



TOWN OF KILLINGLY, CT  
PLANNING AND ZONING COMMISSION

**MONDAY – NOVEMBER 15, 2021**

**Regular Meeting – HYBRID MEETING**

**7:00 PM**

**TOWN MEETING ROOM – 2<sup>ND</sup> FLOOR**

**Killingly Town Hall**

**172 Main Street**

**Killingly, CT**

**THE PUBLIC IS ALLOWED TO ATTEND THE MEETING IN PERSON**

**OR**

**THE PUBLIC MAY VIEW THIS MEETING AS DESCRIBED BELOW**

**AMENDED AGENDA**

THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.

GO TO [www.killinglyct.gov](http://www.killinglyct.gov) AND CLICK ON FACEBOOK LIVE AT THE BOTTOM OF THE PAGE.

- I. CALL TO ORDER/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](mailto: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](http://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.

- 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 2630-464-6455 when prompted

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.)**

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.

Hearings' segment closes.  
Meeting Business will continue.

**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.)**

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.

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.

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.

**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.

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.

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.

(\* Applications submitted prior to 5:00 PM on MONDAY, NOVEMBER 8, 2021, will be on the agenda as New Business, with a "date of receipt" of MONDAY, NOVEMBER 15, 2021, and may be scheduled for action during the next regularly scheduled meeting of MONDAY, DECEMBER 20, 2021.

(\* Applications submitted by 12:00 noon on FRIDAY, NOVEMBER 12, 2021, will be received by the Commission ("date of receipt") on MONDAY, NOVEMBER 15, 2021. However, these applications may not be scheduled for action on MONDAY, DECEMBER 20, 2021, 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 – OCTOBER 18, 2021
- 2) Regular Meeting Minutes – AUGUST 16, 2021 (not enough members to vote on approval at prior meetings)

**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 DEC. 20, 2021.

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

**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”.  
**(review/discussion/action)**

**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**

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**VI. PUBLIC HEARINGS – (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.

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<b>APPLICANT(S):</b>	Weld, LLC (Represented by Attorney Timothy Bleasdale)
<b>LANDOWNER(S):</b>	CGCT Killingly, LLC
<b>SUBJECT PROPERTY:</b>	543 Wauregan Road
<b>ASSESSOR'S INFO:</b>	GIS MAP 262; LOT 20
<b>ACREAGE AMOUNT:</b>	~2.0 acres
<b>ZONING DISTRICT:</b>	General Commercial Zone
<b>REQUEST:</b>	Request to change from General Commercial to Light Industrial
<b>REGULATIONS:</b>	ARTICLE IX – Section 900

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**Documents Attached**

- 1) Correspondence dated September 13, 2021 – explaining the request
- 2) Legal Description of Property
- 3) Brief Description of Melting Point Welding & Fabrication, LLC (with pictures)
- 4) Google Maps showing location of 542 Wauregan Road
- 5) Annotated GIS Maps
- 6) Improvement location survey 09/03/2004
- 7) Class A2 boundary line survey dated 7/12/2004

**(\*) NOTE:** There are also a number of letters in support of this application – they are all attached hereto.  
a. 5 letters from other businesses; and b. 3 letters from neighbors of their current location.

**NOVEMBER 15, 2021**

**1) Correspondence received from Attorney Timothy D. Bleasdale requesting to withdraw application #21-1274 without prejudice on behalf of his client Weld, LLC.**

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**Legal Notices**

All legal notices were completed – this is a continuation of a hearing started Monday, October 18, 2021.

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**STAFF COMMENTS AND SUGGESTIONS**

Staff believes that the applicant has done what they can to contact the owner(s) of 4 Lucienne Avenue to include them in the new application. Therefore, it is up to the Commission if it chooses to move forward with a zone change for that real estate parcel – please note that it would need to be a separate TOWN application separate and apart from this applicant's request.

Both Staff and Legal Counsel agrees that the applicant must submit a new application since the owner(s) of 19 Lucienne Avenue have now agreed to become a part of the application.



**WALLER  
SMITH &  
PALMER**<sub>PC</sub>  
Attorneys at Law

#21-1274

November 9, 2021

Planning and Zoning Commission  
Killingly Town Hall  
172 Main Street  
Killingly, CT 06239

RE: Application #21-1274  
Property Location: 543 Wauregan Road

Dear Commissioners,

This office represents Weld, LLC with respect to Application #21-1274, which seeks to amend the Town's Zoning Map to change the zone of the property located at 543 Wauregan Road from the General Commercial ("GC") District to the Light Industrial ("LI") District. The purpose of this letter is to ask permission to formally withdraw without prejudice Application #21-1274 so that the applicant can proceed with a new application that addresses certain issues per the Commission's request.

As you may recall, the public hearing on Application #21-1274 was opened on October 18, 2021. A copy of the draft minutes from that meeting is attached for your ease of reference. During that hearing, members of the Commission expressed concern that the proposed change would result in two lots – 19 Lucienne Ave. and 4 Lucienne Ave. – becoming "islands" of GC District that were not contiguous with the remaining contiguous GC District in that area. The Commission continued the public hearing to its November meeting and requested that the applicant reach out to the owners of 19 & 4 Lucienne Ave. to see if they would consent to joining the application. The applicant's understanding was that the Commission had a strong preference to proceed in that way and that the applicant was being asked to make all efforts to amend its application in a way that would address the Commission's concern. The applicant agreed to make these efforts before the November meeting, but also informed the Commission that there was likely to be some difficulty obtaining consent regarding 4 Lucienne Ave. due to on-going disputes over title to that property among the owners identified on the land records.

At the time of the hearing, the applicant, through its undersigned attorney, made a number of comments to the Commission regarding why we were not able to include 19 & 4 Lucienne Ave. in our initial application. We stand by the representations we made, but wish to provide further clarification on one point – the necessity of receiving consent from the owner of property on which an application is filed. We could not properly file an application to change the zone of these lots without the owners' consent under the Town's current procedures and rules. As you may know, General Statutes §

EDWARD B. O'CONNELL  
TRACY M. COLLINS  
PHILIP N. JOHNSTONE  
CHARLES C. ANDERSON  
KERIN M. WOODS  
ELLEN C. BROWN  
MARK S. ZAMARKA  
CATHERINE A. MARRION  
TIMOTHY D. BLEASDALE  
RACHAEL M. GAUDIO

OF COUNSEL  
ROBERT W. MARRION  
ROBERT P. ANDERSON, JR.  
FREDERICK B. GAHAGAN

\* ALSO ADMITTED IN RI  
\* ALSO ADMITTED IN MA

8-3 requires the Commission to establish the form of applications for zone change, and the Commission's form requires us to obtain the consent from a property owner before filing a zone change application on that property. Without the consent of an owner, a member of the public cannot file an application on that property. However, the Commission has the statutory authority to change the zone of any property in Town without obtaining consent from the owner of the land.

Over the past month, the applicant has followed through on its efforts to obtain the consent of the relevant property owners. We obtained consent from the owners of 19 Lucienne Ave. but we received no response to our inquiries to the owners of 4 Lucienne Ave. We have amended our application to include 19 Lucienne Ave. We have also provided materials to the Commission's staff that the Commission could use to support its own application regarding 4 Lucienne Ave. should the Commission wish to change the zone of that property.

We are presently requesting permission to withdraw our application without prejudice so that we can proceed with a new application that addresses the Commission's concerns by including 19 Lucienne Ave. in the zone change we are seeking for 543 Wauregan Road. The reason we must pursue a new application is legal. A decision from the Connecticut Appellate Court, Lauver v. PZC of Canterbury, 60 Conn. App. 504 (2000) holds that when any planning and zoning application is amended in a way that changes the identity of the property or properties that are the subject of the application, this constitutes a new application requiring new public notices and a new public hearing.

In order to comply with the law on this subject and attempt to address the Commission's concerns, the applicant has prepared a new application. Before doing so, we consulted with your planning director and the town attorneys, and we were in agreement about the necessity of proceeding with a new application to address the Commission's concerns. Today, we filed that new application with the Planning & Development Office and paid the associated \$585 application fee. Please note this fee is in addition to the fee we paid for Application #21-1274. Again, the applicant is happy to have undertaken these efforts in response to the Commission's comments, and we hope that the revised application will allow us to move forward in cooperation.

Very truly yours,



Timothy D. Bleasdale, of  
Waller, Smith & Palmer, P.C.  
For Applicant Weld, LLC

Encl. Draft Minutes of public hearing on October 18, 2021



TOWN OF KILLINGLY, CT  
PLANNING AND ZONING COMMISSION

**MONDAY – OCTOBER 18, 2021**

**Regular Meeting – HYBRID MEETING**

**7:00 PM**

**TOWN MEETING ROOM – 2<sup>ND</sup> FLOOR**

**Killingly Town Hall**

**172 Main Street**

**Killingly, CT**

Town of Killingly  
Planning and Zoning Commission

2021 OCT 26 AM 9:44

Elizabeth M. Watson

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**OR**

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**MINUTES**

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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)

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There were no comments from the public.

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

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

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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, 2<sup>nd</sup> 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, 2<sup>nd</sup> 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 extent 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 unable 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, 2<sup>nd</sup> 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



**VI. PUBLIC HEARINGS & VII. UNFINISHED BUSINESS– (review / discussion / action)**

**(\*) 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.

**(\*) 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.

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<b>APPLICANT(S):</b>	David Kode
<b>LANDOWNER(S):</b>	Frito-Lay/Landowner
<b>SUBJECT PROPERTY:</b>	1886 Upper Maple Street
<b>ASSESSOR'S INFO:</b>	GIS MAP 62; Lot 53; 94 acres
<b>ZONING DISTRICT:</b>	Industrial Zone
<b>REQUEST:</b>	<b>Special Permit 21-1273</b> – 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 <b>Site Plan 21-1275</b> – for the proposed building additions that will be under the allowed height

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**(\*) NOTE FOR THE PUBLIC: FOR THE COMPLETE SET OF DOCUMENTS FOR THE FRITO-LAY APPLICATION PLEASE SEE THE LINK ON THE TOWN'S WEBSITE / PLANNING AND ZONING COMMISSION PAGE**

**(\*) THE APPLICATION HAS A SEPARATE LINK AS IT WAS TOO LARGE TO INCLUDE WITH THE REST OF THE E-PACKET**

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LAW OFFICE OF ANDREA L. TRUPPA, LLC

880 Route 171  
Woodstock, CT 06281

PH: (860) 779-1000  
FX: (860) 779-1003  
E: [Andrea@truppalaw.com](mailto:Andrea@truppalaw.com)

VIA EMAIL AND REGULAR MAIL

November 10, 2021

Ann-Marie L. Aubrey, Director  
Planning & Development  
Killingly Town Hall  
172 Main Street  
Killingly, CT 06239  
E: [aaubrey@killinglyct.gov](mailto:aaubrey@killinglyct.gov)

RECEIVED  
NOV 10 2021

Mr. Keith Thurlow, Chairperson  
Planning & Zoning Commission  
Killingly Town Hall  
172 Main Street  
Killingly, CT 06239  
E: [Thurlowexc@yahoo.com](mailto:Thurlowexc@yahoo.com)

PLANNING & ZONING DEPT.  
TOWN OF KILLINGLY

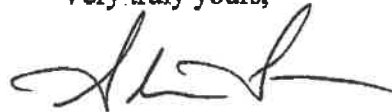
**RE: ANTHONY SIMPSON'S OBJECTION TO FRITO LAY PHASE TWO**

Dear Ms. Aubrey and Mr. Thurlow:

I am writing on behalf of Anthony Simpson to inform you that my client objects to any further development of the Frito Lay property. While he reached agreement with Frito Lay relative to Phase One of its expansion project, Phase Two of the expansion project imposes new obstructions to his right of way essentially negating it and eliminating any safe access to his property. To date, Frito Lay has had no discussion with Mr. Simpson concerning Phase Two of its expansion plan and the adverse consequence upon his real property interest. As such, Mr. Simpson objects to any further development of the Frito Lay property. Should the Town approve Phase Two and authorize the elimination of Mr. Simpson's titled property interest, then we will take immediate legal action against Frito Lay and the Town of Killingly to enjoin any further development and pursue a claim for consequential damages.

Please contact me or Mr. Simpson to discuss the matter further.

Very truly yours,



Andrea L. Truppa

cc: Roger Gieseke, [Roger.Gieseke@pepsico.com](mailto:Roger.Gieseke@pepsico.com)

PLANNING ZONING COMM.  
10/18/2021 MEET.

**ERNEST JOLY & SONS, INC.**

32 BEATRICE AVENUE  
DANIELSON, CT 06239  
860-774-3755 or 860-774-6877  
Fax: 860-774-7466

**RECEIVED**

SEP 20 2021

PLANNING & ZONING DEPT.  
TOWN OF KILLINGLY

September 14, 2021

Town of Killingly Planning & Zoning  
Attn: Ann-Marie Aubrey  
172 Main Street  
Danielson, CT 06239

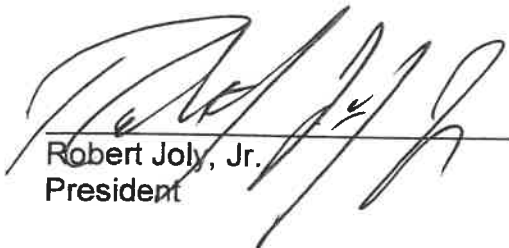
# 05-868

Dear Ms. Aubrey,

Please be advised that all phases of work have been completed for the 605 Providence Pike, Danielson, CT gravel removal operation.

Ernest Joly & Sons, Inc. is requesting a release of Bond #42904361 that has been required since the inception of this gravel removal project.

Cordially,

  
Robert Joly, Jr.  
President

RJ, Jr/JLB

**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.**

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**APPLICANT(S):** Normand Thibeault, Jr., P.E.  
**LANDOWNER(S):** Briarwood Falls, LLC  
**SUBJECT PROPERTY:** Cook Hill & Deerwood Drive  
**ASSESSOR'S INFO:** GIS MAP 138; LOT 012  
**ACREAGE AMOUNT:** ~91.5 acres  
**ZONING DISTRICT:** Low Density Zone // Planned Residential Development  
**REQUEST:** Request a 5-year extension for site plan  
**REGULATIONS:**

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**Documents Attached**

1) Correspondence date November 8, 2021, from Normand Thibeault, Jr., P.E. requesting the extension.

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**Legal Notices**

None required.

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**STAFF COMMENTS AND SUGGESTIONS**

This is the first request for a 5-year extension. At present, there are no issues that would stop the Commission from granting this request.

# Killingly Engineering Associates

Civil Engineering & Surveying

P.O. Box 421 Killingly, CT 06241  
Phone: 860-779-7299  
www.killinglyengineering.com



November 8, 2021

Mr. Keith Thurlow, Chair  
Town of Killingly Planning & Zoning Commission  
Killingly Town Hall  
172 Main Street  
Killingly, CT 06239

RECEIVED

NOV 9 2021

Re: **Briarwood Falls**  
**Site Plan application #16-1145**

PLANNING & ZONING DEPT.  
TOWN OF KILLINGLY

Dear Mr. Thurlow;

On behalf of Briarwood Falls, LLC, we respectfully request renewal of the referenced site plan, approved by the Commission on December 19, 2016. 2 of the 4 phases originally approved have been completed to date and the Owners would like to keep the permit current.

As with the original approval, Engineering will review final design plans and set the bonding amounts for each phase. Additionally, individual site plans will be provided as housing units are constructed and the development will continue to be restricted to residents 55 and over.

Please feel free to contact me at (860) 779-7299 if there are any questions or concerns.

Sincerely,

Normand Thibeault, Jr., P.E.  
Partner

#16-1145

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

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.

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**STAFF COMMENTS AND SUGGESTIONS**

It is Staff's belief that the Commission can hold a pre-application workshop as requested.

Dates suggested:

December 13, 2021, at 7:00 pm

Or

December 20, 2021, at 6:00 pm.

Legal Counsel will be at the meeting if the Commission has any questions.

**Ann-Marie Aubrey**

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**From:** Nick Durgarian <ndurgarian@douglasri.com>  
**Sent:** Wednesday, November 10, 2021 5:08 PM  
**To:** Ann-Marie Aubrey  
**Subject:** 605 Providence Pike Informal Workshop Request

Good Evening Ann-Marie,

Paul and I would like to request an informal workshop with the planning and zoning commission to discuss the property at 605 Providence Pike, offer some possible approaches or paths forward, and gauge their opinions, comments, and concerns. Ultimately, we have explored the various routes that fall within the Rural Development Zoning Ordinance, as well as begun research on working with the state for solar development as backstops if General Commercial is not feasible. That being said, we are happy to provide a couple of conceptual plans that fall within a General Commercial Ordinance, as well as offer presentation and thoughts relative to town benefits, compliance with POCD, and we have even considered a different rezoning map as well as electing possible permanent conservation land. This is geared at trying to accommodate the various concerns we have heard thus far from the neighbors, wanting to further appreciate the needs/desires of the town and commission, and balancing that with our desire to make the lot available for development.

We are happy to meeting on December 13<sup>th</sup> or December 20<sup>th</sup>, whichever date works best for the commission.

Thank you for the time and consideration.

Best,

Nick

**RECEIVED**

NOV 10 2021

PLANNING & ZONING DEPT.  
TOWN OF KILLINGLY

.....  
**Nicholas H. Durgarian**  
Vice President

**Douglas Construction Company**  
90 Douglas Pike  
Smithfield, RI 02917  
(401) 232-3700 Office  
(508) 596-4912 Mobile



- DOUGLAS CONST. -



TOWN OF KILLINGLY, CT  
PLANNING AND ZONING COMMISSION

**MONDAY – OCTOBER 18, 2021**

**Regular Meeting – HYBRID MEETING**

**7:00 PM**

**TOWN MEETING ROOM – 2<sup>ND</sup> FLOOR**

**Killingly Town Hall**

**172 Main Street**

**Killingly, CT**

TOWN OF KILLINGLY, CT  
PLANNING AND ZONING COMMISSION

2021 OCT 26 AM 9:44

*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](http://www.killinglyct.gov) AND CLICK ON FACEBOOK LIVE AT THE BOTTOM OF THE PAGE.**

I. **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:01 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](mailto: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](http://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, 2<sup>nd</sup> 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, 2<sup>nd</sup> 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 unable 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, 2<sup>nd</sup> 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



TOWN OF KILLINGLY, CT  
PLANNING AND ZONING COMMISSION

**MONDAY – August 16, 2021**  
**Regular Meeting – HYBRID MEETING**  
**7:00 PM**

RECEIVED  
TOWN OF KILLINGLY, CT  
AUG 23 2021  
Elizabeth M. Sullivan

**TOWN MEETING ROOM – 2<sup>ND</sup> FLOOR**  
**Killingly Town Hall**  
**172 Main Street**  
**Killingly, CT**

**DUE TO COVID-19 THE PUBLIC MAY VIEW THIS MEETING AS DESCRIBED BELOW**

**MINUTES**

**THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.**  
**GO TO [www.killinglyct.gov](http://www.killinglyct.gov) AND CLICK ON FACEBOOK LIVE AT THE BOTTOM OF THE PAGE.**

**I. CALL TO ORDER** – Acting Chair, Virge Lorents, called the meeting to order at 7:12 pm (late start due to audio technical difficulties).

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

**Staff Present** – Ann-Marie Aubrey, Director of Planning & Development; Jonathan Blake, Planner I/ZEO (both were present in person); Jill St. Clair, Director of Economic Development (present via Webex).

**Also Present** –Bruce Woodis, KWP Associates; Roger Gieseke, Frito-Lay; Rob Iacobucci, Green Skies; Donald Gerlach; J.S. Perreault, Recording Secretary (all present via Webex).  
Timothy Norban, 1637 North Road, (present in person in the audience).

**II. SEATING OF ALTERNATES** – None.

**III. AGENDA ADDENDUM**

Ann-Marie Aubrey explained the addenda that were due to scrivener's omissions.

Motion was made by Matthew Wendorf to approve the addenda to the agenda as follows:

**A) That the words “& Borough of Danielson” be added after “Town of Killingly” under Section VI. (2) Below:**

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

**2) Zone Text Change - #21-1270; Town of Killingly (& Borough of Danielson); Proposed Amendment to Article VI {Administration and Enforcement}, (add) Section 640; Temporary and Limited Moratorium on Cannabis Establishments.**

**–And--**

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

2) **Zone Text Change - #21-1270**; Town of Killingly (and Borough of Danielson); Proposed Amendment to Article VI (Administration and Enforcement), (add) Section 640; Temporary and Limited Moratorium on Cannabis Establishments.

--And--

B) That the words/directions "Receive, and if complete, schedule for a public hearing for September 20, 2021." Be added to the end of Section VIII. (3) Below:

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

3) **Special Permit Application #21-1273** – David Kode (Frito-Lay/Landowner); 1886 Upper Maple Street, Dayville, CT; GIS MAP 62, LOT 53; 94 acres; Industrial Zone; request special permit for proposed scope of work to exceed the maximum height of 50' as specified in table A of Section 450. **Receive, and if complete, schedule for a public hearing on September 20, 2021.**

Second by John Sarantopoulos. No discussion.  
Motion carried unanimously by voice vote (3-0-0).

**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 7B, all public comments can be emailed to [publiccomment@killinglyct.gov](mailto: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](http://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 132-074-1510 when prompted.**

There were no comments from citizens.

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

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

1) **Re-subdivision Application #21-1269**; Raymond and Diane Sorel; 1645 North Road; GIS MAP 21; LOT 20; ~50 acres; re-subdivide into two lots; Lot 20 to be 5.58 acres; and Lot 20-3 to be 44.49 acres; Rural Development Zone.

Ann-Marie Aubrey explained that Lot 20 would be the front lot and that they meet the requirements.

Bruce Woodis, KWP Associates, represented the Applicants and gave an overview (plans were displayed as discussed):

- The Applicants currently live on the front portion of the property (5.58 acres) in a three-bedroom house with a septic system and a well. They will continue to live on that property.
- The Applicants plan to sell the portion (44.49 acres) with the existing barn, which contains an apartment, to the tenants who are currently living there. This portion of the property also has an existing septic system and well.
- Soils testing was performed on both lots for code-complying reserve areas should either of the septic systems fail. Plans were submitted to the Health Department for review and they have approved the code-complying reserve areas.
- The rear lot will be accessed through an existing right-of-way which currently serves two adjacent lots (20-1 and 20-2) which were previously subdivided. This access-way will be shared for both access and utilities.
- No proposed new construction of driveways, septic systems or utilities.

**QUESTIONS/COMMENTS FROM THE COMMISSION/STAFF:**

Ms. Lorents asked if the barn is occupied.

Mr. Woodis explained that the barn/apartment have existed for approximately 70 years and that both are grandfathered by the Health Department and the Town.

Jonathan Blake asked about the intention to sell the rear property.

Mr. Woodis stated that it would be a family sale to a relative that works there, at the farm, and wants to continue to live there.

**QUESTIONS/COMMENTS FROM THE PUBLIC:**

Timothy Norban, 1637 North Road, voiced concern about the number of residences using the shared driveway. He said that he had been told that, because it is a right-of-way, the limit was three and there are currently four.

Ms. Aubrey explained that, per the Regulations, a shared driveway can be used by up to five residences.

**COMMENTS FROM THE COMMISSION/STAFF:**

Ms. Aubrey stated that the Town Engineer did not have any concerns because everything is pre-existing.

Mr. Blake explained that the Application received Authorized Agent approval by the IWWC because there is a small watercourse through the property (within the upland review area).

Motion was made by Matthew Wendorf to close the public hearing for **Re-subdivision Application #21-1269**; Raymond and Diane Sorel; 1645 North Road; GIS MAP 21; LOT 20; ~50 acres; re-subdivide into two lots; Lot 20 to be 5.58 acres; and Lot 20-3 to be 44.49 acres; Rural Development Zone.

Second by John Sarantopoulos. No discussion.

Motion carried unanimously by voice vote (3-0-0).

2) **Zone Text Change - #21-1270**; Town of Killingly; Proposed Amendment to Article VI {Administration and Enforcement}, (add) Section 640; Temporary and Limited Moratorium on Cannabis Establishments.

Ann-Marie Aubrey explained that it is the Town Attorney's recommendation to put this Moratorium in place. It will cover all of the Town of Killingly including the Borough of Danielson (same Section and Numbers in both Regulations) and will take effect upon passage until December 31, 2022 (maximum time allowed). The purpose for the Moratorium is to protect the Town due to the State having passed a Statute to allow the sale of cannabis to adults, without giving any guidance to municipalities. Ms. Aubrey explained that, at this time, if someone were to apply to sell, it would be treated as a retail to a retail and if they were going to grow, it would have to be treated as Agriculture. Should the State provide guidance for municipalities to follow, the Moratorium can be cancelled.

Matthew Wendorf noted that the public are able to speak regarding this issue. Ms. Aubrey read aloud the following information for public call-in:

**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 132-074-1510 when prompted**

Mr. Wendorf stated that he that the Town needs to put the Moratorium in place and that they have the ability to cancel it if needed in the future.

Motion was made by Matthew Wendorf to close the public hearing for **Zone Text Change - #21-1270**; Town of Killingly (& Borough of Danielson); Proposed Amendment to Article VI {Administration and Enforcement}, (add) Section 640; Temporary and Limited Moratorium on Cannabis Establishments.

Second by John Sarantopoulos. No discussion.

Motion carried unanimously by voice vote (3-0-0).

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

1) **Re-subdivision Application #21-1269**; Raymond and Diane Sorel; 1645 North Road; GIS MAP 21; LOT 20; ~50 acres; re-subdivide into two lots; Lot 20 to be 5.58 acres; and Lot 20-3 to be 44.49 acres; Rural Development Zone.

Motion was made by Matthew Wendorf to approve **Re-subdivision Application #21-1269**; Raymond and Diane Sorel; 1645 North Road; GIS MAP 21; LOT 20; ~50 acres; re-subdivide into two lots; Lot 20 to be 5.58 acres; and Lot 20-3 to be 44.49 acres; Rural Development Zone.

Second by John Sarantopoulos. No discussion.

Roll Call Vote: Matthew Wendorf – yes; John Sarantopoulos – yes; Virge Lorents – yes.

Motion carried unanimously (3-0-0).

2) **Zone Text Change - #21-1270**; Town of Killingly; Proposed Amendment to Article VI {Administration and Enforcement}, (add) Section 640; Temporary and Limited Moratorium on Cannabis Establishments.

Motion was made by John Sarantopoulos to accept **Zone Text Change - #21-1270**; Town of Killingly (and Borough of Danielson); Proposed Amendment to Article VI {Administration and Enforcement}, (add) Section 640; Temporary and Limited Moratorium on Cannabis Establishments.

Second by Matthew Wendorf. No discussion.

Motion carried unanimously by voice vote (3-0-0).

This Zone Text Change #21-1270 takes effect immediately (upon passage).

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

1) **Zone MAP Change Application # 21-1271** – Douglas Construction Co (James M. Vance/Landowner); 605 Providence Pike & 200 Hubbard Hill Road; Killingly, CT; GIS MAP 224, LOT 14; and GIS MAP 245, Lot 001; 177 & 12 acres; Rural Development; request change of zone from Rural Development to General Commercial for both parcels. **Receive, and if complete, schedule for a hearing for September 20, 2021.**

Ann-Marie Aubrey clarified that 605 Providence Pike would be 177 acres and 200 Hubbard Hill Road would be 12 acres and she stated that the Application is complete.

Motion was made by Matthew Wendorf to receive and schedule a public hearing for **Zone MAP Change Application # 21-1271** – Douglas Construction Co (James M. Vance/Landowner); 605 Providence Pike & 200 Hubbard Hill Road; Killingly, CT; GIS MAP 224, LOT 14; and GIS MAP 245, Lot 001; 177 & 12 acres; Rural Development; request change of zone from Rural Development to General Commercial for both parcels, for the next regularly scheduled meeting of the Planning and Zoning Commission on Monday, September 20, 2021, Town Meeting Room, 2<sup>nd</sup> Floor, 172 Main Street, at 7:00 p.m.

Second by John Sarantopoulos. No discussion.

Motion carried unanimously by voice vote (3-0-0).

2) **Site Plan Review Application #21-1272** – James Cammilleri – JSC Management Group, LLC (Janco Central, Inc./Landowner); 6 Putnam Pike, Dayville, CT; GIS MAP 115, LOT 4; General Commercial Zone; 2.8 acres; expand drive-thru area to include a second lane and reconfigure southern parking area. **Receive, and if complete, refer to staff to complete review.**

Ann-Marie Aubrey stated that the Application is complete. She explained that this is Burger King and they want to reconfigure the drive-thru to make it safer since, during COVID, they have had very long lines.

Motion was made by John Sarantopoulos to receive **Site Plan Review Application #21-1272** – James Cammilleri – JSC Management Group, LLC (Janco Central, Inc./Landowner); 6 Putnam Pike, Dayville, CT; GIS MAP 115, LOT 4; General Commercial Zone; 2.8 acres; expand drive-thru area to include a second lane and reconfigure southern parking area, and refer to Staff to complete the review.

Second by Matthew Wendorf. No discussion.

Roll Call Vote: John Sarantopoulos – yes; Matthew Wendorf – yes; Virge Lorents – yes.

Motion carried unanimously (3-0-0).

3) **Special Permit Application #21-1273** – David Kode (Frito-Lay/Landowner); 1886 Upper Maple Street, Dayville, CT; GIS MAP 62, LOT 53; 94 acres; Industrial Zone; request special permit for proposed scope of work to exceed the maximum height of 50' as specified in table A of Section 450.

Ann-Marie Aubrey explained that David Kode, Haskell Corporation (Engineer for the Applicant) is making the Application for the Applicant. This is the second phase of the project. Ms. Aubrey stated that the Application is complete.

Motion was made by Matthew Wendorf to receive and schedule for a public hearing **Special Permit Application #21-1273** – David Kode (Frito-Lay/Landowner); 1886 Upper Maple Street, Dayville, CT; GIS MAP 62, LOT 53; 94 acres; Industrial Zone; request special permit for proposed scope of work to exceed the maximum height of 50' as specified in table A of Section 450, for the next regularly scheduled meeting of the Planning and Zoning Commission on Monday, September 20, 2021, Town Meeting Room, 2<sup>nd</sup> Floor, 172 Main Street, at 7:00 p.m.

Second by John Sarantopoulos. No discussion.

Motion carried unanimously by voice vote (3-0-0).

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

1) Regular Meeting Minutes – July 19, 2021

Motion was made by Matthew Wendorf to accept the Minutes of the Regular Meeting of July 19, 2021.

Second by John Sarantopoulos. No discussion.

Motion carried unanimously by voice vote (3-0-0).

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

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

Ann-Marie Aubrey explained that the draft regulations had been included in packets for Commission Members to review. Previous comments/suggested changes by the Commission had been incorporated and if no further changes need to be made, it can be scheduled for a public hearing.

Mr. Wendorf stated that he has no further comments because everything that the Commission had discussed at the previous Workshop has been incorporated.

Motion was made by Matthew Wendorf to schedule a public hearing for **Zone Text Change Application #21-1264**; Town of Killingly; Special Permitted Use; Add Section 420.2.2.p General Commercial Zone; Special Permitted Use; Self-Service Storage Facilities, for the next regularly scheduled meeting of the Planning and Zoning Commission on Monday, September 20, 2021, Town Meeting Room, 2<sup>nd</sup> Floor, 172 Main Street, at 7:00 p.m.

Second by John Sarantopoulos. No discussion.

Motion carried unanimously by voice vote (3-0-0).

Motion was made by Matthew Wendorf to table the following two agenda items to the next regularly scheduled meeting of the Planning and Zoning Commission on Monday, September 20, 2021, Town Meeting Room, 2<sup>nd</sup> Floor, 172 Main Street, at 7:00 p.m.:

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

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?

3) **WORKSHOP – Discussion** – Five Mile River Overlay District (NO Staff Report until September)

Second by John Sarantopoulos. No discussion.

Motion carried unanimously by voice vote (3-0-0).

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? – No discussion (See above Motion to table).

3) **WORKSHOP – Discussion** – Five Mile River Overlay District (NO Staff Report until September) - No discussion (See above Motion to table).

XI. **CORRESPONDENCE** – None.

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

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

Jonathan Blake reported that the ZBA did not meet this month as there was no new business. At the last meeting, they re-appointed Andrew Farner as the Chair and Lynn LaBerge as the Vice Chair.

**B. Inland Wetlands and Watercourses Agent's Report**

Jonathan Blake reported that they passed an application for an agricultural use (timber farm) at 88 Stone Road.

**C. Building Office Report** – None.

XIII. **ECONOMIC DEVELOPMENT DIRECTOR REPORT**

Jill St. Clair reported:

- KBA sponsored the second Food Truck Event on August 14<sup>th</sup> which was a success. People tended to take the food to go rather than staying due to the hot weather. Others utilized green space to sit. She is putting four proposals together for ARPO Funds (municipality economic stimulus): A pre-conceptual design of re-imagining the parking spaces behind Main Street to incorporate public art and consumer interaction.
- There are two funding opportunities available on the Economic Development website: Women's Business Development Council; SBA received another round of funding.

There was discussion regarding the ARPO funds which is the American Rescue Plan Act of 2021.

Ms. Aubrey commented that craft vendors and people with farming skills are needed for the Great Tomato Festival to be held on September 11, 2021, which is also the same day as the final Food Truck Event (Mingle on Main Street).

XIV. **TOWN COUNCIL LIAISON REPORT** – No representation.

XV. **ADJOURNMENT**

Motion was made by Matthew Wendorf to adjourn at 7:55 p.m.

Second by John Sarantopoulos. No discussion.

Motion carried unanimously by voice vote (3-0-0).

Respectfully submitted,

J.S. Perreault  
Recording Clerk



**WALLER  
SMITH &  
PALMER**<sup>PC</sup>  
Attorneys at Law

*CORRESPONDENCE.*

EDWARD B. O'CONNELL  
TRACY M. COLLINS\*  
PHILIP M. JOHNSTONE+\*  
CHARLES C. ANDERSON  
KERIN M. WOODS+  
ELLEN C. BROWN\*  
MARK S. ZAMARKA  
CATHERINE A. MARRION  
TIMOTHY D. BLEASDALE  
RACHAEL M. GAUDIO+\*

November 9, 2021

Planning and Zoning Commission  
C/O Ann-Marie Aubrey, Director of Planning and Development  
Killingly Town Hall  
172 Main Street  
Killingly, CT 06239

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NOV 09 2021

OF COUNSEL:  
ROBERT W. MARRION  
ROBERT P. ANDERSON, JR.  
FREDERICK B. GAHAGAN

+ ALSO ADMITTED IN RI  
\*ALSO ADMITTED IN MA

RE: 4 Lucienne Ave.

PLANNING & ZONING DEPT.  
TOWN OF KILLINGLY

Dear Ms. Aubrey,

The purpose of this letter is to provide informal information to you in the event that the Commission decides to proceed on its own application to change the zone of 4 Lucienne Avenue. **These materials are not a part of any application filed by our office.** Our aim is to reduce the administrative burden on the Commission should it choose to rezone 4 Lucienne Ave. as a result of its decision on other applications we have pending.

As you know, the Commission has expressed concern regarding creating an isolated and disconnected patch of the GC District at 4 Lucienne Ave. as the result of acting on other applications we have filed. We have explained to the Commission that, for a number of technical and legal reasons, we cannot as members of the public file an application to change the zone of this property without the owners' consent, but that the Commission may do so. The purpose of these informational materials is to provide the Commission with background information that it could use as part of its own proposal to change the zone of this property.

We think that leaving the disposition of 4 Lucienne Ave. in the hands of the Commission is also appropriate given the unique situation of 4 Lucienne Ave. If our application to rezone nearby lots is granted, 4 Lucienne Ave. will be a single lot of GC District sandwiched between a residential zone and the LI District. However, it will be on the same side of the street as the residential zone and this presents an interesting policy question for the Commission about whether they would prefer to add 4 Lucienne Ave. to the residential zone that it abuts or to the proposed LI District across the street.

Very truly yours,

  
Timothy D. Bleasdale, of  
Waller, Smith & Palmer, P.C.

Encl. Materials related to 4 Lucienne Ave.



**List of Zones Within 500 Feet of 4 Lucienne Ave.**

1. Light Industrial District
2. Low Density Development District
3. General Commercial District
4. Rural Development District

**Wetlands, Watercourses and other Water Features or Hydrolic Soils**

Killingly's GIS system indicates there are no such features present on 4 Lucienne Ave.

**Abutters Within 500 Feet of Property**

A list produced by the Killingly GIS program is attached.



# 500 foot Abutters List Report

Killingly, CT  
November 09, 2021

## Subject Property:

Parcel Number: 262-033-000  
CAMA Number: 262-033-000-000 3240  
Property Address: 4 LUCIENNE AV

Mailing Address: TETREULT ETHEL ET ALS  
16 SAW MILL HILL RD  
STERLING, CT 063771409

---

## Abutters:

Parcel Number: 259-077-000  
CAMA Number: 259-077-000-000 5267  
Property Address: 510 WAUREGAN RD

Mailing Address: ROUDABUSH THOMAS  
PO BOX 56  
UXBRIDGE, MA 01569

Parcel Number: 259-078-000  
CAMA Number: 259-078-000-000 2050  
Property Address: 513 WAUREGAN RD

Mailing Address: TRAFACONDA RENE E  
513 WAUREGAN RD  
KILLINGLY, CT 06239

Parcel Number: 260-001-000  
CAMA Number: 260-001-000-000 5514  
Property Address: 10 JAMES JR AV

Mailing Address: CORNELL MELINDA A  
10 JAMES JR AVE  
KILLINGLY, CT 06239

Parcel Number: 260-002-000  
CAMA Number: 260-002-000-000 5003  
Property Address: 9 JAMES JR AV

Mailing Address: CHASE STEPHEN  
9 JAMES JR AV  
KILLINGLY, CT 06239

Parcel Number: 260-005-000  
CAMA Number: 260-005-000-000 100  
Property Address: 42 CAROL AV

Mailing Address: LANGEVIN PROPERTIES LLC  
3042 BORASSUS DR  
NEW SMYRNA, FL 32168

Parcel Number: 262-019-000  
CAMA Number: 262-019-000-000 2650  
Property Address: 553 WAUREGAN RD

Mailing Address: DEARY BROS II LLC  
PO BOX 688  
KILLINGLY, CT 06239

Parcel Number: 262-020-000  
CAMA Number: 262-020-000-000 4088  
Property Address: 543 WAUREGAN RD

Mailing Address: CGCT KILLINGLY LLC  
1414 ATWOOD AVE  
JOHNSTON, RI 02919

Parcel Number: 262-021-000  
CAMA Number: 262-021-000-000 2492  
Property Address: 17 LUCIENNE AV

Mailing Address: DEARY BROS II LLC  
PO BOX 688  
KILLINGLY, CT 062390688

Parcel Number: 262-022-000  
CAMA Number: 262-022-000-000 9356  
Property Address: 19 LUCIENNE AV

Mailing Address: DEARY BROS II LLC  
PO BOX 688  
KILLINGLY, CT 06239

Parcel Number: 262-023-000  
CAMA Number: 262-023-000-000 9357  
Property Address: 23 CAROL AV

Mailing Address: SALCE MATTHEW O & GAY L  
23 CAROL AV  
KILLINGLY, CT 06239



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# 500 foot Abutters List Report

Killingly, CT  
November 09, 2021

Parcel Number: 262-024-000  
CAMA Number: 262-024-000-000 9358  
Property Address: 27 CAROL AV

Mailing Address: PHETTEPLACE ETHAN & SOUZA  
AMANDA  
27 CAROL AVE  
KILLINGLY, CT 06239

Parcel Number: 262-025-000  
CAMA Number: 262-025-000-000 9359  
Property Address: 31 CAROL AV

Mailing Address: LALIBERTE BARBARA A  
31 CAROL AV  
KILLINGLY, CT 06239

Parcel Number: 262-027-000  
CAMA Number: 262-027-000-000 401  
Property Address: 32 CAROL AV

Mailing Address: BERNIER BLANCHE M  
32 CAROL AVE  
KILLINGLY, CT 06239

Parcel Number: 262-028-000  
CAMA Number: 262-028-000-000 3591  
Property Address: 31 JAMES JR AV

Mailing Address: BROWN PAUL R & LOUISE S  
31 JAMES JR AV  
KILLINGLY, CT 062390000

Parcel Number: 262-029-000  
CAMA Number: 262-029-000-000 97  
Property Address: 15 JAMES JR AV

Mailing Address: SCHULER RICHARD E  
15 JAMES JUNIOR AVE  
KILLINGLY, CT 06239

Parcel Number: 262-030-000  
CAMA Number: 262-030-000-000 2035  
Property Address: 14 JAMES JR AV

Mailing Address: SURPRENANT RONALD M  
14 JAMES JR AV  
KILLINGLY, CT 06239

Parcel Number: 262-031-000  
CAMA Number: 262-031-000-000 1555  
Property Address: 20 JAMES JR AV

Mailing Address: MALONE MICHAEL A & LALUMIERE  
CINDY  
203 CHURCH ST  
BROOKLYN, CT 06234

Parcel Number: 262-032-000  
CAMA Number: 262-032-000-000 4634  
Property Address: 24 JAMES JR AV

Mailing Address: VARGAS RONALD A & CHERYL L  
24 JAMES JR AV  
KILLINGLY, CT 062390000

Parcel Number: 262-034-000  
CAMA Number: 262-034-000-000 2941  
Property Address: 523 WAUREGAN RD

Mailing Address: BARONE JEFFREY E  
523 WAUREGAN RD  
KILLINGLY, CT 06239

Parcel Number: 263-007-000  
CAMA Number: 263-007-000-000 4206  
Property Address: 43 TAOS DR

Mailing Address: HUBER KEVIN N & JEAN A  
12961 SW KINGS ROW  
LAKE SUZY, FL 342699287

Parcel Number: 263-013-000  
CAMA Number: 263-013-000-000 5465  
Property Address: 17 TAOS DR

Mailing Address: VEZINA WAYNE J & CHERYL A  
17 TAOS DR  
KILLINGLY, CT 062390000

Parcel Number: 263-014-000  
CAMA Number: 263-014-000-000 824  
Property Address: 15 TAOS DR

Mailing Address: RZEPA THERESA  
15 TAOS DR  
KILLINGLY, CT 06239



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# 500 foot Abutters List Report

Killingly, CT  
November 09, 2021

Parcel Number: 262-024-000  
CAMA Number: 262-024-000-000 9358  
Property Address: 27 CAROL AV

Mailing Address: PHETTEPLACE ETHAN & SOUZA  
AMANDA  
27 CAROL AVE  
KILLINGLY, CT 06239

Parcel Number: 262-025-000  
CAMA Number: 262-025-000-000 9359  
Property Address: 31 CAROL AV

Mailing Address: LALIBERTE BARBARA A  
31 CAROL AV  
KILLINGLY, CT 06239

Parcel Number: 262-027-000  
CAMA Number: 262-027-000-000 401  
Property Address: 32 CAROL AV

Mailing Address: BERNIER BLANCHE M  
32 CAROL AVE  
KILLINGLY, CT 06239

Parcel Number: 262-028-000  
CAMA Number: 262-028-000-000 3591  
Property Address: 31 JAMES JR AV

Mailing Address: BROWN PAUL R & LOUISE S  
31 JAMES JR AV  
KILLINGLY, CT 062390000

Parcel Number: 262-029-000  
CAMA Number: 262-029-000-000 97  
Property Address: 15 JAMES JR AV

Mailing Address: SCHULER RICHARD E  
15 JAMES JUNIOR AVE  
KILLINGLY, CT 06239

Parcel Number: 262-030-000  
CAMA Number: 262-030-000-000 2035  
Property Address: 14 JAMES JR AV

Mailing Address: SURPRENANT RONALD M  
14 JAMES JR AV  
KILLINGLY, CT 06239

Parcel Number: 262-031-000  
CAMA Number: 262-031-000-000 1555  
Property Address: 20 JAMES JR AV

Mailing Address: MALONE MICHAEL A & LALUMIERE  
CINDY  
203 CHURCH ST  
BROOKLYN, CT 06234

Parcel Number: 262-032-000  
CAMA Number: 262-032-000-000 4634  
Property Address: 24 JAMES JR AV

Mailing Address: VARGAS RONALD A & CHERYL L  
24 JAMES JR AV  
KILLINGLY, CT 062390000

Parcel Number: 262-034-000  
CAMA Number: 262-034-000-000 2941  
Property Address: 523 WAUREGAN RD

Mailing Address: BARONE JEFFREY E  
523 WAUREGAN RD  
KILLINGLY, CT 06239

Parcel Number: 263-007-000  
CAMA Number: 263-007-000-000 4206  
Property Address: 43 TAOS DR

Mailing Address: HUBER KEVIN N & JEAN A  
12961 SW KINGS ROW  
LAKE SUZY, FL 342699287

Parcel Number: 263-013-000  
CAMA Number: 263-013-000-000 5465  
Property Address: 17 TAOS DR

Mailing Address: VEZINA WAYNE J & CHERYL A  
17 TAOS DR  
KILLINGLY, CT 062390000

Parcel Number: 263-014-000  
CAMA Number: 263-014-000-000 824  
Property Address: 15 TAOS DR

Mailing Address: RZEPA THERESA  
15 TAOS DR  
KILLINGLY, CT 06239



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11/9/2021

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# 500 foot Abutters List Report

Killingly, CT  
November 09, 2021

Parcel Number: 263-016-000 CAMA Number: 263-016-000-000 677 Property Address: 516 WAUREGAN RD	Mailing Address: FILLMORE JERRE D & DEARY- FILLMORE ROBIN M 516 WAUREGAN RD KILLINGLY, CT 06239
Parcel Number: 263-017-000 CAMA Number: 263-017-000-000 3040 Property Address: 520 WAUREGAN RD	Mailing Address: FOOTE ANDREW L & ADAMS JENNIFER A JOHNSON 520 WAUREGAN RD KILLINGLY, CT 062390000
Parcel Number: 263-018-000 CAMA Number: 263-018-000-000 4575 Property Address: 530 WAUREGAN RD	Mailing Address: PIMENTEL PAUL J & ROLANDE D 530 WAUREGAN RD KILLINGLY, CT 06239
Parcel Number: 263-018-001 CAMA Number: 263-018-001-000 9693 Property Address: 532 WAUREGAN RD	Mailing Address: GREENE ALYCE MARIE & JESSE JAMES  532 WAUREGAN RD KILLINGLY, CT 06239
Parcel Number: 263-019-000 CAMA Number: 263-019-000-000 1792 Property Address: 536 WAUREGAN RD	Mailing Address: PHILLIPS DAVID M & PIGEON AMANDA D  536 WAUREGAN RD KILLINGLY, CT 06239
Parcel Number: 263-020-000 CAMA Number: 263-020-000-000 4275 Property Address: 542 WAUREGAN RD	Mailing Address: UNG DARA 542 WAUREGAN RD KILLINGLY, CT 06239
Parcel Number: 263-021-000 CAMA Number: 263-021-000-000 5124 Property Address: 546 WAUREGAN RD	Mailing Address: BUCHBINDER JEFFREY M 546 WAUREGAN RD KILLINGLY, CT 06239
Parcel Number: 263-022-000 CAMA Number: 263-022-000-000 5224 Property Address: 548 WAUREGAN RD	Mailing Address: TILCON CONNECTICUT INC PO BOX 311228 NEWINGTON, CT 061313112
Parcel Number: 263-023-000 CAMA Number: 263-023-000-000 20 Property Address: 550 WAUREGAN RD	Mailing Address: PEREIRA NICHOLAS & BARBARA 550 WAUREGAN RD KILLINGLY, CT 06239
Parcel Number: 263-024-000 CAMA Number: 263-024-000-000 315 Property Address: 560 WAUREGAN RD	Mailing Address: 86 MILL RENTALS LLC PO BOX 472 PUTNAM, CT 06260
Parcel Number: 263-025-000 CAMA Number: 263-025-000-000 645 Property Address: 515 WAUREGAN RD	Mailing Address: BRIERE DONALD R & JOYCE M 515 WAUREGAN RD KILLINGLY, CT 062390000



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11/9/2021

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# ZONING PRACTICE

NOVEMBER 2021



AMERICAN PLANNING ASSOCIATION

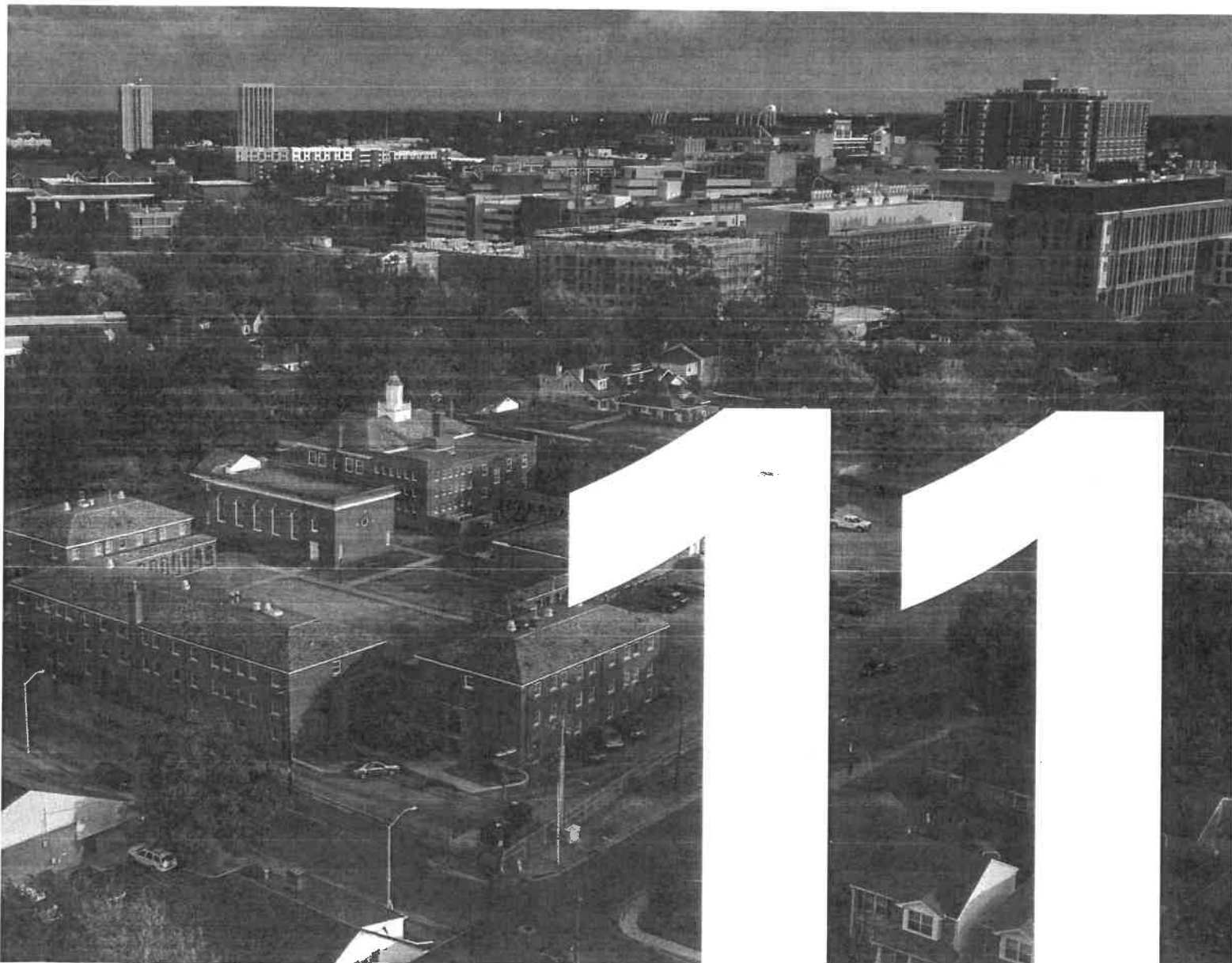
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NOV 9 2021

PLANNING & ZONING DEPT.  
TOWN OF KILLINGLY

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## PRACTICE INSTITUTIONAL ZONING



# Zoning for Eds and Meds

By Joseph DeAngelis, AICP, and David Morley, AICP

Colleges, universities, and hospitals often function as “anchor” institutions. Anchor institutions seldom relocate, and they play a major role in the economic health and cultural identity of their host communities (Dever et al. 2015; Misri 2014; Schildt and Rubin 2015). They occupy and manage large amounts of real estate; employ hundreds or thousands of workers; purchase large quantities of local goods and services; and attract businesses, residents, and visitors.

For these reasons, the campuses that house major educational and health-care institutions merit special planning and zoning attention. As campus activity increases or decreases, housing markets, transportation patterns, and economic activity all respond. While stability may be a hallmark of the institutions at the heart of these campuses, they are neither static nor uniform.

Campuses expand to accommodate a growing population of users, and less commonly, campuses shrink or face abandonment due to declining usage or institutional realignment or dissolution. For some campuses the line between on- and off-campus is thoroughly blurred, while others operate as distinct “cities within a city.”

The purposes of this article are to present a typology of educational and health-care campuses, summarize key zoning considerations and alternative zoning approaches for those campuses, and speculate on how technological and demographic change may affect the spatial relationship of these campuses to their host communities in the coming decades.

## TYPOLOGY OF CAMPUSES

While the word *campus* may evoke stately buildings and leafy grounds, actual educational and health-care campuses can have widely varying physical and operational characteristics. Broadly speaking, though, there are three important dichotomies you can use to distinguish between different types of institutional campuses:

1. Self-contained versus embedded campuses
2. Residential versus commuter campuses
3. Single- versus multi-institution campuses

Each dichotomy represents a different lens you can use to describe or analyze the physical or operational characteristics of a campus. Additionally, you can combine these

dichotomies to create a more complete typology of campus types (e.g., a single-institution, self-contained, residential campus versus a multi-institution, embedded, commuter campus).

### Self-Contained vs. Embedded Campuses

A self-contained campus occupies a contiguous land area, with clearly defined boundaries separating it from the surrounding community. The campus institution (or institutions) typically owns all campus property; controls access to internal

streets, paths, and parking areas; and leases a small percentage of campus space to businesses or nonprofit organizations that exclusively serve campus users.

In contrast, an embedded campus consists of institutional buildings or space comingled with other symbiotic land uses in a business or medical district. While the district may have clearly defined boundaries, the campus itself does not constitute a contiguous land area. The campus institution (or institutions) may or may not own any property.

### Residential vs. Commuter Campuses

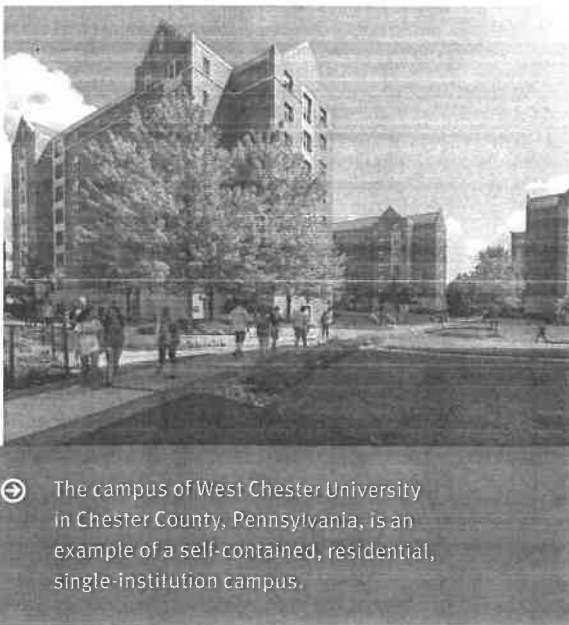
A residential campus has on-campus housing or lodging, and most users either live on or walk, bike, or take transit to campus. These campuses typically provide a complete pedestrian circulation network and devote considerable space to active and passive recreation areas. Residential campuses typically operate continuously, albeit with reduced levels of activity in the evenings and on weekends.

Meanwhile, a commuter campus has little or no on-campus housing or lodging, meaning most users drive to the campus and do not stay overnight. These campuses typically have large surface or structured parking areas and little space devoted to passive recreation or other activities that are not central to the campus institution (or institutions) mission. While many educational commuter campuses close completely in the evening and over weekends, health-care commuter campuses often operate continuously.

### Single- vs. Multi-Institution Campuses

A single-institution campus is controlled and occupied by one educational or health-care institution. Campus buildings and interior spaces, signage and wayfinding devices, and programs and events are all projections or extensions of the institution’s brand. That is, the campus and the institution are synonymous in the minds of most users.

In contrast, a multi-institution campus is occupied by two or more educational or health-care institutions. The campus may



West Chester University / Flickr (CC BY-NC-ND 2.0)

➡ The campus of West Chester University in Chester County, Pennsylvania, is an example of a self-contained, residential, single-institution campus.

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➡ The campus for the Texas Medical Center in Houston is an example of an embedded, multi-institution campus, with a blend of residential- and commuter-campus features.

have unified branding or be cobranded by its constituent institutions. Many major universities house satellite schools or programs on multi-institution campuses, and complimentary hospitals often co-locate in major metropolitan areas.

### ZONING CONSIDERATIONS

Institutional campuses often evolve—both physically and operationally—at a faster rate than their surrounding neighborhoods. This institutional growth and change can have significant physical and economic effects on the wider community. Consequently, some communities choose to treat institutional campuses as a distinct land-use category.

For communities interested in exploring this approach, there are, at least, three key considerations: (1) the ownership status of the institution; (2) the potential for spillover effects; and (3) the built form of the campus. These considerations should inform the local approach to zoning for educational and institutional campuses.

#### Ownership Status

Major nonprofit institutions often occupy large land areas without paying local property or sales taxes. While many communities have negotiated payments in lieu of taxes (PILOTs) with specific institutions, PILOT agreements seldom match the potential lost tax revenue (Kenyon and Langley 2010).

This can put significant stress on local budgets and create an incentive for cities and counties to carefully monitor institutional development plans.

Furthermore, in some states, public institutions are (or are arguably) exempt from local zoning—if they are carrying out their governmental responsibilities (Taylor and Wyckoff 2009). When a major educational or health-care institution is immune to zoning, the host community may be forced to apply a symbolic “public institution” zoning designation to institutional property. As the institution expands, the community can only react by amending its zoning map. Obviously, this situation also incentivizes cities and counties to build cooperative or collaborative relationships with major institutions to advance long-term goals related to community growth or change.

#### Spillover Effects

On-campus activities and services often have off-campus effects. College and university campuses cater, primarily, to young adults pursuing two- or four-year degrees. In some communities, growing enrollments or campus expansions can trigger “studentification,” whereby students displace permanent residents, reshaping the markets for housing, retail, and services (Pickren 2012; Sungu-Eryilmaz 2009). Furthermore, while most students are good neighbors, a

small number of “bad actors” can lead to “town-gown” conflict over parking, noise, or property maintenance.

Spillover effects for hospital campuses receive comparatively less attention in popular discourse. However, the fact that hospital service areas often cover tens or hundreds of square miles means that most employees and patients are not residents of the neighborhoods surrounding the campus. When hospital campuses expand, this can trigger many of the same community-versus-campus conflicts as for college and university campuses.

#### Built Form

The built form of a self-contained educational or health-care campus is often dramatically different from surrounding neighborhoods or districts. Individual campus buildings are often bigger and taller than neighboring off-campus buildings. Additionally, the spaces between campus buildings, or clusters of campus buildings, are often much larger than the spaces between neighboring homes or businesses.

In contrast, large, embedded campuses often contribute to an eclectic built form. This is due, in part, to the institutions differing space needs, such as taller floor-to-floor heights to bring in more natural light and improve air circulation. And it can also be due to the institution’s desire to stand out, architecturally, in the crowd of non-institutional uses.

#### ZONING APPROACHES

There are two common approaches to zoning for educational and health-care campuses. Cities, towns, and counties can require or allow anchor institutions to submit master development plans, which, once approved, govern land-use and development on the institution’s campus and planned expansion areas. They can also establish special base or overlay zoning districts for institutional campuses that include districtwide dimensional, site or building design, or performance standards. Some communities blend these approaches by adopting a special base or overlay campus district that authorizes educational or health-care institutions to apply for a deviation from the district’s development standards by submitting a master plan.



**Institutional Master Plans**

Virtually all major educational and health-care institutions prepare and maintain master facility or campus plans. These plans describe current and anticipated future facility requirements and outline a strategy for physical growth and change over the next 10 or more years.

Traditionally, institutions prepared these plans at the behest of institutional directors and often only sought input from internal stakeholders, such as staff, faculty, and students or patients. However, since the late 20<sup>th</sup> century, it is increasingly common for institutions to engage a wide variety of internal and external stakeholders in master facility or campus planning processes.

Cities, towns, and counties can take advantage of this broader trend in institutional planning by requiring or allowing

institutional master plans to serve as a substitute for, or supplement to, campus zoning standards (see Table 1). This approach is often analogous to a planned development process and requires a discretionary approval by the local planning board or legislative body, following a public hearing. The institution is free to propose a development framework that meets its organizational needs, and local officials gain a more holistic view of how and why the campus will grow or change. Additionally, this approach is typically more efficient than requiring variances for every proposed deviation from district development standards.

To ensure utility and encourage consistency, communities that use this approach specify the required components of institutional master plans. Common required components include a statement

of organizational mission and objectives; information about the current and proposed future site design, building envelopes, and uses; and design guidelines or development standards. Some communities also require plans to address internal circulation and parking, landscaping and open space, environmental protection, spillover effects, or community benefits, among other issues.

**Special Districts**

Cities, towns, and counties often add special-purpose base or overlay districts to their zoning codes to accommodate subareas with a distinct identify or purpose or to promote a unified approach to large-scale development. When communities apply special districts to educational or health-care campuses, common goals include

**TABLE 1. EXAMPLES OF COMMUNITIES THAT REQUIRE OR ALLOW INSTITUTIONAL MASTER PLANS**

Jurisdiction	State	Applicable Institutions	Required Components for Master Plans	Code Citation
Anchorage	AK	Optional for any multi-building development site of 25 or more contiguous acres	Boundaries; mission and objectives; existing property and uses; needs of the institution; 10-year development envelope; development and design standards; 20-year development areas	§21.03.110
Baltimore	MD	Educational facilities and hospitals that propose deviations from special overlay district standards	Site plan; location, square footage, and heights of existing and proposed buildings; landscape plan; sign plan; internal circulation plan; location and capacity of existing and proposed off-street parking and loading spaces	§12-503 & §12-603
Boston	MA	Hospitals, colleges, and universities with more than 150,000 square feet of property	Mission and objectives; existing property and uses; needs of the institution; proposed future projects; transportation and parking management and mitigation plan; pedestrian circulation guidelines and objectives; urban design guidelines and objectives; job training analysis; community benefits plan; additional elements (as deemed necessary)	§80-D
Fargo	ND	Optional for any development project in the Public and Institutional District within 300 feet of a residential zoning district	Planning horizon; existing property and uses; needs of the institution; development envelope; neighborhood protection strategy	§20-0911
San Francisco	CA	Hospitals and post-secondary educational institutions with at least 50,000 square feet of site area	General information about the institution and its services; the present physical characteristics of the institution; future development plans; projection of related services and physical development that would result from the development plan; additional information (as deemed necessary)	§304.5
Pittsburgh	PA	Large educational and health-care institutions that apply for a special-purpose zoning designation	Planning horizon; organizational mission and objectives; existing property and uses; 10-year development envelope; 25-year development sites; transportation management plan; environmental protection plan; open space and pedestrian circulation plan; urban design guidelines; neighborhood protection strategy	§905.03 & §922.12
Seattle	WA	Major health-care or educational institutions	Development standards; development program; and transportation management program	§23.69.024 et seq.

facilitating campus change and promoting a gentle transition between the campus and surrounding neighborhoods (see Table 2).

Permissible uses for special campus districts typically include major institutions and synergistic uses, such as multifamily and group residences, retail sales and service, offices, and places of public assembly. Development standards for these districts are often less restrictive than those of standard base zoning districts. For example, campus districts may allow taller and bulkier buildings, especially in the interior of these

districts, often without explicit density limits. Furthermore, setbacks may apply only along street frontages or lot lines that mark district boundaries.

Perhaps the most common campus-district development standard is a limit on the aggregate percentage of lot coverage. Many of these special districts also specify a minimum contiguous site area for the zoning designation or minimum lot area and width. Some also include special landscaping, parking, or architectural design guidelines or standards.

### CAMPUSES AND FUTURE UNCERTAINTIES

The anchor institutions at the heart of major educational and health-care campuses tend to be vital to the economic health and well-being of their surrounding communities. In many cases, these institutions may be the single-largest employer, with much of the local economy built around providing goods and services to a critical mass of institutional constituents. In extreme cases, the lines between town and institution are blurred, with both forming de facto coterminous entities. Given the reliance of many

**TABLE 2. EXAMPLES OF SPECIAL CAMPUS DISTRICTS**

Jurisdiction	State	District or Overlay	Purpose	Code Citation
Burlington	VT	Institutional Core Campus Overlay Districts	The Institutional Core Campus Overlay (ICC) districts are intended to provide for reasonable future growth for institutions within the core of their respective campuses without further intrusion into surrounding residential neighborhoods. This overlay allows increased development than would typically be found in the underlying districts... New development should provide sensitive transitions to the historic development pattern and scale of the surrounding campus. Buildings... should be designed with a high level of architectural detailing to provide visual interest and create enjoyable, human-scale spaces. Sites should be designed to be pedestrian friendly and encourage walking between buildings... Where parking is provided, it should be hidden either within or underneath structures.	§4.5.2
Denver	CO	Campus Context Districts	The Campus Context generally consists of midsize to large medical, institutional, educational, or entertainment sites. The context is established to allow for flexible placement of buildings, and unified treatment of signs, open space, landscaping and other site elements that may be recognized through an urban design plan that expresses stakeholder visions for the campus and its surrounding area. Campus contexts tend to have transitional areas that taper off in intensity towards adjacent residential neighborhood contexts, but can also incorporate and be adjacent to more intense development.	§9.2
Louisville	KY	Campus Form District	The Campus Form District (CFD) is an established or proposed pattern of development having a mixture of uses clustered for a single or predominant purpose. Residential or commercial uses should primarily serve the people who work or live on the Campus. The form should be compact and walkable, with substantial open space, central gathering areas, shared parking and signage, and an internal circulation system.	§5.3.5
Portland	OR	Campus Institutional Zones	The campus institutional zones implement the campus institution policies and Institutional Campus (IC) land use designation of the Comprehensive Plan. The zones are for institutions such as medical centers and colleges that have been developed as campuses, and for other uses that are compatible with surrounding neighborhoods. The differences between the zones reflect the diversity and location of campus institutions. Allowed uses and development standards promote the desired character of each zone, and reflect the character and development intensity of surrounding neighborhoods.	§33.150
Winston-Salem / Forsyth County	NC	Campus District	The Campus District is intended to accommodate medium to large-sized public, semi-public, and institutional uses which have a major land use impact or traffic generation potential upon surrounding uses. The district is intended to accommodate larger, more intensive public and institutional uses which have extensive service areas and are centrally located.	§4.8.2

communities on these anchor institutions, identifying the emerging trends, especially considering the COVID-19 pandemic, and the potential role of zoning in shaping or responding to these trends, is essential.

### Trends Affecting Campuses

Recent and ongoing trends potentially point to continued declines in the total number of both college and health-care campuses. For hospitals, these declines have been significant over the last several decades, largely due to consolidation in the industry resulting from hospital acquisitions and mergers (Burns and Field 2019; UNC Shep Center 2021). Four-year liberal arts and for-profit colleges have also seen declines, even before the COVID-19 pandemic (HEDT 2021). Between the 2017–2018 and 2019–2020 academic years, 497 U.S. colleges and universities closed their doors (Lederman 2021b). These declines reflect a shrinking number of high school graduates, insufficient state funding, and, in the case of for-profit colleges, bad publicity over high costs and low graduation rates.

At the outset of the COVID-19 pandemic, many colleges and universities across the U.S. shifted rapidly to remote learning. Simultaneously, many residential college campuses closed on-campus student housing, forcing most students to make other plans for housing on short notice. As the pandemic has begun to fitfully recede, 18 months later, and vaccinations are either strongly encouraged or required for students and staff, on-campus learning and housing have resumed. However, the legacy of this rapid shift to remote learning, a trial by fire in the early days of the pandemic, has remained.

In many colleges and universities, remote learning and hybrid learning models continue to be an option. While online classes are not a new development, the scale and accessibility of this educational model certainly is. This has led to two emerging challenges for colleges and their host communities in the coming years: competition with other educational options in an online landscape and the economic impacts of potentially declining in-person enrollment.

These challenges are broadly consistent with emerging trends in health care. The growing popularity of telehealth and virtual appointments point to a future with

potentially fewer in-person visits to doctor's offices, hospital emergency rooms, and, by extension, health-care campuses. While traditional health-care institutions themselves may be offering those services, they now must compete with other telehealth providers in a much larger competitive landscape. As an industry that increasingly relies on profitability, even relatively small shifts in total in-person visits to a hospital can have profound impacts on the ability of already struggling hospitals to continue operating.

In a March 2021 survey, 52 percent of college presidents rated themselves as either extremely, very, or moderately concerned about the financial health and viability of their college or university (Lederman 2021a). More than 80 percent expressed a need to continue broader institutional changes that the pandemic had necessitated, including remote learning; 23 percent are considering shrinking their physical footprint.

As in-person colleges and universities experiment with remote learning, they suddenly find themselves competing with both existing online degree-granting institutions, and highly specialized online training programs (e.g., software engineering "bootcamps"). Generally, the physical location and footprint of the institution offer no specific competitive advantage.

Specialized training programs and existing online colleges and universities have been active in remote learning for years and may hold particular advantages over predominantly in-person institutions. They've had time to refine their offerings and approaches, typically have lower overhead costs than more traditional institutions, and can pass these savings on to students who are less interested in locational amenities and the accompanying costs of on-campus living or commuting or more interested in non-degree technical training.

For colleges and universities already facing operational and financial challenges before the pandemic, inability to compete with a newly flattened landscape of educational opportunities may have serious consequences. Larger institutions competing in this space may not share these same existential challenges, but may still have to consider student and staff expectations for remote and hybrid options, and the potential for declines in in-person attendance.

In the case of both large and small campuses, these potential trends are accompanied by impacts on the built environment. Fewer in-person students or patients may translate to less demand for on and off-campus housing, parking, and a wide variety of other services and amenities. The closing of a campus is accompanied by both the challenges that closure may pose to the well-being of the community, and the necessary and difficult decisions on the use of that space. In each of these circumstances, communities will be faced with choices on what can be done with newly available land and how they can mitigate or avoid local economic declines.

### A Potential Zoning Response

Zoning is one tool that communities may use to respond to or mitigate the changes resulting from the loss or contraction of a local educational institution. Rezoning efforts are likely to be highly context specific, based on a wide array of priorities, circumstances, challenges, and goals at the local level. The zoning changes that may be proposed in a city in need of new housing are likely to vary considerably from those changes confronting a small town facing the loss of a major employer and community anchor. However, it is possible to tease out some potential zoning and land-use considerations.

With some exceptions, few communities have mapped form-based zoning districts to educational and health-care campuses. This seems especially true in the case of self-contained campuses that are physically distinct from the surrounding community. As campuses look to downsize, shrink their physical footprints, and sell off real estate assets, the distinction between embedded and self-contained campuses may begin to break down. Form-based codes may be a useful tool in a potential shift toward embedded campuses. Form-based codes prioritize the physical form over the particular use and location of a building.

Applying form-based codes to campuses may allow them to fit more legibly into the broader community. In the event of an institution downsizing, land and buildings that are sold off could be adapted for new uses and still "fit" in the fabric of the community. Form-based codes may also provide a clearer mechanism for linking local comprehensive planning with campus master

planning. This approach would prioritize building form and urban design over more traditional zoning considerations, such as parking capacity and the particular use of a structure. By relying on a shared set of architectural standards and pattern-book-derived guidelines, municipalities and campuses can better accentuate the place-based benefits of a given institutions, while simultaneously preparing for potential downsizing in the future.

## CONCLUSIONS

Major educational and health-care institutions have helped many communities navigate the transition from an industrial

to a post-industrial economy. In exchange, the cities, towns, and counties that host these anchor institutions often take a light touch when it comes to campus zoning. Both common zoning approaches are, generally, more interested in the transition between campus and community than with the land-use mix or built form of the campus interior.

Shifting market demands and technological innovation may mean that the self-contained campus of the past is poised for long-term decline. However, the extent to which online learning, telehealth, and competition from nontraditional education and health-care providers pose a threat to institutional campuses, in general, is far

from certain. Nevertheless, with the often outsized role played by these institutions in their communities, it is crucial for planners and local officials to be aware of these long-term risks and the tools at their disposal.

## ABOUT THE AUTHORS

Joseph DeAngelis, AICP, is a research manager with the American Planning Association and co-editor of *Zoning Practice*.

David Morley, AICP, is a research program and QA manager with the American Planning Association and co-editor of *Zoning Practice*.

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205 N. Michigan Ave.  
Suite 1200  
Chicago, IL 60601-5927



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ANN-MARIE AUBREY  
TOWN OF KILLINGLY  
PLANNING AND DEVELOPMENT DEPARTMENT  
172 MAIN ST  
KILLINGLY CT 06239-2822



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