



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

**MONDAY – JULY 18, 2022**  
**Regular Meeting – HYBRID MEETING**  
**7:00 PM**

**TOWN MEETING ROOM – 2<sup>ND</sup> 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](http://www.killinglyct.gov) AND CLICK ON FACEBOOK LIVE AT THE BOTTOM OF THE PAGE.

RECEIVED  
TOWN CLERK, KILLINGLY, CT  
2022 JUL 25 PM 4:19  
Elizabeth M. Wilson

I. **CALL TO ORDER** – Acting Chair, Virge Lorents, called the meeting to order at 7:01 p.m.

**ROLL CALL** – Michael Hewko, John Sarantopoulos, Matthew Wendorf, and Virge Lorents (all were present in person).  
Keith Thurlow arrived at 8:18 p.m. (in person).  
Brian Card was absent with notice.

**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)** – Attorney Evan J. Seeman, Robinson & Cole; Keith Kumnick, Commercial Real Estate Broker with Colliers International; Todd Whittemore; Lorraine Whittemore; Jason Anderson; Town Council Liaison; J.S. Perreault, Recording Secretary.

Present via Webex: There was one person online.

II. **SEATING OF ALTERNATES**

Virge Lorents announced that Michael Hewko would be seated as a Voting Member for this meeting.

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](mailto: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](http://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 2635 543 1798 when prompted.**

Ann-Marie Aubrey stated that no comments had been received on anything that is not subject to a public hearing.

There were no comments from the public either present or online.

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

**VI. 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 2635 543 1798 when prompted.**

Virge Lorents read aloud the above information.

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.**

Ann-Marie Aubrey explained that she had received a call from the Applicant, earlier in the day, requesting a continuance of the public hearing to August 15, 2022, because he is still gathering information that had been requested by the Commission. The Applicant is aware that this is the last continuance that can be granted for this Application.

Motion was made by John Sarantopoulos to continue **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)**, to the next regularly scheduled meeting of the Planning and Zoning Commission to be held on Monday, August 15, 2022, Town Meeting Room, 2<sup>nd</sup> Floor, 172 Main Street, at 7:00 p.m.

Second by Matthew Wendorf. No discussion.

Motion carried unanimously by voice vote (4-0-0).

**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.

Attorney Evan J. Seeman, Robinson & Cole, represented the Applicants: Rosemary & Thomas C. Clarie; Darcy R. & Joanne Clarie; and Sarah F. Clarie, Trustee. He introduced Keith Kumnick Realtor with Colliers International, who was also present.

Attorney Seeman gave a PowerPoint presentation and overview (hard copies were provided to Commission Members):

- This text amendment would affect only the Business Park Zoning Regulations.
- They had a pre-application meeting with Planning Staff and Jill St. Clair, Director of Economic Development.
- The purpose of this Application is to amend Section 436, pertaining to the Business Park District, to update what they believe to be outdated zoning regulations and to align the Business Park Regulations with current market conditions as well as the rest of the Town's Zoning Code.
- Attorney Seeman summarized the three primary features of the Application:

- To permit warehouse and distribution facilities as principal uses. They are currently allowed in the Business Park District as accessory uses to a principal research and data facility with certain restrictions that apply to them.
  - To reduce setback requirements that apply to warehouse and distribution facilities. Currently, the setback for these types of facilities and parking is 750 feet from residential district boundaries or uses. They propose reducing it to 150 feet.
  - Attorney Seeman explained that the requirement for a concept plan, intended to identify future uses for all of the land in the Business Park, is very difficult when the Applicant does not own all of the parcels, which is the case with this Applicant.
  - A map of the Business Park District was displayed showing the three parcels owned by the Applicant: 308 Westcott Road; 310 Westcott Road; and 115 Mashentuck Road. The three parcels total just under 200 acres of property.
  - Interstate 395 is to the west. To the north and east are properties in the Rural Development District. To the south, across Westcott Road are properties in the General Commercial District and the Rural Development District. To the west, across I-395, are properties in the General Commercial District and Low-Density District.
  - Attorney Seeman spoke about the history of the Business Park which was created 22 years ago and was intended to spur economic development; however, it remains vacant/not developed. He feels that it was envisioned as a single campus development (like research and development or an office campus) because of the concept plan requirement.
- Virge Lorents stated, for the record, that she was on the PZC at that time, and she does not recall there being a single discussion about it being a place for one entity.
- Attorney Seeman explained that whether it was or was not intended to be a single campus-like development 22 years ago, the concept plan requirement is something that is one of the things that is keeping these properties being put to use since the Business Park Zone was created in 2000.
- Attorney Seeman explained that there are a number of commercial and industrial uses that are permitted in this District, but all uses in this District are only allowed by special permit. There are no uses that are allowed as of right uses. They are proposing that the warehouse and distribution would also be subject to the special permit process. He said that they do not have a development plan.
  - Attorney Seeman spoke about the permitted uses in the Business Park District noting that warehouse and distribution centers are as accessory uses, with limits such as a 40,000 s.f. requirement for the accessory use which has to be part of a primary research and development facility, along with the 750-foot setback requirement. Regarding the setback, he explained that there are two provisions: one relates to the facility itself (warehouse and distribution); and another that relates to truck parking in connection with that facility. The setback applies to boundaries with residential properties or uses.
  - A map was displayed which shows the impact of the 750-foot setback requirement, which, if applied, reduces the developable area of the eight parcels (which total 317 acres) by 220 acres (70 percent).
  - The current Business Park Regulations have not worked: vacant properties; no applications in many years; restrictive setbacks; the uses are not reflective of current market conditions.

Keith Kumnick, who has over 30 years of experience in commercial real estate and is an ISOR with Industrial Designation, explained that he is familiar with the parcels in the Business Park and that several of the parcels are currently listed with his Firm (approximately 323 acres listed with multiple clients). They marketed the property from 2008 to 2016 when one of the major owners opted to take the property off the market due to the lack of activity. In 2021, due to increased demand, Mr. Kumnick spoke with all of the owners, and they decided to put the property back on the market. He explained the challenges they faced when marketing the property previously: significant size of the parcel; the setbacks; and the lack of immediate proximity of utilities to the site. All of these require significant investment from the developer. However, he said that the largest impediment to marketing was Zoning and permitted uses. He explained that the market had evolved from the original intent of the Zoning Regulations which are not conducive to the current demand. He explained that both uses, research & development and offices are not typically located along the I-395 Corridor. Pharma prefers to be clustered together in major metros (like Cambridge outside of Boston) or near research universities and hospitals (such as Yale New Haven). The general office market, pre-COVID, was trending toward larger companies returning to major urban markets and away from suburban markets. The office market is also weak due to the transition to remote working. Mr. Kumnick gave examples of major

companies who have closed office facilities in Connecticut. He explained that the growth in the market, in the active sector, has been Industrial, specifically warehouse and distribution. This is due, in part, to the shift in e-commerce and this trend is expected to continue. Larger warehouses and/or fulfillment centers are required. Supply chain issues also may be reshaping companies' distribution networks to eliminate bottlenecks and ensure adequate levels of inventory. He spoke of the financial benefits as well as other benefits to the Town through development of the Business Park. He said that they have had a fair amount of interest in the properties for warehouse distribution since they re-listed them last year. Unfortunately, the potential interest does not align with the current permitted uses. Changing the Regulations would align with current market conditions and increase the potential for the land to be developed, similar to what the Town intended to do 22 years ago when the Zone was created.

**QUESTIONS/COMMENTS FROM COMMISSION MEMBERS/STAFF:**

- Matthew Wendorf commented that a new office complex went up in Smithfield, RI within the last five years and another one going up in Johnston, RI (Routes 101 and 6). Attorney Seeman stated that this change would not remove the office use.
- John Sarantopoulos commented that it is important to understand the history of that site and he spoke of when Walmart was looking at that site. He explained that he feels that the current Regulations came about to satisfy the needs of those who opposed Walmart coming into Town. He said that the State of Connecticut had designated that area as warehousing, probably because of the highway. He feels that if this area were developed, it would be the second industrial park that Killingly is looking for. He suggested allowing the existing Regulations to apply here as they do throughout the whole community. Attorney Seeman explained that one reason why they had decided to propose the text amendment rather than re-zoning to Industrial or Light Industrial is because what they are proposing in reducing the 750-foot setbacks to 150 feet is going to be more restrictive than what currently exists in the other Zoning Districts. Mr. Sarantopoulos, again, explained that he feels that the existing Regulations should apply to that area as well as it does in other areas. Ms. Aubrey asked, for clarification, if Mr. Sarantopoulos would want to go down to 75 feet or 50 feet. Mr. Sarantopoulos stated, "Whatever applies to other areas that are comparable, yes."

Mr. Sarantopoulos asked if this property entails all of the properties that were involved when Walmart tried to come into Town.

Attorney Seeman explained that this is a text amendment application and that it is not property specific. He said that it was a re-zone at that time, but he does not know the size of the parcels.

- Mr. Wendorf asked if the 750 feet is for truck traffic, not the structure itself. Attorney Seeman stated that it is both.

Attorney Seeman continued with his presentation:

- They are also proposing various standards in connection with the warehouse distribution use. He explained that these standards are modeled after the standards which the PZC approved as part of the application in the GC Zone for the warehouse and distribution facility there. One significant difference is the proposed setback of 150 feet as opposed to the 50-foot setback.
- Attorney Seeman summarized the presentation and asked that the Application be approved.

**ADDITIONAL QUESTIONS/COMMENTS FROM COMMISSION MEMBERS/STAFF:**

- Michael Hewko asked for an explanation for changing language in Section 436.2 from "shall" to "may." Attorney Seeman explained that it is to provide greater flexibility for the installation of utilities. Mr. Hewko asked if that area has public water and sewer. Jonathan Blake stated that they do not cross under I-395. Attorney Seeman stated that public water and sewer is a requirement, and they are not proposing to change that.

Mr. Hewko asked for an explanation for changing language in Section 436.4.2 from "are to" to "may."

Attorney Seeman, again, explained that it is to provide flexibility and that if the Commission wants bicycle paths there, it could be a condition of approval for special permit.

Mr. Blake explained that “may” gives the Commission more leeway to require or not require.

Mr. Hewko asked for an explanation about language in Section 436.6.1.b about the concept plan being optional.

Attorney Seeman explained that right now, there is no concept plan for the Business Park Zoning District. They feel that it doesn’t make sense to have to show all parcels, even those owned by other people, being developed or designated for some use. They feel those other owners should have a say in how they want to develop their property. They want to have it as optional because they saw it as a hurdle to development.

- Jill St. Clair commented about the Business Park type complexes in RI. They have the fiber infrastructure and CT is very far behind on that. She was on the phone today with DECD looking for a ten-year strategic plan. The #1 request from this community is fiber infrastructure along the I-395 Corridor. She stated agreement that the current Regulations have been a barrier for development of any sort.

#### **COMMENTS FROM THE PUBLIC:**

**Todd Whittemore** stated that he and his wife, Lorraine (also present in the audience), have lived in Town since 2008 and are familiar with the past stories regarding Walmart. He submitted a letter to Ms. Aubrey from his neighbor, Mark Tillinghast (copies were provided to Commission Members). Mr. Whittemore stated that he is representing the residences across the highway from the property. He summarized the concerns: lighting; truck traffic/jake brakes/noise pollution; setbacks; quality of life issue; they don’t want a Walmart distribution center across from them. This property could be used for reasonable uses.

Mr. Sarantopoulos stated that the State of Connecticut would seriously consider putting up a barrier there to protect the surrounding areas. Mr. Whittemore stated that they would welcome that. Ms. Lorents suggested that Mr. Whittemore call the State Senator.

**Anthony Pellecchia**, who owns several of the smaller properties in the Business Park Zone (abutting Westcott Road and I-395), said that he came to get an understanding of the text amendment. He stated that, for the most part, he is favor of the proposal, but he was unclear on some of the specifics. He said that he had spoken with Mr. Kumnick earlier and that most of his questions were answered during the public hearing.

Ms. Lorents asked Mr. Pellecchia if he had an issue with any of the proposed language.

Mr. Pellecchia explained that he was curious about the wording regarding roadways because his parcels had been part of a proposed entryway, so he was curious as to how it would affect his portion of the Business Park which is a little vague regarding requirements for the roadway.

Ms. Lorents asked Town Staff for clarification.

Mr. Wendorf commented that this public hearing will probably be continued and that they could have an explanation of how it would affect Mr. Pellecchia’s properties.

**Kevin Olsen**, Markover Hunting Preserve which abuts the north and east of the property, stated that he would like the 750-foot setback kept in place. He feels that it is important to the abutters on all sides as it is a very important contributing factor to the quality of life in that area.

Ms. Lorents asked if any zone has a 750-foot setback.

Mr. Blake explained that this is the biggest setback and only in this zone.

There was one call-in user online, but they did not offer any public comment.

Motion was made by John Sarantopoulos to continue **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, August 15, 2022, Town Meeting Room, 2<sup>nd</sup> Floor, 172 Main Street, at 7:00 p.m.

Second by Michael Hewko. No discussion.

Motion carried unanimously by voice vote (4-0-0).

Ms. Aubrey asked the Commission if there is any direction for Staff. Mr. Hewko stated that he would like to read the letter from Mark Tillinghast. Ms. Lorents suggested that Legal Counsel be consulted regarding the setback.

**3) Ap# 22-1295 Public Hearing – Accessory Dwelling Units State Statute** – Per the State Statute, the PZC must conduct a public hearing to review, discuss, and act upon opting-out of the State's Accessory Dwelling Unit Statute.

A comparison chart of the CT State Statute Section 8.2o regarding accessory apartments vs. Section 566, Secondary Dwelling Unit, of the Town's Zoning Regulations was displayed.

Ann-Marie Aubrey gave an overview:

- CT State Statute Section 8.2o became effective on January 1, 2022. The Statute is also known as Public Act 21-29, Section 6.
- The Statute allows municipalities to opt out of the Statute if procedure is followed.
- Legal Notice was posted in the Town Clerk's Office on June 27, 2022.
- Legal Notice was published in the Norwich Bulletin on Tuesday, July 5, 2022, and on Monday, July 11, 2022.
- Ms. Aubrey read aloud from State Statute Section 8.2o.1 and explained the following:
  - 1) The Town of Killingly does allow, by right, secondary dwelling units in the Rural Development, Low Density Medium Density Zones and Residential Medium Density Zone in the Borough.
  - 2) We request only a zoning permit for interior and attached secondary dwelling units (SDU's) and only a site plan for detached SDU's.
  - 3) We do not any SDU's to meet the requirements of affordable housing.
  - 4) We allow interior attached and detached SDU's and we require that they be on the same lot as the primary residence.
  - 5) We allow for up to 1,000 s.f. gross floor area for interior attached and detached SDU's. We do not go with the 30 percent net floor area as our Regulations allow for flexibility.
  - 6) The Town of Killingly Regulations refer to the minimum lot area setback requirements for the zone in which the property is located, so there is no additional burden on the accessory dwelling unit.
  - 7) The Town of Killingly Regulations refer to the Regulations of the zone in which the SDU is being built. We do not put any additional restrictions or requirements on the SDU.
  - 8) We do not require a passageway between any such accessory apartment and any such principal dwelling.
  - 9) Our exterior doors are as required under the Building and Fire Codes, and we do not require anything additional.
  - 10) Regarding parking, we refer to Section 530, Off-Street Parking, of the Town Zoning Regulations.
  - 11) We do not require familial, marital or employment relationship between occupants of the principal dwelling and accessory apartment.
  - 12) We do not require a minimum age.
  - 13) Regarding billing of utilities, we leave it up to the owner or developer of the property.
  - 14) We don't require periodic renewals of permits for accessory apartments. It is a right, no time limit.
  - 15) We require that all Fire and Building Codes are met.
  - 16) Regarding short term rentals, it is up to the owner.
  - 17) The Town does not regulate the use of a private wells or septic systems. That is governed by NDDH.
  - 18) Regarding State Statute 8.2o,.7.d, we require only a zoning permit and under State Statute the decision must be rendered within 30 days and site plan review has to be within 65 days.

Ms. Lorents asked if there are any conflicts between the Town's Regulation and the State Statute. Ms. Aubrey referred to a possible draft motion that Staff had prepared, and she read aloud from it as follows:

- 1) That the Town of Killingly enacted their own Zoning Regulations regarding Accessory Dwelling Units in 2015, amended 2017 and 2018 prior to the State enacting the above public law / state statute, and
- 2) That the Planning and Zoning Commission most recently approved amendments to said Town of Killingly Zoning Regulations on July 16, 2018, which became effective on August 13, 2018;
- 3) That the Town of Killingly's current regulations (08/13/2018) meet, and/or exceed the State Statute regarding said Accessory Dwelling Units (TOK refers to them as Secondary Dwelling Units);
- 4) That the Town of Killingly's current regulations appear to be working well for our community; and
- 5) That opting-out of the above referenced Statute will allow the municipality to maintain control over the requirements of accessory/secondary dwelling units in a manner that best suits the municipality.

Keith Thurlow arrived at 8:18 p.m.

Ms. Aubrey stated that Staff suggests that the Commission opt out and that we were one of the examples of how it could work.

**QUESTIONS/COMMENTS FROM COMMISSION MEMBERS:**

- Matthew Wendorf questioned flat square footage vs. percentage.  
Ms. Aubrey explained that you have to stay within the Building Code, you can go down or you can go up to 1,000 s.f.  
Mr. Blake explained that lot coverage standards still need to be met.
- Keith Thurlow stated that he thinks it works very well, but he would like to see two bedrooms.  
Ms. Aubrey explained that we allow two bedrooms in the detached. There was discussion regarding septic requirements for the number of bedrooms.  
Mr. Blake explained that one bedroom is allowed for the interior or the attached and two bedrooms are allowed for the detached. If you want to add more bedrooms and it is attached or you want to go above the 1,000 s.f., in most cases, you can make a duplex.

There were no comments from the public.

Motion was made by John Sarantopoulos to close the public hearing for **Ap# 22-1295 Public Hearing – Accessory Dwelling Units State Statute** – Per the State Statute, the PZC must conduct a public hearing to review, discuss, and act upon opting-out of the State's Accessory Dwelling Unit Statute.

Second by Michael Hewko. No discussion.

Motion carried by voice vote (4-0-1). Keith Thurlow abstained because he was not present for the entire discussion.

**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.** – This Application was continued to August 15, 2022.

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. – This Application was continued to August 15, 2022.

3) **Ap# 22-1295 Public Hearing – Accessory Dwelling Units State Statute** – Per the State Statute, the PZC must conduct a public hearing to review, discuss, and act upon opting-out of the State's Accessory Dwelling Unit Statute.

Motion was made by John Sarantopoulos:

**WHEREAS**, on Monday, July 18, 2022, the Town of Killingly Planning and Zoning Commission held a public hearing to review, discuss, and act upon opting-out of the State of Connecticut's Statute regarding Accessory Dwelling Units (CT General Statute Section 8-2o {f/k/a Public Act 21-29 Section 6} said state statute (public law) became effective January 1, 2022;

**WHEREAS**, the Planning and Zoning Commission made the following findings;

- 1) That the Town of Killingly enacted their own Zoning Regulations regarding Accessory Dwelling Units in 2015, amended 2017 and 2018 prior to the State enacting the above public law / state statute, and
- 2) That the Planning and Zoning Commission most recently approved amendments to said Town of Killingly Zoning Regulations on July 16, 2018, which became effective on August 13, 2018;
- 3) That the Town of Killingly's current regulations (08/13/2018) meet, and/or exceed the State Statute regarding said Accessory Dwelling Units (TOK refers to them as Secondary Dwelling Units);
- 4) That the Town of Killingly's current regulations appear to be working well for our community; and
- 5) That opting-out of the above referenced Statute will allow the municipality to maintain control over the requirements of accessory/secondary dwelling units in a manner that best suits the municipality.

**THEREFORE**, I, John Sarantopoulos, a member of the Planning and Zoning Commission of the Town of Killingly make the motion that the Town of Killingly hereby opt-out of the State of Connecticut's Statute Section 8-2o (entitled Zoning regulations re accessory apartments. Municipal opt-out; exception) as outlined in in Section 8-2o(f); and that a copy of this motion be forwarded to the Town Council for them to complete the opt-out process as outlined in the section mentioned above, prior to January 1, 2023.

Second by Matthew Wendorf. No discussion.

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

**VIII. NEW BUSINESS – (review/discussion/action)**  
NONE

**IX. ADOPTION OF MINUTES – (review/discussion/action)**  
1) Regular Meeting Minutes – JUNE 20, 2022

Motion was made by Keith Thurlow to adopt the Minutes of the Regular Meeting of June 20, 2022, as presented.

Second by Michael Hewko. No discussion.

Motion carried unanimously by voice vote (4-0-1). Matthew Wendorf abstained as he was not present at that meeting.

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

- 1) Five Mile River Overlay District – Staff report and recommendations to the Commission.

Ms. Aubrey explained that the Commission had asked Staff to review the Overlay District and the Regulations that apply to it. She read aloud the comments provided in the Staff Report and Recommendations to the Commission (included in packets to Commission Members). Discussion ensued.

Ms. Lorents commented that the Five Mile River is under the same protections as every other stream/river and if the regulations are already there, what was the point of the Overlay District.

Mr. Sarantopoulos feels that it is duplication and IWWC should handle it.

Ms. Aubrey and Mr. Blake explained that it is very difficult for Staff to enforce the Five Mile River Overlay District (FMROD) especially regarding subdivisions within the District. Clear cutting has been an issue of difficulty for Staff.

Ms. Blake explained the map which was displayed. He stated that they could not find, in the record, why the particular area was designated as the FMROD vs. anywhere else.

Ms. Aubrey suggested that some language under the FMROD could be added to special permit or site plan, and it would be a reminder to the Commission that this map should be brought up when things are being developed. She stated that there are some valid concerns and she suggested that Staff could go through and determine what could go to special permit, what could go to site plan and what could go to subdivision. Then the Commission could have a workshop to review it.

Ms. Lorents asked, since the Overlay was in place, how much development did or did not happen in that area.



Mr. Blake explained that the natural diversity area, for the most part in that area, is centered around trout, so it is mainly within the River and there is not much development on top of the River (IWWC controlled that). He is not sure if there has been any measurable impact. He is not aware of any violations in terms of contaminants. He referred to Moosup Pond which has had issues with invasive species and nitrogen levels due to fertilizers. This is the focus of the IWWC and it is part of considerations of the PZC. Mr. Blake explained that he does not see a hole in the review process without the FMROD. He explained that there are areas in the FMROD that are greater than the 200 feet from the River which are out of the scope of the IWWC's 200-foot review area. However, the CT DEEP has a process for critical habitat/natural diversity, and we are supposed to point them regarding those areas outside of the 200 feet.

Motion was made by Keith Thurlow to schedule a public hearing to eliminate the Five Mile River Overlay Zone for the regularly scheduled meeting of the Planning and Zoning Commission to be held on Monday, October 17, 2022, Town Meeting Room, 2<sup>nd</sup> Floor, 172 Main Street, at 7:00 p.m.

Second by John Sarantopoulos.

Discussion: Ms. Aubrey asked if the Commission wants Staff to look at it to see if the concerns apply throughout the Town and put them in appropriate places.

Mr. Wendorf expressed that he would want to be sure that everything is covered by something.

Mr. Blake explained about prohibited uses, such as Golf Course, and how, if the Overlay were removed, someone could apply for it.

Mr. Wendorf asked if there is something in this Overlay District that is prohibited, but would be permitted without this Overlay. The applicant would have to meet all of the criteria, go before the IWWC and the CT DEEP possibly may be involved.

Discussion continued regarding subdivisions and cutting of trees.

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) – No Report.

B. Inland Wetlands and Watercourses Agent's Report

Mr. Blake commented that the IWWC is currently under quorum and are in need of new members. There was discussion.

C. Building Office Report – No Report.

**XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT**

Jill St. Clair gave an update on the discussions/activities/undertakings regarding Economic Development.

**XIV. TOWN COUNCIL LIAISON REPORT**

Jason Anderson reported on the recent discussions/actions of the Town Council.

**XV. ADJOURNMENT**

Motion was made by Matthew Wendorf to adjourn at 9:06 p.m.

Second by Keith Thurlow. No discussion.

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

Respectfully submitted,  
J.S. Perreault  
Recording Secretary