



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

MONDAY – SEPTEMBER 20, 2021

Regular Meeting – HYBRID MEETING

7:00 PM

TOWN MEETING ROOM – 2ND FLOOR

Killingly Town Hall

172 Main Street

Killingly, CT

THE PUBLIC IS ALLOWED TO ATTEND THE MEETING IN PERSON

OR

THE PUBLIC MAY VIEW THIS MEETING AS DESCRIBED BELOW

MINUTES

THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.

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I. CALL TO ORDER – Acting Chair, Virge Lorents, called the meeting to order at 7:03 p.m.

ROLL CALL – Brian Card, Virge Lorents, John Sarantopoulos and Keith Thurlow (all were present in person).
Matthew Wendorf was absent.

Staff Present – Ann-Marie Aubrey, Director of Planning & Development; Jonathan Blake, Planner I/ZEO; Ken Slater, Town Attorney (all were present in person).
Allison Brady, Asst. Planner/Natural Resource Officer (present via Webex).

Also Present – Joseph Hammer, Attorney for Frito-Lay; Nicholas Durgarian, Paul Serabian, and Jim Rossman, Douglas Construction, Jim Vance (all were present in person in the audience).
David Kode, Haskell; Roger Gieseke, Frito-Lay; Syl Quenga, Frito-Lay (all were present via Webex).
J.S. Perreault, Recording Secretary (joined the meeting @ 7:05 p.m. via Webex).

II. SEATING OF ALTERNATES – None.

III. AGENDA ADDENDUM – None.

IV. CITIZENS' COMMENTS ON ITEMS NOT SUBJECT TO PUBLIC HEARING (Individual presentations not to exceed 3 minutes; limited to an aggregate of 21 minutes unless otherwise indicated by a majority vote of the Commission)

NOTE: Pursuant to Governor's Executive Order, all public comments can be emailed to publiccomment@killinglyct.gov or mailed to the Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comment must be received prior to 2:00 PM the day of the meeting. Public comment received will be posted on the Town's website www.killinglyct.gov.

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

To join by phone please dial 1-415-655-0001; and use the access code 2634-499-9721 when prompted.

Ann-Marie Aubrey explained the above and stated that a letter had been received via e-mail earlier in the day that would be discussed during the public hearing.

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

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

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

To join by phone please dial 1-415-655-0001; and use the access code 2634-499-3921 when prompted

Ann-Marie Aubrey read the above information aloud.

1) **Special Permit Ap #21-1273** – David Kode (Frito-Lay/Landowner); 1886 Upper Maple St; GIS MAP 62, LOT 53; 94 acres; Ind Zone; for portion of proposed building addition that will exceed the maximum height of 50 ft for said zone, with a proposed height of 86 ft, 8.5 inches. **APPLICANT HAS REQUESTED THAT THE START OF THE HEARING BE DELAYED UNTIL MONDAY, OCTOBER 18, 2021, TO ADDRESS NEIGHBORS' CONCERNS – SEE ATTACHED LETTER.**

Ann-Marie Aubrey explained that the Applicant requested that the start of the public hearing be delayed until Monday, November 15, 2021, per letter dated September 20, 2021 (copies were provided to Commission Members). The Applicant also requested that the review of the Site Plan Application be delayed until November 15, 2021, as well. She noted that Attorney Joseph Hammer was present (in person) and that others, representing Frito-Lay, were present via Webex.

Attorney Joseph Hammer, with Day Pitney, represented Frito Lay. He offered to answer any questions from the Commission.

There was discussion regarding timeline. Attorney Hammer explained that an extension may be necessary for the Site Plan Application if the hearing continues beyond November 15, 2021.

There were no objections voiced by Commission Members to delaying the start of the public hearing to November 15, 2021.

2) **Zone Text Change Ap #21-1264**; Town of Killingly; Special Permitted Use; Add Section 420.2.2. General Commercial Zone; Special Permitted Use; Self-Service Storage Facilities.

Ann-Marie Aubrey explained that the final, edited version with the Commission's comments incorporated. Brian Card clarified that this is the final, edited version that the Commission has reviewed and agreed that it to go to public hearing. There were no questions or comments from the public.

Motion was made by Virge Lorents to close the public hearing for **Zone Text Change Application #21-1264**; Town of Killingly; Special Permitted Use; Add Section 420.2.2. General Commercial Zone; Special Permitted Use; Self-Service Storage Facilities.

Second by John Sarantopoulos. No discussion.

Roll Call Vote: Brian Card – yes; Virge Lorents – yes; John Sarantopoulos – yes; Keith Thurlow – yes.

Motion carried unanimously (4-0-0).

3) **Zone Map Change Ap # 21-1271** – Douglas Const Co (J. Vance/Landowner); 605 Providence Pike & 200 Hubbard Hill Rd; GIS MAP 224, LOT 14; & GIS MAP 245, Lot 001; RD; change zone from RD to General Commercial on both parcels.

Nicholas Durgarian, Paul Serabian, and Jim Rossman, owners of Douglas Construction, were present in person. Mr. Durgarian explained that they are looking to change the zone from RD to General Commercial on both parcels.

Maps/plans were displayed as discussed.

Ann-Marie Aubrey stated the following for the record: 605 Providence Pike, GIS Map 224, Lot 14 is approximately 177 acres; 200 Hubbard Hill Road, GIS Map 245, Lot 001 is approximately 12 acres. Total of 189 acres.

QUESTIONS/COMMENTS FROM THE COMMISSION:

Brian Card asked about the following: current use of the property; historic uses; how long it has been a gravel pit; access; how they feel it is appropriate to be zoned General Commercial based on the POCD, if they felt that sewer would be necessary (the property is in the sewer avoidance area),

- Mr. Durgarian explained that they have other property under contract in Killingly which is what perpetuated the zone text change (not affiliated with this project now). They are a civil contractor, and this property was attractive to them due to it being used a gravel pit. It has been used for gravel mining for the last 20 plus years by Joly. They did a physical inspection of the property and found it to be fairly, well remediated. The grades show that there is still material there which is attractive to them. They are aware that there is a cemetery in the southwest corner of the larger lot. They are waiting for their surveyor to go out and he stated there are also other due diligence procedures that will be taking place.
Ms. Aubrey commented that she received a letter from Mr. Joly earlier in the day stating that they have shut down operations and have remediated (will be before the Commission next month). Staff will have to do a final inspection to verify that it has been done in accordance with their prior approval.
- Mr. Durgarian stated that the access that they utilize is off Route 6 and it is 50-feet wide.
- Mr. Durgarian stated that they have reviewed the POCD and by speaking with Staff and by doing their own research, they felt that it was worth coming in to see if they could get the zone change to GC.
- Mr. Durgarian stated that he did not know because they do not have a planned development of the lot. He explained that they do General Contractor work and 2 out of 5 projects that they have done, all sanitary was on site (no public utility was required for sanitary purposes).

Keith Thurlow asked if there were wetlands on the site, if there are any structures on the site, if the graveyard is identified

- Mr. Durgarian stated that there are wetlands on site.
Jonathan Blake referred to the map and explained about the wetlands. He stated that the maps and data that they have are related to the gravel operation and any further development on the property would require a full A-2 survey with wetland identification.
- There are no other structures on the site other than the graveyard. Mr. Blake indicated the location of the graveyard on the map and stated that he would research to get the name.

Virge Lorents asked whether this is the original Joly Sand & Gravel from the 1950's.

- Ms. Aubrey and Mr. Thurlow explained that it is not. Mr. Blake indicated the location of hydric soils/wetlands.

Keith Thurlow referred to Section 900.2.3 of the Regulations

- Town Attorney, Ken Slater explained that for any zoning text or district change, the Commission acts in its legislative capacity. In Section 900, the Commission has adopted a policy to see information, including a site plan. So, he explained that it would be within the PZC's discretion to adhere to Section 900. He noted that, since this regulation has been in play, there have been instances where the PZC has made text/district changes and has not always followed it. Attorney Slater stated that it would probably be upheld, but he could not say for sure. As a default, he suggested that, in ordinary circumstances, the information in Section 900 should be requested or required. But, he said, in some circumstances, the Commission may not think it is necessary.
- Attorney Slater explained that it could be more of a conceptual site plan. He said that the purpose of Section 900 is to gauge what is envisioned for the site.

Mr. Thurlow asked if the Applicant would be continuing with gravel operation after the zone change, and a general idea of what percentage of the area would be built on.

- Mr. Durgarian stated that they do not have a development plan for the site. He said that they are aware of the GC Zone because they are the ones that submitted the text change which is for a different property on Hartford Pike (behind Aldi's). He explained that what attracted them to the site from the aerial view is that it is a gravel operation on a large site. They are a civil contractor, and they move earth for a living, and they have projects in Connecticut. So, any development that they do, part of the plan would most likely be to re-grade that site, take the

steep cliff hills down (that have been created as part of the existing operation), and then, potentially, could develop the site with any of the potential uses in Village or GC.

- Regarding lot coverage, Mr. Durgarian explained that, based on their application for zone change to GC, they have not considered building on anything greater than the lot coverage percentages allowed within the zone.
- Mr. Durgarian stated that, if he had to guess (looking at the grades), mostly likely there would be an export on the site. He explained that, to acquire this property, they went through their due diligence process, and they see it as most valuable to them (with the most level of flexibility for development down the road) within the Village and GC Zone.

John Sarantopoulos asked how long the driveway is leading into the property, what would be allowed under GC.

- Mr. Blake stated the driveway is 1300 feet. Mr. Thurlow stated that it is an existing roadway that is paved up to the hill. It is a private road. The area is surrounded by residential.
- Ms. Aubrey and Mr. Blake explained about what uses would be allowed under GC (but not limited to 5,000 feet). If special permit use, it would have to go before the PZC. Any use that is in Village Commercial can be adopted in GC.

Mr. Sarantopoulos commented that he feels that some sort of conceptual plan would be in order, in fairness to abutting property owners, and he noted that the number of people in the audience shows that there is concern.

- Attorney Slater explained that the PZC can require what the zone change is for (a general idea of what they have in mind), and he referred to the Regulations for Zoning Map change. The default, under the Regulations, would be to show a conceptual plan.
- Ms. Aubrey asked if the Commission would want to allow the Applicant time to come up with a conceptual plan if the Applicant is willing. Mr. Thurlow stated that he preferred to hear from the public before deciding on that.
- Mr. Blake added that, in terms of potential development, the GC Zone allows for 65 percent lot coverage and under special permit you can go up to 75 percent. Certain special permitted uses provide further direction.
- Mr. Durgarian explained that he would not be able to speak tonight about any potential developments because they do not have any potential development ideas for the property at this time.
- Mr. Sarantopoulos suggested that the Applicant could purchase the property and then apply for a zone change when they determine that the use does not fall within the parameters of the current zone.

QUESTIONS/COMMENTS FROM THE PUBLIC:

William Jones, 597 Providence Pike, stated that the right-of-way is on the side of his property. He voiced concern about his property value being affected and potential increase in traffic. He suggested that equitable settlement would possibly be entertained.

Gill Simmons, 129 Snake Meadow Road, commented that he feels that the Commission should be able to have a straight answer regarding what will be on the property.

Melissa Phillips, 635 Providence Pike, commented that the unknown makes her concerned about what is going on that piece of property. She needs to know more before she can decide if she is for or against it. She is also concerned about property values as she may be looking to sell in a few years.

Linda Lamoureux, 175 Snake Meadow Road, is concerned that it may be a distribution center with trucks all night and lots of traffic. She said there are three access points. Her objections regarding a change to commercial zoning are: They live in the Last Green Valley/Quite Corner for a reason; negative effect on her property value and quality of life; she bought her property because of the property behind her being zoned residential; she would be surrounded by commercial because there is a 50-foot right-of-way on the side of her driveway, on the other side is a triangle-shaped piece of land that will be commercial, and all in the back of her property will be commercial. She voiced frustration as she feels that this is a done deal, and she feels that the Commission needs to get a better idea of what is going to be there and advocate for the property owners. She asked that, if the Application is approved, at another stage in the game, the Commission put measures in place (e.g., 600-foot perimeter around the place, walking trail, preserve some of the green space) to protect the property owners.

Eleanor Skumrow, 175 Snake Meadow Road, stated that she wonders about the transparency and care of Douglas Construction. She asked about the yellow sign that was supposed to be posted. She said that she checked for the sign as she travels along Route 6 all the time, but never saw a yellow sign. She said she had to drive into the driveway to see it because

it was not visible from Route 6. She said that when the quarry fence was open during the daytime, it could not be seen at all. She said that the first time they heard about this was when they received a letter from Douglas Construction, and she feel that maybe more people would have come if they knew this was going to happen in their backyard. There are so many questions left and Town officials should protect the property owners and their values. There is a reason why people want to come to this part of the State.

Edith Cote, 586 Providence Pike, voiced concern for wildlife, traffic, accidents. She asked why they just found out about this. She would like to know what is going to be there.

Russ Levigne, 171 Hubbard Hill Road, who abuts the property on the southwest side on the other side of the river, stated that he agrees with most of the others who spoke. He said that, without knowing what is really going in there, it is difficult. He stated that as an abutting property owner and a contractor himself, he likes the idea that it could be changed to commercial, but he would like to know what is going to go in there.

Christopher Perry, 575 Providence Pike, said they he moved there to get away from commercial and he would like to keep the peace and quiet.

Jim Vance, Landowner, who lives at 220 Snake Meadow Road, explained that he has owned the property for 30 years and he feels badly that he is going to sell it after all the work that his neighbors have done to help him with it. He stated that the Application that is before the Commission is for a change in zone to GC and he explained that Douglas Construction would not be able to put anything in that area that is not allowed in General Commercial. He explained about special permit and that the Commission would review the plans. He said that the questions that should be asked tonight is: How much GC property is in the Town of Killingly; and how much of it is available for someone like the Applicant to come in and put in a business. If there is enough GC already, then maybe you should frown upon this Application. If the Town needs GC, then it's a benefit for the whole Town and maybe a little discomfort for the neighbors. He said that we need to look at the bigger picture. Regarding real estate values, Mr. Vance stated that he believes that any GC piece is worth more money than any residential piece. He said that if a zoning application comes in and if any of these neighbors want to sell their property and change it to GC, they won't be getting less for their property, they will be getting more. He said that the PZC needs to decide for the Town whether we need more GC or not, it's that simple.

Mr. Thurlow asked the Commission Members which direction they would like to take.

Mr. Sarantopoulos stated that he would not object if the sale went through under the present zoning, but he would like to see a conceptual plan to consider a zone change.

Mr. Card clarified, for the record, that the PZC does not have anything to do with approving the sale or not. The PZC is only reviewing the Zone Map Change. He stated that he has no further questions or comments for the Applicant if they have no further information to provide. He stated that he is fine with the information on the record at this point.

Ms. Lorents commented that she does not recall focusing on that part of Town for the POCD. She suggested looking at the POCD to see what was decided for the vision for that part of Town.

Ann-Marie Aubrey read aloud an abbreviated version of a letter submitted by Paul Terwilliger, 63 Snake Meadow Road (full version was provided to Commission Members and is available on the website). Mr. Terwilliger stated that, on the surface, the subject property would seem appropriate for the GC Zone, however, he stated that some properties are better suited for certain uses than others and he included a list of items/questions for the Commission to consider. He stated that the property may only be suitable for a single use and thought that it may be considered spot zoning. Mr. Terwilliger stated that properly zoned property should be able to support whatever use would be allowed and should benefit the community in the future as well as the individual at present. Mr. Terwilliger's opinion is that it may not meet those criteria.

Mr. Card stated that he had reviewed the POCD prior to coming to this meeting. He commented that he would've expected the Applicant to come in and explain why they feel it is appropriate for the Town, why this area is suitable for GC, what potential impacts it may or may not have. Mr. Card stated that he feels that this is lacking in this Application, and he feels that this information is vital for the Commission to make an appropriate decision on this potential Zone Map Change Application. He recommended that if the Applicant can gather more information, that they do so and bring it before the Commission. He, again, stated that if what has been put on the record is what the Applicant wants on the record, he is okay with that.

Ms. Lorents suggested putting it on hold as she would like to visit the site. Mr. Card stated that that could be done when the time comes, and he stated that he feels there is enough information on the record.

Motion was made by Brian Card to close the public hearing for **Zone Map Change Application # 21-1271** – Douglas Const Co (J. Vance/Landowner); 605 Providence Pike & 200 Hubbard Hill Rd; GIS MAP 224, LOT 14; & GIS MAP 245, Lot 001; RD; change zone from RD to General Commercial on both parcels.

Motion failed as there was no second.

Mr. Sarantopoulos commented regarding access to Route 695. Ms. Aubrey clarified that Route 695 was just used as a reference point in the letter.

Ms. Aubrey explained the following:

- While looking through the Dimensional Regulations they found that the access strip would not count toward the total acreage of the property. So, it would not be a road or a street and would not require people to move their houses back 75 feet from the access strip.
- Regarding infrastructure (water/sewer/gas) – Lack of utilities could limit the potential uses. But Ms. Aubrey explained that it would either be allowed, or it would be a special permitted use through Village Commercial or GC. In either case, they would have to come back before the PZC.
- Regarding buffers, the Dimensional Regulations require that only a certain portion of the property can be built or become impervious surface. The Regulations do not allow anyone to build up to a property line.

Mr. Thurlow clarified that the 50-foot right-of-way could potentially allow them to put a road in.

Mr. Durgarian responded to comments:

- He explained that their goal is not to be deceptive. He said that they provided the information that they were asked to provide. He said that the placards' locations were collaborated on and were inspected and put up by the date that they were told that they needed to be.
 - Regarding why GC, he explained that they found it on an aerial view and found out that it is, presently, and had been for many years, utilized as an active gravel pit. Regardless of what the zone definitions are, anyone would look at an active mining operation as something that would be considered commercial. Therefore, they felt that the lot may be applicable for the GC Zone because of its existing use.
 - In response to some of the public's comments, Mr. Durgarian stated that he would like to convey that he understands that words like general commercial, industrial and development can be scary words to the rural public, and they are not here to ruin anybody's backyard or diminish property values. He said that they were genuine in their approach in writing the letter. He said that they are not proposing to create a concrete jungle in the middle of the woods of Killingly. He explained that as part of their due diligence process, before approaching Mr. Vance, they looked at what the soils look like, where are the wetlands, what would potential limitations be. Norton Brook and the wetland to the west were indicated on the map and Mr. Durgarian stated that, at no time, did they conceptualize accessing this property and going through wetlands to do it. He explained that one of the reasons why they figured Mr. Joly had been mining in that location is because it is a little bit "wet-locked" by wetlands. There are hydraulic soils in that area. He stated that they would not consider developing up against property lines and there is no ability for them to that.
- Regarding wildlife, he explained that the wildlife has already been affected and that they looked at it because it is a disturbed site, it is not a green-fields site.
- Regarding Mr. Vance's comments, he said that there is a process that we must go through before we can get to the point where we can put a shovel in the ground. He said that this is one of the steps in their acquisition process. He explained that for Douglas Construction to fully entertain the purchase of the site, knowing that they would have the ability to have the options within the GC Zone would enable them to move forward on that acquisition. He stated that there are multiple steps in the process where the public would have the ability to comment.
- Mr. Durgarian requested that the Commission table the Application to the next meeting to allow Douglas Construction and their engineers to generate a loose conceptual plan to pictorially identify what area could be affected and what area would be able to adopt a GC use within the lot in question. Although they don't know what the use will be, he feels that anyone who has a concern would at least be able to identify the extents of where that concern could lie on the property.

Motion was made by John Sarantopoulos to continue the public hearing for **Zone Map Change Application # 21-1271** – Douglas Const Co (J. Vance/Landowner); 605 Providence Pike & 200 Hubbard Hill Rd; GIS MAP 224, LOT 14; & GIS MAP 245, Lot 001; RD; change zone from RD to General Commercial on both parcels to the next regularly scheduled meeting of the Planning and Zoning Commission on Monday, October 18, 2021, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by Virge Lorents.

Discussion: Virge Lorents would like to know that the Applicant understands about the Town's dark-sky initiative and about what kind of refrigeration units might be going all night.

Roll Call Vote: John Sarantopoulos – yes; Brian Card – no; Virge Lorents – yes; Keith Thurlow – yes.

Motion carried (3-1-0).

There was discussion regarding whether the Commission would like to do a site walk. Mr. Sarantopoulos was in favor. Ms. Aubrey will post the site walk.

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

1) **Special Permit Ap #21-1273** – David Kode (Frito-Lay/Landowner); 1886 Upper Maple St; GIS MAP 62, LOT 53; 94 acres; Ind Zone; for portion of proposed building addition that will exceed the maximum height of 50 ft for said zone, with a proposed height of 86 ft, 8.5 inches. **APPLICANT HAS REQUESTED THAT THE START OF THE HEARING BE DELAYED UNTIL MONDAY, OCTOBER 18, 2021, TO ADDRESS NEIGHBORS' CONCERNS – SEE ATTACHED LETTER.**

The start of the hearing for this Application was delayed until Monday, November 15, 2021.

2) **Zone Text Change Ap #21-1264**; Town of Killingly; Special Permitted Use; Add Section 420.2.2. General Commercial Zone; Special Permitted Use; Self-Service Storage Facilities.

Motion was made by Brian Card to approve **Zone Text Change Application #21-1264**; Town of Killingly; Special Permitted Use; Add Section 420.2.2. General Commercial Zone; Special Permitted Use; Self-Service Storage Facilities, with an effective date of October 18, 2021, at 12:01 a.m.

Second by Virge Lorents. No discussion.

Roll Call Vote: John Sarantopoulos – yes; Brian Card – yes; Virge Lorents – yes; Keith Thurlow – yes.

Motion carried unanimously (4-0-0).

3) **Zone Map Change Ap # 21-1271** – Douglas Const Co (J. Vance/Landowner); 605 Providence Pike & 200 Hubbard Hill Rd; GIS MAP 224, LOT 14; & GIS MAP 245, Lot 001; RD; change zone from RD to General Commercial on both parcels.

Continued to Monday, October 18, 2021.

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

1) **Zone MAP Change Ap#21-1274**; Weld, LLC (CGCT Killingly LLC/Landowner); 543 Wauregan Road: GIS MAP 262, LOT 20: General Commercial Zone; application seeks to change the zone of the subject real estate from General Commercial Zone to Light Industrial Zone. **Receive, and if the application is complete, schedule for a public hearing on Monday, October 18, 2021 @ 7:00 PM.**

Ann-Marie Aubrey stated that the Application is complete.

Motion was made by Virge Lorents to receive and schedule a public hearing for **Zone MAP Change Ap#21-1274**; Weld, LLC (CGCT Killingly LLC/Landowner); 543 Wauregan Road: GIS MAP 262, LOT 20: General Commercial Zone; application seeks to change the zone of the subject real estate from General Commercial Zone to Light Industrial Zone, for the next regularly scheduled meeting of the Planning and Zoning Commission on Monday, October 18, 2021, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by John Sarantopoulos. No discussion.

Motion carried unanimously by voice vote (4-0-0).

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

1) Regular Meeting Minutes – AUGUST 16, 2021.

Motion was made by Virge Lorents to approve the Minutes of the Regular Meeting of August 16, 2021.

Second by John Sarantopoulos. No discussion.

Motion failed by Voice Vote as Brian Card and Keith Thurlow abstained because they had not attended the meeting.

Ann-Marie Aubrey stated that this will be put on the agenda for the next meeting. Attorney Slater stated that, in a case where the Commission was in a bind over approving minutes, the Members that were not present could watch the video (or listen to the audio) of the meeting and could, then, participate in the vote.

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

1) WORKSHOP – Discussion – should the zoning regulations allow for an accessory structure to be constructed on a vacant parcel of real estate without the primary structure being in place?

Jonathan Blake explained that Staff had discussed how this could be implemented and they concluded that it would have to be implemented as its own use in the Residential Zone. For example, a garage or a shed would be a permitted use or maybe a special permitted use in a Residential Zone. For a text change application, Staff suggests defining language in terms of limit on size, limit it to residential use, etc.

There was discussion and Ms. Aubrey explained that this is a Right-To-Farm Community and that it is currently permitted under the Agricultural Regulations for an agricultural use, but not for a private use. Ms. Aubrey explained that the Commission would need to define what would be considered a private use and that they would need to consult with Attorney Slater. Attorney Slater stated agreement with Staff and explained that there should be language to limit it so that it would not become commercial.

Mr. Sarantopoulos expressed concern for enforcement. Mr. Blake explained that they would want clarifying language for enforcement purposes. Discussion continued. Mr. Thurlow stated agreement that it should be defined and include language regarding enforcement. Mr. Sarantopoulos suggested that the purpose for it cannot violate any existing zoning (e.g., vehicles). Mr. Thurlow stated agreement.

There was a consensus to move forward. Ms. Aubrey stated that Staff will have draft language prepared for the November meeting.

2) WORKSHOP – Discussion – Five Mile River Overlay District

Mr. Thurlow asked the Commission if they would like Staff to draft language.

Mr. Sarantopoulos stated that he looked at Inland Wetlands and then consulted with Mr. Blake and found that there isn't anything in the overlay that isn't in the Wetlands. He asked, why do we even have the overlay since Inland Wetlands controls the whole River and not just the small section in the overlay? Ms. Aubrey explained that someone had owned property where they could see the river from the residence and when they could no longer see the river, they thinned out the trees and some people thought it was a clear-cutting. Clear-cutting, as defined by the State, is very difficult to enforce because it is not very well defined. It is not clear why the Overlay goes along certain portions. She referred to it is a possible snob zoning situation.

The map was displayed, and Mr. Blake explained the hundred-year flood area as defined in the 1985 FEMA maps. New maps are due to come out shortly. He stated that they haven't changed much as this area still stays as a Zone A flood hazard which means there is no defined elevation. He indicated the boundary of the Five-Mile River Overlay which is not the entirety of the Five-Mile River which runs through about half of the Town. It follows the road in some areas, in other areas it does not. It does not appear to follow a longitude or latitude, or a contour line and it does not follow the hundred-year flood plain and it does not follow the 200-foot upland review area that we have with the wetlands. It was put into the record in 2001. Neither he nor Ms. Aubrey now its origin as they were not employed by the Town at that time.

Mr. Thurlow asked if a Wetland's permit would be required to cut trees in the area. Mr. Blake stated that, if you are inside of the wetlands, there are jurisdictional rulings under the Wetland's Regulations. You would have to go before the IWWC,

and they will let you know if it is as a right. Typically, if you are not disturbing the soils (filling or dredging) then it is as a right. You can clear-cut inside of a wetland under the Regulations, but you cannot remove the stumps without the proper permits. There was discussion regarding stump removal.

Mr. Thurlow asked about docks. He said there are residents on Stone Road who were never allowed to have access to the river. He asked if they could apply under Wetlands to put in a dock. Mr. Blake explained that they can, but there may be some things to consider such as deed restrictions.

Discussion continued regarding certain uses that are not allowed. Mr. Blake stated that there are some historical preservation areas and critical habitat (as defined by DEEP), and these things would need to be addressed if there were a special permit application for a gravel operation.

Ms. Aubrey spoke of options:

- They could make layer upon layer of maps and make an outline taking all those things into consideration. Then you would see what kind of configuration around the river those maps would create to determine what would be within the Five-Mile River Overlay that would need to be protected.
- It would make more sense to go along the whole length of the river rather than about 1/3 of the river.
- Mr. Blake stated that it could be looked at as an overlay, or a re-zone, or as an addition to the POCD.

Mr. Thurlow stated that you have to make it enforceable. He asked if we are duplicating what already exists. Ms. Aubrey explained that it is another way to educate the people of the critical areas around the river. It would give a total overview.

Mr. Card stated that he would like to get rid of it because he feels that it is duplicative. But, if we are going to use it and we want people to address something, he suggests that we put a district in that has some sort of criteria that makes sense and then say, if you're in this district, for whatever application you bring before the PZC, you must address the protection of whatever you are trying to protect.

Attorney Slater spoke about clear-cutting. He suggests going through the list of uses and getting rid of the stuff that doesn't seem to have anything to do with the protection of a sensitive area. Ms. Aubrey suggested labeling the different sensitive areas throughout the Town which she feels will help with enforcement because of all the research that has been done.

Ms. Aubrey stated that they can develop the different layers of maps to determine what it is that we are trying to protect and preserve in the area thinking of the residents there now and in the future.

Mr. Blake stated that, generally speaking, removable docks (plastic or metal) are an allowed use. State regulations will need to be checked. Ms. Aubrey stated that they will need to do a lot of research on this.

Mr. Sarantopoulos voiced his opinion to eliminate it because he feels it is redundant.

Mr. Blake spoke of the various tools that they utilize in terms of overlay. He displayed a portion of the Five-Mile River and explained/orientated the area along the river.

Mr. Thurlow asked the Commission Members what they want to do.

- Mr. Sarantopoulos stated that the PZC should select a few things to focus on to make a contribution. He is in favor of creating the layers of maps. He feels that the Five Mile River Overlay District should be eliminated.
- Mr. Card referenced the POCD and all the surveys from people who want to protect the environment/natural resources. He likes the idea of combining the maps to use as a reference tool. He is okay with excluding a few things but use it as a point of reference for people to address the environmental protection in the area.
- Ms. Lorents stated agreement.

Ms. Aubrey stated that to remove it from the Regulations, we need to have a public hearing. She feels that they need to create the map before the public hearing and replace the Overlay Zone with a protective corridor. It would be enforceable because it would be based upon State information. Discussion continued. Staff will start working on it.

Ms. Aubrey introduced Allison Brady to the Commission. Ms. Brady will also be working on this project.

XI. CORRESPONDENCE – None.

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

A. Zoning Enforcement Officer's & Zoning Board of Appeal's Report(s) – None.

B. Inland Wetlands and Watercourses Agent's Report – None.

C. Building Office Report – None.

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT – No representation.

XIV. TOWN COUNCIL LIAISON REPORT - No representation.

XV. ADJOURNMENT

Motion was made by John Sarantopoulos to adjourn @ 9:15 p.m.

Second by Virge Lorents. No discussion.

Motion carried unanimously by voice vote (4-0-0).

Respectfully submitted,

J.S. Perreault
Recording Clerk