



**TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION
MONDAY – JUNE 17, 2019**

Regular Meeting

7:00 PM

Town Meeting Room, Second Floor

Killingly Town Hall

172 Main St., Killingly

MINUTES

Elizabeth M. Sullivan
2019 JUN 25 AM 8:23
TOWN OF KILLINGLY, CT

I. **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:01pm.

ROLL CALL – Brian Card, Virge Lorents, Milburn Stone, Mathew Wendorf, Keith Thurlow. Sheila Roddy was absent with notice.

Staff Present – Attorney, Joseph Szerejko, Murtha Cullina. Ann-Marie Aubrey, Director of Planning and Development, was unable to attend.

II. **SEATING OF ALTERNATES**

Matthew Wendorf was seated as a Voting Member in the absence of Sheila Roddy.

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) – None.

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

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

A. Continued from the May 20, 2019 Planning Zoning Commission Meeting

1) **Special Permit Application #19-1209**; Section 410.1.2(b) Dog Kennel; Believe Enterprise Inc.; Angelia & Hugh Viele; 81 Squaw Rock Road; GIS Map 257; Lot 10; ~13.6 acres; Rural Development Zone. – **CONT. FROM 05/20/219**

No decision has been made by the IWWC as it was unable to meet on June 12, 2019.

The Applicant's extension request has allowed the PZC to continue the public hearing until its July 15, 2019, meeting. The Applicant was not present.

COMMENTS FROM THE PUBLIC:

Donald Klein, Squaw Rock Road Ext., spoke in opposition. He has lived at his property, which abuts the Applicant's property on the southeast corner, since 1971 and he said that his property would be the most

adversely affected by the kennel. He does not want a kennel 250 feet behind his house. He asked about a noise ordinance. He stated that, should the Application be approved, he wants a buffer.

The Commission advised Mr. Klein to check with Staff regarding the Town's Noise Ordinance.

Kenneth Phaiah, 76 Squaw Rock Road, spoke in opposition. He has lived at his property, which is across the street from the Applicant's property, since 1988. Mr. Phaiah is concerned that it will start off small and then sell it and that it will become massive. He said it is a quiet neighborhood and would like to keep it that way.

Melody Guilmette, 533 Squaw Rock Road Ext. (in front of Mr. Klein's property), spoke in opposition. She said that her family has been living there a long time. She is concerned regarding noise, odors. She stated that she had read the Wetland reports and that there are a lot of questions that need to be answered. She stated that this would change the entire dynamics of the neighborhood, including the wetlands. She asked that the PZC do a site walk. She would like to keep it a safe, clean environment for the families that are there.

Motion was made by Virge Lorents to continue the public hearing for **Special Permit Application #19-1209**; Section 410.1.2(b) Dog Kennel; Believe Enterprise Inc.; Angelia & Hugh Viele; 81 Squaw Rock Road; GIS Map 257; Lot 10; ~13.6 acres; Rural Development Zone, to the next regular meeting of the Planning and Zoning Commission on Monday, July 15, 2019, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, at 7:00 p.m. Second by Milburn Stone. Motion carried unanimously (5-0-0).

2) **Scenic Road Application #18-1205**; Article IV., et sec. Scenic Roads; Killingly Code of Ordinances; Richard W. Fedor, et als; designation of the entire unpaved portion of Pratt Road (Between Pettingell Road and Chestnut Hill Road) as a scenic road in accordance with the Killingly Code of Ordinances. – **CONT. FROM 05/20/2019**

Richard Fedor, 139 Pratt Road, asked about whether the public hearing would be continued again.

Mr. Thurlow explained that Ann-Marie Aubrey was going to do more research with the Town Engineer regarding how any restrictions/maintenance on the road would be affected. Mr. Thurlow read aloud from an e-mail Commission Members received from Ms. Aubrey (dated June 17, 2019) containing comments that she had received from David Capacchione, Town Engineer, requesting that the scenic road designation be delayed until the appropriate repairs to the road are made.

Motion was made by Virge Lorents to continue the public hearing for **Scenic Road Application #18-1205**; Article IV., et sec. Scenic Roads; Killingly Code of Ordinances; Richard W. Fedor, et als; designation of the entire unpaved portion of Pratt Road (Between Pettingell Road and Chestnut Hill Road) as a scenic road in accordance with the Killingly Code of Ordinances, to the next regular meeting of the Planning and Zoning Commission on Monday, July 15, 2019, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, at 7:00 p.m. There was discussion regarding timeline. Attorney, Joseph Szerejko explained that the public hearing can be continued to July 15, 2019.

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

The Commission explained that, if needed, at the July meeting, Mr. Fedor could request that the public hearing be extended another 30 days.

Keith Thurlow recused himself, turned over the Position of Chair to Brian Card, and left the room.

3) **Subdivision Application #19-1213**; John C. D'Amato, Jr. and Ballouville Road, LLC; 51 lot subdivision; 38 Ballouville Road (GIS Map 63, Lot 50); and 82 Ballouville Road (GIS Map 54, Lot 1.1); ~18.8 acres, Medium Density Zone – **CONT. FROM 05/20/2019**

No decision has been made by the IWWC as it was unable to meet on June 12, 2019, therefore, this public hearing will be continued.

The Applicant/Representative was not present.

COMMENTS FROM THE PUBLIC:

Ceceila Kent, 416 Putnam Pike (abutting property), spoke in opposition.

- She spoke of concern regarding open space because she heard that there were problems with Police having to be called to open areas in current subdivisions.
- She feels that there would be more children entering the Killingly school system.
- There are 18 lots/homes that would abut the 18 acres for which the Applicant is proposing 51 homes. She noted that there are currently only 54 homes in that neighborhood, so the subdivision would be doubling the number of homes.
- She said that the Zoning in that area was changed from low density to medium density in 2013. She said it was changed because of the Borderlands Project which, she says, the main focus was for new growth and development along the Route 101 corridor. She said it had nothing to do with the areas in Attawaugan or anywhere else in Killingly. She said that they used the Borderlands Project as an excuse to change the zoning from low density to medium density.
Ms. Kent stated that she has been corresponding with Sue Westa who was the coordinator for the Borderlands Project (now living in Vermont).
Ms. Kent read aloud from a Borderlands Brochure.
- Ms. Kent read aloud from the current POCD (under PZC Natural Resources).
- Ms. Kent asked if any of the Commission Members had visited the site. She stated that it is a beautiful area with wildlife.
- She stated concern for the number of homes and that they are requesting waivers for sidewalks and open space, and that they are asking the Town to pay for sewage run-off into the river.

Kyle Johnson, 90 Ballouville Road (abutting property), spoke in opposition. Mr. Johnson stated that Ms. Kent's concerns were much like his own.

- Such a large subdivision for a rural area. Fifty-one houses on 18 acres is absurd.
- He moved to Killingly to live in the country and travels to work.

Jim Kent, 416 Putnam Pike (abutting property), spoke in opposition. He has lived on his property since 1985.

- He bought his house because it was low density. He has two acres, both of his neighbors have two acres, and the others have about one acre.
- He feels that the change from low density to medium density was for money. He said before, when it was 31 houses and had open space, it wasn't too bad. He said it was supposed to have two roads into it.
- He feels that, if it is approved, no waivers should be granted.

Kyle Johnson asked how zoning gets changed from low density to medium density. He bought his property two years ago. He said a lot of people did not know that the density had been changed. He asked that the Applicant be required to provide a study regarding impact on the school system.

Brian Card asked if the Commission Members had anything that they would like to put on the record for the Applicant to consider for the next meeting.

Ms. Lorents brought up the process for a Zone change and Brian Card stated that he was on the PZC for that POCD Zone change. He explained that Zone changes require that property owners be notified and a public

notice placard is placed as well. He noted that the last revision to the POCD designated this area as a growth area because it had public sewer and public water (which was the main reason for the change). He said that it had nothing to do with the Borderlands Project. He noted that the PZC is now going through the updates to the POCD and he recommended that if anyone has comments/input, now is the time to bring them to the Commission.

Cecilia Kent noted that the Minutes from that time state that Linda Walden (Director of Planning and Development at that time) stated that the Zone change was based on input from the Borderlands Project.

Mr. Card explained that there had been input in the POCD from the Borderlands Project, it was not based solely on the Borderlands Project. It was based on the POCD, and when it moved forward with the Zone Map changes at the time, it was based on what had been approved by the PZC, and accepted by the Town and the residents.

Mr. Card stated, for the record, that he would like the Applicant to address the following at the next public hearing:

- Lot #'s 20, 42, 48, 50, 49, & 51 as space for ancillary structures and setbacks are shown on the lots;
- Drainage going up the main road from one lot to another being concentrated causing potential concerns;
- Lot #'s 14, 15, 16, 28, 29, 49, 50 & 51 – Look at the slopes that they are creating as potential safety issues related to that lot;
- Address earthwork and any potential blasting due to depth of sewer and drainage on the entranceway;
- Describe their underground electric flow, etc., as far as underground utilities.

Motion was made by Virge Lorents to continue the public hearing for **Subdivision Application #19-1213**; John C. D'Amato, Jr. and Ballouville Road, LLC; 51 lot subdivision; 38 Ballouville Road (GIS Map 63, Lot 50); and 82 Ballouville Road (GIS Map 54, Lot 1.1); ~18.8 acres, Medium Density Zone, to the next regular meeting of the Planning and Zoning Commission on Monday, July 15, 2019, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, at 7:00 p.m. Second by Milburn Stone. Motion carried (4-0-0). Keith Thurlow had recused himself.

Next IWWC meeting to be held on July 1, 2019. The PZC cannot make a decision until IWWC makes its decision.

Keith Thurlow returned to the room and resumed the Position of Chair.

B. New Hearings Scheduled for Tonight's Meeting – None.

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

A. Continued from the May 20, 2019 Planning Zoning Commission Meeting

1) **Special Permit Application #19-1209**; Section 410.1.2(b) Dog Kennel; Believe Enterprise Inc.; Angelia & Hugh Viele; 81 Squaw Rock Road; GIS Map 257; Lot 10; ~13.6 acres; Rural Development Zone. – **CONT. FROM 05/20/2019** – Continued to July 15, 2019.

2) **Scenic Road Application #18-1205**; Article IV., et sec. Scenic Roads; Killingly Code of Ordinances; Richard W. Fedor, et als; designation of the entire unpaved portion of Pratt Road (Between Pettingell Road and Chestnut Hill Road) as a scenic road in accordance with the Killingly Code of Ordinances. – **CONT. FROM 05/20/2019** – Continued to July 15, 2019.

Keith Thurlow recused himself and turned the Position of Chair over to Brian Card.

3) Subdivision Application #19-1213: John C. D'Amato, Jr. and Ballouville Road, LLC; 51 lot subdivision; 38 Ballouville Road (GIS Map 63, Lot 50); and 82 Ballouville Road (GIS Map 54, Lot 1.1); ~18.8 acres, Medium Density Zone – **CONT. FROM 05/20/2019** - Continued to July 15, 2019.

Keith Thurlow returned and resumed the Position of Chair.

B. New Hearings Scheduled for Tonight's Meeting – None.

VIII. WORKSHOP MEETING – (review / discussion / action)

1) Proposed Zoning (TEXT) Change: Proposed Adaptive Re-Use of an Agricultural Building; under Rural Development, Section 410.1.2.q (Special Permit); under Low Density, Section 410.2.2.o (Special Permit); and under Medium Density Zone, Section 410.3.2.m (Special Permit); by Pine Hill Farm, LLC.

The Applicants were present.

Paul Archer, Archer Surveying, represented the Applicant. He provided photographs of structures that had been renovated in the Town of Brooklyn – all in the Rural Agricultural Zone (as examples of how he feels a regulation of this type could also work in the Town of Killingly). Instead of letting buildings deteriorate and fall down, they can be renovated and re-used to generate income for their owners. Mr. Archer asked the Commission Members how they would like to proceed.

There was discussion. Virge Lorents stated, for the record, that she would not insist upon the appearance of a traditional barn structure.

Mr. Archer stated it would have to go through the special permit process. There would be no outside storage and no flammables. If it is done tastefully, it could work.

Mr. Card explained that the uses that would be allowed, would only be the uses that are currently allowed in the zone anyway. Mr. Card said the question that came up is the compatibility of the uses on the property and addressing all of the potentials. He asked if Brooklyn has any examples of how they address issue of compatible uses/residential use on a property.

Mr. Archer offered to provide a copy of the Brooklyn Regulations. He said that the draft that he had originally proposed mimics the Brooklyn Regulations. He explained that there could be multiple businesses/contractors in one structure (each having to go through the special permit process for parking, lighting, bathrooms, hours of operation, etc.). He explained that it is about trying to keep the characteristics, but also trying to give flexibility to make the buildings useful and more productive.

Mr. Thurlow stated that, earlier, it was for more of a lower intensity of use. He said you have to follow the underlying zone. Mr. Archer agreed. There was discussion regarding Home Occupation/owner-occupied Home Business/third-party business. Mr. Thurlow referred to Section 595.1.a.

Brian Card mentioned Professional Offices. He said this is one of the things that needs to be addressed – how to allow third-party businesses to be done on a home-occupied/residential lot. Something will need to be added into the Zones to be allowed under special permit for these low-impact businesses.

Matthew Wendorf stated that the draft that had been submitted previously lacked specificity, leaving a lot of room for interpretation. He is in favor, but the PZC needs to try to avoid as many loopholes as possible in the regulation. Mr. Archer suggested that ZEO, Jonathan Blake could help with this. Discussion continued. Mr. Archer stated that Brooklyn put into the Regulations what is specifically allowed in the buildings (Light

Manufacturing/Professional Offices/Athletic Facilities/Etc.) vs. what is allowed in the Zone. Mr. Archer offered to provide the list of what Brooklyn allows in the buildings. Mr. Thurlow mentioned creating an Adaptive Re-Use Zone and creating regulations for that zone. Mr. Archer added that the building would need to have existed on a certain date (pre-existing).

Mr. Card's comments for the Applicant to work on to add to the draft:

- How do you define agricultural building?
- List of allowed uses this Adaptive Zone.
- When a business is added to the list, it has to come back to the PZC for special permit.
- Look at the underlying zone.

Mr. Thurlow stated that the regulations should show concern for the neighbors and the neighborhood regarding protection from noise, etc. Mr. Archer stated that you have to go by setbacks and a vegetated 20-foot buffer zone needs to be created for the neighbors (as part of the special permit). It all becomes part of the site plan.

Mr. Archer will review with Ann-Marie Aubrey and Jonathan Blake and he stated that he will bring to the PZC a similar regulation to Brooklyn, not in the underlying zone, but actually list the things that they would want to be allowed to happen in these buildings (almost like an overlay district that would fall into all of the zones). Mr. Thurlow agreed with that format (specific to the re-use of existing buildings) and he said that would be a start for a workshop.

Mr. Card feels that this is better as it will give more flexibility to the uses vs. the underlying zone. He said that the ownership issue needs to be addressed, as well as the following:

- Who owns it?
- Can a third-party come in and develop this?
- What if they move?
- Define ag building – put parameters around it (exist by a certain date/certain use).
- Limit the scope.

Mr. Archer agreed.

The Commission would like Ann-Marie Aubrey to schedule a workshop either as part of the next regular meeting on July 15th (if the agenda is not too full) or as a separate workshop meeting the week before.

2) Proposed Zoning (TEXT) Change: Town of Killingly; Planning and Zoning Commission; under Article IX, Section 900 Amendments; Town of Killingly Zoning Regulations; Section 530 Off Street Parking and Loading; proposing amendments to actual parking spaces required per certain uses.

Brian Card's comments:

- Section 530.8 – Regarding tractor trailers. Add a provision for owner/operators, who live in rural areas, to park their own truck?

It was decided to have discussion at the next regular meeting with Jonathan Blake who is working on the draft.

**IX. BUSINESS / HEARINGS SCHEDULED FOR NEXT MEETING – JULY 15, 2019 – (For Informational Purposes Only!)
(No Review / No Discussion / No Action)**

1) Zone TEXT Change Application # 19-1212: Town of Killingly, Planning & Zoning Comm.; under Article IX, Section 900 Amendments, Borough of Danielson Zoning Regulations; Section 580, et sec.; Agriculture; amend the definitions, Permitted Uses, Special Permitted Uses, and Agricultural Use Table; and any minor changes deemed necessary.

2) **Special Permit Application #19-1214**; Dayville Fire District (Town of Killingly/ Landowner); proposed two (2) bay garage; Zoning Section 410.1.2; 22 Williamsville Road; GIS MAP 111; Lot 14; ~25.62 acreage (5 acres leased parcel); Low Density Zone.

3) **Special Permit & Site Plan Application #19-1215**; Preserve At Valley View, LLC; (Richard O'Keefe/Landowner); proposed 20 duplex residences (40 units) condominium complex; Zoning Section 410.2.2.L and 570.4; 55 Dog Hill Road; GIS MAP 130; Lot 12; ~11.7 acres; Low Density Zone. **Receive, and if the file is complete, schedule a public hearing for Monday, June 17, 2019. IWWC Application #19-1464 was filed, scheduled for action on June 3, 2019.**

4) **Special Permit & Site Plan Review Application #19-1217**; Country Living at Westview Commons; (Same/Landowner); revised plans; acquiring additional acreage from abutting lot; will allow revision of living units from 73 to 76 with no change in structure of building; additional acreage will also allow retention pond to be moved farther from living units (residential structure); and allow for the "front circle" to use concrete instead of pervious pavers; 117 Ware Road; GIS MAP 32: Lot 41; Low Density.

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

1) Special Meeting of Monday, May 20, 2019 – Special Workshop Session

Motion was made by Virge Lorents to adopt the Minutes of the Special Meeting of Monday, May 20, 2019 – Special Workshop Session. Second by Matthew Wendorf. Motion carried unanimously (5-0-0).

2) Regular Meeting of Monday, May 20, 2019 – RE: Regular Meeting

Motion was made by Virge Lorents to approve the Minutes of the Regular Meeting of Monday, May 20, 2019. Second by Matthew Wendorf. Motion carried unanimously (5-0-0).

3) Special Meeting of Monday, June 3, 2019 – Special Meeting POCD

Motion was made by Virge Lorents to approve the Minutes of the Special Meeting of Monday, June 3, 2019 – Special Meeting POCD. Second by Milburn Stone. Motion carried unanimously (5-0-0).

4) Special Meeting of Monday, June 10, 2019 – Special Meeting POCD

Motion was made by Virge Lorents to approve the Minutes of the Special Meeting of Monday, June 10, 2019 – Special Meeting POCD. There was no second to the motion as the Minutes had not been included in packets to Commission Members. Ms. Lorents withdrew her motion.

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

1. **Schedule Next Special POCD Meeting for Monday, June 24, 2019 (P&D OFFICE) @ 6:00 pm**

Brian Card will be unable to attend.

2. **Schedule Next Special POCD Meeting for Monday, July 8, 2019 (RM 102) @ 6:00 pm**

No one stated that they will be unable to attend.

1. Next Regular Meeting – **MONDAY, JULY 15, 2019 @ 7:00 pm**
2. Special Meeting – See above.

XII. CORRESPONDENCE – (review/discussion/action)

A. Zoning Enforcement Officer's & Zoning Board of Appeal's Report(s)

Enclosed in packets to Commission Members.

B. Inland Wetlands and Watercourses Agent's Report

Enclosed in packets to Commission Members.

C. Building Office Report

Enclosed in packets to Commission Members.

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT – No representation.

XIV. TOWN COUNCIL LIAISON REPORT

Lynn LaBerge reported:

- At Town Meeting, taxpayers approved the transfer of \$293,662 to the Board of Education's Non-Lapsing Account.
- Town Council reviewed the Draft Report from the Charter Revision Commission and recommended changes.
- Set two public hearings for July 9th: Sale of Armory; Sale of property at the Industrial Park.
- Passed a Resolution to transfer up to \$7,000 from the Contingency Fund to the Community Development Office for professional services for the KMS Portable Classroom Replacements.
- Agreement for the Town to continue collecting taxes for the Borough of Danielson.

XV. ADJOURNMENT

Motion was made by Virge Lorents to adjourn at 8:23 p.m. Second by Milburn Stone. Motion carried unanimously (5-0-0).

Respectfully submitted,

J.S. Perreault
Recording Clerk