



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

MONDAY – OCTOBER 16, 2023

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

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2023 OCT 25 PM 3:15
Elizabeth M. Wilson
TOWN OF KILLINGLY, CT

- I. **CALL TO ORDER** – Acting Chair, Brian Card, called the meeting to order at 7:01 p.m.
- ROLL CALL** – Michael Hewko, Virge Lorents, John Sarantopoulos, Matthew Wendorf, Brian Card.
Keith Thurlow was absent with notice.
- Staff Present** – Ann-Marie Aubrey, Director of Planning & Development, Jonathan Blake, Planner I/ZEO;
Jill St. Clair, Director of Economic Development; David Capacchione; Director of Engineering and Facilities.
- Also Present** – Robert DeLuca, CLA Engineers, Inc.; Randy Brown, Canterbury Holdings, LLC; Kathie A. Hess; Ulla Tiik-Barclay, Town Council Liaison.
- Present via Online/Call-in** – Luke Mauro, Senior Project Manager with Solli Engineering.
- II. **SEATING OF ALTERNATES**
Michael Hewko was seated as a Voting Member for this meeting in the absence of Keith Thurlow.
- 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:** Public comments can be emailed to publiccomment@killinglyct.gov or mailed to the Town of Killingly, 172 Main Street, Killingly, CT 06239. 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.killingly.org.
- 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 2633-516-2818 when prompted.

Mr. Card informed the public that the public hearings for Agenda Items VI. 3, 4, 5 & 6 would not be opened tonight, but will be opened on November 20, 2023, to allow for proper legal notification.

- **Doug Sanford**, 67 Pineville Road, asked if there would be any discussion on the items being postponed. Mr. Card explained that there would not and that the public will be able to speak when the public hearing opens on November 20th.
- **Ed Grandelski**, Upper Maple Street, Town Council Member, commented about sidewalks in subdivisions. He said that when we put a sidewalk in, it should be out of the debris from the snowplows. He commented that new developments should have a designated snow shelf in the right place for the highway department to do their job. He commented about how CL&P replaces poles in the middle of a sidewalk (making it impossible for wheelchairs to pass), and also leave the existing pole in place. Ms. Lorents explained that the PZC has no jurisdiction over the utility company.
- **Paul Rollinson**, 11 Weeks Lane, asked about abutters getting notification regarding a subdivision when there is no public hearing. He suggested that seasonal Lake residents receive notification in writing because they may not see the signs.

V. **COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS** – See above.

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

NOTE: PUBLIC HEARING comments can be emailed to publiccomment@killinglyct.gov or mailed to the Town of Killingly, 172 Main Street, Killingly, CT 06239. All public comment must be received prior to 2:00 PM, the day of the meeting. Public Hearing comments received will be posted on the Town's website www.killingly.org

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 **2633-516-2818** prompted.

1) **Special Permit Appl. #23-1314** – CPD Killingly, LLC / Domenic Carpionato (Nikolas Gounaris, et al and George Reichardt, et al) 536 – 542 – 552 Hartford Pike (536 = GIS MAP 114, Lot 39, 0.95 acres, VC), (542 = GIS MAP 114, Lot 40, 0.34 acres, VC), and (552 = GIS MAP 114, Lot 41, 0.64 acres, VC); for construction of a 12,580 +/- square foot commercial building with drive-thru and associated site improvements Zoning Sect. 700, Spec Perm; Sect. 470, Site Plan. **CONT. FROM 07/17/23 & 08/21/23 & 09/18/2023**

Luke Mauro, Senior Project Manager with Solli Engineering. Mr. Mauro stated that he is a Professional Engineer and a Professional Traffic Operations Engineer. Mr. Mauro represented the Applicants and gave an overview of what has happened since they were before the PZC in August (plans were displayed as discussed):

- At the September 12, 2023 meeting of the Town Council/Town Meeting, the proposed easement through Owen Bell Park was denied.
- Revisions were made to the plans removing the driveway connection through Owen Bell Park and a revised site plan was submitted.
- Mr. Mauro explained changes made including the following: proposed new driveway modifications involving intersections with Hartford Pike and snow removal; where they will be providing sidewalks; regarding off-site improvements, plans have been submitted to the CT DOT for their review; regarding screening along the west side of the site, he explained about how they are extending the evergreen buffer as well as a 6-foot tall fence for additional screening; relocated an ADA parking space; added one additional ADA parking space for the medical office building (for a total of three); sanitary connection for this development to be within the Hartford Pike public right-of-way.

Town Engineer, David Capacchione, stated that all of his comments had been addressed. Mr. Mauro explained that they had submitted revised plans and traffic report to the CT DOT and are waiting to hear back. Mr. Mauro

explained about the Town Engineer's concerns regarding drainage, sanitary sewer, turning radii and grease trap and how those concerns have been addressed.

QUESTIONS/COMMENTS FROM THE COMMISSION:

- **Brian Card** asked about Solli Engineering's supplemental memo (dated 10/2/2023) on the Traffic Impact Study (included in packets to Commission Members).
Mr. Mauro explained that they redistributed their traffic volumes and that the analysis indicates that the two formal driveways on the Hartford Pike intersection corridor will still operate at acceptable levels of service as if the development were not to be constructed. No adverse impact on circulation within the site.
Mr. Card asked if the memo needs to be stamped to be added to the Traffic Report. Mr. Mauro stated that they could stamp it for the Record.
- **Michael Hewko** commented that, in comparing the Traffic Reports from June 14 and October, the numbers have increased quite a bit (vehicles per hour).
Mr. Mauro explained that the numbers submitted were the same as the initial Report, but the volumes were redistributed to the two site driveways from Hartford Pike. He referred to Table 1 of the analysis.
Mr. Hewko questioned the increase in traffic as a result of this project (326 to 365). There was discussion and Mr. Card gave an explanation of the 2025 Build Chart.
Mr. Mauro explained that it went from 52 left turns, down to 14. It is the same number of cars going through the intersection. Still operating at the same level of service "C." This has been reviewed by the Town Engineering Staff and will be reviewed by CT DOT.
Mr. Card explained that it has to do with the traffic flow (going straight vs. the back entrance).
- **Mr. Card** asked Mr. Mauro to explain, for the Record, about Table 1 from the Supplemental Report, background vs. build levels and what those numbers mean as he felt it would be helpful.
Mr. Mauro gave an explanation.
- **John Sarantopoulos** commented that he is glad about the sidewalk and that either the Town or the State will have to work out snow removal. He asked if the State will take into consideration that the highway is restricted from that point heading west (where it is considerably narrower) and what it will do to flows in either direction.
Mr. Mauro explained that the answer is "yes."
- **Brian Card** asked about whether there is a requirement to have a sidewalk for these developments.
It is optional at the request of the PZC.

QUESTIONS/COMMENTS FROM THE PUBLIC:

- **Kathleen Weiss**, 514 Hartford Pike, commented on her concerns including the following: road narrowing from a 4+ lanes down to 2 lanes; traffic stopping to let vehicles in and out of the development; tractor trailers going 40+ mph creating a safety hazard; the texture of the area will be changed; school buses. She feels it will have a tremendous impact.
- **John LaBelle**, 57 Island Road, asked about a 55+ second wait to get onto the street and also about the cycle time for the light. He said that he has experienced back up from light-to-light almost to Zip's corner. He hopes that the statistics brought up by Mr. Hewko are looked at very closely. Mr. LaBelle read from a prepared statement (he provided copies to Commission Members). He feels that the proposal is contrary to the POCD and needs to show compliance with Section 420 of the Zoning Regulations as well as State Statute 8-2 (Village Districts). As well as safety concerns, he feels that the design is not consistent with the historic character of the neighborhood. He stated that the Statute requires a separate architectural review by the Commission of the Town. He noted the use of "shall" vs. "may" in the Regulations. He said that the parking proposed in the front of the building is not allowed in the Zone. Another concern he commented about is turning radius for 50-foot trailers.
- **Ed Grandelski**, Upper Maple Street, commented about a 40-foot loading area and noted that most deliveries are made by tractor trailers. He expressed agreement with Ms. Weiss about traffic turning in. A 40-spot to park is too short for a tractor trailer, so it will encroach on cars coming around the back, so that traffic will be backed up. He expressed agreement with Mr. LaBelle about historic architecture and an architectural review board to report to the PZC within 30 days of receipt of the application. He said that there is not supposed to be parking in front of any new buildings. He is concerned about turning radius for emergency vehicles (he asked what size truck was used for the evaluation of the turning radius).

- **Al Weiss**, spoke of how his family own many of the historical properties in that area and that they are working to bring them up to current codes. He spoke of problems such as traffic safety and vandalism. He said that he is not adverse to development, but it should be done with architectural integrity in mind.
- **Nick Weiss**, 514 Hartford Pike, spoke about it recently took him eight minutes to get out of his driveway with tractor trailers going by at 50 mph. He asked if there is a third party that could give a second opinion on the Traffic Study as he feels there may be a conflict of interest. He said that the Applicant has not come with any remediation regarding design that would be more consistent with the Historic District. He feels this shows disinterest in the area.

Mr. Mauro clarified that the property is not within the Historic District. Regarding architecture, they feel that it is a nice-looking building that meets the commercial character of the Village Commercial District. The traffic generated by this development is not in the same ballpark as the traffic generated by Killingly Commons. Regarding emergency vehicles, the Fire Marshal signed-off on the plan. Delivery vehicles can be accommodated, the 40-foot dimension is what is required by the Regulations. They anticipate deliveries will occur during off hours. He explained that neither he nor Kevin Solli have a financial interest in the project. Regarding parking along the front, he noted that the Commission has the ability to waive that requirement. He stated that during the pre-application meeting with the Town, due to the drive-thru, Staff thought it was more appropriate to put the parking along the front and the drive-thru in the back. He noted that there are other businesses across the street that have parking in the front.

QUESTIONS/COMMENTS FROM THE COMMISSION continued:

- **Brian Card** asked about the State Statute brought up by Mr. LaBelle during public comment. Jon Blake explained that they looked at the vernacular of the streetscape as a whole in the Village Commercial area, in particular, sites that have been developed with drive-thru, and Staff felt that the parking in the front would be the best option so as not to confuse other traffic. Regarding the Statute, Mr. Blake stated that he would need to review it. He explained that Towns are fully enabled to enact their own Regulations. Mr. Card stated, for the Record, that we followed our architectural rules written in our Zoning Regulations. Ms. Aubrey added that all of the uses in this commercial development are allowed uses. The reason why the Applicant is here for a special permit instead of site plan review is because of the drive-thru.
- **John Sarantopoulos** asked if it is necessary to have an approval contingent upon State approval of the traffic pattern. Mr. Card explained that, should the Application be moved for approval, one of the conditions should be that a DOT permit be issued and any modifications that DOT authorizes/requests have to be included. Anything substantial would have to come back before the PZC.

QUESTIONS/COMMENTS FROM THE PUBLIC continued:

- **John LaBelle** referred to Section 420.1.3 of the Zoning Regulations and he asked that the Commission read it. He said that parking shall not be provided in front of any new building and he said that "shall" cannot be overridden by "may."
- **Ed Grandelski** stated that we changed Village Commercial since a lot of the adjacent development was done. He commented that Killingly Commons is controlled by traffic lights and this would not be controlled by a traffic light. He said that State statutes take precedence over Town statutes and referred to and read from Section 8-2.j.d regarding a Village District Consultant and Architectural Review Board. He said that if we don't meet the State Regulations and we want to do something less, that's a problem. Jon Blake stated that, regarding those Standards, both he and Ann-Marie Aubrey are members of the American Planning Association (not certified members). He explained that they reviewed the application with the Applicant as part of their normal review procedure for all zoning. Ms. Aubrey referred to and read from paragraph two (continuing from what Mr. Grandelski was reading) noting the use of the words "should" and "may." If parking were allowed in front of the building, more landscaping can be required.

Mr. Card recommended that if the public hearing is closed, the decision be delayed to allow Legal Counsel to review the Statute to determine its applicability. He said that he does not believe it is applicable.

Motion was made by Virge Lorents to close the public hearing for **Special Permit Appl. #23-1314** – CPD Killingly, LLC / Domenic Carpiolato (Nikolas Gounaris, et al and George Reichardt, et al) 536 – 542 – 552 Hartford Pike (536 = GIS MAP 114, Lot 39, 0.95 acres, VC), (542 = GIS MAP 114, Lot 40, 0.34 acres, VC), and (552 = GIS MAP 114, Lot 41, 0.64 acres, VC); for construction of a 12,580 +/- square foot commercial building with drive-thru and associated site improvements Zoning Sect. 700, Spec Perm; Sect. 470, Site Plan (**CONT. FROM 07/17/23 & 08/21/23 & 09/18/2023**), Second by John Sarantopoulos.

Discussion:

- Luke Mauro, Senior Project Manager with Solli Engineering, requested that the public hearing remain open to allow the Applicant to respond to the Town Attorney's comments. Extension was requested and granted.

Virge Lorents withdrew her motion.

Motion was made by Virge Lorents to continue the public hearing for **Special Permit Appl. #23-1314** – CPD Killingly, LLC / Domenic Carpiolato (Nikolas Gounaris, et al and George Reichardt, et al) 536 – 542 – 552 Hartford Pike (536 = GIS MAP 114, Lot 39, 0.95 acres, VC), (542 = GIS MAP 114, Lot 40, 0.34 acres, VC), and (552 = GIS MAP 114, Lot 41, 0.64 acres, VC); for construction of a 12,580 +/- square foot commercial building with drive-thru and associated site improvements Zoning Sect. 700, Spec Perm; Sect. 470, Site Plan (**CONT. FROM 07/17/23 & 08/21/23 & 09/18/2023**), to the next regularly scheduled meeting of the Planning and Zoning Commission to be held on Monday, November 20, 2023, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by John Sarantopoulos.

Discussion:

Brian Card requested that there be a condition added to the motion that the continuance of the public hearing be solely for the purpose of the interpretation of the State Statue (8.2.j) that had been referred to during public comment.

Motion (#3) was made by Matthew Wendorf to amend the Main Motion to add that the continuance of the public hearing be solely for the purpose of the interpretation of the State Statue (8.2.j) that had been referred to during public comment.

Second by Virge Lorents.

Roll Call Vote on the **Amendment to the Motion**: John Sarantopoulos – yes; Virge Lorents – yes; Matthew Wendorf – yes; Michael Hewko – yes; Brian Card – yes.

Amendment to the Main Motion carried unanimously (5-0-0).

Roll Call Vote on the **Main Motion, as amended (#2)**: Michael Hewko – yes; Matthew Wendorf – yes; Virge Lorents – yes; John Sarantopoulos – yes; Brian Card – yes.

Amended Motion carried unanimously (5-0-0).

2) **Special Permit Appl. #23-1317** – Canterbury Holdings, LLC (Upper Maple, LLC/Landowner); 25 Colonial Drive; GIS MAP 113; LOT 29-6; 6.57 acres; Low Density Zone. Application for Planned Residential Development – IRL, consisting of sixteen (16) 2-family residential buildings. TOK Zoning Sect. 410.2.2 Low Density/PRD; Sect. 570 Planned Residential Development; Sect. 700 Special Permit; and Sect. 470 Site Plan. **CONT.FROM 08/21/2023 & 09/18/2023**

Robert DeLuca, CLA Engineers, Inc., represented the Applicant and gave an overview:

- Mr. DeLuca reviewed his response letter, dated October 10, 2023 (included in packets to Commission Members). He commented about the following:
 - Item #6 – Regarding maintenance of the drainage infiltration pond, Mr. DeLuca explained that the Town Attorney has been consulted for guidance on how this should be set up.

- Item #7 - Mr. DeLuca stated that revised drainage calculations were submitted to support this.
- Item #12 – They provided information about passive and active open space. They will be preserving approximately 60 of the trees. He explained about tree wells.
- Item #15 – Sidewalks along the access road to be concrete and interior sidewalks and around the pond to be stone dust.

Mr. DeLuca explained that new comments that had been received from Staff have been addressed and he stated that he feels that they meet and comply with the requirements of Sections 570.2.C and 570.3.C, all significant Engineering comments have been addressed and he believes Staff is satisfied with how he has addressed their recent open space comment.

QUESTIONS/COMMENTS FROM THE COMMISSION:

- **Virge Lorents** asked if lighting along walkways would be short. She suggested using bituminous instead of concrete for the walkways because it is darker.
Mr. DeLuca referred to Sheet #18 where it states dark-sky compliant. He explained that concrete is better for sidewalks and lasts longer.
- **Brian Card** asked about the change to the open space.
Mr. DeLuca explained that Staff suggested that they connect as much of the passive open space as possible. Mr. Blake indicated where they found trees, some of which they put wells around.
Mr. Card asked if the entire pond area will be subject to a Town of Killingly drainage easement.
Mr. DeLuca explained that it has to be finalized with the road acceptance. He deferred to Mr. Capacchione. Mr. Capacchione stated that he did not know if there is an existing easement on file.
Regarding open space along the perimeters, Mr. Card stated that he has concerns regarding storm water ponds and buffer zones being considered open spaces because they are required anyway.
Mr. DeLuca stated that the pond is not being calculated into the open space.
Mr. Card asked about the passive open space being easily accessible and not subject to privacy concerns of the neighborhood.
Mr. DeLuca stated that it is subject to interpretation and he referred to, and read from what he said to be page four.
Mr. Card explained that there is a privacy concern because people could walk through all of the back yards.
Mr. DeLuca stated that he has been working with Staff on this. He asked for interpretation from Staff.
Mr. Blake explained that Assistant Planner, Allison Brady, had met with Mr. DeLuca earlier in the day and she felt that it was adequate (identifying the trail areas and percentage calculation).
Ms. Aubrey explained that it could be thought of as a wildlife corridor.
Mr. Card noted, for the Record, that the calculation of active vs. open is 35 percent which does fall within the criteria.
- **Michael Hewko** asked if the HOA would be taking care of hydrants.
Mr. DeLuca explained that CT Water will take care of the water system, but the HOA will actually own it for ten years, then it will be turned over to CT Water. If there is a problem with the hydrants, CT Water will maintain and operate it, then back-charge the HOA.
Mr. Hewko how many of each 2, 3 & 4 bedrooms.
Mr. DeLuca explained that they will be evenly distributed.
Randy Brown, Canterbury Holdings, LLC, explained that 75-80 percent will be two and three bedrooms and maybe 15 percent with four bedrooms. He said the majority will be three bedrooms.
- **Matthew Wendorf** asked if there had been any thought for smaller decorative trees within the sites, themselves, to create separation between the units.
Reference was made to Sheets 10 and 11 of the plans and Mr. DeLuca explained about the proposed plantings and existing trees.

- **Mr. Card** referred to Item 17, #2 in Mr. DeLuca's response letter (dated 10/10/23). He asked how Mr. DeLuca justifies that the road and utility networks would be potentially longer under conventional development.
Mr. DeLuca explained that he was just comparing it to typical residential subdivisions in rural areas that don't have water and sewer.
Mr. Card noted that this is Low Density and he also noted that three of the six criteria need to be met. Mr. DeLuca stated that he misinterpreted that.

QUESTIONS/COMMENTS FROM THE PUBLIC:

- **Ed Grandelski**, Upper Maple Street, spoke of how Colonial Drive is not a Town road and the paving is falling apart. He asked how many people can you put on a dead-end road. He spoke about the situation at Zadora Heights. He referred to the Regulations and stated that he does not know how this is beneficial to the Town. He has concerns about the shared maintenance agreement for the sedimentation pond. School buses are not allowed on Colonial Drive because it is not a Town road. He asked what the WPCA is supposed to inspect. Unless Colonial Drive is going to be turned over to the Town in the foreseeable future, he does not feel there is a need for an easement to the retention pond. Open space. Concerns about parking. HOA paying for hydrants. Concern about the road being inspected to ensure that it meets Town standards. Access to the retention pond – ease of maintenance. Regarding 2,3 & 4 bedrooms, Mr. Grandelski stated that the plans should define the units. Regarding walkways, he explained that stone dust doesn't last long and he doesn't feel that an HOA would maintain them.
- **Jodi Klen**, 20 Colonial Drive (abutting property), asked that a fence or some sort of barrier be put up for noise, privacy and to keep kids from cutting through her yard to get to Route 101. She is concerned about one way in an out and about line-ups of vehicles at mail boxes or on bad weather days when parents line the streets in vehicles waiting for the bus. She said that it would be an even bigger issue if the bus stops at the end of the street. She asked if any would be subsidized housing/low-income/Section 8 as she feels it will affect property values.
Ms. Klen read comments for Carol Donnelley, 1034 Upper Maple Street. Concerns regarding wildlife, trees, kids cutting through her yard, expense to put up a fence, concerns about Section 8 housing and property values.
Ms. Klen read comments for Greg and Donna St. George, 1040 Upper Maple Street (Greg was present in the audience). Copies of plans for a 55-and-over development that was never built were provided to Commission Members. Concerns about this proposed development: number of people on six acres; traffic; drainage; not enough parking; noise; kids cutting through private property and getting into trouble because there is nothing to do; taking land to make sidewalks (who will clear them in winter?); concerns about the trail. They ask that a 6-foot white vinyl fence be installed on the property line with their property all the way north to where their fence ends. Additional concerns: taxes going up due to all of the children entering the school system; respect for the surrounding neighborhood.
- **Ulla Tiik-Barclay**, 26 Dark Lantern Hill Road, speaking as a resident. Ms. Barclay stated that she is also a Town Council Member. Ms. Barclay spoke of her concerns: She does not know how cluster development fits in with conservation and development; she stated that they are not duplexes, they are tri-plexes; she does not feel that kids will play in the little play area – she said that if it were conventional, there would be more room for the kids to play; she said that it looks like a housing project; she doesn't feel that it is consistent with the POCD; she expressed concern regarding number of vehicles, traffic and parking; the school bus won't go onto Colonial Drive, so the children will have to walk to the end of the street.
- **Charles**, 20 Colonial Drive, asked if the sidewalks on Colonial Drive would lead to Upper Maple Street where there are no sidewalks. He voiced concern regarding the following: parking; there won't be enough room for all of the people and kids won't have anywhere to go; he said that it is an awesome development, it's just not in the right area.

Mr. DeLuca responded to comments from the public:

- Regarding the status of Colonial Drive, he explained that, per discussions with the Town, it would be a condition of approval that the road would be brought up to Town standards by the previous owner (the Town is holding the bond). At that point, the easement for the maintenance of the pond will be worked out. He expects that the road acceptance by the Town would be a condition of approval. The road within the development will be built to Town standards and would always be private and maintained by the HOA.

Mr. Capacchione stated that the road would need to be adopted by Town Council/Town Meeting.

Mr. Card clarified that the Applicant is willing to accept a condition of approval that the road be accepted before any development occurs.

- The operation and maintenance of the water system will be CT Water's responsibility. It will be owned by the HOA then, ten years from when it is built, CT Water will take it over. He explained that this will be an agreement, but this is CT Water's standard language for this type of situation (what they have done with other PRD's in Town).
- The WPCA will inspect the sewer from a safety and health standpoint, but the responsibility of maintenance is on the HOA.

Mr. Capacchione explained that the WPCA inspection is similar to the Building Official inspecting a house, same concept.

Mr. DeLuca stated that the road would also be inspected as part of the Town Engineer's conditions.

Mr. Capacchione stated "correct."

- Regarding traffic, Mr. DeLuca stated that the average daily traffic on Maple Street is about 6,500 and based on four trips per day coming out of each house in this development, would increase the ADT by about two percent which they do not see as a significant increase to Maple Street. He said that they had initially been told that a traffic study would not be needed.
- Regarding putting a fence along the pond, Mr. DeLuca stated that they are proposing a tree buffer there and there is an existing tree buffer that they are leaving. He asked if a property-line fence is normally required.

Mr. Card stated that developers have offered it before due to concerns of the neighbors. Mr. DeLuca stated that he will leave that with the Applicant.

Mr. Card note the five agreements: HOA Agreement; acceptance of the Town agreement for cleaning of the sediment pond; Connecticut Water Agreement to maintain the infrastructure after ten years; Roadway Maintenance Agreement (required with the HOA); Open Space Preservation Agreement.

Mr. DeLuca stated that they are planning on forming an HOA and would agree to the agreements mentioned by Mr. Card being a condition of approval.

QUESTIONS/COMMENTS FROM THE PUBLIC continued:

- **Ed Grandelski** said that he still has an issue with Colonial Drive.
Mr. Card explained that Colonial Drive is not the subject of the public hearing and that the Town needs to follow-up and get that rectified, not the PZC.
- **Greg St. George**, 1040 Upper Maple Street, stated concern about how close the walking trail is to the back of his property and what would stop people from walking into his back yard.
Mr. DeLuca stated that it is 20 feet from the property line.

COMMENTS FROM STAFF:

- Ann-Marie Aubrey explained that the total number of units was reconfigured, so they are not over the number of units.

QUESTIONS/COMMENTS FROM THE COMMISSION continued:

- Michael Hewko asked if there is going to be enough parking.
Mr. DeLuca stated that they are proposing an additional nine or ten spaces over the required two spaces per unit. He said that they are providing nineteen visitor spaces, ten are required.

There were no further questions or comments.

Motion was made by Matthew Wendorf to close the public hearing for **Special Permit Appl. #23-1317** – Canterbury Holdings, LLC (Upper Maple, LLC/Landowner); 25 Colonial Drive; GIS MAP 113; LOT 29-6; 6.57 acres; Low Density Zone. Application for Planned Residential Development – IRL, consisting of sixteen (16) 2-family residential buildings. TOK Zoning Sect. 410.2.2 Low Density/PRD; Sect. 570 Planned Residential Development; Sect. 700 Special Permit; and Sect. 470 Site Plan. **CONT. FROM 08/21/2023 & 09/18/2023.**

Second by Virge Lorents. No discussion.

Motion carried unanimously by voice vote (5-0-0).

NOTE: THE FOLLOWING PUBLIC HEARINGS WILL OPEN / TAKE PLACE ON MONDAY, NOVEMBER 20, 2023 – TO ALLOW FOR PROPER LEGAL NOTIFICATION

3) **Zone TEXT Change Appl. #23-1320** – Jaymin Patel; requests a zone TEXT change that would allow a redemption center as an allowed (permitted) use in the Borough of Danielson's Central Business District. **PUBLIC HEARING TO OPEN / TAKE PLACE ON MONDAY, NOVEMBER 20, 2023**

4) **Zone MAP Change Appl. #23-1321** – Christine M. McGannon, John E. Deluca, Jack Helfgott (WELD, LLC/Landowner); 543 Wauregan Road, GIS MAP 262; LOT 20; 2.1 acres; Light Industrial – request to change zone district from Light Industrial (back) to General Commercial. **PUBLIC HEARING TO OPEN / TAKE PLACE ON MONDAY, NOVEMBER 20, 2023.**

5) **Special Permit Appl #23-1322** – JPF Rentals LLC (JPF Rentals, LLC & Chirstopher Chenette/ Landowners); 18 Ware Road (GIS MAP 40, LOT 27) and 21 Pineville Road (GIS MAP 40, LOT 33); Medium Density; approximately 4 acres; to construct 14 new single family rental units, w/community bldg., parking, drainage and appurtenant utility services; under TOK Zoning Regulations; Medium Density, Section 410.3.2(j) Special Permitted Uses, (j) Multi-family Development; Section 555, Multi-Family Development; Article VII, Special Permits; Section 470 Site Plan Review. **PUBLIC HEARING TO OPEN / TAKE PLACE ON MONDAY, NOVEMBER 20, 2023.**

6) **Zone TEXT Change Appl #22-1300** - Town of Killingly / Planning and Zoning Commission, Zone TEXT Change; complete update and revision of Section 436, Business Park District of the Town of Killingly Zoning Regulations, including a proposed use table. **PUBLIC HEARING TO OPEN / TAKE PLACE ON MONDAY, NOVEMBER 20, 2023.**

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

1) **Special Permit Appl. #23-1314** – CPD Killingly, LLC / Domenic Carpiolato (Nikolas Gounaris, et al and George Reichardt, et al) 536 – 542 – 552 Hartford Pike (536 = GIS MAP 114, Lot 39, 0.95 acres, VC), (542 = GIS MAP 114, Lot 40, 0.34 acres, VC), and (552 = GIS MAP 114, Lot 41, 0.64 acres, VC); for construction of a 12,580 +/- square foot commercial building with drive-thru and associated site improvements. Zoning Sect. 700, Spec Perm; Sect. 470, Site Plan. **CONT. FROM 07/17/23 & 08/21/2023 & 09/18/2023 – Public hearing was continued to November 20, 2023.**

2) **Special Permit Appl. #23-1317** – Canterbury Holdings, LLC (Upper Maple, LLC/Landowner); 25 Colonial Drive; GIS MAP 113; LOT 29-6; 6.57 acres; Low Density Zone. Application for Planned Residential Development – IRL, consisting of sixteen (16) 2-family residential buildings. TOK Zoning Sect. 410.2.2 Low Density/PRD; Sect. 570 Planned Residential Development; Sect. 700 Special Permit; and Sect. 470 Site Plan. **CONT. FROM 08/21/2023 & 09/18/2023**

Motion was made by Matthew Wendorf to approve **Special Permit Appl. #23-1317** – Canterbury Holdings, LLC (Upper Maple, LLC/Landowner); 25 Colonial Drive; GIS MAP 113; LOT 29-6; 6.57 acres; Low Density Zone. Application for Planned Residential Development – IRL, consisting of sixteen (16) 2-family residential buildings. TOK Zoning Sect. 410.2.2 Low Density/PRD; Sect. 570 Planned Residential Development; Sect. 700 Special Permit; and Sect. 470 Site Plan (**CONT. FROM 08/21/2023**) & **09/18/2023**, with the following conditions:

- The construction and development of the property is to remain undeveloped until such time as Colonial Drive is accepted by the Town as a Town road.
- In the event that it is approved, Owner is to submit the five previously stated agreements to be reviewed and approved by the Town for open space and preservation, road maintenance agreement, HOA agreement, Town and HOA agreement for the maintenance of the retention pond and water run-off, and the agreement with Connecticut Water.

Second by John Sarantopoulos.

Discussion:

- John Sarantopoulos asked about the Commission seeing the HOA. Ms. Aubrey explained Staff reviews it and if there is a question, it would be sent to Legal Counsel for review.
Mr. Sarantopoulos asked about the formula for cluster developments. Mr. Card explained that it is 5 units per acre in the PRD.
- Virge Lorents asked if Staff would be making sure that things are moving along. Ms. Aubrey explained that nothing will happen unless Colonial Drive gets accepted and that Staff will review all of the documents when they are submitted and will send them to Legal Counsel to be certain that they have been written appropriately.
- Brian Card commented on the following for consideration by the Commission: #1 - He does not believe that the open space meets the intent of what we are asking for in open space under this type of development; and #2 – He does not feel that the Applicant has done an adequate job in demonstrating compliance with Section 570.3.c where the Commission must find that the development meets three of the six conditions.
- Regarding Mr. Card's concern about open space, Mr. Wendorf asked about possibly requiring a revised open space layout while maintaining the same number of units.. Mr. Card explained that it would be a revised plan and would have to come back before the Commission.
- Staff offered to keep the Commission informed on the progress of the agreements.
- For clarification, Ms. Aubrey asked if it is the developer that is going to be doing the improvements and working with the Town Engineer on Colonial Drive. Mr. Card explained that it is not this developer and that Colonial Drive has to be accepted by the Town before this project moves forward.

Roll Call Vote: John Sarantopoulos – yes; Virge Lorents – yes; Matthew Wendorf – yes; Michael Hewko – no; Brian Card – no.

Motion carried (3-2-0). Michael Hewko and Brian Card were opposed.

3) **Subdivision Appl. #23-1319** – Kathie A. Hess (Bruce & Brenda Weeks / Landowners); 2 Weeks Lane; GIS MAP 108, LOT 30.1; 1.06 acres; ALZOD overlay district; to subdivide Lot 30.1 into two parcels, also a lot line adjustment between LOT 30 and LOT 30.1 will be necessary to create a conforming lot.
(review/discussion/action) **CONT. FROM 09/18/2023**

Ann-Marie Aubrey explained (map displayed was included in packets to Commission Members) that the Applicant had originally planned to buy the land under her cottage (#2 on the map) and also buy the land where the well is located. It was discovered that the land under her cottage was an irrevocable trust, so it cannot be sold or separated. The Weeks own property to the south and are willing to sell that portion of the property that has her well on it (approximately 6,128 square feet). This would allow her access to her own well. The property underneath the Applicant's house is property that she "leases," but she would own her side yard containing her well.

Ms. Aubrey referred to an e-mail from Town Attorney, Ken Slater, dated June 23, 2023 (included in packets to Commission Members) and aloud, "you should only allow this kind of division when the new lot pertains to an

existing nonconforming residence and not to allow for the creation of new building lots with new dwellings. Those would have to comply with the underlying zone.”

Ms. Aubrey explained that, because the 6,128 square feet complies with the ALZOD regulations, but not the underlying zone regulations, what the Applicant is buying is not buildable. It just gives her a side yard that she would own, that contains her well.

Brian Card stated that there is no way that they could add a cottage on this lot.

Ms. Aubrey confirmed that, per the Town Attorney and underneath the Regulations, they cannot.

Virge Lorents asked if there was any compelling reason for this not to happen.

Ms. Aubrey explained that she would be protecting her own well. Ms. Aubrey stated that, as a Planner, it makes sense. Ms. Aubrey explained that after the irrevocable trust was discovered and it was determined that the property underneath the house could not be sold, Ms. Aubrey spoke with the Town Attorney about the situation and he confirmed that she could purchase the side yard. There was discussion.

Mr. Card asked if we would be creating another nonconforming lot to the underlying zone. Are we creating an expansion of the nonconforming lot.

Ms. Aubrey explained that if the Applicant were to sell her house, the side yard would go along with it. She said that the Town Attorney has not said anything about that. She offered to get a legal opinion from the Town Attorney if the Commission would like clarification. Mr. Card stated that he wants to be sure that it is being done right. Ms. Aubrey asked the Applicant (who was seated in the audience) if she is okay with that.

Ms. Hess voiced concern about the language being vague.

Mr. Card asked Ms. Hess if it could be done with a perpetual easement to the well.

Ms. Hess explained that the owners of the land approached her about selling the land to her.

Mr. Card asked that Staff make sure that the Town Attorney understands that the Commission does not want to create another nonconforming lot and he would also like an opinion regarding the possibility of resolving it with a perpetual easement to the well.

Ms. Hess asked how long this would take. Ms. Aubrey explained that the Commission should have the Town Attorney's opinion by the November 20th meeting. Staff will provide the opinion to the Applicant when it is available so she can determine how to proceed. Mr. Blake commented that the Applicant could also get her own legal opinion and the Town Attorney could consider that position.

Motion was made by Virge Lorents to continue **Subdivision Appl. #23-1319** – Kathie A. Hess (Bruce & Brenda Weeks / Landowners); 2 Weeks Lane; GIS MAP 108, LOT 30.1; 1.06 acres; ALZOD overlay district; to subdivide Lot 30.1 into two parcels, also a lot line adjustment between LOT 30 and LOT 30.1 will be necessary to create a conforming lot. **CONT. FROM 09/18/2023**, to the next regularly scheduled meeting of the Planning and Zoning Commission to be held on Monday, November 20, 2023, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by Matthew Wendorf. No discussion.

Motion carried unanimously by voice vote (5-0-0).

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

1) **Subdivision Appl #23-1323** – Pasay Development, LLC (Applicant & Landowner); 325 Snake Meadow Road, GIS MAP 254, LOT 6, 7.31 acres; Rural Development; three (3) lot subdivision. **Receive and schedule for action on Monday, November 20, 2023.**

Ms. Aubrey explained that it is the Commission's decision to schedule for either public hearing or for action.

Mr. Blake stated that it is subject to IWWC review as well.

Motion was made by Matthew Wendorf to receive and schedule for action **Subdivision Appl #23-1323** – Pasay Development, LLC (Applicant & Landowner); 325 Snake Meadow Road, GIS MAP 254, LOT 6, 7.31 acres; Rural Development; three (3) lot subdivision, at the next regularly scheduled meeting of the Planning and Zoning Commission to be held on Monday, November 20, 2023, 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 (5-0-0).

2) **Spec Perm Appl #23-1324** – John DeLuca, Jack Helfgott, Christine McGannon (Weld, LLC/Landowner); 543 Wauregan Road, GIS MAP 262, LOT 20; ~2.1 acres; General Comm. (if prior zone change request is approved – currently LI); to create a self-service storage facility, to be fully interior, climate-controlled facility retrofitted to existing building. Section 420.2.2(q) – General Commercial / Self-Service Storage Facilities. **Receive and schedule for public hearing on Monday, November 20, 2023, or Monday, December 18, 2023.**

Motion was made Virge Lorents to receive and schedule a public hearing for **Spec Perm Appl. #23-1324** – John Deluca, Jack Helfgott, Christine M. McGannon (Weld, LLC/Landowner); 543 Wauregan Road, GIS MAP 262; LOT 20; 2.1 acres; General Comm. (if prior zone change request is approved – currently LI); to create a self-service storage facility, to be fully interior, climate-controlled facility retrofitted to existing building. Section 420.2.2(q) – General Commercial / Self-Service Storage Facilities, for the next regularly scheduled meeting of the Planning and Zoning Commission to be held on Monday, December 18, 2023, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.
Second by Michael Hewko. No discussion
Motion carried unanimously by voice vote (5-0-0).

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

1) Regular Meeting Minutes – September 18, 2023

Motion was made by Virge Lorents to accept the Regular Meeting Minutes – September 18, 2023.
Second by Michael Hewko. No discussion.
Motion carried by voice vote (4-0-1). Matthew Wendorf abstained.

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

1) Notice of Exempt Modification – Facility Modification – 520 Bailey Hill Road, Killingly, CT – the complete modification plans are in the Planning and Development Office if anyone wishes to review same. – No discussion.

XI. CORRESPONDENCE

1) Zoning Practice – October 2023 Edition – No discussion.

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

A. Zoning Enforcement Officer's & Zoning Board of Appeal's Report(s) – No Report.

B. Inland Wetlands and Watercourses Agent's Report – No Report.

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

Jill St. Clair reported activities of the EDC and also on economic data regarding Killingly public schools.

XIV. TOWN COUNCIL LIAISON REPORT

Ulla Tiik-Barclay reported on the recent actions/discussions of the Town Council.
There was discussion.

XV. ADJOURNMENT

Motion was made by Matthew Wendorf to adjourn at 10:21 p.m.
Second by Virge Lorents. No discussion.
Motion carried unanimously by voice vote (5-0-0).
Respectfully submitted,

J.S. Perreault
Recording Secretary