



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

**MONDAY – SEPTEMBER 19, 2016**

**Regular Meeting**

**7:00 PM**

**Town Meeting Room, Second Floor**

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

**MINUTES**

**I. CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:01 pm.

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

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

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

**II. SEATING OF ALTERNATES** – No Alternate Seated.

**III. AGENDA ADDENDUM** – None.

**IV. CITIZENS' COMMENTS ON ITEMS NOT SUBJECT TO PUBLIC HEARING** – There were no comments from the public.

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

**VI. PUBLIC HEARINGS**

**A. Zone Change Applications** – None

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

1. Special Permit Application #16-1146; Section 420.2.2(a) [retail w/outdoor displays]; 420.2.2(m)[heavy equipment sale, rental, services, repair]; 420.2.2(n) [contractor's business]; Section 470 (Site Plan); and Section 700 (Special Permit); of Network Equipment Services (Douglas Beaupre); continuation of historical use as a trucking terminal; retail sales w/outdoor displays; heavy equipment sale, rental, service, repair; a contractor's yard; all with office space; 574 Westcott Road; GIS Map 214; Lot 7 ~12.953 acres; General Commercial Zone.

Norm Thibeault, Killingly Engineering Associates, represented the Applicant, who was present in the audience. Two of the tenants for the development were also present: Lucas Campos from LSC Granite; and Terry Chapelle.

Mr. Thibeault stated that the property is located just south of the Eastconn building that was recently approved for educational services. He explained that the property has been vacant and has not been used as a truck terminal for a number of years. There are piles of soil throughout the site which are part of a remediation process to remove contaminated soils (this is being resolved). The Applicant would like the existing (historic) use as a trucking terminal to be allowed to continue as well as several other businesses: office and sales of marble/granite countertops; a retaining wall company with an office; sales of landscape materials; contractor equipment rentals and sales as well as offices and warehouse.

Mr. Thibeault gave an overview:

- The site has two buildings. The main building is shown on the plans as A, B, C, and D would contain the countertop sales and their office, the office for the contractor, and for the landscape services.

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- There are existing bays (used in the past for storing landscape materials) which will remain and they are proposing to add a couple more bins for various materials.
- At the rear western portion of the site, a former tenant did some excavating and created some unfavorable slopes. As part of this Application, it is proposed to bring those slopes back into compliance to alleviate safety issues in that area.
- The hatched area shown in the southwest portion on the plans would be used as an outdoor display area for heavy construction equipment.
- They are proposing to formalize two of the existing five entrances. Currently, there is not a defined traffic pattern in the site.
- The front of the property will be landscaped with some planting beds.
- There will be formalized parking.
- There will be fencing around the perimeter of the property for security.
- Locations for a couple of dumpsters (with screening), which are currently on the site, are shown on the plans.
- There are a couple of areas on the southern property line where the slopes are nearly vertical and these will be addressed to make sure that there aren't any hazardous conditions on the site. He noted that it is actually the adjacent property that may have a dangerous condition if someone were trying to cross the property line.
- Wetlands approval was received on Staff level. Tetreault Pond is toward the rear of the property and no activity is proposed toward the Pond. There is a small, isolated wetland area on the other property (southern property line) which would not require a Wetlands application as there is no grading proposed in that direction.
- The only potential for any erosion off the site is that it slopes gradually from west to east. The area that has been excavated toward the rear of the property is a slight depression.
- There is an opening in the rear of the southeast corner of the property where the fire department could access Tetreault Pond, if they needed to, for pumping services.
- They show a line of hay bales during grading activities.
- He stated that, if you drive by the site, the only change you will see is that the stockpiles of soil will be gone and it will be greatly enhanced with reducing to two dedicated entrances, defined parking areas, and landscaping. He feels it will be a drastic improvement to the property.

**Al Basley**, 575 Wauregan Road, spoke in favor. He drives by the property every day and feels it is good to bring equipment rental here as there are none nearby. He would be interested in renting equipment.

**David Griffiths**, 70 Griffiths Road, stated that the State had done some repairs to the dam on the pond in the past and he asked if the State would still be able to get back there if needed and to maintain the right-of-way.

Brian Card asked for information (hours of operation, traffic patterns) regarding the four businesses.

Mr. Thibeault gave an overview of each:

- Countertop Company: Not a high volume business, mostly contractors. They bring in the slabs and cut them.
- Retaining Wall Company: Basically the headquarters/office where they will keep records. No materials on site.
- Landscaping Business: Will be busier (seasonal) and will generate a fair amount of traffic (weekends).
- Equipment Rental: Not an intensive use. They will have mostly smaller pieces of equipment there. They will be partnering with a company from Rhode Island to bring in large pieces of equipment.

Brian Card asked about the truck terminal request. Mr. Thibeault explained that there are no immediate plans for a trucking terminal, but if the opportunity arose, they would like to be able to do offer it if someone were looking for storage or to bring trucks and park trailers because it has been done in the past. There are loading docks associated with both buildings.

Brian Card asked about hours of operation for the trucking terminal. Douglas Beaupre, Network Equipment Services, stated that it has been there since 1963 and asked if anyone has noticed. He explained that trucking terminals run all hours. He has associated with the property for 15 years and has never seen any indication that it irritated anybody.

Brian Card asked if there were noise or dust issues associated with the marble cutting. Mr. Thibeault explained that the cutting is done with a wet saw, so there would be no dust generation. It would all be done inside, and there is some noise associated with it, but it is not continual.

Brian Card asked about the equipment display area with the equipment coming from another party. He asked (regarding leaks) if there will be pieces of heavy equipment being stored, will there will be measures put into place regarding control for potential fluid runoff going toward the pond area. Mr. Thibeault stated that it is very gravelly soils and that there wasn't really any migration from the contamination (being remediated). It is being confined to where it actually fell to. He stated that there would be a spill kit on site in the case of spills of more than a few drops, and that any significant spill would need to be reported to the proper authorities and remediated. He stated that Mr. Beaupre has been very receptive to the requirements of the State to have the site remediated now.

Ann-Marie Aubrey stated that although there are four businesses, there are only two business owners. One is for the retaining wall, landscaping, and equipment.

Keith Thurlow asked about traffic, amount of trucks, number of employees, and hours of operation. Mr. Thibeault answered:

- Marble Countertop Business: Weekdays 8 a.m. to 5 p.m. Weekends 7 a.m. to 1 p.m. on Saturdays. No Sunday hours.
- Landscaping Supplies Business: Seasonally with Sunday hours also. Typical 8 a.m. to 5 p.m. during the week. No after-hours activities.

Lucas Campos, LSC Granite, stated that they have 3 employees and sometimes use subs when busy, so 3-5 people at most in the building.

Terry Chapelle, Earth Retention Systems, stated that they have approximately 30 employees and the majority are on-site. There would be 4 or 5 in the building on a daily basis. Four to five cars parking at the property. Seven company trucks with an average of five being stored at the property on a weekly basis.

Keith Thurlow asked if any lighting will be upgraded. Mr. Thibeault stated that there is no additional lighting proposed at this time. The building-mounted lights and the street lighting on utility poles at the front of the site keep the site well lit in the evening.

Keith Thurlow asked how many employee parking spaces. Mr. Thibeault stated that they have the ability to do 46 spaces and it is based on the retail space and commercial space and warehousing per the Regulations. Gravel parking.

Keith Thurlow asked about landscaping to the north with the boundary to the school. Mr. Thibeault stated that it is pretty well screened as there is currently a row of big, white pines as well as an embankment. They are not proposing anything additional.

Keith Thurlow asked about fencing. Mr. Thibeault stated that there is some fencing there now along that line and that they will do the 6-foot, chain-link fence across the front of the site to the point where it abuts into the stone wall (edge of slope) on the southern property line. There will be two gated openings on Westcott Road. It will be entirely fenced in.

Keith Thurlow stated concern for the young children at the school when they are outside playing. Mr. Thibeault stated that he was not aware that the children would be outside and that they would address any conditions that the Commission imposes.

Keith Thurlow asked if there is any paving proposed. Mr. Thibeault stated that they are not, but that there are, currently, a couple of paved aprons that they will utilize.

Virge Lorents asked about the proper disposal of stone dust. Lucas Campos explained the process which uses water and that it does not create dust. It makes mud which is thrown in the dumpster.

Virge Lorents referred to the Town's dark-sky regulations and she asked that, when lighting is replaced, they get fixtures with covers that make the light aim down to the ground. Doug Beaupre stated that the existing lighting is angled back at their building. He said they don't impact anyone else.

Sheila Roddy asked about Eastconn, the abutting property.

Ann-Marie Aubrey stated that there is already a security, chain-link fence between the two properties. Eastconn will be making the fences around the play yards lead right into the building. This will be shown on their site plan. They have received a federal grant. The children will be contained within the fence. Ms. Aubrey had explained to Eastconn that this property is zoned Commercial and that it was a trucking terminal in the past.

Ms. Aubrey explained that the Applicant wants to state their intent to be able to use the trucking terminal again in the future.

Keith Thurlow stated concern for environmental issues and that special attention should be paid because the neighbor is facility for children. Mr. Thibeault stated that none of these uses are intensive uses. He stated that the landscaping business would see more traffic activity than the other proposed businesses, but it would be seasonally and mostly on the weekend when Eastconn is not in session.

Sheila Roddy asked for clarification on the plan for the remediation of the slopes that are currently undercut. Mr. Thibeault stated that the work has not started yet and he indicated the area (northern slope) on the map. The intent is to use the material that is there (not importing/exporting anything) and clearing 18-20 feet of vegetation and take the soil there and bringing it down to make the slopes compliant.

Virge Lorents asked if there would be any reason for anyone to leave trucks running. Mr. Thibeault stated that there was not.

Ann-Marie Aubrey stated that the prior tenant caused the Cease and Desist Order that had been placed on the property and that these tenants have all been very cooperative with Staff in trying to get things corrected.

Keith Thurlow asked if there is any intent to remove any more gravel off the site. Mr. Thibeault stated that there is not.

Keith Thurlow asked that Mr. Griffiths' concerns be addressed. Mr. Beaupre explained that they had granted the fire department and the State unlimited access.

Ann-Marie Aubrey stated reiterated that Staff is aware of the concerns of the Board regarding Eastconn and that Eastconn was aware that they were taking over a building that was next to a trucking terminal and that it could come back to that at any time. They will make sure that security is high. Keith Thurlow wants to be sure that both parties show concern for the welfare of the children. Mr. Beaupre stated that he also owns a daycare/preschool.

Motion by Todd Nelson to close the public hearing for Special Permit Application #16-1146; Section 420.2.2(a) [retail w/outdoor displays]; 420.2.2(m)[heavy equipment sale, rental, services, repair]; 420.2.2(n) [contractor's business]; Section 470 (Site Plan); and Section 700 (Special Permit); of Network Equipment Services (Douglas Beaupre); continuation of historical use as a trucking terminal; retail sales w/outdoor displays; heavy equipment sale, rental, service, repair; a contractor's yard; all with office space; 574 Westcott Road; GIS Map 214; Lot 7 ~12.953 acres; General Commercial Zone. Second by Sheila Roddy. Motion carried unanimously (5-0).

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

See Below

#### **D. Subdivisions – (review/discussion/action)**

1. Subdivision Application #16-1142 of Robert C. Codding; for two (2) residential lots; one (1) lot with pre-existing residence ~2.0 acres; and one (1) new lot for a proposed residence ~2.406 acres; 125 Mashentuck Road; ~4.406 acres; GIS Map 174, Lot 5; Rural Development Zone. **CONTINUED FROM AUGUST 15, 2016**

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

- A large, triangular-shaped lot. Mr. Codding had to purchase an acre of land to the east to be able to provide the land area and required frontage for this lot.
- The existing house is located in the middle.
- Approvals were received from IWWC and NDDH. Non-engineered septic system in an area of nice gravelly material.
- Two items of concern by Staff which have been resolved: 1) Mr. Codding has purchased the abutting property to the east, so the entire acreage is owned by Mr. Codding; 2) Adjustment to the sight line looking to the east. There

are a couple of restrictions on the road looking in that direction – the terrain drops off rather significantly and there is also a big curve in the road at that point. They did traffic counts to determine the 85<sup>th</sup> percentile speed is coming over the hill from the east. It was determined to be 35 mph and 250 feet of sight line is required to make for a safe access and egress to the proposed driveway. The plans show 240 feet. They have the ability to carry the road grade out further and gain a least a foot of elevation which would give more than the 10 feet needed. Mr. Thibeault spoke with Town Engineer, Dave Capacchione and he is satisfied with that remedy. Keith Thurlow stated that the Town Engineer had explained it to him earlier.

Motion by Milburn Stone to close the public hearing for Subdivision Application #16-1142 of Robert C. Codding; for two (2) residential lots; one (1) lot with pre-existing residence ~2.0 acres; and one (1) new lot for a proposed residence ~2.406 acres; 125 Mashentuck Road; ~4.406 acres; GIS Map 174, Lot 5; Rural Development Zone. Second by Sheila Roddy. Motion carried unanimously (5-0).

2. Subdivision Application #16-1144 of Joseph & Wendy Roderick; for a two (2) lot subdivision; one (1) lot to contain an existing residence and free standing garage ~1.8 acres; and one (1) lot to contain two (2) existing structures of which one (1) structure is to be converted to a residence ~6.1 acres; 856 Bailey Hill Road, Killingly, GIS Map 120, Lot 16; ~8.00 acres; Low Density Zone.

Paul Archer, Archer Surveying, represented the Applicants who were seated in the audience. Mr. Archer gave an overview:

- An 8-acre site with an existing home that the Applicants currently live in and they want to subdivide and convert Mr. Roderick's office into a second residence. Mr. Archer indicated on the map where existing structures are.
- Not proposing any construction activity.
- They have applied to IWWC.
- Both properties have existing wells and septic systems.
- They will use a shared driveway with a common driveway/maintenance agreement. He will submit the agreement by the next meeting.
- No open space fee is necessary as the house will be given to their son and the Rodericks will move into the other property. They will ask for waiver of sidewalks, no fee in lieu of open space because it is a family compound.
- Placard was posted and certified mail was sent out.

Virge Lorents asked if anything was going to be done with the chicken coop. Mr. Archer stated that they are not doing anything with the chicken coop.

There were no comments from the public.

Motion by Todd Nelson to continue the public hearing for Subdivision Application #16-1144 of Joseph & Wendy Roderick; for a two (2) lot subdivision; one (1) lot to contain an existing residence and free standing garage ~1.8 acres; and one (1) lot to contain two (2) existing structures of which one (1) structure is to be converted to a residence ~6.1 acres; 856 Bailey Hill Road, Killingly, GIS Map 120, Lot 16; ~8.00 acres; Low Density Zone to Monday, October 17, 2016, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, 7:00 p.m. Second by Milburn Stone. Motion carried unanimously (5-0).

#### **E. Other/Various – None**

### **VII. UNFINISHED BUSINESS**

#### **A. Zone Change Applications – None**

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

1. Special Permit Application #16-1146; Section 420.2.2(a) [retail w/outdoor displays]; 420.2.2(m)[heavy equipment sale; rental, services, repair]; 420.2.2(n) [contractor's business]; Section 470 (Site Plan); and Section 700 (Special Permit); of Network Equipment Services (Douglas Beaupre); continuation of historical use as a trucking terminal; retail sales w/outdoor displays; heavy equipment sale, rental, service, repair; a contractor's yard; all with office space; 574 Westcott Road; GIS Map 214; Lot 7 ~12.953 acres; General Commercial Zone.

Motion by Brian Card to approve Special Permit Application #16-1146; Section 420.2.2(a) [retail w/outdoor displays]; 420.2.2(m)[heavy equipment sale, rental, services, repair]; 420.2.2(n) [contractor's business]; Section 470 (Site Plan); and Section

700 (Special Permit); of Network Equipment Services (Douglas Beaupre); continuation of historical use as a trucking terminal; retail sales w/outdoor displays; heavy equipment sale, rental, service, repair; a contractor's yard; all with office space; 574 Westcott Road; GIS Map 214; Lot 7 ~12.953 acres; General Commercial Zone, with the condition that the correction to the grading in the back area of the property be completed. Second by Sheila Roddy.

There was discussion. Keith Thurlow stated concern regarding the boundary with the school.

Motion by Brian Card to amend his motion to approve Special Permit Application #16-1146; Section 420.2.2(a) [retail w/outdoor displays]; 420.2.2(m)[heavy equipment sale, rental, services, repair]; 420.2.2(n) [contractor's business]; Section 470 (Site Plan); and Section 700 (Special Permit); of Network Equipment Services (Douglas Beaupre); continuation of historical use as a trucking terminal; retail sales w/outdoor displays; heavy equipment sale, rental, service, repair; a contractor's yard; all with office space; 574 Westcott Road; GIS Map 214; Lot 7 ~12.953 acres; General Commercial Zone to include the following two conditions:

- That the grading in the back gets addressed; and
- That the fencing and vegetation that exist on the northern side of the property remain or be equivalent in nature if replaced.

Second by Sheila Roddy.

Roll Call Vote on the Amendment to the Motion: Brian Card – yes; Todd Nelson – yes; Sheila Roddy – yes; Milburn Stone – yes; Keith Thurlow – yes. Motion carried unanimously (5-0).

Roll Call Vote on the Original Motion as Amended: Todd Nelson – yes; Sheila Roddy – yes; Milburn Stone – yes; Brian Card; Keith Thurlow – yes. Motion carried unanimously (5-0).

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

1. Site Plan Review Application #16-1143 of Bailey Hill Management, LLC; per prior special permit applications # 04-845 and #04-849 under Section 445 of the Town of Killingly Zoning Regulations; regarding the adaptive re-use/renovation of existing Mill (Ross/Acme Mill) and new construction of residential developments; for 963 Bailey Hill Road, Killingly, GIS Map 100, Lot 66, ~56.3 acres; Mill Mixed Use Development District.

Virge Lorents recused herself and left the room.

Ann-Marie Aubrey explained that she had spoken with the Town Attorney (as requested by the Board) and that Attorney St. Onge understands that everything runs with the Special Permit. What is before the Board tonight is the renewal of the Site Plan as recorded with the Town Clerk's Office. Ms. Aubrey stated that she had informed Mr. Eramian that he must record new mylars because this is a new approval moving forward. Attorney St. Onge also asked that Mr. Eramian submit letters from his engineer and also regarding his traffic study stating that there are no substantial changes.

Motion by Brian Card to move Agenda Item:

#### **VII. UNFINISHED BUSINESS**

##### **D. Subdivisions – (review/discussion/action)**

1. Proposed Two (2) Lot Subdivision Application #16-1142 of Robert C. Coddington; for one (1) lot with pre-existing residence ~2.0 acres; and one (1) new lot for a proposed residence ~2.406 acres; 125 Mashentuck Road; ~4.406 acres; GIS Map 174, Lot 5; Rural Development Zone.

up on the Agenda to now (in the middle of Item VII. Unfinished Business, C. Site Plan Reviews, 1. Site Plan Review Application #16-1143 of Bailey Hill Management, LLC).

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

##### **D. Subdivisions – (review/discussion/action)**

1. Proposed Two (2) Lot Subdivision Application #16-1142 of Robert C. Coddington; for one (1) lot with pre-existing residence ~2.0 acres; and one (1) new lot for a proposed residence ~2.406 acres; 125 Mashentuck Road; ~4.406 acres; GIS Map 174, Lot 5; Rural Development Zone.

Motion by Sheila Roddy to approve the Proposed Two (2) Lot Subdivision Application #16-1142 of Robert C. Coddington; for one (1) lot with pre-existing residence ~2.0 acres; and one (1) new lot for a proposed residence ~2.406 acres; 125 Mashentuck Road; ~4.406 acres; GIS Map 174, Lot 5; Rural Development Zone with the following three conditions:

- That the additional adjustment is made for grading to achieve the 250-feet required for sight line;
- Waive the open space and sidewalks requirement;
- That the Town receives a copy of the recorded deed for the purchase of the abutting property.

Second by Milburn Stone.

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

Motion carried unanimously (5-0). Virge Lorents was not present as she had recused herself from Application #16-1143.

Continued review/discussion of Site Plan Review Application #16-1143 of Bailey Hill Management, LLC:

Ed Eramian represented Bailey Hill Management, LLC. He gave a Power Point presentation about what is on the site:

- Acme/Ross Mill dating back to 1844 (original portion of the Mill).
- Dam that held back water for the Whitestone Mill (second of the mills on the property).
- Trolley line came down the center of the property at that time (Danielson Providence Railway).
- Mill housing (apartment and single-family homes) on both sides of the street.
- He indicated the two areas where the State Historic Preservation Office asked to be considered archeological preserves (create view sheds with interpretative displays to allow people to see and understand the ruins).

Mr. Eramian stated that beyond that, they have the mylars that were originally filed with the Town, overall site plan showing abutters and Zoning, Phase One, the main roadways utilizing the former trolley bed, the renovation of the mill. Regulations were changed in 2015. He stated that they had already been through everything. He stated that, in the sets of drawings, they have light scatter drawings to prove that there is no light going off site. He stated that this was done before the Regulations came in. The mill building, in total, is about 145,000 s.f. The plan was to keep about 45,000 s.f. of that building (the original 1844 portion and the extension along the front dating back to about 1900 to make it a contiguous building).

They conducted two traffic studies. They chose to get approval for their concept plan which required a traffic study and they were also required to get a traffic study for Phase Two. At full build-out (208 units plus commercial space with potential commercial uses), the level of service (A) of all intersections would be the same as with no build-out. The study areas measured were: Route 101 and Bailey Hill Road; Route 101 and North Road; Route 101 and Valley Road; Route 101 and Chestnut Hill Road; Bailey Hill Road and Bear Hill Road; and Bailey Hill Road and Slater Hill Road. Mr. Eramian feels confident that, even at full build-out, the traffic has not changed it in any way that would modify it dramatically.

Keith Thurlow asked Mr. Eramian to identify what was proposed for the buildings. Mr. Eramian stated that Phase One was 58 residential units: 38 units (roughly 1,000 s.f.) in the Mill and the rest across. There was also 4,000 s.f. of commercial space in the mill which had to be market driven. There were 208 units in the concept plan. There was a total of 388,000 s.f. of development proposed and approved.

Mr. Eramian indicated where the proposed buildings/units and parking are located on the map. About 140 units in the back portion of the property.

Total site disturbance, at full build-out, is 27 percent of the property.

Mr. Eramian stated that once finished and there was a plan for maintenance, they would give a conservation easement.

Keith Thurlow asked if the property is served by sewer and water. Mr. Eramian stated that it is and he indicated the 16-inch sewer main on the map (installed around 1972/1973). It would be gravity fed sewerage to the entire site. Public water exists in the driveway at Whetstone. It is approximately 200 feet from the end of the line to the western edge of the property line.

Keith Thurlow stated that this project had been thoroughly done with a lot of attention to detail with regard to it being historical in nature. Mr. Eramian stated that this is a unique location for the Town and the local area. There are a lot of hand-cut stone structures (walls and drainage structures) which make the walking trail interesting. In 1900, this property had more people traveling to it or living on it every day than we would ever put in the development being proposed.

Milburn Stone asked about commercial development (restaurant, office space, businesses that would benefit from internet access).

Mr. Eramian stated that they would have the 4,000 s.f. The restaurant might be a small café. He has more people ask for offices because live/work environments have become much more popular in the last 10-12 years. He stated that his partners would like to know if the project is supported by the Town and that they have the ability to move forward fairly quickly.

Mr. Eramian explained that the portions of the buildings that are deteriorating were the ones that were scheduled for demolition.

Milburn Stone asked about controversy regarding the ponds. Mr. Eramian stated that they do not own the dam across the street. The Regulations today would not allow for the use of hydropower like in 1900 so they chose not to purchase it. There has never been a recorded flood since 1844. Mr. Eramian stated that there are plans for off-site improvements for 1,000 feet of Bailey Hill Road (from the intersection of Bear Hill and Bailey Hill to the far end of the dam or a little beyond) so the road will drain properly. Mr. Eramian stated that it is important for Acme Pond to continue to exist.

Ann-Marie Aubrey stated that she went on the site walk with IWWC and she was there when the IWWC re-approved. She stated that 4 out of the 5 IWWC Members had been through this process and they knew the engineering aspect and saw no problem with re-approving.

Motion by Todd Nelson to approve Site Plan Review Application #16-1143 of Bailey Hill Management, LLC; per prior special permit applications # 04-845 and #04-849 under Section 445 of the Town of Killingly Zoning Regulations; regarding the adaptive re-use/renovation of existing Mill (Ross/Acme Mill) and new construction of residential developments; for 963 Bailey Hill Road, Killingly, GIS Map 100, Lot 66, ~56.3 acres; Mill Mixed Use Development District. Second by Milburn Stone. There was discussion.

Brian Card asked if the conditions should be included. Ann-Marie Aubrey suggest the following conditions:

- That letters are received by Staff from Ed Eramian, his Engineer, and the traffic study stating that there is no substantial change.
- That all pre-existing conditions of the prior approval will continue forward with this secondary approval.

Todd Nelson withdrew his motion. Milburn Stone withdrew his second.

Motion by Todd Nelson to approve Site Plan Review Application #16-1143 of Bailey Hill Management, LLC; per prior special permit applications # 04-845 and #04-849 under Section 445 of the Town of Killingly Zoning Regulations; regarding the adaptive re-use/renovation of existing Mill (Ross/Acme Mill) and new construction of residential developments; for 963 Bailey Hill Road, Killingly, GIS Map 100, Lot 66, ~56.3 acres; Mill Mixed Use Development District with the following conditions:

- That letters are received by Staff from Ed Eramian, his Engineer, and the traffic study.
- All pre-existing conditions of the prior approval will continue forward with this secondary approval.

Second by Milburn Stone.

Roll Call Vote: Milburn Stone – yes; Brian Card – yes; Todd Nelson – yes; Sheila Roddy – yes; Keith Thurlow – yes. Motion carried unanimously (5-0). Virge Lorents had recused herself and left the room.

Virge Lorents returned to the room at 8:30 p.m.

#### **D. Subdivisions – (review/discussion/action)**



1. Proposed Two (2) Lot Subdivision Application #16-1142 of Robert C. Coddington; for one (1) lot with pre-existing residence ~2.0 acres; and one (1) new lot for a proposed residence ~2.406 acres; 125 Mashentuck Road; ~4.406 acres; GIS Map 174, Lot 5; Rural Development Zone. See Above.
2. Subdivision Application #16-1144 of Joseph & Wendy Roderick; for a two (2) lot subdivision; one (1) lot to contain an existing residence and free standing garage ~1.8 acres; and one (1) lot to contain two (2) existing structures of which one (1) structure is to be converted to a residence ~6.1 acres; 856 Bailey Hill Road, Killingly, GIS Map 120, Lot 16; ~8.00 acres; Low Density Zone. Continued to October 17, 2016.

**E. Other/Various – None**

#### **VIII. NEW BUSINESS**

##### **A. Zone Change Applications – None**

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

1. Special Permit Application #16-1149 Family Car Care (575 Wauregan Road, LLC, {Albert Basley} L/owner); to be allowed to do general car repairs on customer cars (previously approved for limited auto-sales and repairs only on cars for sale); under Section 420.2.2 special permitted uses; Section 420.1.2 special permitted uses (j) motor vehicle general repairs; 575 Wauregan Road; Killingly; GIS Map 262, Lot 14; ~1.2 acres; General Commercial Zone. **Receive, and if the application is complete, schedule a public hearing for Monday, October 17, 2016.**

Ann-Marie Aubrey explained that Mr. Basley is requesting that he be allowed to use the same plan that had been used for the prior special permit. There was a consensus of the Commission that this would be acceptable. Ms. Aubrey stated that the site plan had locations marked on it (in his own writing).

Keith Thurlow stated that this property has been an auto repair shop since for many years. He stated that an expansion requires a special permit.

Al Basley stated that it has been a car dealership since 1954 until he moved in (2006) and he doesn't understand why he has to go through this again since he had received approval for used-car dealership and also for working on cars.

Ann-Marie Aubrey explained that the reason why Mr. Basley has to come before the Commission again is that he received approval with the condition that the number of cars he could bring in for sale was 6 to 10 cars and he could only work on those cars that he was bringing in to sell. She has provided a copy of her notes to Mr. Basley and will provide copies to the Commission Members as well. She stated that Mr. Basley now wants to increase the use/intensity. Keith Thurlow stated that the process has to be followed.

Milburn Stone asked if the previously submitted site plan contains all of the information regarding protection devices.

Ann-Marie Aubrey stated that she will need verification from the Wetlands Agent, Eric Rumsey. The Fire Marshal and the Building Official went to the site and they had some issues that have been resolved. She referenced the previously submitted site plan and stated that the measurements may not be exact as Mr. Basley had drawn on his own conditions. She stated that he would have to block off the original surveyor's block because it is no longer a surveyor's plan.

Keith Thurlow asked what is being proposed for outside. Ann-Marie Aubrey stated that everything is going to be in the same area. She and the Wetlands Agent would verify what is on-site, that oil separators are there for drainage, he will take pictures.

Mr. Basley is not adding any construction to the building.

Ann-Marie Aubrey stated that she had provided information, regarding aquifer restrictions, to Mr. Basley who must make proper application to water sources and NDDH. She stated that Mr. Basley submitted the green card proving that he sent the letter out to Connecticut Water, so she knows that he has made the proper application to the State for that.

Keith Thurlow asked if the Application is complete. Ann-Marie Aubrey stated that it is as long as the prior plan is accepted.

Motion by Brian Card to receive and schedule for public hearing for Special Permit Application #16-1149 Family Car Care (575 Wauregan Road, LLC, {Albert Basley} L/owner); to be allowed to do general car repairs on customer cars (previously approved for limited auto-sales and repairs only on cars for sale); under Section 420.2.2 special permitted uses; Section 420.1.2 special permitted

uses (j) motor vehicle general repairs; 575 Wauregan Road; Killingly; GIS Map 262, Lot 14; ~1.2 acres; General Commercial Zone for Monday, October 17, 2016, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, 7:00 p.m. Second by Milburn Stone. Motion carried unanimously (5-0).

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

1. Site Plan Review Application #16-1150 of Hutton Team, LLC; project proposes to construct a 7,225 sf O'Reilly Auto Parts Store with associated parking, driveway, drainage and utility features; 753 Hartford Pike (CT Rte. 101), Killingly, GIS Map 130, Lot 49, ~1.7 acres; General Commercial Zone.

Ann-Marie Aubrey explained that retail sales is an allowed use in that zone and per the Regulations, this can be done at the Staff level. She put it on the Agenda because she wants the Board to know about it.

Keith Thurlow explained the location (vacant lot with a foundation just above Zip's). They had to go before the ZBA because there are two frontages and there is a setback issue.

Motion by Todd Nelson to receive and direct Staff to complete the Site Plan Review for Application #16-1150 of Hutton Team, LLC; project proposes to construct a 7,225 s.f. O'Reilly Auto Parts Store with associated parking, driveway, drainage and utility features; 753 Hartford Pike (CT Rte. 101), Killingly, GIS Map 130, Lot 49, ~1.7 acres; General Commercial Zone. Second by Brian Card. Motion carried unanimously (5-0).

At this time, Mr. Basley asked if there would be issues with the Department of Motor Vehicles. Ann-Marie Aubrey offered that the DMV could call her in the office with any questions.

**D. Subdivisions – None**

**E. Other/Various – None**

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

Regular Meeting of August 15, 2016

Motion by Brian Card to approve the Minutes of the Regular Meeting of August 15, 2016. Second by Todd Nelson. Motion carried unanimously (5-0).

Special Meeting of September 8, 2016

This will be an Agenda Addendum for the Special Meeting of September 22, 2016, as the Minutes are not completed as of this date.

**X. CORRESPONDENCE**

**XI. OTHER**

**A. CGS 8-24 Referrals - None**

**B. Zoning Enforcement Officer's Report - 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 – None**

**G. Requests to Allow Overhead Utilities / Wireless Telecommunications Facility – (review/discussion/action)**

1. Application of Cellco Partnership d/b/a Verizon Wireless for a Wireless Telecommunications Facility at 520 Bailey Hill Road, Killingly, GIS Map 143, Lot 6, Rural Development Zone.

Ann-Marie Aubrey explained that this will be a brand-new cell tower in a conceptual plan for the Tri-Lakes (Avalon) Development. Only Phase One has gotten approval. This tower is in Phase Three. It will take over 3-5 of the house lots. She stated that she has maps for viewing. This will be either approved or denied by the CSC, but the CSC would like to know if there are any comments, questions, or issues from the Board.

Brian Card asked if there is a driveway or road that leaves Bailey Hill on that side. He asked if this will impact the road at all. Ann-Marie Aubrey stated that there is a path there and that they use that road to get in, but then it goes off into one of the approved house lots. The same access could still possibly be used. She explained that everything is underground until they get to the box on the leased area. So, if there are underground wires, she doesn't see a problem with that. If there is an issue, it can be addressed when that Phase is finalized.

Ms. Aubrey will attend the hearing. There was discussion regarding possible recommendations.

Motion by Brian Card to approve the Application of Cellco Partnership d/b/a Verizon Wireless for a Wireless Telecommunications Facility at 520 Bailey Hill Road, Killingly, GIS Map 143, Lot 6, Rural Development Zone with the following condition:

- That there be an adequate buffer of at least 150-200 feet around the cell tower because of the development that exists that was already approved on the property.

Second by Milburn Stone. Motion carried unanimously (5-0).

#### **H. Upcoming P&Z Commission Meetings – review/discussion/action**

1. Next Regular Meeting – Monday, October 17, 2016 – Brian Card is unable to attend.
2. Next Workshop Meeting – To Be Announced
3. Next Special Meeting – Thursday, September 22, 2016 – NTE @KHS Auditorium @7:00 pm

Ann-Marie Aubrey stated that there had been an FOI request and she had provided copies of the information that was supplied so that the Commission Members would be able to find it quickly if reference was made during a meeting.

There was discussion regarding a format for the upcoming Special Meeting.

#### **XII. ECONOMIC DEVELOPMENT DIRECTOR REPORT - No. Representation.**

#### **XIII. TOWN COUNCIL LIAISON REPORT**

Joyce Ricci reported:

- Town Council has had some contentious meetings.
- A name has been chosen for the bridge at Cat Hollow Park – The Whetstone Brook Bridge.
- There may be a referendum regarding constabulary and roof appropriation.

#### **XIV. ADJOURNMENT**

Motion by Milburn Stone to adjourn at 9:10 p.m. Second by Todd Nelson. Motion carried unanimously (5-0).

Respectfully submitted,

  
L.S. Perreault  
Recording Clerk