



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

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MONDAY – JUNE 18, 2018

Elizabeth M. Wilson

Regular Meeting

7:00 PM

Town Meeting Room, Second Floor

Killingly Town Hall

172 Main St., Killingly

MINUTES

I. **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:00 p.m.

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

Staff Present – Ann-Marie Aubrey, Director of Planning and Development; David Capacchione, Town Engineer.

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) – None.

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 Extension Application # 18-1192; Town of Killingly, for proposed gravel excavation expansion; 80 Edwardsen Street ; GIS Map 259, Lot 89; 123 acres; Low Density Zone. **CONT FROM 05/21/2018**

For the record, Sheila Roddy and Brian Card each stated that they had listened to the audio and read the minutes of the Regular Meeting of the PZC on May 21, 2018 (which they had not attended), and that they feel confident about voting on the Application. They both also participated in the site walk on June 5, 2018.

David Capacchione, gave an overview/presentation indicating the areas for each of the proposed Phases as well as the location of the current excavation.

Mr. Capacchione and answered questions from the Commission Members:

- Milburn Stone asked about steep contour lines. Mr. Capacchione confirmed/clarified that they were caused by the excavation that has already taken place which the Commission Members had seen on the site walk. He indicated the area where over-excavation had occurred and he stated that there are areas that need to be corrected before any further expansion would continue. He explained that the intent is to use materials in the back to fill in most of it and that some material would need to be hauled in to bring it up to finish grade.
- Mr. Stone asked about a substantial number of trees that would need to be removed and he asked what was done with the lumber from the trees that had been removed for the previous excavation.

Mr. Capacchione explained that trees and stumps would need to be removed before an excavation could occur. He stated that the previous trees went through ECR.

- Virge Lorents asked about the recreational areas being in the bottom of a "bowl."

Mr. Capacchione explained slopes would be flatter and he indicated the locations for the recreational areas with the proposed access (conceptual) coming off from Route 12. He explained that it is all Town property which is listed in two separate deeds. There are conceptual plans for the recreational areas.

Mr. Capacchione addressed comments from the May 21st meeting:

- Silt Fence and Run-off: The site is essentially self-contained. He explained that water will run down the hill, but run-off from the site is contained and he indicated the location where everything drains to. Nothing leaves the area except for infiltration. He has spoken with DEEP in the past and he has, again, since the May 21st meeting, and, because the site is a bowl and nothing leaves the site, no DEEP permit (industrial or otherwise) is required.
- IWWC permit is in place for the site and for the expansion area as well.
- If areas of erosion have been observed, silt fence can be added.
- Slopes are intended to be 3-to-1 when completed. He is aware that some areas are steeper than that at this time which he said is an area of concern and he has been addressing this issue with Mr. Joly. He offered that Mr. Joly was present in the audience to answer questions.

There were more questions from the Commission Members:

- Brian Card:
E&S Concerns – Some of the slopes are probably closer to 2-to-1; undercutting of the forest above; he indicated a creek/culvert containing sediment that could use some E&S. He stated that there is some run-off from the property (re-vegetation), but not from the active site. Mr. Capacchione stated that some corrective action is needed before proceeding further.
- Virge Lorents commented that it is a less-productive parcel of land than originally thought it to be, so it has to be squeezed to get the most out of it.
There was discussion regarding the material that was hauled in to fill-in some of the over-excavations. Mr. Capacchione explained that he did some soil tests/analysis on material that was brought in and some off-site material and they are all very similar in nature (indigenous). He feels it is suitable material and that it will not cause any future problems with the intended use of recreational area. They did compaction tests and it achieved a reasonable level of compaction (he referred to a report that had been provided to Commission Members). He stated that over the course of the expansion of the project, should any settlement occur, they can address it.
- Mr. Thurlow asked Mr. Capacchione to state, for the record, what kind of equipment is used. Mr. Capacchione answered pay-loaders, bucket-loaders, excavators and dump trucks. No hammering, no blasting, material is removed from site to be processed at Joly's facility, it does not go onto Town roads (it stays on their private road).
- There was discussion regarding compaction/settling.
- Sheila Roddy asked about funds to complete the recreational area if the excavation were stopped. Mr. Capacchione explained that there are no other means in place for it.
- Brian Card asked about hours and days of operation, how access to the site is controlled regarding trespassers walking the property (steep slopes), and dust control measures during operation.
Randy Joly, 27 Irene Street, Ernest Joly & Sons, answered Monday through Friday 7:30 a.m. to 4:30 p.m. No operation on Saturdays, Sundays or Holidays.
Mr. Joly stated that they don't object to installing a gate and post a sign, but he doesn't feel it will help. A lot of people access it through the River Trail end. They have asked State Police and DEEP to patrol to try to stop vehicles and people walking on the property to no avail.
Mr. Joly stated that no dust control methods are used because it is completely blocked by foliage so it doesn't get out of the area. He stated that they will address it if required by the Commission.
Mr. Joly explained that the material has changed to material that they do not process much anymore which is a very sandy product. They are only out there about once per week hauling material.

Mr. Joly addressed issues from the previous meeting:

- Over-excavation – He stated that Joly has been in operation for over sixty years and he does not think there are any sand and gravel companies that do not over-excavate. He said that gravel disappears and it does not replenish itself. They have one plant and are limited not only financially, but also by distance regarding where they can haul material from. Sand and gravel operations chase everything that they can possibly get and then they take care of it through the reclamation process. Gravel is getting very scarce. He explained that all building begins with materials that start with a sand and gravel operation. Materials in that hole are helping them to stay in business. Denying access to some material will lead to problems in the future. He stated that Joly has a good reputation in the industry and he asked to be judged not by the process, but by the finished product which takes time. He stated that it doesn't look very nice right now, but it will look like what the Town wants and needs for a recreation area.

There were more questions from the Commission Members:

- Ms. Roddy asked what should have been done regarding the over-excavated area. Mr. Capacchione explained that the intent going forward would be to bring the site up to grade and then work the active face and lifts in sections until they get to the final product (not going below the elevations on the plan). Mr. Joly apologized for it getting out of control and noted that they have brought it back quite a bit, fairly quickly. He referred to the site walk and he said what is showing is useable gravel and he explained where the good material ends (that they have been able to find) and he stated that nothing will go below that level currently. He promised that if the expansion is granted, it will be run in a different manner.
- Mr. Card asked how many acres are in what is defined as the active area. Mr. Joly answered 5 or 6 acres. They know there is good gravel in that area, but they do not know how far down without doing bore tests. He went down 12-15 feet with a small backhoe and it was all nice gravel which they really need to make the majority of their products.

For the record, Mr. Card asked for verification of ground water, 6-foot separation. Mr. Capacchione stated that survey elevations are shown on the plans. The elevation of the surface water is 12 feet. He did not compare to any other maps. He visited the site after last month's meeting and did not see any ground water at all in any of the excavations. Existing contours are shown on the plans and he explained the base grade.

For the record, Mr. Capacchione requested a waiver of the A-2 Survey.

For the record, Keith Thurlow noted that, if it comes back to the Commission, they can excavate into the ground water table, if the Commission authorizes it. Mr. Joly explained that they do not want to go below the water table.

- Milburn Stone asked how long it would take to start restoration. Mr. Joly stated that they can't predict it as it would be based off of sales. He explained that access is limited. They would move gravel to continue reclamation if the Commission wants, but they would have to bury good material. He explained the location of the good material. There was discussion regarding gravel permit renewal. Ann-Marie Aubrey explained that the original application was under prior Regulations and that Joly came in for 3-year renewals under the prior Regulations (no time limit). They reached the amount of gravel removal as stated in their original application. When they expanded (approximately 2006), there was a time limit under those Regulations. This is a brand new application under the new Regulations. There was discussion about a comment that had been made at the May 21st meeting regarding monetary value. It is not within the PZC's purview to consider financial value.
- Ms. Roddy asked if a length of time had been specified for Joly to be finished and reclaimed. Ms. Aubrey stated that it had not.
- Mr. Thurlow asked Mr. Joly to clarify an area where grass is growing sporadically near the drainage path. Mr. Joly explained that they had already reclaimed that area and it was growing, but it was used by the Town to store road scrapings. On the opposite side from that area is where the Town currently dumps snow during the winter (which is why there are sections of curbing, etc.). Mr. Thurlow stated that it is out of Joly's purview to restore it again. Mr. Joly explained that they are going to have un-claim areas that they have partially reclaimed that weren't finished (steep slopes).

Mr. Thurlow stated that, in his opinion, it should be restored and he questioned who would be responsible. Mr. Capacchione stated that it could be addressed. Mr. Thurlow suggested that if snow will be stored there, it should be designed for that purpose.

COMMENTS FROM THE PUBLIC:

- Patrick McLaughlin, 471 Wauregan Road, was disappointed with the site walk because they did not walk much of the very large site. He said you need to see the backs of the berms to see where the material is pushed up to see that silt fencing is needed (as it is eroding down that steep slope facing the west).
Mr. McLaughlin respectfully disagrees regarding the DEEP permit which is a filing (Storm Water and De-watering Wastewater from Construction Activity Permit which is required for over 5 acres). There is a good deal of flow that flows to the south into the riprap in the swale (the swale was much smaller originally).
Regarding the restoration of the site, Mr. McLaughlin, stated that he has seen the site almost on a weekly basis over the last 15 years as he walks his dog. He does not want the access to the site to be changed as he does not see it as a problem. He stated that the Jolys run a respectful business and their drivers are courteous. He does not see much vehicle activity near the gate at the River Trail, mostly pedestrians.
Regarding stabilizing the site, Mr. McLaughlin stated that the phasing was confusing because there were a lot of different phases. He stated that since it is a new application, the new Regulations require 6-inches of growing medium over the entire site and also planting trees (none of which, he stated, has been done on the original activities). There is very little topsoil at the site, but topsoil can be fabricated. He stated that what has been put back in place now has virtually zero organics. He said that they have a source of organics with the stump grinding operation, so they just need to fabricate growing medium on the next phase to make sure that it is stabilized better than what was done in the past (and have trees on it).
Mr. McLaughlin suggests weekly or even daily inspections by the Town to make sure things are going according to plan. He stated that, at the last meeting, Mr. Thurlow had commented that they were excavating down into the groundwater and that he (Mr. McLaughlin) had gone there next the day to take a closer look and Joly had pushed the material into the hole (no compaction) and had filled-in the low area where water was showing in the photos that he had provided at the May 21st meeting (which took them about a week to do). Mr. McLaughlin stated that, in his professional opinion, that was into the seasonal groundwater and they should have been putting in monitoring wells to figure out where the groundwater table is.

Mr. Thurlow stated that it was probably a combination of both groundwater and run-off. Mr. McLaughlin agreed, but, he stated that he would say it was the groundwater level. He stated that it was filled-in with 5 or 6 feet of fill between the May 21st meeting and the site walk.

Mr. McLaughlin suggested that if it is going to continue forward, requirements should be put into place to ensure that it is done according to plan and that the area is restored much better than what was done on the initial 17 (or so) years of work there.

Motion was made by Milburn Stone to close the public hearing for Special Permit Extension Application # 18-1192; Town of Killingly, for proposed gravel excavation expansion; 80 Edwardsen Street; GIS Map 259, Lot 89; 123 acres; Low Density Zone which had been continued from May 21, 2018. Second by Virge Lorents. 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

VII. UNFINISHED BUSINESS

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

None

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

1. Special Permit Extension Application # 18-1192; Town of Killingly, for proposed gravel excavation expansion; 80 Edwardsen Street ; GIS Map 259, Lot 89; 123 acres; Low Density Zone. **CONT FROM 05/21/2018**

Motion was made by Brian Card to approve Special Permit Extension Application # 18-1192; Town of Killingly, for proposed gravel excavation expansion; 80 Edwardsen Street; GIS Map 259, Lot 89; 123 acres; Low Density Zone, with the following conditions:

1. The following corrective actions need to be addressed prior to additional gravel excavation:
 - a) Steep slopes need to be brought back to design grades or consistent with the Regulations (no steeper than 2.5 to 1);
 - b) The undercut on the northern side on the bottom section needs to be brought back to design grades;
 - c) The top slopes, undercutting of the tree line, need to be addressed with the restoration plans.
2. Some E&S Controls (silt fence) must be put in place on the southern side adjacent to the entrance roadway to control minor erosion sediment into the small swale drainage area. The Town to look into the requirement for a permit from DEEP.
3. Approval is for Phase 1 excavation with Phase 2 and 3 to come back before the Commission with the appropriate grading plans.
4. The active area needs to remain at five (5) acres or less, consistent with the Regulations. The remainder must be stabilized with sufficient growing medium consistent with the Regulations.
5. Waiver of the A-2 Survey is granted for the property.
6. The base grading as seen in the drawings is consistent with the 170-foot elevation as stipulated by the Town Engineer to maintain the separation with the groundwater.

Second by Virge Lorents.

Discussion: Mr. Thurlow asked if the Town would be continuing to use the site for storage for other things. Mr. Capacchione stated that he is not overseeing the Highway Department at this time, but that he could look into it. Ms. Aubrey offered that if there is a concern, she could find out if it would need to come back before the Board as the public hearing was already closed. Mr. Thurlow stated that it had been brought up during the public hearing, so if it is an issue, it should be addressed. Mr. Card stated that he had not addressed it in his motion to approve because it is the gravel operation that is being permitted and if the Town wants to use the property for another reason, he suggests that they Town come back and carve out that piece of the property and designate it separate from the gravel operation as a municipal use of public property.

Roll Call Vote: Brian Card – yes; Virge Lorents – 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)

None

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

None

VIII. NEW BUSINESS

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

1. Zone (MAP) Change Application #18-1196; Town of Killingly; "Level A" Mapping Approval for the CT Water Co.'s Crystal Plainfield Well Field. **No Action at This Time – Hearing 07/16/2018.**
2. Zone (TEXT) Change Application #18-1190; Town of Killingly; amendment to Section 566. Accessory Dwelling Unit to become Secondary Dwelling Unit; change of title; increasing allowed bedrooms to two (2) and allowing interior, attached, and detached units. **No Action at This Time – Hearing 07/16/2018.**

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

1. Special Permit Application #18-1197; Desmarais & Sons, Inc.; request permit for earth filling and excavation under Section 560 of the TOK Zoning Regulations; 145 Alexander Parkway; GIS MAP 36, Lot 1; ~26.1 acres; Industrial Zone. Receive, and if application is complete, schedule for public hearing for July 16, 2018. (NOTE: This will be the fourth (4th) hearing on 07/16/2018.

Ann-Marie Aubrey stated that the Application is complete. Keith Thurlow stated, for the record, that he will not be acting on this Application.

Motion was made by Virge Lorents to receive and schedule a public hearing for Special Permit Application #18-1197; Desmarais & Sons, Inc.; request permit for earth filling and excavation under Section 560 of the TOK Zoning Regulations; 145 Alexander Parkway; GIS MAP 36, Lot 1; ~26.1 acres; Industrial Zone for Monday, July 16, 2018, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, 7:00 p.m. Second by Milburn Stone. Motion carried (4-0-0). Keith Thurlow had recused himself but remained at the table.

C. Site Plan Reviews – (review/discussion/action)

None

D. Subdivisions – (review/discussion/action)

None

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

1. Scenic Road Application # 18-1187; Adam Griffiths, request to designate Griffiths Road as a Scenic Road under Killingly Code of Ordinances Article IV. Scenic Roads; Sections 12.5-61 (Short Title) through and including Section 12.5-68 (Rescindment). No Action at This Time – Hearing 07/16/2018.

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

1) Regular Meeting of May 21, 2018

Motion was made by Brian Card to accept the Minutes of the Regular Meeting of May 21, 2018. Second by Virge Lorents. Motion carried (3-0-2). Brian Card and Sheila Roddy abstained.

2) Special Meeting – Site Walk – of June 5, 2018

Motion was made by Milburn Stone to accept the Minutes of the Special Meeting – Site Walk – of June 5, 2018. Second by Sheila Roddy. Motion carried unanimously (5-0-0).

X. OTHER – (review/discussion/action)

A. CGS 8-24 Referrals

None

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. Extension Requests, ETC. -Project Completion / Subdivision & Site Plan Approvals / Mylar Filings / Site Plan Amendments / Re-Classify Phases

None

G. Requests to Allow Overhead Utilities / Wireless Telecommunications Facility

None

H. Upcoming P&Z Commission Meetings

1. Next Regular Meeting – Monday, July 16, 2018

2. Next Special Meeting – To be determined.

2. Next Special POCD Meeting – Monday, July 16, 2018 at 6:00 p.m.

XI. CORRESPONDENCE – (review/discussion/action) – No discussion.

XII. WORKSHOP SESSIONS – (review/discussion/action)
None

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT – No Representation.

XIV. TOWN COUNCIL LIAISON REPORT

Lynn Laberge reported:

- Authorized the sale of Town property at 44 Pleasant View Drive;
- Passed two Ordinances regarding Bingo, Baazars and Raffles;
- Resolution to set the hours at the Killingly Transfer Station. They ran into issues with the contract. There will be a meeting of the Town Manager, Town Engineer and Willimantic Waste on Wednesday;
- Authorized an application regarding the removal of a fuel oil tank at KCS and to install an above-ground tank;
- Voted to remove a restrictive covenant at 20 Water Street;
- Discussed whether to continue investing money in the Killingly Community Center or to look into building a new building;
- Cancelled the July 3rd Town Council Special Meeting.

There was discussion regarding the Community Center building.

XV. ADJOURNMENT

Motion was made by Milburn Stone to adjourn at 8:22 p.m. Seconded by Virge Lorents. Motion carried unanimously 5-0-0).

Respectfully submitted,

J.S. Perreault
Recording Clerk