



**TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION
MONDAY – AUGUST 21, 2017**

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Regular Meeting

7:00 PM

Elizabeth M. Wilson

Town Meeting Room, Second Floor

**Killingly Town Hall
172 Main St., Killingly**

MINUTES

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

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

Todd Nelson and Milburn Stone were absent with notice.

Staff Present – Ann-Marie Aubrey, Director of Planning and Development; Elsie Bisset, Economic Development Director; Jonathan Blake, Zone Enforcement Officer.

Also Present – David Griffiths, Alternate Town Council Liaison (seated in the audience).

II. SEATING OF ALTERNATES

Virge Lorents and Matthew Wendorf were seated as Voting Members.

III. AGENDA ADDENDUM

Motion was made by Brian Card to rotate the order of Section VI of the Agenda as follows:

VI. PUBLIC HEARINGS

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

1. Special Permit Application #17-1172 – Bayvest Realty, Inc.; Sec. 430.2F Drive-in restaurant, Fast-food restaurant of the Borough of Danielson Zoning Regulations; to allow 2500 sf retail commercial building with a drive-thru window; 60 Westcott Road; GIS Map 182, Lot 29; ~.58 acres; Borough General Commercial Zone. **CONTINUED FROM 07/17/2017**
2. Special Permit Application #17-1171 – Tracy Donovan; Sec. 410.1.2(b) Dog Kennel; to allow landowner to build a dog kennel for breeding purposes to house approximately 49 adult dogs; 54 Brickhouse Road; GIS MAP192, Lot 19; ~18.3 acres: Rural Development Zone. **HEARING MUST OPEN TONIGHT – DELAYED FROM 07/17/2017**

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

1. Zone (MAP) Change Application #17-1176 – Paul J. Gazzola, Jr.; change of zone for three (3) parcels as follows: 12 North Shore Rd.; GIS Map 61, Lot 58; 1883 Upper Maple St; GIS Map 62; Lot 33.1 change both lots from Light Industrial to Medium Density; and 1871 Upper Maple St; GIS Map 62, Lot 33 change from Low Density to Medium Density
2. Zone (TEXT) Change Application #17-1178 Town of Killingly (TOK); amendments to Section 570 Planned Residential Development (PRD); and Article III, Section 310 Definitions; amendments to the PRD Section of the TOK Zoning Regulations to include two classifications, "Independent Residential Living and Residential Life Care Communities" and to make all necessary amendments to allow both classifications under PRD, and to add the necessary definitions to the proper zoning section pertaining thereto. Copies of the full text of the amendments are available to the public in the Planning & Development and Town Clerk's Offices.

Second by Sheila Roddy. Motion carried unanimously (5-0-0).

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) – There were no comments from the public.

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

VI. PUBLIC HEARINGS

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

1. Special Permit Application #17-1172 – Bayvest Realty, Inc.; Sec. 430.2F Drive-in restaurant, Fast-food restaurant of the Borough of Danielson Zoning Regulations; to allow 2500 sf retail commercial building with a drive-thru window; 60 Westcott Road; GIS Map 182, Lot 29; ~.58 acres; Borough General Commercial Zone. CONTINUED FROM 07/17/2017

Alan Carpenter, Registered Professional Engineer (State of CT), 520 Hartford Pike, Vernon, CT, represented the Applicant and did a presentation. Mr. Carpenter stated that Staff's comments have been addressed. He also stated that he had met with Mr. Peterson (neighbor) and that some of his concerns have been satisfied.

North Side of the Property Revisions:

- Opened up a green buffer area 25 feet wide. Now, they can slope the area and provide a fence with vegetation, so they are no longer proposing a retaining wall on the north side. Proposing a double row of arborvitaes (36 inches on center), 4-foot planting height and should be up to 6 feet within a year or two to provide a good buffer between the property and Mr. Peterson's property. Mr. Peterson's vegetation will also help with the buffering. He stated that the arborvitaes can grow to a height of approximately 10-feet.
- Since everything has been pushed forward with the additional buffering, the building size has been reduced from 2,500 s.f to 1,800 +/- s.f.

Mr. Carpenter addressed the PZC review comments as outlined in his letter to Ann-Marie Aubrey (dated August 15, 2017):

- #1 - Minimal impacts to the neighbors on the north, east, and west sides regarding grading: to the north is explained above; to the west side, they are proposing the same only with a 10-foot buffer because the neighbor is Borough Commercial, and they are still proposing a 7-foot tall retaining wall (approximately 100-foot long, 7-foot tall in the back northwest corner and goes down to zero toward Westcott Road) with plantings in that area; to the east side, they are proposing a vegetative buffer along the slope (5-foot landscape area). Brian Card noted that the plans provided did not show a fence on the west side. Mr. Carpenter explained they can add it to the front of the retaining wall and the rest would be landscaping from the front (south side) of the retaining wall forward.
- #2 - Minimal impacts to neighbors regarding lighting: They are proposing a 6-foot vinyl fence on the north and west sides. Site lighting to be full cut-off (dark sky) fixtures to go zero lumens at the property line. Separate structures (not attached to the building to be 20-25 feet tall as code allows). There was discussion.
- #3 - Regarding grading: They propose to carry a 5-percent grade into the site, but where there is parking or driveways - minimum 1 percent maximum 3 percent. Handicap parking spaces have a maximum of 2 percent, but they try to design them a little less to be sure they don't exceed the minimum requirement for accessible parking spaces. Brian Card asked if a revised grading plan had been submitted to reflect the change in grade from 6-8 percent slope with no flat tops. Mr. Carpenter stated that it had been submitted and Ann-Marie Aubrey confirmed that it had. Mr. Card stated that he did not see a difference in the grading plan. Mr. Carpenter explained that it is a conceptual plan and that the final design will meet the requirements for grading. Mr. Card noted differences in testimony.
- #4 - Regarding whether a retaining wall is considered a building structure: Brian Card explained that he what he had wanted was a clarification on the definition from the Town Attorney.
- #5 - Regarding parking calculations: Mr. Carpenter explained that they are proposing (according to Section 530 of the Borough Commercial Zoning Regulations for drive-in restaurants) 18 parking spaces which provides for 3 parking spaces for employees (at the busiest shift). There was discussion regarding drive-thru (as stated in the application) vs. drive-in. Brian Card noted that there are separate parking calculations for each. Mr. Carpenter stated that they applied the parking requirements for drive-in for their calculations. Mr. Card asked that calculations be provided for both.
- #6 - Regarding grading for front entrance: Mr. Carpenter re-stated that the final plan will be in compliance with Town requirements.

- #7 – Regarding if there is enough room to put both a vegetative screening and fencing on the North and West sides to block out noise and light impacts to the neighbors: Mr. Carpenter stated that there is. There was discussion and Mr. Carpenter explained that a retaining wall is no longer needed on the north side, only on the west side. There was discussion regarding two-way traffic (parking) on the east side and Mr. Carpenter explained that it is so that the people who park and go inside the building won't have to go through the drive-thru to circle around the building. Ann-Marie Aubrey referred to Borough Regulations Section 530.1 Parking and Loading Space Standards (restaurants and food-service establishments). There was discussion regarding number of spaces required and that this is a conceptual plan.
- #8 – Regarding the dumpster: Proposing to fully enclose the dumpster with a vinyl fence.
- #9 – Regarding a traffic study plan: Mr. Carpenter referred to his Memo to Ann-Marie Aubrey (dated August 15, 2017) and explained that they are relying on information collected in 2013 by the CT DOT in the area of the site. Mr. Carpenter explained that the ITE Trip Generation (for fast-food restaurant with drive-thru window - Manual Code #934) indicates that, for eastbound left turns, there is ample time for peak-hour left turns to enter into the site. Ann-Marie Aubrey will verify whether a more current study had been done.
- #10 – Regarding drainage design: Mr. Carpenter stated that the final drainage would be designed in accordance with Town drainage requirements and the DEEP Storm Water Quality Manual limiting post-developed runoff to the pre-development rate and would also do water quality management in accordance with DEEP requirements.
- #11 – Regarding parking requirements: Mr. Carpenter stated that they are applying Section 530.5.d requirements for a drive-in restaurant and are providing 18 parking spaces (maximum of three employees).

Brian Card referred to Comment #5 in a Memo from the Town Engineer (dated August 21, 2017) regarding turning radiuses for delivery trucks. Mr. Carpenter referred to an auto-turn plan which shows how a WB62 (large) tractor trailer would access and service the site. He stated that the intention is to have deliveries made in the early morning/off hours (depending on the hours of operation of the tenant).

There was discussion regarding approval of a conceptual plan vs. final approval of an actual site design.

Motion was made by Sheila Roddy to have a five-minute break to allow Chairman, Keith Thurlow, and Staff to have a discussion. Second by Brian Card. Motion carried unanimously (5-0-0).

Keith Thurlow, Ann-Marie Aubrey and Jonathan Blake left the room at 7:36 p.m. and returned at 7:47 p.m.

Keith Thurlow explained that it is not necessary to get into the specifics of unique details for the conceptual plan as it is only an application for a use in the zone.

Comments from the Public:

Kenneth Peterson, 25 Stearns Street, abutter to the north, stated that he spoke with Mr. Carpenter twice and was satisfied with their discussions regarding drainage, the buffer, light, and sound. However, now he is not sure about the "conceptual" plan. He expressed concern if the actual application is very different from the conceptual plan as discussed.

Ann-Marie Aubrey explained that if it comes back as something different, it would not match and the Commission has the right to disapprove it.

Mr. Peterson asked if there would be another public hearing and if it would be announced. Ms. Aubrey stated that there would and that Mr. Peterson would be notified with a letter.

Mr. Carpenter explained that what has been represented to be done at the north property line is what they plan to do.

Motion was made by Sheila Roddy to close the public hearing for Special Permit Application #17-1172 – Bayvest Realty, Inc.; Sec. 430.2F Drive-in restaurant, Fast-food restaurant of the Borough of Danielson Zoning Regulations; to allow 2500 sf retail commercial building with a drive-thru window; 60 Westcott Road; GIS Map 182, Lot 29; ~.58 acres; Borough General Commercial Zone. Second by Virge Lorents. Motion carried unanimously (5-0-0).

2. Special Permit Application #17-1171 – Tracy Donovan; Sec. 410.1.2(b) Dog Kennel; to allow landowner to build a dog kennel for breeding purposes to house approximately 49 adult dogs; 54 Brickhouse Road; GIS MAP192, Lot 19; ~18.3 acres: Rural Development Zone. **HEARING MUST OPEN TONIGHT – DELAYED FROM 07/17/2017**

Tracy Donovan, 54 Brickhouse Road, represented herself and read from a prepared statement. In the statement, Ms. Donovan explained that she has been a dog breeder for over 20 years and that many of her dogs have become therapy/support/service dogs. She chose her current property for its acreage/seclusion and thought that nobody would hear the barking. She stated that the construction of the proposed building would alleviate the barking from 8 pm to 8 am, as well as daytime barking, would provide greater comfort for the dogs and for herself, and will substantially reduce her workload in caring for the dogs. Ms. Donovan explained that this will, most likely, be a temporary situation as she is working on moving because this property doesn't work very well for this application. It is a steep lot with a lot of ledge and a great deal of the land is not useable/buildable due to hilly terrain and wetlands. She asked that the Commission allow her to continue to do what she loves and to keep all of her pets. She stated that she would work diligently to create an environment that works best for everyone concerned. She wants to move forward with the Application. Ms. Donovan stated that she had provided handouts, that there are people present who want to speak on her behalf, and that she had 30 letters of reference from puppy buyers.

Ms. Donovan explained that the plans provided were drawn by a company that builds steel buildings to her specifications (size and number of kennel runs). Ann-Marie Aubrey explained/oriented the map of the property that was included in the packets to the Commission Members and she stated that it is within the setback requirement of 150 feet. Ms. Donovan stated that she has read the Regulations regarding kennels and that the proposed plan meets the Regulations.

Ms. Aubrey noted that the Applicant is currently under a Notice of Violation/Cease and Desist Order from the ZEO. There are two ways to bring the real estate into compliance:

- Reduce the number of dogs to five (which the Applicant refuses to do)
- Apply to the PZC for a special permit for a kennel

Jonathan Blake, Zoning Enforcement Officer, explained that he has been working with Ms. Donovan and that he has been allowed to visit the site to inspect the current condition of the dogs. Currently, the dogs are residing inside her home which does not meet the required 150-foot setback. It would also not meet the standards set forth by the State of Connecticut for dog kennel licensure which would be needed along with PZC approval as well as State Fire Code, Building Code, etc.

Mr. Blake explained that an inspection had been done with NECCOG (State Animal Control Officer) and a Representative from NDDH. At that time, current conditions did not warrant seizure of the dogs and there was concern for only one animal (a small pig with a leg injury) which was taken to a vet and follow up with NECCOG. Mr. Blake stated concern for the overall quality of life under the current conditions. However, the overall health of the animals was not of immediate concern to NECCOG.

Sheila Roddy asked about waste from the animals. Mr. Blake stated that, during the inspection, it was noted that there was a compost area behind a shed. Ms. Donovan explained that the animals (mostly small to medium size breeds) stay on wood shavings which are picked out and cleaned daily and completely changed twice weekly. Ms. Donovan stated that it is composted away from the house and the NDDH Representative had commented that there was no odor.

Keith Thurlow stated that more detailed information is needed: NDDH comments regarding animal waste (design code); more detailed drawings of the building (location/grading/buffers). There was discussion and Mr. Thurlow explained that the NDDH would need to do test pits and asked if Ms. Donovan could get a more formal plan in time for the next meeting. Sheila Roddy voiced agreement with Mr. Thurlow. Ms. Roddy was concerned that complaints went back to 2013 and that Ms. Donovan had not made an attempt to come into compliance.

It was mentioned that discussion regarding setting a limit for the number of dogs should take place in the future. Mr. Blake explained that the State may impose a limit (Statutory guidelines).

Keith Thurlow asked if any violations legally control any actions of the PZC. Ann-Marie Aubrey stated that for applications, you must close an application within 65 days from the date it is opened. Mr. Blake stated that any recommendations for enforcement are on hold pending the Application. There was discussion regarding continuing the public hearing. Ann-Marie Aubrey will verify if one more extension is allowable if Ms. Donovan requests it. Mr. Card offered that the size of the kennel

to be based on the number of dogs and he suggested that the public be allowed to speak so that Ms. Donovan can address their comments next month.

Comments from the Public:

Diane Zalewski, Webster, MA, spoke in favor. She is a lifelong friend who spoke of Ms. Donovan's love for all animals. Ms. Zalewski stated that Ms. Donovan can handle the number of pets that she has.

Billy Carl, 257 Bear Hill Road, has been a friend of Ms. Donovan's for five years. He stated that he has been to her property many times to work on her car. He stated that the dogs stop barking after about five minutes. He stated that he has never seen one of her dog pens without water and food in it and he said that they are clean. He stated that he has been in the house and he attested that she takes good care of the dogs.

Michael Hayes, Parade Street, Providence, RI, stated that he is a registered land surveyor in the State of Connecticut and that the dog kennels are now on the property of Rodney and Barbara Hayes. Ms. Donovan disagreed.

Sherry Tuttle, 40 Brickhouse Road, spoke of Ms. Donovan having financial issues and asked how she will continue to support the dogs and the home. She stated that Ms. Donovan works three jobs and is not home much. Ms. Tuttle stated that she has attempted to contact Ms. Donovan multiple times regarding noise from the dogs. Ms. Tuttle spoke of dogs getting loose. She expressed concern for property values, waste from the dogs, breeding, and the location of the kennel. Ms. Tuttle stated that Ms. Donovan had problems in Woodstock and Webster, MA also.

Jesse St. Andre, 67 Brickhouse Road, stated that the noise level (day and night) is a concern for him and his wife. He questions the integrity of the current kennels as to housing and containing the dogs because Ms. Donovan had come to his house looking for lost dogs. The waste is also a concern for him. He is concerned regarding dogs coming into his yard (some wearing diapers) when his children are outside. He stated that if he had known that this was next door, he may not have bought the house.

David Griffiths Road, 98 Griffiths Road, (speaking personally) stated that once the dogs start barking, the coyotes start howling all night long. He stated that when it is dark by 4:30 p.m., that's when the coyotes start responding. He stated that if needed, the PZC should consult with the Town Attorney.

Robert Auger, 220 Bailey Hill Road, spoke of the noise from the dogs barking. He stated that they have to shut the windows in the summertime.

Robin Barna, 226 Bailey Hill Road, spoke of the noise level and also stated that she has to close her windows. She is concerned for her property value.

Erin Elsey, 220 Bailey Hill Road, spoke of the noise in the evening and it makes her fearful.

Tanya Peckham, 267 Mechanic Street (formerly of 49 Brickhouse Road – Lori and Edward Brunsdon also present), stated that she has filed a formal complaint with NECCOG regarding Ms. Donovan coming onto the 49 Brickhouse Road property looking for lost dogs. Ms. Peckham voiced concern about whether Ms. Donovan is financially stable to have that many dogs, not having a breeding license, the health of the dogs, noise level (for which she has recordings of barking at 1 a.m. – 2 a.m.).

Adam Griffiths, 98 Griffiths Road, spoke of the noise level due to the valley. He mentioned imposing the extensive conditions that were placed on a previous rescue kennel on Cook Hill Road and he also asked that the number of dogs be considered.

Motion was made by Virge Lorents to continue the public hearing for Special Permit Application #17-1171 – Tracy Donovan; Sec. 410.1.2(b) Dog Kennel; to allow landowner to build a dog kennel for breeding purposes to house approximately 49 adult dogs; 54 Brickhouse Road; GIS MAP192, Lot 19; ~18.3 acres: Rural Development Zone to September 18, 2017, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, 7:00 p.m. Second by Matthew Wendorf. Motion carried unanimously (5-0-0).

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

1. Zone (MAP) Change Application #17-1176 – Paul J. Gazzola, Jr.; change of zone for three (3) parcels as follows: 12 North Shore Rd.; GIS Map 61, Lot 58; 1883 Upper Maple St; GIS Map 62; Lot 33.1 change both lots from Light Industrial to Medium Density; and 1871 Upper Maple St; GIS Map 62, Lot 33 change from Low Density to Medium Density

Paul Gazzola, 131 Lake Road, represented himself and did a presentation. Mr. Gazzola explained that the two parcels on Upper Maple Street were created in a subdivision that was done in 2001. The remaining two parcels are 390 Lake Road and the Byrnes Agency property. Mr. Gazzola indicated the properties and the zones on the maps. He also showed what the map would look like if the zone change were approved.

Mr. Gazzola indicated the original lot that was subdivided in 2001 to create the four big lots (11, 11c, 11c-1 and 390 Lake Road). He explained that changing the zone allows him more opportunities for what he can do on the properties.

There was discussion regarding the potential number of medium density residential lots that could be created. Mr. Gazzola explained that there are no rear lots in medium or low density residential so a road would need to be built. Ann-Marie Aubrey read from the Dimensional Requirements for Medium Density. Mr. Gazzola indicated where public sewer and water are located. Virge Lorents suggested that there be analysis of the potential number of lots. There was discussion regarding how the State's current POCD shows it is zoned - as a possible growth area. The Town's proposed POCD shows future land use as General Commercial.

Mr. Gazzola referred to Map #5048 as conceptual to give an idea of a Light Industrial building on Lot 11-c. He indicated how the drainage ends up in Alexander's Lake. There was discussion regarding topography going down to North Shore Road. Mr. Gazzola stated that he has no plans to develop the property and he feels that it would be better as a residential use rather than light industrial. There was discussion regarding the 75-foot Conservation Easement (buffer). The deed refers to a Conservation Easement, but the language for it has not been found. Mr. Gazzola stated that, if the Application moves forward, he would propose to remove both of those (as stated on the deed and on the map) since it would be residential abutting residential. Mr. Gazzola would also like to remove an encroachment (a garage that was built in the 1970's).

Mr. Gazzola noted that he included the lot on North Shore Road in the Application because on the Zoning Map it is already shown as Medium Density but, on the property card it is assessed as Light Industrial.

Keith Thurlow stated that more information is needed regarding the Conservation Easement on Lot 11-c. Mr. Gazzola provided a copy of the deed to Mr. Thurlow who read it aloud. It was determined to be a 75-foot landscape buffer easement along the southerly side. A copy is to be provided to Ms. Aubrey.

Matthew Wendorf suggested that if the Application were to move forward, the deed would need to be rewritten as the buffer was intended to be a buffer between the Light Industrial and Low Density properties. He does not see any benefit to the Town for this location to be Light Industrial. He would like to see how many units could potentially go into the property.

Virge Lorents suggested that Staff investigate the easements.

Sheila Roddy clarified that if the Zone Change were to be approved, the removal request of buffer described in the deed would not be part of the approval. Ann-Marie Aubrey will explained that it is a separate issue and that she will investigate whether the Conservation Easement was given to anyone or if it is just a buffer zone.

Comments from the Public:

John Nick Haynes, leases 196 & 197 Pine Hollow Road, stated that he would be for the Application because he does not want Light Industrial, but he would like protection/buffer between the properties. He is concerned with a lot of small houses along the road behind him.

Heather Lechene-Duplisea, stated that the 12 North Shore Road property has been neglected and that she has been mowing it for 16 years. She has also had to deal with rodents due to a pile of gravel/garbage that was dumped there (she has been working on moving it). She also voiced concern regarding creating a highly populated area with a lot of traffic. She asked if 12 North Shore Road is a right of way. Ms. Lechene-Duplisea is also concerned with drainage. She asked if a road

would be put in. She is opposed due to access points, neglect of the property, and high traffic. Mr. Thurlow explained that a road could still be built even if it stays Light Industrial.

Mr. Gazzola's response to Mr. Haynes: The ¼ acre lots were zoned by the Town.

John Nick Haynes stated that size of the lots being considered for Medium Density are ¼ acre (a lot of houses in a little space).

Mr. Gazzola stated that he has only owned that property since 2012 and he has never been contacted since he's owned it with any problems.

Mr. Gazzola clarified that 12 North Shore Road is on the Map as Medium Density, but he is being assessed as Light Industrial on the property card. Ann-Marie Aubrey read from the property record card and it is zoned as Light Industrial, it does say in 2011 there was a mapping correction, and it is referred to as Lot 61-33.1. It does not state what it was zoned prior to that. Elsie Bisset recalled that in 2001, when KWP did the Zone Change Map, it was changed from Low Density to Light Industrial. Where the houses are Medium Density, the owners would not sign the Application to go to Light Industrial. The EDC has not discussed this to have formed an opinion. Ms. Bisset's personal opinion is that it is not a prime area for Light Industrial.

Motion was made by Brian Card to close the public hearing for Zone (MAP) Change Application #17-1176 – Paul J. Gazzola, Jr.; change of zone for three (3) parcels as follows: 12 North Shore Rd.; GIS Map 61, Lot 58; 1883 Upper Maple St; GIS Map 62; Lot 33.1 change both lots from Light Industrial to Medium Density; and 1871 Upper Maple St; GIS Map 62, Lot 33 change from Low Density to Medium Density. Second by Virge Lorents. Motion carried unanimously (5-0-0).

2. Zone (TEXT) Change Application #17-1178 Town of Killingly (TOK); amendments to Section 570 Planned Residential Development (PRD); and Article III, Section 310 Definitions; amendments to the PRD Section of the TOK Zoning Regulations to include two classifications, "Independent Residential Living and Residential Life Care Communities" and to make all necessary amendments to allow both classifications under PRD, and to add the necessary definitions to the proper zoning section pertaining thereto. Copies of the full text of the amendments are available to the public in the Planning & Development and Town Clerk's Offices.

Ann-Marie Aubrey the purpose for this Application is to add back the densities that would allow Assisted Living Care Facilities that were not under the PRD at the time.

Ms. Aubrey reviewed comments by the Town Attorney:

- He agreed with putting in the Adult Day Care Facility definition although he did not see anything limits just strictly Adult Day Care Facilities.
- Page 7 of 15, Section 570.5.1 – He feels it is a good suggestion to put in Residents Committee, but he is not sure whether it can be enforced.
- Section 570.5.8, Fire Safety – Dwelling Structures vs. Dwelling Units. Clarify that it is individual free-standing structures that may contain more than one unit. Last line, delete the word "or." Because he wants people to go to both the Fire Marshal and the Building Official.
- Page 15, Section 570.5, Minor Amendments – Give a notice to the PZC the following month that an amendment had come through and that it was treated as a minor amendment. This may be more of a procedural issue.

Letters of support were read into the record by Ann-Marie Aubrey:

- Donna Copeland, Director, Westcott Wilcox, dated July 19, 2017.
- Matthew S. Desaulnier, President, Gerardi Insurance Services, Inc.

There was discussion regarding Page 11 of 16, Section 570.5.13, Landscaping. Keith Thurlow had an issue with Aesthetic Plan rather than Landscaping Plan as he feels it eliminates the need for a landscaper. Also, on Page 12, you have to assume what the "massing scheme" is. He feels that it does not leave room for creativity by a landscape architect.

Ms. Aubrey commented that what is under Landscaping is how it appears in the existing Regulations.

Brian Card suggested moving forward with the changes that were promoted, since special meetings were held and public hearings with developers in attendance and the public did not bring up issues with it. He suggested that it can be revisited later to modify that paragraph. There was discussion.

Jonathan Blake noted that it does not say “can’t” and that the word “minimal” provides flexibility. There was more discussion. Matthew Wendorf and Sheila Roddy agreed with Mr. Thurlow regarding Aesthetic Plan and Massing Scheme.

Comments from the Public:

David Panteleakos spoke in favor of the Application and he thanked the PZC Members for the work that they have put in on this since June 2016. Mr. Thurlow thanked Mr. Panteleakos for his help.

Motion was made by Brian Card to close Zone (TEXT) Change Application #17-1178 Town of Killingly (TOK); amendments to Section 570 Planned Residential Development (PRD); and Article III, Section 310 Definitions; amendments to the PRD Section of the TOK Zoning Regulations to include two classifications, “Independent Residential Living and Residential Life Care Communities” and to make all necessary amendments to allow both classifications under PRD, and to add the necessary definitions to the proper zoning section pertaining thereto. Copies of the full text of the amendments are available to the public in the Planning & Development and Town Clerk’s Offices. Second by Virge Lorents. Motion carried unanimously (5-0-0).

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

None

D. Subdivisions – (review/discussion/action)

None

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

None

VII. UNFINISHED BUSINESS

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

1. Zone (MAP) Change Application #17-1176 – Paul J. Gazzola, Jr.; change of zone for three (3) parcels as follows: 12 North Shore Rd.; GIS Map 61, Lot 58; 1883 Upper Maple St; GIS Map 62; Lot 33.1 change both lots from Light Industrial to Medium Density; and 1871 Upper Maple St; GIS Map 62, Lot 33 change from Low Density to Medium Density

Motion was made by Brian Card to approve Zone (MAP) Change Application #17-1176 – Paul J. Gazzola, Jr.; change of zone for three (3) parcels as follows:

1883 Upper Maple St; GIS Map 62; Lot 33.1; and 12 North Shore Road, change both lots from Light Industrial to Medium Density; and

1871 Upper Maple St; GIS Map 62, Lot 33 change from Low Density to Medium Density.

- Change to Medium Density is a little bit more protective of the Lake vs. Light Industrial;
- It is better fitting for the neighborhood;
- Opens up the uses for the land;
- Consistent with sewer use map - has water and sewer for development;
- Consistent with the State growth map.

12 North Shore Rd.; GIS Map 61, Lot 58

- Clean-up of property card issues. It is shown on the Zone Map as Medium Density and on the property card as Light Industrial.

Effective date of Monday, September 25, 2017, 12:01 a.m. Second by Sheila Roddy.

There was discussion: Virge Lorents mentioned that she had wanted more analysis and consideration of the consequences.

Roll Call Vote: Brian Card – yes; Virge Lorents – no; Sheila Roddy – yes; Matthew Wendorf – yes; Keith Thurlow – yes. Motion carried (4-1-0). Virge Lorents voted opposed because she feels more thorough consideration was needed.

2. Zone (TEXT) Change Application #17-1178 Town of Killingly (TOK); amendments to Section 570 Planned Residential Development (PRD); and Article III, Section 310 Definitions; amendments to the PRD Section of the TOK Zoning Regulations to include two classifications, "Independent Residential Living and Residential Life Care Communities" and to make all necessary amendments to allow both classifications under PRD, and to add the necessary definitions to the proper zoning section pertaining thereto. Copies of the full text of the amendments are available to the public in the Planning & Development and Town Clerk's Offices.

Motion was made by Brian Card to approve Zone (TEXT) Change Application #17-1178 Town of Killingly (TOK); amendments to Section 570 Planned Residential Development (PRD); and Article III, Section 310 Definitions; amendments to the PRD Section of the TOK Zoning Regulations to include two classifications, "Independent Residential Living and Residential Life Care Communities" and to make all necessary amendments to allow both classifications under PRD, and to add the necessary definitions to the proper zoning section pertaining thereto. Copies of the full text of the amendments are available to the public in the Planning & Development and Town Clerk's Offices. Approval to include the following edits:

- Page 9 of 16, under 570.5.8 Fire Safety, second paragraph, delete the word "or."
- Page 11 of 16, under 570.5.13 Landscaping, first sentence, replace "aesthetic" with "landscape."
- Page 15 of 16, under 570.5 Amendments to the Approved Plans, at the end of #1 Minor Amendments, insert the following sentence, "Notice of such changes shall be provided to the Commission at the next regularly scheduled meeting."

Reasons for approval: Allows for controlled development that addresses a Town need consistent with the POCD and uses existing PRD rules with enhancement to serve a needy population.

Effective date, Monday, September 18, 2017, 12:01 a.m. Second by Virge Lorents.

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

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

1. Special Permit Application #17-1172 – Bayvest Realty, Inc.; Sec. 430.2F Drive-in restaurant, Fast-food restaurant of the Borough of Danielson Zoning Regulations; to allow 2500 sf retail commercial building with a drive-thru window; 60 Westcott Road; GIS Map 182, Lot 29; ~.58 acres; Borough General Commercial Zone. **CONTINUED FROM 07/17/2017**

Motion was made by Virge Lorents to approve the conceptual plan for Special Permit Application #17-1172 – Bayvest Realty, Inc.; Sec. 430.2F Drive-in restaurant, Fast-food restaurant of the Borough of Danielson Zoning Regulations; to allow 2500 sf retail commercial building with a drive-thru window; 60 Westcott Road; GIS Map 182, Lot 29; ~.58 acres; Borough General Commercial Zone. Second by Matthew Wendorf.

There was discussion: Brian Card commented that this is a first for the Commission, as a conceptual plan was previously done more informally under Agenda Item – Other. Ann-Marie Aubrey clearly stated to the Applicant that the tenant will have to come before the PZC for final approval.

Roll Call Vote: Sheila Roddy – yes; Matthew Wendorf – yes; Brian Card – no; Virge Lorents – yes; Keith Thurlow – yes. Motion carried (4-1-0).

2. Special Permit Application #17-1171 – Tracy Donovan; Sec. 410.1.2(b) Dog Kennel; to allow landowner to build a dog kennel for breeding purposes to house approximately 49 adult dogs; 54 Brickhouse Road; GIS MAP192, Lot 19; ~18.3 acres; Rural Development Zone. **HEARING MUST OPEN TONIGHT – DELAYED FROM 07/17/2017.** - Continued – See Above.

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

None

D. Subdivisions – (review/discussion/action)

None

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

None

VIII. NEW BUSINESS

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

None

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

1. Special Permit Application #17-1179 – Jeannette Chambers; Section 410.1.2.q; and Section 566; proposed accessory dwelling unit in existing barn; 374 Mason Hill Road; GIS Map 30, Lot 14; ~9.0 acres; Rural Development Zone. Receive and if application is complete, schedule a public hearing for September 18, 2017.

Ann-Marie Aubrey stated that the Application is complete.

Motion was made by Virge Lorents to receive and schedule a public hearing for Special Permit Application #17-1179 – Jeannette Chambers; Section 410.1.2.q; and Section 566; proposed accessory dwelling unit in existing barn; 374 Mason Hill Road; GIS Map 30, Lot 14; ~9.0 acres; Rural Development Zone for September 18, 2017, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, 7:00 p.m. Second by Sheila Roddy. Motion carried (5-0-0).

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

None

D. Subdivisions – (review/discussion/action)

None

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

None

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

Regular Meeting of Monday, July 17, 2017.

Motion was made by Brian Card to accept the Minutes of Regular Meeting of Monday, July 17, 2017. Second by Virge Lorents. Motion carried (4-1-0). Keith Thurlow abstained as he had not attended that meeting.

Special Meeting (Workshop) of Tuesday, July 18, 2017.

Motion was made by Virge Lorents to postpone the review of the Minutes of the Special Meeting (Workshop) of Tuesday, July 18, 2017, per the request of Brian Card as he had not had a chance to check the edits to the Gravel Regulations to the minutes. Second by Sheila Roddy. Motion carried unanimously (5-0-0).

X. WORKSHOP SESSIONS – (review/discussion/action)

1. Zone (Text) Change – Earth Filling and Excavation (Section 560 TOK Zoning Regulations) – to review proposed amendments to said section; and to discuss next actions.

a. Commission is to determine if another workshop is required for these proposed regulations;

B. Commission is to determine if a workshop is not required – then Commission may schedule a hearing for October 16, 2017 – as proper notice must be given to NECCOG.

Motion was made by Virge Lorents to open the floor to allow Dale Desmarais to participate in discussion of:

X. WORKSHOP SESSIONS – (review/discussion/action)

1. Zone (Text) Change – Earth Filling and Excavation (Section 560 TOK Zoning Regulations) – to review proposed amendments to said section; and to discuss next actions.

a. Commission is to determine if another workshop is required for these proposed regulations;

B. Commission is to determine if a workshop is not required – then Commission may schedule a hearing for October 16, 2017 – as proper notice must be given to NECCOG.

Second by Matthew Wendorf. Motion carried unanimously (5-0-0).

Dale Desmarais, 139 Country Club Road, represented Ernest Joly and Sons, All State Asphalt, Jim Vance, and Desmarais and Sons. They all reviewed the draft regulations. Mr. Desmarais reported that Randy also reviewed the draft regulations and was happy with what he saw.

Mr. Desmarais reported that John Levin from All State Asphalt had two questions:

- Quarries 2.5:1. May not apply to rock quarries.

There was discussion. Ann-Marie Aubrey will add to Page 10 - "The finished slope of a rock quarry shall be determined at the time of application."

- Ten-acre minimum concerning quarries. Sometimes 15 acres of material (on top of a hill) have to be moved and he would like to be able to present an argument if he needed to use more than ten acres at a time.

Page 12 - Add a sentence to the effect of: Upon request, the Commission may enlarge/alter the area.

Mr. Desmarais stated that there is one more comment by Mr. Levin regarding the water tables: water in ledge is different than water in gravel. Keith Thurlow suggested that he prove his case and the Commission will make a decision. Mr. Levin had stated concern regarding neighbors' wells and that he would do what he could to protect them.

There was discussion regarding burying stones/rocks on site (in the setbacks).

There was a consensus to do one more review of the draft at the next regular meeting in September to go over minor changes and then schedule a public hearing for November.

XI. CORRESPONDENCE – (review/discussion/action)

1. Revised Draft – “Conservation & Development Policies: The Plan for Connecticut 2018-2023”.

Commission to discuss possible letter to send to the State OPM regarding the proposed draft of the State POCD.

Ann-Marie Aubrey offered to draft a letter for review in September. She only received comments from Virge Lorents.

XII. OTHER – (review/discussion/action)

A. CGS 8-24 Referrals

None

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

Enclosed

C. Inland Wetlands and Watercourses Agent's Report

Enclosed

D. Building Office Report

Enclosed

E. Bond Releases / Reductions / Calls

None

F. Project Completion / Mylar Filing Extension / Site Plan Extension Requests / Re-Classify Phases

1. Extension Request to complete work under Special Permit #06-901 – John LaBossiere (for LaBossiere Enterprises, LLC); request for a one year extension to complete the work for Special Permit #06-901; 74,000 sf commercial plaza with appurtenant parking including drive-thru facilities; 899 North Main Street; GIS Map 154, Lot 18; ~19.0 acres; General Commercial Zone. NOTE: If extension is approved the new expiration date will be September 18, 2018.

Motion was made by Brian Card to approve the Extension Request to complete work under Special Permit #06-901 – John LaBossiere (for LaBossiere Enterprises, LLC); request for a one year extension to complete the work for Special Permit #06-901; 74,000 sf commercial plaza with appurtenant parking including drive-thru facilities; 899 North Main Street; GIS Map 154, Lot 18; ~19.0 acres; General Commercial Zone. New expiration date September 18, 2018. Second by Sheila Roddy. Motion carried unanimously (5-0-0).

G. Requests to Allow Overhead Utilities / Wireless Telecommunications Facility

None

H. Upcoming P&Z Commission Meetings

1. Next Regular Meeting – Monday, September 18, 2017.
2. Next Special/Workshop Meeting – To Be Determined.

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

Elsie Bisset reported:

- Seven Seas Oils, Spices, and Teas relocating from Plainfield to Killingly for September 1st.
- New York Pizza opened on Monday, August 14th.
- EDC has a committee of two Members who will meet with Elsie Bisset and Ann-Marie Aubrey to discuss the State's POCD.

- 26 Soap Street and 432 Putnam Pike companies have requested fixing of assessment incentive. They will go to Council in September.

At this time, there was discussion regarding putting a building on vacant land without a primary building on the Agenda for September.

XIV. TOWN COUNCIL LIAISON REPORT – No Representation.

XV. ADJOURNMENT

Motion was made by Brian Card to adjourn at 10:50 p.m. Second by Virge Lorents. Motion carried unanimously (5-0-0).

Respectfully submitted,

J.S. Perreault
Recording Secretary