



TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION

MONDAY – AUGUST 19, 2019

Regular Meeting
7:00 PM
Town Meeting Room, Second Floor
Killingly Town Hall
172 Main St., Killingly

MINUTES

RECEIVED
TOWN CLERK
2019 AUG 28 PM 2:40
Elizabeth M. Wilson

- I. **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:00 pm.
- ROLL CALL** – Brian Card, Virge Lorents, Sheila Roddy, Milburn Stone, Keith Thurlow.
Matthew Wendorf was absent.
- Staff Present** – Ann-Marie Aubrey, Director of Planning and Development; Elsie Bisset, Director of Economics and Development.
- Also Present:** Lynn LaBerge, Town Council Liaison.
- II. **SEATING OF ALTERNATES** – None.
- III. **AGENDA ADDENDUM** – None.
- IV. **CITIZENS' COMMENTS ON ITEMS NOT SUBJECT TO PUBLIC HEARING** (Individual presentations not to exceed 3 minutes; limited to an aggregate of 21 minutes unless otherwise indicated by a majority vote of the Commission) – None.
- V. **COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS** – None.
- VI. **PUBLIC HEARINGS** – (review / discussion / action)
- A. Continued from the July 15, 2019 Planning Zoning Commission Meeting
- 1) **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. – NOTE: **Though this was approved at the last meeting; there was no Effective date set; therefore, a motion for an effective date must be made at tonight's meeting. Suggested date – September 9, 2019.**

Motion was made by Virge Lorents to set an effective of September 9, 2019, for **Scenic Road Application #18-1205**; Article IV., et sec. Scenic Roads; Killingly Code of Ordinances; Richard W. Fedor, et als; designation of the entire unpaved portion of Pratt Road (Between Pettingell Road and Chestnut Hill Road) as a scenic road in accordance with the Killingly Code of Ordinances. Second by Milburn Stone.

Discussion:

Mr. Thurlow suggested that the effective date be delayed to allow time for the Town Engineer to get maintenance work done on the Road (as described and recommended in previous correspondence to the PZC). Ms. Lorents asked for a list of the work to be done to be put on the record. Ms. Aubrey explained that the new Director of the DPW, Mat Dube, is in the process of working on the list. She will ask Mr. Dube to have the list ready for the September regular meeting. Mr. Card agrees with delaying the date and suggested

one year and he stated that the Town Engineer already stated what needs to be done in his letter. Mr. Stone stated that he did not detect any urgency by the Town Engineer and noted that the Application was unanimously endorsed by the property owners on the Road.

Motion was made by Brian Card to amend the motion to set an effective date of September 9, 2019, for **Scenic Road Application #18-1205**; Article IV., et sec. Scenic Roads; Killingly Code of Ordinances; Richard W. Fedor, et als; designation of the entire unpaved portion of Pratt Road (Between Pettingell Road and Chestnut Hill Road) as a scenic road in accordance with the Killingly Code of Ordinances, changing the effective date to September 9, 2020. Second by Virge Lorents.

Motion to Amend carried (4-1-0). Milburn Stone was opposed.

Main Motion, as Amended, carried (4-1-0). Milburn Stone was opposed.

2) 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 & 07/15/2019**

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

Attorney Harry Heller represented the Applicants. David Held, Project Engineer with Provost and Rovero, was also present and did a PowerPoint presentation.

ATTORNEY HELLER ADDRESSED DIRECTION RECEIVED FROM THE PZC AT THE JULY PUBLIC HEARING:

- Sidewalks to be installed in the subdivision.
Added sidewalks along the westerly side of Proposed Road A and the southerly side of Proposed Road B.
- Open Space to be incorporated into the subdivision.
Eliminated ten lots to accommodate the required twenty-percent open space.
They met with Staff regarding different proposals for the open space. The site, as a whole, is not a vegetated site, there is no ecological value to any open space that would be dedicated as part of this subdivision. Any open space/recreation area dedicated only has value, at this time, as future recreational land. The area that would be most accommodating for future improvement for recreational purposes is at the end of the cul-de-sac on Proposed Road A, which is at the easterly terminus of Proposed Phase 3. They are proposing approximately 3.77 acres of open space recreation area. He indicated existing, two-foot contours on the plan (a relatively flat site). They are proposing to convey this 3.77-acre area to the Town of Killingly to be available for development of future recreational area.
Attorney Heller explained that another area in the middle of the subdivision had also been considered, but the grades were not as favorable for the development of recreational area.

Attorney Heller explained that, as a result of the incorporation of the open space area, they have shortened Proposed Road A, so there is less road area in the subdivision. There is more impervious area due to the installation of sidewalks, but, as a whole, there is less impervious area than previously, so it does not change the run-off characteristics for the Project. He stated that they have sufficient detention and water quality treatment based on the original design of the storm-water detention and water-quality basin.

Attorney Heller addressed concerns expressed, at the July public hearing, regarding the developability of lots in the subdivision:

- Along the northerly side of Ballouville Road where they had three lots proposed to be served by a common driveway. These lots were eliminated from the subdivision design as a result of the reconfiguration of the subdivision to incorporate the open space.
- Area at the northwesterly end of Proposed Road B. Attorney Heller provided photos (into the record) of lots (from a subdivision in Middletown, CT) that have the same slope characteristics to show that these lots are easily developable (requiring a little more care than a flat lot). He said they are developable and certainly satisfactory for single-family, residential purposes.

Attorney Heller addressed the Application Fee:

- The fee for the original Application was submitted based on fee-in-lieu instead of open space (due to preliminary discussions with Staff). The lot yield has decreased by ten lots, therefore, they are requesting a rebate in the amount of \$3,500.

QUESTIONS/COMMENTS FROM THE COMMISSION:

Brian Card asked Mr. Held to indicate the changes on the plans.

- Mr. Held indicated the locations of the proposed sidewalks and that Proposed Road A was shortened by 220 feet to accommodate the open space. He noted that there is a net reduction of approximately 15,000 square feet of impervious surface going to the storm water basin. They have not changed the drainage system at all, so it has excess capacity at this point.
- Mr. Held explained and indicated an area just prior to the cul-de-sac on Proposed Road A where they will be able to lift the sewer and drainage pipes up, at the existing high point, to more-closely follow the natural grade (This is due to redesign and shortening of the road).
- Notes regarding excavation (proposed quantities/anticipated equipment/hours of operation) have been added to the first site plan.
- Profile Drawing showing the loop connection for the water main going down to Ballouville Road. Part of the conveyance for the open space is that they will retain easement rights to install that loop water main through the open-space area according to the final design from Connecticut Water. It will not affect the usability of the open space. It is a waterline that will be buried and the natural grade will be restored afterwards. The easement is not shown on the plan, at this time, because it is dependent on the final design from Connecticut Water. He said that it is a placeholder at this point.

Sheila Roddy asked where the sidewalk ends relative to where the open space begins. She also asked about the plan for phasing.

- Regarding the sidewalk, Mr. Held indicated where you start entering the bulb of the cul-de-sac where there is a handicap ramp.
- Mr. Held indicated on Sheet #13 that they are still proposing three phases for construction.
Phase 1 – Temporary cul-de-sac (he indicated the lots that would be involved).
Phase 2 – Temporary cul-de-sac (he indicated the lots that would be involved).
Phase 3 – Completion of the entire Project (he indicated the remaining lots that would be involved).
- Attorney Heller explained that they anticipate that it will be a significant period of time before the Project is built-out. He said that it may take 10 or 12 years to absorb these lots.
- Regarding phasing, Mr. Card stated, for the record, that the Town Engineer has not commented on the bond amount. Ms. Aubrey noted that the final amount can be set by the Town Engineer. She referred to her report to the PZC which she also sent to Mr. Capacchione. The report reads as follows:

Other Items of Concern:

1) Opinion of Probable Construction Costs – PHASE 1 ONLY - \$313,965.00

Note: this is for Phase 1 only – applicant is requesting phase development

(Q) Does the commission agree with a phase development?

(Q) Does the commission agree with how it is phased?

(*) If the commission does agree with the phasing; the commission should remind both the applicant and the engineering department that there will be additional bonds required before each one of the phases is started; and of whatever other requirements the commission deems necessary.

(*) The commission should have the engineering department verify that the amount stated by the applicant is an amount that is acceptable to the engineering department, etc.

Since Ms. Aubrey has not received comments back from Mr. Capacchione, she thinks that he basically agrees with Phase 1. However, if there is an issue, the Commission should give the Town Engineer authority to set it higher if he feels it is appropriate.

Attorney Heller stated that the Town Engineer had requested that 4,000 p.s.i concrete be used for the sidewalks and the Applicant agrees with that.

Virge Lorents asked which phase the recreational area would be associated with.

- Mr. Held explained that it would be Phase 3, and that part of their reasoning for putting it where they did is because it also includes all of the existing frontage on Ballouville Road. It is not ideal for providing any meaningful access, but it does provide the Town some form of immediate, legal access to the open space. Ms. Lorents noted that there would be something for the first set of houses. Attorney Heller stated that, once they move forward to start the Project, they would deed the open space over to the Town. They do not intend to wait until Phase 3. However, the subdivision road providing access won't occur until Phase 3.

Ms. Aubrey asked, if Phase 3 never gets built, will the Applicant give the Town an easement over the property until the street is put in. Attorney Heller stated that it would not be an issue for the area over the future street.

Mr. Card asked if they would grant a temporary easement for Phase 1 in case the Town wanted to access that. Attorney Heller affirmed that they would.

STAFF COMMENTS:

Ann-Marie Aubrey stated, for the record, that she had marked all of the Exhibits A through E and that they had been received today (August 19, 2019).

Ms. Aubrey reminded the Commission that there would be bond requirements which, if the Application is approved, should be a condition of approval.

COMMENTS FROM THE PUBLIC:

Kyle Johnson, 90 Ballouville Road, asked for a copy of the plans for the members of the public who are present to look at. Ms. Aubrey provided a set of plans.

Mr. Card summarized items that had been agreed upon:

- The looped water system as required by the Water Company will be completed as dictated by them. Final design, when completed, to include an easement to be granted through the open space agreeable to the Town Engineer;
- Existing stone walls to be used as practical on site;
- Phased approval with bonding required prior to each phase. Subject to Engineer review/approval.
- The IWWC approval letter to obtain all relevant local and State approvals as necessary be followed and included;
- Deeded land to Town along Ballouville Road (for road work and drainage piece) and detention basin parcel be done at the start of the project;
- Temporary easement be granted across the property to access the open space as the phasing occurs;

There were no further comments from Commission Members or from the public.

STAFF COMMENTS:

- Ms. Aubrey asked if Mr. Johnson had any additional comments or concerns after reviewing the plans. He did not.
- Ms. Aubrey reminded the Commission Members that they would need to consider a recommendation to Town Council regarding the written request, submitted by the Applicant today, for a return of a portion of their application fee in the amount of \$3,500.
- Ms. Aubrey commented that a draft warranty deed had been provided with the appropriate legal description which had been reviewed by Engineering.
- Ms. Aubrey stated that a draft deed for the open space, as well as for the temporary access easement to the open space, had not been provided, but that they could be conditions of approval that they be presented to Staff for approval before the Start of Phase 1.

There was one more call for Comments from the public, but there were none.

Motion was made by Milburn Stone to close the public hearing for **Subdivision Application #19-1213**; John C. D'Amato, Jr. and Ballouville Road, LLC; 51 lot subdivision; 38 Ballouville Road (GIS Map 63, Lot 50); and 82 Ballouville Road (GIS Map 54, Lot 1.1); ~18.8 acres, Medium Density Zone. Second by Virge Lorents. Motion carried (4-0-0). Keith Thurlow had recused himself.

Keith Thurlow returned and resumed the position of Chair.

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 – **CONT. FROM 06/17/2019 & 07/15/2019**

Norm Thibeault, Killingly Engineering Associates, represented the Applicant and gave an overview.

- Twenty proposed duplex units (40 units total)
- Proposing a four-phased development
- Phase one to include a dozen units
- Final Phase to be anywhere from eight units to a dozen units

MR. THIBEAULT ADDRESSED PENDING ISSUES FROM LAST MONTH:

- **Drainage** – Drainage computations had been provided to the Town Engineer (assumed infiltration rates). They collected soil samples from test pits excavated in the area where the detention basin is proposed. He explained that Windham Materials did a permeability test on the soil. Testing on the northern-most side of the basin showed permeability of almost 54 feet per day (very gravelly and nearly four times faster than assumed). Mr. Thibeault explained that it is a very defined delineation of soil types between the two sides of the basin. On the southern side of the basin, there is a very silty, clay hard-pan layer and there was standing water at the depth that they are proposing for the basin which is what they want as they are proposing to do a constructed wetland there to mitigate the small wetland filling that was approved by the IWWC.
- **Concerns of abutting property owners regarding screening** – Mr. Thibeault indicated where additional screening would be provided (Arborvitae on the slope - Road C/Hemlocks in the southeastern corner/Carpet Juniper to stabilize the slope).
- **Water-quality Basin (Basin #1)** – They incorporated a Vortec unit, for water quality, as recommended by the Water Company. Mr. Thibeault spoke with the Town Engineer who requires that the Condo documents include a Maintenance Schedule and the Manufacturer's Recommended Maintenance Procedure which Mr. Thibeault submitted for the record.
- **Access Drive** – Engineering and the Fire Marshal requested that it be a 16-foot, minimum-width, paved driveway. Drainage swale on the southern side. It is hoped that this will help to resolve some current issues with that drive. It is an informal, gravel drive that is only utilized now and again, at this time, but the Fire Marshal requires a secondary access to the site. It is to be used primarily for emergency purposes and is to be constructed to a gravel surface in Phase 1. Utilities to be installed in Phase 1 as well as the first dozen units. The driveway will be improved and they will provide the access and egress to the site. Pavement would be minimal at that point (what is required for Phase 1), but it will be made accessible in the event that it is required for an emergency.

QUESTIONS/COMMENTS FROM THE COMMISSION:

Ms. Lorents agrees with the decision to pave because of wash-outs due to weather.

Mr. Thibeault agreed due to the grade (9-10 percent) and he stated that this particular driveway will be privately owned and maintained.

- Ms. Lorents asked about maintenance covenants regarding the walking trails.
Mr. Thibeault explained that there will.
- Ms. Lorents asked if all light fixtures (private and public) would be dark-sky compliant and as minimal in number as possible. She mentioned porch overhangs instead of at the end of the driveway.
Mr. Thibeault agreed.
Ms. Lorents commented about the light stensions at Killingly Commons – She asked that they be kept a low a possible.
Mr. Thibeault stated that he envisions them to be 10-12 feet high to provide safe pedestrian and safe vehicle passage.

Mr. Thurlow asked about the following:

- If the two hydrants meet the 200-foot requirement?
Mr. Thibeault stated that they do.
- If parking requirements are met?

- Mr. Thibeault stated that they have two more parking spaces than required (one in the building, one driveway parking space, and additional parking area in a couple of spots along the roadway).
- Proposing any other recreational other than the trail?
Mr. Thibeault stated just the grass areas (a couple between buildings/walking paths around the perimeter of wetlands/behind buildings). Part of the IWWC approval is that a lot of the invasive vegetation up to the wetlands is to be removed.
- Any benches proposed along the trails?
Mr. Thibeault stated that there are not any proposed, but that it is within the purview of the Commission to request some.
- Sidewalks on both sides of the road?
Mr. Thibeault stated just on one side.
- Arrangements for certifications by a professional engineer of the construction of the building of infrastructure/sewers/water. He read from the Regulations.
Mr. Thibeault explained that the plans for the layout of the water have been reviewed by Connecticut Water and the configuration that they want is shown. The easement has not been defined yet (he assumes it will be a minimum 35-foot wide easement).
Mr. Thibeault affirmed that the Regulations with this regard are met.
- Mr. Thurlow asked about the common areas.
Mr. Thibeault stated that they are proposing 2.96 acres of open areas (required = 2.36 acres) and .7 acres of common area (as required).
- Entrance sign off of Valley Road?
Mr. Thibeault clarified that there is a small bus shelter (on the property of the facility on the right) and, on the left, there will be a pull-off with mailboxes.
The required sign would most likely be where the mailboxes are. This should be added to the plans.
- Association Agreements to include maintenance for structures and drainage?
Mr. Thibeault stated that they are common and pretty inclusive. The Developer, in conjunction with the Attorney, give a little flexibility, yet have rules in place.
- IWWC and Soil Scientist recommendations.
Mr. Thibeault explained it is regarding storm water/drainage which is a condition of the IWWC approval.
- Lighting Plan
Mr. Thibeault referred to Sheets 8 and 9 of the Plans. Proposing a Colonial lantern style fixtures. Tops will be covered so light goes downward and out to the sides. Approximately 75 feet apart along the roadway.
- Bus Travel – Will buses travel through the facility or will children be picked up at the bus stop. The plan does not show detail for the bus shelter.
Mr. Thibeault stated that they do have the ability to turn around in the cul-de-sac at the end of Roadway B as it is big enough for a school bus. He explained that there would need to be internal provisions made if there were internal pick-up rather than pick-up at the bus shelter at Valley Road. The Road is 22 feet wide. The bus shelter will have a bench and overhead cover, no lighting.
Mr. Thibeault explained that the intention is to have the driveway that goes out to Dog Hill Road as an emergency access/egress if access from Valley Road cannot be attained. They do not want to encourage traffic or any significant passage of vehicles down that road.
Mr. Thurlow asked for detail on the plan showing how to facilitate the buses travel regarding use of the bus shelter. He said that there is no way to turn around of Roadway C.
Mr. Thibeault corrected himself and stated that there is no cul-de-sac at the end of Roadway B (there was at one time, but it was removed).
Mr. Thurlow stated concern that the Town Engineer had not commented about this. Ms. Aubrey reminded the Commission that the plan had just been received tonight, so the Fire Marshal has not had a chance to review them. She stated that the bus routes and schedules are prepared by the Board of Education. Ms. Aubrey will check to see what a similar development on Williamsville Road does. Mr. Thurlow would like the Board of Education to review it if the Commission continues the public hearing.
- Are there 30 feet between the buildings.
Mr. Thibeault stated that there are.
There was discussion regarding that there are 20 feet between buildings. Mr. Thurlow read from page 8 of the Plans – it can be reduced at the discretion of the Fire Marshal.

Ms. Aubrey stated that the Fire Marshal and the Building Official had discussed how they would have to rate the walls to go down to 20 feet. Neither the Fire Marshal nor the Building Official have seen the Plans submitted tonight. Ms. Aubrey stated that she disagrees with Mr. Thibeault because she believes they came up with a ten-foot distance between buildings and that is part of the reason why they came up with the 20-foot. She prefers that the Fire Marshal and the Building Official have an opportunity to review the plans. Mr. O'Keefe does not have a problem with the public hearing being continued and will submit agreement in writing. Mr. Thurlow asked that the Board of Education review. Ms. Aubrey will submit a set of plans for Board of Education review.

- Is the buffering behind Lots 14 and 15 dense?
Mr. Thibeault stated that it is not super dense, but there is vegetation there.
- Detention basin at the bottom of Roadway A on the sharp corner – Is there a way to access to maintain it?
Mr. Thibeault explained that it is not a detention basin, it slows the velocity if there is build up in the swale. Mr. Thurlow asked that there be a little space between the hydrant for access. He suggested the same at others to the right of unit 12A. Mr. Thibeault explained that it is shallow there (4 feet deep). Ms. Aubrey stated concern of a safety issue for children if there is water in them for a continued amount of time.
Mr. Thibeault stated that it is designed to drain completely after storms.
- Detail notes for the trail. Ms. Aubrey stated that it is needed. Ms. Roddy asked that benches be included.
Mr. Thibeault will provide detail.

Sheila Roddy asked the following:

- How would traffic be discouraged on the emergency access road.
Mr. Thibeault stated that there would be "Not a Thur Road / Emergency Access Only" signage at Dog Hill Road.

Milburn Stone asked the following:

- He asked about the main entrance being Valley Road and whether there is a way to access the development by Blumenthal Drive.
Mr. Thibeault explained that there is, but the Applicant had discussions with Mr. Dumas who attended the IWWC meetings and requested that the Road be allowed to go where it is being proposed. There is a rough-in roadway entrance there now from the previous development that had been approved. He explained that if they were to use Blumenthal Drive, that driveway would have to be widened and improved, most likely resulting in the loss of a couple of units. He said that there are no plans to do that.

Brian Card asked about the following:

- Bonding estimate for E&S
Mr. Thibeault had discussion with the Town Engineer, but had not agreed on a definitive number. Connecticut Water also requires bonding for the installation of their infrastructure. He stated that he would speak with Mr. Capacchione and he said that, typically, it would be bonded by phase.
Mr. Thurlow asked if they would complete one phase before starting the next one.
Mr. Thibeault explained that he believes that as they approach the finalization of one phase, they would begin the next phase.
Mr. Stone asked about the timeline target for completion.
Richard O'Keefe explained that the timeline would be dictated by the market. He said his goal is ten per year and, in terms of funding, he anticipates it to be a 4-5 year project. He said it could be longer or shorter depending on market forces.

STAFF QUESTIONS/COMMENTS:

- Ms. Aubrey asked if this is to be a condominium complex.
Mr. Thibeault confirmed that it is.
- Ms. Aubrey asked for verification that the entrance way off of Dog Hill Road, even out to Dog Hill Road is owned by the condominium complex.
Mr. Thibeault stated that it is correct.
- Ms. Aubrey asked if Blumenthal Drive is also owned by the condominium complex.
Mr. Thibeault stated that it is (even though it is somewhat maintained by the Town).

COMMENTS FROM THE PUBLIC:

Ralph and Lois Stravato, 61 Dog Hill Road, are concerned about traffic using the emergency access drive. They feel that no one will obey the signs. Ms. Stravato asked that it be gated with an access code lock that only emergency vehicle would have.

Ms. Aubrey explained that the Condominium Association will own that whole road out to Dog Hill Road. Mr. Thurlow stated that they did it at Briarwood (but it had been removed) and he said that it would need to be discussed with the Fire Marshal.

Jerry Goulet, 32 Blumenthal Drive, stated that he is not opposed, but he is mainly concerned with drainage. He stated that the people on Blumenthal Drive have been taking care of the road since 1987 and he now found out that the Applicant owns it. He said that the Town grades it and when it rains, it becomes a river because it's not crowned and the water has nowhere to go. He would be opposed to an entrance to the facility there. He commented about a huge pine tree that is ready to fall down and he asked that the owner of the property take it down. He also commented about a ditch that runs along Blumenthal Drive half-way through his property and a pipe that runs under the road for water run-off which is clogged-up now, due disturbance because of trees being cleared.

Ashley Pearson, 11 Blumenthal Drive, is concerned about the erosion problems that she has been experiencing. She feels that putting in a fully-paved road directly alongside her property will cause the rest of her land to erode away. She also feels that this will cause a lot of traffic and that people will not obey the signs and they will be driving by her house constantly. She stated that she has filed a title insurance claim because when she purchased her property it was listed and sold to her as 1.2 acres and the Town shows .67 acres.

There were no further questions or 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 the next regular meeting of the Planning and Zoning Commission on Monday, September 16, 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).

B. New Hearings Scheduled for Tonight's Meeting

1) **Re-Subdivision Application # 19-1222**; Peter and Debra Bessenaire; 2 lot re-subdivision; 120 Putnam Road; GIS MAP 18; Lot 19; ~5.0 acres; Rural Development.

Paul Terwilliger, Licensed Land Surveyor with P.C. Surveyor Associates, represented the Applicant and did a PowerPoint presentation.

- The parcel is 5 acres created in the mid 1990's through subdivision.
 - The Applicant would like to cut the lot into a 2-acre lot (containing the existing house, septic system, well and driveway) and a 3-acre lot (to convey to their daughter to build a house).
 - There are a couple of wetland areas to the rear of the property and another little band of wetland located on the southern part of the new lot that they want to create.
 - In the RD Zone and they are proposing both lots to be in excess of square footage that is required.
 - 250 feet of road frontage on the new lot with the balance (in excess of 250 feet) going to the existing lot.
 - Proposing a driveway access onto Putnam Road located along the northerly line of the new lot. Will be crossing a wetland area and they are proposing two 15-inch pipes to accommodate flows. Drainage calculations were done by Norm Thibeault (Killingly Engineering Associates) which show that one 15-inch pipe would be adequate, however, the IWWC requires that it be doubled. It will accommodate a hundred-year storm.
- Mr. Terwilliger indicated that driveway grades will be between 1&2 percent coming off the road, increasing to 5 percent or so, then it gets steeper as you get to the house site where it is just under 10 percent coming up to the house.
- Proposing a gravel drive with a riprap-lined swale along the northerly side to contain any storm water run-off and lead it down to the culvert (he indicated the location) where it will eventually flow into the wetland area.
 - IWWC had approved the Application.
 - The plan has been submitted to NDDH and they have review and approved the septic system design.

- Not proposing any open space because it is being conveyed to a family member (exempt).

QUESTIONS/COMMENTS FROM COMMISSION MEMBERS:

Keith Thurlow asked how long and wide is the driveway.

Mr. Terwilliger stated that it is approximately 400-450 long and 12 feet wide.

STAFF COMMENTS:

Ms. Aubrey asked that, if approve, it be noted on the mylar as well as the deed that, because this is a family unit, there was no open space required.

Mr. Terwilliger stated that there is a note on the mylar.

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

Motion was made by Virge Lorents to close the public hearing for **Re-Subdivision Application # 19-1222**; Peter and Debra Bessenaire; 2 lot re-subdivision; 120 Putnam Road; GIS MAP 18; Lot 19; ~5.0 acres; Rural Development. Second by Milburn Stone. Motion carried unanimously (5-0-0).

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

A. Continued from the July 15, 2019 Planning Zoning Commission Meeting

1) **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. – NOTE: **Though this was approved at the last meeting; there was no Effective date set; therefore, a motion for an effective date must be made at tonight's meeting. Suggested date ~ September 9, 2019.** – Effective date was set for September 9, 2020 – See Above.

2) **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 & 07/15/2019**

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

Motion was made by Sheila Roddy to approve the **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 with the following conditions:

- The looped water system as required by the Water Company include the easement through the open space;
- Existing stone walls to be used as practical on site;
- Phased approval with bonding required prior to each phase. Subject to Engineer review/approval.
- The IWWC approval letter to obtain all relevant local and State approvals as necessary be followed and included;
- Deeded land to Town along Ballouville Road be done at the start of the project;
- Temporary easement across existing land to access public space be granted;
- Open space land deeded to Town at the start of Phase 1.

Second by Milburn Stone. There was no discussion.

Roll Call Vote: Virge Lorents – yes; Sheila Roddy – yes; Milburn Stone – yes; Brian Card – yes. Motion carried unanimously (4-0-0). Keith Thurlow had recused himself.

Motion was made by Milburn Stone that the Planning and Zoning Commission recommend the rebate of \$3,500.00 for the ten-lot differential from the Application fee for **Subdivision Application #19-1213**; John C. D'Amato, Jr. and Ballouville Road, LLC; 51 lot subdivision; 38 Ballouville Road (GIS Map 63, Lot 50); and 82 Ballouville Road (GIS Map 54, Lot 1.1); ~18.8 acres, Medium Density Zone. Second Virge Lorents. Motion carried unanimously (4-0-0). Keith Thurlow had recused himself.

Ms. Aubrey stated that she will submit the recommendation to Town Council and will send a copy to Attorney Heller.

Keith Thurlow returned and resumed the position of Chair.

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 – **CONT. FROM 06/17/2019 & 07/15/2019**

Continued to the next regular meeting of the Planning and Zoning Commission on Monday, September 16, 2019, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, at 7:00 p.m. (See Above)

B. New Hearings Scheduled for Tonight's Meeting

1) **Re-Subdivision Application # 19-1222**; Peter and Debra Bessenaire; 2 lot re-subdivision; 120 Putnam Road; GIS MAP 18; Lot 19; ~5.0 acres; Rural Development.

Motion was made by Virge Lorents to approve **Re-Subdivision Application # 19-1222**; Peter and Debra Bessenaire; 2 lot re-subdivision; 120 Putnam Road; GIS MAP 18; Lot 19; ~5.0 acres; Rural Development with the following condition:

- The IWWC conditions and the NDDH conditions be included.

Second by Milburn Stone.

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

VIII. NEW BUSINESS

1) **Site Plan Application #19-1224**; Miyoshi America, Inc.; proposed bldg. addition and parking lots including new access driveways and utilities; 110 Louisa Viens Drive; GIS MAP 57; Lot 8; ~61 acres; Industrial Zone. **Receive, and if complete, determine the following; 1) is this a staff review; or 2) review before the full commission. If a review for the full commission 1) does the commission wish to schedule a site walk; and 2) schedule the review for the September 16, 2019 meeting.**

Bruce Woodis, KWP Associates, represented the Applicant. He provided full-size prints for viewing by the Commission and gave an overview.

- This is the former U.S. Cosmetics property, now owned by Miyoshi America, Inc. They purchased the rear part of the property formerly owned by Lake Road Trust (former Acme Cotton). They have combined their lots (70 Louisa Viens Drive, 90 Louisa Viens Drive and 110 Louisa Viens Drive) as shown on the Location Plan.
- Sheet #2 Site Plan – Shows a proposed 39,090 square foot building addition. To be 2/3 manufacturing and 1/3 warehousing. The purpose of the addition is to streamline and make their production more efficient.
- The employee parking area has to be expanded (to the left) to provide additional parking for their employees. Mr. Woodis explained that their current staffing level is not going to change and right now they utilize approximately 87 parking spaces. Because of combining the properties, they have to account for 163 parking spaces which they believe that they would never use. However, Mr. Woodis explained that they do have enough paved parking area that can be re-stripped and with the new employee parking area to the left of the building and the existing paved parking areas, they can achieve the 163 parking spaces.
- A good portion of the drainage which now goes into the Town drainage system (out of Louisa Viens Drive), will be redirected because the roof drains will be draining fairly clean water, so they are proposing to recharge it out in the back through a catch basin that will go into an oil/water separator and then into a system of recharge galleys to a large depression that exists in the middle of their property. There would be a net reduction in the amount of drainage going to the storm drain system and increase the amount of water being recharged into the groundwater.
- Lighting Plan – They have submitted lighting specifications for dark-sky type lighting for the wall packs around the new addition. There will be two light standards going in each of the islands of the new parking area. They are dark-sky cut-off type lights.
- The plans have been reviewed initially by the Fire Marshal. They are proposing to put in a new hydrant in one of the islands by the back left corner of the addition. There are three existing hydrants in the front of the building and the Fire Marshal feels this will be adequate.
- The concept of the catch basin and loading dock area going into the recharge galleys has been reviewed and conceptually approved by the Town Engineer. Mr. Capacchione has not yet had a chance to review the drainage calculations.

- For fire protection, they are proposing a 26-foot wide roadway on the east side (right side) of the building which will come from an existing parking area and will serve to access a new loading dock area for shipping & receiving and also for emergency and fire vehicles.

QUESTION/COMMENTS FROM THE COMMISSION:

Mr. Thurlow asked the Commission Members whether this should be by Staff review or review by the Commission.

There was discussion regarding whether some of the parking could be put in reserve for future use if needed. Ms. Aubrey explained that it can be done as long as they can show on the plan the parking requirements can be met. She also explained that they want to put in the new parking area for the convenience of the employees.

- Mr. Thurlow would like the Commission to review the Application.
 - Ms. Lorents does not have a preference.
 - Ms. Roddy would like the Commission to review the Application. She agrees with reserving some of the parking for future use if needed. Mr. Thurlow asked if that would need to go before the ZBA. Ms. Aubrey explained that either it meets the Regulations or it doesn't. If it doesn't, then you tell them how they have to fit it.
 - Mr. Card does not have a preference.
 - Mr. Stone does not have a preference, but feels that Staff could handle it.
- Ms. Lorents suggested letting Staff handle it and if something pops up, the Commission would hear about it. Mr. Card stated that if two Commission Members want the Commission to handle the review, then the Commission should do it.

Mr. Woodis stated that he is okay with it either way.

Motion was made by Sheila Roddy to schedule the site plan review for **Site Plan Application #19-1224**; Miyoshi America, Inc.; proposed bldg., addition and parking lots including new access driveways and utilities; 110 Louisa Viens Drive; GIS MAP 57; Lot 8; ~61 acres; Industrial Zone for the next regular meeting of the Planning and Zoning Commission on Monday, September 16, 2019, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, at 7:00 p.m. Second by Virge Lorents. 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). **NOTE: This is scheduled for hearing on Monday, September 16, 2019. No action is needed at this time.**

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.**

There was discussion and it was decided to schedule a workshop for 6:00 p.m. before the regular meeting of the PZC on September 16, 2019.

There was discussion with Mr. Woodis. Mr. Woodis suggested that the Regulations allow some leeway where parking could be required based on the actual number of employees, cars, customers. Mr. Thurlow and Ms. Aubrey explained that that is part of what they are working on. Ms. Roddy explained that changes to the Regulations would not cause plans to need to be changed retroactively. Ms. Aubrey explained that you have to be careful regarding the issue with reserved parking/phased parking, either it meets the Regulations or it doesn't meet the Regulations. Discussion continued. Ms. Aubrey explained that if Site Plan Application #19-1224 were approved, and there is a parking change, the Applicant could request an amendment to the parking requirements on the site plan.

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

1) Special Meeting of Monday, July 8, 2019 – Special Meeting POCD

Motion was made by Sheila Roddy to approve the Minutes of the Special Meeting of Monday, July 8, 2019 – POCD. Second by Virge Lorents. Motion carried unanimously (5-0-0).

2) Regular Meeting of Monday, July 15, 2019 – Regular Meeting

Motion was made by Brian Card to approve the Minutes of the Regular Meeting of Monday, July 15, 2019. Second by Milburn Stone. Motion carried unanimously (5-0-0).

3) Special Meeting of Monday, July 29, 2019 – Canceled Lack of Quorum – No Minutes

4) Special Meeting of Monday, August 12, 2019 – Special Meeting POCD – Minutes Not Included in Packets

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

1. Schedule Next Special POCD Meeting for Monday, MONDAY, SEPTEMBER 23, 2019 @6:00.

It was decided to schedule a Special POCD Meeting for Monday, September 23, 2019 @ 6:00 p.m.

2. Schedule Next Special POCD Meeting for Monday, MONDAY, SEPTEMBER 30, 2019 @6:00.

It was decided to wait until the Special POCD Meeting of September 23rd to see if a Special POCD Meeting should be scheduled for September 30th.

1. Next Regular Meeting – MONDAY, SEPTEMBER 16, 2019 @ 7:00 pm

XII. CORRESPONDENCE – (review/discussion/action)

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

Enclosed

B. Inland Wetlands and Watercourses Agent's Report

Enclosed

C. Building Office Report

Enclosed

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

Elsie Bisset reported:

- A purchase and sale contract was signed for a 39-acre parcel of land in the Industrial Park (125 Alexander Parkway).
- EDC's annual meeting is scheduled for September 4th.
- There was a good turnout for KBA's Second Saturday in August well as Bike Night.

XIV. TOWN COUNCIL LIAISON REPORT

Lynn LaBerge reported:

- Town Council authorized a budgetary transfer of up to \$12,000 from Contingency to Community Development Contractual Services Appropriation for Professional Services Account for a utilities study to see how much it would cost to bring water and natural gas to the High School.
- Transferred unexpended funds from the Conservation Commission, IWWC and the Agricultural Commission to Open Space; transferred funds from the Winter Maintenance Department to the Winter Maintenance Reserve Fund; transferred funds from the Law Enforcement Department to the Constabulary Reserve.
- They voted to submit the six Charter Revision Questions to be put on the ballot in November.
- Voted to authorize the Town Manager to execute a power purchase agreement for solar services with Green Size to put solar panels on the Town Hall, Library, Town Garage, and all of the school buildings.

XV. ADJOURNMENT

Motion was made by Virge Lorents to adjourn at 9:12 p.m. Second by Milburn Stone. Motion carried unanimously (5-0-0).

Respectfully submitted,

J.S. Perreault
Recording Clerk