



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

**MONDAY – SEPTEMBER 18, 2017**

**Regular Meeting**

**7:00 PM**

**Town Meeting Room, Second Floor**

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

**MINUTES**

RECEIVED  
TOWN CLERK, KILLINGLY, CT  
2017 SEP 25 PM 2:56  
*Elizabeth M. Wilson*

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

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

Matthew Wendorf was absent with notice. Todd Nelson had resigned.

**Staff Present** – Ann-Marie Aubrey, Director of Planning and Development.

**Also Present** – Joyce Ricci, Town Council Liaison.

II. **SEATING OF ALTERNATES**

Keith Thurlow announced that Virge Lorents would be seated as a Voting Member.

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**

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

None

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

1. 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. **APPLICATION W/DRAWN – READ LETTER INTO THE RECORD.**

Ann-Marie Aubrey read, into the record, Ms. Donovan's letter of withdrawal, without prejudice, (dated September 13, 2017) in which she states that she agrees to bring the property into compliance with Town of Killingly Regulations/Connecticut General Statutes within four-months of the agreement.

2. Special Permit Application #17-1179 – Jeannette Chambers; Section 410.2.2.o; 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.

Greg Glaude, Killingly Engineering Associates, represented the Applicant and gave an overview of the proposed project. Mr. Glaude explained that Ms. Chambers intends to use the proposed accessory dwelling as living quarters for a caregiver and instructional space for her special-needs son. Mr. Glaude described the site and indicated locations on the plans.

- Approval letter from NDDH (dated July 14, 2017) was submitted, for the record, for the design of the proposed septic system (copies were included in the packets to Commission Members).
- Mr. Glaude went through Section 566.3 to show that the requirements were met (or exceeded): Only accessory dwelling; all setbacks met; single-family home; within 150 feet of primary residence (53 feet); health, fire and building codes – NDDH approval received and fire and building codes will be reviewed/met during the permitting process; no mobile homes/recreational vehicles; exceeds minimum lot area requirement; Ms. Chambers lives in the primary residence; 360 s.f. studio-type apartment unit (does not exceed 1,000 s.f.); no changes to the outside.
- Mr. Glaude explained that the barn has an existing waterline for their horse. They will tap into that waterline which has been reviewed and approved by the NDDH.
- Mr. Glaude noted that there had been previous applications that had been approved under this Regulation.

Motion was made by Sheila Roddy to close the 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. Second by Milburn Stone. 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

Hearings' segment closes.

Meeting Business will continue.

**VII. UNFINISHED BUSINESS**

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

None

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

1. 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. WITHDRAWN – SEE ABOVE

2. 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.

Motion was made by Virge Lorents to approve 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 on the basis that the Applicant meets all of the requirements and has the permits. Second by Milburn Stone.

Roll Call Vote: Brian Card – yes; Sheila Roddy – yes; Milburn Stone – yes; Virge Lorents – yes; Keith Thurlow – yes. 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

**VIII. NEW BUSINESS**

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

None

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

1. Special Permit Application #17-1180 – Richard Governale/Virge Lorents; Section 410.2.2.o; and Section 566; proposed accessory dwelling unit (free-standing); 50 Peep Toad Road; GIS Map 118, Lot 41.2; ~5.1 acres; Low Density Zone.

Chair Keith Thurlow asked Ms. Lorents a question regarding the above application; because she was asked Ms. Lorents responded that she and her husband would like to build a house on the property that will allow them to live independently as they progress in age.

Ann-Marie Aubrey then confirmed for the Commission that they were to receive the application, and if it was complete they could schedule a hearing on the application for October 16, 2017. Brian Card and/or Keith Thurlow asked if the application was complete and Ann-Marie Aubrey confirmed that it was.

Motion was made by Milburn Stone to accept and schedule a public hearing for Special Permit Application #17-1180 – Richard Governale/Virge Lorents; Section 410.2.2.o; and Section 566; proposed accessory dwelling unit (free-standing); 50 Peep Toad Road; GIS Map 118, Lot 41.2; ~5.1 acres; Low Density Zone for Monday, October 16, 2017, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, 7:00 p.m. Second by Sheila Roddy. Motion carried (4-0-1). Virge Lorents abstained.

**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)**

Special Meeting (Workshop) of Tuesday, July 18, 2017. (Postponed from 08/21/2017 meeting)

Motion was made by Brian Card to accept the Minutes of the Special Meeting (Workshop) of Tuesday, July 18, 2017. Second by Sheila Roddy. Motion carried unanimously (5-0-0).

Regular Meeting of Monday, August 21, 2017.

Motion was made by Brian Card to accept the Minutes of the Regular Meeting of Monday, August 21, 2017. Second by Milburn Stone. Motion carried unanimously (5-0-0).

**X. 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. Extension Requests, ETC. -Project Completion / Subdivision & Site Plan Approvals / Mylar Filings / Site Plan Amendments / Re-Classify Phases**

1. Subdivision Application #13-1064 - Request for Extension of Time of Land Use Approvals including Phasing Plan of The Building America Companies, LLC (transferred and assigned to Tri-Lakes, LLC) for Phase I—31 lots – single family cluster development; 520 Bailey Hill Road; GIS MAP 143; Lot 6; Rural Development Zone; Phase 1 – 150 +/- acres; Total Parcel 645+/- acres; and the request that the concept continue so as to complete the project in three (3) phases. – The original approval date was 11/18/2013, so the current deadline is 11/18/2018 – so if the extension is approved the new deadline for completion/expiration date would be 11/18/2023

Ann-Marie Aubrey clarified that the extension request is for the construction and development of the first section which is what had been previously approved.

Motion was made by Brian Card to approve a five-year extension to November 18, 2023 for Subdivision Application #13-1064 - Request for Extension of Time of Land Use Approvals including Phasing Plan of The Building America Companies, LLC (transferred and assigned to Tri-Lakes, LLC) for Phase I—31 lots – single family cluster development; 520 Bailey Hill Road; GIS MAP 143; Lot 6; Rural Development Zone; Phase 1 – 150 +/- acres; Total Parcel 645+/- acres; and the request that the concept continue so as to complete the project in three (3) phases with the condition that the conditions as outlined in the Town of Killingly/Linda Walden letter to Building America Companies/Thomas DeFranzo dated February 7, 2014, be re-incorporated into this approval. Second by Virge Lorents. Motion carried unanimously (5-0-0).

2. Special Permit Application #16-1145 – Request to revise the site plans such that the sidewalks indicated on said plans be removed; of Briarwood Falls, LLC; 142 unit active adult community; Cook Hill Road & Deerwood Drive; GIS MAP 138; Lot 012; ~91.5 acres; Low Density Zone; Planned Residential Development.

Attorney Jamie Davis, represented the Applicant. A revised proposed plan showing the removal of the sidewalks (throughout the entire Project) had been submitted with the Application. Attorney Davis stated that this is not an instance where sidewalks would promote the health, safety, and general welfare of the community for the following reasons:

- It is a very low-traffic area where vehicles are predominantly from residents and their visitors and some service vehicles.
- Not a major pedestrian corridor (not close to shops or other facilities where people would be walking).
- No sidewalk leading into the development from Cook Hill or Deerwood.
- It is a 55 and over community (no concerns regarding children).

Attorney Davis explained that her client would incur a hardship if they have to develop with the sidewalks. They would like to continue to do well, economically, in Town and continue forward with the development. Therefore, they would like to reduce some of the expenditures that they don't believe are necessary. Attorney Davis stated that they obtained signatures of 100 percent of the current unit owners who are in support of the proposal because they do not want the high cost of maintenance and repairs to be passed down to them through increased Association fees.

There was discussion regarding the agreement that had been reached regarding the sidewalks which was a condition of approval for the re-phasing: 1/3 of Phase 1 was to be done with each Phase (2, 3 and 4). The Applicant had requested a waiver at that time. Discussion continued. The cost to install the sidewalks throughout the Project, as previously approved is approximately \$250,000.00.

Motion was made by Milburn Stone to suspend the rules to allow the public to speak regarding Special Permit Application #16-1145 – Request to revise the site plans such that the sidewalks indicated on said plans be removed; of Briarwood Falls, LLC; 142 unit active adult community; Cook Hill Road & Deerwood Drive; GIS MAP 138; Lot 012; ~91.5 acres; Low Density Zone; Planned Residential Development. Second by Virge Lorents. Motion carried unanimously (5-0-0).

#### Comments from the Public:

**Pat O'Rourke, 11 Oriole Drive**, President of the Briarwood Falls Condo Association, spoke on behalf of the Association. Ms. O'Rourke stated that the Association supports the petition to eliminate the sidewalks. Briarwood Falls has had significant financial hardships in the past and they are now out of the red and are building their reserves very slowly. She explained that they operate on a very modest budget and that maintaining sidewalks would be a financial burden. She spoke about increasing management costs that will be incurred as the Community grows. She spoke about how the residents safely walk in the roads and how those that can't walk drive to their mailboxes.

Sheila Roddy commented that as the Community grows, the need for sidewalks will increase. Milburn Stone commented that sidewalks are an important amenity.

**Ella Donnolly**, a 12-year, original resident, commented that the people that live at Briarwood Falls are a young 55 and over group and are far from being elderly. She stated that those that cannot walk to the Community Center will drive their cars there.

Motion was made by Brian Card to deny Special Permit Application #16-1145 – Request to revise the site plans such that the sidewalks indicated on said plans be removed; of Briarwood Falls, LLC; 142 unit active adult community; Cook Hill Road & Deerwood Drive; GIS MAP 138; Lot 012; ~91.5 acres; Low Density Zone; Planned Residential Development. Second by Sheila Roddy. Motion carried (4-1-0). Milburn Stone was opposed.

**G. Requests to Allow Overhead Utilities / Wireless Telecommunications Facility**

None

**H. Upcoming P&Z Commission Meetings**

1. Next Regular Meeting – Monday, October 16, 2017.
2. Next Special/Workshop Meeting – To Be Determined.

**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 stated that Virge Lorents was the only Commission Member that had submitted comments. Ms. Aubrey explained that each principle is a chapter.

Motion was made by Brian Card that the PZC review the Revised Draft – “Conservation & Development Policies: The Plan for Connecticut 2018-2023” and e-mail comments to Staff. Staff to make revisions per comments received and review with Chair, Keith Thurlow, for final approval to allow for mailing of the letter by the deadline of October 16, 2017. Second by Milburn Stone. Motion carried unanimously (5-0-0).

**XII. 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; **OR**
  - b. **Commission MAY schedule a hearing for Monday, November 20, 2017 – to allow enough time so proper notice can be given to NECCOG.**

Motion was made by Virge Lorents to suspend the rules to open the floor for discussion regarding the Workshop session regarding Zone (Text) Change – Earth Filling and Excavation (Section 560 TOK Zoning Regulations). Second by Brian Card. Motion carried unanimously (5-0-0).

Ann-Marie Aubrey stated that she is aware that there are some grammatical/typographical errors and that she will correct them.

**Comments from the Public:**

**Jim Vance**, 220 Snake Meadow Road, suggested the following language for Page 11, Section 560.7.s.1:

- s) Implementation of an erosion and sediment control plan:
  - 1) Following a filling operation there shall be layer of growing medium applied to the area to a depth suitable to provide for the establishment of ground level and protection of the area by ground cover, or return area to natural conditions.

Discussion ensued. Brian Card suggested the following language: “Following a filling operation there shall be layer of growing medium of no less than six inches...” Discussion continued. Ann-Marie Aubrey suggested defining growing medium.

Brian Card suggested the following (for consistency), for Page 11, Section 560.7.s.2 through 560.7.s.3:

- 2) The area disturbed by the excavation is to be restored by the spreading of subsoil/topsoil at depths not greater than those found at the site in its original state –to a maximum of twenty-four (24) inches, and

not less than six (6) inches – dependent on the ultimate use of the property. Restoration shall be a continuous operation. The following shall govern all restoration.

(a) A layer of growing medium shall be used at a minimum depth of six (6) inches over the excavated area. The depth of soil required may be increased at the discretion of the P&Z Commission based on the ultimate use of the property. The areas for the storage of soil shall be shown on the plans approved by the P&Z Commission. All stockpiled soil shall be seeded with appropriate perennial grasses and surrounded by appropriate erosion controls.

(b) Following the re-spreading of soil, the area is to be seeded with a suitable ground cover and maintained until the area is stabilized. The area is to be limed and fertilized as appropriate.

Seeding is to be done between April 15 and June 15 or between August 15 and October 15.

3) Following the re-spreading of soil and in addition to the seeding requirements of Subsection 1 and 2 above, the P&Z Commission may require the planting of deciduous and non-deciduous trees (which may be root stock at the time of such planting) at a density appropriate for the site and its intended usage. To the extent practical, the trees shall be hardy native species and compatible with the post excavation site characteristics.

Discussion continued. It was decided to change all references to "soil" to "growing medium" in the above Section 560.7.s.2 through 560.7.s.3.

There was a consensus among the Commission Members to incorporate the above suggested changes by Brian Card. Jim Vance and Dale Desmarais were also in agreement with the changes.

**Dale Desmarais**, asked about two issues on behalf of John Lavin (All State Asphalt): 1. Ledge face; and 2. variation of water depth. He wanted to know if professional people would determine where the water table is. There was discussion and it was decided that it should be defined by a soil scientist. Ann-Marie Aubrey will research to see if it is defined on the DEEP website.

Motion was made by Sheila Roddy that Staff will incorporate the changes discussed regarding Zone (Text) Change – Earth Filling and Excavation (Section 560 TOK Zoning Regulations) and send via e-mail to PZC Members individually who will review and reply with comments/approval of changes made. She will also e-mail to James Vance and Dale Desmarais for their review. A public hearing to be scheduled for November 20, 2017, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, 7:00 p.m. Second by Milburn Stone. Motion carried unanimously (5-0-0).

2. Begin discussion / review of the following:

a. Should an applicant be allowed to construct and maintain an accessory structure on a residentially zoned property without a primary structure (i.e. residence) being in place;

There was discussion regarding an individual who owns a property in Town and would like to have an accessory structure (to store equipment/backhoe) without having a primary structure (residence). Ann-Marie Aubrey read from the Regulations.

There was discussion. Keith Thurlow and Virge Lorents are not opposed. Sheila Roddy and Milburn Stone are opposed. Brian Card suggested that it be allowed by special permit. There was agreement for Keith Thurlow to draft language for review by the Commission. Mr. Thurlow feels it should be by Staff level.

b. First Split – review by staff to verify that the first split parcel and remaining parcel are both compliant with current zoning regulations;

Keith Thurlow explained that he has consulted with the Town Attorney and that Attorney St. Onge feels that it is by-right and that the PZC has no legal right to define. Ann-Marie Aubrey will consult with the Town Attorney to verify. Mr. Thurlow explained that his daughter had purchased a property that does not conform to zoning in several areas.

**XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT – No representation.**

**XIV. TOWN COUNCIL LIAISON REPORT**

Joyce Ricci reported on the following:

- Tax relief program for businesses that do improvements to their property.
- Call/Alert System for events/emergencies.
- Lighted sign at the Library and possibly at Owen Bell Park to announce community events.
- Vision for Killingly (Frank Aleman).

**XV. ADJOURNMENT**

Motion was made by Milburn Stone to adjourn at 9:16 p.m. Second by Brian Card. Motion carried unanimously (5-0-0).

Respectfully submitted,

J.S. Perreault  
Recording Clerk