



TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION
MONDAY – JULY 15, 2019

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 7:02 pm.

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

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

Also Present: Lynn LaBerge, Town Council Liaison.

II. SEATING OF ALTERNATES – Matthew Wendorf was seated as a Voting Member for Motion #3 (Keith Thurlow recused).

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 June 17, 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 06/17/2019**

Ann-Marie Aubrey explained that the IWWC, at its July 1, 2019 meeting, denied the Application without prejudice for the following reasons (copies of the IWWC denial letter dated July 10, 2019, were included in packets to Commission Members):

- Due to administrative timeline;
- Lack of contact with the Applicant;
- No extension request was submitted;
- The Application was determined to be incomplete.

Staff recommended that the PZC also deny the Application without prejudice. The PZC cannot approve the Application without IWWC approval.

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 06/17/2019**

Keith Thurlow recused himself and left the room. Brian Card assumed the Position of Chairman. Mr. Card announced that Matthew Wendorf would be seated as a Voting Member for this Application.

Attorney Harry Heller of Heller, Heller & McCoy (736 Route 32, Uncasville, CT) represented the Applicants. Large sets of plans (most recent revision to the plans May 2, 2019) were available for viewing by the Commission (smaller versions were included in their packets). Attorney Heller gave an overview:

- The PZC public hearing opened in May and Mr. Heller had given his presentation.
- The IWWC cancelled two meetings, therefore, they were unable to proceed at the June meeting of the PZC. IWWC approval was received earlier this month.
- This Application had been determined by the PZC to be a subdivision rather than a re-subdivision. Attorney Heller stated that the additional fees had been paid to the Town.
- Proposed 51-lot subdivision in medium density zone.
- Proposing new roads as portrayed on the subdivision plan: Proposed Town Road A; and Proposed Town Road B.
- All lots in the subdivision are to be served by municipal sewer and by public water. Will-serve letters were submitted as part of the Application (letter from Connecticut Water, dated March 7, 2019 and letter from Suez, dated April 1, 2019, were included in packets to Commission Members).
- There are three interior lots: Proposed Lots 49, 50 and 51. They receive access by virtue of an easement over and across Lots 30 and 31 and a portion of Lot 50. Attorney Heller submitted, into the record, an Easement and Maintenance Agreement.
- Closed Drainage System: There are catch basins in the proposed streets; stormwater run-off is collected in that system; it is discharged through a hydrodynamic separator (a pollution control device) before the water outlets the system; it is then channeled into a detention water-quality basin. In that basin it attains residency time to filter out pollutants that may not be filtered out by the hydrodynamic separator. The treatment train for the stormwater exceeds the requirements of the Connecticut Stormwater Quality Manual (80 percent removal of total suspended solids). Stormwater is, thereafter, discharged through a culvert system under Ballouville Road to property of Paul Sansoucy on the opposite side of the road. An easement has been acquired from Mr. Sansoucy for the construction of the drainage structures and rights to drain and has been filed on the Killingly Land Records.
- In conjunction with the subdivision Application, they have requested a waiver of the sidewalk requirement due to the following justifications:
 - There is only a minimal sidewalk system in the vicinity of Church Street on Ballouville Road into which a sidewalk system in this subdivision could interconnect. It does not lead to or from anywhere;
 - There are no schools in close proximity to the subdivision;
 - There are no places of public gathering in close proximity to the subdivision.

Although the installation of sidewalks is an expense to the developer, it is also a future expense to the Town as the Town will have the obligation to maintain them. They do not feel that sidewalks are warranted in this location.

Ms. Aubrey will check the file regarding whether a written waiver request had been submitted.

- Attorney Heller believes that the subdivision is in compliance with the requirements of the Zoning Regulations. He said that it is an administrative application.
- They have requested to provide a fee-in-lieu of open space. Staff had previously approved the proposed appraiser to determine the pre-subdivided value of the real property. The appraisal has been ordered, but is not in yet. Attorney Heller stated that if the PZC were to approve the fee-in-lieu, there would be no need to continue the public hearing. He said that whatever the appraisal determines the pre-

Ms. Roddy asked if Mr. Capacchione's comments in his memo (dated April 17, 2019) had all been addressed by the Applicant. Mr. Capacchione referred to a letter from Mr. Held (dated May 3, 2019) in which he said that all of the Engineering comments had been answered satisfactorily.

Mr. Stone asked if the plans would have to be revised significantly if sidewalks were required. David Held, Professional Engineer and Land Surveyor with Provost & Rovero, Inc. was present to address questions regarding the design of the subdivision. He stated that the biggest change would be to re-analyze the drainage system because extra impervious surface would be added. He feels they have room and capacity to accommodate that if the PZC feels it is warranted.

Mr. Stone asked if open space is required, would they have to reduce the number of lots. Mr. Held answered yes and that it would require some redesign of the development. Ms. Aubrey explained that the PZC would need to make a decision within 35 days of the IWWC decision and if more time is needed, the Applicant would need to agree to a continuance. Mr. Held asked that if any changes are required, to let them know during the public hearing because they cannot submit new plans after the public hearing is closed.

Ms. Lorents asked about making impervious surfaces pervious. Mr. Held explained that he discourages this as it requires very extensive maintenance and after a number of years, they become impervious if not properly maintained. Matthew Wendorf offered that there are other options to pervious materials that are meant to last long term that require little maintenance. They just need to be addressed early in the process. Attorney Heller strongly recommends against that. He said that the paver systems are generally used for structural areas for emergency access that won't have regular traffic on it. For sidewalks, you would want a stable, level, smooth surface as it is a big liability issue. Mr. Held stated that the Regulations specify exactly how they need to be constructed.

Mr. Card stated that he had made comments during the public hearing last month. Mr. Heller and Mr. Held stated that they had not gotten Mr. Card's comments so they were unable to address them. Mr. Card commented that the appraisal must be submitted during the formal review process.

Mr. Card's concerns:

- He asked about blasting/earth removal quantities and if an earth removal permit would be needed. Mr. Held explained that they are not anticipating any blasting for this project. For the most part, the road is constructed at grade or very close to it. There are some deep sewer lines, but they dug test pits along the alignment of the road and to not anticipate hitting any ledge. For the most part, it is a sandy till material that is underneath there. He explained that the ledge in the roadway (previously mentioned by Attorney Heller) would have needed 20-25-foot cuts to put the roadway. The sewer line is about 14 feet deep, so they are not anticipating any blasting.
- He stated concern regarding steep slope creations for Lots 14, 15, 16, 28, 29, 49, 50, and 51 some greater than 25 percent. Lots 49, 50, and 51 the backyard is where the roadway was going to go. He asked how these safety issues are being addressed. Mr. Held stated that those lots are graded to provide walk-out basements on the back of the houses (walking out to the existing grade, or close to it). Mr. Card commented that it is a steep cut now. Mr. Held agreed. Mr. Card asked how they would get from the front yard to the back yard. Mr. Held stated that they would walk up the hill. Mr. Card stated that he has concerns with those particular lots and does not feel that they meet the intent of the Regulations to provide safe lots.
- Mr. Card is also concerned about Lots 14, 15, 16, 28, and 29 which are on the northern side at the end of the cul-de-sac where they are creating 25 percent grade slopes. Mr. Held disagreed and he explained that whenever you grade a house with a walk-out basement, you're creating those kind of slopes anywhere. Mr. Card stated that he is concerned with the yard access.

Mr. Card referred to Drawing 6, #19, he feels it should be removed and Drawing 11, drainage line tied into a sanitary sewer line, Lots 30 & 31.

Ms. Lorents asked about fire protection. Mr. Held explained that Connecticut Water's will-service letter states what they can provide and that they will do their own hydraulic study before any construction starts and will dictate (to the developer) what needs to be installed and if there are improvements required off-site to the pump station. He explained that there is a water main extension project going to the Westview Healthcare Center which involves upgrades to the pump station and they will be doing work adjacent to this project which will provide a higher pressure line for this project to tap into and it will be a matter of designing the loop system to connect back into it. Bottom line: Connecticut Water can provide domestic service to this project and they can provide fire flows.

Mr. Card asked Commission Members for feedback on open space vs. fee-in-lieu of open space. Ms. Lorents asked for input from Town Staff regarding whether Attorney Heller's position on open space an accurate description on how open space gets used in this Community. Mr. Capacchione stated there could be an argument made that this is a small, isolated area and there is no connectivity, but depending on the neighborhood, it could become a playground/recreation area. It could go either way. He stated that, in years past, there has been a movement from prior Town Managers to consolidate it or remove isolated areas and put in all into one larger parcel. Ms. Lorents asked if the developer or the PZC that makes the choice as to where the open space would be placed. Ms. Aubrey explained that Staff and the Conservation Commission look at it to see if it has any value (as they did with the prior conceptual plans). It is based on individual circumstances and she suggested that the Commission may want to see the results of the appraisal and then determine what would be better for the Community. She also mentioned that the Open Space Land Acquisition Committee is looking to increase their funds because there are larger areas within the Community that they would like to preserve, but they do not have the funds to do so.

Mr. Stone asked if open space could be used for the blending-in issues and if it were possible to create a walking or bicycle path along the north side where the existing neighborhood would meet with the new neighborhood. Ms. Aubrey explained that sometimes it is also part of the maintenance of the buffer strip. She has seen times where the neighbors are very protective of the open space and she has also seen where they encroach on it and it has created more of an issue. She agreed with Mr. Capacchione that you can make arguments either for or against it. She said that, if creating a buffer space, who will own it and whether it is going to adversely impact the individual house lots (will it make the lots non-conforming?) also needs to be considered. There was discussion regarding the percentage of land vs. fee-in-lieu of. Attorney Heller stated that the open space requirement is twenty percent (3.6 acres) and the fee-in-lieu is ten percent of the pre-subdivided value of the land.

Brian Card polled the Commission to give the Applicant some guidance. Open Space or Fee-in-lieu:
Matthew Wendorf – open space; Virge Lorents – open space; Sheila Roddy – open space; Milburn Stone – open space; Brian Card – fee-in-lieu. Consensus for open space.

Platt Associates had been approved as the appraiser in May. The Commission will want to see a proposal for open space. Ms. Roddy commented that she hopes that, when they are considering where to put the open space, they will take into account their previous comments, and try to place it in a location which will minimize the chances that it would be used for less than optimal purposes.

Mr. Held suggested that the Commission discuss the sidewalk issue so that he will know whether it needs to be incorporated into the design.

Sheila Roddy – yes to sidewalks; Virge Lorents – yes; Milburn Stone – yes; Matthew Wendorf – yes; Brian Card – no. Consensus for sidewalks to be incorporated.

B. New Hearings Scheduled for Tonight's Meeting

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.

Ms. Aubrey explained that this is what would be put into the Borough of Danielson Zoning Regulations.

There were no questions or comments from Commission Members.

Comments from Frank Anastasio, 30 Saw Mill Hill Road, Member of the Killingly Agricultural Commission.

Mr. Anastasio spoke in favor. He stated that they have been working on these Regulations with Staff for over two years. He explained that this goes along with the Town-wide Regulations, specifically related to the Borough of Danielson. He acknowledged that although there isn't a lot of farming going on in the Borough, there are some parcels of land that are large enough to accommodate some agricultural activities. In the past, there have been people who have been conducting agricultural activities within the Borough, so they wanted to address those. The main purpose is to allow agricultural activities where appropriate. There are stipulations for setback requirements and numbers of animals. He expressed appreciation to the PZC for the time that they spent working on these Regulations. He offered to address questions and comments.

There was discussion regarding bees which, Mr. Anastasio explained, is addressed in these Regulations.

There were no comments from the public.

Motion was made by Virge Lorents to close the public hearing for **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. Second by Milburn Stone. Motion carried unanimously (5-0-0).

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.

Matthew Wendorf recused himself and left the room.

Norm Thibeault, Killingly Engineering Associates, represented the Applicant. He provided copies of a plan showing a proposed garage that the Dayville Fire District would like to construct for their Fire Training Facility.

Ms. Aubrey explained that the PZC had previously approved the site plan, but major changes had been made to it, therefore, they had to come back before the PZC. Major Changes: Build a building that was not on the original site plan; Attach classrooms/training on that building which is in a totally different location.

Mr. Thibeault gave an overview:

- They are seeking approval for a Two-bay garage to park a couple of fire vehicles inside (to be built immediately) and a classroom to be constructed at some time in the future.
- The fire training facility has been utilized very successfully for the past three years. They feel that Volunteer numbers (especially Junior volunteers) have increased due to the training facility.
- Comment from Staff: How are they going to prevent erosion and sediment control from entering Litchfield Avenue? Mr. Thibeault extended the silt fence and hay bales around the proposed stockpile area to alleviate any potential for erosion in that direction.
- IWWC approval has been received.
- Another change in the site plan is a gravel parking area which was originally shown as paved. They opted not to pave it. He explained that, by constructing the proposed building (which is a little larger than what was originally

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.

Norm Thibeault, Killingly Engineering, represented the Applicant for a Planned Residential Development and gave an overview:

- There was a previously approved in approximately 2004 for 28 units. The plans were never filed and the project was never constructed.
- The site had been cleared in the past and is now somewhat cleared (there is a lot of 3-4 foot high vegetation). The wetland areas are still treed and will remain treed.
- Proposing 20 duplexes for a total of 40 units.
- Access from Valley Road (main entrance).
- Roadway A, B, and C to be private roads (privately built and privately maintained).
- Site to be served by public water and public sewer.
- Plans have been reviewed by Connecticut Water and all notations on the plans regarding the water system installation are per results of the review by CT Water. So, a good portion of the water system has already been reviewed. Recommendation by CT Water: They would like to see a little bit of looping of the system – There is a water main at Valley Road. At Roadway C, there is a six-inch water line that currently terminates on Blumenthal Drive which they are going to loop that six-inch water line through their site and ultimately with the eight-inch water main that will be installed as part of this development.
- In conjunction with this development, they are going to extend an existing gravel driveway to Dog Hill Road. It is currently in poor condition and per discussions with the Town, the developer is proposing to pave it to an 18-foot wide width to be used only as an emergency egress and entrance to the site which will make it more accessible for emergency vehicles. The entire length of the loop to Dog Hill Road to be paved (not Blumenthal Drive).
- Mr. Thibeault reviewed the Planned Residential Development Requirements (Section 570.2):
 - They are clustering these units.
 - To allow some different types of living units within Killingly.
 - Proposing 2.98 acres as open areas and/or recreational opportunities in Independent Residential Living
 - Common areas for passive recreation area is .7 acre. He indicated the areas on the plan a trail that begins where Roadway A turns to go down to Dog Hill Road, a walking trail around the perimeter of the wetlands, a couple of smaller common green spaces in back of some of the buildings. Grassed areas that could have picnic tables or a gazebo (nothing of this nature is shown at this time, but they are open to discussion on this item).
 - Efficient use of Land – Clustering results in about 40 percent less pavement and utilities,
 - Residential Developments Compatible - Public water is available in Valley Road and the public sewer that they are tying into is going to be in a manhole at Dog Hill Road. He described the sanitary sewer system which consists of individual, low-pressure grinder pumps for each unit. Mr. Thibeault stated that the whole system will be owned, operated, and maintained by the Developer and ultimately by the Residents Association (which includes each individual grinder pump). He explained that a system like this is being used at Briarwood and at another development in Plainfield. It is not a gravity system. If there is a power outage, these pumps do not function (although there are some that come with battery back-up that lasts for about 12 hours).
 - It will be a commonly-owned property (owned and maintained by the residents).
 - The PRD must meet the requirements of the Regulations.
 - They are preserving the two wetlands areas on the site and are providing walking trails throughout the site for the residents of this development (passive recreation).
 - Clustering reduces the road network.
 - There is no area that would be considered historic, but there are natural features that will be preserved (such as the wetlands where no activity is proposed).
 - The drainage computations provided with the Application demonstrate a reduction in the peak run-off for all design storms (up to a 100-year design storm). He has been working with the Town Engineer to try to make sure that the volume of water leaving the site is not increased. Soil samples have been taken in the area where the large detention is proposed (there are some very good soils

- constructed wetland so there will be some New England wetlands planting mix inside to develop that side because they will be excavating down to the water table on that side of the detention basin.
 - They expect refuse disposal to be curbside. There will not be a defined area with dumpsters.
 - Spoil Erosion and Sediment Control – There are four separate phases in this development. Phase 1 will involve the installation of the entire sanitary sewer line to the connection point. As each successive phase moves ahead the water line will be stubbed at a certain point.
 - Three hydrants are proposed to be installed to meet the criteria of having a hydrant within 200 feet of any structure on the site.
 - The proposed buildings are 28 feet high (well below the maximum building height).
 - One easement and rights of way on the property (it is filed in the Land Records). Mr. Thibeault indicated the location. It was a sanitary sewer easement, but they cannot use it.
 - No requests for waivers.
- Mr. Thibeault stated that they will be back next month and he hopes to have the drainage issues resolved and he offered to answer questions.
 - The units are to be heated by electric mini split systems.
 - The formal Landscaping Plan is Sheets 8 and 9 of the plan set.
 - The transportation shelter will have overhead protection and a bench.
 - No structures are proposed in the common areas at this time. However, Mr. Thibeault stated that they would not object if the Commission felt it would be appropriate to have picnic tables/gazebo.
 - The lighting structures do not reflect light upward. Mr. Thibeault offered to look into finding a dark-sky compliant fixture that also meets the look that the Applicant wants.
 - Ms. Lorents spoke about the amount of impervious surfaces in some areas in Town and expressed that she is happy that the Applicant is conscious of it and taking a different route.
 - Mr. Card asked about buffering in areas where there is clearing. Mr. Thibeault stated that he will take a second look to see if they can add some landscape buffering or fencing to isolate a little better for residents in the areas that Mr. Card identified on the plan.
 - Each unit can accommodate two cars (one in the garage and one in the driveway).
 - Mr. Thibeault stated that the Town Engineer's comments were addressed and have been incorporated into the plans. He said that Roadway A will be paved.
 - Ms. Aubrey stated that Mr. Thibeault had made an extension request to August 19, 2019.
 - Page 13 of the plan set is the Phasing Plan. He explained how utilities and sewer stubs will be done with the phases so that they won't have to disturb the pavement going forward.
 - Bonding will be required, but it has not been calculated as of this time.

COMMENTS FROM THE PUBLIC:

Jerry Boulais, 32 Blumenthal Drive, stated concern regarding the following:

- Will they be using Blumenthal Drive as an entrance during construction?
Mr. Thibeault stated that all of the access to the site will be off of Valley Road. The intent for Blumenthal Drive is to provide emergency access/egress.
- He has problems with water run-off through his property since 1987 (before he owned the property). He explained that there is a ditch along his property and a drainage pipe that goes from his side of the street to the other side of Blumenthal Drive, so it drains across the road. He said it hasn't been maintained and the Town has graded the street instead of making a crown in the road. He said the road is always puddling up and they get potholes, which is a concern.
- There is a huge pine tree across from his driveway which he feels will be a future problem. He feels that it would hit his house and take out utilities if it were to fall.
- He stated that they had been getting blinded by the light from the cars in Kohl's parking lot, but he said that it seems that they have taken care of it. So, this is a concern.
- He asked if the property would be fenced off along Blumenthal Drive, are they going to enclose the complex or leaving it open.

Mr. Thibeault stated that they would each have an attached garage on the outside of the units and that there would be a common wall between the living spaces of the units.

- She asked up and down?

Mr. Thibeault stated up and down.

- She asked if cars would be parked in front of their house.

Mr. Thibeault stated that they would park in the driveway or in the garage and the said that there are additional parking spaces scattered throughout the site for visitors.

- She asked about the use of the emergency exit.

Mr. Thibeault explained that it is to be used for emergency purposes only and he stated that, after having listened to people's concerns, he feels that it may be a good idea to put up some signage so that people won't use it on a regular basis.

- She asked if it is against the law to only have one entrance.

Mr. Thibeault explained that the emergency exit (on Dog Hill Road) is a second entrance to be utilized in emergency situations.

- She asked if it is a senior citizen complex.

Mr. Thibeault stated that it is not.

- She asked if there is a price range.

Mr. Thibeault stated that he does not know.

- She asked if it is going to look like Briarwood.

Mr. Thibeault stated that Briarwood is now all individual units and some of those are in the mid \$300,000-\$400,000 range. He does not think that that is the market that the developer is going for. He would not say that it is affordable housing, but he anticipates somewhere in the low-to-mid \$200,000 range.

- She asked if there would be children.

Mr. Thibeault stated that there may be.

- She asked when construction would start.

Mr. Thibeault explained the fall of this year would be a reasonable expectation.

- She asked about where the water hookup is going to come from.

Mr. Thibeault explained as he indicated the location on the plan.

- She asked who the builder is.

Mr. Thibeault stated the Preserve At Valley View, LLC (Rick O'Keefe).

- She asked how long it would take to construct.

Mr. Thibeault explained that it depends on the market. He anticipates that it may be a 4-5 year project that will be done in phases.

Mr. Thurlow asked if there were any other architectural other than the cross-section. Mr. Thibeault will provide them.

Ms. Lorents asked if the emergency road would have a gate. Mr. Thibeault stated that that was not the intention.

There were no further comments.

Motion was made by Virge Lorents to continue the public hearing for **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 to Monday, August 19, 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).

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.

David Held, Professional Engineer and Land Surveyor, Provost & Rovero, represented the Applicant.

Motion was made by Milburn Stone to close the public hearing for **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. Second by Virge Lorents. Motion carried unanimously (5-0-0).

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

A. Continued from the June 17, 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 06/17/2019**

Motion was made by Brian Card to deny without prejudice **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. Second by Milburn Stone. There was no discussion.

Roll Call Vote: Brian Card – yes; Virge Lorents – yes; Sheila Roddy – yes; Milburn Stone – yes; Keith Thurlow – yes. 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 06/17/2019**

Motion was made by Virge Lorents to approve **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. Second by Milburn Stone. There was no discussion.

Roll Call Vote: Virge Lorents – yes; Sheila Roddy – yes; Milburn Stone – yes; Brian Card – no; Keith Thurlow – no. Motion carried (3-2-0).

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 06/17/2019**.

This Application was Continued to August 19, 2019.

B. New Hearings Scheduled for Tonight's Meeting

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.

Motion was made by Brian Card to approve **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, effective date August 19, 2019 at 12:01 a.m.

Mr. Card stated his reasons for approval:

- The changes are consistent with the Town-wide Regulation changes.
- The changes are consistent with the Agricultural Commission Standards that are promoted in Town.

Second by Virge Lorents. There was no discussion.

Roll Call Vote: Sheila Roddy – yes; Milburn Stone – yes; Brian Card – yes; Virge Lorents – yes; Keith Thurlow – yes. Motion carried unanimously (5-0-0).

2) **Site Plan Review Application # 19-1223**; Steel & Wire North East LP; re-occupation of an industrial building; the purpose will be the same as the prior owner – warehousing and distribution; there will not be any changes to the footprint of the building nor the site; 312 Lake Road; GIS MAP 61; Lot 54; ~7.8 acres; Industrial Zone. **At this time we are requesting that this be assigned to staff, as this is just a re-occupation, and no change in building foot print nor any site changes.**

Ms. Aubrey explained that it is required to have a site plan.

Motion was made by Virge Lorents to assign to Staff **Site Plan Review Application # 19-1223**; Steel & Wire North East LP; re-occupation of an industrial building; the purpose will be the same as the prior owner – warehousing and distribution; there will not be any changes to the footprint of the building nor the site; 312 Lake Road; GIS MAP 61; Lot 54; ~7.8 acres; Industrial Zone. Second by Sheila Roddy. Motion carried unanimously (5-0-0).

IX. 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). **Final Read through of document; if it is okay then schedule for a hearing on August 19, 2019 – There is enough time to get out the notices and advertisements.**

There was discussion regarding the date to schedule the public hearing.

Motion was made by Sheila Roddy to schedule a public hearing for **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) for September 16, 2019, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, at 7:00 p.m. Second by Virge Lorents.

Discussion:

Brian Card asked, to be clear, that the Commission Members were accepting the language and scheduling it for a public hearing. Some Commission Members stated that they are happy with. No opposition was stated.

Motion carried unanimously (5-0-0).

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. **Continue or schedule a workshop meeting to discuss.**

Ms. Aubrey will e-mail the Commission Members with a date in September.

Mr. Stone called a Point of Order regarding **Special Permit & Site Plan Application #19-1215**. It had been continued to August 19, 2019.

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

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

2) Regular Meeting of Monday, June 17, 2019 – Regular Meeting

Motion was made by Virge Lorents to approve the Minutes of the Regular Meeting of Monday, June 17, 2019. Second by Milburn Stone. Motion carried (4-0-1). Sheila Roddy abstained as she had not attended the meeting.

3) Special Meeting of Monday, June 24, 2019 – Special Meeting POCD