



TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION

RECEIVED
TOWN CLERK, KILLINGLY, CT
2022 JAN 14 AM 8:23

TUESDAY – JANUARY 18, 2022
Regular Meeting – HYBRID MEETING
7:00 PM

Elizabeth M. Wilson

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

AGENDA

THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.

GO TO www.killinglyct.gov AND CLICK ON FACEBOOK LIVE AT THE BOTTOM OF THE PAGE.

- I. CALL TO ORDER/ROLL CALL
- II. SEATING OF ALTERNATES
- III. AGENDA ADDENDUM
- 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 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.killingct.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 2630-941-0114 when prompted.
- V. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS
- 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 2630-941-0114 when prompted

(CONTINUED ON NEXT PAGE)

- 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.
- 2) **Special Permit Ap #21-1277**; American Storage Centers, LLC (Landowner same); 551 Westcott Road; GIS MAP 214; LOT 5; ~3.8 acres; General Commercial Zone; construction of 6 new buildings & conversion of existing building to establish a self-service storage facility (420.2.2.[q]).
- 3) **Zone MAP Change Ap #21-1278**; Douglas Construction (Jim Vance/Landowner) & Laurel A. Horne (Applicant & Landowner); 605 Providence Pike; GIS MAP 224, LOT 14; ~177 acres, RD **AND** 613 Providence Pike; GIS MAP 224, LOT 13, ~4.6 acres, RD; request to change zoning from Rural Development to General Commercial.

Hearings' segment closes.

Meeting Business will continue.

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.
- 2) **Site Plan Application #21-1275**; David Kode (Frito-Lay/Landowner); 1886 Upper Maple St; GIS MAP 62, LOT 53; 94 acres; Ind Zone; for the proposed building additions that will be under the allowed height.
- 3) **Special Permit Ap #21-1277**; American Storage Centers, LLC (Landowner same); 551 Westcott Road; GIS MAP 214; LOT 5; ~3.8 acres; General Commercial Zone; construction of 6 new buildings & conversion of existing building to establish a self-service storage facility (420.2.2.[q]).
- 4) **Zone MAP Change Ap #21-1278**; Douglas Construction (Jim Vance/Landowner) & Laurel A. Horne (Applicant & Landowner); 605 Providence Pike; GIS MAP 224, LOT 14; ~177 acres, RD **AND** 613 Providence Pike; GIS MAP 224, LOT 13, ~4.6 acres, RD; request to change zoning from Rural Development to General Commercial.

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

- 1) **Site Plan Review Ap #22-1279** – Richard and Nancy Blake (Jonathan and Sarah Blake / Owners); 20 Woodward Street; GIS MAP 159; LOT 18; ~0.49 acres; Medium Density; detached secondary dwelling unit per Section 566.6 and Site Plan Review Section 470, et al; 26' x 26' residence w/ a 6' x 26' front porch, requires demolition of existing 16' x 20' pole barn. **Receive, and refer to staff for review.**
- 2) **Site Plan Review Ap #22-1280** – Tammy Rainville & Robert LaBonte (Tammy Rainville / Owner); 146 Pineville Road; GIS MAP 18, LOT 23, ~7.0 acres; Rural Development; detached secondary dwelling unit per Section 566.6 and Site Plan Review Section 470; construction of a 30' x 50' detached garage w/an attached 18' x 47' attached secondary dwelling unit. **Receive, and refer to staff for review.**

(*) Applications submitted prior to 5:00 PM on TUESDAY, JANUARY 11, 2022, will be on the agenda as New Business, with a "date of receipt" of TUESDAY, JANUARY 18, 2022, and may be scheduled for action during the next regularly scheduled meeting of **TUESDAY, FEBRUARY 22, 2022.**

(*) Applications submitted by 12:00 noon on FRIDAY, JANUARY 14, 2022, will be received by the Commission ("date of receipt") on TUESDAY, JANUARY 18, 2022. However, these applications may not be scheduled for action on TUESDAY, FEBRUARY 22, 2022, as they were submitted after the Commission's deadline. This is in accordance with Commission policy to administer Public Act 03-177, effective October 1, 2003.

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

- 1) Regular Meeting Minutes – November 15, 2021
- 2) Special Meeting / Workshop Minutes – December 13, 2021
- 3) Regular Meeting Minutes – December 20, 2021

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? Discussion continued to FEB. 15, 2021.
- 2) **WORKSHOP – Discussion** – Five Mile River Overlay District. Discussion continued to FEB.15, 2021.

XI. CORRESPONDENCE

- 1) List of Planning and Zoning Commission Meeting Dates for 2022

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

A. Zoning Enforcement Officer’s & Zoning Board of Appeal’s Report(s)

B. Inland Wetlands and Watercourses Agent’s Report

C. Building Office Report

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

XIV. TOWN COUNCIL LIAISON REPORT

XV. ADJOURNMENT

VI. PUBLIC HEARINGS – (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(S): David Kode
LANDOWNER(S): Frito-Lay / Landowner
SUBJECT PROPERTY: 1886 Upper Maple Street
ASSESSOR'S INFO: GIS MAP 62; LOT 53.
ZONING DISTRICT: Industrial Zone
REQUEST: Special Permit – for proposed ASRS building that will exceed the maximum height of 50 ft for said zone – proposed height of 86ft., 8.5 inches
REGULATIONS: Section 450.3.1 – Height in Industrial Zones – Structures in an industrial zone not exempted in Section 450.3 may be allowed under Special Permit to exceed the maximum height as specified in Table A if the Commission determines that the structure is (1) necessary for the efficient operation of the proposed industry; and (2) that it does not significantly interfere with present or reasonably anticipated use of other property.

=====

**COMMISSION MEMBERS ARE REMINDED TO BRING ALL
PAST DOCUMENTATION THEY HAVE RECEIVED
REGARDING THIS APPLICATION TO THE MEETING WITH
THEM**

THE ONLY TWO NEW ITEMS WITH THIS PACKET ARE
1) PRESS RELEASE FROM GOVERNOR LAMONT'S OFFICE
2) THIRD PARTY REVIEW OF THE PLANS.

AT THIS TIME FRITO-LAY IS IN THE PROCESS OF REVISING THEIR PLANS IN ACCORDANCE WITH THE REQUESTS OF THE THIRD-PARTY REVIEWER; AND PREPARING THEIR ANSWERS THERETO.

THOSE REVISED PLANS WILL BE POSTED TO THE TOWN'S WEBSITE AS SOON AS THEY ARE RECEIVED – AND WE WILL FORWARD AN ELECTRONIC VERSION OF THOSE PLANS TO THE COMMISSION MEMBERS.

WE WILL HAVE PAPER COPIES OF THOSE PLANS AND FRITO-LAY'S RESPONSES FOR COMMISSION MEMBERS AT THE HEARING TUESDAY EVENING.

The Office of Governor Ned Lamont

[CT.gov Home](#) [\(/\)](#) [Governor Ned Lamont](#) [\(/Office-of-the-Governor\)](#) [News](#) [\(/Office-of-the-Governor/News\)](#) [Press Releases](#) [\(/Office-of-the-Governor/News/Press-Releases\)](#)

Governor Lamont Announces Frito-Lay Investing \$235 Million To Expand Killingly Operations, Create 120 New Jobs

Press Releases



STATE OF CONNECTICUT

GOVERNOR NED LAMONT

05/12/2021

Governor Lamont Announces Frito-Lay Investing \$235 Million To Expand Killingly Operations, Create 120 New Jobs

(HARTFORD, CT) – Governor Ned Lamont and the Town of Killingly today announced that Frito-Lay, a division of PepsiCo and a leading snack manufacturer, is embarking on a \$235 million expansion project at its Killingly manufacturing site in a plan that includes the creation of 120 new jobs in the town.

“As we emerge from this pandemic, we are seeing Connecticut companies of all sizes increase their workforce and expand operations,” **Governor Lamont said**. “What is particularly significant is the fact that much of this growth is coming from companies like Frito-Lay that already have a presence here and know first-hand the benefits of doing business – and investing – in Connecticut.”

Frito-Lay’s Killingly site began operations in 1980 with just 200 employees, and currently employs approximately 740 full-time associates at the site.

“We have been a proud member of the Killingly community for more than 40 years and look forward to expanding our footprint and bringing more jobs,” **Laura Maxwell, senior vice president of supply chain, PepsiCo Foods North America, said**. “It’s only with the support of the teams at the local and state level that this project has been able to come to fruition. They are helping enable growth in this community which ultimately supports Frito-Lay’s goals, as well.”

Through the project, Frito-Lay will expand its existing manufacturing facility and warehouse, as well as add two new Cheetos manufacturing lines. This is the first time that Cheetos will be manufactured by Frito-Lay in Connecticut.

The building expansion is set to begin in spring 2022 and the project is expected to be complete in the second quarter of 2024. The project will require local zoning approval, and the Killingly Town Council will receive an informational presentation on the project from Frito-Lay at its special town council meeting on the evening of May 12.

“We are very excited to celebrate Frito-Lay’s continued success and expansion,” **Killingly Town Manager Mary Calorio said**. “This is more than an investment in a building and equipment. This is an investment in people and their careers. We applaud Frito-Lay for its consistent dedication to the Killingly community and region.”

Connecticut Innovations, the state’s strategic venture capital arm, is supporting the project by providing up to \$5.5 million in sales and use tax exemptions on capital equipment and construction materials.

“This latest investment by Frito-Lay is a clear indication of its commitment to Connecticut and we are thrilled to be such an integral part of the company’s long-term growth plans,” **Connecticut Department of Economic and Community Development Commissioner David Lehman said**. “The company’s decision to expand its facilities and workforce is great news for the state and region.”

Twitter: [@GovNedLamont \(https://twitter.com/GovNedLamont\)](#)

Facebook: [Office of Governor Ned Lamont \(https://www.facebook.com/GovNedLamont\)](#)

CLA Engineers, Inc.

Civil • Structural • Survey

317 MAIN STREET

NORWICH, CT 06360

(860) 886-1966

(860) 886-9165 FAX

January 12, 2022

Mrs. Ann-Marie Aubrey, Director
Planning & Development
Killingly Town Hall
172 Main Street
Killingly, CT 06239
Email: aaubrey@killinglyct.gov

RECEIVED

JAN 12 2022

RE: Frito-Lay Killingly Transformation Review
CLA-7057

PLANNING & ZONING DEPT.
TOWN OF KILLINGLY

Dear Mrs. Aubrey:

We have reviewed the below information related to the above referenced land use application and provide the following comments:

- 1) Site Plans dated 11/5/21.
- 2) Revised site plan sheets 2C-120, 2C-121, 2C-141, 2E-125, & 2C-122 received by Town 12/12/21.
- 3) Appendix: P&Z Regulatory Sections prepared by Haskell dated 11/5/21
- 4) Lighting photometric plans
- 5) Stormwater Management Report dated 11/5/21

Note that the scope of our comments include the following areas of review:

1. Review engineering aspects of project for consistency with Killingly's zoning regulations.
2. Review proposed drainage and related calculations for consistency with industry standards and the CT DEP Stormwater Quality Manual.
3. Review proposed E&S measures for consistency with the CT DEP Guidelines for Soil Erosion and Sediment Control.
4. Provide input on the potential applicability of other local, State and federal standards.

Comments:

- 1) Sheet 2C-141 (revised layout) needs to show existing topography in the area of the proposed employee parking lot.
- 2) Proposed revised grading plans for the employee parking lot indicate cuts to create subgrade as much as 13' and greater to install drainage. Test pit or boring information should be provided in this area to determine the extent of ledge and groundwater in order to aid in the design of the parking lot and drainage system.

- 3) The Initial and Final Erosion & Sedimentation Control Plan needs to be provided for the revised employee parking lot plan.
- 4) Symbols are missing in the Demolition Plan Legend Sheet 2C-110.
- 5) On Sheet 2C-144, the stormwater flume may be impractical with snow removal. Consider using a catch basin in parking area.
- 6) On Sheet 2C-144, guardrail (if present) is difficult to see and may be difficult to install without a snow shelf.
- 7) Drainage structure and pipe data should be provided on grading and drainage sheets.
- 8) Sheet 2C-141 needs to show existing topography in the area of the proposed employee parking lot. Proposed grading plans indicate 7'± cut to create subgrade in the northwesterly corner of proposed trailer parking area. Test pit or boring information should be provided in this area to determine the extent of ledge and groundwater in order to aid in the design of the parking lot and drainage system.
- 9) Sheet 2C-521. Pavement detail needs to specify binder and wearing course.
- 10) Sheet 2C-522. Handicap detail to conform to CT standard dimensions. Provide sign detail.
- 11) Roof drainage piping is unclear and not labeled.
- 12) Provide rip-rap outlet protection detail for drainage outlet in existing northerly pond. Provide drainage calculation for this rip-rap outlet protection.
- 13) Provide existing conditions plan of piping in existing northerly ponds.
- 14) Erosion and Sedimentation Control sheets should include temporary sedimentation basin design/locations and sizing calculations should be provided.
- 15) The applicant should explain how temporary traffic flow/employee parking will be handled during the construction of employee parking/drainage retention system.
- 16) The installation of the employee parking lot and the new warehouse expansion includes earthwork that will produce significant excess site material. What is the estimated volume of this excess material? Will it be stored on site or hauled off site? If hauled off site, what is the proposed truck traffic duration for this work?
- 17) The Stormwater Management Report needs to be updated to reflect the revised employee parking lot design.

- 18) The applicant should provide evidence that the CT DEEP Construction Stormwater permit is in place prior to construction.
- 19) Modeling data, inverts, storage volumes, infiltration rates and all information for the underground detention system should be included in the Stormwater Report.
- 20) Underground detention system elevations should be called-out on the plans.
- 21) We recommend using NOAA Atlas 14 rainfall data for the site in lieu of Stormwater Quality Manual data.
- 22) The plans appear to meet the stormwater quality goals for the new parking area. The applicant should address the *General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems* (MS4 General Permit) requirements for stormwater quality on redevelopment sites.
- 23) If the Town requires an E & S bond, the applicant should submit a bond estimate for review.

Please contact us with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. DeLuca', written in a cursive style.

Robert A. DeLuca, P.E.

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

2) **Special Permit Ap #21-1277**; American Storage Centers, LLC (Landowner same); 551 Westcott Road; GIS MAP 214; LOT 5; ~3.8 acres; General Commercial Zone; construction of 6 new buildings & conversion of existing building to establish a self-service storage facility (420.2.2.[q]).

APPLICANT(S):	American Storage Centers, LLC
LANDOWNER(S):	American Sports Centers, LLC
SUBJECT PROPERTY:	551 Westcott Road
ASSESSOR’S INFO:	GIS MAP 214, LOT 5, ~3.8 acres
ZONING DISTRICT:	General Commercial
REQUEST:	construction of 6 new buildings & conversion of existing building to establish mini storage facility (self-service storage facility)
REGULATIONS:	Article VII – Special Permit, Section 700 – et sec. Section 470 – Site Plan Review Section 420.2.2[q] – Self-Service Storage Facility

Documents Submitted with Application

- 1) Executed application with payment in full.
 - 2) Drainage Report
 - 3) Improvement Location Survey – Showing Existing Conditions
 - 4) Site Development Plan
 - 5) Surface Coverage Plan
 - 6) Detail Sheet
-

Legal Notices

- 1) Legal Notice was posted with Town Clerk on December 29, 2021
 - 2) Legal Notice was posted to the PZC webpage
 - 3) Legal Notice was published in the Norwich Bulletin on Tuesday, Jan 4th and Tuesday, Jan 11th, 2022
 - 4) Notice of Public Hearing was posted at the site before Friday, January 7, 2022
-

OTHER REQUIRED APPROVALS

- 1) IWWC approval was not required
-

STAFF COMMENTS AND SUGGESTIONS

- 1) Town Engineer
 - a. Town Engineer would prefer hot mix asphalt and not millings
 - b. Town Engineer has requested that the drainage calcs be done over based on hot mix asphalt
- 2) P&D Staff
 - a. The landscaping plan along the outer boundaries is just ornamental trees and ornamental grass
 - b. Commission may request certain trees and/or grass (to make sure the border screen is complete) as a condition of approval. OR the commission may require applicant show their plans for the proposed trees / and grass to staff and staff can give the final approval of landscaping
 - c. There are no lighting details – should remind applicant that all lighting should be dark sky compliant.

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

3) **Zone MAP Change Ap #21-1278**; Douglas Construction (Jim Vance/Landowner) & Laurel A. Horne (Applicant & Landowner); 605 Providence Pike; GIS MAP 224, LOT 14; ~177 acres, RD **AND** 613 Providence Pike; GIS MAP 224, LOT 13, ~4.6 acres, RD; request to change zoning from Rural Development to General Commercial.

APPLICANT(S): Douglas Construction Company
LANDOWNER(S): James M. Vance and Laurel A. Horne
SUBJECT PROPERTY: 605 Providence Pike – and – 613 Providence Pike
ASSESSOR'S INFO: GIS MAP 224, LOT 14, ~177 acres – and – GIS MAP 224, LOT 13, ~4.6 acres
ACREAGE AMOUNT: ~ 177 acres – and – ~4.6 acres
ZONING DISTRICT: Rural Development Zone
REQUEST: Request to change zone of both parcels from Rural Development to General Commercial.
REGULATIONS: ARTICLE IX – Section 900

Documents Attached

- 1) Correspondence and “Application Narrative” written by Attorney Michael P. Carey
- 2) Conceptual General Commercial Layout Map
- 3) Town of Killingly GIS MAP showing the two parcels that are the subject of this application

Also Received but not Attached

- 1) Copy of the Notice of the Hearing that was sent out to the abutters by the applicant
- 2) Receipt from the USPS showing receipt and payment for those notices to abutters
- 3) Abutters List (within 500 ft) with the address of all abutters for both parcels

NOTE: Staff found a compilation map of the area from when the parcel was approved as an earth removal operation and will be bringing copies of that map to the PZC meeting.

Legal Notices

January 18, 2022

- 1) Legal Notice (of the hearing) was posted with Town Clerk on December 29, 2021
- 2) Legal Notice was posted to the PZC webpage
- 3) Legal Notice was published in the Norwich Bulletin on Tuesday, Jan 4, 2022 & Tuesday, Jan. 11, 2022
- 4) The Memorandum with the complete wording was posted with the Town Clerk on January 3, 2022
- 5) Notices were mailed to all abutters on January 5, 2022
- 6) Placards were placed on the property by Friday, January 7, 2022; and were observed by the ZEO.

NOTE: All legal notices were done in compliance with zoning requirements.

(Continues on next page)

STAFF COMMENTS AND SUGGESTIONS

- 1) Staff believes this current application is self-explanatory – and that commission members should read the complete Application Narrative provided to the commission by Attorney Carey.
- 2) Reminder that zone map/district changes are not based upon a particular use – but all the allowed and special permitted uses under a particular zoning district
- 3) Reminder the parcel was used as a gravel pit for quite some length of time. There are no buildings on site; however, as explained to the commission at an earlier meeting there are one or two “scrapped” vehicles and a large piece of gravel equipment still on the site.

Suisman Shapiro

Attorneys-At-Law

Michael P. Carey
Direct Dial: (860) 271-2268
E-mail: mcarey@sswbgg.com

Robert A. Averà
Raymond L. Baribeault Jr.
James P. Berryman
Michael A. Blanchard
Eric W. Callahan
Michael P. Carey
Richard S. Cody
John A. Collins III
Jeanette M. Dostie
Eileen C. Duggan
Bryan P. Fiengo
Theodore W. Heiser
Jeffrey W. Hill
Carolyn P. Kelly
Kristi D. Kelly
Nicholas F. Kepple
Robert B. Keville
Jillian K. Miller
Samuel M. Nassetta
Laura A. Raymond
Kyle J. Zrenda

In Memoriam
Andrew J. Brand
James F. Brennan
James J. Courtney
L. Patrick Gray, III
Michael V. Sage
Matthew Shafner
Max M. Shapiro
Charles J. Susman
Thomas B. Wilson
Louis C. Wool

Of Counsel
Hinda K. Kimmel
Jay B. Levin
Richard A. Schatz

January 13, 2022

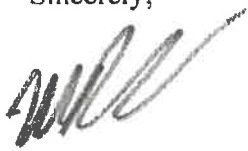
Town of Killingly, Ct. Planning and Zoning Commission
C/o Ann-Marie Aubrey, Town Planner (via email: aaubrey@killinglyct.gov)
Killingly Town Hall
172 Main Street,
Killingly, CT 06239
January 13, 2022

Re: Douglas Construction's Zoning (Map) Change Application # 21-1278 (605 Providence Pike) and 613 Providence Pike

Dear Commissioners:

This office represents the applicant for Zoning (Map) Change Application # 21-1278, for which the Town of Killingly Planning and Zoning Commission (PZC or Commission) has scheduled for public hearing to be held on January 18, 2022. We are pleased to be able to provide you the attached documents, which consist of an "Application Narrative" compiled by this office with input from the Applicant and its consulting civil engineer, and its attachments. We look forward to presenting the Application to the Commission on the evening of January 18. Thank you for your consideration.

Sincerely,



Michael P. Carey

RECEIVED

JAN 13 2022

PLANNING & ZONING DEPT.
TOWN OF KILLINGLY

A Tradition of Innovative Solutions

Suisman, Shapiro, Wool, Brennan, Gray & Greenberg, P.C.
2 Union Plaza, Suite 200 • P.O. Box 1591, New London, CT 06320
Phone 860-442-4416 • Fax 860-442-0495 • www.suismanshapiro.com

**APPLICATION NARRATIVE FOR APP # 21-1278
TO THE KILLINGLY PZC
AN APPLICATION BY DOUGLAS CONSTRUCTION COMPANY TO
AMEND THE KILLINGLY ZONING MAP
APPLICANT: DOUGLAS CONSTRUCTION COMPANY
DATE: JANUARY 14, 2022**

PROJECT OVERVIEW

Douglas Construction Company of Smithfield, R.I., (Douglas or Applicant) has filed an application to the Planning and Zoning Commission (PZC or Commission) to amend the Zoning Map (Map) to change from RD to GC the designation of two parcels of land, 605 Providence Pike (GIS MAP 224, LOT 14), consisting of approximately 178 contiguous acres (Parcel A), and 613 Providence Pike (GIS MAP 224, LOT 13, consisting of approximately 5 contiguous acres (Parcel B). (Copies of the assessor's cards for each parcel marked Exhibits A and B are attached.) The Commission has scheduled a public hearing on the Application to be held on January 18, 2022.

Douglas has an executed option in place to purchase Parcel A, and the owner of an Parcel B has given Douglas written authorization to include that parcel in this application (Exhibit C). Combined, the parcels contain roughly 187 contiguous acres of land (Subject Parcel). The Subject Parcel has substantial frontage on and more than adequate clear site lines for vehicular ingress and egress to and from Conn. Rte. 6.

Parcel A for more than 20 years has been and remains the site of a legally nonconforming gravel mining business. In essence, therefore, this site has been put to a commercial, indeed an industrial use, for all of that time, regardless of its RD zoning designation. In a real sense, changing the zone to GC will not introduce alien uses into a residential area. It will allow the site to be used for non-residential purposes, as it has been, but non-residential uses of a nature much more if not fully consistent with any nearby residential use. Changing the zone to GC will bring an underutilized property to its higher potential, benefitting the Town as a whole.

This Narrative is intended to provide the Commissioners an overview of the Application, and a clear, concise statement of the reasons the Applicant is convinced that the requested zone change is in the best interests of the Town of Killingly (Town) and is consistent with all statutory requirements, and with the Town's comprehensive plan, zoning regulations and Plan of Conservation and Development (POCD).

Great care has been taken to address concerns expressed during the public hearing and PZC deliberations on Douglas' application in September/October 2021 to rezone Parcel A and another adjacent piece from RD to GC (Zone Change App # 21-1271). Those concerns included that the applicant did not at that time provide conceptual drawings of uses possible in the GC

zone. This Application includes conceptual plans for four such uses (Exhibit D). Other concerns were that the proposed Map change was not supported by the Zoning Regulations or the Plan of Conservation and Development (POCD). Note also that the pending Application is not entirely for the same land as the earlier one. This one is for one parcel that *was* the subject of the previous application (Parcel A), and another parcel that *was not* (Parcel B), and does not involve another parcel, which was a part of that earlier application. For the reasons set out below, the Applicant respectfully submits that the Application is wholly consistent with the regulations and the POCD. (A copy of the 500 foot Abutters List Report marked Exhibit F is attached.)

The applicant

Douglas has over 60 years of proven performance of the highest quality. Its business includes locating properties suitable for use for particular purposes, finding potential users of the property, and constructing the site improvements and structures needed for the use. Examples of some of Douglas' projects are described in Exhibit G. Douglas has developed and constructed properties with uses mirroring those presented in the conceptual document, and has a high level of confidence that these uses, permissible within the General Commercial Zoning Ordinance, would be well adopted by tenants, local businesses and other users should the parcel be rezoned to General Commercial.

The proposal and concept plans for the site

A significant concern of the PZC and the public regarding the previous application was that the applicant did not provide conceptual plans depicting some of the uses that could be made of the site if it were zoned GC. This Application addresses that concern.

Douglas has given the Commission detailed plans for developing the site in ways allowed in the GC Zone, including for a mixed commercial use (Exhibit D). Those plans take great care to comply with all dimensional, technical and site requirements of the GC zone regulations, and to protect the natural resources of the site and the privacy of the residents of homes on relatively nearby lots. Indeed, the plans include buffering and other protections for off-site properties well in excess of the protections required by the zoning regulations. The plans incorporate desires for the site that are shared by Douglas and the Town, and takes into account the various concerns previously expressed by the public and by the PZC and its staff.

Any of the four uses would require approval of a special permit and site plan, and hence would require demonstrated compliance with all applicable dimensional and site preparation requirements for the GC zone, many of which are designed to confine the effects of any use on-site to the greatest extent possible, and thus limit off-site impacts. The Applicant believes that each plan complies with those regulations.

Exhibit D shows plans for the following potential uses, each of which is low community and municipal impact relative to traffic, onsite activity, and off-site impacts, such as noise concerns, light pollution and privacy:

1. Professional Offices

a. Locations primarily utilized for the purpose of operating a professional business, commonly local business or affiliate business that have reason to occupy office space in the geographic region.

2. Contractor Flexible Space Units

a. Mixed use units by their own right, commonly comprised of modest office space at the front of the building, with flexible clear space in the rear of the building. The rear space is often used by contractor to store their tools, equipment, materials, and supplies.

3. Self-Storage Units

a. These units offer a highly demanded and utilized service to residential areas, allowing homeowners the ability to store belongings in rented units.

4. Warehouse & Distribution

a. As the dynamic of the world has changed over the past couple of years, warehousing and distribution has become a sought-after need for many retail and commercial operations. These can be relatively larger structures primarily utilized for the processing and transferring of shipped goods from seller to end user.

The plans also show that out of an 182-acre piece, 82 acres (45%) would be used for development and 100 acres (55%) would be set aside for conservation and buffers.

1. Total Lot Area to be Rezoned is	182 Acres
2. Total Proposed Development Area is	82 Acres
3. Proposed Future Conservation Area is	76 Acres
4. Proposed Future Buffer Area is	24 Acres

Other key information provided by the plans include that:

1. The site fronts on a Major Highway

2. No Spot Zoning
3. Less than 65% Lot Coverages
4. 25 Foot Minimum Buffers
5. Proposed building coverage shown is approximately 550,000 sq ft., i.e., a 7% building coverage ratio. This ratio falls substantially below those allowable in the current and proposed zoning ordinances.

Finally, Douglas has compared the uses permitted in the RD Zone. Many of them would result in significantly greater disturbance to the site than the proposed use, and would be more intense and have a far greater impact off-site and in terms of the need for municipal services – for example: Agricultural Land Use, Golf Course, Planned Residential Developments, Collection and Recycling Facilities, and others.

Economic benefits from re-zoning the Subject Parcel to GC

The physical improvements and development of this property would also result in a compounded economic benefit to the Town of Killingly:

1. Based on the current Mill Rate for Killingly, CT, of \$25.14 per \$1,000.00, as well as the actual assessment and payment data for current general commercial properties, it could be anticipated that each square foot of developed building will generate \$1.04 of tax revenue to the Town. At 550,000 sqft, per the current concept plan, that would equal a positive return to the Town of \$572,000.00 annually.
2. In addition to real estate taxes, business owners would also be requiring varying levels of personal property, vehicles and other taxable components – many of which could generate increased cash flow to the Town.
3. By virtue of the construction of this development, the Town and local businesses will benefit from jobs and substantial investment into the Town.
4. Commercial developments also add permanent jobs and will result in increased business for other local establishments, with additional indirect-type growth and revenues to the Town and its local businesses.

Town Staff has made several key points relative to the economic development dynamics of a commercial development on this property, as well as the merits of the development based on any known demand for the uses identified:

1. Consistent and aligned requests are received weekly for the uses that have been identified, specifically Contractor Flexible Space Units, Self-Storage and Warehousing/Distribution.
 - a. This means that members of the community, as well as business owners looking into the community, are contacting the town and specifically requesting the uses that have been proposed.

2. Commercial development in neighboring towns is on the rise, and it is healthy for a town to identify opportunities where development can be added responsibly for the purpose of sustaining competitive prospects for the municipality and future growth.
 - a. As other communities focus on economic growth and commercial development, two things happen:
 - i. The sourcing pool for new developers shrinks, as developments are completed elsewhere – reducing the overall opportunity for the Town to attract positive growth.
 - ii. As assets are deployed and jobs are created elsewhere, housing limitations in those municipalities often promote new housing and residential in adjacent towns. While housing and residential is good to have, it must be balanced with commercial/revenue producing components, as the residential uses are traditionally a financial burden on the town and town services.

3. In looking at the overall picture for the Town, it was expressed by Staff that there is a need for additional General Commercial zoning for two reasons:
 - a. The majority of currently zoned General Commercial properties are developed, and that level does not support the positive inquiry levels that are received on a daily basis.
 - b. There are very limited General Commercial zoned parcels that would be candidates for redevelopment.

Conservation and wetlands

The proposed development takes into consideration the Town's desire to protect and expand conservation areas. The 605 Providence Pike parcel abuts 759 South Frontage Road, which is currently owned by the Town, and is used as conservation land. The large portion of land the

Applicant proposes to set aside for conservation abuts the Town's conservation property, creating additional and expanded conservation land.

The conservation land encompasses the majority of the Subject Parcel, which means that all abutters will benefit from additional conservation land and in essence a buffer three times larger than the minimum required by the zoning regulations. The concept plan has the added benefit of merging buffers and conservation area for the additional purpose of preserving known wetlands and waterways, and further limiting development impacts to the natural resources and neighbors.

Engineering and traffic

The concept plans take into account the following engineering components:

1. The current grading of the site, taking into consideration the mining/gravel pit use, goes from low to high, west to east, and can be used to create an enhanced natural visual buffer for eastern abutters. If that grading is continued as part of the development of the site, building structures would be substantially down gradient from the western peak up from Norton Brook. The benefit to this is that all eastern abutters would have to look over two peaks, through substantial buffer and conservation land – untouched – prior to the development opening. At that opening, the development would be situated at an elevation significantly lower than the peak heights located on the east and west of Norton Brook.
2. The grading of the site, as well as in-place soils, also allow for a substantial export of materials, which is consistent with the former use of the property.
3. The water support for the proposed uses is divided into two requirements:
 - a. Domestic – water utilized throughout the day for restrooms, cleaning, washing.
 - b. Fire Service – water utilized for fire protection requirements.
 - c. Domestic water requirements would be extremely low impact for the proposed development, and can be supplied via onsite wells.
 - d. Fire water requirements would be mandated by the municipality and state, and these would be satisfied via cistern and pumps – which is how Douglas Construction has developed similar uses in areas where municipal water is not accessible.
4. Sanitary requirements would also be of very low impact or use for the proposed development, and these would be handled onsite via septic tanks and leaching fields – similar to the residential designs of the surrounding area.
5. Stormwater management would also be engineered into the site, with no requirement for municipal drainage, and should if anything reduce and contain off-site runoff from the site.

6. Heating requirements would be handled by onsite fuel storage – traditionally propane – with no requirement or request for natural gas.
7. Electrical service would come in from Route 6, underground, and transformed onsite.
 - a. As an accessory to the electrical service, it would be possible to explore ROOFTOP SOLAR, as a supplement to municipal power. This would be performed on a net-meter basis to reduce electrical consumption. Douglas Construction appreciates that solar may be a preferred exploration within the General Commercial zone.
8. Traffic Impacts – A preliminary inquiry has been made to address whether or not Route 6, as currently developed, would be able to accommodate a development of this nature. The initial assessment was that Route 6, from an infrastructure and traffic perspective, is more than capable of servicing these uses.
 - a. The uses identified are extremely low use traffic burdens.

General zoning procedure matters

An applicant for zoning map change must show that the change:

- (1) Is in accordance with the comprehensive plan, and
- (2) Is reasonably related to the normal police power purposes in Connecticut General Statutes § 8-2?

R. Fuller, *9A Conn. Practice, Land Use Law & Practice* § 33:2 (4th ed.) A zoning commission's actions on a boundary change proposal must promote the interest of the community as a whole, but a map change is not invalid simply because it incidentally benefits certain property owners. *Dutko v. Plan. & Zoning Bd. of City of Milford*, 110 Conn. App. 228, 241–42, 954 A.2d 866, 875–76 (2008).

Finally, because a zoning commission acts in a “legislative capacity” when it is passing on an application to change zone district boundaries, the applicant need not prove a change in circumstances since the time of a previous denial. R. Fuller, *9 Conn. Practice, Land Use Law and Practice*, §§ 22:10, 22:11 (4th ed.). The new application must be judged on a clean slate.

What is the “comprehensive plan”? What is the POCD?

In reality, there is no document with the title “comprehensive plan.” Moreover, the POCD is not the “comprehensive plan. R. Fuller, *9 Conn. Practice, Land Use Law and Practice*, § 4:4 (4th ed.). The “comprehensive plan” is the zoning regulations themselves and the zoning

map, as they have evolved from the history of zoning in a town by its zoning commission. Id. The requirement of consistency with the comprehensive plan is generally satisfied when the zoning commission acts with the intention of promoting the best interests of the entire community. Id., § 4:3.

By contrast, the POCD is a planning document adopted pursuant to the PZC's authority as a planning agency under Connecticut General Statutes § 8-23. Id., § 4:4. Although zone changes *must* be in accordance with the comprehensive plan, "[t]he recommendations in the plan of conservation and development designating appropriate uses for various areas in the municipality are *merely advisory* to and do not bind the zoning commission." *Dutko v. Plan. & Zoning Bd. of City of Milford*, 110 Conn. App. 228, 242, 954 A.2d 866, 876 (2008) (Emphasis added.).

This application is in harmony with the comprehensive plan and furthers the purposes of the RD and GC zones

Section 410.1 of the zoning regulations, "Rural Development Districts," states that "[a]reas designated as rural development districts *present physical obstacles to development* such as slopes, wetlands, and *soils with only limited capability for accepting on-site sewage disposal*, and are distant from existing or planned public sewers and water lines. These physical restrictions make it necessary to limit permitted uses to low density residential development, agriculture, and other specified non-intensive uses." (Emphases added.)

These constraints do not exist at the Subject Parcel. There are no slopes or wetlands of a nature and extent that would limit uses allowed in the GC Zone, and the Connecticut soils data shows that there are good soils in place for onsite sewage disposal. Thus, the fact that public sewer and water is not now available at the site is not a limiting factor, because the site is fully capable of providing necessary sewage treatment and water on-site.

There is no reason to restrict the Subject Parcel to low density residential development, agriculture, and other specified non-intensive uses, and doing so diminishes the property's usefulness and value while producing no discernible benefit to the Town.

By contrast, the Subject Property is ideally suited for the GC District. That district was created to "house" and permit commercial establishments that generate large amounts of traffic and/or require large sites and frontage on major highways. The Applicant does not anticipate that any use it has described will generate large amounts of traffic. But the site has significant frontage on Ct. Rte. 6, a major highway maintained by the CONNDOT. That highway is expected to easily handle any traffic the site might generate.

Moreover, there can be no question that a GC zone may abut residences, or indeed a residential zone. Section 410.2 expressly provides for that contingency, requiring that when a GC district adjoins a residential district a buffer strip at least 25 feet wide and containing planted screening shall be required. The Concept Plans exceed those requirements.

This view is also supported by § 420, which creates two types of commercial districts: a Village Commercial District (§ 420.1) and the GC district (§ 420.2). The essence of Village Commercial Districts is that they “are intended to provide residential areas with a variety of retail, service, financial and other commercial establishments within walking or short distance of their home.” That is, they are to create or enhance mixed-use environments. By contrast, § 420.2, as noted above, creates the GC district to allow for commercial uses not suitable for mixed-use areas, but suitable in the areas of the Town it describes. Thus, the term “residential areas” in § 420.2 does not state or suggest that a General Commercial zone may not be created nearby residences. It merely marks the distinction between Village Commercial and General Commercial Districts. *Note the formerly residential properties located along Route 101, that were all rezoned to General Commercial with the residential property owners’ permission. Many of those properties remain as residential, while others have been resold for gain and commercial development.*

By contrast, § 420.2, as noted above, creates the General Commercial District to allow for commercial uses not suitable for mixed-use areas, but suitable in the areas of the Town it describes. Thus, the term “residential areas” in § 420.2 does not state or suggest that a General Commercial zone may not be created nearby residences. It merely marks the distinction between Village Commercial and General Commercial Districts.

Finally, nothing in the GC regulations appears to require that every parcel in the zone be accessible to public water and sewer. The reference is descriptive and not mandatory. And zoning a parcel GC does not mean that it will be able to demand public utilities. Whether utilities are extended to a site is at the discretion of the WPCA.

It is important to note that the uses contemplated by the Applicant will require no snow plowing, road maintenance, or other expensive types of municipal services. At the same time, changing the zone to GC will greatly enhance the assessor’s appraised value of the property, and allow for it to be put to a use that will benefit the entire Town and the region. Is expected to create new jobs as well as attract businesses into the Town.

Traffic impacts from a mixed commercial use will be negligible at best and will impact only state Rte. 6, no Town roads, and Rte. 6 is clearly capable of handling any traffic that might come from any commercial use allowed by the regulations at the site.

The conceptual plans given to the PZC demonstrate that the Applicant is committed to setting aside and preserving large portions of the Subject Parcel, as well as the entirety of 183 Hubbard Hill Road (*not included in this application, but an adjoining property being contemplated for purchase*), in a natural condition and to create buffers along residential areas in excess of those required by the Zoning Regulations.

Finally, even if the Map change is granted, any actual use of the property will be subject to this Commission's approval of a special permit and site plan, which can only be granted if the application complies with all current zoning regulations for the proposed use, including those for buffering adjoining properties and keeping site impacts on site.

Section 902. Criteria for zoning map amendment.

In judging any such proposed amendment, the Commission shall take into account ... various factors ... including but not limited to:

Errors in the existing zoning regulations, changes that have taken place in the rate and pattern of the Town's development and land use:

Comment: Changes in circumstance that have occurred since these parcels were zoned RD and indeed since the POCD was adopted that strongly favor the proposed amendments. For instance, supply chain disruptions that have resulted in empty store shelves in many places make the use of this site as proposed particularly suitable and timely, especially given its central location relative to major markets such as Boston, Worcester, Hartford and eastern Connecticut.

The supply of land available in the present and proposed zones.

Comment: The removal of the Subject Parcel from the inventory of land zoned RD will have no negative impact on that zone or the Town.

The physical suitability of the land for the proposed zone.

Comment: For the reasons stated above, the Subject Parcel is ideally suited for GC designation, and in reality is poorly suited for inclusion on the RD zone.

The effect of the change on the surrounding area (physical, social and economic), the purposes of zoning and the objectives of the Plan of Development.

Comment: For the reasons stated above, the Applicant submits that the uses allowed in the GC zone will have no deleterious effects on neighboring properties, and will be superior in

terms of neighborhood impacts than uses allowed in the RD zone, will be consistent with the economic development and rational development goals of the POCD.

Neighborhood acceptance weighed against community needs.

Comment: Neighbors did express concerns about the application the PZC denied in October 2021. The Application has been changed ways to take some of those concerns into account. The Applicant respectfully submits that the site development regulations that will govern any GC use of the Subject Parcel will ensure that neighboring properties will be adequately buffered and protected from off-site impacts. Balanced against the neighbors' concerns is the significant community benefit that will result from permitting GC uses on the site.

Finally, the power to amend is a critical component of the power to make zoning regulations and maps. No property owner or resident has the power of veto over any amendment. Certainly, the views of the public are to be heard and seriously considered, but they are not necessarily determinative. The procedural and substantive requirements for making and amending regulations and boundaries *are* the protections provided by law against arbitrary amendments unwarranted by conditions. In this case the Town and its taxpayers would greatly benefit by allowing the site to be put to a higher and better use than it is now being used for, or that it could be used for if the land remains in the RD zone.

The legality of the proposed amendment and whether some other method or procedure is more appropriate under the zoning regulations

Comment: The proposed changes are legal and the amendment process is the only procedure available to allow the site to be put to uses permitted in the GC zone.

The size of the area involved. Changes creating a total contiguous zone of less than 10 acres are, in general, not to be considered favorably.

Comment: The Subject Parcel is roughly 187 acres in size.

This is not spot zoning

“Spot zoning” is a zone change made for small area of land and which is out of harmony with the comprehensive plan. *Campion v. Board of Aldermen of City of New Haven*, 278 Conn. 500 (2006). Neither factor exists here: the Subject Parcel is approximately 187 acres in size and the proposed zone change conforms with the comprehensive plan.

The Application is in harmony with the POCD

The **Introduction** to the POCD states that Rte. 395 “has become an important asset for Killingly, as now the town is connected by an interstate north and northeast to Worcester and Boston, and south and southwest to New Haven and New York. *Killingly as a crossroads community, could now capitalize on the growing use of trucks to transport goods.*” (Emphasis added.) (Page 6/78)

Comment: The same applies to Rte. 6 traveling east and west to and from Rhode Island. The Subject Parcel is ideally located to contribute to this highly beneficial use.

Section 3.2 “Economics” gives a “Background” of economic conditions in Killingly. It notes:

- “Poverty and unemployment are major concerns. The Town is consistently above the state average in unemployment rates....” **Page 15/78.**

Comment: The Applicant reasonably anticipates that any of the commercial uses it has given as examples for the site will be substantial direct and indirect job generators.

- Killingly is “the competitive retail center of northeastern Connecticut.” **Page 16/78.**

Comment: The Applicant does not contemplate retail uses at the site, but the uses it has described would each contribute greatly to Killingly’s status as a focus of economic activity in the area, and each would enhance and benefit from its location at the crossroads of several major state highways, without disturbing the use of local roads.

Section 3.2 then identifies GOALS and states POLICIES to achieve them:

- **GOAL 1:** “Maximize the quantity, quality and diversification of Killingly’s employees and employable workforce while maintaining the advantages of Killingly’s character.” **Page 18/78.**

Comment: This Application meets both parts of this GOAL. The Applicant reasonably anticipates that any of the commercial uses it has given as examples for the site will be substantial direct and indirect job generators and the regulations (and site conditions) will require and result in buffering and other techniques that will ensure that the site will maintain its rural appearance and character.

- **POLICY 2 to achieve GOAL 1:** Maximize the quality and diversification of Killingly’s employers, both large and small.
 - **P-2-Action 3.** “Attract new businesses to Town that will raise the standard of living and its employees above the current average, as well as increase economic stability through the diversifications of employers.” **Page 19/78.**
 - **P-2-Action 4.** “Encourage complimentary businesses to locate in Killingly which will enhance existing businesses located in Town.”

Comment: Changing the Map to allow uses described by the Applicant is precisely the action called for by these Action Items.

Section 3.5, “Land Use.” This “section describes the desired location, distribution and extent of land for” all variety of uses, and its “intent ... is to guide the physical growth, use and development of Killingly...” until 2030. **Page 31/78.**

- **GOAL 1** is to develop the Town with “a systematic approach that balances the natural environment with residential housing and business/industrial development that are appropriate to the context of the community.” **Page 35/78.**

Comment: Changing the Map to allow a mixed commercial use as described by the Applicant is precisely the action called for by these Action Items.

Section 3.6, “Natural Resources.” “The management and preservation of natural resources are fundamental to the future and wellbeing of the Town....” **Page 39/78.**

- **GOALS** are to “[p]reserve protect, manage and restore the Town’s natural resources ... [and to] [b]alance development rights with natural resource protection....” **Page 45/78.**
 - **Policy 1** is to encourage development projects that involve revitalization, re-development and infill development....
 - **P-1-Action 2** is to encourage reductions in stormwater runoff and peak flow volumes through innovative practices.
- **Policy 2** is to increase percentage of protected open space. **Page 45/78.**

Comment: The Applicant’s conceptual plans will accomplish meet these goals and policies. Among other things, it will not have any development near and it will protect the brook and other natural resources on site.

Section 3.9, “Transportation.” This section describes Killingly’s transportation system as “diverse and mature,” and declares that there are no signs that there will be “gridlock” for the next ten years. It adds that “Routes 6 and 101 provide ready access to Rhode Island ... and to the greater Hartford area....”

Comment: Supports the Application.

List of Exhibits

- A. Assessor's card for Parcel A.
- B. Assessor's card for Parcel B.
- C. Set of conceptual drawings.
- D. Authorization to apply for Parcel B.
- E. Copies of PZC minutes.
- F. 500 foot Abutters List Report.
- G. Douglas projects.

The Assessor's office is responsible for the maintenance of records on the ownership of properties. Assessments are computed at 70% of the estimated market value of real property at the time of the last revaluation which was 2018.



Information on the Property Records for the Municipality of Killingly was last updated on 1/12/2022.



Property Summary Information

Parcel Data And Values

Parcel Information

Location:	605 PROVIDENCE PIKE	Property Use:	Vacant Land	Primary Use:	PA490
Unique ID:	5359	Map Block Lot:	224-14	Acres:	177.69
490 Acres:	118.00	Zone:	RD	Volume / Page:	0350/0138
Developers Map / Lot:		Census:	9041-4040		

Value Information

	Appraised Value	Assessed Value
Land	102,640	71,020
Buildings	0	0

	Appraised Value	Assessed Value
Detached Outbuildings	0	0
Total	102,640	71,020

Owner's Information

Owner's Data

VANCE JAMES M
220 SNAKE MEADOW RD
KILLINGLY, CT 06239-0404

[Back To Search \(JavaScript:window.history.back\(1\);\)](#)

[Print View \(PrintPage.aspx?towncode=069&uniqueid=5359\)](#)

Information Published With Permission From The Assessor

The Assessor's office is responsible for the maintenance of records on the ownership of properties. Assessments are computed at 70% of the estimated market value of real property at the time of the last revaluation which was 2018.



Information on the Property Records for the Municipality of Killingly was last updated on 1/12/2022.

B

Property Summary Information

Parcel Data And Values Building ▾ Outbuildings Sales Permits

Parcel Information

Location:	613 PROVIDENCE PIKE	Property Use:	Residential	Primary Use:	Residential
Unique ID:	5361	Map Block Lot:	224-13	Acres:	4.65
490 Acres:	0.00	Zone:	RD	Volume / Page:	1241/0001
Developers Map / Lot:		Census:	9041-4040		

Value Information

	Appraised Value	Assessed Value
Land	50,750	35,560
Buildings	285,900	200,140

	Appraised Value	Assessed Value
Detached Outbuildings	69,280	48,500
Total	405,930	284,200

Owner's Information

Owner's Data

HORNE LAUREL A
613 PROVIDENCE PIKE
KILLINGLY, CT 06239

[Back To Search \(JavaScript:window.history.back\(1\);\)](#)

[Print View \(PrintPage.aspx?towncode=069&uniqueid=5361\)](#)

Information Published With Permission From The Assessor



TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION

SEP 20 11 31 AM

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.

GO TO www.killinglyct.gov AND CLICK ON FACEBOOK LIVE AT THE BOTTOM OF THE PAGE.

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



TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION

MONDAY – OCTOBER 18, 2021

Regular Meeting – HYBRID MEETING

7:00 PM

TOWN MEETING ROOM – 2ND FLOOR

Killingly Town Hall

172 Main Street

Killingly, CT

2021 OCT 26 AM 9:44
Elyse W. Weston

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 AND CLICK ON FACEBOOK LIVE AT THE BOTTOM OF THE PAGE.

I. **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:01 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; Richard Roberts, Town Attorney (all were present in person).
Jill St. Clair, Director of Economic Development (present via Webex).

Also Present – Nicholas Durgarian, Douglas Construction; Attorney Timothy D. Bleasdale, Waller, Smith & Palmer, P.C.; Brian Caya, President of Melting Point Welding & Fabrication, LLC; Joanna Burgess, Vice President of Melting Point Welding & Fabrication, LLC; Patti Larrow, Town Council Liaison (all were present in person).
J.S. Perreault, Recording Secretary (present via Webex).

Citizens Comments Participants (all were present in person): Bruce Aiken, 785 South Frontage Road; Jason Anderson, 125 Lake Road; Linda Lamoreux, 175 Snake Meadow Road; Randall Simmons, 107 Snake Meadow Road; Steve Sevarino, 84 Snake Meadow Road; Rob Cortoia, 137 Snake Meadow Road, Leo Simmons, Snake Meadow Road; Peter Deary, 17 Lucienne Avenue; Barbara Laliberte, 31 Carol Avenue.

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: 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 2631-202-8049 when prompted.

There were no comments from the public.

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 2631-202-8049 when prompted

Ann-Marie Aubrey stated that no public comments had been received as of 4:15 p.m. today. She read the above call-in information above for those who may wish to participate.

1) **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, Douglas Construction, represented the Applicant and summarized their responses, addressing concerns from the Commission and from the public during the previous meeting which are outlined in a letter dated October 14, 2021 (packet information, including the referenced letter and maps, is available on the Killingly PZC website). Maps were displayed as discussed.

At 7:35 p.m., Mr. Thurlow asked to speak privately with Town Attorney Roberts and called a recess. They returned to the table approximately one minute later and the meeting resumed.

QUESTIONS/COMMENTS FROM THE COMMISSION and STAFF:

John Sarantopoulos asked if Staff had inspected this site regarding remediation.

Mr. Thurlow asked for Attorney Roberts' opinion as this subject comes up later on the agenda.

Attorney Roberts explained that it would be more relevant to ask what the conditions of the site is.

Ms. Aubrey explained that the property is still owned by Mr. Vance and that the remediation has to be done no matter who owns it. She doesn't believe one involves the other.

Attorney Roberts explained that the bond stays in place until it is released regardless of how it is zoned and what it is used for or who owns it.

Mr. Durgarian explained about their Purchase and Sale Agreement.

Mr. Sarantopoulos commented that the Applicant has identified that they would continue mining as long as there is material there.

Mr. Durgarian explained the he expects that there would be exported material.

There were no further questions.

PUBLIC COMMENTS:

Bruce Aiken, 785 South Frontage Road, asked about setbacks for the properties to the rear and adjacent to the north. Mr. Durgarian said that it is 404 feet to the nearest structure on Mr. Aiken's property and about 100 feet to the property line.

Mr. Aiken stated that the western side is like a lake after a significant rain. Mr. Durgarian explained how wetlands are classified in Connecticut and he said that setbacks for GC would be followed.

Mr. Thurlow explained that there are standards for buffers within the zones.

Jason Anderson, 125 Lake Road, commented about Mr. Durgarian's statement regarding that commercial properties increase property values of the surrounding properties and that industrial properties decrease the surrounding property values. Mr. Anderson said that NTE had made a statement that industrial properties do not decrease surrounding property values which conflicts with Mr. Durgarian's statement. NTE had put forth a property value guarantee agreement for property owners within 1500 feet of the facility and Mr. Anderson asked if Douglas Construction would offer a property value guarantee to the abutting property owners. Mr. Durgarian explained that he could not comment at this point and he explained his statement regarding property values.

Linda Lamoreux, 175 Snake Meadow Road, expected that specifics would be presented tonight about what they would do with the site. She said that it is being mined now, so it doesn't need a zone change for that. She referred to the POCD: Policy 2; Policy 3; Policy 4; Questions of the Survey; Zoning Map shows South Killingly zoned as Rural with no commercial development planned there. She has concern about a distribution center being in her backyard and referred to Section 420.2.1 of the Regulations. Mr. Durgarian responded and explained that they cannot specify, at this time, what they plan to put on the property because they do not have a specific plan yet.

Randall Simmons, 107 Snake Meadow Road, commented that the reason they live in South Killingly is because it is a rural area and they want to keep it that way. He voiced concern about traffic safety.

Steve Sevarino, 84 Snake Meadow Road, voiced concern regarding traffic safety and possible truck traffic on Snake Meadow Road which is 18 feet wide in front of this house. Mr. Durgarian's response was inaudible.

Mr. Thurlow asked Jill St. Clair, Director of Economic Development if the EDC had comments regarding this Application.

Ms. St. Clair stated that, she cannot speak on behalf of the EDC, but she explained that stakeholders are running out of space for places to fill and having diversification in our zoning is always a positive thing. The EDC has not discussed this Application.

QUESTIONS/COMMENTS FROM THE COMMISSION and STAFF:

John Sarantopoulos commented that he agrees with Mr. Anderson's statement regarding NTE's agreement with surrounding property owners. Mr. Sarantopoulos referred to a statement that had been made in the past by former PZC Member, Milburn Stone, regarding that the PZC creates the Zoning Regulations and the POCD and then does the opposite. He said that he looked at both Sections for RD and GC and he referred to the opening statement in Section 590 and stated that a special permit had to have been granted for this property, within this rural area, in the past. He referred to Sections 410 and 420 and said that if you're not on a major highway, you don't have public utilities, and it's in a residential area, you shouldn't stick something like this in the middle of it. He said that Planning & Zoning has tried to limit the size of those areas, allowing them to remain, but not allow them to expand and here we are, looking to put something different in a residential area. Mr. Sarantopoulos suggested that Douglas Construction could continue under the existing zoning to mine the gravel and when they decide what they want to do with the property, they can apply for a special permit. He feels this is fair to the people who property in the area.

Ann-Marie Aubrey stated that Mr. Sarantopoulos was referring to GC Section 420.2. She read, "Commercial establishments which generate large amounts of traffic and/or require large sites and frontage on major highways are not suited in location in residential areas."

PUBLIC COMMENTS:

Rob Cortoia, 137 Snake Meadow Road, voiced concern regarding boundary buffers. He said it is a big "what if" and it is changing people's way of life.

Mr. Sarantopoulos referred to GC and that it states that there is to be a 25-foot buffer zone to the boundary line. He compared that Route 101 and Route 6 are like night and day.

Mr. Durgarian's response was inaudible.

Leo Simmons, Snake Meadow Road, commented about transparency and that there is no signage on Route 6 to make people aware of this Application. He said you have to trespass onto the property to see the sign. He said that nobody is saying that they are definitely not going to use the three accesses on Snake Meadow Road. He said that the people on Snake Meadow Road want to "keep it country."

Patti George, 156 Country Club Road, Town Council, commented that we have zoning for a reason and we have development areas for commercial, but when you start changing zoning to accommodate businesses that you don't even know what business would be coming in, that's not fair. She stated agreement with Mr. Sarantopoulos that they can mine under the current zone and when they have a specific plan, come back before the Commission to apply for a special permit.

There were no further comments.

Motion was made by Virge Lorents to close the public hearing for **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.

Second by Brian Card. No discussion.

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

Motion carried unanimously (4-0-0).

2) **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.

Attorney Timothy Bleasdale, Waller, Smith & Palmer, P.C., represented the Applicant. He stated that Brian Caya (President of Melting Point Welding & Fabrication, LLC) and Joanna Burgess (Vice President of Melting Point Welding & Fabrication, LLC) were present in the audience. Attorney Bleasdale gave an overview following the contents of his letter to the PZC dated September 13, 2021 (maps were displayed as discussed):

- He explained about the acreage (approximately 2.1 acres) proposed to be added to the LI Zone (making a total of approximately 11.47 acres) which would bring the LI Zone into compliance with the goal set in Section 902.3 of the Zoning Regulations.
- He explained that, in that area, there are interwoven pockets of residential, GC and Light Industrial zones.
- The purpose of this Application is to allow a welding and metal fabrication company to relocate to Killingly.
- He spoke of how the site is fully developed.
- He spoke of the grassy strips along Wauregan Road and Lucienne Avenue which don't provide screening and how future industrial use of this property would result in improved screening for neighboring properties due to special permit requirements for vegetative buffering in the Industrial Zone.

Keith Thurlow asked if Lot 22 is part of the same parcel that the former Benny's is on.

Attorney Bleasdale stated that it is not and he referred to the last Map that had been provided to Commission Members which shows the addresses of abutting properties and the names of the property owners. He explained that it is a heavily forested lot and its primary use appears to be a driveway that services the building owned by Deary Bros II, LLC.

Mr. Thurlow asked if there is a reason why it was not being included as Light Industrial as well, so as not to isolate a portion of a GC lot.

Ms. Aubrey explained that the right-of-way was owned by a different party and it was recently purchased by Deary Bros. a few years ago because they did not want to lose the right-of-way.

Brian Card noted that this Application would be creating two isolated GC lots (one to the left and one across the street). He said that while solving one problem, it would be creating two problems inconsistent with the POCD and our plans.

Attorney Bleasdale spoke about the property across the street (a former auto repair shop under tax sale). He said there wasn't time to coordinate the re-zoning and that the Commission would have the discretion to re-zone the two lots in the future. He said that it is beyond the scope of what they are trying to do with this Application.

Mr. Card explained that other applicants have contacted their neighbors to ask if they would like to be part of the re-zoning so that it would be a consistent re-zoning.

Attorney Bleasdale explained that, while they could have taken that approach, they had to move quickly and they feel that they would be helping to improve the LI Zone.

Mr. Card stated that, when working on the POCD, they had tried to minimize light industrial and expand general commercial in that area. This would be opposite of that and he, again, stated that he is concerned about the creating of the isolated lots because they had cleaned up a lot of that.

Ms. Aubrey explained that the Town Attorney is being consulted about that because, on the first map, it looks like the zones go to the middle of the road.

Attorney Roberts stated that usually in the beginning of the Regulations, it talks about whether you treat the zoning as going to the middle of the road or just up to the edge of the right-of-way.

Mr. Thurlow stated that, in his years on the Commission, this will be the first time that he can remember, discussion taking place of one of the zones being delineated by the middle of the road.

Ms. Lorents agreed.

Mr. Card stated that the zone would be contiguous because the road brings it there, but they would no longer be contiguous lots.

Attorney Bleasdale continued with his presentation:

- He spoke about Criteria (Sections 902.1, 902.2 and 902.3):
 - It is in keeping with what is already happening in this area.
 - Well suited for LI use.
 - Fully developed, underutilized site that has been vacant for a while. They are looking to revitalize it and put it back into use.
 - It has a large parking lot.
 - It is adjacent to other Light Industrial.
 - Due to the size of the building, when they come back, it would be for a special permit.
 - They do not feel that there will be any problems with traffic, noise or odors. But, if there were concerns, it could be addressed through the special permit process.
 - They feel that impact to the surround area will be minimal based on the type of they business. Business will be inside, so there will not be a lot of noise. There are protections for neighbors built into the regulations regarding hazardous, objectionable elements such as noise, odor, dust, smoke, etc. He said that they would not be producing those things.
 - They feel that it would have a positive impact on the area as it is a redevelopment opportunity helping to revitalize and bring new life to the area.
 - Currently, the property is highly visible from Lucienne Avenue and Wauregan Road. Special permit under LI would require vegetative buffers which would be a benefit to neighbors.
 - He referred to Map 5 of 8 and stated that he had measured the grassy strip area (about 15 feet on average) and he said that the minimum 25-foot setback requirement would cause a reduction in imperious surface since some of the parking lot would need to be pulled out.
- Attorney Bleasdale summarized five letters of support to be entered into the Record. The letters were included in packets to Commission Members).
- Attorney Bleasdale addressed concerns regarding traffic, noise and odors from two people that Ms. Aubrey informed him that had called in:
 - The property is currently zoned GC, therefore, any big retail would generate far more traffic than the use that they would eventually be proposing.

- This office would not be open to the public.
- Their hours are typically from 6 a.m. to about 2:30 p.m. Monday through Friday.
- They have thirteen employees.
- A salesperson comes in about once per month.
- A steel delivery once per week and other consumables come in on a separate truck also once per week.
- Weekend work is limited to office work and routine maintenance-type activities on the equipment.
- He does not expect that there would be a great deal of noise being generated as activities are indoors. Most of what will be heard would be from a limited number of vehicles and loading and unloading.
- Odors are not a concern since welding does not generate any kind of noxious odors.
- Attorney Bleasdale stated that Section 902.1 which requires that the POCD be addressed. He stated that one way that this proposal furthers the goal of the POCD is that they are not seeking to expand industrial or commercial activity into rural areas. They are taking an abandoned lot and redeveloping/revitalizing it and putting it back into use which benefits the Town in general.
- POCD
 - Section 3.2 Economic Issues – He said that they are trying to increase the quantity, quality and diversity of employers in Town.
 - Section 3.5 Land Use Issues – This Application speaks for itself regarding encouraging redevelopment/revitalization.
 - Section 3.6 Natural Resources – They feel that they are making an important contribution to the goals by redeveloping an abandoned site rather than seeking out a fresh piece of land to build a building on.
- Attorney Bleasdale addressed Criteria Section 902.2 which requires that the Commission consider the legality of the proposed change:
 - This proposal is in line with the Regulations.
- Attorney Bleasdale addressed Criteria Section 902.3 which requires that the Commission consider the size of the property and the resulting whole contiguous zone.
 - By adding 2.1 acres to the Light Industrial Zone, would make the LI Zone conforming to the Regulations as it will consist of just shy of eleven acres.

QUESTIONS/COMMENTS FROM THE COMMISSION and STAFF:

Virge Lorents asked for a brief description of how the welding business would operate (materials used and what would need to be disposed of carefully).

Attorney Bleasdale referred Ms. Lorents to Exhibit 2 attached to his letter dated September 13, 2021.

Brian Card gave a reminder that, as part of this Application for Zone Change, all uses in LI need to be considered, not just this particular use.

Ann-Marie Aubrey brought up the earlier question regarding the Zoning Map (under Section 460.1.1 of the Zoning Regulations) "Boundaries indicated as approximately following lot lines, the center lines of right-of-way, Town limits, shore lines or stream center lines, shall be construed as following such lines or limits." There was discussion. Mr. Card stated that center line to center line would still be creating two isolated lots because there is residential on both sides of this lot.

Brian Card gave his opinion that they presented a very good case for changing to the LI zone and he feels that this area is applicable for that. He does not feel that the Commission should be creating two isolated lots that they would have to go back and fix later. He suggested that the other property owners be contacted to see if they would be willing to be included in the zone change.

PUBLIC COMMENTS:

Peter Deary, 17 Lucienne Avenue, owner of Deary's Gymnastics and Deary Bros. II, LLC, has three abutting properties (two GC and one LI) and he is in favor of the zone change. He said that they had applied for the same change and it has helped their business tremendously. He feels that it would improve the area and it would be nice to see that property used. He feels they will be great neighbors. He said that he would not be averse to speaking with them about changing their two GC parcels.

Barbara Laliberte, 31 Carol Avenue, spoke in favor. She said it would not be much different than what went on at the body shop. She said that she would love to see the property use because, right now, it is used by people who do donuts in the parking lot at all hours of the night.

Keith Thurlow asked the Town Attorney to comment on concerns of the Commission regarding the Regulations and creating two isolated lots.

Attorney Bleasdale commented that it is kind of like trading off one 10 acres for another. If the other Deary lot on Lucienne Avenue were changed, then you would have a more contiguous block of Light Industrial then you would only have one outlier rather than two outliers of Industrial. He said that you probably have flexibility to go in either direction. It depends on what your preference is and what the Regulations specifically say, because you're either creating a new block of ten or creating a new block of less than ten. At the end of the day, it comes back more to what your vision is of this immediate area and what the appropriate zoning is. If the other GC property is an auto body shop and it fits into the LI, then, even if the zoning is not changed right now, it probably fits more appropriately in LI than GC. It is up to the Commission to decide which is more appropriate and more consistent with the POCD and which might lead to more viable uses of the properties.

Brian Card noted that the lot to the west is a vacant lot, so even though it is zoned GC, it is not currently used as GC. So, if this Application were approved, and created an isolated lot there, it wouldn't be so much of an issue because it is unused at the moment. The auto body shop across the street is the only one that would be isolated and could go back to the same use, from a GC point of view.

Ann-Marie Aubrey suggested that the public hearing be continued to next month to allow Mr. Deary and Attorney Bleasdale to discuss the possibility of including Mr. Deary's property in the zone change and to also give time for Attorney Bleasdale to contact the auto body shop.

Attorney Bleasdale stated that they are happy to do that and he explained that the auto body property may take some investigation and will make every effort that he can.

There were no further comments.

Motion was made by Virge Lorents to continue the 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, to Monday, November 15, 2021, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by John Sarantopoulos. No discussion.

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

Motion carried unanimously (4-0-0).

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

1) 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.

Motion was made by Brian Card to deny 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.

Second by John Sarantopoulos.

Discussion:

Brian Card stated, for the record, that he does not feel that enough was put forth in front of the PZC to convince him that this zone change is consistent with the POCD and in trying to revitalize areas and changing/reusing commercial areas that we have in place in Town already. This is an area that the Commission had discussed a lot while reviewing the POCD and it is not consistent with what we are trying to do in that particular area, at this time (trying to keep development isolated to a certain strip in Town).

John Sarantopoulos stated that there is language in the beginning of both Rural Development and Commercial that states that you should have access to public utilities, adequate transportation and, furthermore, you would be putting it in an area that is residential. Obviously, the people in that area don't want it.

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

Motion carried unanimously (4-0-0).

2) **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. Continued to November 15, 2021.

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

1) **Site Plan Application #21-1275**: David Kode (Frito-Lay/Landowner); 1886 Upper Maple St; GIS MAP 62, LOT 53; 94 acres; Ind Zone; for the proposed building additions that will be under the allowed height. Review, and if application is complete, schedule for commission review on November 15, 2021.

Ann-Marie Aubrey stated that the Application is complete and she explained that this is to separate their special permitted buildings (height) away from those buildings that do not need the additional height. If they need to redesign, they would like to have the opportunity to start building the regular buildings first.

Motion was made by Virge Lorents to receive and schedule for Commission review **Site Plan Application #21-1275**; David Kode (Frito-Lay/Landowner); 1886 Upper Maple St; GIS MAP 62, LOT 53; 94 acres; Ind Zone; for the proposed building additions that will be under the allowed height for Monday, November 15, 2021, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by Brian Card.

Discussion:

Brian Card asked if the Commission would be able to request to see the entire site development plan.

Ms. Aubrey stated that the Commission will have the site development plan, but they are not requesting the height variance with this Application.

Attorney Roberts explained that some parts of it don't require the special permit approval. So, they would look to get the site plan approval on those things and do them while they figure out whether to reapply for the special permit if it is denied or just reconfigure it in some other way.

Mr. Card said that he would request that they word it that way when they present it, so the Commission can have a bigger picture/idea. Ms. Aubrey stated that the hearing for the special permit is scheduled for the same night (site plan will be first).

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

2) **Special Permit Application #09-961**: Request to extend the special permit for an additional 3 years; Tilcon Connecticut / Tilcon Inc.; 548 Wauregan Road, Killingly, GIS MAP 263, Lot 22; ~112 acres; rural development; last extension granted September 2018. Review/discussion/action.

Bruce Woodis, KWP Associates, represented the Applicant. Mr. Woodis stated that the original permit was granted in 1975 and has been renewed every three years since 2009. There has been no activity on the site for the last three renewals and there is none planned for the near future. They just want to keep their options open by renewing every three years. In 2018, he said that they presented the original maps and topographic plans and he said that nothing had changed since 2009.

Motion was made by Brian Card to renew **Special Permit Application #09-961**: Request to extend the special permit for an additional 3 years; Tilcon Connecticut / Tilcon Inc.; 548 Wauregan Road, Killingly, GIS MAP 263, Lot 22; ~112 acres; rural development; last extension granted September 2018.

Second by Virge Lorents. No discussion.

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

3) **Special Permit Application #05-868**; Request for Release of Bond; Ernest Joly & Son, Inc.; for 605 Providence Pike, Killingly, GIS MAP 224; Lot 14; `170 acres; Rural Development Zone; all phases of work completed.
Review/discussion/action.

Ann-Marie Aubrey read aloud from a letter from Ernest Joly & Sons dated September 14, 2021 (included in packets to Commission Members). She said that, due to understaffing issues, they have not been able to verify this at the site. They will try to get out there this week with the Town Engineer and the land owner. Ms. Aubrey suggested two options: continue; or once the site has been seen. There was discussion.

Motion was made by Brian Card to continue **Special Permit Application #05-868**; Request for Release of Bond; Ernest Joly & Son, Inc.; for 605 Providence Pike, Killingly, GIS MAP 224; Lot 14; `170 acres; Rural Development Zone; all phases of work completed, to Monday, November 15, 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).

4) **Special Permit Application #13-1068 & Site Plan Application #13-1069**; Request from Enfield Builders to lower Surety Bond to \$18,356.00 as the Women's Institute never came in with the \$18,356.00 cash bond approved by PZC on December 21, 2020. **Review/discussion/action.**

Ann-Marie Aubrey explained that the request for a bond reduction to a cash bond of \$18,356 that had been approved in December 2020, was supposed to have been paid by the Women's Institute which is now defunct. The people who took over for the Women's Institute are in the process of doing what is supposed to be done. Enfield Builders would like to lower their Surety Bond from \$60,000 to \$18,356, or the Commission could request another cash bond from Enfield Builders. There was discussion. The bonding is for landscaping on the hillside. The other items have been addressed. Ms. Aubrey stated that the request came via e-mail.

Motion was made by Brian Card to approve **Special Permit Application #13-1068 & Site Plan Application #13-1069**; Request from Enfield Builders to lower Surety Bond to \$18,356.00 as the Women's Institute never came in with the \$18,356.00 cash bond approved by PZC on December 21, 2020.
Second by Virge Lorents. No discussion.
Roll Call Vote: Brian Card – yes; Virge Lorents – yes; John Sarantopoulos – yes; Keith Thurlow – yes.
Motion carried unanimously (4-0-0).

IX. ADOPTION OF MINUTES – (review/discussion/action)
1) Regular Meeting Minutes – SEPTEMBER 20, 2021.

Motion was made by John Sarantopoulos to approve the Minutes of the Regular Meeting of September 20, 2021.
Second by Virge Lorents. No discussion.
Motion carried unanimously by voice vote (4-0-0).

The Minutes of the Regular Meeting of August 16, 2021, will be on the November agenda for review/discussion/action.

Keith Thurlow commented about information that Matthew Wendorf had provided via e-mail regarding Low-Impact Development Standards. There was discussion. Ms. Aubrey will provide this information to those who did not receive it.

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? Discussion continued to Nov. 15, 2021.
2) **WORKSHOP – Discussion** – Five Mile River Overlay District. Discussion continued to Nov. 15, 2021

XI. CORRESPONDENCE – None.

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

A. Zoning Enforcement Officer's & Zoning Board of Appeal's Report(s)

Jon Blake reported that the ZBA did not meet this month (no applications).

B. Inland Wetlands and Watercourses Agent's Report

Jon Blake reported that the IWWC is having a special meeting tonight.

C. Building Office Report – None.

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

Jill St. Clair reported on the recent activities of the EDC.

Mr. Thurlow commented that he feels that it is important to have input from the EDC, as in the past, for text changes/zone changes to be able to take into consideration how the EDC feels in these matters.

Brian Card suggested that EDC Members get a packet for PZC meetings that have an item on the agenda that would have an economic impact to the Town (positive or negative). They could choose to weigh in on it. There was discussion.

XIV. TOWN COUNCIL LIAISON REPORT

Patti Larrow reported on the recent actions of the Town Council.

XV. ADJOURNMENT

Motion was made by John Sarantopoulos to adjourn @ 9:30 p.m.

Second by Virge Lorents. No discussion.

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

Respectfully submitted,

J.S. Perreault
Recording Clerk

KILLINGLY PLANNING & ZONING COMMISSION
REGULAR MEETING (HYBRID) OF MONDAY, OCTOBER 18, 2021

ROLL CALL VOTES:

Board Members:	Attendance	1	2	3	4	5
Brian Card	√	+	+	+	+	+
Virge Lorents	√	+	+	+	+	+
Matthew Wendorf	Absent					
John Sarantopoulos	√	+	+	+	+	+
Keith Thurlow	√	+	+	+	+	+
Vacant - Alternate						
Vacant - Alternate						
Vacant - Alternate						

10/18/2021 7:20 AM
 10/18/2021 7:20 AM
 10/18/2021 7:20 AM

Motion 1 Motion was made by Virge Lorents to close the public hearing for **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.
 Second by Brian Card. No discussion.
 Roll Call Vote: Brian Card – yes; Virge Lorents – yes; John Sarantopoulos – yes; Keith Thurlow – yes.
 Motion carried unanimously (4-0-0).

Motion 2 Motion was made by Virge Lorents to continue the 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, to Monday, November 15, 2021, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.
 Second by John Sarantopoulos. No discussion.
 Roll Call Vote: Virge Lorents – yes; John Sarantopoulos – yes; Brian Card – yes; Keith Thurlow – yes.
 Motion carried unanimously (4-0-0).

Motion 3 Motion was made by Brian Card to deny **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.
 Second by John Sarantopoulos. There was discussion.
 Roll Call Vote: John Sarantopoulos – yes; Brian Card – yes; Virge Lorents – yes; Keith Thurlow – yes.
 Motion carried unanimously (4-0-0).

Motion 4 Motion was made by Virge Lorents to receive and schedule for Commission review **Site Plan Application #21-1275**; David Kode (Frito-Lay/Landowner); 1886 Upper Maple St; GIS MAP 62, LOT 53; 94 acres; Ind Zone; for the proposed building additions that will be under the allowed height for Monday, November 15, 2021, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.
 Second by Brian Card. There was discussion.
 Motion carried unanimously by voice vote (4-0-0).

Motion 5 Motion was made by Brian Card to renew **Special Permit Application #09-961**; Request to extend the special permit for an additional 3 years; Tilcon Connecticut / Tilcon Inc.; 548 Wauregan Road, Killingly, GIS MAP 263, Lot 22; ~112 acres; rural development; last extension granted September 2018.
 Second by Virge Lorents. No discussion.
 Motion carried unanimously by voice vote (4-0-0).

KILLINGLY PLANNING & ZONING COMMISSION
REGULAR MEETING (HYBRID) OF MONDAY, OCTOBER 18, 2021

ROLL CALL VOTES:

Board Members:	Attendance	6	7	8	9
Brian Card	√	+	+	+	+
Virge Lorents	√	+	+	+	+
Matthew Wendorf	Absent				
John Sarantopoulos	√	+	+	+	+
Keith Thurlow	√	+	+	+	+
Vacant - Alternate					
Vacant – Alternate					
Vacant - Alternate					

Motion 6 Motion was made by Brian Card to continue **Special Permit Application #05-868**; Request for Release of Bond; Ernest Joly & Son, Inc.; for 605 Providence Pike, Killingly, GIS MAP 224; Lot 14; `170 acres; Rural Development Zone; all phases of work completed, to Monday, November 15, 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).

Motion 7 Motion was made by Brian Card to approve **Special Permit Application #13-1068 & Site Plan Application #13-1069**; Request from Enfield Builders to lower Surety Bond to \$18,356.00 as the Women’s Institute never came in with the \$18,356.00 cash bond approved by PZC on December 21, 2020.

Second by Virge Lorents. No discussion.

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

Motion carried unanimously (4-0-0).

Motion 8 Motion was made by John Sarantopoulos to approve the Minutes of the Regular Meeting of September 20, 2021.

Second by Virge Lorents. No discussion.

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

Motion 9 Motion was made by John Sarantopoulos to adjourn @ 9:30 p.m.

Second by Virge Lorents. No discussion.

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

STADIA ENGINEERING, INC.
 ENGINEERS • ARCHITECTS • PLANNERS • SURVEYORS
 1000 West 10th Street, Suite 100
 Billings, Montana 59102
 Phone: (406) 251-1111
 Fax: (406) 251-1112
 www.stadiaeng.com

SCALE: 1" = 200'

FOR DISCUSSION ONLY

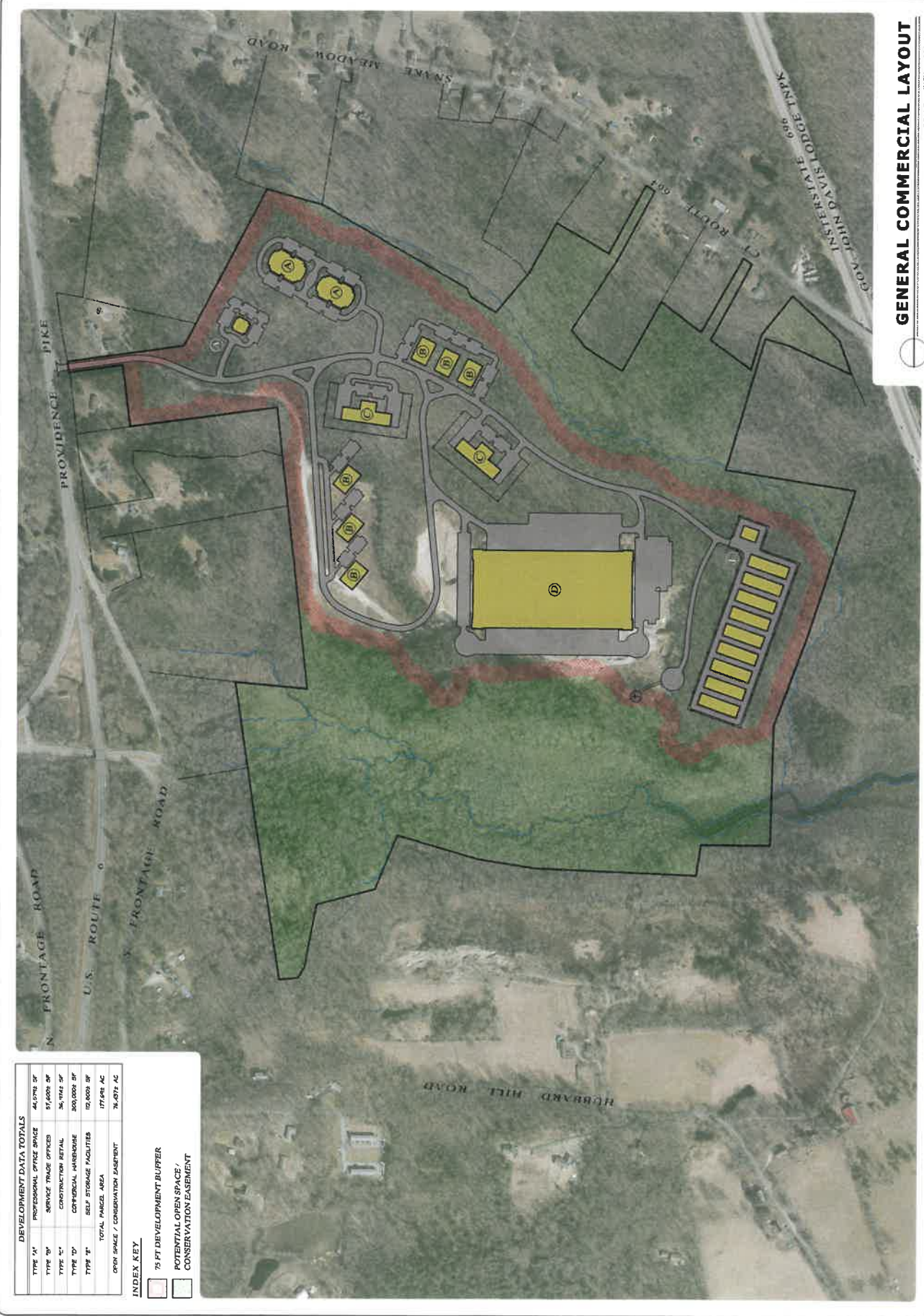
DOUGLAS CONSTRUCTION COMPANY

Project Name:
SOUTH KILLINGLY DEVELOPMENT
 US Routes 6 & Snake Meadow Road
 Killingly, Connecticut

CONCEPTUAL LAYOUT

NO.	DATE	REVISIONS

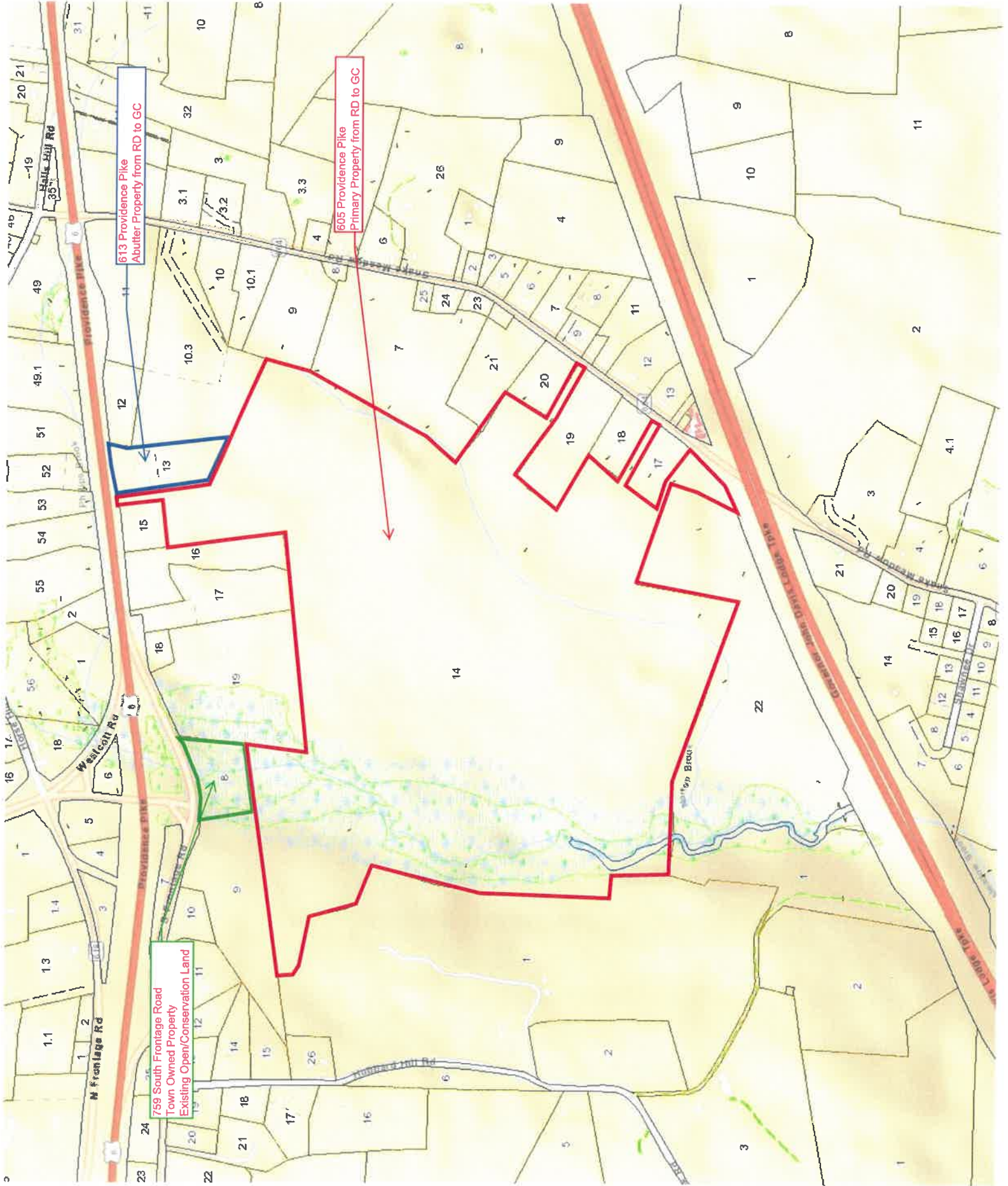
Project No.	PE-1022
Permit No.	DECEMBER 2021
Project No.	10 DECEMBER 2021
Author	A. BENHART
Checker	J. ROSSMAN
Drawn by	J. ROSSMAN
Scale	D-418



GENERAL COMMERCIAL LAYOUT
 SCALE: 1 INCH = 200 FEET

DEVELOPMENT DATA TOTALS	
TYPE 'A'	PROFESSIONAL OFFICE SPACE 41,075 SF
TYPE 'B'	SERVICE TRADE OFFICES 57,600 SF
TYPE 'C'	CONSTRUCTION RETAIL 36,714 SF
TYPE 'D'	COMMERCIAL WAREHOUSE 300,000 SF
TYPE 'E'	SELF STORAGE FACILITIES 12,800 SF
TYPE 'F'	TOTAL PARKING AREA 177,648 AC
OPEN SPACE / CONSERVATION EASEMENT	76,437 AC

INDEX KEY	
	75 FT DEVELOPMENT BUFFER
	POTENTIAL OPEN SPACE / CONSERVATION EASEMENT



613 Providence Pike
Abutter Property from RD to GC

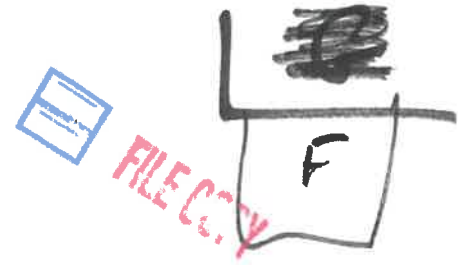
605 Providence Pike
Primary Property from RD to GC

759 South Frontage Road
Town Owned Property
Existing Open/Conservation Land



500 foot Abutters List Report

Killingly, CT
December 30, 2021



Subject Property:

Parcel Number: 224-014-000
CAMA Number: 224-014-000-000 5359
Property Address: 605 PROVIDENCE PIKE

Mailing Address: VANCE JAMES M
220 SNAKE MEADOW RD
KILLINGLY, CT 062390404

Abutters:

Parcel Number: 213-049-001
CAMA Number: 213-049-001-000 9918
Property Address: 131 HALLS HILL RD

Mailing Address: WILSON JOSHUA & JENNIFER
131 HALLS HILL RD
KILLINGLY, CT 06239

Parcel Number: 213-051-000
CAMA Number: 213-051-000-000 2482
Property Address: 105 HALLS HILL RD

Mailing Address: CRAFTS LAURIE T & GLENN R
PO BOX 909
CHEPACHET, RI 02814

Parcel Number: 213-052-000
CAMA Number: 213-052-000-000 2428
Property Address: 99 HALLS HILL RD

Mailing Address: HENDRICKS GAIL A
99 HALLS HILL RD
KILLINGLY, CT 06239

Parcel Number: 213-053-000
CAMA Number: 213-053-000-000 8965
Property Address: 87 HALLS HILL RD

Mailing Address: GUASTINI MICHAEL R
87 HALLS HILL RD
KILLINGLY, CT 06239

Parcel Number: 213-054-000
CAMA Number: 213-054-000-000 5357
Property Address: 81 HALLS HILL RD

Mailing Address: LEMLEY CHRISTOPHER R & KIMBERLY A
81 HALLS HILL RD
KILLINGLY, CT 062393315

Parcel Number: 213-055-000
CAMA Number: 213-055-000-000 1284
Property Address: 71 HALLS HILL RD

Mailing Address: WALLIS BRAXTON
71 HALLS HILL RD
KILLINGLY, CT 06239

Parcel Number: 223-007-000
CAMA Number: 223-007-000-000 2947
Property Address: 730 SO FRONTAGE RD

Mailing Address: KRANC SARAH
PH 105 1131 STEELES AVE WEST
TORONTO ONT.
CANADA M2R3WH,

Parcel Number: 223-008-000
CAMA Number: 223-008-000-000 5797
Property Address: 759 SO FRONTAGE RD

Mailing Address: KILLINGLY TOWN OF-092
172 MAIN ST
KILLINGLY, CT 06239

Parcel Number: 223-009-000
CAMA Number: 223-009-000-000 2948
Property Address: 753 SO FRONTAGE RD

Mailing Address: KRANC SARAH
PH 105 1131 STEELES AVE WEST
TORONTO ONT.
CANADA M2R3WH,

Parcel Number: 223-010-000
CAMA Number: 223-010-000-000 2179
Property Address: 725 SO FRONTAGE RD

Mailing Address: GOLLSNEIDER JOHN D & NORMA M
725 SO FRONTAGE RD
KILLINGLY, CT 062390000



www.cai-tech.com

12/30/2021

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

Page 1 of 5



500 foot Abutters List Report

Killingly, CT
December 30, 2021

Parcel Number: 223-011-000
CAMA Number: 223-011-000-000 1444
Property Address: 709 SO FRONTAGE RD

Mailing Address: DEAN TODD
709 SO FRONTAGE RD
KILLINGLY, CT 06239

Parcel Number: 223-012-000
CAMA Number: 223-012-000-000 2450
Property Address: 695 SO FRONTAGE RD

Mailing Address: HERRICK PATRICK F & TAMMY J
695 SO FRONTAGE RD
KILLINGLY, CT 06239

Parcel Number: 223-014-000
CAMA Number: 223-014-000-000 2902
Property Address: 18 HUBBARD HILL RD

Mailing Address: KLINGENSMITH ROBERT C & CLAUDIA F
TR
18 HUBBARD HILL RD
KILLINGLY, CT 06239

Parcel Number: 223-015-000
CAMA Number: 223-015-000-000 2137
Property Address: 28 HUBBARD HILL RD

Mailing Address: DUFF STEPHEN
28 HUBBARD HILL RD
KILLINGLY, CT 06239

Parcel Number: 223-026-000
CAMA Number: 223-026-000 9704
Property Address: 38 HUBBARD HILL RD

Mailing Address: LOVELY EDWARD T & RUTH
38 HUBBARD HILL RD
KILLINGLY, CT 06239

Parcel Number: 224-002-000
CAMA Number: 224-002-000-000 8837
Property Address: 578 PROVIDENCE PIKE

Mailing Address: LABER KEVIN L & KATHLEEN M
578 PROVIDENCE PIKE
KILLINGLY, CT 06239

Parcel Number: 224-007-000
CAMA Number: 224-007-000-000 5660
Property Address: 85 SNAKE MEADOW RD

Mailing Address: ALLSWORTH KEVIN & JULIANN
85 SNAKE MEADOW RD
KILLINGLY, CT 06239

Parcel Number: 224-009-000
CAMA Number: 224-009-000-000 5179
Property Address: 63 SNAKE MEADOW RD

Mailing Address: TERWILLIGER PAUL A & AIMEE B
63 SNAKE MEADOW RD
KILLINGLY, CT 06239

Parcel Number: 224-010-000
CAMA Number: 224-010-000-000 5139
Property Address: 35 SNAKE MEADOW RD

Mailing Address: KELLEHER RYAN C & CHARLES R &
STACEY W & LEAH
35 SNAKE MEADOW RD
KILLINGLY, CT 06239

Parcel Number: 224-010-001
CAMA Number: 224-010-001-000 7358
Property Address: 45 SNAKE MEADOW RD

Mailing Address: COSTA WILLIAM & CHRISTINE
45 SNAKE MEADOW RD
KILLINGLY, CT 06239

Parcel Number: 224-010-003
CAMA Number: 224-010-003-000 7357
Property Address: 25 SNAKE MEADOW RD

Mailing Address: DEANGELIS SETH M & JAELAH
25 SNAKE MEADOW RD
KILLINGLY, CT 06239

Parcel Number: 224-012-000
CAMA Number: 224-012-000-000 4258
Property Address: 635 PROVIDENCE PIKE

Mailing Address: PHILLIPS MELISSA V
635 PROVIDENCE PIKE
KILLINGLY, CT 062390155



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

12/30/2021

Page 2 of 5



500 foot Abutters List Report

Killingly, CT
December 30, 2021

Parcel Number: 224-013-000 CAMA Number: 224-013-000-000 5361 Property Address: 613 PROVIDENCE PIKE	Mailing Address: HORNE LAUREL A 613 PROVIDENCE PIKE KILLINGLY, CT 06239
Parcel Number: 224-015-000 CAMA Number: 224-015-000-000 5362 Property Address: 597 PROVIDENCE PIKE	Mailing Address: JONES WILLIAM A & JUDI A PO BOX 273 KILLINGLY, CT 062390273
Parcel Number: 224-016-000 CAMA Number: 224-016-000-000 4907 Property Address: 583 PROVIDENCE PIKE	Mailing Address: COTE GERALD & EDITH A 583 PROVIDENCE PIKE KILLINGLY, CT 06239
Parcel Number: 224-017-000 CAMA Number: 224-017-000-000 2128 Property Address: 575 PROVIDENCE PIKE	Mailing Address: PERRY KRISTOPHER M & SNAY ASHLEY M 575 PROVIDENCE PIKE KILLINGLY, CT 06239
Parcel Number: 224-019-000 CAMA Number: 224-019-000-000 5066 Property Address: 785 SO FRONTAGE RD	Mailing Address: PETREY SILVIA & AIKEN BRUCE 785 SO FRONTAGE RD KILLINGLY, CT 062390000
Parcel Number: 233-006-000 CAMA Number: 233-006-000-000 4878 Property Address: 120 SNAKE MEADOW RD	Mailing Address: ARLIA GINO B 120 SNAKE MEADOW RD KILLINGLY, CT 06239
Parcel Number: 233-007-000 CAMA Number: 233-007-000-000 3797 Property Address: 128 SNAKE MEADOW RD	Mailing Address: LOISELLE NICOLE 128 SNAKE MEADOW RD KILLINGLY, CT 062390000
Parcel Number: 233-008-000 CAMA Number: 233-008-000-000 3798 Property Address: 134 SNAKE MEADOW RD	Mailing Address: MORIN KENNETH J & LYNN M 134 SNAKE MEADOW RD KILLINGLY, CT 062390000
Parcel Number: 233-009-000 CAMA Number: 233-009-000-000 3804 Property Address: 138 SNAKE MEADOW RD	Mailing Address: REIS JOHN C JR 138 SNAKE MEADOW RD KILLINGLY, CT 06239
Parcel Number: 233-010-000 CAMA Number: 233-010-000-000 1704 Property Address: 144 SNAKE MEADOW RD	Mailing Address: PREST VAIL B & SUSAN 144 SNAKE MEADOW RD KILLINGLY, CT 06239
Parcel Number: 233-011-000 CAMA Number: 233-011-000-000 3526 Property Address: 148 SNAKE MEADOW RD	Mailing Address: FORTIN MATTHEW & SHERRY 148 SNAKE MEADOW RD KILLINGLY, CT 06239
Parcel Number: 233-012-000 CAMA Number: 233-012-000-000 2230 Property Address: 156 SNAKE MEADOW RD	Mailing Address: GRASSL JOSEPH & MARGARET I 156 SNAKE MEADOW RD KILLINGLY, CT 062390000



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.



500 foot Abutters List Report

Killingly, CT
December 30, 2021

Parcel Number: 233-013-000 CAMA Number: 233-013-000-000 3179 Property Address: 168 SNAKE MEADOW RD	Mailing Address: PERKINS FRANCES R & MARK D 168 SNAKE MEADOW RD KILLINGLY, CT 06239
Parcel Number: 233-014-000 CAMA Number: 233-014-000-000 3399 Property Address: 172 SNAKE MEADOW RD	Mailing Address: MALAVE JOSE A 172 SNAKE MEADOW RD KILLINGLY, CT 06239
Parcel Number: 233-015-000 CAMA Number: 233-015-000-000 3104 Property Address: 174 SNAKE MEADOW RD	Mailing Address: MALAVE JOSE A 172 SNAKE MEADOW RD KILLINGLY, CT 06239
Parcel Number: 233-016-000 CAMA Number: 233-016-000-000 1203 Property Address: 178 SNAKE MEADOW RD	Mailing Address: NORTHEAST TRUST SERVICES LLC TRUSTEE PO BOX 379 PUTNAM, CT 062600379
Parcel Number: 233-016-000 CAMA Number: 233-016-001 490 Property Address: 1 SNAKE MEADOW PK	Mailing Address: PROVENCAL FLAME A 1 SNAKE MEADOW PARK KILLINGLY, CT 062390000
Parcel Number: 233-016-000 CAMA Number: 233-016-002 4992 Property Address: 2 SNAKE MEADOW PK	Mailing Address: MCDONALD BETTY J & TERRY LYNN & ALIANO DUSTIN L 2 SNAKE MEADOW PK KILLINGLY, CT 06239
Parcel Number: 233-016-000 CAMA Number: 233-016-003 4987 Property Address: 3 SNAKE MEADOW PK	Mailing Address: NORTHEAST TRUST SERVICES LLC TRUSTEE PO BOX 379 PUTNAM, CT 06260
Parcel Number: 233-016-000 CAMA Number: 233-016-004 3648 Property Address: 4 SNAKE MEADOW PK	Mailing Address: NORTHEAST TRUST SERVICES LLC TRUSTEE PO BOX 379 PUTNAM, CT 06260
Parcel Number: 233-016-000 CAMA Number: 233-016-005 2776 Property Address: 5 SNAKE MEADOW PK	Mailing Address: NORTHEAST TRUST SERVICES LLC TRUSTEE PO BOX 379 PUTNAM, CT 062600000
Parcel Number: 233-016-000 CAMA Number: 233-016-006 4311 Property Address: 6 SNAKE MEADOW PK	Mailing Address: NORTHEAST TRUST SERVICES LLC TRUSTEE PO BOX 379 PUTNAM, CT 06260
Parcel Number: 233-017-000 CAMA Number: 233-017-000-000 147 Property Address: 175 SNAKE MEADOW RD	Mailing Address: SKOMRO E A & LAMOUREUX L 175 SNAKE MEADOW RD KILLINGLY, CT 06239
Parcel Number: 233-018-000 CAMA Number: 233-018-000-000 5360 Property Address: 163 SNAKE MEADOW RD	Mailing Address: LABELLE CARRIE 163 SNAKE MEADOW RD KILLINGLY, CT 06239



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.



500 foot Abutters List Report

Killingly, CT
December 30, 2021

Parcel Number: 233-019-000 CAMA Number: 233-019-000-000 451 Property Address: 147 SNAKE MEADOW RD	Mailing Address: VADENAIS BRIAN D & CARRINGTON MALLORY A 147 SNAKE MEADOW RD KILLINGLY, CT 06239
Parcel Number: 233-020-000 CAMA Number: 233-020-000-000 5052 Property Address: 137 SNAKE MEADOW RD	Mailing Address: MULLEN KYLE 137 SNAKE MEADOW RD KILLINGLY, CT 06239
Parcel Number: 233-021-000 CAMA Number: 233-021-000-000 5051 Property Address: 129 SNAKE MEADOW RD	Mailing Address: SIMMONS GILBERT F & LOUISE V LU SIMMONS GILBERT C 129 SNAKE MEADOW RD KILLINGLY, CT 06239
Parcel Number: 233-022-000 CAMA Number: 233-022-000-000 443 Property Address: 115 SNAKE MEADOW RD	Mailing Address: SIMMONS GILBERT C PO BOX 682 CLINTON, CT 06413
Parcel Number: 233-023-000 CAMA Number: 233-023-000-000 1072 Property Address: 107 SNAKE MEADOW RD	Mailing Address: SIMMONS RANDALL P & VANESSA 107 SNAKE MEADOW RD KILLINGLY, CT 06239
Parcel Number: 234-001-000 CAMA Number: 234-001-000-000 4015 Property Address: 94 HUBBARD HILL RD	Mailing Address: VIVEIROS GEORGE M 24 KLOCEK RD KILLINGLY, CT 06239
Parcel Number: 245-001-000 CAMA Number: 245-001-000-000 4490 Property Address: 200 HUBBARD HILL RD	Mailing Address: VANCE JAMES M 220 SNAKE MEADOW RD KILLINGLY, CT 062390404
Parcel Number: 246-002-000 CAMA Number: 246-002-000-000 9627 Property Address: 210 SNAKE MEADOW RD	Mailing Address: AMERICAN RETAINING WALL LLC 666 UPPER MAPLE UNIT A KILLINGLY, CT 06239
Parcel Number: 246-003-000 CAMA Number: 246-003-000-000 5363 Property Address: 220 SNAKE MEADOW RD	Mailing Address: VANCE LISA A 220 SNAKE MEADOW RD KILLINGLY, CT 06239
Parcel Number: 246-014-000 CAMA Number: 246-014-000-000 1485 Property Address: 16 SHAWNEE DR	Mailing Address: KREIMES ZACHARY S & PULVER MEGAN S 16 SHAWNEE DR KILLINGLY, CT 06239
Parcel Number: 246-021-000 CAMA Number: 246-021-000-000 4062 Property Address: 225 SNAKE MEADOW RD	Mailing Address: DUVAL EMILE J & MARCIA L 225 SNAKE MEADOW RD KILLINGLY, CT 062390000
Parcel Number: 246-022-000 CAMA Number: 246-022-000-000 6875 Property Address: 191 SNAKE MEADOW RD	Mailing Address: CONN STATE OF-101 VACANT LAND 450 CAPITOL AV MS#54FOR HARTFORD, CT 061061308



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

12/30/2021

Page 5 of 5



500 foot Abutters List Report

Killingly, CT
December 30, 2021



Subject Property:

Parcel Number: 224-013-000
CAMA Number: 224-013-000-000 5361
Property Address: 613 PROVIDENCE PIKE

Mailing Address: HORNE LAUREL A
613 PROVIDENCE PIKE
KILLINGLY, CT 06239

Abutters:

Parcel Number: 213-049-001
CAMA Number: 213-049-001-000 9918
Property Address: 131 HALLS HILL RD

Mailing Address: WILSON JOSHUA & JENNIFER
131 HALLS HILL RD
KILLINGLY, CT 06239

Parcel Number: 213-051-000
CAMA Number: 213-051-000-000 2482
Property Address: 105 HALLS HILL RD

Mailing Address: CRAFTS LAURIE T & GLENN R
PO BOX 909
CHEPACHET, RI 02814

Parcel Number: 213-052-000
CAMA Number: 213-052-000-000 2428
Property Address: 99 HALLS HILL RD

Mailing Address: HENDRICKS GAIL A
99 HALLS HILL RD
KILLINGLY, CT 06239

Parcel Number: 213-053-000
CAMA Number: 213-053-000-000 8965
Property Address: 87 HALLS HILL RD

Mailing Address: GUASTINI MICHAEL R
87 HALLS HILL RD
KILLINGLY, CT 06239

Parcel Number: 213-054-000
CAMA Number: 213-054-000-000 5357
Property Address: 81 HALLS HILL RD

Mailing Address: LEMLEY CHRISTOPHER R & KIMBERLY
A
81 HALLS HILL RD
KILLINGLY, CT 062393315

Parcel Number: 213-055-000
CAMA Number: 213-055-000-000 1284
Property Address: 71 HALLS HILL RD

Mailing Address: WALLIS BRAXTON
71 HALLS HILL RD
KILLINGLY, CT 06239

Parcel Number: 224-010-003
CAMA Number: 224-010-003-000 7357
Property Address: 25 SNAKE MEADOW RD

Mailing Address: DEANGELIS SETH M & JAELAH
25 SNAKE MEADOW RD
KILLINGLY, CT 06239

(ADD) 2nd P

Parcel Number: 224-011-000
CAMA Number: 224-011-000-000 517
Property Address: 3 SNAKE MEADOW RD

Mailing Address: BLANKENSHIP STERLING
3 SNAKEMEADOW RD
KILLINGLY, CT 06239

(ADD)

Parcel Number: 224-012-000
CAMA Number: 224-012-000-000 4258
Property Address: 635 PROVIDENCE PIKE

Mailing Address: PHILLIPS MELISSA V
635 PROVIDENCE PIKE
KILLINGLY, CT 062390155

Parcel Number: 224-014-000
CAMA Number: 224-014-000-000 5359
Property Address: 605 PROVIDENCE PIKE

Mailing Address: VANGE JAMES M
220 SNAKE MEADOW RD
KILLINGLY, CT 062390404

(OWNER)



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

12/30/2021

Page 1 of 2



500 foot Abutters List Report

Killingly, CT
December 30, 2021

Parcel Number: 224-015-000
CAMA Number: 224-015-000-000 5362
Property Address: 597 PROVIDENCE PIKE

Mailing Address: JONES WILLIAM A & JUDI A
PO BOX 273
KILLINGLY, CT 062390273

.....
Parcel Number: 224-016-000
CAMA Number: 224-016-000-000 4907
Property Address: 583 PROVIDENCE PIKE

Mailing Address: COTE GERALD & EDITH A
583 PROVIDENCE PIKE
KILLINGLY, CT 06239

.....
Parcel Number: 224-017-000
CAMA Number: 224-017-000-000 2128
Property Address: 575 PROVIDENCE PIKE

.....
Mailing Address: PERRY KRISTOPHER M & SNAY ASHLEY
M
575 PROVIDENCE PIKE
KILLINGLY, CT 06239

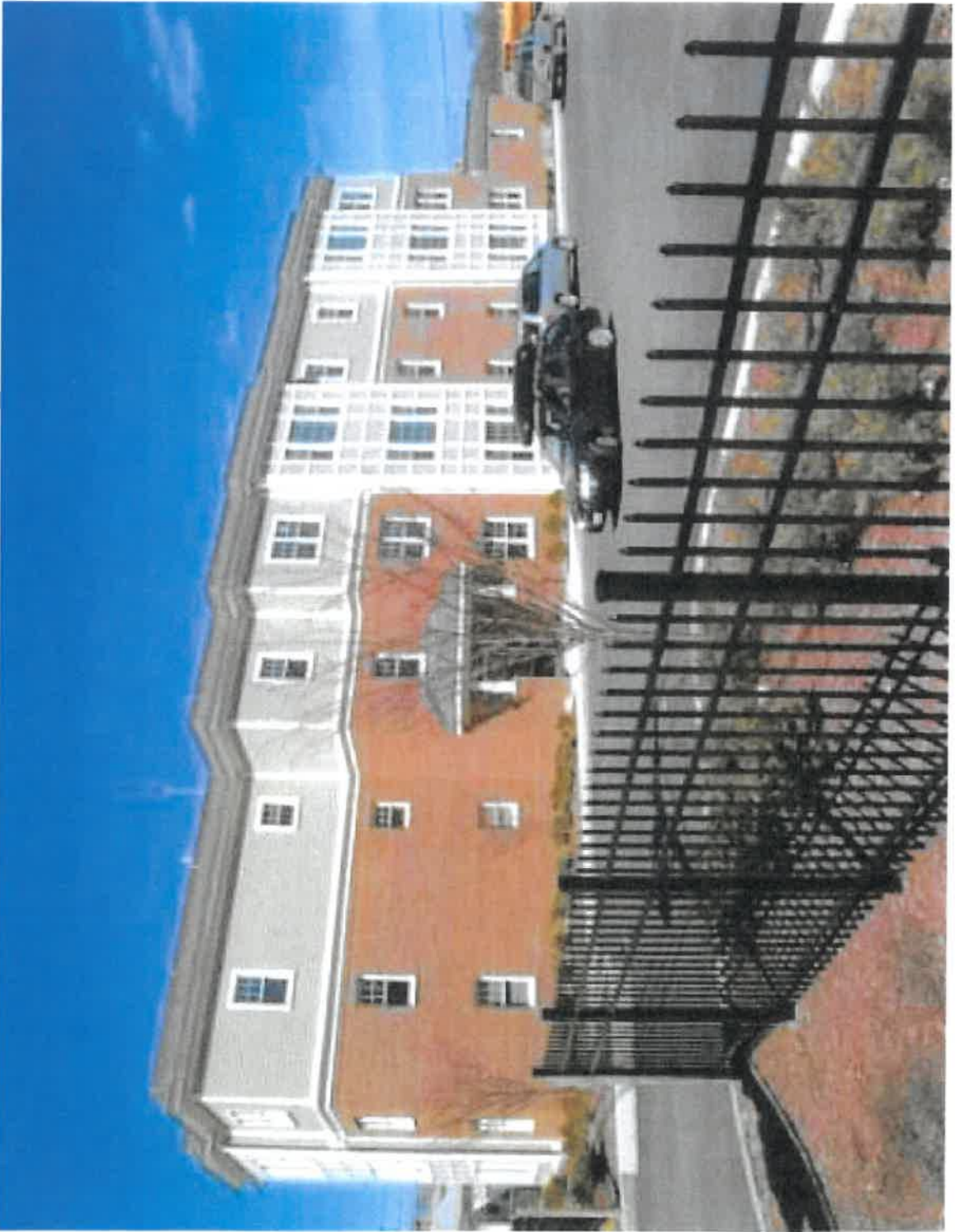


www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

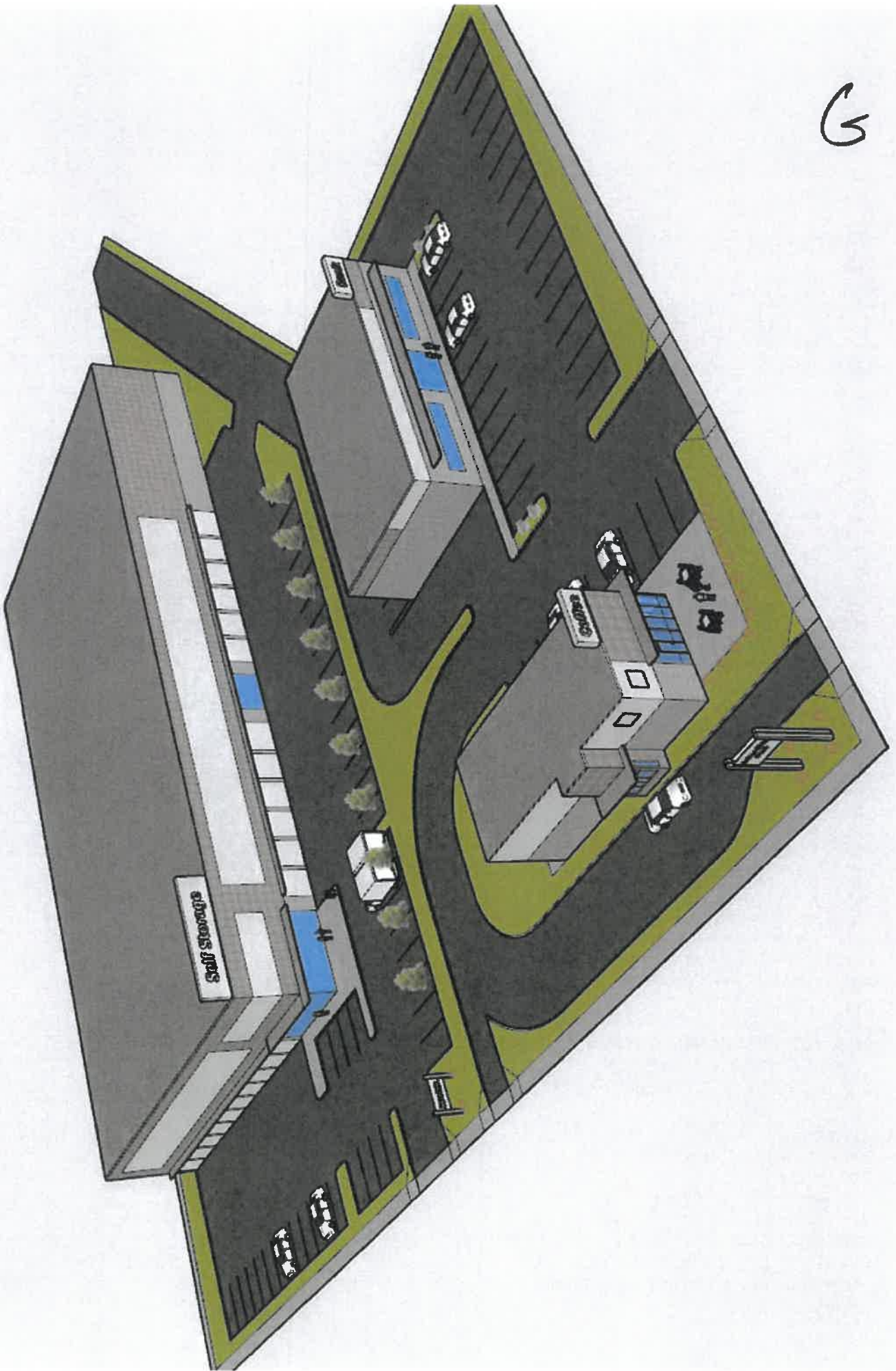




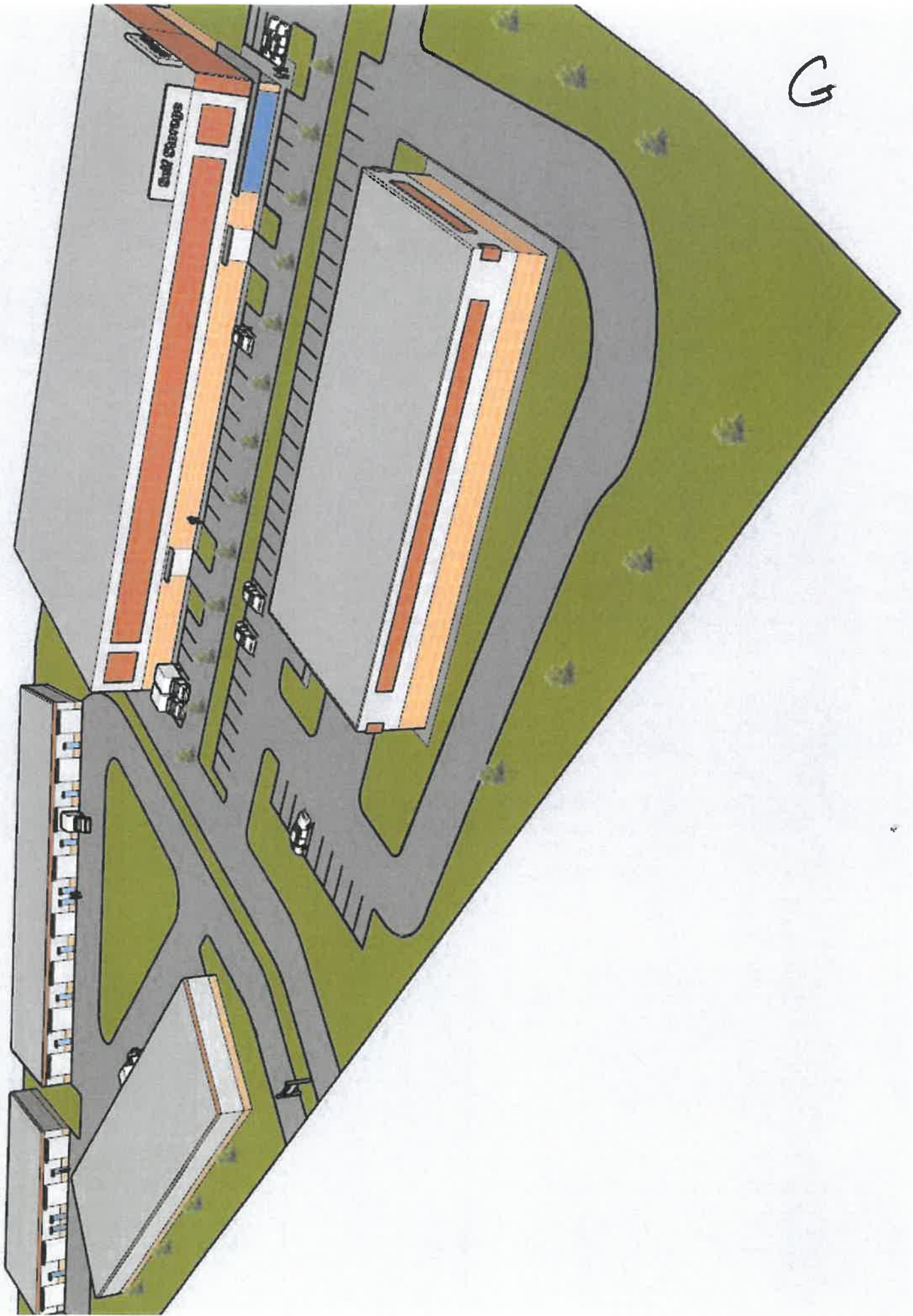


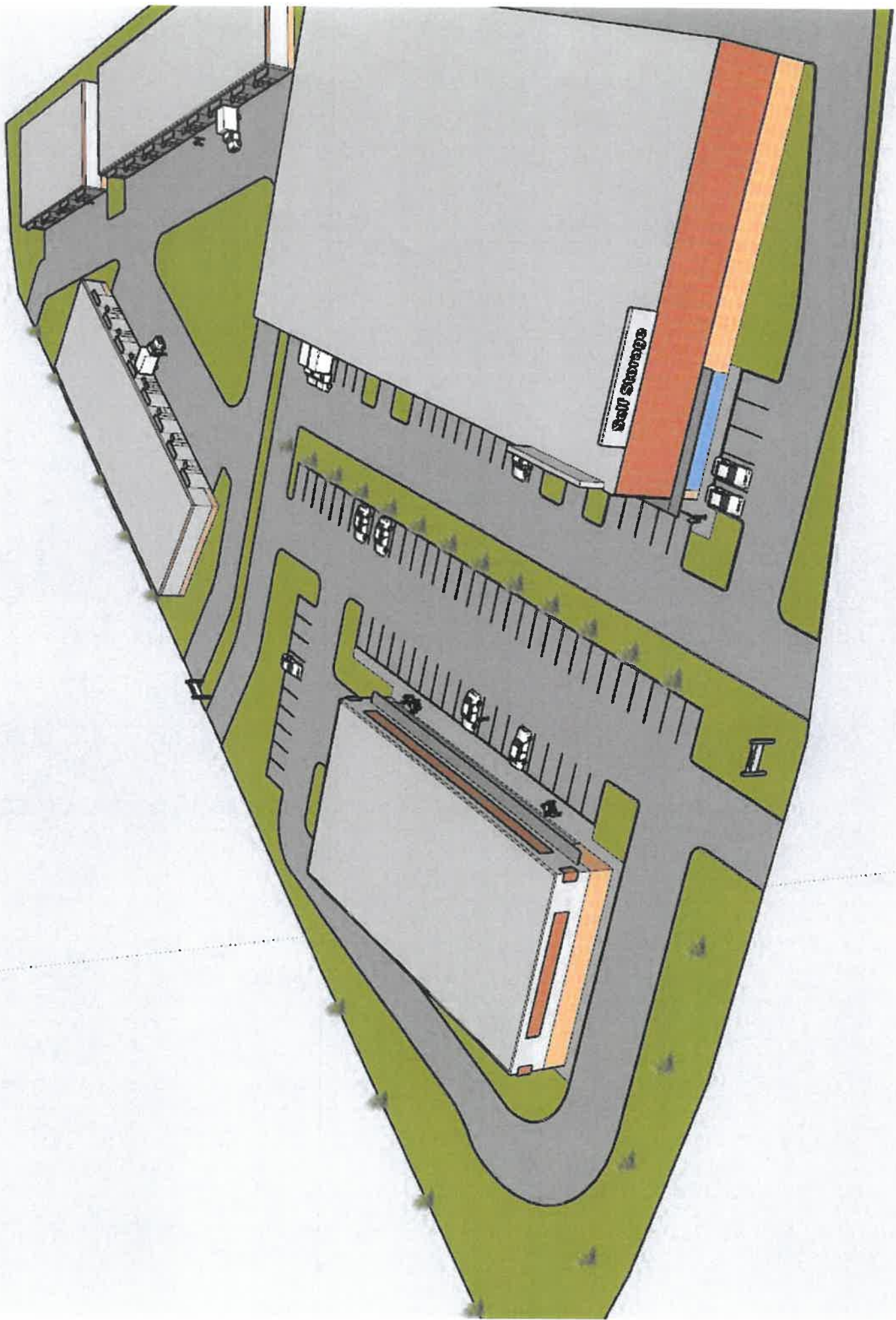
G

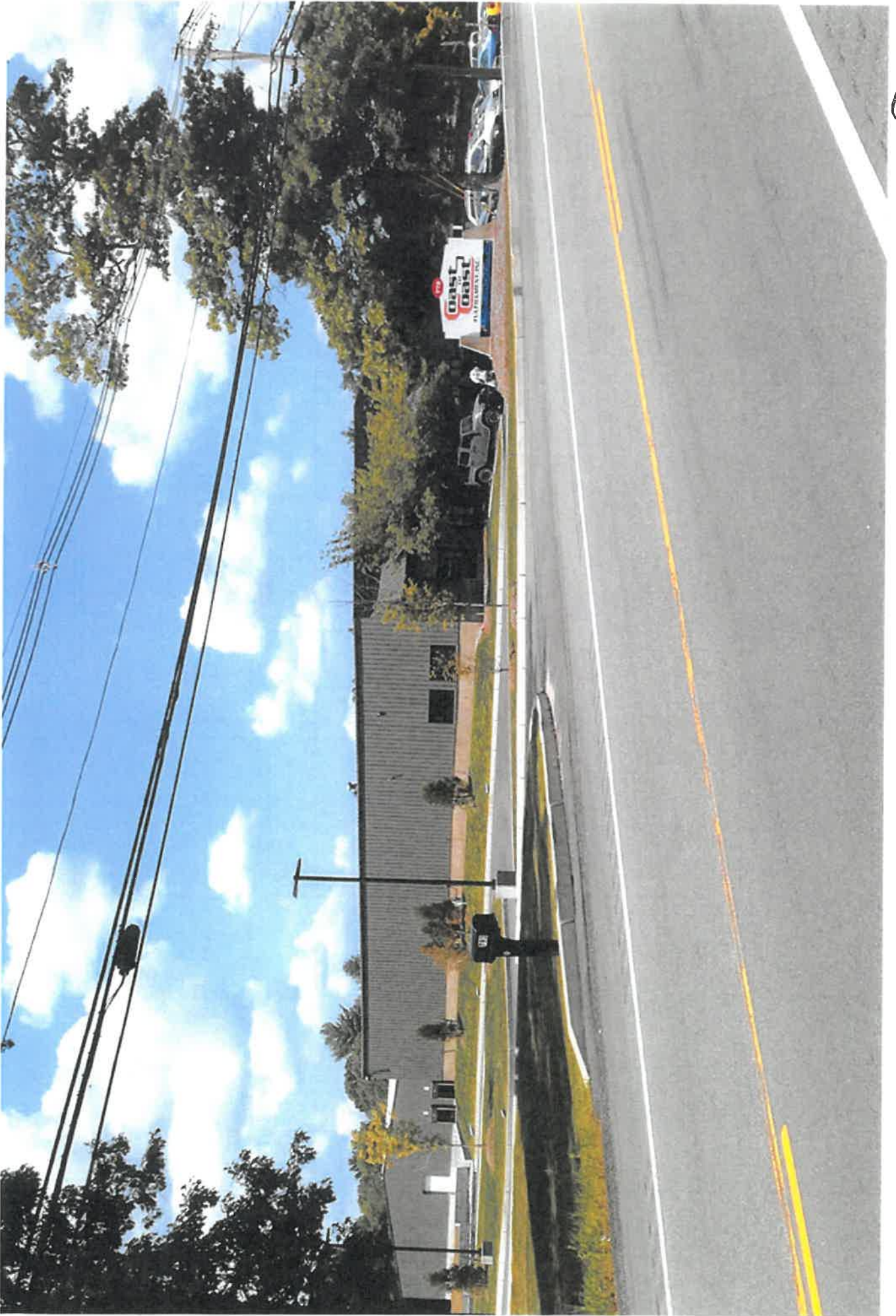
G



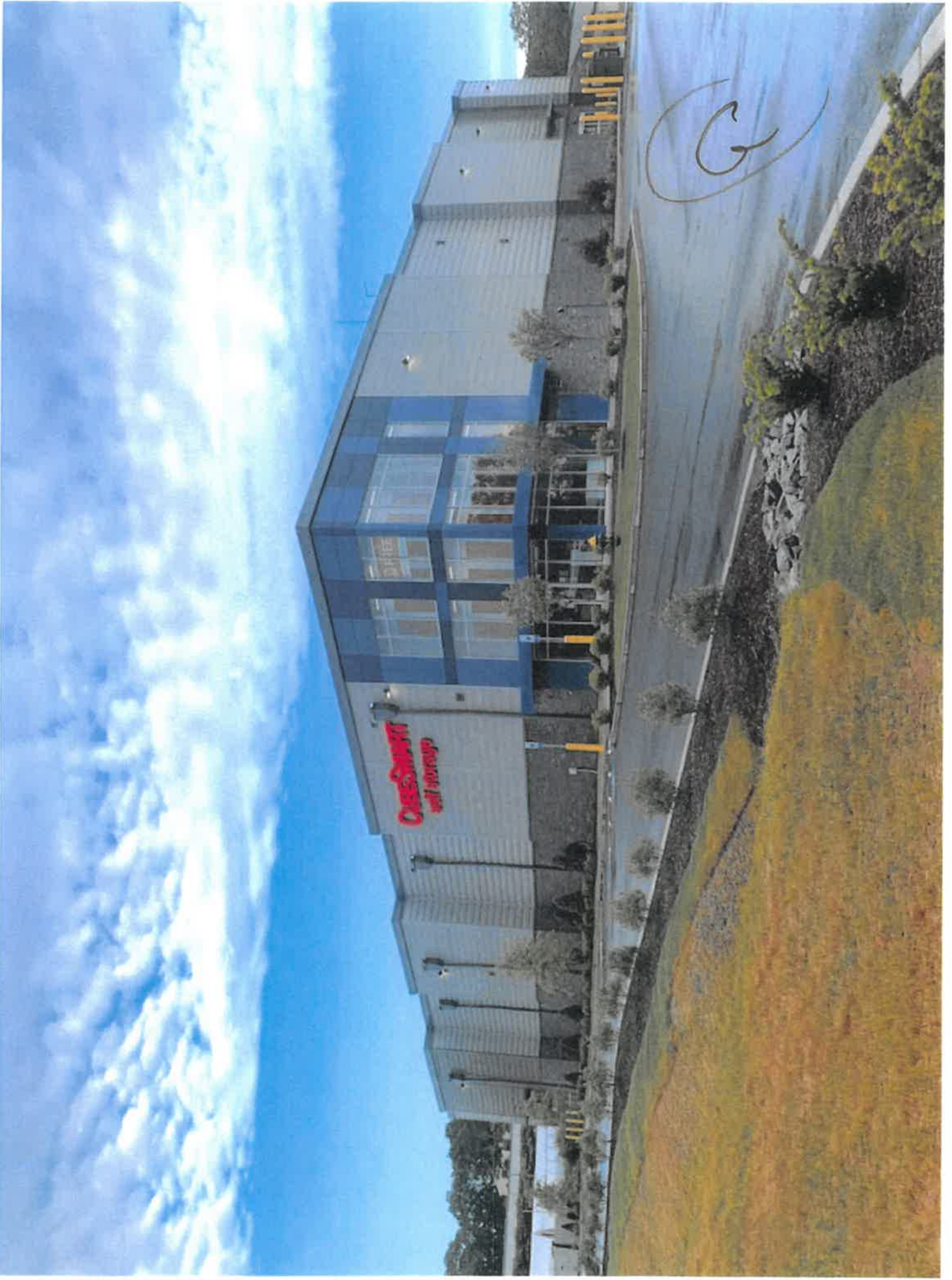
G







G



CG



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

1) **Site Plan Review Ap #22-1279** – Richard and Nancy Blake (Jonathan and Sarah Blake / Owners); 20 Woodward Street; GIS MAP 159; LOT 18; ~0.49 acres; Medium Density; detached secondary dwelling unit per Section 566.6 and Site Plan Review Section 470, et al; 26' x 26' residence w/ a 6' x 26' front porch, requires demolition of existing 16' x 20' pole barn. **Receive, and refer to staff for review.**

2) **Site Plan Review Ap #22-1280** – Tammy Rainville & Robert LaBonte (Tammy Rainville / Owner); 146 Pineville Road; GIS MAP 18, LOT 23, ~7.0 acres; Rural Development; detached secondary dwelling unit per Section 566.6 and Site Plan Review Section 470; construction of a 30' x 50' detached garage w/an attached 18' x 47' attached secondary dwelling unit. **Receive, and refer to staff for review.**

Both applications above are for site plans are for detached secondary dwelling units.
Both applications are well prepared and show the necessary standards / requirements of the zoning regulations and how they meet and/or exceed those requirements.



TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION

2021 DEC 2 AM 8:31

MONDAY – NOVEMBER 15, 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.

GO TO 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 7:05 p.m.

ROLL CALL – Virge Lorents, John Sarantopoulos and Keith Thurlow (all were present in person).
Brian Card arrived at 7:11 p.m. via Webex.
Matthew Wendorf was absent with notice.

Staff Present – Ann-Marie Aubrey, Director of Planning & Development; Jonathan Blake, Planner I/ZEO; Ken Slater, Town Attorney, Halloran & Sage (all were present in person).
Jill St. Clair, Director of Economic Development (present via Webex).

Also Present (in person) – Attorney Joseph Hammer, Day Pitney; David Kode, Design Director and Architect with Haskell Company (Project Consultant); Scott Lyons, Haskell; Roger Geisek, Frito-Lay (Senior Project Engineer); Brian Dotolo, Haskell (Project Director); Greg Smith, Electrical Engineer; Kevin Krump, Haskell (Civil Engineer); Scott Hesketh (Traffic Engineer).
(via Webex) - Steven Cole, Haskell (Civil Engineer); Sil Quenga, Frito-Lay (Director of Engineering and Maintenance); Yovannia Gamez; Joshua Hough, Haskell (Engineer); Attorney Timothy D. Bleasdale, Waller, Smith & Palmer, P.C.; Patti Larrow, Town Council Liaison; J.S. Perreault, Recording Secretary.

Citizens Comments Participants (present in person): Ed Grandelski; Danny Rovero; Michelle Murphy; Jason Anderson; Lois Latraverse; Nancy Grandelski; Karen Johnson; Jamie Raynsford; Earl McWilliams; Dave Jarvis; Jill St. Clair (via Webex); Mary Miller, Attorney representing the Alexanders Lake Homeowners Association; Sandra Bove.

II. **SEATING OF ALTERNATES** – None.

III. **AGENDA ADDENDUM** – None.

At this time, Town Attorney, Ken Slater explained that the Applicant for **Special Permit Application #21-1273** and **Site Plan Application #21-1275** plans to present the project as a whole (which makes sense) and he recommended that public comment regarding the site plan application be allowed during the public hearing for the special permit. There were no objections from the Commission.

Attorney Slater explained that a Notice of Intervention regarding **Special Permit Application #21-1273** had been filed by an Attorney for the Alexander's Lake Homeowners Association. Attorney Slater had not had an opportunity to review it. It had been received by Staff earlier in the day. He explained that it is part of the Environmental Protection Act and that he expects that he will need to give guidance to the Commission. He feels confident that, after hearing the testimony tonight, he will be advising the Commission to keep the public hearing open.

Ann-Marie Aubrey noted that Brian Card had signed-in via Webex at 7:11 p.m.

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 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.killingct.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 2630-464-6455 when prompted.

Ed Grandelski, 877 and 1827 Upper Maple Street, Town Council Member – District 2, was going to comment regarding **Site Plan Application #21-1275**, but decided to save his comments until during the public hearing for **Special Permit Application #21-1273** as he wanted to comment on both.

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 2630-464-6455 when prompted

Ms. Aubrey read aloud the above call-in information.

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. (Applicant requests to withdraw application without prejudice.) (A new revised application submitted 11/9/2021.)

Motion was made by Virge Lorents to allow to withdraw without prejudice, **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. (Applicant requests to withdraw application without prejudice.) (A new revised application submitted 11/9/2021.)

Second by John Sarantopoulos. No discussion.

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

2) **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.

Attorney Joseph Hammer, Day Pitney, represented the Applicant. Attorney Hammer submitted, to Ms. Aubrey, resumes of professionals who may speak tonight, two IWWC letters, and a summary of the remarks he will be making. Ms. Aubrey

stated that these documents will be on the website tomorrow morning. He asked for a copy of the Notice of Intervention. Attorney Hammer introduced the following, present either in person or via Webex, who may speak: David Kode, Design Director and Architect with Haskell Company (Project Consultant); Roger Geisek, Frito-Lay (Senior Project Engineer); Sil Quenga, Frito-Lay (Director of Engineering and Maintenance); Brian Dotolo, Haskell (Project Director); Greg Smith (Electrical Engineer); Steven Cole (Civil Engineer); Kevin Krump; Scott Hesketh (Traffic Engineer).

Attorney Hammer stated that copies of the relevant Site Plan and Special Permit Regulations, with statements for each Section showing why they feel the Application complies, have previously been submitted. Attorney Hammer gave an overview (maps/plans/photos were displayed as discussed):

- The existing Facility incorporates a number of sustainability measures in its operations including the following: recycling; zero-emission forklifts; the use of an on-site electrical co-generational plant; energy-efficient roofing system; water conservation; and LED lighting.
- They feel this Project will be a benefit to the Town bringing revenue and a significant number of jobs.
- The Commission previously approved earlier Phases of this expansion: Site Plan Application for the Expansion of the South Trailer Parking Lot (Referred to as the South Lot – approved April 19, 2021); and Site Plan Application for the Trash Recycling and Receiving Dock, for a small building in the Electrical Yard and Improvements to the Storm Water Management System and other Site Improvements (Referred to as Phase One – approved June 2021).
- This Application is referred to as Phase Two proposing construction of an additional 278,000 s.f. of building area consisting of 190,000 s.f. of manufacturing space and 88,000 s.f. of storage and warehousing space. Included in that number is 11,000 s.f. of building area that is associated with an extension of the manufacturing building addition 40 feet further to the south than shown on the plans that were originally submitted in August. Since the initial submission, it was determined that, as a result of operational needs, they need the additional 40 feet further to the south.
 - 172 automobile spaces to be added.
 - Two new manufacturing lines to be installed in the new space with a room for a potential third line.
 - On an overall basis, upon final completion of the Project, 119 trailer spaces will have been added to the site.
 - In August, the Wetlands Agent issued an approval for construction activities within the 200 foot upland review area associated with Phase Two. On November 4, 2021, the Wetlands Agent issued a letter and determined that the 40 feet extra to the south is outside of the upland review area and constitutes a minor modification that requires no further application. These two letters were submitted to Staff tonight.
- **Site Plan Application #21-1275** includes: additions to manufacturing, warehouse storage, site improvements and other work on the site associated with the Phase Two expansion.
- Attorney Hammer explained that part two tonight is **Special Permit Application #21-1273** (Section 450.3.1 of the Regulations) to allow a portion of the addition to the existing warehouse and storage building to exceed 50 feet in height which is the general standard in the Industrial Zone. The proposed height for that portion of the warehouse is 86 feet 8.5 inches. Attorney Hammer noted that the PZC had previously allowed this height exceedance for the existing warehouse and storage building. Of the 88,000 s.f. being added, only about 23,500 s.f. would exceed the 50-foot standard. The Automated Storage and Retrieval System (ASRS) will have a multi-level storage rack system which will connect to a portion of the existing warehouse which is approximately 77-feet tall. Allowing the additional height will serve to reduce the amount of new building footprint on the site and will allow for more efficient and sustainable operations. They do not feel that it will interfere at all with the use of other property and they believe that it is in keeping with what is at the site today and what has previously been approved by the PZC.
- The manufacturing building addition will be behind and to the east of the current manufacturing building.
- The proposed building setbacks from all of these additions are substantially greater than what is required by the Zoning Regulations. On the west toward the Lake, the minimum setback will be about 650 feet, on the north 400 feet, on the east 233 feet, and on the south 850 feet.
- Regarding Storm Water Management, the Application will comply with all applicable Connecticut standards.
- Soil erosion measures during construction comply with Connecticut DEEP standards.
- They are proposing to extend the western portion of the site (the existing automobile parking lot) further west. The western edge of the lot will be over 150 feet from the eastern edge of Upper Maple Street. That lot is approximately 11 feet higher than Upper Maple Street which will reduce its visibility. New plantings are being proposed for the western edge of the expanded lot that will blend in with the existing trees and vegetation that will remain in that area. They believe this will provide proper screening from Upper Maple Street.

- Lighting is designed to prevent any light spill beyond the property line through full, cut-off fixtures. Fixture heights have been minimized to the extent feasible while still meeting lighting needs and safety needs. There will be zero foot candles of light at the western property line along the railroad company property.
- Regarding traffic, Attorney Hammer noted that the special permit is not for the use, it is for the height aspect. He explained that Connecticut Courts have held that the review of traffic is a more limited review than it would be for a special permit use. It would be focused on internal traffic circulation on the site and the location of entrances and exits to the site. They are not proposing any changes to the existing entrances. They have submitted a copy of a comprehensive Traffic Study, prepared by Hesketh and Associates, which has also been submitted to the State. It is anticipated that there will be about 330 new employees as a result of the expansion. They will be spread over multiple shifts and will not all be at the site at the same time. The Traffic Study concludes that the local road network can readily accommodate the projected increase in traffic associated with the expansion without the need for road improvements.
- Regarding air emissions, the production lines will comply with all applicable governmental air emissions standards.
- Regarding noise, the Facility will continue to meet applicable noise standards at the property lines.
- The additional manufacturing equipment will be on the east side of the property (away from Maple Street). They do not believe that noise levels at the boundaries will be impacted.
- Regarding construction activities, they will follow all applicable Town Ordinances on hours. Trucks will access the site from Attawaugan Crossing and will not utilize Upper Maple Street. The existing gravel drive on the west side of the Frito-Lay property will be temporarily improved so that it can accommodate raw material deliveries to the manufacturing building for several months during Project construction when the regular routing through the property will not be available. The gravel drive improvements will be removed and the drive will be seeded with grass when the Project is completed.
- They believe that they meet all applicable standards of the Zoning Regulations for both the Site Plan Standards and the Special Permit Standards.
- They believe that the Project is consistent with and furthers the Town's 2020-2030 POCD in a number of ways including: maximizing the quality and diversification of Killingly's employers (both large and small); assisting in the retention of current employers and promoting their expansions to occur in the Town; planning and implementing responsible development and redevelopment; and encouraging and promoting business development within the designated commercial and industrial areas.
- Attorney Hammer referred to a letter that had been received from an Attorney representing Mr. Simpson, who owns adjacent property, in which Mr. Simpson states that he believes that he has certain access rights. Regarding that issue, Attorney Hammer explained that Connecticut Courts have consistently found that private property disputes are not within the jurisdiction of a Zoning Commission to resolve and it does not have any bearing on the PZC's analysis of a zoning application. He cited two examples of case law. Attorney Hammer stated that, before Mr. Simpson wrote his letter, a Frito-Lay representative had met with Mr. Simpson and reviewed the Project with him. Attorney Hammer stated that he is not aware of Mr. Simpson producing any documentation that would support the claims that he is making.
Keith Thurlow commented that the easement had been an issue in the past which had to be addressed. He asked for advice from Attorney Slater.
Attorney Slater stated that Attorney Hammer had accurately described the law that a Commission does not have authority to resolve private property disputes. He explained that if there were a question as to whether an Applicant is qualified to apply, there would need to be some demonstration on the part of the Applicant that they have a legal interest in the property that they are applying for. He explained that the Commission should act on the Application as it is presented and if the Applicant is doing something that infringes on the private property rights of another with respect to a deed or easement that would have to be resolved in the Superior Court. There was discussion. Attorney Slater read from the letter from Attorney Truppa dated November 10, 2021, which states that the Phase Two expansion will infringe on the easement.
Ms. Aubrey clarified that the PZC wants to be sure that it is appropriate to move forward with Mr. Simpson's assertion being made. Attorney Slater explained that he does not see this as challenging the ownership of the land and he does not see a reason why we wouldn't proceed.
- Attorney Hammer stated that Frito-Lay had discussions with the Lake Association in August. Attorney Hammer had spoken with their Attorney on numerous occasions and attempted to understand what concerns they might have and to see if they could try to resolve those concerns or make them feel more comfortable. He said that they are unfortunately not in a position where they would be able to say that they have, but they did try. He said they have been provided with information along the way.

David Kode, Design Director and Architect with Haskell Company, gave a three-part PowerPoint presentation (Civil/Electrical/Architectural):

- Civil/Site:

Steven Cole, Civil Engineer with Haskell:

- Displayed an aerial photo of existing conditions to date and he orientated the site and area.
- Displayed the Overall Site Plan:
 - He indicated the 40-foot building expansion further south on the manufacturing building (approved as a minor modification on November 4, 2021, by the IWWC #21-1529).
 - Warehouse Expansion – He indicated the area where the special permit is being requested.
 - He indicated the Building Connection Expansion.
 - He indicated the Auto Parking Lot Expansion – They are proposing an additional 172 auto parking spaces. They are also adding an additional four ADA spaces to meet State ADA requirements.
 - He indicated the Trailer Parking Expansion – They are proposing thirty, 65-foot long trailer stalls.
- Displayed the Post Development Drainage Map:
 - He indicated and explained the Master Planned Basin (Yellin Lot Basin) that was designed and permitted as part of the South Lot Project (included all impervious area, drainage features, conveyance). Within this basin, storm water run-off was master planned, designed to be fully treated, contained and infiltrated with zero discharge to the Five-Mile River. Storm water quality meets and exceeds the State requirements and the Town of Killingly Storm Water Management Criteria.
 - He indicated the South Basin which discharges to Five-Mile River. They are proposing a new underground detention facility with storm water treatment for water quality prior to entrance into the underground system. Storm water discharge rate, velocity and water quality meet and exceed the State requirements and the Town of Killingly Storm Water Management Criteria.
 - He indicated the North Basin and stated that it similarly discharges to Five-Mile River but at a different location. This basin is routed through a series of interconnected existing ponds and were analyzed in their routing calculations. Storm water discharge rate, velocity and water quality meet and exceed the State requirements and the Town of Killingly Storm Water Management Criteria.
- Displayed the Overall Geometry Plan and he reviewed the Site Data Table which shows setback requirements and what is proposed. Mr. Cole also reviewed the following: Lot Coverage (64.5 percent impervious); Building Height Requirement (ASRS shown as 86' 8.5" and the Manufacturing Building Height shown as 40'5"); Parking Calculations Table (402 required, they are providing 633 (campus wide) and 13 ADA spaces as required); and Post-Construction Trailer Counts (including South Lot/Phase One/Phase Two) – Increasing by 119 for a total of 716 trailer spaces.
- Displayed the Overall Utility Plan – For the ASRS Expansion, they are proposing to re-route the existing 12-inch fire main around the building for building coverage hydrants as well as new building lead in for fire suppression systems.
 - Also at this location is a sanitary sewer connection that will connect with a private manhole on the northwest corner of the property. Included with this is a new domestic water supply for the Manufacturing Expansion, oily waste lines, process waste lines, and fire suppression and two new fire hydrants for building coverage.
- Displayed the Grading & Drainage Plan at New Manufacturing (south end) – Matches the rest of the existing Facility, finished floor elevation is 283 feet (base flood elevation in this location is 254 feet). They are proposing one new section of storm sewer and everything else will remain the same (routed down to the south lot)
- Displayed the Grading & Drainage Plan at New Warehouse (ASRS) – ASRS Expansion and Connector Expansion have finished floor elevation of 283 with varying grades along the building. Sheet flowing away from the Facility and capturing in underground storm sewers (routed to the three interconnected ponds).
- Displayed the Grading & Drainage Plan at Expanded Auto Parking – New Underground Storm Water Detention Area (ADS chambers, all below-grade vaults for storm water detention, controlled by an outlet structure to mitigate discharges). Prior to entrance into the underground system, there is a hydrodynamic separator to capture 80 percent of total suspended solids (oils/greases/contaminants) which is designed for first flush. Grading and elevations changes between the auto parking lot and Upper Maple Street: edge of Upper Maple Street is about 268 feet; and the edge of the auto parking lot is about 281.5 feet with berms on the west side. He explained that they are trying to not impact the existing buffer as much as possible, but there is 11+ feet of grade differential.

- Displayed the Proposed Landscape Tree Plan at Expanded Auto Parking. They performed a full tree survey at this area and want to maintain the existing tree buffer as much as possible in this area. He indicated where either white spruce or red cedars will be planted (6-8 feet in height and spaced appropriately in between the existing vegetated buffer to help screen/block the line of sight from the west looking into the parking lot. There are just over 150 feet from the Upper Maple Street right-of-way, through the rail line right-of-way, and to the curb line. They are improving/enhancing this 150-foot buffer space to really limit that line of sight.

Keith Thurlow commented that the 150-feet of landscaping described is only adjacent to the parking lot and he commented that the plan should be to scale (140). Mr. Cole explained that it is not all buffered and that the rail line is 66 feet of the 150 feet. He explained that their intent is to enhance what is naturally there to fill in any gaps that may be present and maintain the existing buffer.

Virge Lorents asked about water quality. Mr. Cole explained about the Connecticut water quality standard regarding first flush for capturing 80 percent of total suspended solids and he explained about the detention system.

Mr. Thurlow asked about a forest management plan along this border (in a prior approval). Mr. Cole stated that he cannot speak to previously approved forestry plans. Ms. Aubrey stated that it is recorded Map #6425, sheet 6 of 9 sheets, and she read aloud from the Map regarding a long-term forest management plan in conjunction with a licensed forester to enhance and preserve the visual and sound buffering characteristics of the undeveloped land east of the Providence & Worcester Railroad property and west of the 25-foot wide easement (dated September 27, 2010). Attorney Hammer stated that he does not have information regarding this. Mr. Thurlow asked that it be addressed at the next meeting. Ms. Aubrey offered to provide copies of Minutes of the PZC Meetings of March 15, 2010 and April 19, 2010 to the Applicant. Kevin Krump, Haskell, clarified regarding the 2010 forest management plan stating that they have no knowledge of specific requirements for new landscaping with the Site Plan Application, therefore, what is being planted is being done in good faith. Attorney Hammer stated that they will respond to this at the next meeting. Ms. Aubrey stated that information is available on the website regarding public comment and recording sheets.

At this time (8:12 p.m.) there was a brief recess to allow time to set-up for the next speaker.
Mr. Thurlow called the meeting back to order at 8:18 p.m.

- Electrical:

Greg Smith, Electrical Engineer with Haskell:

- Displayed Lighting Plan – At New Manufacturing
Goal is to minimize impact while still providing safety and security for the Facility. He indicated existing lights (on buildings/poles).
No pole lights are proposed for the Manufacturing Expansion (they are removing 16 lights, seven of which are poles, in this area and adding 14). Lights to be removed are not shown on the Plan. They are just proposing new building-mounted lights (mounted at 25 feet above grade). Dark-sky compliant, full cut-off, Foot candle levels are highlighted, in some select areas, on the Plan.

Virge Lorents asked that they come up with a lighting system below 25 feet which would still provide adequate lighting. Mr. Smith explained that there are existing poles of varying heights and they selected the current lowest (25 foot) so they wouldn't go up higher. He explained that if they put them lower it gets dark in some areas and that they would need to add more poles to meet the Frito-Lay lighting standards for security and safety. Some poles that are being removed are flood lights.

- Displayed Site Lighting - At New Warehouse (ASRS) Plan
They are matching the same lighting that is currently there (same quantity, same heights). He indicated the lights on walls and existing poles that are to be demolished and explained that the proposed building-mounted lights will be spaced 25 feet apart and that they will be at the same height or lower than existing. He indicated four existing poles that are 34 feet high and that there will be four new poles at the same height in new areas. Some foot candle levels along the perimeter are shown on the Plan which approach nowhere near the property line, so they are not trespassing off of the site. He said that these levels are in-line with what you would do at a facility like this for safety and security.

Brian Card asked if it was the western property boundary. Mr. Smith stated that it is on the northwest side of the building. Mr. Card asked if the boundary lighting had been compared to the previous lighting at the site boundary (the developed property line showing the extent of the foot candle) and if there was any difference. Mr. Smith stated that it does not even approach the property line. He indicated existing lights that run along the driveway and stated that they are not contributing anywhere near what is already there. Mr. Card asked if there was any consideration given to going from inside out rather than outside in. Mr. Smith explained that they are trying to get the most light at the perimeter of the building considering that it is a food facility.

- Displayed Site Lighting – At Expanded Auto Parking Plan
There are 12 existing light poles and propose to add 8 additional poles. When they ran the calculations for foot candle levels they did it without taking any of the vegetation into account. They are at zero foot candles at the railroad spur and at zero all along the property line. Lights to be mounted at 24 feet above grade which is a little bit shorter than what is currently there (about 30 feet). Average of 1.7 foot candles for this area.
- Displayed Site Lighting – 900 Lot (truck trailer expansion)
He indicated lights which are at 24 feet and have the house-side shields (detail shown on the Plan). He indicated where the existing lighting in this area do not have the shields. There will be zero foot candles at the property line.
- Architectural:
David Kode, Design Director and Architect with Haskell Company,
 - Displayed the Overall Perspective (Existing vs. New Proposed)
 - Displayed Zoning Regulations – Special Permit Application – Dimensional Requirements
 - Displayed Aerial Site Plan of the six views that will be further described: View 1 – Upper Maple at Attawaugan; View 2 – Upper Maple; View 3 – Across the Lake; View 4 – Near the Entrance; View 5 – Across the Lake; View 6 – Lake Tavern Parking Lot.
 - Displayed Street Section “View 4” Section A - Existing & Proposed
Berm to remain. New ASRS is shielded from the berm as well as through the trees.
 - Displayed Photo of Intersection at Upper Maple Street and Attawaugan – View 1:
Heights of the new proposed not visible from View 1.
 - Displayed Photo of Front Entrance at Upper Maple Street – View 2:
Not visible.
 - Displayed Photo of North Shore Road – View 3:
Not visible.
 - Displayed Photo of Upper Maple Street – View 4:
Not visible.
 - Displayed Photo of Island Road – View 5:
Indicated part of the existing ASRS that is visible from two residences. Ninety-eight percent of the Facility is shielded by the trees.
 - Displayed Photo of Upper Maple Street – View 6:
From the Lake Tavern not visible through the tree line or above.
 - Displayed Zoning – Dimensional Requirements Elevations Plan:
He indicated where there will be some silos (58 feet and 77 feet) which he said are exempt from the special use height reference. New proposed elevation is 86 feet 8.5 inches which is the new ASRS roof height.
 - Displayed Building Elevations & Sections:
Color and/or panels to be matched like and kind to the existing structure.

Virge Lorents asked what would be happening in the proposed additional height. Sil Quenga, Frito-Lay Site Engineer, explained that it would be automated storage for pallets and product. Ms. Lorents asked if they could create storage another way. It was explained that it would be less efficient (automated) and there would need to be more site footprint to achieve the same amount of space.

Keith Thurlow asked about future/existing cornmeal silos (page 26). He asked for clarification that this is not part of this Application.

It was explained that they are not part of the Application because silos are not subject to the 50-foot requirement. It is just on the Plan for informational purposes. Reference was made to Section 450.3 and it was stated that there are already multiples there of that type and height. New silos are to be adjacent to existing silos.

Brian Card asked if it were kept to the existing ASRS height of approximately 76 feet, how much additional impact would it have been to the site development (now at 64 percent coverage). It was stated that it would have implications regarding the function of the warehouse and storage. Sil Quenga explained that currently, the ASRS loads from the south side of the Plant and the new ASRS will be discharging out the north side of the Facility and will have additional input doors on the south side of the Facility. He explained that they are limited in how far they can go to the north because it would put them over the berm into the other parking lot and they can't go further south because that pushes the building into the courtyard. This forced them to go up to meet their storage pallet requirement for their new production lines.

Mr. Card asked if going west was an option.

It was explained that going west would require an additional train which is very costly and would also result in pushing the employee entrance over which would require them to remove some of the hill. They prefer to keep the hill because it provides visual buffer for the site.

Mr. Thurlow asked about mechanicals on the roof being exempt from the height requirement. Ann-Marie Aubrey referenced and read from Section 450.3 – Under Dimensionals.

Mr. Card asked about interior traffic patterns with the new parking lots.

Mr. Kode stated that the existing conditions are met and that there are no adverse impacts. This is not shown on the Plans.

Mr. Card commented that if there are no changes to emergency access/ingress/egress/anything changing, it would be nice to see the existing traffic patterns on the Site Plans. He requested that this be provided for the record.

Mr. Quenga commented that no traffic flow patterns have changed inside or outside of the site. He explained that back in 2010, information had been provided because there were traffic changes.

Mr. Card asked again that the traffic pattern be shown on the Plans, even if there are no changes.

There was discussion regarding Site Plans submitted should be 1 inch to 40 feet (scale reference).

Steven Cole explained that the Plans submitted for the Site Plan Application included overall and enlarged views (included 1 inch to 40 feet).

Ms. Aubrey asked that this be verified all the way through the Plans.

Mr. Thurlow asked that the presentation be more readable.

Ms. Aubrey stated that she had received a number of comments from the public, some of which were present in person, in the audience. She commented that they may prefer to read their own comments.

Jonathan Blake stated that a comment was received regarding HVAC equipment on the roof. The person wanted to know if any thought had been given to sound such as a parapet shield around the equipment.

Mr. Kode stated that the latest technology has been studied and incorporated as part of the Project. He said that they would probably need to cover the mechanical units as part of the full building submission. Mr. Kode said that he would have to get back to Mr. Blake regarding sound only.

Mr. Thurlow asked if they have projected decibel levels and he asked that they bring that information to the next meeting.

Mr. Kode said that he would.

COMMENTS FROM THE PUBLIC:

Ed Grandelski, 877 and 1827 Upper Maple Street, Town Council Member District 2, commented about previous presentations by the Applicant regarding the expansion. He voiced concern regarding the tree density and height, after construction of the parking which goes to the west, which will not be the same as shown in the photographs. He also commented about the proposed extended building height and said that he feels that the photos presented are deceiving. He suggested an artist's rendition to more accurately depict

what it would look like. He said that he is not in favor of the height increase unless they put in 80 or 90-foot trees.

Danny Rovero, 181 Laurel Point Road, spoke in opposition. He said that he does not believe a word that Frito-Lay says because he, and others, had met with them several times regarding problems with odor and noise and Frito-Lay said they would take care of the problems, but they never did. He is happy about job creation, but feels that at least half would go to people from out of Town. He said that other towns have Frito-Lay facilities, but they don't have the smell problem because the towns tell Frito-Lay to clean up their act or get out of town. He feels that the Town of Killingly does not make them clean up their act.

Michelle Murphy, Breakneck Hill Road, voiced concern on behalf of the people she spoke with during her campaign for Town Council regarding sight and sound issues coming from surrounding businesses, including the constant hum that emits from Frito-Lay. She stated that she would like to see the mitigation controls that were promised be enacted before any expansion.

Jason Anderson, 125 Lake Road, provided information (copies of a portion of the Traffic Impact Report that had been submitted to the CT Citing Council) to the Commission Members and the Applicant. Although he appreciates the benefits that Frito-Lay brings to Town, he has heard many complaints from many people about Frito-Lay regarding noise, smell and traffic problems. He, as a Town Council Member, has brought this issue to the current and previous Town Managers, but he feels that the issues have not really been resolved. Mr. Anderson referenced the Traffic Study (prepared by FAH) and commented and asked the following questions:

- Introduction: Do you intend to use the full access driveway to Maple Street for truck traffic?
- Page 3: Speed limit is posted as 35 mph on Lake Road, but no reference is made regarding the change to 25 mph west of Forbes Road on Lake Road.
- Page 3: Reference is made to a recently approved power plant, on Page 4 reference is made to a proposed NTE Connecticut power plant, and on Page 5 reference is made to a KTE energy plant. Are these three referenced one and the same?
- Page 4: Reference is made to Lake Street. Is it supposed to be Lake Road or another road?
- Page 5: Reference is made to the KTE energy plant having a very minor trip generation. Is this supposed to be NTE energy plant? If so, the statement goes against what FAH states in the traffic impact report they prepared for NTE that was submitted to the CT Citing Council.

Mr. Anderson spoke of his concerns about traffic as presented in the Report. He explained that the Traffic Impact Reports for NTE and for this Project contain conflicting information as the NTE Report showed that there would be significant impact. He feels that there would be a traffic nightmare during construction of the two Projects (which would coincide) if NTE traffic is not taken into consideration when looking at this Project. He noted that the Reports for both NTE and Frito-Lay were prepared by the same company, so they have the information available to them.

Mr. Anderson stated that the Town needs to do something about Lake Road west of Forbes Road which the NTE Study shows is only 22 feet wide which he feels does not meet the guidelines for tractor trailer traffic. He included with the information he had provided, a photo from a week ago of two tractor trailers heading westbound on Lake Road through the "S" turns. Mr. Anderson explained how he had to back up to allow room for the truck to pass. He said that it has never been designated as a thru truck road with the State of CT. He explained what thru truck means.

Mr. Anderson asked, What can Frito-Lay do to prevent truck traffic from going west from their Facility on Lake Road? He asked if it would be possible to change the address for the Facility to reflect the Frito-Lay drive rather than the Upper Maple Street, so GPS systems won't show Upper Maple Street.

Mr. Anderson suggested that the Traffic Impact Report needs to be looked at again as well as the NTE Traffic Study.

Lois Latraverse, 64 Island Road, read a statement from Keith Suchy (40 Sawmill Road) into the record. Mr. Suchy wrote of noise issues and how he had met with Frito-Lay consultants to test and identify the issues, but nothing has been done to resolve it. Mr. Suchy asks that the PZC carefully consider noise emanating from the existing Facility as well as the new expansion areas and its impact on the surrounding residents.

Ms. Latraverse also read into the record her own statement in which she speaks of noise, traffic and air quality over the years and her concern regarding additional noise, odor and traffic with the expansion. She feels these issues can be mitigated and urged the PZC to send the documents out for peer review.

Nancy Grandelski, 1827 and 877 Upper Maple Street, explained that how the sound affects you depends on where you live on the Lake, and that when you're out on the Lake the sound increases. She said that there is a big difference from one side of the Lake to the other and that no site at the Lake escapes the odor. She commented that it looks quite different in the winter, when the leaves have fallen from the trees.

Karen Johnson, 1819 Upper Maple Street, said that this is one of the sloppiest traffic studies she has ever seen and she is reviewing the plans. Ms. Johnson reference her multi-page letter which she submitted for the record and had also previously submitted to Staff via e-mail. Ms. Aubrey stated that it is on the website. She said that there is a presumption, by Frito-Lay, that this is going to get approved and that this process is an inconvenience for them. She said that just about everything they have said over the last ten years has either been a lie or they don't follow through. She explained that in 2010, a special permit was granted and in 2011 and 2012 the conditions on the 2010 Plan were carried over as other reasons for granting height exemption special permits. She said that, at this point, they either need to comply with those special permits and maintain that forested buffer or withdraw this Plan. She does not see any alternative. She said that the 25-foot, right-of-way that has been shown on their Plans for 40 years won't just disappear just because they don't want to comply with it. She explained that it was a requirement of at least four special permits that she has researched and she referenced Minutes from 2010. Ms. Johnson asked why they need an 87-foot warehouse. They got the one in 2010 with conditions. She asked why they need 730 trailers on this property and what is in the trailers – food storage? The Traffic Study shows 25 trucks per hour. She said that she had gone over there in the spring and looked at the trailers which she said looked like they don't appear to be roadworthy, so they are being used for storage. She asked if they are doing this in lieu of building an actual warehouse facility so they won't have to pay taxes on it.

Ms. Johnson explained that she has many issues with zoning compliance of their current Plan:

- Abutters not shown, just states adjacent from the railroad;
- Information submitted last week and tonight;
- Sloppy Traffic Study – She asked that the PZC approve peer review consultants to be hired;
- Plans are incomplete (need to show generalized floor plans);
- Environmental concerns;
- She does not understand why they need to expand the parking lot. Why do they need to exceed the parking requirements by 231 spaces? She referenced, read from and explained Section 530 of the Zoning Regulations regarding off-street parking). She said that they have the information needed to provide a parking demand analysis and then they could do an accurate trip generation table and parking study. If you can't prove demand, why do you need another 230 spaces (she referenced their Transformation Appendix)? Maybe they have the information, but haven't shared it. She said it is a requirement.
- Visibility Analysis is terrible. Didn't even describe their methodology. She will have other comments.
- Corn Silos – She referenced Section 450.3 regarding height and she stated that this is not an agricultural use. She explained that they should come in for a special permit for their existing corn silos that are not exempt from the height regulations. At a minimum, they need to amend this Special Permit Application to incorporate corn silos which are not farm silos when it is an industrial property.
- Under the Existing Conditions Survey (Site Plan) they are supposed to identify all existing trees over a certain diameter. She asked, when they submit an updated Site Plan that accurately shows existing conditions, how many trees are being removed in exchange for what they are proposing (eighteen 6-to-8-foot white pines and red cedars). She asked, besides visibility, what is it going to do to sound mitigation.
- Light Plan – She asked why they put 40-foot poles in the trailer lot, but now can put 25-foot poles on this lot.
- Park Lot Standards Section 530.4.1 – Either get a variance or put the landscaping in. She also asked why there is no internal landscaping on the trailer lot that was just constructed.

Jamie Raynsford, 182 Sandy Point Lane, spoke in opposition. He commented about a lawsuit during the 1990's involving an agreement between Frito-Lay and their employees. They would have to hose off

employees' cars when a certain smoke stack was used because it was eating the paint off of the cars. He asked that the Commission make note of that. He spoke of the large schools of fish in the Lake in the 1960's and how clear it was. He spoke of how, in the 1990's, he noticed a decline in the fish and the clarity of the Lake. He feels that this is due to Frito-Lay being there. He asked why the lawsuit had been kept secret. He spoke of noise when pollutants were released. He asked why nobody is keeping up with this (liaison). He spoke of sound going across the Lake (like a jet engine) that lasts for two or three hours in the morning and at the end of the day. He said that Frito-Lay disturbs his peace.

Earl McWilliams, 215 North Shore Road, commented about his understanding regarding the HVAC system noise abatement. His understanding is that the best available technological mitigation efforts have been or will be used around the HVAC systems to prevent the noise.

Dave Jarvis, Brooklyn, CT, local union representative, spoke in opposition. He is disturbed by the lack of care by Frito-Lay and Haskell, and disappointed in their neighborly conduct. He said that he is concerned about moving forward without having a document in place verifying all of the empty promises that have been made thus far. He feels that there is a road forward, but both sides need to work together (Community and end user). He said that consideration should be given to hiring locally. He said, "We are very much opposed to moving forward without some real considerations from Pepsi Co, Frito-Lay and Haskell."

Jill St. Clair, Director of Economic Development, referred to and read from Policy 2 of the Economic Development Plan in the POCD (implemented in October 2020), "Maximize the quality and diversification of Killingly's employers, both large and small." Under the first Action, "To assist in the retention of current employers and promote their expansion to occur within Killingly. Regular interaction with current employers to learn of their ever changing needs are then apt to provide those needs whenever possible to maintain the employer's presence within Killingly." She said that the Economic Development Commission is in full support of this expansion. Average salary is over \$50,000 with benefits and are creating careers and economic mobility for their employees and, as a result, Frito-Lay has raised the standard of living for all of its employees. Thus, setting the standard for other Industrial Park Stakeholders to follow by this example. Ms. St. Clair went on describing the economic impact that Frito-Lay has had on the Community over the past 40 years. She stated that not supporting this Project equates to a \$42 million deficit within the Community. She explained that the manufacturing sector in the northeast, particularly in Connecticut, face greater cost headwinds relative to other states in the region. Our assistance and support in this sector is well-placed and is a financially prudent investment for our Community to support their long-term growth plans, which directly support both large and small businesses within our Community.

Mary Miller, Attorney representing the Alexanders Lake Homeowners Association, filed the Petition spoken of earlier. She explained the following:

1) They will be requesting to intervene in #21-1275 as well as #21-1273.

Attorney Slater advised her to file separately for #21-1275.

2) She was hired regarding concern for environmental issues: Section 470.9.4 - Noise Abatement; Section 40.9.5 - Other Pollution or Related Problems; Section 470.9.6 - Landscaping and Screening.

Attorney Miller stated that their biggest concern is that the parking not be expanded and odor. She said that there currently restrictions in place, so you can't just ignore past special permits that would have to be addressed. She explained that the forested buffer not only provide a buffer from more of a noise and light impact to the residents of the Lake, but also the wildlife. She said that only a strip of six-to-eight foot trees will remain where there is currently a wide buffer of mature trees which will make a significant difference. Based on the required number of parking spaces, the parking lot with additional lighting is not necessary. She said that they also have light pollution concerns. She obtained a limited noise study that Frito-Lay had done in March of this year (it did not include the additional manufacturing). She said that when they have both starch recovery blowers on, the noise level comes in at 52.7 dba in their measurements. The limit at night is 51 dba. She explained that there are much better studies that can be done and she recommended that either they be given the time to have it done or the PZC have it done making sure it is done with the equipment is on and off. Attorney Miller said that they are not currently in compliance and taking out the forested buffer will be worse.

Regarding air pollution, the last report Attorney Miller was able to find was prepared in 2009 in response to a DEEP Notice of Violation regarding odor. She recommended that the PZC require a current study. She is concerned about what might be causing the odor (oil in the air could have an impact on the water quality).

Sandra Bove, 206 North Shore Road, spoke of how Frito-Lay had promised when they came to this Town 40 years ago that there would be no noise, no smell and you won't see it. She said there is smell, there is a lot of noise that can wake you up at night. She said there is a credibility issue. She asked that the PZC keep in mind that we want the information to be credible. She said that the equipment on top of the buildings make a lot of horrendous noise and she asked if they can use state of the art noise barriers for the new addition, why can't they do it for the existing?

There was discussion regarding hiring a third-party engineer. Ms. Aubrey has spoken about this with the Town Manager and will report back on it.

Ann-Marie Aubrey reviewed/summarized the information that had been received which is on the website:

- 1) Letter from Attorney Truppa representing Anthony Simpson regarding the right-of-way issue.
- 2) Letter from Attorney Mary Miller including exhibits.
- 3) Letter from Karen Johnson.
- 4) Letter from Janice Martin who has concerns regarding smell and noise.
- 5) Letter from Lenore Gudmundson in opposition.
- 6) Letter from Debra Gaudreau in opposition.
- 7) Letter from David Scott who feels that several things need to be understood before granting the special permit.
- 8) Letter from Mark Velloux in opposition.

Ms. Aubrey noted items needed for the next meeting:

- 1) Plans should be 1 inch representing 40 feet.
- 2) Traffic Study needs to be looked at.
- 3) Updated noise levels.
- 4) Forest Management.
- 5) Attorney Slater commented about whether there is a dispute about property rights. He referenced the Letter from Attorney Truppa (Anthony Simpson) and will follow-up with Attorney Hammer regarding whether the known easement is shown on the Plans. He will, then, be in a better position to advise the Commission regarding the question raised in that letter.

There was discussion regarding a third-party engineer.

Motion was made by Virge Lorents to move forward with a peer review for both 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 and Site Plan Application #21-1275; David Kode (Frito-Lay/Landowner); 1886 Upper Maple St; GIS MAP 62, LOT 53; 94 acres; Ind Zone; for the proposed building additions that will be under the allowed height.

Second by John Sarantopoulos. No discussion.

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

There was discussion regarding coming to an understanding of what the Commission needs to move forward: Attorney Slater advised that the ultimately, the role of the Commission is framed by the specific standards of the Site Plan Regulations with respect to the Site Plan component and, with respect to the Special Permit component, the Regulations. With the Special Permit there are some more discretionary standards that get applied. Site Plan has less discretion, but they do include considerations regarding traffic. A professional peer review would understand that framework.

Motion was made by Virge Lorents to continue the public hearing for **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, to Monday, December 20, 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).

VII. UNFINISHED 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. (Applicant requests to withdraw application without prejudice.) (A new revised application submitted 11/9/2021.) – See above.

2) **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. Continued – see above.

3) **Site Plan Application #21-1275**; David Kode (Frito-Lay/Landowner); 1886 Upper Maple St; GIS MAP 62, LOT 53; 94 acres; Ind Zone; for the proposed building additions that will be under the allowed height.

There was discussion regarding this Application being continued. Attorney Slater explained that the public hearing for #21-1273 was continued and the Applicant has acknowledge that comment on both the Site Plan #21-1275 and the Special Permit, therefore, a separate motion is not needed to continue the Site Plan Application.

4) **Special Permit Application #05-868**; Request for Release of Bond; Ernest Joly & Son, Inc.; for 605 Providence Pike, Killingly, GIS MAP 224; Lot 14; 170 acres; Rural Development Zone; all phases of work completed.
Review/discussion/action.

Jonathan Blake explained that Town Staff has inspected the site and has some concerns regarding some of the equipment that is still on site. Staff would like to reach out to the Applicant to see what their plans are for full correction of that item before moving forward with any kind of bond release.

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

1) **Special Permit / Site Plan Application #16-1145**; Request renewal of the site plan for an additional five (5) years; Briarwood Falls, LLC; 142-unit active adult community; Cook Hill Road & Deerwood Drive; GIS MAP 138; LOT 012; ~91.5 acres; Low Density Zone; Planned Residential Development. See attached correspondence for written request.

Ms. Aubrey stated that the written request and a report were included in packets to Commission Members. They are just looking to continue the Site Plan. She said that this would be the first renewal for this particular Site Plan. Bonds are in place.

Motion was made by Virge Lorents to renew **Special Permit / Site Plan Application #16-1145**; Request renewal of the site plan for an additional five (5) years; Briarwood Falls, LLC; 142-unit active adult community; Cook Hill Road & Deerwood Drive; GIS MAP 138; LOT 012; ~91.5 acres; Low Density Zone; Planned Residential Development.

Second by John Sarantopoulos.

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

Discussion: Virge Lorents asked if the Commission will get a report showing what they originally got permission for and where they are now. She also asked if they ever did the final layer of paving. Ms. Aubrey explained that they came in with a special permit and then came in with two more additional sections. It is those two sections that they are asking the renewal for, everything else has been built. Ms. Aubrey thinks that they did the final paving, but will check with Town Engineer, David Capacchione.

2) **Request for Pre-Application Workshop Meeting with PZC**; Douglas Construction, LLC; re: 605 Providence Pike, Killingly, CT; GIS 224, LOT 14; Rural Development. **See attached correspondence for written request.**

There was discussion and it was decided to hold all three workshops at a Special Meeting on December 13, 2021, at 6:00 p.m.

Motion was made by Virge Lorents to schedule a special meeting on Monday, December 13, 2021, at 6:00 p.m. (location to be determined) for the following:

- **Request for Pre-Application Workshop Meeting with PZC**; Douglas Construction, LLC; re: 605 Providence Pike, Killingly, CT; GIS 224, LOT 14; Rural Development;
- **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?
- **WORKSHOP – Discussion** – Five Mile River Overlay District.

Second by John Sarantopoulos. No discussion.

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

3) **Zone MAP Change Ap #21-1276**; Weld, LLC (CGCT Killingly LLC/Landowner); 543 Wauregan Road; GIS MAP 262, LOT 20; And 19 Lucienne Avenue; Killingly; GIS MAP 262, LOT 22; both General Commercial District; application seeks to change the zone of the subject real estate (properties) from General Commercial Zone to Light Industrial Zone. **Receive, and if application is complete, schedule for public hearing on Monday, December 20, 2021.**

Ms. Aubrey explained that, at the last meeting, it was brought up that only a small portion of a corner abuts the Light Industrial, so they brought forth another address on Lucienne Avenue and another address across the street. Attorney Bleasdale had reached out to the Deary's who said that they would like to become part of the Application which made it a new Application because it increased the area of notification and also adds acreage to the Zone Change. They reached out to the Lehto's, but got no response (it is a complicated matter). There is correspondence (Agenda Item XI.1) regarding the Commission moving forward with its own application for 4 Lucienne Avenue if it so chooses. The Lehto property borders residential property and could go for Light Industrial or residential. Ms. Aubrey stated that it is legal, non-conforming.

There was discussion and Mr. Thurlow prefers that the Commission consider the Zone Change without the Lehto property and let it go through. There were no objections voiced.

Motion was made by John Sarantopoulos to receive and schedule a public hearing for **Zone MAP Change Ap #21-1276**; Weld, LLC (CGCT Killingly LLC/Landowner); 543 Wauregan Road; GIS MAP 262, LOT 20; And 19 Lucienne Avenue; Killingly; GIS MAP 262, LOT 22; both General Commercial District; application seeks to change the zone of the subject real estate (properties) from General Commercial Zone to Light Industrial Zone, for Monday, December 20, 2021, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by Virge Lorents. No discussion.

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

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

1) Regular Meeting Minutes – OCTOBER 18, 2021

Motion was made by Virge Lorents to accept the Minutes of the Regular Meeting of OCTOBER 18, 2021.

Second by John Sarantopoulos. No discussion.

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

2) Regular Meeting Minutes – AUGUST 16, 2021 (not enough members to vote on approval at prior meetings)

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

Second by John Sarantopoulos. No discussion.

Motion carried by voice vote (3-0-1). Brian Card abstained.

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?

A special meeting was scheduled for Monday, December 13, 2021, at 6:00 p.m. (location to be determined). See above Agenda Item VII.2).

2) **WORKSHOP – Discussion** – Five Mile River Overlay District. Discussion continued to DEC.20, 2021.

A special meeting was scheduled for Monday, December 13, 2021, at 6:00 p.m. (location to be determined). See above Agenda Item VII.2).

XI. CORRESPONDENCE

1) Letter received from Attorney Timothy D. Bleasdale (Waller, Smith & Palmer, P.C.); discussion regarding “the event that the Commission decides to proceed on its own application to change the zone designation of 4 Lucienne Avenue”.

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

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

Ms. Lorents asked about getting hard copies of the reports as in the past. Mr. Blake will be at meetings to give verbal reports and is available to answer questions.

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

C. Building Office Report – No Report.

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

Jill St. Clair reported:

- Second Small Business Boot Camp scheduled for March and April 2022. Last Session they had 11 candidates.
- Deb’s Restaurant will be closing on December 24, 2021. Another restaurant, with a different menu, will be moving into that space.

XIV. TOWN COUNCIL LIAISON REPORT

Patti Larrow reported on the recent actions/discussions of the Town Council.

- Westfield Avenue Referendum, November 6, 2021, from 6 a.m. to 8 p.m. All Districts vote at the Library.

XV. ADJOURNMENT

Motion was made by Virge Lorents to adjourn @ 10:34 p.m.

Second by John Sarantopoulos. No discussion.

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

Respectfully submitted,

J.S. Perreault
Recording Clerk



TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION

MONDAY – DECEMBER 13, 2021

SPECIAL MEETING – HYBRID MEETING

6:00 PM

TOWN MEETING ROOM – 2ND FLOOR

Killingly Town Hall

172 Main Street

Killingly, CT

Elysebeth M. Wilson

2021 DEC 20 PM 2:43

RECEIVED
TOWN CLERK, KILLINGLY, CT

THE PUBLIC IS ALLOWED TO ATTEND THE MEETING IN PERSON

OR

THE PUBLIC MAY VIEW THIS MEETING AS DESCRIBED BELOW

WORKSHOP MINUTES

THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.

GO TO www.killinglyct.gov AND CLICK ON FACEBOOK LIVE AT THE BOTTOM OF THE PAGE.

PLEASE NOTE: Scrivener's Error – Numeric item numbers shown on the agenda for this meeting were incorrect.

I. **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 6:10 p.m.

ROLL CALL – Virge Lorents, Matthew Wendorf and John Sarantopoulos (present in person).
Brian Card and Keith Thurlow (present via Webex).

Staff Present – Ann-Marie Aubrey, Director of Planning & Development; Jill St. Clair, Director of Economic Development (present in person).

Also Present (in person) – Attorney Michael Carey, Law Firm of Suisman Shapiro and Associates; Nicholas Durgarian and Paul Serabian of Douglas Construction; Mr. Rossman, Project Engineer for Douglas Construction.
Present via Webex - J.S. Perreault, Recording Secretary.

II. **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 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.killingct.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 2632-078-7373 when prompted.

Ann-Marie Aubrey read aloud the above call-in information.

Ms. Aubrey stated that no comments had been received as of 4:15 p.m.

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

IV. BUSINESS – (review/discussion)

1) PRE-APPLICATION WORKSHOP - Douglas Construction, LLC; re: 605 Providence Pike, Killingly, CT; GIS 224, LOT 14; Rural Development (DISCUSSION ONLY)

Attorney Michael Carey, Law Firm of Suisman Shapiro and Associates, represented Douglas Construction for a possible zone boundary change application from Rural Development to General Commercial. Paul Serabian and Nicholas Durgarian of Douglas Construction, were also present. Attorney Carey stated that the Project Engineer, Mr. Rossman, was also expected to attend.

Attorney Carey made the following points:

- He asked that the Commission provide feedback regarding what would need to be improved from the previous application and what will be described tonight, so that when an application is filed, it will be as complete and comprehensive as possible.
- Legal Issues:
Spot Zoning – He stated that, by definition, this is not spot zoning. The parcel of 180+ acres would not qualify for spot zoning under any circumstances. He said that what is being proposed for a zone change to General Commercial is fully consistent with the comprehensive plan. He said that the comprehensive plan and the POCD are two different things.
- Regarding whether the PZC can or should hear another application less than a year since action had been taken on the previous application, Attorney Carey stated that even if this application were identical to the previous one, the PZC has discretion to hear it and act on it. He explained that the application is not substantially the same as the previous application because it involves additional land and some land has been deleted, as well as other differences.
- Regarding concern between the two commercial zones, Village Commercial and General Commercial, and that General Commercial is not to be located in a residential district, Attorney Carey made references to and read from Section 420.2, Section 420.1, and Section 420.2.2 of the Regulations.

At this time, Keith Thurlow explained the purpose for the workshop and that Attorney Carey's statements sound like making arguments for an application. He stated that he was not comfortable with what is being presented and that, perhaps, the Town Attorney should be present.

Ann-Marie Aubrey explained that the Commission had wanted possible plans for what would be put on the site and that Douglas Construction would like to know if what is being presented would be sufficient. She said that she had spoken with Legal Counsel and was advised that there is nothing that stops the Commission from hearing an application within the year, especially if there is a substantial change and they have a plan (which they did not have before). That would make it a separate application. They want to know if they can have permission to come before the PZC again. Mr. Thurlow stated that it sounds like they are coming in with a new proposal. He asked Attorney Carey and Mr. Durgarian if there will be different boundaries and adjustments, to which, they answered, "yes." Mr. Thurlow stated that, in his determination, there should be no problem with them coming forward with a new application, as long as it is different, especially since the Town Attorney has been consulted and has expressed the same opinion. Mr. Thurlow expressed that he does not feel that this workshop is the right forum for debating the discussions of the previous application and why this application should move forward.

- Attorney Carey stated that there are over a dozen points in the POCD that are consistent with the proposal. He said that he did not see anything in the POCD that argues against it.

Ann-Marie Aubrey explained that the plan that they have is not an A-2 Survey, but is a plan of what could be there. She asked Brian Card and the Commission if they need more detail or information on the plan.

There was discussion between Virge Lorents and Attorney Carey regarding Village Commercial. Ms. Lorents commented that villages are already existing and that someone cannot come in and create a village.

Brian Card stated that he would not comment on a site plan without an application pending in front of the Commission. Mr. Card stated agreement with Mr. Thurlow regarding the purpose of the workshop and that this seems to be a presentation on an application of what they want to do on the lot.

Nicholas Durgarian, Douglas Construction, clarified their intent for requesting the workshop:

- They went through the application process and had two public hearings and the feedback was that there is more information that the PZC and the public need.
- Two primary shortfalls noted by Brian Card:
 - Part 1 - Failure of the Applicant to adequately identify how the zone change would apply to the POCD. The application fell short of trying to demonstrate to the PZC what could go there. So, Mr. Durgarian spoke with Staff about what would be a good next step. The previous application was insufficient/incomplete, not allowing the PZC to be able to adequately make a decision as to whether it was appropriate or inappropriate. Based on that, since they don't know what will go there, they thought about how it would be advertised if they owned it and it was zoned General Commercial. He explained that the intent of this meeting was to have an open dialog about how this lot could be re-zoned and how would that fall within the POCD element and to vet out potential shortfalls.
 - Part 2 – Concern about what could go there and what it would look like. They put together a conceptual plan which identifies a mixed-use, General Commercial development: containing four or five different uses; it's well laid-out; falls within parking requirements; expands on buffers. He explained that they want feedback so that they can come back with an application as complete as possible.

Virge Lorents suggested that the easiest way to develop the property would be to look at what is possible in the current Regulations for the current zone. Mr. Durgarian stated that they had done that and he explained that over 2,000 units in a planned residential development could go there. He said that they had also considered a solar development. Ms. Lorents expressed that she likes the possibility of a solar development. Mr. Durgarian stated that they feel that this is a site that could be ideal for commercial development and the way they have it laid-out is extremely low impact with a lot of open/conservation space and multiplying the buffer by three. He said they want to discuss the proposition of a compromise that: takes the public's concerns into consideration; creates Economic Development (General Commercial mixed-use development) which would add revenue to the Town, but would not be a draw on services to the Town; and would add land into open space. Ms. Lorents, again, spoke in favor of solar.

Mr. Thurlow commented that, in terms of General Commercial, several years ago, there had been joint meetings, regarding that area of Town, with the Sewer Authority, Town Staff, Town Council and Economic Development. There had been a proposal to make that whole area General Commercial. He explained that there were a lot of negatives (e.g. it would be very expensive to get sewer and water to that area). Mr. Thurlow believes that all parties did not want to move forward with development of commercial in that area other than what was already there. Mr. Thurlow said that he thinks that the Regulations encourage sewer and water, but it would be quite a project to get sewer and water to that area. Mr. Durgarian explained that they had taken sewer and water into consideration at the time of the original application and he said that the uses that they were considering were extremely low utility impact sources meaning they do not require public water and sewer. The only utility they would

anticipate bringing in, from the road, would be electric which is plentiful on Route 6. Their intent was never to propose a use that would require the expansion of public utilities in public right-of-ways to service whatever development they would put in. Regarding Brian Card's point regarding what the uses would be, Mr. Durgarian referred to the lay-out in the plan that was presented for the Commission to consider and he stated that the requirements for water and sewer are very small and he said that their Civil Engineer has reviewed it and they specifically laid-out uses that would all be able to be sourced and handled on site as it relates to those items. Attorney Carey commented/explained that changing the zone to commercial with the uses that would be permitted there, as of right or by special permit, will not, in any way, mandate the WPCA to extend sewer and water out there. Mr. Thurlow stated that there is more to consider than water and sewer as the POCD spoke highly of keeping the wetlands unencumbered and trying to keep the rural/forested areas forested.

John Sarantopoulos commented regarding two things that he feels determined the result of the public hearing for the previous application: The residents didn't want it; and the reason the residents didn't want it is because the applicant didn't provide a definite plan for what would be put there. Mr. Sarantopoulos expressed his opinion that he doesn't think the residents would want it again, unless that information is provided.

Mr. Durgarian explained that wetlands and conservation had been taken into consideration for the original application and he responded to Mr. Thurlow's and Mr. Sarantopoulos' comments:

- He referred to the plan presented tonight indicating areas identified as wetlands and open space. He said that they are planning on maintaining the wetland buffers as identified in the POCD and expanding that through a further 75-foot buffer zone between the General Commercial actual development portion of this plan and any residential abutter. He stated that, although the PZC cannot obligate them to this with the zone map change application, this is sort of what they would be planning to do, which would preserve the wetlands and open space and subsequently allows for General Commercial development inside of the areas that would be within the buffers, but outside of the wetlands and outside of the upland review areas of the wetlands. The goal is to create no negative impact to the wetland areas.
- Regarding open space and wooded areas, Mr. Durgarian explained that it is presently zoned Rural Development and if it stays Rural Development there is no guarantee that it would remain wooded. Continuing with the use of gravel operation or putting in a solar development would also put the trees in jeopardy, as well as other allowable uses.
- Regarding the residents and the plan, Mr. Durgarian explained that Douglas Construction would not be the end user and gave examples of projects that they have done in the past. Their thought is that, although they do not know what will actually go in that location, they know what they would advertise if they owned it and were General Commercial: Build to suit. However, that is vague, so they came up with the lay-out plan with the intent to try to work with the PZC. He asked that Attorney Carey be allowed to demonstrate consistency with the POCD.

Keith Thurlow commented that one thing that is consistent in the last three POCD's is that Route 395, by default, became a barrier for the location of where commercial development is wanted, due to public comments made at the public hearings for the POCD. East of Route 395, due to public comment, would be kept rural development. He noted that there are exceptions to every rule because there is some commercial development east of Route 395 (e.g. Dayville). Ann-Marie Aubrey commented that the points that they would like to make regarding the POCD would be part of a complete application and part of the testimony during the public hearing. Ms. Aubrey explained that, what she understood, is that they just want to make sure that this would be considered a different application (which she did verify with the Town Attorney on the PZC's behalf) and they also want to see if the application is complete. She stated that it has been

resolved by Case Law which states that it is the only the Commission (not Staff) that can determine if an application is complete with all information needed. She does not expect the PZC to comment on the site plan, but asked if it is an accurate enough portrayal of what the Commission needs to make an informed decision. She stated that this was one of the big issues why the previous application was denied – no conceptual plan. She noted that the Commission cannot make a zoning decision based upon one particular use and she stated that she believes that is why they showed a various number of uses that would be able to be on this parcel of land. They want to know if they have answered the Commission's questions without getting into the fine details.

Mr. Sarantopoulos stated that he does not feel that they are showing a substantial change from the original application and he feels that the applicant will be faced with the same opposition because there are no specifics and the public does not want it. Attorney Carey stated that the Commission has to consider the general public welfare, not just the welfare of a handful of people that live nearby the project. When the Commission considers this in the context of the whole Town, Attorney Carey explained that he is confident it will found that this proposal is to the benefit of the Town as a whole as it will generate property revenues from a property that is, right now, hardly generating anything. To make a point, Attorney Carey said that he respects the neighbors, but nobody has a right to expect that the Zoning Regulations on their property or properties nearby will never ever change, but will only change if they are satisfied. Mr. Thurlow commented that the Commission likes to hear the neighbors weigh in, but they know that neighbors usually don't want things to change and the reality is that they would have to buy the parcel.

Mr. Thurlow asked if there were additional comments from the Commission regarding a zone change for the area because if there is one zone change, there could potentially be more:

Matthew Wendorf commented that although there is now a conceptual plan, there are additional impact that need to be considered: There has been some work done regarding maintaining and adding to the boundaries; traffic impact at the Route 6 connection; some of the surrounding areas that will also be impacted by this change; propose something that addresses abutters' concerns. He commented that it could end up being three buildings with a single thruway. He said that we would need to work back and forth with moving forward, especially with getting input from the public in the next application process.

Virge Lorents commented that the Town has been dealing with a major corporation where the people feel that it has already been a burden on their community.

Mr. Durgarian stated that they have reached out to traffic engineering and, based on square footage, which is a low threshold, it automatically triggers a traffic study at further points down the application process, not for the zone map change application. Mr. Durgarian explained that, if the zone map change were approved, there are still a number of steps that they would need to go through to present specific items before the PZC.

Virge Lorents commented about light pollution and noise pollution.

Mr. Durgarian stated that they have taken these things that had been previously discussed into consideration. He explained, that this site, as it relates specifically to the abutters, has the ability to naturally retain noise within the current topographics of the site. The expansion of the buffer from 25 feet to 75 feet also continues to push that out. He said that they are prepared to comment on these items if there is an application.

John Sarantopoulos commented again that unless they come up with a more specific use for the property, he feels that they are going to have a problem moving forward. He commented that he relates this to village zoning as they would be putting a zone change in the middle of another zone.

Mr. Durgarian asked if either the Commission or individual Commissioners have a vision (zone or development) of what they would like to see on this site.

- John Sarantopoulos explained that he would want what conforms to the existing Regulations.
- Brian Card said that he would focus on the POCD because, theoretically, that is the Commission's and the Town's vision.

Mr. Card commented that he looks at zone changes as what is for the betterment of the community as a whole: Is it consistent with the POCD?; Is it going to better that local area?; Are there better avenues for us to develop commercial properties such as redevelopment of brownfields or other areas in Town? He explained that he does not put much weight into the site plan. Mr. Card stated that if they do come back with this application, which his opinion is that it is very similar or identical to the previous application, they should focus on the following: Why is this good for the community?; Why is this change better than another opportunity for us to develop general commercial somewhere else in Town, consistent with what we have established in the POCD?

Attorney Carey asked for clarification on the two questions that were the focus of the workshop:

- Whether this application is so similar that the Commission won't take up a new one.
- Whether the Commission needs a more detailed plan than the one that has been presented already.

Mr. Thurlow asked if it is within the same boundaries. Mr. Durgarian stated that it is not, it is dropping one of the properties and it is picking up one of the abutter properties that likes the idea of moving this to General Commercial. Mr. Thurlow stated that, in his rough determination, it can move forward if boundaries have changed. However, he would like to have the opinion of the Town Attorney. Ms. Aubrey stated that she had verified it with the Town Attorney.

Regarding the site plan, Mr. Thurlow stated that when you do a zone change, it is to the property and, once it is changed, it is opened up to whatever you want to propose. He said that the Regulations, there is a statement regarding some sort of a lay-out, but he not sure how much it really matters.

Mr. Durgarian commented that their goal is to be collaborative with the Town and to find common ground that is productive for everybody. He explained that they are trying to work within the Regulations of the Town, but there is also a process that permits a zone map change through the Regulations and they are trying to follow through that process to the extent that they have the ability to demonstrate that it is beneficial to the Town as a whole.

Mr. Thurlow commented that the Commission makes decisions on the merits and how those merits fit into the Regulations and the POCD. He said that the previous application was done based on those conditions.

Jim Vance, 226 Snake Meadow Road, current owner of 605 Providence Pike, stated that he agrees with Virge Lorents regarding solar. Mr. Vance explained that he has had three different solar companies come to the property, but they can't get through Eversource. They are only allowed to put 2.6 megawatts out of that property onto the poles on Route 6. Currently, the wires on the

poles cannot carry the amount of electricity that could be generated on the property. To generate what would be economically feasible to put a solar field there would cost maybe millions of dollars to build a substation there or to put up wires to have it brought to another substation that could handle it. Mr. Vance stated that if Douglas Construction were to put in a facility there, they could put in enough solar panels to help their company and could probably sell 2.6 megs which would help make their endeavor more feasible.

Mr. Vance asked if it would be allowable, under the current rural zoning, if someone wanted to build a bunch of greenhouses on the property and grow tomatoes, cucumbers, lettuce and marijuana. Ms. Aubrey explained that under Rural Development, you would be able to do the greenhouses. However, the marijuana would not be allowed because of the cannabis moratorium on growers and sellers. She explained that, until we can get our regulations in place that mirror the State's regulations, but the State's directions have not come out yet. Based upon the Town's population (under 25,000 people), only one grower and one retailer would be allowed.

Mr. Durgarian stated that he had reviewed the notes on cannabis growing and distribution and he asked when the Killingly cannabis moratorium expires. Ms. Aubrey stated December 31, 2022. Regarding solar generation, Mr. Durgarian stated that, on this site, they could probably do 80 acres of solar array depending on the type of array. Generation would probably be between 40-50 megawatts, so to be limited to 2.6 megawatts would most likely be economically unfeasible. There was discussion regarding solar megawatts.

2) **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

Ann-Marie Aubrey explained that the idea of an accessory structure is that there is a primary structure there on the property where there is a primary use. If there is no other building there, then there is the issue of, is it truly an accessory structure or is it a primary use in and of itself. The Town Attorney agrees that this is the issue that needs to be resolved. Ms. Aubrey stated that it would need to be defined and she suggested getting advice from the Town Attorney regarding whether any other municipalities have done something similar to this. She noted that a barn is already allowed on a property by itself for agricultural purposes. She explained that another thing that is allowed is for someone to build a garage, however, they need to come in for a permit for a house at the same time (primary use would be the house).

Discussion ensued and included the following:

- Concerns that had been discussed in the past include blight and that it may become a hidden commercial area (something not allowed under the Zoning Regulations).
- Virge Lorents suggested getting rid of the word "accessory."
- John Sarantopoulos asked about the number of requests Staff gets. Ms. Aubrey explained that most requests are for reasons that are already allowed like putting a garage or shed up before the house is built or for agricultural purposes.
- Keith Thurlow spoke about how he feels that people should be able to use their property for personal uses (e.g. a garage to store vehicles).
- Mr. Sarantopoulos debated in opposition and Ms. Lorents debated in favor.
- Matthew Wendorf stated that he feels it is a good idea as it incentivizes people to own property that they may not use as a primary location, but would pay taxes on a "secondary" or "satellite" structure that can exist within a property that is completely separated from a primary residence. He suggested restrictions such as no Town utility hookups. He suggested that it could generate on-site power and use a natural means of on-site plumbing to allow there to be a useful nature to the building on the site, but

not allowing for an expansive building used for something beyond storage. He feels it would be beneficial to come up with a regulation and define it.

- There was discussion about vehicle storage and about the risk about loop holes. Mr. Thurlow commented that the Regulations for the zone would apply and we have a blight ordinance.
- Mr. Sarantopoulos commented that Zoning Regulations are to protect individual landowners from one another. He referred to the self-storage industry and to an instance in the past where someone wanted to convert a chicken coop to self-storage.
- Brian Card suggested creating a new definition - “personal use structure” and make it by special permit, so it is allowed, but they have to present it before the PZC. This would control the commercial nature, what is being stored, how it is being stored, how big it is, where it is located. Special permit would require neighbor notifications so everyone would know what is happening, but it would allow people to use their property.

Motion was made by Virge Lorents to move forward with Staff and the Town Attorney drafting language for the Zoning Regulations to allow for an accessory structure to be constructed on a vacant parcel of real estate without the primary structure being in place, as defined by Brian Card and as discussed by the Commission:

- New definition for Personal Use Structure.
- To be by Special Permit in each district, so it would have to come before the PZC.
- This would allow people to use their property and the neighbors will know what is happening.

Second by John Sarantopoulos. No discussion.

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

3) WORKSHOP – Discussion – Five Mile River Overlay District.

Ann-Marie Aubrey displayed a map and also provided copies for Commission Members. Keith Thurlow commented that there had been a suggestion to eliminate the Five Mile River Overlay District and he asked Ms. Aubrey to speak about the pros and cons of keeping it or eliminating it.

Ms. Aubrey explained that the hand-drawn map is the basic outline of how the District looks now.

- She indicated and described how the Overlay District only covers a small section of the River itself. She indicated where there may be some listed species and critical habitat areas which she had found on the DEEP website (these areas are not included in the Overlay District).
- She suggested that the Commission review the Regulations because a lot can also be covered by the Wetlands Regulations/200-foot Upland Review Areas.

Ms. Lorents suggested merging all together under one title for the entire length.

Ms. Aubrey asked if the Commission would want to:

- Put the Five Mile Protection Overlay District throughout the whole Five Mile River?
- Question why it is on the Five Mile River, but not the Quinebaug River? What would be the differences between the two rivers?

Discussion ensued. Ms. Aubrey offered to compare the Wetlands Regulations vs. the Five Mile Protection Overlay District Regulations and to make up a chart to show what each does or does not do, as well as species/habitat areas. Mr. Thurlow suggested looking at the Regulations for substance and he said that the Town Attorney questions the value of having these Regulations because everything was pretty much covered under other Regulations. Mr. Thurlow suggested that Ms. Aubrey outline any substantive portions of the Regulations so that the PZC can evaluate its value. Mr. Wendorf noted that the Overlay District extends beyond into properties further than Wetlands would cover. Mr. Card explained that there is no rhyme or reason to it and he said that if we are truly worried about the Five Mile River, why don't we protect it everywhere? Mr.

Wendorf expressed concern regarding the additional properties beyond the boundaries that would be affected, if the Overlay District were removed. Discussion continued.

Ms. Aubrey will review the Regulations and prepare a graph/table to see what is covered under which Regulations and if there is duplication. Ms. Aubrey noted that it doesn't necessarily follow lot lines or road lines, some lots are divided in half and some are not, some are totally enclosed and there doesn't seem to be a reasoning behind it. She said that a surveyor had made up a legal description.

Ms. Lorents suggested that UCONN may be able to help with what needs to be protected. Ms. Aubrey will look into this.

Mr. Wendorf commented that, if this is an arbitrary line that got drawn around these properties, it does provide these properties additional protection beyond what Inland Wetlands has and the Zoning Regulations, so we would be stripping those properties of their protections. Discussion continued.

Mr. Thurlow suggested getting the Town Attorney's opinion so it can be discussed next time.

V. ADJOURNMENT

Motion was made by Matthew Wendorf to adjourn at 8:24 p.m.

Second by Brian Card. No discussion.

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

Respectfully submitted,

J.S. Perreault
Recording Clerk



TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION

MONDAY – DECEMBER 20, 2021

Regular Meeting – HYBRID MEETING

7:00 PM

TOWN MEETING ROOM – 2ND FLOOR

Killingly Town Hall

172 Main Street

Killingly, CT

RECEIVED
TOWN CLERK, KILLINGLY, CT
2021 DEC 29 AM 10:11

Elizabeth M. Wilson

**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 AND CLICK ON FACEBOOK LIVE AT THE BOTTOM OF THE PAGE.

I. I. **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:05 p.m.

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

Staff Present – Ann-Marie Aubrey, Director of Planning & Development; Ken Slater, Town Attorney, Halloran & Sage (both were present in person).

Jill St. Clair, Director of Economic Development (present via Webex).

Also Present (in person) – Attorney Joseph Hammer, Day Pitney, LLC; Scott Hesketh, Traffic Engineer with F.A. Hesketh & Associates; Roger Gieseke, Frito-Lay (Senior Project Engineer); Brian Dotolo, Haskell (Project Director); Sil Quenga, Frito-Lay (Director of Engineering and Maintenance); Peter Deary, owner 19 Lucienne Avenue; Ulla Tiik-Barclay, Town Council Liaison.

(Via Webex) – Bennett Brooks, President of Brooks Acoustics Corporation; Gregg Hoell, Frito-Lay Supply Chain Senior Engineer); David Kode, Design Director and Architect with Haskell Company (Project Consultant); Steven Cole, Haskell (Civil Engineer); Scott Lyons, Haskell; Yovannia Gamez, Lighting Design Team; Jennifer Suharmadji May; Attorney Timothy D. Bleasdale, Waller, Smith & Palmer, P.C.; J.S. Perreault, Recording Secretary.

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: 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 2630-679-4673 when prompted.

Ann-Marie Aubrey read aloud the above information regarding participation for public comment.

There was no public comment.

Ms. Aubrey stated that she had received three letters in support of Weld, LLC (Zone MAP Change Ap #21-1276) which she said she would provide to Commission Members. She did not know if these supporters were Killingly residents because the letters were signed with no addresses provided. She noted that the Applicant's Attorney, Timothy D. Bleasdale, was present via Webex.

Keith Thurlow if comments were received for the Frito-Lay Application. Ms. Aubrey stated that the letters regarding the Frito-Lay Applications that were included in packets to Commission Members had been read aloud at the previous meeting (public hearing).

Keith Thurlow, for the record, asked Ms. Aubrey about engineers regarding the two Frito-Lay Applications. Ms. Aubrey stated that she had contacted the Town Manager and they contacted four engineering firms, two of which had a conflict. They selected CLA Engineers from Norwich from the remaining two. CLA was provided the information with a request to report back a week before the January 18, 2022, meeting to give Staff time to review. CLA Engineers will be available at the January 18th meeting. Mr. Thurlow asked if Frito-Lay would be agreeable to both Applications being continued to the January 18th meeting. Attorney Hammer's response was inaudible.

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 2630-679-4673 when prompted.

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.

Attorney Joseph Hammer represented the Applicant.

Keith Thurlow asked if there was anything new to be added to the previous testimony. The beginning of Attorney Hammer's response was inaudible. He stated that, similar to the previous testimony, for simplicity, testimony presented tonight would apply to both Applications. Attorney Hammer made the following comments:

- They have made some changes, the most significant being that the expanded auto parking lot has been relocated and, as a result, it leaves the treed and bermed area to the west of the existing auto lot undisturbed. It also minimizes visibility from Upper Maple Street. This was in response to a major comment heard from a number of speakers.
- Within the parking lot, they lowered the lighting pole height from 25 feet to 20 feet and are now using a fixture with more control over light spillage.
- The height of the lights on the exterior of the ASRS (Automatic Storage and Retrieval System) warehouse building wall have also been lowered.
- Scott Hesketh, Traffic Engineer with F.A. Hesketh & Associates, who had prepared the Traffic Impact Report (dated October 21, 2021) that had been submitted as part of the record for this Project will address questions and comments, regarding the report, from the previous meeting.
- Sil Quenga, Frito-Lay (Director of Engineering and Maintenance), will describe actions taken by Frito-Lay over the past year-and-a-half in response to concerns raised by area residents regarding sound. Mr. Quenga will also review a chronological history of the resolution of the 2009 CT Department of Environmental Protection Odor NOV (Notice of Violation).
- Bennett Brooks, Sound Acoustics Expert and President of Brooks Acoustics Corporation, will review the sound testing report that he had done at the Plant in the fall of 2020 (dated March 2021) as part of Frito-Lay's discussions with Keith Suchy, a Lake resident and Member of the Lake Association. Mr. Bennett's report had been submitted

to Staff and shared with the Lake Association. Ms. Aubrey had provided copies to Commission Members. Mr. Brooks will also describe the installation of various sound-reduction equipment.

Attorney Hammer noted that in a situation like this, where the use is permitted as of right and subject only to site plan review, the CT courts have indicated that consideration of traffic is limited. It is not an off-site impacts analysis as you might have with different types of applications. It is really focused on traffic circulation on the site as well as at the site entrance, entering and exiting the site. He said that no changes are being proposed for the site entrances or to the circulation within the site.

Scott Hesketh, Traffic Engineer with F.A. Hesketh & Associates, reviewed his letter (dated December 9, 2021) which was prepared to address comments/questions raised during the November 15, 2021 meeting (included in packets to Commission Members):

- The Report has been revised to clarify/correct typographical errors. Revised text of the Traffic Report, dated December 9, 2021, has been re-submitted.
- Mr. Hesketh stated that, several years ago, he had also authored the report regarding the KEC (Killingly Energy Center) for NTE (the developer). He explained that, due to some inconsistencies in the DOT data and due to the COVID crisis, they relied on the combined traffic volumes from the KEC report as the background traffic volumes for the Frito-Lay report. The volumes for the KEC report were significantly higher than the volumes they observed during their recent counting program, and it seemed easier to use those numbers to present to the Commission than to go thru a long, elaborate explanation as to how they grew the traffic volumes during COVID to pre-COVID conditions. Pre-COVID counts were used as the background for the report. He stated that they believe that is an appropriate means for adjusting for traffic and the background conditions. Recent counts were described in the recent report which, when compared, show that the 2021 data is significantly lower than the 2018 data that they relied on. He noted that the DOT's position is that the traffic volume counts done in this day and age will be the new normal moving forward. They believe the traffic volumes presented in the report are conservative and that the analysis presented in the report will be conservative and will over-estimate the background conditions and will, therefore, under-estimate the traffic impacts of this particular development.
- Mr. Hesketh explained about construction-related traffic vs. ongoing, regular operational traffic as described in his letter dated December 9, 2021. He explained that for peak Frito-Lay construction traffic (maximum workforce of 420), they are going to rely on carpooling and shift change to ensure that the traffic volumes do not exceed a maximum of 168 trips. Construction-related traffic to operate off-peak from the employee-related traffic so that those two traffic flows will not occur simultaneously. This will keep the site-generated impacts from the construction to about the same levels of the future traffic volumes for the fully operating Frito-Lay development as described in the Traffic Impact Report. Driveway access to and from this Facility is more than capable of accommodating that volume of traffic safely and efficiently, with good levels of service, during peak hours.
- Regarding concerns for existing operations on Lake Road, Mr. Hesketh explained that the Frito-Lay Facility is located east of Lake Road, and they do not project high volumes of employee traffic on Lake Road and that all truck-related traffic will be directed to access the Facility, to and from Interstate 395, using the Attawaugan Crossing Road access drive. They are not projecting any increase in truck-related traffic, only a minor increase in employee-related traffic on Lake Road.

Mr. Hesketh noted the following operational situations that could occur at the power plant: They operate on natural gas, so they do not have truck traffic going to and from the facility once in operation. If there is an interruption in natural gas to that facility, they are allowed to run on oil for a short period of time. To ensure that oil trucks can pass each other simultaneously on Lake Road, they were required to make roadway improvements on the S-curve of Lake Road to widen that roadway so that trailer trucks could pass each other in two directions if it ever becomes necessary.

- Mr. Hesketh summarized the Report noting that there are no modifications proposed for either of the access points to and from the Frito-Lay Facility on Upper Maple Street or Attawaugan Crossing Road and that, based on the background traffic volumes and the projected site-generated traffic volumes for this proposed development, both access points will operate safely and efficiently at good levels of service. Existing lane arrangements can accommodate the anticipated volumes of traffic without significant delays. He explained that there should be no modifications to on-site traffic circulation which will be shown on a drawing and discussed later in the presentation.

QUESTIONS/COMMENTS FROM THE COMMISSION:

- **Keith Thurlow** asked if the gravel road will be paved over and utilized.
Attorney Hammer stated that this would be discussed later in the presentation, but that, with the parking lot relocation, the gravel road is no longer going to be paved over and will remain as a gravel road.
Roger Gieseke, Frito-Lay (Senior Project Engineer), clarified the location of the gravel road. It is between the truck entrance and the employee entrance on Attawaugan Crossing Road.
Mr. Thurlow asked about the carpooling.
Mr. Hesketh explained about subcontractors meeting at the office/shop and driving to the site together with their equipment. He also stated that there is also the ability to use commuter parking lots throughout the State.
Mr. Thurlow asked about using out-of-state contractors vs. local.
Brian Dotolo, Haskell (Project Director), explained that they do have some from out of state, but not the majority. He said that if they come from out of state and are staying at a hotel, they can carpool from the hotel to the job site.
- **John Sarantopoulos** asked if all the contractors would be encouraged to carpool to the site.
Mr. Hesketh stated that is correct.
- **Brian Card** commented that encouraging and mandating are two different things and he asked how they would mandate the level of 168 cars as in the Report. Otherwise, the analysis should be based on the full 420.
Mr. Dotolo explained that it would be part of the subcontract agreement with the vendors.
Mr. Card asked how the PZC would enforce that.
Ken Slater, Town Attorney, explained about the permitted-by-right use for which the PZC does not have any control over traffic volumes. He explained that, if the Applicant gives permission, there could be a condition of approval for Zoning Enforcement to enter the site and do an inspection.
Attorney Slater further explained that the PZC does have authority, in ordinary Site Plan Review where a use is established as permissible, is to make sure that the access is safe. In this case, the Applicant has offered to include it in the subcontracts which is something that the Commission cannot specifically require.
Mr. Card asked about the OSTA (Office of the State Traffic Administration) permit process.
Mr. Hesketh stated that they have made an application to OSTA for the administrative decision, but he has not received any substantial comments from them as of this point. He explained that OSTA has jurisdiction over State highways and that neither Upper Maple Street nor Attawaugan Crossing Road are State highways. However, since the development has an excess of 100,000 square feet, they do regulate it for impacts to State highways, so that is what OSTA will be reviewing. He explained that they generally look at intersections where there is an excess of 50 new vehicle trips. Since they met that threshold, they provided information including the highway ramps on Route 395 down to Route 101. He explained that the Route 395 southbound ramp, if reviewed as a single-lane approach, is service level F, but it operates mainly as a two-lane approach, and they are not proposing any improvements at that location. The DOT may decide that restriping it may be appropriate.
Mr. Card asked about the methodology for the on-site trips counts.
Mr. Hesketh explained that they did turning movement counts of both site driveways during peak hours. They compared the volumes that they got to the ITE trip generation results based on the number of employees and based on the square footage of the development. The ITE numbers based on the number of employees more closely resembled the traffic volumes counted out in the field. Based on that, they projected the increase of site-generated traffic based on the projected level of employees for the expanded development and they used that projected volume as the total site-generated traffic for the site.
Mr. Card asked if a truck count had been done because the truck count seems low.
Mr. Hesketh explained that they did not count trucks independently, but they did run the ITE trip generation for trucks based on the square footage of the Facility and the number of employees and they added the peak hour volume of trucks. You would not want a lot of trucks there during peak hours when employees are there.
Mr. Card asked how that compares to actual truck counts. He feels that there are more trucks than what the analysis is showing.
Mr. Hesketh stated that he did not run through those numbers. He will speak with the team to see if they can get that data.
Mr. Card asked if the existing gravel drive on the west side, spoken of earlier by Mr. Thurlow, would be improved to accommodate raw material deliveries.

Brian Dotolo explained that for the current gravel drive that is east of the railroad tracks that runs north/south past the gravel road, they are considering putting millings on that road to allow potato trucks to run down that area, on a temporary basis, during the construction. He will indicate this gravel drive on the site plan later in the presentation. Attorney Hammer stated that this area is no longer going to be re-seeded based on the revised parking lot location.

- **John Sarantopoulos** asked who would be responsible should the State decide that improvements need to be made off of Route 395.

Mr. Hesketh stated that, if the DOT or OSTA deem that improvements are necessary, it would be the responsibility of the Applicant/Developer.

Mr. Sarantopoulos suggested that the Traffic Manager would be a good source of information as that is who should be responsible to schedule trucking not to conflict with peak hours/shift changes.

Attorney Hammer stated that, although it goes beyond the scope of a Site Plan Review, the report that Mr. Hesketh did for OSTA has been submitted to Staff.

Sil Quenga, Frito-Lay (Director of Engineering and Maintenance), gave a Power Point presentation regarding the chronological history of odor complaints at the Facility beginning in February 2019, when they received a Notice of Violation, and explaining how Frito-Lay worked with the DEEP to get to the resolution to close out the NOV in August 2011 (copies of the NOV and Closure Letter from the State had been submitted to Staff earlier in the day and were provided to Commission Members). Mr. Quenga explained that since then, they received a total of three separate odor complaints which were phoned in directly to Frito-Lay and were responded to.

QUESTIONS/COMMENTS FROM THE COMMISSION:

- **Brian Card** asked if the DEEP has come out to the site, for any reason, since 2011.
Mr. Quenga explained that the DEEP does inspections every year and none of the visits resulted in any odor issues.
- **John Sarantopoulos** asked about a vegetable oil slick on the surface of the Lake and if it has been addressed.
Mr. Quenga stated that, short of the last PZC meeting (11/15/2021), they do not have any recorded complaints of anything of that nature from the Town, the State or from direct phone in.

Sil Quenga gave a Power Point presentation regarding sound complaints:

- In the summer of 2020, Keith Suchy called in a complaint regarding noise. Mr. Suchy met with Frito-Lay representatives, and he took them out on his boat so that they could hear what his complaint was about. Mr. Quenga explained that Frito-Lay focused on their starch drying equipment (which is part of their resource conservation effort) because they had determined that, primarily, that is where the noise was coming from. They hired Brooks Acoustics Corporation to do a sound survey to identify the source of the higher sound that was reported. Mr. Brooks completed his analysis and found that the sound levels were consistent with applicable sound regulations. They asked Mr. Brooks for recommendations to reduce the sound to make it quieter. He explained that, in the fall of 2020, they installed some sound-absorbing mats. Next, they installed acoustic covering on the starch dryer blowers. Then, they installed some elbows on top of the stacks to divert the sound to the east away from the Lake. A few weeks ago, they installed sound attenuators in addition to the existing ones. Mr. Quenga commented that after this was done, it made an immediate, drastic improvement in what he could hear from the potato receiving yard.

There were no questions or comments from the Commission at this time.

Bennett Brooks, PE, FASA, INCE and President of Brooks Acoustics Corporation, spoke of his credentials/experience in the field of acoustical engineering. He stated that he has been involved in various projects/studies with this Facility for about 12 years. Mr. Brooks summarized the following:

- The first testing done in October 2020, from which they used the data collected to do the Sound Control Design Study.
- The testing done on the west property line (engineering-based study at the Plant dated March 8, 2021) and rooftop-mounted equipment. Mr. Brooks displayed a Google Earth aerial photo of the Facility and surrounding

area as well as other photos depicting the locations where testing was performed. He displayed and explained the test results.

- The most recent testing done last week when the silencers were mounted in the starch recovery stacks. He described/explained results from the various scenarios used for the tests. He said that he feels confident that they are consistent with the Regulations at the property line and will be in better shape in other locations.

QUESTIONS/COMMENTS FROM THE COMMISSION:

- **Virge Lorents** asked Mr. Brooks to describe what the sound level would be like (screaming tea kettle vs. a bird cooing).
Mr. Brooks described that the sound level would be like a very quiet voice (closer to the bird cooing).
- **Matthew Wendorf** asked if the frequency affects the audible perception.
Mr. Brooks explained that, in general, they use the A weighting system. He explained that the silencers were designed to remove the low hum that was coming from the starch system.
- **John Sarantopoulos** asked what the water (the Lake) does to sound.
Mr. Brooks explained that it will attenuate with distance. There is not much absorption of sound by the water. He explained that sounds drop 6 decibels per doubling of distance.

Attorney Hammer asked Mr. Brooks to speak about the expansion and the efforts that will be taken to ensure that the Plant will comply with the noise standards.

Mr. Brooks explained that they have a list of all equipment potentially being planned for the Facility and how it will be analyzed, by computer modeling, in place on the site. Their intent is to engineer this as part of the design and construction team. So, for example, if a silencer is needed on a stack, it will be included in the equipment specifications, so it will be installed when the Plant is being built. He explained that they are designing and engineering this for sound control from the very beginning. He explained that the storage retrieval system is all indoors and will be quiet on the outside. The air conditioning on the roof will be treated, so their sound levels will be low. He explained that they will do the same thing with the equipment on the production side which is further from the residents and behind the existing Plant which acts like a big sound wall to block the sound. It is their intention to meet all codes and regulations for this addition.

Attorney Hammer asked Mr. Brooks if he is confident that, with his input during the selection of equipment and build process, the expansion will comply with the applicable noise standards.

Mr. Brooks explained that he is very confident.

QUESTIONS/COMMENTS FROM THE COMMISSION:

- **Keith Thurlow** asked about the expected decibel levels for the mechanicals on top of the ASRS building.
Mr. Brooks explained about selecting quiet models over noisier ones and installing barriers, if needed. He explained that, in the past, a sound wall had been erected on the roof of the potato chip production area.
Mr. Thurlow asked how tall of a wall it would be.
Mr. Brooks explained that if the unit is 6-8 feet tall, you would want to have a wall that is in the neighborhood of 10-12 feet tall. They have not run all of the models yet, so he does not have results to show at this time, but he explained that in the end, everything has to be within code at the property line. He explained the process for how they determine the proper sound barrier needed for a piece of equipment. He explained that he is unable to tell, at this time, how high anything will be. He explained about placement, and he said that the noisier equipment should be placed on the east side of the Plant and the quieter equipment should be placed on the west side. Some equipment comes with enclosures.
Sil Quenga explained that their plan is to ensure that they put the appropriate equipment on the roof so that they don't have to put in secondary sound isolation.
Mr. Thurlow asked about sound carrying from quiet equipment at 80 feet high and if there will be anything other than a sound wall blocking that noise.
Mr. Quenga stated that there would not be any trees that tall to block it. He stated that there probably would not be something that tall on top of the ASRS and he spoke about having Mr. Brooks to analyze the system and to determine if mitigation is needed.
- **Virge Lorents** asked about when the calculations would be available.
Attorney Hammer stated that the actual equipment design specifications and selection has not yet occurred and will come later in the Project given the nature of the Project. Mr. Brooks will be working with them.

Mr. Brooks explained that there is at least a couple dozen pieces of equipment that they are addressing. Some are lower level and won't need anything or just a little sound attenuation and there are others that they know will need a robust, substantial enclosure.

Mr. Thurlow spoke of his experience of how sound carries.

Mr. Brooks explained that the State of Connecticut decided that the limit of 51 decibels at night (the sound of a very quiet voice) is the very low limit to impose to protect residences, so that is what they want to meet.

Roger Gieseke asked Mr. Brooks to confirm the measurement from the survey taken, at the property line last week, with both of the starch blowers off.

Mr. Brooks stated that it was somewhere in the neighborhood of 48 decibels.

Mr. Gieseke feels that would give the Commission some level of confidence because he said that would be with the entire Plant running, full production, with all of the rooftop equipment running. He said that is significantly below and would not yield any complaints from the residents. That would be with the ventilation equipment running on both the existing high rise and the new GES high rise that was put in in 2014. He said the equipment, in its current location, is pretty quiet, as measured, at the property line. He said that specific complaints from the Lake residents were about the starch drying system blowers and that is what they were trying to highlight with the report. They have gotten initial indications that it is very quiet since they were trying the modifications. He said that there is a significant difference and that residents are starting to hear some of the other industry on the other side of the Lake more so than Frito-Lay.

- **John Sarantopoulos** asked about monitoring the climate control in the warehouse and if it is necessary for the product.

Sil Quenga explained about their building management system which started in 2014 with the GES building and is now throughout the entire Facility. He explained that they are a food processing facility, so they work quite a bit with air balance throughout the Facility. The ASRS needs to be maintained with enough heat, so it doesn't freeze, but they don't need to cool it. It is mainly an air circulation-type unit in the ASRS.

Mr. Sarantopoulos asked if trailers are used for storage on site.

Mr. Quenga explained that they do put product in the trailers. Typically, about 2.4 days' worth of product on hand and it may sit there for a day until a tractor comes and moves it. He explained that it depends on the supply chain and what they are doing with it. They re-use cartons and they store those in trailers. They prefer not to leave product out in the yard very long.

Mr. Sarantopoulos asked how many loads are shipped out per day on average.

Mr. Quenga stated more than 200.

Mr. Sarantopoulos asked how many trailer spaces with the new addition.

Mr. Quenga was not sure, but that information had been submitted earlier.

- **Virge Lorents** asked for the percentage of the trailers are just sitting there empty and why.

Mr. Quenga explained that it depends upon their distribution cycle. He explained that they produce over 160 million pounds of product per year, and he also explained that they are a full-mix warehouse.

- **Brian Card** asked Mr. Brooks if they validate the model baseline based on testing done in the field.

Mr. Brooks stated "yes," and he explained that they try to validate the model all through the process.

Mr. Card asked Frito-Lay if they are going to proof with testing at the end of construction to validate the model results and provide the report to the Town.

Someone stated, "yes we will." This person did not state his name, but it is assumed that it was someone from Frito-Lay.

Greg Hoell, Frito-Lay, Supply Chain Senior Engineer, Lead of the Warehouse Automation Group, spoke of his background/experience and the proposed ASRS. Photos were displayed as he explained them. He explained that the ASRS was designed with the optimal height to maximize storage capacity and operational efficiency while minimizing the overall building footprint. Mr. Hoell explained that the proposed ASRS has a condensed footprint of 24,600 s.f. A reduction in height below 50-feet tall would require a 93,300 s.f. of conventional warehouse which is almost four times the proposed design. It would also require more employees which would require more parking area. He explained that the Killingly site is extremely space constrained, therefore, a conventional warehouse would not be feasible. They believe that the proposed design is the most desirable and has the least impact to the surrounding community.

QUESTIONS/COMMENTS FROM THE COMMISSION:

- **Matthew Wendorf** asked about how a minimal height reduction, due to potential acoustics screening at the top of the building, would impact the overall footprint.
Mr. Hoell explained that a key design input is the number of pallet storage spaces required. It was determined, for this project, that there is a need for 4,993 pallet areas. The system proposed provides 5,184. If one tier were taken away, 648 pallet areas would get removed and another 27-foot-wide aisle would need to be added closer west to Maple Street.
Attorney Hammer commented that the PZC has previously approved 77 feet for a portion of the existing ASRS, a 9-foot difference.
- **Brian Card** asked when the standard changed for the building height from the previous ASRS.
Mr. Quenga stated 2014.
- **Keith Thurlow** asked if the walls for the ASRS would be solid, plain, white walls. He also asked how many people would be in the building.
Mr. Hoell stated with yes, with lighting. Regarding people in the building, he stated that there may be one or two for maintenance as it is mostly a dark space. Mr. Quenga explained that it is straight storage with three cranes. There was discussion regarding the low bay area. Mr. Quenga indicated different aspects for Mr. Thurlow, however, it was inaudible as he was not at a microphone. Attorney Hammer stated that the next speaker from Haskell would be addressing this.

Keith Thurlow called for a five-minute recess at 9:12 p.m.

Mr. Thurlow called the meeting back to order at 9:19 p.m.

David Kode, Design Director and Architect with Haskell Company (Project Consultant) introduced Steven Cole, Haskell Company (Civil Engineer).

Steven Cole gave a Power Point presentation and orientated the property. He discussed some of the changes made from the previous application/previous hearing:

- **Auto Parking Expansion** has been rotated down to tuck it in more with the site geometry and to maintain some buffer space.
Closest point is 291 feet from the right-of-way. Existing auto parking lot is 266 feet from the Upper Maple Street right-of-way. So not encroaching any further with this geometric layout.
The count for parking stalls remains the same as previously presented. He explained the calculation of 633 spaces needed at the Facility.
Grading and Drainage – The goal was to recess the parking lot. It is higher than the existing, but there is going to be a four-foot berm all the way around the western edge of the property and into the western edge of the Auto Parking Lot and into the northwest corner of the Auto Parking Lot. No vehicles will be visible from Upper Maple Street because of the berm.
The entire area to the west, including the gravel roadway, will remain undisturbed.
They are proposing coniferous trees to be planted to fill in any gaps in existing vegetation.
He indicated the 5,725 s.f. of green space that they are providing.
- They are proposing an underground detention system as previously described underneath the existing auto parking lot. No changes to run-off, discharge, or location.
- Existing gravel road to remain undisturbed except for a small section of asphalt pavement at the southern end.
- Trailer Parking Expansion is now going to be on the west side of that road.
- Abutting property owners have been added to the plan which has been submitted.
- Internal Traffic Circulation Plan was displayed, and Mr. Cole stated that there would be no improvements to either entrance road and no major changes to onsite circulation for what is previously occurring out there. The entire site has two-way thru traffic. There is a gate that has a Knox Box for emergency access at the auto entrance and at the truck entrance. The one at the truck entrance remains open at all times but, if closed, there is room for emergency access as well.

QUESTIONS/COMMENTS FROM THE COMMISSION:

- **Brian Card** asked how drainage is being handled at the trailer parking area since that is now recessed.
Mr. Cole explained that the trailer parking lot would be part of the master plan drainage area that goes to the Yellin filtration basin. Previously, for the upper lot, they did account for impervious area which is shown

on the Drainage Map as well as the Hydrology Report. He said that all water treatments have already been provided as part of the Master Plan.

Mr. Card commented that he thought that it was said that the grade had dropped there.

Mr. Cole stated, "from what we were previously proposing." He explained that the Yellin lot is lower than those trailer stalls, so grade falls from north to south.

Mr. Card stated that the Commission does not have a plan that shows the grading or drainage there.

Attorney Hammer stated that they are working to get plans that show more detailed engineering to show the storm water drainage before the next meeting.

Mr. Card asked if there would be additional buffer/vegetation since the parking lot is being moved much closer to the Maple Street right-of-way than originally proposed.

Mr. Cole explained that they still have the required buffer distance from the right-of-way. He said that they can show plantings there when they work through what it will look like and will provide those plans.

- **Keith Thurlow** asked about the Forest Management Plan that was part of the 2010 Special Permit.

Attorney Hammer explained that Frito-Lay had looked back in their records to 2009 and could not determine whether a final plan was arrived at, but they believe that they have met the intent of the 10-year-old approval by maintaining with the revised parking lot location that forested area which now is quite mature with 30-35-foot-tall trees. He said that there were comments made that it is an effective buffer/screen and people want it to remain and now it will.

Mr. Thurlow asked if there is a railway extension in that same area, between now and then, that eliminated tree buffering.

Mr. Quenga explained that they had put in a small spur for the railway expansion. There were oil tanks in that area, so there was very little vegetation there. He indicated and explained the location on the map.

Attorney Hammer stated that they could look at the area to see if they can do some landscaping in that area.

Mr. Thurlow commented that it also leads to the new parking lot and the buffering being proposed there. He said that there is a big concern with buffering with Maple Street and the residents across the street. He commented that, for other Industrial Park properties, a manufactured berm had been required to be built, yet here, over the years, trees are diminishing, and buffers are being more and more exposed.

Roger Gieseke explained that, for the parking lot relocation, they have maintained the natural berm that exists between Maple Street and the main spur and the spur and the employee parking lot. He stated that there is almost a 15-foot change in elevation between the employee parking lot and the berm going down to Maple Street and that Staff had walked the property within the last couple of weeks. He explained that you cannot see the employee parking lot. He said that Attorney Hammer has been working with Mary Miller, the Attorney for the Lake Association, in trying to maintain that area which is why they are moving that parking area in order to maintain that buffer in its natural state.

Mr. Thurlow asked how that affects the 80-foot building.

Mr. Gieseke referred to photos in different seasons that had been provided to Commission Members and stated that it would be very hard to see.

Mr. Thurlow asked about the proposed trailer park.

Mr. Gieseke explained that the trailer park is very similar to the south lot which is about the same location, and they are not opposite any residents. He explained that they had been concentrating on the Anthony Simpson issue, but he said they could take a look at it. There was discussion between Mr. Thurlow and Mr. Gieseke and Mr. Gieseke suggested that Mr. Thurlow take a ride by the area to see it because it is an effective barrier even now with no leaves on the trees.

Mr. Thurlow stated that he had just rode by there and noticed how bare it was and he had a view of the buildings (from Maple Street to the south). He said that there was a wide, open gap.

Mr. Gieseke said that they can take a look at it and, perhaps, plant some trees on Frito-Lay owned property. Ann-Marie Aubrey referred to a map, which Mr. Thurlow had provided to her, which she said does not go as far down as the tractor trailer area goes and she explained that the area being spoken of is not Frito-Lay property. Ms. Aubrey stated that, when she walked the site, she had seen that they are maintaining the buffer between the gravel driveway and the railroad, which is what everybody wanted them to maintain.

- **John Sarantopoulos** asked where the adjoining property owner right-of-way is.

Sil Quenga explained it by showing Mr. Sarantopoulos on the map.

Attorney Hammer asked that this same explanation be provided for all to hear and see. Attorney Hammer added that an access right has been added by Mr. Simpson and it is not believed that he has established that. Attorney Hammer said that it is not the role of the Commission. He said to put that entirely to the side,

with this revised plan it is academic because there is no physical blocking. Mr. Sarantopoulos stated agreement with Attorney Hammer. Mr. Quenga provided the explanation again at the microphone with the Overall Site Plan displayed.

A plan entitled; Lighting Design Improvements was displayed.

- **Keith Thurlow** asked if there was an elevation change from the ASRS to the low bay. It was explained that it is not an elevation change. The speaker did not identify himself.

Yovannia Gamez, Lighting Design Team, explained about lighting changes/improvements based on discussion from the last public hearing:

- For the outdoor parking lot: Reduced height to the top of the poles from 25 feet to 20 feet; reoriented lights to minimize number of fixtures visible from the west (Upper Maple Street); changed from aluminum poles to bronze color poles to minimize reflection; changed from shields to backlight cutoff controls for western perimeter. She explained backlight cutoff.
- At the new warehouse: Light fixture mounting height on the wall of the ASRS building has been lowered from 25 feet to 20 feet.

QUESTIONS/COMMENTS FROM THE COMMISSION:

- **Virge Lorents** spoke about the importance of dark-sky compliance in the Last Green Valley and how birds are losing their ability to navigate during their migrations. She cannot see constellations that she could see as a child, and she wants this issue to be seriously understood. She said that the 20-foot pole height is remarkably better than 25 feet, but it is still a fairly large cone of light. Attorney Hammer responded that the design team came up with a solution, based on comments received, that they think improved things, but still gives the level of light that is needed for safety in terms of the operation of the lot and Facility.

David Kode, Design Director and Architect with Haskell Company (Project Consultant), reviewed the following:

- Two photos (taken on December 17, 2021) showing the view from Upper Maple Street.
- Three photos showing seasonal views from across the Lake indicating the locations of the 1978 and 2012 ASRS buildings.

Attorney Hammer noted that the proposed ASRS addition would be in the same general location as the 2012 ASRS. Mr. Kode stated and explained that that is correct.

QUESTIONS/COMMENTS FROM THE COMMISSION:

- **Keith Thurlow** asked if the new building would be exposed above the tree line. Mr. Kode stated, "no."

There were no further questions.

Attorney Hammer spoke about questions raised at the last meeting regarding the parking space count. He stated that the Regulations express a minimum number of spaces (402 based on floor area). They are proposing 633 which is based on the actual 40-year experience operating the Facility and knowing what the parking needs are. They referenced the ITE Engineering Manual for parking demand ratios and that would yield a substantially higher parking count (739-900 depending on whether it is building square footage or employee headcount).

Attorney Hammer stated that they consent to continue both the Site Plan Application as well as keeping the Special Permit Hearing open to the meeting of Tuesday, January 18, 2022.

Motion was made by Brian Card to continue both:

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

And

Site Plan Application #21-1275; David Kode (Frito-Lay/Landowner); 1886 Upper Maple St; GIS MAP 62, LOT 53; 94 acres; Ind Zone; for the proposed building additions that will be under the allowed height

to the next regular meeting to be held on Tuesday, January 18, 2022, 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).

Motion was made by Brian Card to continue the December 20, 2022, Meeting of the Planning and Zoning Commission past 10:00 p.m.
Second by Matthew Wendorf. No discussion.
Motion carried unanimously by voice vote (5-0-0).

2) **Zone MAP Change Ap #21-1276**; Weld, LLC (CGCT Killingly LLC/Landowner); 543 Wauregan Road: GIS MAP 262, LOT 20; And 19 Lucienne Avenue, Killingly, GIS MAP 262, LOT 22; both General Commercial Zone; application seeks to change the zone of the subject real estate (properties) from General Commercial Zone to Light Industrial Zone.

Attorney Timothy D. Bleasdale, Waller, Smith & Palmer, P.C., represented the Applicant and gave an overview. Map 1 of 6 was discussed:

- The existing Light Industrial is just under ten acres in this area and the additional acres that they are proposing to add would bring this to a total contiguous zone of about 12.6 acres. 543 Wauregan Road – 2.1 acres, currently fully developed, 22,000 s.f. building on existing large parking lot. 19 Lucienne Avenue – 1.2 acres, undeveloped except or the driveway, mature trees.
- The remaining General Commercial Zone in that area, after the two lots are removed, exceeds 35 acres. Attorney Bleasdale explained that they were unable to get the consent of the owner of 4 Lucienne Avenue to include that property in this Application. He stated that they had provided Staff with a few draft maps that the Commission could use should they chose to pursue a zone change for 4 Lucienne Avenue in the future.
- The purpose of this Application is to allow light industrial uses (Section 430.2) at the two properties. He noted that traffic impact to the neighborhood would be light because these sorts of uses are generally not open to the public as with retail (like Benny's). They are looking for the ability, subject to further permitting through the PZC, to bring in light industrial manufacturing (specifically metal welding and fabrication – Melting Point Welding & Fabrication) at the 543 Wauregan Road location. This property has been unoccupied for quite some time, and this would revitalize it and get it back in use.
- Regarding 19 Lucienne Avenue, he is not aware of any specific plans that the property owner may have. The only improvement on the property is the driveway that serves 17 Lucienne Avenue, which is already zoned Light Industrial. Attorney Bleasdale stated that he feels that this zone change will bring this property closer to its actual current use.
- Attorney Bleasdale referred to his letter dated November 9, 2021, which details the criteria that the Commission is supposed to consider when making its decision (included in packets to Commission Members).
 - He explained that they feel that this change would be consistent with the patterns of land use and development in the area.
 - He explained that they feel that these two lots are well-suited to light industrial use.
 - Positive impacts: Revitalization of the building at 543 Wauregan Road; future use of the Wauregan Road property would have to require some reduction in impervious surfaces of the parking lot.
 - This Application advances goals and policies contained in the POCD: Section 3.2; Section 3.5 and Section 3.6.

QUESTIONS/COMMENTS FROM THE COMMISSION:

- **Matthew Wendorf** asked 19 Lucienne Avenue which is densely wooded. He asked if there is any intent to remove any of that for future development on that property.
Peter Deary, owner of 19 Lucienne Avenue, (present in person) stated that they owned the property for over 20 years and have no plans to do anything with it.
Attorney Bleasdale added that, if there were an application for development in the future, assuming that the Regulations still have the vegetative buffering requirement, the mature trees within that buffer zone would likely be retained (or something similar).

Ann-Marie Aubrey summarized the three letters, in support of the Application, that had been received for public comment that she had spoken of earlier. She, again, stated that she does not know if they are Killingly residents: Allison Therrien; Raylette Burcard; and Christian Algerie.

There were no further questions from the Commission.

PUBLIC COMMENTS:

Jill St. Clair, Director of Economic Development, commented that she is in support of this Application and the change of zoning. The building is well over 40 years old and is no longer suitable for the changing nature of retail, for the scale/size of the building and the way the loading docks are set up.

Keith Thurlow asked Ms. St. Clair if there were any comments from the Economic Development Commission.

Ms. St. Clair stated that they had discussed this parcel and had tried to attract other retailers to that location, but it is too big for current retail. The EDC had no input.

Motion was made by Virge Lorents to close the public hearing for **Zone MAP Change Ap #21-1276**; Weld, LLC (CGCT Killingly LLC/Landowner); 543 Wauregan Road: GIS MAP 262, LOT 20; And 19 Lucienne Avenue, Killingly, GIS MAP 262, LOT 22; both General Commercial Zone; application seeks to change the zone of the subject real estate (properties) from General Commercial Zone to Light Industrial Zone.

Second by John Sarantopoulos. No discussion.

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

Motion carried unanimously (5-0-0).

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.

Continued to the next regular meeting to be held on Tuesday, January 18, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

2) **Zone MAP Change Ap #21-1276**; Weld, LLC (CGCT Killingly LLC/Landowner); 543 Wauregan Road: GIS MAP 262, LOT 20; And 19 Lucienne Avenue, Killingly, GIS MAP 262, LOT 22; both General Commercial Zone; application seeks to change the zone of the subject real estate (properties) from General Commercial Zone to Light Industrial Zone.

Motion was made by Brian Card to approve **Zone MAP Change Ap #21-1276**; Weld, LLC (CGCT Killingly LLC/Landowner); 543 Wauregan Road: GIS MAP 262, LOT 20; And 19 Lucienne Avenue, Killingly, GIS MAP 262, LOT 22; both General Commercial Zone; application seeks to change the zone of the subject real estate (properties) from General Commercial Zone to Light Industrial Zone, for the following reasons:

- He believes it revitalizes some abandoned property to be returned to productive economic use.
- He believes it is suitable in this area for development to Light Industrial with minimal impact to the area.
- It provides for a contiguous zone of greater than ten acres which is consistent with our rules.
- It implements responsible redevelopment vs. impacting new, green, undeveloped areas.

Effective date January 18, 2022, at 12:01 a.m.

Second by Virge Lorents. No discussion.

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

Motion carried unanimously (5-0-0).

3) **Special Permit Application #05-868**; Request for Release of Bond; Ernest Joly & Son, Inc.; for 605 Providence Pike, Killingly, GIS MAP 224; Lot 14; 170 acres; Rural Development Zone; all phases of work completed.

Ann-Marie Aubrey read aloud from an email from Jonathan Blake explaining that he had visited the site and spoke with Mr. Vance regarding the two pieces of equipment on site which belong to Mr. Vance who is storing them there. The truck on the property had been vandalized along with a piece of equipment from Ernest Joly & Son. The police were involved, and Mr. Vance is working with his insurance company. He reviewed the status of the property with Mr. Vance which was to be returned to its natural state at the end of the operation and he felt that all work had been done. Mr. Vance plans to let the back area grow while maintaining the roadway and keeping a small portion as grass. Recommendation from Staff is to return the bond in full to Ernest Joly & Son, Inc.

Motion was made by Virge Lorents to approve **Special Permit Application #05-868**; Request for Release of Bond; Ernest Joly & Son, Inc.; for 605 Providence Pike, Killingly, GIS MAP 224; Lot 14; ~170 acres; Rural Development Zone; all phases of work completed. Second by John Sarantopoulos. No discussion.
Motion carried unanimously by voice vote (5-0-0).

Town Attorney, Ken Slater left the meeting at this time.

4) **Site Plan Application #21-1275**; David Kode (Frito-Lay/Landowner); 1886 Upper Maple St; GIS MAP 62, LOT 53; 94 acres; Ind Zone; for the proposed building additions that will be under the allowed height.

Continued to the next regular meeting to be held on Tuesday, January 18, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

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

1) **Subdivision Ap #17-1185**; Frank Swabby (formerly Belmont Homes); Airport Road; request of bond release as construction of road improvements meets Town standards. – (review / discussion / action).

Ann-Marie Aubrey stated that this has been completed to the satisfaction of the Town.

Motion was made by Virge Lorents to approve **Subdivision Ap #17-1185**; Frank Swabby (formerly Belmont Homes); Airport Road; request of bond release as construction of road improvements meets Town standards.
Second by Brian Card. No discussion.

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

2) **Special Permit Ap #21-1277**; American Storage Centers, LLC (Landowner same); 551 Westcott Road; GIS MAP 214; LOT 5; ~3.8 acres; General Commercial Zone; construction of 6 new buildings & conversion of existing building to establish a self-service storage facility (420.2.2.[q]). **Receive and schedule for a public hearing on Tuesday, January 18, 2022.**

Ann-Marie Aubrey stated that it appears to be complete at this time.

Motion was made by Virge Lorents to receive and schedule a public hearing for **Special Permit Ap #21-1277**; American Storage Centers, LLC (Landowner same); 551 Westcott Road; GIS MAP 214; LOT 5; ~3.8 acres; General Commercial Zone; construction of 6 new buildings & conversion of existing building to establish a self-service storage facility (420.2.2.[q]), for Tuesday, January 18, 2022, 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).

3) **Zone MAP Change Ap #21-1278**; Douglas Construction (Jim Vance/Landowner) & Laurel A. Horne (Applicant & Landowner); 605 Providence Pike; GIS MAP 224, LOT 14; ~177 acres, RD **AND** 613 Providence Pike; GIS MAP 224, LOT 13, ~4.6 acres, RD; request to change zoning from Rural Development to General Commercial. **Receive and schedule for a public hearing on Tuesday, January 18, 2022.**

Keith Thurlow explained that it is a different application because they added land to it after the first denial. He asked Ms. Aubrey if it is ready and she stated, "yes."

Motion was made by Virge Lorents to receive and schedule a public hearing for **Zone MAP Change Ap #21-1278**; Douglas Construction (Jim Vance/Landowner) & Laurel A. Horne (Applicant & Landowner); 605 Providence Pike; GIS MAP 224, LOT 14; ~177 acres, RD **AND** 613 Providence Pike; GIS MAP 224, LOT 13, ~4.6 acres, RD; request to change zoning from Rural Development to General Commercial, for Tuesday, January 18, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.
Second by John Sarantopoulos.

Discussion:

Brian Card stated that he feels that this is still generally the same application. Mr. Thurlow explained that the Town Attorney's opinion is that it is a different application.

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

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

- 1) Regular Meeting Minutes – NOVEMBER 15, 2021

Ann-Marie Aubrey stated that the Minutes had not been included in the packets to Commission Members, therefore, approval would need to occur next month. She had copies available.

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? Discussion continued to FEB. 15, 2022.
2) **WORKSHOP – Discussion** – Five Mile River Overlay District. Discussion continued to FEB. 15, 2022.

XI. CORRESPONDENCE

- 1) List of Planning and Zoning Commission Meeting Dates for 2022.

Motion was made by Brian Card to approve the 2022 Schedule of Regular Meetings.

Second by Virge Lorents. No discussion.

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

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

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

XV. ADJOURNMENT

Motion was made by Matthew Wendorf to adjourn at 10:44 p.m.

Second by Brian Card. No discussion.

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

Respectfully submitted,

J.S. Perreault
Recording Secretary



January 7, 2022

Ms. Melanie A. Bachman
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Notice of Exempt Modification New Cingular Wireless PCS LLC ("AT&T") Site CT5463
79 Putnam Turnpike, Dayville, CT 06241 (the "Property")
Latitude: 41-50-44.81 N Longitude: 71-52-45.48 W

Dear Ms. Bachman:

AT&T currently maintains (9) antennas at the 130-foot level on the existing 150-foot monopole tower ("Tower") at 79 Putnam Turnpike, in the Dayville section of Killingly, CT. The property and Tower are owned by the Town of Killingly. AT&T intends to modify its facility by replacing (3) antennas with (3) OPA65R-BU8D and adding (3) DMP65R-BU8DA antennas, replacing (6) RRUs with (3) 4415 B30, and (3) 4478 B14 RRUs, and adding (3) 4449 B5/B12 and (3) 8843 B2/B66A RRUs. The height of AT&Ts existing and proposed antennas & RRUs is 130-feet on the Tower.

This modification includes B2, B5, and B12 hardware that is both 4G (LTE) and 5GNR capable through remote software configuration and either or both services may be turned on or off at various times.

The town of Killingly issued a zoning permit approving the Tower on June 18, 1998. The original permit did not include any conditions to the approval. AT&T received CT Siting Council approval under EM-AT&T-069-030501 on May 20, 2003. This approval contained no conditions that could feasibly be violated by this modification, including facility height or mounting restrictions. AT&Ts modification complies with the above-mentioned approval.

Please accept this letter as notification pursuant to Regulations of Connecticut State Agencies ("R.C.S.A") §16-50j-73 for construction that constitutes an exempt modification pursuant to R.C.S.A §16-50j-72(b)(2). In accordance with to R.C.S.A §16-50j-73, a copy of this letter is being sent to Ms. Mary Calorio, Town Manager, Town of Killingly, as chief elected official, property & tower owner and Ms. Ann-Marie L. Aubrey, Director of Planning & Development, Town of Killingly.

The planned modification of the facility falls squarely within those activities explicitly provided for in R.C.S.A §16-50j-72(b)(2). Specifically:

1. The proposed modifications will not result in an increase in the height of the existing structure.
2. The proposed modifications will not require an extension of the site boundary.
3. The proposed modification will not increase noise levels at the facility by six decibels or more, or to levels that exceed state and local criteria.
4. The operation of the modified facility will not increase radio frequency emissions at the facility to a level at or above the Federal Communications Commission safety standard.
5. The proposed modifications will not cause a change or alteration in the physical or environmental characteristics of the site.
6. The existing structure and foundation can support the proposed loading.

For the foregoing reasons, AT&T respectfully submits the proposed modifications to the above referenced telecommunication facility constitute an exempt modification pursuant to R.C.S.A §16-50j-72(b)(2).

Sincerely,

Hollis M. Redding

Hollis M. Redding
SAI Communications, LLC
12 Industrial Way
Salem, NH 03079
Mobile: 860-834-6964
hredding@saigrp.com

Enclosures

Cc:

Hon. Mary Calorio, Town Manager, Town of Killingly, chief elected official, property & tower owner
~~Ms. Ann Marie L. Aubrey~~, Director of Planning & Development, Town of Killingly