
- Tent to be open Friday through Sunday from 8 am to dark with multiple people manning the tent and a supervisor to manage heavy traffic.
- No additional lighting for the tent.
- Security monitors the tent overnight.
- In this particular instance, all merchandise to be located inside the tent because of limited space.
- 2017/2018 Schedule of Tent Sales: June 9 -11, 2017; August 2017; October 2017; November 2017 (Black Friday); January 2018; March 2018; June 2018.

There was discussion regarding the original parking calculations and the increase in traffic there now. Ann-Marie Aubrey explained that there may be a deficiency in parking spaces while the tent is there. She stated that each time new stores came in; a report had to be submitted to show how the parking calculations were met. She suggested that the tent could be located on the east end of the building. She also suggested where employees could park. Discussion continued including discussion regarding the lease agreement. Brian Card stated, for the record, that the temporary shelter area (mentioned in the lease agreement under Item 4) was not consistent with what was shown on the plan. Mr. Butcher stated that he is open to moving the location to where it would be safest. It was suggested that Mr. Butcher get feedback from Aldi's and the Salvation Army regarding the location of the tent. There was concern for pedestrians.

Ann-Marie Aubrey stated that the placard was posted, the legal notice was published in the newspaper, Exhibit A was attached when the lease agreement was submitted, she referenced her notes to the Commission regarding the lease agreement and that it appears that the area in the parking lot seems to be ½ the size of the area proposed to the Commission. There was discussion as to whether the Commission can dictate where the tent is located. Ms. Aubrey stated that the Commission can declare where it feels is the safest location. She does not think that the General Manager would have a problem with that. Mr. Butcher prefers that the location be in front of Harbor Freight, however, he would do whatever is in the best interest of safety. Elsie Bisset agreed that it should not be located where proposed. She does not feel that the parking area is undersized and that the parking issue will level out eventually. Discussion continued.

It was suggested that the location be moved closer to the building up against the curbing of the handicap spaces, a buffer of cement blocks for the south side of the tent was suggested if there is vehicular concern. There was another suggestion to move it to the next row over to the east. It was suggested that one sale be allowed and see how it goes. Ann-Marie Aubrey explained that if the special permit were issued (for this particular spot, for this one particular time to determine if this spot works with regard to public health, safety and welfare), there would be a 15-day waiting period and then, they would have to come before the ZEO to get a Zoning Permit and there would be inspections by the Fire Marshal and the Building Official. She further explained that for the first year, a zoning permit could be issued on a sale-by-sale basis. If there were no issues for the first year, it could then be issued annually. The ZEO, Fire Marshal and Building Official would all review it for each sale. Mr. Butcher was agreeable.

Mr. Wendorf agreed with the suggestion for the location closer to the store as it reduces foot traffic and increases sight visibility. Ms. Lorents and Mr. Stone also agreed.

This size stated in the lease vs. the amount of space that it will actually take up is an issue between the Applicant and the Landlord of the property.

There was a question regarding improving traffic signs/markings in the entrance and exit of the parking lot. Ms. Aubrey will discuss this with the General Manager and she feels that he will take care of it.

Todd Nelson agrees with the trial basis.

Ann-Marie Aubrey reiterated the Commission's decisions:

- Moving the location of the tent to the eight parking spaces closest to the handicap spaces;
- Issue a Special Permit with a condition of:
 - 1) Apply for a Zoning Permit for one sale (at this time). The Fire Marshal and Building Official will inspect the tent before the sale starts.
 - 2) At the end of the sale, the ZEO, Fire Marshal, Building Official and Town Engineer will discuss how it went.
 - 3) Every time the tent is to go up, they apply for a Zoning Permit which is a fee of \$60.00.

There was discussion regarding the tent being open on one side only. Mr. Butcher stated that he has no concerns with that. Ms. Aubrey stated that, per the Fire Marshal, they will need fire suppression/extinguishers and it needs to be clearly marked as an exit.

Motion was made by Milburn Stone to close Special Permit Application #17-1167; Harbor Freight Tools#795; to be allowed to conduct outside parking lot sales (length of 3 days) 4 to 6 times per year; Section 420.2.2.a Special Permit –Outdoor Sales; 720 Hartford Pike; GIS Map 115; Lot 6; General Commercial Zone. Second by Todd Nelson. 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, one (1) existing residence and four (4) new ones; 322 Mashentuck Road & Cook Hill Road; GIS Map 162, Lot 15; ~13.64 acres; Rural Development Zone. CONTINUED FROM APRIL 17, 2017

Ann-Marie Aubrey read, into the record, the letter from Archer Surveying LLC (dated May 15, 2017) requesting a continuation.

Motion was made by Sheila Roddy to continue, at the request of the Applicant (letter from Archer Surveying dated May 15, 2017), Re-subdivision Application #17-1166; T&B Building Company; proposed five (5) lot re-subdivision, one (1) existing residence and four (4) new ones; 322 Mashentuck Road & Cook Hill Road; GIS Map 162, Lot 15; ~13.64 acres; Rural Development Zone. CONTINUED FROM APRIL 17, 2017 to the next regular meeting of the Killingly Planning and Zoning Commission on June 19, 2017, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, 7:00 p.m. Second by Milburn Stone. Motion carried unanimously (5-0-0).

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

None

VII. UNFINISHED BUSINESS

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

None

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

1. Special Permit Application #17-1167; Harbor Freight Tools#795; to be allowed to conduct outside parking lot sales (length of 3 days) 4 to 6 times per year; Section 420.2.2.a Special Permit –Outdoor Sales; 720 Hartford Pike; GIS Map 115; Lot 6; General Commercial Zone.

Motion was made by Brian Card to approve Special Permit Application #17-1167; Harbor Freight Tools#795; to be allowed to conduct outside parking lot sales (length of 3 days) 4 to 6 times per year; Section 420.2.2.a Special Permit –Outdoor Sales; 720 Hartford Pike; GIS Map 115; Lot 6; General Commercial Zone with the following conditions:

- The location is moved from the one shown on the site plan to the eight parking spaces to the north and just south of the handicap parking spaces in front of 720 Hartford Pike;
- Tent to be 30' by 30' in size, no greater;
- Tent not extend beyond the parking spaces into the travel lanes;
- Only one side of the tent to be open;
- Zoning Permit must be issued for each event for the first year. Then annually, thereafter, after discussions with local officials regarding public safety and welfare.

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).

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, one (1) existing residence and four (4) new ones; 322 Mashentuck Road & Cook Hill Road; GIS Map 162, Lot 15; ~13.64 acres; Rural Development Zone. CONTINUED FROM APRIL 17, 2017 – Continued to June 19, 2017 (See Above).

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

None

VIII. NEW BUSINESS

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

None

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

1. Special Permit Application #17-1169; Todd A. Cooke; Sec. 700 Special Permit; Sec.566 Accessory Dwelling Unit; allow a 956 sq. ft. accessory dwelling unit / in-law apartment in basement of primary residence; 114 Ross Road; GIS Map 235; Lot 2; ~1.9 acres; Rural Development Zoning District. Receive, and if application complete schedule for a public hearing on Monday, June 19, 2017.

Ann-Marie Aubrey stated that the Application is complete.

Motion was made by Todd Nelson to schedule a public hearing for Special Permit Application #17-1169; Todd A. Cooke; Sec. 700 Special Permit; Sec.566 Accessory Dwelling Unit; allow a 956 sq. ft. accessory dwelling unit / in-law apartment in basement of primary residence; 114 Ross Road; GIS Map 235; Lot 2; ~1.9 acres; Rural Development Zoning District for the next regular meeting of the Killingly Planning and Zoning Commission on June 19, 2017, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, 7:00 p.m. Second by Milburn Stone. Motion carried (5-0-0).

Keith Thurlow stated that the Commission may come to a point where it may not want to require special permit.

2. Special Permit Application #17-1170 – Robert Heuer (Applicant); Borough of Danielson Zoning Regulations; Article VII, Section 700 (Special Permits); Section 440 (Central Business District); Section 440.3. (Uses Allowed by Special Permit); F. Commercial Indoor Recreation Facilities; to run an escape room (An adventure game in which players solve a series of puzzles and riddles using clues, hints and strategy to complete the objectives at hand; players are given a set time limit to unveil the secret plot which is hidden within the rooms.); Rivers Realty LLC (Landowner); 157 Main Street, Second Floor; GIS MAP 198, Lot 82; Boro Central Business District (Commercial). Receive, and if application is complete schedule a public hearing for June 19, 2017.

Ann-Marie Aubrey stated that the Application is complete and that the location is across the street from Town Hall one the second floor of the Dowe Building. She gave a description of this type of activity.

Motion was made by Brian Card to receive and schedule a public hearing for Special Permit Application #17-1170 – Robert Heuer (Applicant); Borough of Danielson Zoning Regulations; Article VII, Section 700 (Special Permits); Section 440 (Central Business

District); Section 440.3. (Uses Allowed by Special Permit); F. Commercial Indoor Recreation Facilities; to run an escape room (An adventure game in which players solve a series of puzzles and riddles using clues, hints and strategy to complete the objectives at hand; players are given a set time limit to unveil the secret plot which is hidden within the rooms.); Rivers Realty LLC (Landowner); 157 Main Street, Second Floor; GIS MAP 198, Lot 82; Boro Central Business District (Commercial) for the next regular meeting of the Killingly Planning and Zoning Commission on June 19, 2017, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, 7:00 p.m._Second by Milburn Stone. Motion carried unanimously (5-0-0).

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)

Regular Meeting of Monday, April 17, 2017.

Motion was made by Sheila Roddy to adopt the Minutes of the Regular Meeting of Monday, April 17, 2017. Second by Milburn Stone. Motion carried unanimously (5-0-0).

X. WORKSHOP SESSION – NEXT WORKSHOP SCHEDULED FOR MONDAY, MAY 22, 2017.

1. Zone (Text) Change – Planned Residential Development (Section 570 TOK Zoning Regulations) – to review proposed amendments to said section to include Independent Residential Living and Residential Life Care Communities; and to discuss next actions. **(No Action Need Be Taken on Monday, May 15, 2017)**

2. Zone (Text) Change – Earth Filling and Excavation (Section 560 TOK Zoning Regulations) – to review proposed amendments to said section; and to discuss next actions. **(No Action Need Be Taken on Monday, May 15, 2017)**

Ann-Marie Aubrey provided copies of the agenda. The meeting will be at 6:00 p.m.

XI. CORRESPONDENCE

See attached, if any.

There was discussion regarding correspondence from the Putnam P&Z Commission a public hearing to be held May 17, 2017, regarding a request by Wheelabrator Putnam, Inc. for a special permit to install and operate a recyclable metals recovery system and its associated infrastructure at the Putnam Ash Residue Landfill.

XII. OTHER

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

1. Correspondence from Town Manager and Bond Council – RE: Capital Improvement Project List - list (not plans) previously reviewed and approved through the Capital Improvement Budget review – **No Action needed – Just Review.**

Motion was made by Brian Card to accept the Resolution of the Bond Council regarding Capital Improvement Project List as presented to the P&Z Commission per the Commission's previous vote. Second by Todd Nelson. Motion carried unanimously (5-0-0).

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

1. Special Permit Application #15-1110; Extension Request by Snake Meadow Club, Inc.; for a one (1) year extension as allowed under Section 560 Earth Filling and Excavation, Subsection 560.9.Approval Criteria; for restoration and permitting of a gravel operation; 377 Snake Meadow Road; GIS MPA 267; Lot 1; 51.03 acres; Rural Development Zone. **(Note: If approved, extension would expire on November 16, 2018.)**

Ann-Marie Aubrey explained that she verified that the bond is in place and is still good; she verified that they are doing the work that they are supposed to be doing. The ZEO and Inland Wetlands Officer visited the site and stated that it is a very clean operation. When they finish one section they are putting back the slopes before they start the next section.

Motion was made by Brian Card to approve Special Permit Application #15-1110; Extension Request by Snake Meadow Club, Inc.; for a one (1) year extension as allowed under Section 560 Earth Filling and Excavation, Subsection 560.9. Approval Criteria; for restoration and permitting of a gravel operation; 377 Snake Meadow Road; GIS Map 267; Lot 1; 51.03 acres; Rural Development Zone to expire on November 16, 2018. Second by Todd Nelson. Motion carried unanimously (5-0-0).

2. Special Permit Application #05-868; Extension Request by Ernest Joly & Sons under Section 560.3 – Existing Operations / Gravel Removal; for a three (3) year extension for Earth Removal, Filling and Regrading; 605 Providence Pike; GIS Map 224; Lot 14; ~179 acres; Rural Development Zone.

Ann-Marie Aubrey explained that their bond is up to date and that it is a very neat and clean gravel operation.

Motion was made by Todd Nelson to approve Special Permit Application #05-868; Extension Request by Ernest Joly & Sons under Section 560.3 – Existing Operations / Gravel Removal; for a three (3) year extension for Earth Removal, Filling and Re-grading; 605 Providence Pike; GIS Map 224; Lot 14; ~179 acres; Rural Development Zone. Second by Sheila Roddy. Motion carried unanimously (5-0-0).

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, June 19, 2017
2. Next Workshop Meeting – Monday, May 22, 2017
3. Next Special Meeting – Monday, May 22, 2017

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

Elsie Bisset reported:

- Earth Day was a success – over 200 bags of trash were collected.
- Working with attorneys and Dan Smiley to finish the development agreement for the lease of 140 Main Street.
- Provided Flyers for Logee's Summer Solstice June 17th.
- KBA Harmonies and Hops (Commerce Avenue) and Springfest events on Saturday, May 20th.

XIV. TOWN COUNCIL LIAISON REPORT

Joyce Ricci reported:

- State Trooper Joe Sharkey started May 15th. It was decided to call him a State Trooper instead of a Constable because he was a State Trooper.
- Assistant Building Official, Tim Brennan, and Facilities Maintainer, Matt Salce, both started this week.
- Got permission to meet earlier regarding the KMS roof as it is a desperate situation and it must be done this summer.
- Town Council discussed the Grant Finder Subscription,
- Town Council Member, Randy Duquette is in charge of Springfest.
- Harbor Freight has a sign in the front window advertising its outdoor sale in June.

Virge Lorents asked that the Commission give thought to how the tent at Harbor Freight may interact with the Northeast Transit District Bus. She referred to the letter from Kathy Fedor. Brian Card stated, for the record, that

the Commission gave consideration and moved tent location. Keith Thurlow stated that a lot more people are using the transit bus now and there should be signs and stops created.

XV. ADJOURNMENT

Motion was made by Todd Nelson to adjourn at 8:27 p.m. Second by Milburn Stone. Motion carried unanimously (5-0-0).

Respectfully submitted,

J.S. Perreault
Recording Clerk