



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

**MONDAY – JUNE 21, 2021**

**Regular Meeting – HYBRID MEETING**

**7:00 PM**

**TOWN MEETING ROOM – 2<sup>ND</sup> FLOOR**

**Killingly Town Hall**

**172 Main Street**

**Killingly, CT**

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JUN 29 AM 11:41

Elizabeth M. Poulos

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**MINUTES**

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I. **CALL TO ORDER** – Acting Chair, Brian Card, called the meeting to order at 7:06 pm.

**ROLL CALL** – Virge Lorents, John Sarantopoulos, Matthew Wendorf, Brian Card (all were present in person).  
Keith Thurlow was absent with notice.

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

**Also Present** – Ken Slater, Town Attorney; Brian Dotolo, Project Director, Steven Cole, Civil Engineer from the Haskell Corporation; Greg Smith and Yovanna Gamez Electrical Engineers, from the Haskell Corporation; David Kode, Haskell; Nathan Labagh, Haskell; Roger Gieseke and Silvino Quenga from Frito-Lay; Rob Iacobucci and Ryan Cuevas from Green Skies; Nicholas H. Durgarian, Douglas Construction Company; Patti Larrow George, Town Council Liaison; J.S. Perreault, Recording Clerk (all were present via Webex).  
Mike Cristina; Norm Thibeault, Killingly Engineering; Dale Desmarais, Desmarais & Sons, Inc.; (all were present in person).

II. **SEATING OF ALTERNATES** – None.

III. **AGENDA ADDENDUM** – None.

IV. **CITIZENS' COMMENTS ON ITEMS NOT SUBJECT TO PUBLIC HEARING** (Individual presentations not to exceed 3 minutes; limited to an aggregate of 21 minutes unless otherwise indicated by a majority vote of the Commission)

**NOTE:** Pursuant to Governor's Executive Order 7B, all 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 on or before the meeting. 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.killingct.gov](http://www.killingct.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 132-481-0960 when prompted.**

Ann-Marie Aubrey read aloud from an e-mail that had been received, earlier in the day, from Karen Johnson supporting comments that had also been received earlier in the day, from Lois Latraverse (dated June 18, 2021) on behalf of the Alexanders Lake Homeowners' Association, regarding the Frito-Lay Application (Site Plan Review Application #21-1262). Ms. Johnson feels that the Application is not complete. Ms. Aubrey also read aloud from Ms. Latraverse's letter (which included sheets of signatures).

Ann-Marie Aubrey read from a letter received, earlier in the day, from Mike Cristina regarding clear-cutting in the Five-Mile River Protection Overlay District in which he explains his concerns and suggests adding the definition to the Regulations and to consult with the Town Attorney regarding this matter.

The Commission Members had received all comments via either the packet or e-mail.

At this time, Mr. Card read the access information above in case anyone else wanted to participate in Citizens' Comments by calling in.

Mr. Christina, Dayville resident, who was present in person, stated that he was not sure if his concerns would be able to be discussed tonight or if it should be put on a future agenda. Ms. Aubrey explained the procedure regarding timeline for receiving comments, posting them and hybrid meetings. Mr. Card explained that Mr. Cristina would have the opportunity to speak about his issue during Citizens' Comments, the Commission would have the opportunity to respond, and, in his opinion, it would be received and taken under advisement and the Commission could choose to possibly put it on a future agenda if it feels that additions/modifications need to be made to the Regulations, or they could direct Staff to draft a letter from the Commission to respond to Mr. Cristina's comments.

Mike Cristina, Dayville, spoke of his concerns regarding what he believes to be violations of clear-cutting in the Five-Mile River Protection Overlay District. He said that the issue came up that the Zone's Regulations are not enforceable because it is too vague, but he disagrees with this. Mr. Christina suggests the following:

- A definition for clear-cutting be added (he referred to the definition of clear-cutting in the Wetlands section of the Regulations).
- Address the enforceability.
- The underlying zone (Rural Development Zone) should not take precedence over the overlay zone. He has spoken with two zoning attorneys who say that the overlay zone cannot be more restrictive than the underlying zone.

Mr. Cristina commented on the following:

- If there are exceptions to clear-cutting, is it under a variance or a permit?
- It is in the Regulations that it is the landowner's responsibility to protect the view (he read from the Regulations).
- He referred to the Wetland's Regulations and stated that it does not matter if you are clearing your land for a house or to restore an agricultural field, you are still regulated if you are within 200 feet of wetlands (so you cannot cut right down to the river). He said there is a difference of opinion as to whether that has happened or not.
- In the Overlay District, owners are supposed to protect their houses from being viewed from the river, not improve their view of the river.

Mr. Cristina stated that the issue from a year-and-a-half ago is over with and they just want to prevent other issues from happening in the future.

Ms. Aubrey asked Ken Slater, Town Attorney, for his opinion. Attorney Slater (via Webex) stated agreement with Mr. Cristina regarding the notion that an underlying zone can be more restrictive than an overlay zone is not correct, because overlay zones tend to impose some additional requirements that do not exist in the underlying zone. Attorney Slater explained that he also agrees with adopting a definition because reading the Regulation in the extreme would not allow a lawn. He explained that there is some judgment involved in interpreting clear-cutting and that Staff has discretion in interpreting the Regulations.

Mr. Cristina asked that the Commission read his letter and give it consideration.

Mr. Card asked if there were any other comments from the public. Ms. Aubrey stated that she did not have any more comments from the public. Mr. Blake stated that there were no other callers for public comment.

#### **V. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS**

Mr. Card stated that he expects that the Commission will read and consider Mr. Cristina's letter. Virge Lorents stated that she will review that section of the Regulations. Mr. Card stated that the Commission had previously discussed the need to look at uses vs. activities in that Section.

#### **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 132-481-0960 when prompted**

- 1) **Special Permit Application #21-1263;** Desmarais & Sons, Inc.(Landowner – 145 Alexander Parkway, LLC); 145 Alexander Parkway; GIS MAP 36, LOT 1; ~26.0 acres; Industrial Zone. Applicant proposes to modify grading from Previous Approval.

Norm Thibeault, Licensed Professional Engineer with Killingly Engineering Associates, (present in person) represented the Applicant. Mr. Thibeault gave an overview and displayed plans as discussed:

- Original approval in July 2018 for the excavation activities to remove earth products from this location.
- Came back for modification in May 2020, to allow the Owners to import materials for processing. This was approved.
- Looking back at the plan and the grading originally shown, they realized the following:
  - As they excavated in some areas, the material was not quite as marketable as they thought it would be. Therefore, there are areas where they will not be able to excavate as much material as they originally wanted to.
  - Along the property line to the east (he indicated on the plan), he explained that, originally, the way that the grading was shown (up to 50 feet from that property line) it created a berm (from 8-12 feet high) along that property line that continued up-gradient from the Applicant's property to the State of Connecticut's property. It did not make a lot of sense, from a grading standpoint, to have that big knob there. He read aloud from Section 560.7.i of the Regulations and stated that the grading scheme that they are showing (for the modification) carries the grades out that are at the property line now (Old Trolley line) into the Applicant's property and create a shelf there rather than a big berm. He said that this is, substantially, the change to the Plan.
  - Mr. Thibeault also noted that the excavation was a lot deeper (it was a big, flat site) on the original, approved Plan and that the new grading scheme shows a slope from the south to the north (2 percent slope across the site). This grading plan results in a reduction in the total amount of material to be removed from the site from 254,000 c.y. to 223,000 c.y. (based on the original grading scheme).
  - Mr. Thibeault explained that locations shown for loam stockpiles, temporary sediment basins, riprap swales that come in on the corners of the site were all previously approved.

**QUESTIONS/COMMENTS FROM COMMISSION MEMBERS:**

**Virge Lorents** asked about remediation.

Mr. Thibeault explained that the site will still be restored and that the topsoil and subsoil that will be stockpiled on site does not change because of this grading scheme.

**Brian Card** asked how much has been excavated to date.

Dale Desmarais, Desmarais & Sons, present in person, stated 50,000 to 60,000 c.y.

Mr. Thibeault explained that it is based upon the original grading on the original Plan and that approximately 175,000 - 170,000 c.y. is remaining that needs to be taken off.

Mr. Desmarais explained that where they are in Phase 1, they are still 15 feet higher than what they were permitted to go, but it is not good materials (it is structural fill-not gravel, so they are leaving it there). He estimates it would probably be 150,000 c.y. coming out rather than the 223,000 c.y.

**Mr. Card** asked if there is any change regarding access coming into the property (ramp).

Mr. Thibeault stated that everything is the same.

**Mr. Card** asked about the conditions of the original approval.

Mr. Thibeault explained that he had discussed two comments from Town Engineer, David Capacchione, and that he had also requested that, prior to doing any of the proposed grading that changes the grading scheme, the edge of that right-of-way be staked out in the field to verify that they do not go over the right-of-way.

**Mr. Card** asked if the Conservation Easement had been corrected on the drawing.

Mr. Thibeault stated that it had.

**Mr. Card** asked about boulders being used as a natural barrier along the wood line.

Mr. Thibeault stated that they are still shown, where appropriate (along the western side), as a protective measure. The boulders along the eastern slope are not shown (due to creating the plateau there).

**Mr. Card** read aloud Town Engineer, David Capacchione's conditions:

- Prior to excavation, staking-out the eastern property line and that they remain in place. This should be a condition of approval.  
Mr. Thibeault stated yes.
- Calculation been provided.  
Mr. Thibeault stated that they had, and he explained that he had discussed this with Mr. Capacchione and that Mr. Capacchione accepts the swales as designed (2-3 c.f.s for a 100-year storm).  
Ms. Aubrey stated that she had received an e-mail from Mr. Capacchione at 4 p.m. today. She confirmed that Mr. Capacchione's comments had been addressed: #1 – Mr. Thibeault has no problem with marking out the property lines and that this should be a condition of approval; #2 and #3 were satisfactorily addressed. Ms. Aubrey also stated that all prior conditions should remain in effect.

There were no further questions or comments from the Commission or from Staff.

Motion was made by Matthew Wendorf to close the public hearing for **Special Permit Application #21-1263**; Desmarais & Sons, Inc. (Landowner – 145 Alexander Parkway, LLC); 145 Alexander Parkway; GIS MAP 36, LOT 1; ~26.0 acres; Industrial Zone. Applicant proposes to modify grading from Previous Approval.

Second by Virge Lorents. No discussion.

Mr. Card Called for the Vote: Virge Lorents – yes; Matthew Wendorf – yes; John Sarantopoulos – yes; Brian Card – yes. Motion carried unanimously (4-0-0).

2) **Zone Text Change #21-1265**; Douglas Construction Company; Special Permitted Use; Add Section 420.2.2.q General Commercial Zone; Special Permitted Use; Distribution Center Facility.

Nicholas H. Durgarian, Douglas Construction Company, (via Webex) represented himself. He stated that the proposed language is straightforward regarding definitions, conditions and limitations and he offered to answer questions regarding further clarification.

Ann-Marie Aubrey stated that, due to some of the concerns that the Commission had when this was being received last month, she had reviewed the Special Permit section, the Site Plan Review section, and the General Commercial Use section of the Regulations. She reviewed her Staff guidance dated June 21, 2021:

- She explained that this would have limited application in the General Commercial Zone (you would not be able to do this on every parcel within the General Commercial Zone).
- Buffer zone will need to increase from 15 feet to 25 feet (2.g). The Applicant agrees to this.
- Already in agreement with Condition 2.h for the lot area.
- Additional height left up to the discretion of the Commission.
- Special Permit is NOT a use of right.
- She recommends reading the news article regarding local package delivery by Walmart and Target (included in packets to Commission Members).

**Brian Card's questions/comments/suggestions:**

- Agrees with buffer zone increase (to be consistent).
- Delete 2.h as it is covered in the front of General Commercial. Maintain the fee for lot coverage in the General Commercial Zone.
- Building height increase – There was discussion.

Attorney Slater gave his opinion: He said that bulk requirements (height) are not usually flexible, usually it would be set in the Table. He referred to a case (McKenzie). He explained that he could not say with 100 percent certainty that it would stand up. He questions the wisdom of having a height requirement in the use regulations as opposed to in a Table. If it is a special permit use, perhaps, the Table can be amended. He said that if the Commission thinks that it is worth adopting these regulations for these kinds of facilities as a use by special permit and give that kind of flexibility, you will look to this section rather than the bulk Table to determine how tall a building can be allowed. He said it would probably hold up. He explained how special permit gives the PZC discretion.

Attorney Slater described three approaches: 1) Do not treat this use any different than any other use in that zone – the height is the height is the height; 2) Say the maximum height shall be the increase that they are asking for and then rely on the special permit standards if, in a particular location, that height is too much; 3) Do it exactly the way that it is drafted. Ordinarily you will stick with the height that is in the underlying Table and that you might be persuaded under special permit criteria to allow additional height.

Attorney Slater explained that there would be no need to re-notice the public if the Commission decides to adopt any one of the three approaches described above because they are within the general scope of what is before the Commission.

Mr. Durgarian clarified, based on the three approaches described by Attorney Slater, that he does not feel that this proposal takes any control out of the Commission's toolbox as it relates to what would be approved or not approved at a specific location because this is all under special permit. Attorney Slater stated that Mr. Durgarian is correct, and he explained the three options again.

Mr. Card asked if there were other uses where a height of greater than 50 feet is allowed. Ms. Aubrey answered that other zones allow up to 50 feet and, if this proposal were approved, the General Commercial Zone (which currently allows up to 40 feet – set by the Table) would also allow up to 50 feet. Jonathan Blade noted that the Borough of Danielson allows up to 60 feet in some zones.

There was discussion and Mr. Card asked if the PZC is okay with allowing up to 50 feet in the General Commercial Zone and he explained that there are two options with three ways to word it: 1) Underlying Zone plus 10 feet; 2) No more than 50 feet; or 3) 40 feet (leave it as it is).

**Mr. Card** asked what is meant by 2.d (regarding accessory uses – field organization of trailers, truck repair, or are uses currently being performed within the zone) of the proposed language.

Mr. Durgarian explained that it is on-site logistics – moving trailers around that would carry goods to and from the facility. He stated that he had fully read through the General Commercial Zone Regulations, and he explained that there would not, necessarily, be an adjacent maintenance facility, but that a facility or property like this could require a wheel to be changed or an engine repair truck that may have to come to look at a motor. He said the

facility would not be used for these purposes, but the unforeseen occurs and maintenance and repairs need to take place potentially outside of their ideal location.

Mr. Card stated that he would strike the catch-all phrase, "or are uses currently being performed within the zone."

Mr. Durgarian explained that if there is a user down the road in the zone, utilizing the lot for something that is not necessarily in the Regulations, but has been generally accepted by the Town, they would want to reserve the right underneath this special permit to be able to operate in those capacities also. He said that it can be struck or kept, but it is not necessarily meant to be a catch-all, it is just looking at what the existing uses inside the established zone are.

Attorney Slater suggests striking it as it creates more ambiguity. He explained that the rights of an existing facility are protected as a non-conforming use and if it wanted to expand, it would apply these Regulations to its expansion and, if approved, it would turn from a non-conforming facility to a special permit approved facility.

- **Matthew Wendorf's comments/suggestions:**

**Mr. Wendorf** stated agreement with Mr. Card regarding deleting 2.h.

Mr. Wendorf stated that regarding building height, he would leave it at 40 feet for this special permit verbiage. Jonathan Blake referred to, and read from, the dimensional section - 450.3.1 for the Industrial Zone, and stated that this item is addressed there "Under the special permit, the building may exceed the maximum height as long as it is not an item otherwise exempt in a previous section." This is more open-ended, and it appears that there is no cap. Mr. Blake suggested that 10 feet is easier to define by just saying 50 feet. Ms. Aubrey read aloud from 450.3.1 and suggested adding that language to clearly define on what condition the Commission would allow it. She asked Mr. Durgarian to clarify why he put the additional 10 feet in the proposal. Mr. Durgarian explained that it is to allow for flexibility in the height of the building. He has several clients who have varying levels of height requirements inside the building (such as racking). He said that it all comes into play as it relates to distribution-type facilities today and the development of that industry. Mr. Durgarian asked that the Commission think about how to word it and if it gets limited, it gets limited. He said that it would be suitable to him if there is a way for the Commission to retain control under special permit use to at least have the ability to consider the additional 10 feet at the point of formal application.

Mr. Card stated agreement with Mr. Wendorf should the Commission think about it for the entire General Commercial Zone (potential other uses that may require additional height), or should it worded like 450.3.1 to be specific?

**Brian Card's questions/comments/suggestions continued:**

- Item 2.e – No packaging exterior to the building - just items stored in trailers on the lot?

Mr. Durgarian stated that is correct and explained that it is to accommodate for goods that are in trailers parked adjacent to the building. He said that there would be no processing or substantial handling of materials outside of the building.

- Item 2.f

Mr. Durgarian explained that the purpose of this wording is to keep loading docks away from the street-facing side of the building for aesthetic purposes. Mr. Durgarian clarified the language of the second phrase explaining that it allows for loading docks to be on the street side of the building if there is a landscape or other building buffer (consistent with required buffer conditions).

Attorney Slater suggested and Ms. Aubrey re-iterated the following language: "Truck loading docks shall not be located on the street-facing side of the building or be located on the building side that abuts a residentially-zoned parcel without adequate landscape buffer and screening." Matthew Wendorf stated that he feels it still needs more clarity. Mr. Card stated that residential is covered by Item 2.g.

- Item 2.i

Attorney Slater explained this Item is what he was referring to earlier that he does not favor. Attorney Slater suggests striking it as it creates more ambiguity. He explained that the rights of an existing facility are protected as a non-conforming use and if it wanted to expand, it would apply these Regulations to its expansion and, if approved, it would turn from a non-conforming facility to a special permit approved facility. He said that this is the law already and it does not need to be stated. Mr. Card stated agreement for deleting Item 2.i.

Mr. Card explained that Item 2.d "or are uses currently being performed within the zone" is what was being discussed earlier and Attorney Slater stated that the same applies for that Item also. If it can be demonstrated that something was in existence before the Zoning Regulations would have otherwise prohibited it, it can continue.

There was discussion regarding the two definitions. Brian Card suggested rewording 1.b - fulfillment. Mr. Durgarian explained that fulfillment would not be warehousing (the storage of goods). He explained the process of fulfillment. You have the bulk storage of goods, someone orders ten different items, those ten items go into a new package before leaving the building. The process of the ten items getting into that package is the process of fulfillment in this definition.

Mr. Card questioned whether the sentence should begin, "For the purpose of this Regulation only" or "For the purpose of this Section only." Ms. Aubrey stated that it should be, "For the purpose of this Section only." Mr. Card stated agreement. There was discussion and Mr. Card mentioned that the Commission think about it and may want to add to the definition of fulfillment.

There were no further comments regarding Item 2. Conditions.

There was discussion regarding Item 3. Prohibited Uses:

- Item a – No comments.
- Item b – Delete.
- Item c – Delete.
- Item d – Add "sale" or storage of animals or live pets.
- Item e – Mr. Card suggests keeping this in case someone takes parts and puts them together to fulfill an order.
- Item f – Mr. Card feels this is open-ended and asked, "Who is defining which governmental agency and which responsible insurance agency?"

Attorney Slater commented on the whole series of prohibitions being discussed. He said that the prohibitions need to be tailored to the use that is being proposed and some of these do not seem to have anything to do with the use being proposed. He said that the applicant should give a very specific description of exactly what is going to be done in that operation which can be built into the special permit as a condition. It does not need to be listed as a prohibited use. He said that Item f can stay in, but he suggests striking the last three words, "responsible insurance agency." Another alternative would be to leave the whole concept to the permitting process to make sure that what is being handled in the facility is acceptable to the PZC. He suggested the following language, "products that are unstable or hazardous."

Mr. Card asked if these should be conditions rather than prohibited uses.

Attorney Slater explained that the PZC could prohibit unstable or hazardous materials and then would need to decide what it is on a case-by-case basis.

John Sarantopoulos commented that he does not have a problem with the proposed language because vehicles would have a placard. Discussion ensued. Jonathan Blake suggested the following:

- Items 3 d & e should stay and add "sale" to d.
- The rest should be stricken because they either conflict or are covered by various levels of Staff review or other conditions.

Discussion continued regarding Item 3. Prohibited Uses:

- Brian Card stated strike Item 3.f.
- Brian Card stated strike Item 3.g (already covered).
- Brian Card recommends moving Item 3.h to Conditions because he does think the Commission would want shipping containers that are not on a vehicle stored on the premises. He suggested adding, "No outdoor storage of pods or shipping containers not on a chassis."

Mr. Card stated that he thinks the whole thing needs to be re-worded. He recommended continuing and coming back with re-worded language (not adding anything).

Motion was made by Virge Lorents to continue **Zone Text Change #21-1265**; Douglas Construction Company; Special Permitted Use; Add Section 420.2.2.q General Commercial Zone; Special Permitted Use; Distribution Center Facility, to the next regularly scheduled meeting of the Planning and Zoning Commission on Monday, July 19, 2021, Town Meeting Room, 2<sup>nd</sup> Floor, 172 Main Street, at 7:00 p.m.

Second by John Sarantopoulos. No discussion.

Roll Call Vote: John Sarantopoulos – yes; Matthew Wendorf – yes; Virge Lorents – yes; Brian Card – yes. Motion carried unanimously (4-0-0).

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

1) **Special Permit Application #21-1263**; Desmarais & Sons, Inc.(Landowner – 145 Alexander Parkway, LLC); 145 Alexander Parkway; GIS MAP 36, LOT 1; ~26.0 acres; Industrial Zone. Applicant proposes to modify grading from Previous Approval.

Motion was made by Matthew Wendorf to approve **Special Permit Application #21-1263**; Desmarais & Sons, Inc. (Landowner – 145 Alexander Parkway, LLC); 145 Alexander Parkway; GIS MAP 36, LOT 1; ~26.0 acres; Industrial Zone. Applicant proposes to modify grading from Previous Approval, with the following conditions:

- All Town Engineer's comments be addressed.
- All prior Application's conditions remain in effect.

Second by John Sarantopoulos. No discussion.

Roll Call Vote: Matthew Wendorf – yes; Virge Lorents – yes; John Sarantopoulos – yes; Brian Card – yes. Motion carried unanimously (4-0-0).

2) **Zone Text Change #21-1265**; Douglas Construction Company; Special Permitted Use; Add Section 420.2.2.q General Commercial Zone; Special Permitted Use; Distribution Center Facility.

This Application was continued to the next regularly scheduled meeting of the Planning and Zoning Commission on Monday, July 19, 2021, Town Meeting Room, 2<sup>nd</sup> Floor, 172 Main Street, at 7:00 p.m.

3) **Site Plan Review Application #21-1262**; Kevin Crump/Frito-Lay; 1886 Upper Maple Street, Killingly, CT 06241; GIS MAP 62, LOT 53; ~79.0 acres; Industrial Zone; the project consists of a new building expansion with storm water and asphalt improvements. (REVIEW/DISCUSSION/ACTION)

SCRIVENER'S ERROR: This Item was incorrectly placed on the Agenda under VIII. New Business, Item 1.

Brian Dotolo, Project Director, Haskell Corporation, introduced the rest of the Team Members who were present (all via Webex) for this Application: Roger Gieseke and Silvino Quenga from Frito-Lay; Steven Cole, Nathan Labagh, Ryan Cuevas, David Kode, Greg Smith, Rob Iacobucci, and Yovanna Gamez from Haskell Corporation.

Mr. Dotolo presented Phase 1 (Trash and Receiving Dock Expansion) of the Project. He displayed plans and orientated the area.

- Phase 1 is a smaller project of the overall larger project (Phase 2). The primary scope is the construction of the new warehouse with trash and receiving docks. This expansion will not contain any type of food production. The second larger Phase has not yet been submitted because it is in the beginning stages of design. The full and complete submittal of the second Phase will be presented to the PZC later this year.
- The Civil, Architectural and Exterior Lighting Changes will be reviewed tonight. The drawings submitted meet the Building Code and PZC requirements.
- Both the IWWC and the DEEP have approved this project.
- The existing truck access road will be used for construction access as well.
- He indicated in the southeast corner of the facility where the new building expansion will take place.
- He indicated the existing storm detention pond and the location for the new detention pond (sized appropriately). The old detention pond will be eliminated and filled in providing for additional trailer parking.
- The Project will have minimal impact to the surrounding community.
- The new receiving docks that will replace the existing receiving docks will be blocked in by the new warehouse. The new trash dock that will replace the existing trash dock (also along the elevation) sometime next year when the Phase 2 project commences.
- The building expansion will take place along the east side of the property and will be screened by the existing facility in addition to the landscaping screening along the property line.
- The access road will be paved over an existing gravel road which is currently being used to bring trailers down to the south lot which is currently under development.
- Further to the east there is an electrical yard which is on Frito-Lay's property. This has been coordinated with Eversource who has an easement that runs through the property.
- Existing screening is not being impacted by this expansion.
- The building expansion is being built over existing pavement, so the impervious area will not be increased.



Steven Cole, Civil Engineer, displayed, orientated, and reviewed the Geometric Site Layout of the Phase 1 Expansion:

- This is reduced scope, reduced pavement areas, and reduce limits of disturbed area from the previously submitted documents. He focused on the changes:
  - New access road on the west side – heavy-duty asphalt pavement on top of the existing gravel pavement, slight widening of that existing gravel pavement. Proposing Cape Cod curb, for drainage purposes, along that roadway.
  - Middle area just east of the access road – Previously they were re-grading and re-striping. With this plan, they are not modifying that trailer parking lot at all.
  - There is a slight increase in the trailer stalls on the south side with concrete dolly pads.
  - Receiving docks on the left side of the building – to install heavy-duty concrete aprons.
  - Gravel pavement to the northeast as a temporary trailer storage in that area so they do not have to rip pavement out in the future.
  - Site Utility Plan – He indicated how they are rerouting the fire line for future expansion. They are providing two 8-inch lead-ins for the building connection (coming off an existing 12-inch loop around the building)
  - Receiving and Trash Docks – they have recessed those docks to two trench drains that have multi-purpose. Low flow will be routed to the oily waste system at the Frito-Lay Facility and ultimately will end up at the wastewater treatment facility to be treated. Large flows (such as storms) will be routed downstream. Prior to any flows entering these two pipe systems, they have trash collection and trash buckets to prevent any solids from entering that system. Further downstream, they have the previously approved oil/water separators and hydrodynamic separators. It is a clean system before any storm water would enter the pond.
  - Drainage Plan – The main by-pass from the existing pond will be installed – it was permitted as part of the south lot. The primary focus for this Project was to connect the trench drains and the building expansion to that previously permitted system to by-pass it around the existing pond. For the new access road on the west side, they are proposing Cape Cod curb to drain to a curb inlet and route it underground into the existing system and, ultimately, down south to the new infiltration pond.
  - Updated Post-development Drainage Map – The intent is to show that they are meeting the previously-approved Post-development Drainage Map as part of the south lot. There were some minor changes with the revisions to the new access road and the limits of paving and disturbed area. There is a minor reduction in the pervious area. He showed the Master Plan for the two basins in the north – they have reduced the values. They are outside of the 200-foot buffer zone from the watercourse with the electric yard (one the east side) as well as all the improvements being permitted under this document. This improvement still maintains the 62 percent lot coverage throughout the site.
  - Mr. Cole offered to answer questions.

**Brian Card** asked about traffic flow changes with the new driveway being cut into the north side. How does it relate to the recent prior approval for the lot expansion?

Mr. Cole explained that it is not changing the flow pattern and that the need for the access road is because, where the existing scale is, due to the four-foot recessed docks, they had to cut in that area, and they were not able to route trucks in-between the existing Facility and the scale. He said that the primary access point for the south lot is right along the south property line. He indicated the route and explained that it does not change any of the access, it just provides them more fluid access and more fluid maneuvering from the scale and unloading facilities.

Mr. Card asked if there would be increased traffic that would have neighbor impacts due to the new roadway on the west. Mr. Cole explained that the increase is on the east side of that road, and they want to maintain all the tree buffers on the west side of that road, so none of that will be removed. They increased the existing gravel road for a 30-foot, two-way access road.

There were no further questions for Mr. Cole from the Commission or from Staff.

David Kode, Design Director, displayed, orientated, and reviewed the Architectural Plans: Floor Plan and Elevations:

- Square footage – 19,865 s.f. comprised of S-1 storage occupancy with a small area of an H-4 occupancy (around the chemical storage area).
- Summary of Architectural Layout: Trash dock as well as receiving dock, chemical storage area supporting the area for film storage, a connector corridor interior, and some support space of an electrical room.

- Elevations in Sections:
  - Trash and Receiving Area – Approximately 36'1" at the low point and 38'7" at the high point.
  - Film Storage Area – Lower area of 26' (bottom of deck). The reason for the recess is to accommodate adjacent snow loads around it.
  - There are two materials: Exterior – will be a tilt-up construction concrete which matches, in kind, the existing. Interior - I&P walls that separate the interior spaces.
  - Overall, both sections and elevations of the Facility match existing contacts and building heights. All fit within the Facility heights and limitations.
  - It is tucked in and screened in as part of the existing trash and receiving area as part of the new proposed expansion.

Greg Smith displayed and reviewed the Electrical Plans:

- Site Photometric Plan – Showing a mix of existing (EX) and new fixtures (S-1, S-2, and S-1H). He explained that they incorporated feedback (that had been received from the Lake Association) into this design to really minimize even more light pollution. They removed some old lights (in the area where the new drive is) and put in three new 20-foot-high poles – there is no light fixture in that area (closest to the property line) that is higher – all are at that height or lower. In addition, they put an external glare shield around the back of the fixture and a house-side shield to really control any back light spills in that area to focus all the light straight down onto the road.
- Where the S-2 and two new S-1 light fixtures are shown, they are matching what they did in the south lot for trailer parking. It is directed straight down – no flood lights angled up. No glare looking from off-site. At the property line there is a zero-foot candle.

**Virge Lorents** spoke of Dark-Sky, and she stated that the higher the pole, the wider the cone on the ground.

Mr. Smith explained that, in that area, they are matching pole heights.

Brian Card questioned that the poles will be 40 above grade, but the lights will be mounted at 20 feet.

Mr. Smith stated that the S-1H fixtures will be on 20-foot poles on 4-foot bases (24 feet). The single S-2 fixture and the two S-1 fixtures will be on 35-foot poles on 4-foot bases (39 feet above grade).

Ms. Lorents commented that there has not been much progress in the way of minimizing the lighting. She said that industrial sites and malls are still over-lit at night.

Ann-Marie Aubrey's stated that the Town Engineer had no comments.

Brian Dotolo responded

- Regarding Lighting – One of the responses is that they are going with the 20-foot poles closest to the property line along the drive since there is no parking along that area.
- They are not impacting the vegetation or the screening along the east property line.
- Regarding smell – The addition does not have any production in that space.
- Regarding noise – Noise primarily comes from mechanical equipment on the roof. These have smaller units on the roof that will not make that kind of noise.

Brian Card asked about the trash compactors are exterior to the building.

Mr. Dotolo stated that they are, and they are like what they currently have now.

Motion was made by Matthew Wendorf to approve **Site Plan Review Application #21-1262**; Kevin Crump/Frito-Lay; 1886 Upper Maple Street, Killingly, CT 06241; GIS MAP 62, LOT 53; ~79.0 acres; Industrial Zone; the project consists of a new building expansion with storm water and asphalt improvements.

Second by John Sarantopoulos. No discussion.

Roll Call Vote: Virge Lorents – abstained; John Sarantopoulos – yes; Matthew Wendorf – yes; Brian Card – yes.

Motion carried (3-0-1).

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

1) **Special Permit Application #21-1267**; Justin Olsen/Markover Kennels (Pine Acres Properties, LLC/Owner); 723 & 753 Cook Hill Road, Killingly, CT; GIS MAP 139; LOTS 38.1 & 40; ~160 acres; Rural Development Zone; request dog boarding, training, and grooming facility for 20 dogs. **Receive, and if application is complete, then schedule for next available public hearing date – July 19, 2021.**

Ann-Marie Aubrey stated that the Application is complete.

Motion was made by Matthew Wendorf to receive and schedule a public hearing for **Special Permit Application #21-1267**; Justin Olsen/Markover Kennels (Pine Acres Properties, LLC/Owner); 723 & 753 Cook Hill Road, Killingly, CT; GIS MAP 139; LOTS 38.1 & 40; ~160.acres; Rural Development Zone; request dog boarding, training, and grooming facility for 20 dogs, for the next regularly scheduled meeting of the Planning and Zoning Commission on Monday, July 19, 2021, Town Meeting Room, 2<sup>nd</sup> Floor, 172 Main Street, at 7:00 p.m.

Second by Virge Lorents. No discussion.

Roll Call Vote: John Sarantopoulos – yes; Matthew Wendorf – yes; Virge Lorents – yes; Brian Card – yes. Motion carried unanimously (4-0-0).

2) **Site Plan Review Application #21-1268**; PB Projects, VII, LLC; 140 Main Street, Killingly, CT 06239; GIS MAP 198; LOT 134; Central Business District; renovate historical building for use as 1<sup>st</sup> floor general mercantile, and full-service restaurant; 2<sup>nd</sup> floor for general offices. **Receive, and if the application is complete, please transfer to staff for staff review and approval.**

Ann-Marie Aubrey explained Staff is requesting that it be sent back to them because they are not changing the footprint. It is the old Sherwin-Williams Building which is in the process of renovation.

Motion was made by John Sarantopoulos to receive and transfer to Staff for review and approval, **Site Plan Review Application #21-1268**; PB Projects, VII, LLC; 140 Main Street, Killingly, CT 06239; GIS MAP 198; LOT 134; Central Business District; renovate historical building for use as 1<sup>st</sup> floor general mercantile, and full-service restaurant; 2<sup>nd</sup> floor for general offices.

Second by Virge Lorents. No discussion.

Roll Call Vote: Matthew Wendorf – yes; Virge Lorents – yes; John Sarantopoulos – yes; Brian Card – yes.

Motion carried unanimously (4-0-0).

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

1) Regular Meeting Minutes – May 17, 2021

Motion was made by John Sarantopoulos to adopt the Minutes of the Regular Meeting of May 17, 2021.

Second by Virge Lorents. No discussion.

Roll Call Vote: Virge Lorents – yes; John Sarantopoulos – yes; Matthew Wendorf – abstained; Brian Card – yes.

Motion carried (3-0-1).

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

1) **WORKSHOP - Zone Text Change Application #21-1264**; Town of Killingly; Special Permitted Use; Add Section 420.2.2.p General Commercial Zone; Special Permitted Use; Self-Service Storage Facilities.

The Commission Members reviewed the draft language that had been provided at the last meeting. Town Attorney, Ken Slater was present for this discussion. Brian Card presented his comments/suggestions. Ann-Marie Aubrey will draft new language based on this discussion and will provide it for further review by the Commission.

Workshop to be continued to next month.

2) **WORKSHOP – Discussion** – should the zoning regulations allow for an accessory structure to be constructed on a vacant parcel of real estate without the primary structure being in place?

There was no discussion regarding this Item.

Workshop to be continued to next month.

#### **XI. CORRESPONDENCE – None.**

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

A. Zoning Enforcement Officer's & Zoning Board of Appeal's Report(s) – None.

**B. Inland Wetlands and Watercourses Agent's Report – None.**

**C. Building Office Report – None.**

**XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT**

Jill St. Clair was present (via Webex) and reported on the activities/promotions/events of the EDC.

**XIV. TOWN COUNCIL LIAISON REPORT**

Patti Larrow George was present (via Webex) and reported on the recent actions/discussions of the Town Council.

**XV. ADJOURNMENT**

Motion was made by Matthew Wendorf to adjourn at 9:42 p.m.

Second by Virge Lorents. No discussion. Motion carried unanimously by voice vote (4-0-0).

Respectfully submitted,

J.S. Perreault  
Recording Clerk