



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

MONDAY – August 16, 2021
Regular Meeting – HYBRID MEETING
7:00 PM

TOWN MEETING ROOM – 2ND FLOOR
Killingly Town Hall
172 Main Street
Killingly, CT

DUE TO COVID-19 THE PUBLIC MAY VIEW THIS MEETING AS DESCRIBED BELOW

MINUTES

THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.

GO TO www.killinglyct.gov AND CLICK ON FACEBOOK LIVE AT THE BOTTOM OF THE PAGE.

I. CALL TO ORDER – Acting Chair, Virge Lorents, called the meeting to order at 7:12 pm (late start due to audio technical difficulties).

ROLL CALL –Virge Lorents, John Sarantopoulos, Matthew Wendorf (all were present in person).
Brian Card and Keith Thurlow were 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 –Bruce Woodis, KWP Associates; Roger Gieseke, Frito-Lay; Rob Iacobucci, Green Skies; Donald Gerlach; J.S. Perreault, Recording Secretary (all present via Webex).
Timothy Norban, 1637 North Road, (present in person in the audience).

II. SEATING OF ALTERNATES – None.

III. AGENDA ADDENDUM

Ann-Marie Aubrey explained the addenda that were due to scrivener's omissions.

Motion was made by Matthew Wendorf to approve the addenda to the agenda as follows:

A) That the words "& Borough of Danielson" be added after "Town of Killingly" under Section VI. (2) Below:

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

2) **Zone Text Change - #21-1270**; Town of Killingly (& Borough of Danielson); Proposed Amendment to Article VI {Administration and Enforcement}, (add) Section 640; Temporary and Limited Moratorium on Cannabis Establishments.

--And--

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

- 2) **Zone Text Change - #21-1270**; Town of Killingly (and Borough of Danielson); Proposed Amendment to Article VI {Administration and Enforcement}, (add) Section 640; Temporary and Limited Moratorium on Cannabis Establishments.

--And--

- B) That the words/directions "Receive, and if complete, schedule for a public hearing for September 20, 2021." Be added to the end of Section VIII. (3) Below:

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

- 3) **Special Permit Application #21-1273** – David Kode (Frito-Lay/Landowner); 1886 Upper Maple Street, Dayville, CT; GIS MAP 62, LOT 53; 94 acres; Industrial Zone; request special permit for proposed scope of work to exceed the maximum height of 50' as specified in table A of Section 450. Receive, and if complete, schedule for a public hearing on September 20, 2021.

Second by John Sarantopoulos. No discussion.
Motion carried unanimously by voice vote (3-0-0).

- 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 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.killinglyct.gov.

NOTE: To participate in the CITIZENS' COMMENTS– the public may join the meeting via telephone while viewing the meeting on Facebook live.

To join by phone please dial 1-415-655-0001; and use the access code 132-074-1510 when prompted.

There were no comments from citizens.

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

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

- 1) **Re-subdivision Application #21-1269**; Raymond and Diane Sorel; 1645 North Road; GIS MAP 21; LOT 20; ~50 acres; re-subdivide into two lots; Lot 20 to be 5.58 acres; and Lot 20-3 to be 44.49 acres; Rural Development Zone.

Ann-Marie Aubrey explained that Lot 20 would be the front lot and that they meet the requirements.

Bruce Woodis, KWP Associates, represented the Applicants and gave an overview (plans were displayed as discussed):

- The Applicants currently live on the front portion of the property (5.58 acres) in a three-bedroom house with a septic system and a well. They will continue to live on that property.
- The Applicants plan to sell the portion (44.49 acres) with the existing barn, which contains an apartment, to the tenants who are currently living there. This portion of the property also has an existing septic system and well.
- Soils testing was performed on both lots for code-complying reserve areas should either of the septic systems fail. Plans were submitted to the Health Department for review and they have approved the code-complying reserve areas.
- The rear lot will be accessed through an existing right-of-way which currently serves two adjacent lots (20-1 and 20-2) which were previously subdivided. This access-way will be shared for both access and utilities.
- No proposed new construction of driveways, septic systems or utilities.

QUESTIONS/COMMENTS FROM THE COMMISSION/STAFF:

Ms. Lorents asked if the barn is occupied.

Mr. Woodis explained that the barn/apartment have existed for approximately 70 years and that both are grandfathered by the Health Department and the Town.

Jonathan Blake asked about the intention to sell the rear property.

Mr. Woodis stated that it would be a family sale to a relative that works there, at the farm, and wants to continue to live there.

QUESTIONS/COMMENTS FROM THE PUBLIC:

Timothy Norban, 1637 North Road, voiced concern about the number of residences using the shared driveway. He said that he had been told that, because it is a right-of-way, the limit was three and there are currently four.

Ms. Aubrey explained that, per the Regulations, a shared driveway can be used by up to five residences.

COMMENTS FROM THE COMMISSION/STAFF:

Ms. Aubrey stated that the Town Engineer did not have any concerns because everything is pre-existing.

Mr. Blake explained that the Application received Authorized Agent approval by the IWWC because there is a small watercourse through the property (within the upland review area).

Motion was made by Matthew Wendorf to close the public hearing for **Re-subdivision Application #21-1269**; Raymond and Diane Sorel; 1645 North Road; GIS MAP 21; LOT 20; ~50 acres; re-subdivide into two lots; Lot 20 to be 5.58 acres; and Lot 20-3 to be 44.49 acres; Rural Development Zone.

Second by John Sarantopoulos. No discussion.

Motion carried unanimously by voice vote (3-0-0).

2) **Zone Text Change - #21-1270**; Town of Killingly; Proposed Amendment to Article VI {Administration and Enforcement}, (add) Section 640; Temporary and Limited Moratorium on Cannabis Establishments.

Ann-Marie Aubrey explained that it is the Town Attorney's recommendation to put this Moratorium in place. It will cover all of the Town of Killingly including the Borough of Danielson (same Section and Numbers in both Regulations) and will take effect upon passage until December 31, 2022 (maximum time allowed). The purpose for the Moratorium is to protect the Town due to the State having passed a Statute to allow the sale of cannabis to adults, without giving any guidance to municipalities. Ms. Aubrey explained that, at this time, if someone were to apply to sell, it would be treated as a retail to a retail and if they were going to grow, it would have to be treated as Agriculture. Should the State provide guidance for municipalities to follow, the Moratorium can be cancelled.

Matthew Wendorf noted that the public are able to speak regarding this issue. Ms. Aubrey read aloud the following information for public call-in:

NOTE: To participate in THE PUBLIC HEARINGS – the public may join the meeting via telephone while viewing the meeting on Facebook live.

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Mr. Wendorf stated that he that the Town needs to put the Moratorium in place and that they have the ability to cancel it if needed in the future.

Motion was made by Matthew Wendorf to close the public hearing for **Zone Text Change - #21-1270**; Town of Killingly (& Borough of Danielson); Proposed Amendment to Article VI {Administration and Enforcement}, (add) Section 640; Temporary and Limited Moratorium on Cannabis Establishments.

Second by John Sarantopoulos. No discussion.

Motion carried unanimously by voice vote (3-0-0).

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

- 1) **Re-subdivision Application #21-1269**; Raymond and Diane Sorel; 1645 North Road; GIS MAP 21; LOT 20; ~50 acres; re-subdivide into two lots; Lot 20 to be 5.58 acres; and Lot 20-3 to be 44.49 acres; Rural Development Zone.

Motion was made by Matthew Wendorf to approve **Re-subdivision Application #21-1269**; Raymond and Diane Sorel; 1645 North Road; GIS MAP 21; LOT 20; ~50 acres; re-subdivide into two lots; Lot 20 to be 5.58 acres; and Lot 20-3 to be 44.49 acres; Rural Development Zone.

Second by John Sarantopoulos. No discussion.

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

Motion carried unanimously (3-0-0).

- 2) **Zone Text Change - #21-1270**; Town of Killingly; Proposed Amendment to Article VI {Administration and Enforcement}, (add) Section 640; Temporary and Limited Moratorium on Cannabis Establishments.

Motion was made by John Sarantopoulos to accept **Zone Text Change - #21-1270**; Town of Killingly (and Borough of Danielson); Proposed Amendment to Article VI {Administration and Enforcement}, (add) Section 640; Temporary and Limited Moratorium on Cannabis Establishments.

Second by Matthew Wendorf. No discussion.

Motion carried unanimously by voice vote (3-0-0).

This Zone Text Change #21-1270 takes effect immediately (upon passage).

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

- 1) **Zone MAP Change Application # 21-1271** – Douglas Construction Co (James M. Vance/Landowner); 605 Providence Pike & 200 Hubbard Hill Road; Killingly, CT; GIS MAP 224, LOT 14; and GIS MAP 245, Lot 001; 177 & 12 acres; Rural Development; request change of zone from Rural Development to General Commercial for both parcels. **Receive, and if complete, schedule for a hearing for September 20, 2021.**

Ann-Marie Aubrey clarified that 605 Providence Pike would be 177 acres and 200 Hubbard Hill Road would be 12 acres and she stated that the Application is complete.

Motion was made by Matthew Wendorf to receive and schedule a public hearing for **Zone MAP Change Application # 21-1271** – Douglas Construction Co (James M. Vance/Landowner); 605 Providence Pike & 200 Hubbard Hill Road; Killingly, CT; GIS MAP 224, LOT 14; and GIS MAP 245, Lot 001; 177 & 12 acres; Rural Development; request change of zone from Rural Development to General Commercial for both parcels, for the next regularly scheduled meeting of the Planning and Zoning Commission on Monday, September 20, 2021, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by John Sarantopoulos. No discussion.

Motion carried unanimously by voice vote (3-0-0).

- 2) **Site Plan Review Application #21-1272** – James Cammilleri – JSC Management Group, LLC (Janco Central, Inc./Landowner); 6 Putnam Pike, Dayville, CT; GIS MAP 115, LOT 4; General Commercial Zone; 2.8 acres; expand drive-thru area to include a second lane and reconfigure southern parking area. **Receive, and if complete, refer to staff to complete review.**

Ann-Marie Aubrey stated that the Application is complete. She explained that this is Burger King and they want to reconfigure the drive-thru to make it safer since, during COVID, they have had very long lines.

Motion was made by John Sarantopoulos to receive **Site Plan Review Application #21-1272** – James Cammilleri – JSC Management Group, LLC (Janco Central, Inc./Landowner); 6 Putnam Pike, Dayville, CT; GIS MAP 115, LOT 4; General Commercial Zone; 2.8 acres; expand drive-thru area to include a second lane and reconfigure southern parking area, and refer to Staff to complete the review.

Second by Matthew Wendorf. No discussion.

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

Motion carried unanimously (3-0-0).

3) **Special Permit Application #21-1273** – David Kode (Frito-Lay/Landowner); 1886 Upper Maple Street, Dayville, CT; GIS MAP 62, LOT 53; 94 acres; Industrial Zone; request special permit for proposed scope of work to exceed the maximum height of 50' as specified in table A of Section 450.

Ann-Marie Aubrey explained that David Kode, Haskell Corporation (Engineer for the Applicant) is making the Application for the Applicant. This is the second phase of the project. Ms. Aubrey stated that the Application is complete.

Motion was made by Matthew Wendorf to receive and schedule for a public hearing **Special Permit Application #21-1273** – David Kode (Frito-Lay/Landowner); 1886 Upper Maple Street, Dayville, CT; GIS MAP 62, LOT 53; 94 acres; Industrial Zone; request special permit for proposed scope of work to exceed the maximum height of 50' as specified in table A of Section 450, for the next regularly scheduled meeting of the Planning and Zoning Commission on Monday, September 20, 2021, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by John Sarantopoulos. No discussion.

Motion carried unanimously by voice vote (3-0-0).

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

1) Regular Meeting Minutes – July 19, 2021

Motion was made by Matthew Wendorf to accept the Minutes of the Regular Meeting of July 19, 2021.

Second by John Sarantopoulos. No discussion.

Motion carried unanimously by voice vote (3-0-0).

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.

Ann-Marie Aubrey explained that the draft regulations had been included in packets for Commission Members to review. Previous comments/suggested changes by the Commission had been incorporated and if no further changes need to be made, it can be scheduled for a public hearing.

Mr. Wendorf stated that he has no further comments because everything that the Commission had discussed at the previous Workshop has been incorporated.

Motion was made by Matthew Wendorf to schedule a public hearing for **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, for the next regularly scheduled meeting of the Planning and Zoning Commission on Monday, September 20, 2021, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by John Sarantopoulos. No discussion.

Motion carried unanimously by voice vote (3-0-0).

Motion was made by Matthew Wendorf to table the following two agenda items to the next regularly scheduled meeting of the Planning and Zoning Commission on Monday, September 20, 2021, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.:

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

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?

3) WORKSHOP – Discussion – Five Mile River Overlay District (NO Staff Report until September)

Second by John Sarantopoulos. No discussion.

Motion carried unanimously by voice vote (3-0-0).

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? – No discussion (See above Motion to table).

3) **WORKSHOP – Discussion** – Five Mile River Overlay District (NO Staff Report until September) - No discussion (See above Motion to table).

XI. CORRESPONDENCE – None.

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

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

Jonathan Blake reported that the ZBA did not meet this month as there was no new business. At the last meeting, they re-appointed Andrew Farner as the Chair and Lynn LaBerge as the Vice Chair.

B. Inland Wetlands and Watercourses Agent's Report

Jonathan Blake reported that they passed an application for an agricultural use (timber farm) at 88 Stone Road.

C. Building Office Report – None.

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

Jill St. Clair reported:

- KBA sponsored the second Food Truck Event on August 14th which was a success. People tended to take the food to go rather than staying due to the hot weather. Others utilized green space to sit. She is putting four proposals together for ARPO Funds (municipality economic stimulus): A pre-conceptual design of re-imagining the parking spaces behind Main Street to incorporate public art and consumer interaction.
- There are two funding opportunities available on the Economic Development website: Women's Business Development Council; SBA received another round of funding.

There was discussion regarding the ARPO funds which is the American Rescue Plan Act of 2021.

Ms. Aubrey commented that craft vendors and people with farming skills are needed for the Great Tomato Festival to be held on September 11, 2021, which is also the same day as the final Food Truck Event (Mingle on Main Street).

XIV. TOWN COUNCIL LIAISON REPORT – No representation.

XV. ADJOURNMENT

Motion was made by Matthew Wendorf to adjourn at 7:55 p.m.

Second by John Sarantopoulos. No discussion.

Motion carried unanimously by voice vote (3-0-0).

Respectfully submitted,

J.S. Perreault
Recording Clerk