



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

RECEIVED  
TOWN CLERK, KILLINGLY, CT  
2022 APR -5 AM 11:17

**MONDAY – MARCH 28, 2022**  
**SPECIAL MEETING - WORKSHOP**  
**6:00 PM**

*Elizabeth M. Wilson*

**TOWN MEETING ROOM – 2<sup>ND</sup> 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.  
GO TO [www.killinglyct.gov](http://www.killinglyct.gov) AND CLICK ON FACEBOOK LIVE AT THE BOTTOM OF THE PAGE.

- I. **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:03 p.m.
- ROLL CALL** – Brian Card, Virge Lorents, John Sarantopoulos, Michael Hewko, Keith Thurlow.  
Matthew Wendorf arrived at 7:04 p.m. (all were present in person).
- Staff Present** – Ann-Marie Aubrey, Director of Planning & Development; Jonathan Blake, Planner I/ZEO (both were present in person).
- Also Present (in person)** – Mary T. Calorio, Town Manager; Ulla Tiik-Barclay, Town Council Liaison.
- II. **SEATING OF ALTERNATES** – Chair, Keith Thurlow stated that Michael Hewko would be seated as a Voting Member for this meeting in the absence of Matthew Wendorf. However, Matthew Wendorf arrived a moment later.
- III. **AGENDA ADDENDUM** – None.
- IV. **NEW BUSINESS – (review/discussion/action)**
- 1) **Zoning Regulation Change** – re: garages, storage facilities – proposed change to regulations

Ann-Marie Aubrey read the draft language for stand-alone garages (included in packets to Commission Members). This language had been reviewed by the Town Attorney.

Mr. Thurlow suggested total square footage of the building not to exceed 1,200 rather than the proposed 1,000 square feet. Ms. Aubrey explained that they went with 1,000 s.f. because there are houses in Town that are 1,000 s.f. or less.

Mr. Blake explained about the home occupation aspect and referred to Section 595 of the Regulations (included in packets to Commission Members). He suggested removing the two-year expiration for home occupations. He explained how, if a business is doing well and outgrows the space, the thing to do would be to move to a commercial space. Ms. Aubrey explained that there is a debate/legal issue regarding the two-year expiration for which she will be attending a seminar. Ms. Sarantopoulos explained that he prefers that the two-year expiration remain. Discussion continued.

Ms. Aubrey recommended that "No outside storage allowed" be added if the Commission changes from 1,000 s.f. to 1,200 s.f.

Mr. Card questioned why home occupation would be included. Mr. Blake explained about contractors who work out of their homes and need a place to store their equipment. He said that many fly under the radar unless there are complaints made. He referred to Section 595 of the Regulations. Mr. Card suggested changing the rule to allow Contractor Storage in the RD Zone vs. Home Occupation which allows customer traffic. He noted that Home Occupation is allowed in the RD if you live there, but this is different. Ms. Aubrey explained that Staff had been asked for input and the draft language was what they came up with to try to make it equal for people with different types of businesses and to fit into the neighborhoods. Discussion continued. Mr. Card suggested that F, G and H from Section 595 be added for protection of the residential area. Mr. Card also suggested that Contractor Storage be added. Mr. Blake explained that most come in under Home Occupation and that F, G and H are the controls that they utilize the most when things start to get out-of-hand. Discussion continued.

There was a consensus for the following changes to the draft language:

- #3 - Change 1,000 square feet to 1,200 square feet.
- #5 – Remove
- Add "No outside storage allowed."
- Add F, G and H from Section 595 – Home Occupations.

Staff will submit the application to be received in April, a revised draft will be ready for review by the Commission in April. The public hearing could be scheduled for May.

## **2) Five Mile River Overlay District – proposed change to regulations**

Ms. Aubrey explained the different areas on the map (included in packets to Commission Members). She asked the Commission for direction:

- Do you want to replace how the Overlay District is?
- Do you want to look at the riparian buffers and just do a riparian buffer regulation?
- Do you feel it is necessary at this point?

There was discussion:

- Mr. Thurlow asked what the goals were regarding what was to be protected in the first place? What is enforceable? Since it was not enforceable as originally written, what would the new verbiage be to make it enforceable?

Mr. Blake suggested setting acreage requirements being careful that the Overlay doesn't stop something in the base zone that is allowed as a right. He explained that it seems to be snob zoning as it does not seem to match up to the State's areas other than the one for natural diversity species. He explained that if Staff were to do something, it would probably be repeal and replace to put something in as it pertains to either the Five-Mile River or the Quinebaug River, if the focus is the River. He said that he is not sure if it is the River or other natural corridors.

- Ms. Lorents explained, as best she remembers, that it originally came about because there was concern regarding multiple subdivisions along the river (with small lot sizes and short frontages/ bacon-strip lots) where the backyards were right up to the river. Mr. Blake explained that this is the Stone Road area and they had found that there are historical/conservation elements protected by various types of restrictions, but they are not only in that area, the historical /conservation elements are found throughout. He said that subdivisions are still allowed in that Zone and there have been subdivisions with 80-90 percent lot clearing that have been approved since that zoning.
- Mr. Thurlow feels that if we are going to have protection of waterfronts, it should apply throughout the Town. Most of it is privately owned.
- Mr. Sarantopoulos feels that it is covered under IWWC.  
Mr. Blake explained about the areas on the Map covered by IWWC (blue and purple) who also has a 200-foot upland review of those areas. There was discussion regarding cooperation between the IWWC and the PZC. Staff agreed that there is duplication and Mr. Blake explained that adding extra considerations would be above and beyond.  
Ms. Aubrey explained that the Natural Resource Officer is in the process of creating a file of all our conservation easements and is working on Natural Diversity at the same time. She said that this had never been done before. She explained that all the Natural Diversity areas, as identified by the CT DEEP, are shown on the Map.

Mr. Thurlow asked the Commission Members for their opinions:

- Matthew Wendorf feels that we should keep the Overlay Zone, although it is redundant. He feels that if we keep it, it should address all the natural water resources throughout the entire Town. Regarding the goal he read from the Purpose of the Overlay District, "to go one step further than what the CT statutes have for protection of the municipality." He said that if it is just duplicated, that would be a reason to remove it.  
Mr. Thurlow stated that gravel pits and clear cutting were not allowed but could not remember if there were more restrictions. Ms. Aubrey noted that the definition of clear cutting was not clear. Mr. Sarantopoulos referred to page 13 of IWWC and stated that forestry is covered. He suggested comparing the State standards with what was intended to be accomplished with the Overlay. He feels that it is making it more difficult for contractors to do business in Town.  
The Town Attorney advised that it is unenforceable as currently written. Ms. Aubrey explained that the two biggest issues were: 1) Clearcutting is not clearly defined; 2) Forestry is a regular practice (if you own property, you should be allowed to forest your property).  
Mr. Blake explained that there are some environmental based items in site plan review and special permit review, so maybe it is just a matter of adding more there.
- Brian Card stated that he favors removing the Five-Mile Overlay District because he doesn't see any value in it. He feels that is covered by other rules and it doesn't do anything for us from a protection point of view. He suggested adding a general statement regarding Natural Diversity to all the zones referring to the Map.
- Virge Lorents and Keith Thurlow stated agreement with Mr. Card.
- John agrees with Mr. Card and with Mr. Blake regarding making changes to special permit so that it would apply to everybody equally.
- Michael Hewko stated that he agrees with what was said before and that it should cover the whole Town.

Mr. Blake explained that, based on the discussion, when new elements are proposed, they would also look to do a text change to repeal the Overlay Zone

Ms. Aubrey stated that Staff will work on it and will give an update at the April meeting.

**3) Cannabis Zoning Regulations** – proposed draft of regulations (included in packets to Commission Members), schedule for receipt.

Ms. Aubrey stated that the Attorneys have reviewed it and their comments were as follows:

- Page 2 - Remove "Delivery Service" as it would not apply.
- Page 3 - Remove "Transporter" as it would not apply.
- With those two items removed, the regulation is fine.
- Having it as a special permit use is key.

There was discussion. Mr. Blake explained that they are looking to put in some kind of metric regarding that this use would not be appropriate near a Town Park or school. He explained that they are looking at this as cannabis establishments (there are multiple types of licenses) in Commercial, Industrial or Mixed-Use Zones. The regulations would lift the Moratorium. Mr. Blake explained that there could be a consideration to allow just indoor grow facilities in Rural Development.

- John Sarantopoulos suggested a requirement of 1,500 feet from the property line to the entrance of a retail cannabis establishment (for certain facilities open to the public), like drug-free zones, and to residential units.

Mr. Blake stated that for grow facilities in the RD, they would suggest a minimum of ten acres, (if it is added in).

Mr. Blake noted that one concern is that when regulating a use, you want to make sure that it can exist somewhere in Town.

- Brian Card stated that he does not agree with the 1,500 feet. He stated that it would be a licensed business and would have rules.
- Virge Lorents suggested comparing it to what applies to liquor stores.

Ms. Aubrey stated that some municipalities followed the liquor law.

Mary Calorio, Town Manager, explained that currently Killingly, due to population, is allowed to have one retail license and one grow license. She anticipates that within approximately three years, the State will probably issue more licenses. She explained about cost to apply for a permit for a grow license. She referred to a CCM Case Study Booklet that she offered to provide to Commission Members. Discussion continued.

- Mr. Card asked if an exclusion would be needed for RD (right to farm) saying that it is not allowed. Ms. Calorio explained that by having a section in the Regulations that specifically speaks to cannabis, you have identified exactly what zones it can be done in. However, if to be allowed in the RD, having language that it is to be an indoor facility, you can still have the right to farm/right to grow in a way that will help preserve the overall enjoyment of the area, for that type of facility. She said you would want it enclosed, not only for the odor, but also for security purposes.
- Mr. Sarantopoulos stated that he would want to see retail on the State highway only. He asked if it could be conducive to an Industrial Park. Ms. Calorio stated that with the way that it is drafted, it would be limited to Commercial, Industrial and Mixed-Use areas which are basically the Route 12/Route 101 corridor. Ms. Calorio explained that it could be conducive to the Industrial Park as a grow facility would be a large-scale manufacturer. Retailers would not look to be in the Industrial Park, they would look to be a typical retail storefront in a commercial zone.
- Mr. Thurlow asked if commercial includes Village Commercial. Mr. Blake explained that Village Commercial was not included. It was not identified.

Ms. Aubrey will submit the application for April for a possible public hearing in May.

**4) Town of Killingly Policy for Sale of Town Land** – proposed update of policy (included in packets to Commission Members).

Mary Calorio explained that several individuals have approached the Town about purchasing a variety of different Town-owned properties, several parcels having been received as open space as either part of the subdivision process or as a donation to the Town. Some parcels were gained through tax sale.

Ms. Calorio stated that she would like to have input/recommendation from the PZC, IWWC, Open Space Land Acquisition and the Conservation Commission before bringing it before the Town Council for consideration. She explained that she feels that properties received specifically for open space or recreational status should go through a more rigorous approval process prior to sale.

The proposed policy has been reviewed by the Town Attorney. She explained that the goal is not to sell the properties, but there may be a time when there may be a piece of open space that, collectively, all these groups feel that it is appropriate for the Town to dispose of, and you should have a way for doing that. She explained that if a property was acquired through foreclosure/tax sale, the Town should not have an issue with selling those properties.

Mr. Thurlow commented that a lot of the land received as open space is of no benefit to the Town. He suggested that if any of these properties were to be sold, the money should go to where the "Fee-In-Lieu" goes which is Open Space Land Acquisition. Ms. Calorio agreed and said that would be a good recommendation. She explained how some parcels from subdivisions may have caveats on them. Discussion continued.

There was a consensus of the Commission to recommend that the following be added to the policy:

- Proceeds from a sale of property from open space be dedicated to the Open Space Land Acquisition Fund.

Ms. Calorio will check to see if it can be added. Discussion continued. Mr. Wendorf commented that he feels that open space should not be sold.

Ms. Calorio stated that she feels that it is important, for those open space pieces that are Town owned, to get the input from these bodies and the Town Council and formally change the policy to better outline it to give a better, clearer directive regarding the intent to protect those properties.

Ms. Aubrey commented that sometimes you maintain open space, not for foot traffic for people, but for wildlife corridors.

Ms. Calorio explained that if, collectively, it is decided that some parcels should be sold, the Town could have abutters sales which would be a Town-initiated process.

**V. ADJOURNMENT**

Motion was made by Matthew Wendorf to adjourn at 7:39 p.m.

Second by John Sarantopoulos. No discussion.

Motion carried unanimously (5-0-0).

Respectfully submitted,

J.S. Perreault  
Recording Secretary