



TOWN OF KILLINGLY, CT  
PLANNING AND ZONING COMMISSION

**TUESDAY – FEBRUARY 16, 2021**

**Regular Meeting**

**7:00 PM**

**THIS MEETING WILL BE HELD VIA WEBEX**

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

**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:** 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 received prior to the meeting will be posted on the Town's website [www.killinglyct.gov](http://www.killinglyct.gov).

**NOTE:** To participate in either the CITIZENS' COMMENTS OR 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 132-288-0270.

- V. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS
- VI. PUBLIC HEARINGS – (review / discussion / action)

**NOTE:** To participate in either the CITIZENS' COMMENTS OR 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 132-288-0270.

(CONTINUED ON NEXT PAGE)

1) **Special Permit Application #21-1255 with Site Plan #21-1256** - Westview Land Company; proposed 5040 SF child day care center with proposed access drive, parking, walkways and municipal water and sewer connections; Section 410.2.2.f (Nursery Schools/Day Care Centers; 39 Thompson Pike (Rte. 21) & 137 Ware Road; GIS Map 32; Lots 44 & 44.1; Low Density Zone.

Hearings' segment closes.  
Meeting Business will continue.

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

1) **Special Permit Application #21-1255 with Site Plan #21-1256** - Westview Land Company; proposed 5040 SF child day care center with proposed access drive, parking, walkways and municipal water and sewer connections; Section 410.2.2.f (Nursery Schools/Day Care Centers; 39 Thompson Pike (Rte. 21) & 137 Ware Road; GIS Map 32; Lots 44 & 44.1; Low Density Zone.

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

1) **Site Plan Review Application #21-1258** – Kevin J. Crump (Frito-Lay, Inc./Landowner); the project consists of new construction of an asphalt truck trailer storage lot with lighting and storm water improvements; 628 Wildwood Way; GIS MAP 81; Lot 20; ~15 acres; Industrial Zone. **Receive, and if application is complete, schedule it for action at the next regularly scheduled meeting of Monday, March 15, 2021.**

2) **§8-24 Review Application #21-1259** – Town of Killingly; Prospect Avenue Sewer Replacement Project. (review/discussion/action item) – Presentation by David Capacchione, Engineer.

3) **§8-24 Review Application #21-1260**- Town of Killingly; Property to be acquired by the town of Killingly for roadway purposes along Lake Road (review/discussion/action item) – Presentation by David Capacchione, Engineer.

Applications submitted prior to 5:00 PM on MONDAY, FEBRUARY 8, 2021 will be on the agenda as New Business, with a “date of receipt” of TUESDAY, FEBRUARY 16, 2021 and may be scheduled for action during the next regularly scheduled meeting of MONDAY, MARCH 15, 2021.

Applications submitted by 12:00 noon on FRIDAY, FEBRUARY 12, 2021 will be received by the Commission (“date of receipt”) on TUESDAY, FEBRUARY 16, 2021. However, these applications may not be scheduled for action on MONDAY, MARCH 15, 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 – January 19, 2021

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

**XI. CORRESPONDENCE**

1) From Milburn Stone – Letter of Resignation from Commission

**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) **Special Permit Application #21-1255 with Site Plan #21-1256** - Westview Land Company; proposed 5040 SF child day care center with proposed access drive, parking, walkways and municipal water and sewer connections; Section 410.2.2.f (Nursery Schools/Day Care Centers; 39 Thompson Pike (Rte. 21) & 137 Ware Road; GIS Map 32; Lots 44 & 44.1; Low Density Zone.

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<b>APPLICANT(S):</b>	Westview Land Company
<b>LANDOWNER(S):</b>	Westview Land Company
<b>SUBJECT PROPERTY:</b>	39 Thompson Pike & 137 Ware Road
<b>ASSESSOR'S INFO:</b>	GIS MAP 32, LOTS 44 & 44.1
<b>ZONING DISTRICT:</b>	Low Density
<b>REQUEST:</b>	Proposed 5040 SF Child Day Care Center with proposed access drive, parking, walkways, and municipal water & sewer connections
<b>REGULATIONS:</b>	Low Density Special Permit Uses – 410.2.2(f) Nursery Schools and Day Care Centers Article VII – Special Permit, Section 700 – et sec. Article IV – Site Plan Review, Section 470 – et sec.

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**COMMENTS ABOUT THIS APPLICATION**

**Documents attached hereto:**

- 1) Special Permit Application – fee paid in full;
- 2) Site Plan Drawings / Maps
- 3) List of adjacent landowners (referenced here only)
- 4) Motion Page from Killingly Inland Wetlands and Watercourses Commission showing approval of Nov. 2, 2020
- 5) Letter dated Dec. 3, 2020 from State of CT Dept of Transportation – re: Town approval required

The following were added by staff

- 1) Memorandum dated 10/29/2020 from David Capacchione, TOK Engineer (Where his concerns answered)
- 2) GIS site location map.
- 3) GIS aerial site location map.

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**LEGAL NOTICES UNDER COVID-19**

- 1) Legal Notice was published on the Town's Website on 02/03/2021; and
- 2) Legal Notice was published in the Norwich Bulletin on 02/04/2021 and 02/09/2021; and
- 3) Public Hearing Placard(s) were placed at the site on or before 02/05/2021 (as seen by the ZEO)

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**OTHER REQUIRED APPROVALS**

- 1) Inland Wetlands and Water Courses – see “documents attached hereto” above,
- 2) State of CT Department of Transportation – see “documents attached hereto” above

**STAFF COMMENTS AND SUGGESTIONS**

- 1) Staff requests that a formal merger of the two lots takes place prior to the beginning of the project, and that a deed is recorded in the Town Clerk Land Records as evidence of same.
  - 2) What is the intended use of the 1 story wood frame house, which already exists, but appears to be "attached" to the child day care center?
- 
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**TOWN OF KILLINGLY**

**INLAND WETLANDS AND WATERCOURSES COMMISSION (IWWC)**

**Killingly Town Hall  
172 Main Street  
Danielson, CT**

**MOTIONS**

**Monday, November 2, 2020**

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**Members Present:** Chairman Sandy Eggers, Vice Chairman Rod Galton, Deborah Lamiotte, Beth Dubofsky-Porter & Secretary Corina Torrey

**Members Absent:** Ronald Dass, Fred Ruhlemann

**Also Present:** Marina Capraro, Natural Resources Officer/Planning Assistant

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**MOTION #1 (11.02.20):** made by Vice Chairman Galton **SECONDED BY** Corina Torrey that the Inland Wetlands and Watercourses Commission approve the October 5, 2020 Regular Meeting Minutes - as presented  
**VOICE VOTE: UNANIMOUS; MOTION CARRIED**

**MOTION #2 (11.02.20):** made by Vice Chairman Galton **SECONDED BY** Deborah Lamiotte that the Inland Wetland and Watercourses Commission approve Application #20-1503, Westview Land Company, 5040 square foot child daycare center at 39 Thompson Park Pike & 137 Ware Road  
**VOICE VOTE: UNANIMOUS; MOTION CARRIED**

**MOTION #3 (11.02.20):** made by Vice Chairman Galton **SECONDED BY** Corina Torrey that the Inland Wetland and Watercourses Commission not accept Application #20-1510, Ben Barbeau, 60' X 120' Barn construction, 132 Tillinghast Road without prejudice  
**VOICE VOTE: UNANIMOUS; MOTION CARRIED**

**MOTION #4 (11.02.20):** made by Vice Chairman Galton **SECONDED BY** Corina Torrey that the Inland Wetland and Watercourses Commission adjourn at 7:35 p.m.  
**VOICE VOTE: UNANIMOUS; MOTION CARRIED**

Respectfully submitted,  
Sherry Pollard,  
IWWC Recording Secretary

*Sherry Pollard*  
NOV 4 4 41 PM '20  
TOWN OF KILLINGLY  
SECRETARY



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION

DISTRICT II  
171 Salem Turnpike  
Norwich, Connecticut 06360  
Phone:



December 3, 2020

Mr. Normand Thibeault, Jr., P.E.  
Killingly Engineering Associates  
P.O. Box 421  
Dayville, CT 06241

Dear Mr. Thibeault:

Subject: Westview Child Day Care Center  
39 Thompson Pike / Route 21  
Town of Killingly

This office has completed our review of the submitted plans entitled, "Westview Child Day Care Center – 39 Thompson Pike – Killingly, Connecticut" dated July 2020 and last revised October 29, 2020. We find the proposal acceptable with no further comments at this time. However, your submittal/application to work within the State right of way or perform work that may affect State property is denied based on the following:

1. Proof of Town approval must be submitted.

As regulated by Connecticut General Statute 13b-17, no work is to commence within the State right of way without first obtaining a DOT encroachment permit. In order to obtain the required encroachment permit, the following documents must be provided:

- Proof of town approval.
- Two complete sets of the latest town-approved plans (40 scale or larger).
- A completed encroachment permit application (State Form PMT-1 Rev. 5/91).
- A Bond on State Form CLA-5 in the amount of \$10,000 in the owner or developer's name.
- Proof of minimum insurance requirements (General Liability of \$1,000,000 and Aggregate of \$2,000,000). Insurance may be carried by the contractor.
- A check or money order in the amount of \$250 payable to "Treasurer – State of Connecticut."

These forms, along with additional information, may be obtained at [www.ct.gov/dot](http://www.ct.gov/dot).

This approval is valid for 3 years from the issue date of this letter.

If you have any questions in regard to this matter, please contact Mr. Daniel McBride of this office at (860) 823-3114, or by email at [Daniel.McBride@ct.gov](mailto:Daniel.McBride@ct.gov).

Sincerely,

Andrew S. Morrill  
Special Services Section Manager  
Bureau of Highway Operations

cc: Killingly Planning and Zoning



# Town of Killingly

Engineering Department  
172 Main Street, Killingly, CT 06239  
Phone 860-779-5360 Fax 860-779-5326

## MEMORANDUM

**TO:** Normand Thibeault Jr. P.E. Killingly Engineering Associates 114 Westcott Road, P.O. Box 421, Killingly Ct 06241, via email at nthibeault@killinglyea.com

**FROM:** David Capacchione, Town Engineer; Gary Martin, Assistant Town Engineer

**DATE:** October 29, 2020

**RE:** Westview Child Daycare, 39 Thompson Pike (Route 21) & 137 Ware Road Killingly, Ct

**CC:** Ann Marie Aubrey Director of Planning and Development, Jill St. Clair, Director Economic Development, Jonathan Blake, Planner I, & Zoning Enforcement Officer; Marina Capraro, Asst Planner; file

The Town Engineering department has received the following information for the subject project at our office through October 29, 2020:

Item 1: Set of eight (8) drawings entitled "Westview Child Daycare, 39 Thompson Pike (Route 21) & 137 Ware Road, Killingly, Connecticut" Plan Prepared for Westview Land Company, prepared by Killingly Engineering Associates 114 Westcott Road, P.O. Box 421 Killingly Connecticut 06241 and dated July 2020.

We have reviewed the item listed above and have the following comments pursuant to the Inland Wetland & Planning and Zoning Commissions:

Comments:

1. Please provide pre and post development drainage calculations for the project demonstrating no adverse impacts to the road or abutting properties.
2. Please provide details and specifications for the wooden pedestrian bridge.
3. Please modify the legend on sheet 3 to include the numbering system for the signage.

4. Please contact the sewer department to determine if there is a stub to the property line. If a stub is not available, please contact me to discuss the connection to the sanitary sewer main.
5. Currently there is a \$700 fee per unit for access to the sanitary sewer system. This fee may increase.
6. Please contact the sewer department prior to any connections. Permits will be required. Any connections not witnessed and backfilled may be required to be uncovered for inspection.
7. Please revise the sidewalk detail to reflect 4,000 PSI concrete.
8. Please provide AS-Built drawings upon completion of the project.

Please contact the Town of Killingly Engineering Office at (860) 779-5360 if you have any questions or need additional information. We will be happy to meet with you to discuss the above referenced project.





# 38 Thompson Pike and 137 Ware Road

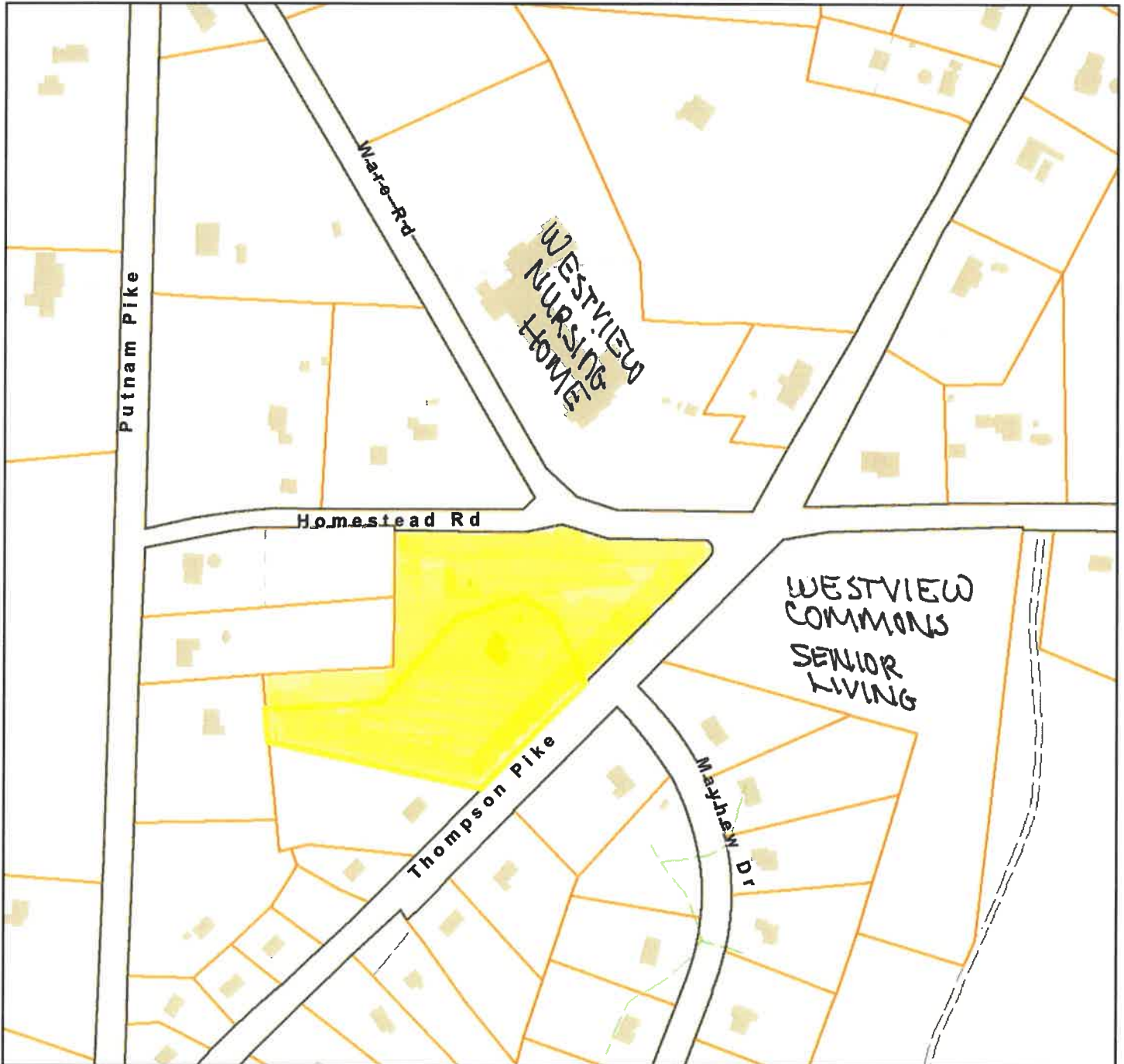
Killingly, CT



1 inch = 250 Feet



February 12, 2021



Street Names	ROAD	Buildings
PROPERTYLINE	RW	Right of Ways
ROAD	TRACT LINE	
PROPERTYLINE	TRAIL	

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





# 38 Thompson Pike and 137 Ware Road

Killingly, CT



1 inch = 280 Feet



February 12, 2021



Street Names	- - - -	TRACT LINE
PROPERTYLINE	—	TRAIL
ROAD	—	
RW	- - - -	

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

**Office Use Only**

Application #:	PB-2021-1259
Date Submitted:	JAN 29, 2021
Received By:	AMA
Fee:	0
Date Rec'd by Commission/Board:	2/16/21

**APPLICATION TYPE:**

- Site Plan Review
- Special Permit
- Subdivision
- Zone Text Change
- Zone Map Change
- Zoning Board of Appeals

**TO BE COMPLETED BY THE APPLICANT -- PLEASE PRINT**

~~SPEC~~ ~~PB-24~~ REVIEW

Applicant's Name:	TOWN OF KILLINGLY		
Mailing Address:	172 MAIN STREET KILLINGLY, CT		
Day Phone:	800-779-5335	Evening Phone:	
Landowner:	TOWN OF KILLINGLY		
Mailing Address:	SAME AS ABOVE		
Day Phone:		Evening Phone:	

**LOCATION OF PROPERTY**

Address:	PROSPECT AVENUE			
GIS #	Lot:	Zoning District:	Lot Size:	Frontage:

**INTENT OF APPLICATION / PROPOSED ACTIVITY**

Description:	
	PROSPECT AVENUE SEWER REPLACEMENT PROJECT

**ZONING BOARD OF APPEALS APPLICATIONS ONLY**

<input type="checkbox"/> A variance in the application of the Zoning Regulations is requested.
<input type="checkbox"/> There is an error in an order, requirement or decision made by the Zoning Enforcement Officer (Appeal).
<input type="checkbox"/> Other (Specify Above).

Maryann \_\_\_\_\_ 2/11/21 \_\_\_\_\_  
 Signature of Applicant Date

\_\_\_\_\_  
 Signature of Owner (if different from Applicant) Date



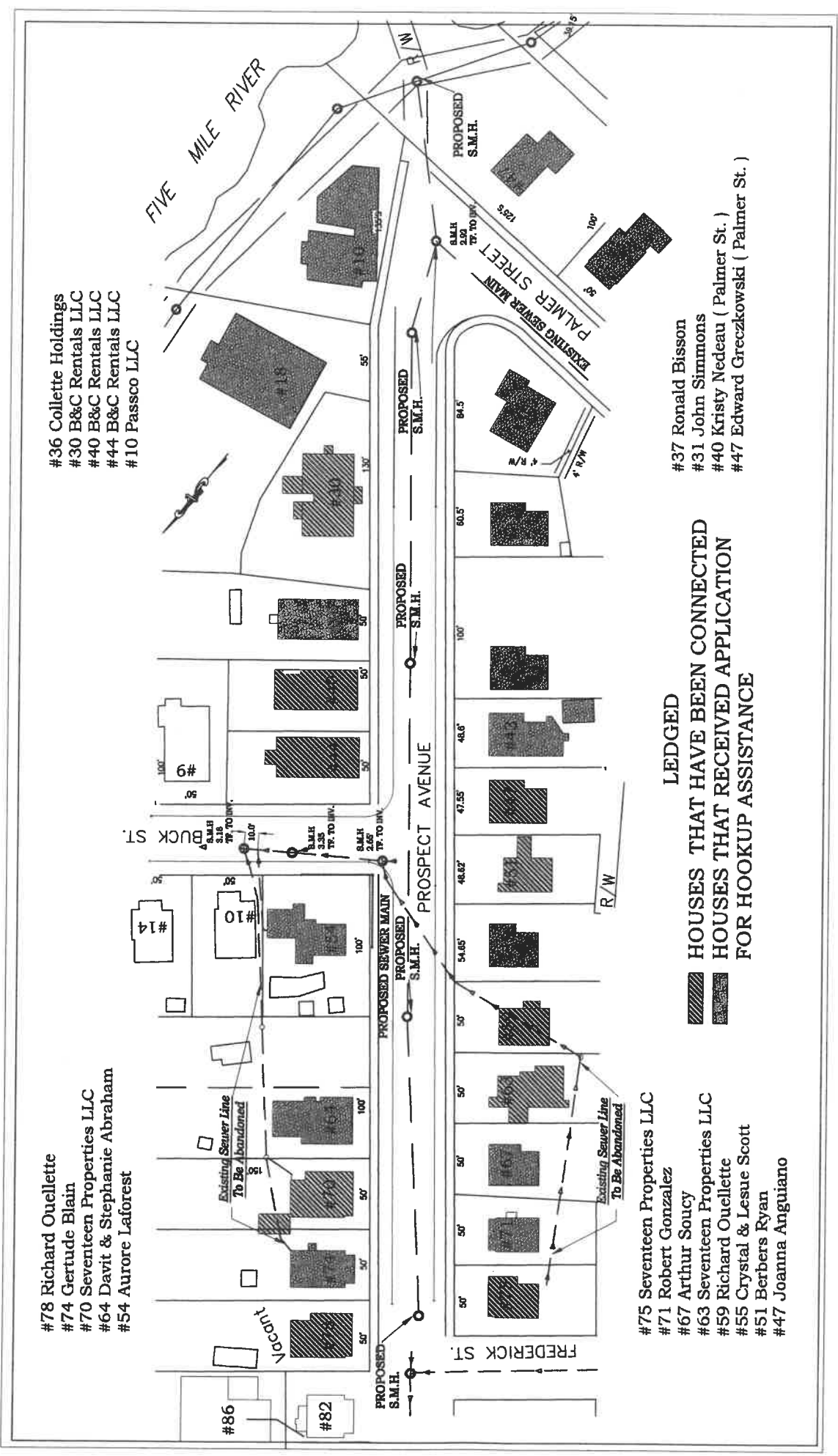
- #78 Richard Ouellette
- #74 Gertrude Blain
- #70 Seventeen Properties LLC
- #64 Davit & Stephanie Abraham
- #54 Aurore Laforest

- #36 Collette Holdings
- #30 B&C Rentals LLC
- #40 B&C Rentals LLC
- #44 B&C Rentals LLC
- #10 Passco LLC

- #75 Seventeen Properties LLC
- #71 Robert Gonzalez
- #67 Arthur Soucy
- #63 Seventeen Properties LLC
- #59 Richard Ouellette
- #55 Crystal & Lesue Scott
- #51 Berbers Ryan
- #47 Joanna Anguiano

**LEDGED  
HOUSES THAT HAVE BEEN CONNECTED  
HOUSES THAT RECEIVED APPLICATION  
FOR HOOKUP ASSISTANCE**

- #37 Ronald Bisson
- #31 John Simmons
- #40 Kristy Nedean (Palmer St.)
- #47 Edward Greczkowski (Palmer St.)



February 5, 2021

Re: Prospect Avenue Sewer Replacement Project

Dear Property Owner:

As you are aware, the Town of Killingly successfully completed the installation of a new sewer main in Prospect Avenue on October 20, 2020. The new sewer line was installed due to the age of the existing pipe and the Town's difficulty with maintenance of the line. Section 15-42c of the Killingly Code of Ordinances requires property owners to connect to the new sewer line within one hundred fifty (150) days of this notice. The Town **will no longer** maintain the previously existing sewer line as of July 5, 2021. The Ordinance section is attached for your information.

Town staff contacted you earlier in this process to inform you that the WPCA has made funds available to assist with your connection. The monies are a 0% deferred loan that will be repaid at the time of property transfer, refinance or sale. Funding is available for qualified property owners and is based on the income of the property occupants. The Town will also provide technical assistance with obtaining bids and inspecting the work. If you are interested in the financial assistance available, please contact Mary Bromm at 860-779-5355 to review the program eligibility and process. The WPCA will not assess fees to property owners for the installation of the new sewer line.

If you do not want to participate in a town program, please be advised that your contractor(s) will need to be qualified to perform the work and permits are required from the WPCA and the Town for the connection. All permit fees will be waived however, insurance and licensing requirements will remain in effect.

If you have any questions or require additional information regarding the project, please contact David Capacchione at 860-779-5360.

Sincerely,

Patrick McLaughlin  
Chairman  
Killingly WPCA

**Office Use Only**

Application #:	PB-2021-1260
Date Submitted:	JAN. 29, 2021
Received By:	AMA
Fee:	0
Date Rec'd by Commission/Board:	2/16/21

**APPLICATION TYPE:**

- Site Plan Review
- Special Permit
- Subdivision
- Zone Text Change
- Zone Map Change
- Zoning Board of Appeals

**TO BE COMPLETED BY THE APPLICANT -- PLEASE PRINT**

~~SPEC. #8-24 REVIEW~~

Applicant's Name:	TOWN OF KILLINGLY
Mailing Address:	178 MAIN STREET KILLINGLY CT.
Day Phone:	860-779-5335
Evening Phone:	
Landowner:	CT LIGHT & POWER / ROCKY RIVER REALTY
Mailing Address:	
Day Phone:	Evening Phone:

**LOCATION OF PROPERTY**

Address:	209-199-70 LAKE ROAD			
	KILLINGLY CT.			
GIS #	Lot:	Zoning District:	Lot Size:	Frontage:

**INTENT OF APPLICATION / PROPOSED ACTIVITY**

Description:	PROPERTY TO BE ACQUIRED BY THE T.O.K. FOR ROADWAY PURPOSES. (IMPROVEMENTS TO ROADWAY)
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**ZONING BOARD OF APPEALS APPLICATIONS ONLY**

<input type="checkbox"/> A variance in the application of the Zoning Regulations is requested. <input type="checkbox"/> There is an error in an order, requirement or decision made by the Zoning Enforcement Officer (Appeal). <input type="checkbox"/> Other (Specify Above).
---

Maui-Ca \_\_\_\_\_ 2/11/21  
Signature of Applicant Date

\_\_\_\_\_  
Signature of Owner (if different from Applicant) Date

# Killingly Engineering Associates

Civil Engineering & Surveying

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



6/26/2020

RECEIVED

JAN 29 2021

**Proposed Description**  
**Property to be acquired by**  
**The Town of Killingly for Roadway Purposes**  
**from Rocky River Realty Company**  
**209 Lake Road, Killingly, Connecticut**

PLANNING & ZONING DEPT.  
TOWN OF KILLINGLY

A certain parcel of land located on the northerly side of Lake Road in the Town of Killingly, County of Windham, State of Connecticut, which parcel is shown as Parcel 'B' on a plan entitled: "Property Survey showing property and easement area to be acquired by Town of Killingly from Rocky River Realty Co. - 209 Lake Road - Killingly, Connecticut - Scale: 1" = 30' - Date: 6/26/2019 - Sheet 1 of 1 - Prepared by: Killingly Engineering Associates, Inc.", said parcel being bounded and described as follows:

Beginning at a concrete monument in the northerly street line of Lake Road, said concrete monument being the southwest corner of the herein described parcel and the southeast corner of land owned by The Connecticut Light & Power Company;

Thence N 37°51'39" W along a stone wall for a distance of 18.65' to an iron pin, the last course being bounded westerly by land of said Connecticut Light & Power Company;

Thence in a northeasterly direction 85.02' along a curve to the left having a radius of 213.00', (the chord of said curve being N 60°25'22" E, 84.46') to a concrete monument;

Thence S 15°20'41" E for a distance of 5.75' to a point in the northerly street line of Lake Road, the last course being bounded easterly by land of Maureen Lannon & Kathleen Berk;

Thence S 39°49'57" W for a distance of 40.18' to a point;

Thence S 45°55'44" W for a distance of 13.85' to a point;

Thence S 63°33'39" W for a distance of 17.70' to a point;

Thence S 78°13'13" W for a distance of 12.26' to a concrete monument and the point of beginning, the last four (4) courses being along the northerly street line of Lake Road;

The above described parcel contains 1,191 square feet, and is a portion of that land acquired by Rocky River Realty Company from Raymond P. Gendreau by Warranty deed dated May 27, 1968. See Vol. 174, Page 1.

It is intended that the above parcel will be used by the Town of Killingly for roadway purposes.

RECEIVED

JAN 29 2021

PLANNING & ZONING DEPT.  
TOWN OF KILLINGLY

Return To:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**QUIT CLAIM DEED**

[THE CONNECTICUT LIGHT AND POWER COMPANY d/b/a EVERSOURCE ENERGY a specially chartered] [THE ROCKY RIVER REALTY COMPANY], a Connecticut corporation, with an office c/o Eversource Energy Service Company, P.O. Box 270, Hartford, Connecticut 06141-0270 (the "Grantor") for the consideration of One and 00/100 Dollars (\$1.00) does give, grant, bargain, sell and confirm with QUITCLAIM COVENANTS unto the TOWN OF KILLINGLY, a municipal corporation, with an address of 172 Main Street, Killingly, Connecticut 06239 (the "Grantee"), and its successors and assigns forever those certain pieces and parcels of land located in the Town of Killingly, Connecticut and being more particularly bounded and described on Schedule A attached hereto (the "Property").

Reserving, however, to the Grantor, its successors and assigns forever, the following rights and easements (the "Reserved Rights") over, under and across the Property (the "Easement Area"):

1. The right to erect, install, construct, repair, maintain, replace, relocate, inspect, operate and remove upon, over, under, through and across the Easement Area: (i) electrical and/or communication facilities, including without limitation, poles, towers, cross-arms, guys, foundations, anchors, braces, ducts, manholes, other structures, wires, cables, conductors, fixtures and appurtenances useful in conducting electricity and/or for providing and maintaining electric and/or communication services and for any other purpose connected with the services or operations of a public service company as defined in the Connecticut General Statutes; (ii) distribution systems for gas, including without limitation, pipes, valves, meters, telemetering equipment, regulators, heaters, gate stations, injection sites, fixtures and other appurtenances for providing gas services and for any other purpose connected with the services or operations of a public service company as defined in the Connecticut General Statutes; (iii) the right to provide gas, electrical and/or communications service and services by means of the foregoing including without limitation, the right to distribute and/or transmit natural gas and electricity, the right, interest and easement to install, repair, maintain, upgrade and replace such other utility services within the Easement Area with the purpose of serving the facilities, services and/or the Grantor's distribution system as a whole, and the non-exclusive right to enter the Grantee's lands for the purpose of installing, inspecting, maintaining, replacing, relocating, rebuilding and/or removing said facilities, services and other utility services, and (iii) monuments and signs appropriate to locate the boundaries of the Easement Area.
  
2. The right to trim and keep trimmed, cut, clear and remove by mechanical means or otherwise, trees, limbs, branches, underbrush and other growth (other than crops) and parts of which are within the Easement Area and which in the sole opinion of the Grantor may interfere with the exercise of the Reserved Rights or create a hazard to the facilities now or in the future constructed by the Grantor within the Easement Area.
  
4. The right to control the growth of trees, limbs, branches, underbrush and other growth by the use of chemicals or other means, provided such chemicals shall not be applied in areas used for growing crops, or for grassland.
  
5. The right to burn or otherwise dispose of all wood or brush cut.



6. The right to require redesign or relocation of any structures or other improvements (including, without limitation, curbing, pavement, parking areas) to be installed by the Grantee, above or below grade within or projecting into the Easement Area that will interfere with the Grantor's facilities or create a hazard for such facilities.
7. The right to enter upon, travel, transport personnel, materials and equipment over and across the Property.
8. The right to grade, excavate, fill or otherwise improve the Easement Area.

It is anticipated that Grantee will utilize the Property to widen public roadways adjacent to the Property ("Anticipated Use"). To the extent that the Property is utilized by Grantee for the Anticipated Use, Grantor agrees that it shall exercise the Reserved Rights in such a manner as to not unreasonably interfere with such use by Grantee and, to the extent applicable, in accordance with any road opening permit issued by Grantee.

By acceptance of this conveyance, the Grantee hereby agrees, as a covenant running with the land, that except upon written consent from the Grantor:

- a) No buildings or other improvements shall be constructed or materials or vehicles permanently stored within the Easement Area.
- b) No filling or flooding shall be placed within the Easement Area, without consulting with the Grantor to determine if such activity will interfere with Grantor's then-existing facilities in or on the Easement Area and/or create a hazard.
- c) No trees or other plantings that might adversely affect the Grantor's then-existing underground or overhead facilities shall be placed with the Easement Area.
- d) No use shall be made of the Easement Area that, in the opinion of the Grantor, may interfere with the Reserved Rights or may create a hazard to its then-existing facilities within the Easement Area.

By acceptance of this conveyance, the Grantee hereby further agrees, as a covenant running with the land that any construction and other work performed in the Easement Area will comply with all applicable law and regulation including worker safety requirements, including those under the Occupational Health and Safety Administration regulations and Connecticut's "Call Before You Dig" program.

[remainder of page intentionally left blank; signature page follows]

[signature page to Quit-Claim Deed]

IN WITNESS WHEREOF, [THE CONNECTICUT LIGHT AND POWER COMPANY d/b/a  
EVERSOURCE ENERGY] [THE ROCKY RIVER REALTY COMPANY], acting herein by  
\_\_\_\_\_ as its \_\_\_\_\_, hereunto duly authorized, has caused its name  
to be signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed and delivered in  
the presence of:

[THE CONNECTICUT LIGHT AND POWER  
COMPANY d/b/a Eversource Energy] [THE ROCKY  
RIVER REALTY COMPANY]

\_\_\_\_\_

Print Name

\_\_\_\_\_

\_\_\_\_\_

Print Name

\_\_\_\_\_

By \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Duly Authorized

GRANTEE:  
TOWN OF KILLINGLY

\_\_\_\_\_

Print Name

\_\_\_\_\_

\_\_\_\_\_

Print Name

By \_\_\_\_\_  
Print Name:  
Duly Authorized

[acknowledgement page to Quit-Claim Deed]

STATE OF CONNECTICUT )  
 ) ss: Berlin \_\_\_\_\_, 20\_\_  
COUNTY OF HARTFORD )

Personally appeared \_\_\_\_\_ as its \_\_\_\_\_ of agent of [THE CONNECTICUT LIGHT AND POWER COMPANY d/b/a Eversource Energy] [THE ROCKY RIVER REALTY COMPANY], signer of the foregoing instrument, and acknowledged the same to be his/her free act and deed and the free act and deed of said corporation.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

STATE OF \_\_\_\_\_ )  
 ) ss: \_\_\_\_\_, 20\_\_  
COUNTY OF \_\_\_\_\_ )

Personally appeared \_\_\_\_\_, \_\_\_\_\_ of the Town of Killingly signer of the foregoing instrument, and acknowledged the same to be his free act and deed and the free act and deed of said municipality.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

# Killingly Engineering Associates

Civil Engineering & Surveying

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



6/26/2020

RECEIVED

JAN 29 2021

## Proposed Description

Property to be acquired by  
The Town of Killingly for Roadway Purposes  
From the Connecticut Light & Power Company  
199 Lake Road, Killingly, Connecticut

PLANNING & ZONING DEPT.  
TOWN OF KILLINGLY

Two (2) certain parcels of land located on the northerly side of Lake Road in the Town of Killingly, County of Windham, State of Connecticut, which parcels are shown as Parcel 'C' and Parcel 'D' on a plan entitled: "Property Survey showing property and easement area to be acquired by Town of Killingly from Connecticut Light & Power Company - 70 & 199 Lake Road - Killingly, Connecticut - Scale: 1" = 30' - Date: 6/26/2020 - Sheet 1 of 1 - Prepared by: Killingly Engineering Associates, Inc.", said parcel being bounded and described as follows:

### Parcel "C"

Beginning at a concrete monument in the northerly street line of Lake Road, said concrete monument being the southwest corner of land owned by Rocky River Realty Co. and said concrete monument being the southeast corner of herein described parcel "C";

Thence S 84°47'16" W for a distance of 17.90' to a point;

Thence N 83°36'59" W for a distance of 38.85' to a point;

Thence N 86°56'57" W for a distance of 32.71' to a concrete monument, the last three (3) courses being along the northerly street line of Lake Road;

Thence in a northeasterly direction 78.79' along a curve to the left having a radius of 213.00', (the chord of said curve being N 82°27'16" E, 78.34') to an iron pin;

Thence S 37°51'39" E along a stone wall for a distance of 18.65' to a concrete monument and the point of beginning, the last course being bounded easterly by land of said Rocky River Realty Co.;

The above described parcel contains 516 square feet, and is a portion of that land acquired by The Connecticut light & Power company from James J. Byrnes by Warranty deed dated January 15, 1970. See Vol. 181, Page 455.

### Parcel "D"

Commencing at a concrete monument in the northerly street line of Lake Road, said concrete monument being the southwest corner of land owned by Rocky River Realty Co. and said concrete monument being the southeast corner of land owned by The Connecticut Light & Power Company, thence S 84°47'16" W for a distance of 17.90' to a point, thence N 83°36'59" W for a distance of 38.85' to a point, thence N 86°56'57" W for a distance of 32.71' to a concrete monument, thence continuing N 86°56'57" W for a distance of 8.27' to a concrete monument and the point of beginning, the last four (4) courses being along the northerly street line of Lake Road;

Thence N 86°56'57" W for a distance of 40.00' to a concrete monument, the last course being along the northerly street line of Lake Road;

Thence N 18°34'30" E for a distance of 18.68' to a concrete monument;

Thence S 86°56'57" E for a distance of 35.00' to a concrete monument;

Thence S 03°03'03" W for a distance of 18.00' to a concrete monument in the northerly street line of Lake Road and the point of beginning.

The above described parcel contains 575 square feet, and is a portion of that land acquired by The Connecticut light & Power company from James J. Byrnes by Warranty deed dated January 15, 1970. See Vol. 181, Page 455.

It is the intent that these two parcels will be used by the Town of Killingly for highway purposes.

# Killingly Engineering Associates

Civil Engineering & Surveying

P.O. Box 421 Killingly, CT 06241

Phone: 860-779-7299

www.killinglyengineering.com



6/26/2020

RECEIVED

JAN 29 2021

## Proposed Description

**Property to be acquired by  
The Town of Killingly for Roadway Purposes  
from The Connecticut Light & Power Company  
70 Lake Road, Killingly, Connecticut**

PLANNING & ZONING DEPT.  
TOWN OF KILLINGLY

A certain parcel of land located on the southerly side of Lake Road in the Town of Killingly, County of Windham, State of Connecticut, which parcel is shown as Parcel 'E' on a plan entitled: "Property Survey showing property and easement area to be acquired by Town of Killingly from Connecticut Light & Power Company - 70 & 199 Lake Road - Killingly, Connecticut - Scale: 1" = 30' - Date: 6/26/2020 - Sheet 1 of 1 Prepared by: Killingly Engineering Associates, Inc.", said parcel being bounded and described as follows:

Beginning at a concrete monument in the southerly street line of Lake Road, said concrete monument being the northeast corner of the herein described parcel and the northwest corner of land owned by PJC realty Company, Inc.;

Thence in a westerly direction 91.80' along a curve to the right having a radius of 198.89', (the chord of said curve being S 80°04'00" W, 90.99') to a concrete monument;

Thence N 86°42'35" W for a distance of 44.57' to a concrete monument;

Thence S 34°16'44" W for a distance of 29.15' to a concrete monument;

Thence N 86°43'52" W for a distance of 20.00' to a concrete monument;

Thence N 51°09'39" W for a distance of 43.00' to a concrete monument;

Thence N 86°42'35" W for a distance of 110.83' to an iron pin;

Thence N 15°20'41" W for a distance of 20.13' to an iron pin in the southerly street line of Lake Road, the last course being bounded westerly by land of Geoffrey A. sorrow, Gerald T. Erwin, Sr. & Annarita D. Erwin;

Thence S 85°36'19" E for a distance of 66.50' to an iron pin;

Thence N 81°23'22" E for a distance of 6.63' to a point;

Thence S 85°39'18" E for a distance of 164.61' to a point;

Thence S 89°56'49" E for a distance of 82.98' to a concrete monument and the point of beginning, the last four (4) courses being along the southerly street line of Lake Road;

The above described parcel contains 6,242 square feet, and is a portion of that land acquired by The Connecticut light & Power Company from Lawrence B. Harrington & Lois C. Harrington by Warranty deed dated August 11, 1969. See Vol. 179, Page 548.

It is the intent that this parcel will be used by the Town of Killingly for highway purposes.



TOWN OF KILLINGLY, CT  
PLANNING AND ZONING COMMISSION

**TUESDAY – JANUARY 19, 2021**

**Regular Meeting**

**7:00 PM**

www.killinglyct.gov  
2021 JAN 26 PM 1:47  
Killingly Planning & Zoning Commission

**THIS MEETING WILL BE HELD VIA WEBEX**

**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** – Chair, Keith Thurlow, called the meeting to order at 7:04 pm.  
  
**ROLL CALL** – Brian Card, Virge Lorents, John Sarantopoulos, Keith Thurlow. Milburn Stone was absent with notice. Matthew Wendorf was absent.  
  
**Staff Present** – Jonathan Blake, Planner I/ZEO; Jill St. Clair, Director of Economic Development.  
  
**Also Present** – Town Attorney Ken Slater, Halloran & Sage; Drew Sigfridson, Deerfield 26 Marshall, LLC; Mat Douglas, TransAxle, LLC.; Patti Larrow George, Town Council Liaison.
- II. **SEATING OF ALTERNATES** - Keith Thurlow announced that John Sarantopoulos would be seated as a Voting Member for this meeting.
- III. **AGENDA ADDENDUM** – None.
- IV. **CITIZENS' COMMENTS ON ITEMS NOT SUBJECT TO PUBLIC HEARING** (Individual presentations not to exceed 3 minutes; limited to an aggregate of 21 minutes unless otherwise indicated by a majority vote of the Commission)

**NOTE:** Pursuant to Governor's Executive Order 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 received prior to the meeting will be posted on the Town's website [www.killinglyct.gov](http://www.killinglyct.gov).

**NOTE:** To participate in either the **CITIZENS' COMMENTS OR 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 132-291-6104.

Jonathan Blake stated aloud the information above for anyone who may want to be heard either during Citizens' Comments or during the public hearings portion of the meeting. He also posted this information in the feed for FaceBook Chat. There were no callers.

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

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

**NOTE: To participate in either the CITIZENS' COMMENTS OR 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 132-291-6104.**

**1) Zoning Text Change Amendment Application #20-1253 – Deerfield 26 Marshall, LLC; Text Change Amendment Application. Add subsection as stated under Section 420.2.2.m – Heavy Equipment and Heavy Specialized Vehicle Sale, Rental and/or Service/Repair Establishments; to the Industrial Zone as a Special Permitted Use (430.1.2.k).**

There was discussion with Town Attorney Ken Slater, Halloran & Sage, regarding the simultaneous applications for a text change and a special permit. In this case, the Applicant has indicated that there are extenuating circumstances with timing issues. His recommendation:

- You can have conditions attached to a special permit use. The use does not become valid until the final condition is met.
- After the public hearings are closed, if the Commission approves the text change, he recommended setting the effective date for the text change in the usual way (30 days after the date of adoption).
- Then, if the Commission approves the special permit, a contingency could be put in place that the special permit does not become effective until the text change is fully in effect and not under appeal. That way, the right to establish a special permit does not come in to be if there is an appeal filed and it does not come in to be until it becomes effective on the effective date that was set. There is no risk to the Commission that the use will start in advance of that point in time. The Applicant will know that it will all be finalized upon the effective date of the new Regulation. Attorney Slater noted that if it is approached in this way this time, the Commission is not obligated to do it this way in the future. It is the Commission's prerogative.
- Attorney Slater explained that Staff would take care of publishing the notice of decision which gives people the right to appeal the decision.

Mr. Thurlow asked Attorney Slater if all of the public notices have been met prior to this. Attorney Slater stated that they were. There was more discussion, for clarity, regarding setting the effective date, after which, Attorney Slater left the meeting.

Mr. Thurlow asked Mr. Blake to summarize the proposed text change:

- Exact same language that currently exists in the General Commercial Zone under Section 420.2.2.m. There is no deviation between the two Zones. Staff reviewed the proposed text change, adding this to the Industrial Zone, and agreed that the language seemed appropriate in either Zone.

**Mr. Thurlow asked for Comments from Commission Members:**

John Sarantopoulos expressed his opinion that it is a good idea to allow the time limit to run its course if someone should have an objection to the proposed change.

Virge Lorents stated that her question regarding setting the effective date had been answered.

Brian Card – None.

**Mr. Thurlow asked for Staff Comments:**

Mr. Blake stated that it seems like a continuation of a lot of other aspects of the Industrial Zone that are already approved in the Industrial Zone and it seems like a natural progression of adding it to the Zone seeing that it is already allowed in very similarly-regulated zones like General Commercial.



Mr. Blake gave the phone number and access code and stated that anyone from the public that would like to comment is welcome to call in at this time. He also stated that this information is posted in the Facebook Chat and is the same phone number and access code for the next public hearing as well. There were no callers from the public.

Mr. Blake offered that Drew Sigfridson and Mat Douglas were welcome to comment regarding **Zoning Text Change Amendment Application #20-1253** at this time:

- Mr. Sigfridson stated that he had no comments.

Brian Card commented that there had been some concern in the past for the General Commercial Zone regarding vehicles waiting for service being visible. He referred to the proposed language in paragraph three and asked if it should be modified. He asked whether vehicles need to be at the rear of the property or could they be on either side of the building like a general trucking business might be, which is allowed in this Zone as well. There was discussion regarding screening. Mr. Blake noted that this would be for all lots for the Industrial Zone and he explained that if there is concern for a particular site a condition could be added for special permit. Discussion continued. Mr. Card recommended the following language which he feels is a small change and consistent with what was posted:

- "All vehicles stored out-of-doors waiting for service and/or pick-up are preferred to be located at the rear of the building and screened, using vegetation and/or fencing, from any adjacent residential property."

There were no objections stated from the other Commission Members. Mr. Thurlow commented that this language could be made part of the motion if this Application goes forward.

Mr. Blake stated that there were no callers for public comment.

There were no further comments from the Commission Members or Staff.

Motion was made by Virge Lorents to close the public hearing for **Zoning Text Change Amendment Application #20-1253** – Deerfield 26 Marshall, LLC; Text Change Amendment Application. Add subsection as stated under Section 420.2.2.m – Heavy Equipment and Heavy Specialized Vehicle Sale, Rental and/or Service/Repair Establishments; to the Industrial Zone as a Special Permitted Use (430.1.2.k).

Second by John Sarantopoulos. No discussion.

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

Motion carried unanimously (4-0-0).

2) **Special Permit Application #20-1254** – Deerfield 26 Marshall, LLC; for TransAxle, LLC., to operate under the proposed Section 420.2.2.m – Heavy Equipment and Heavy Specialized Vehicle Sale, Rental and/or Service/Repair Establishments; 429 Lake Road; GIS Map 62; Lot 46; 5.25 Acres; Industrial Zone.

Drew Sigfridson, owner of the property, explained that TransAxle, LLC (which sells parts for trucks and also does some servicing) has 28 locations throughout the northeast and that Mat Douglas is a Regional Manager. They are looking to locate on this property. They would have an office, a small customer parts area, warehousing and storage, and a small area to service vehicles. He said that all of the proposed uses, except for servicing the vehicles, are already allowed in the Industrial Zone, which is why they have applied for the text change and the special permit. The site and location works well for TransAxle and they do not anticipate having many vehicles that would be waiting on site for service at any given time.

Mat Douglas, TransAxle LLC, stated that they do not re-manufacture on site: No lubricants, oils, etc. to be drained. They plan to merge their Hartford, CT and Shrewsbury, MA locations to provide service to their customers. Currently the Shrewsbury location allows them to: install transmissions; differentials, etc. They are not doing oil changes, fluid changes, things like that. He said that (full disclosure) there will continue to be some fluid transfer there all gathered in tanks, above-ground, within the building. These would be contractually removed by companies like Central or CTS.

Ms. Lorents asked Staff if the process for fluids is covered under the Regulations and if they would apply. Mr. Douglas explained that they burn most of it as part of their energy efficiency and what they can't burn is stored above-ground in the building and then removed by a company. He said that they are all to DEEP standards and regulated by the State. Ms. Lorents asked about a containment structure. Mr. Douglas explained that, per OSHA, all of their locations have an area that has an elevated and/or drained area available for fluid containment which would also be part of this project. Mr. Blake explained what is covered under the Regulations for the Industrial Zone and that all of the State of CT waste management

policies would apply. He said that if it were in an aquifer zone, there would be additional restrictions placed. There was discussion.

Brian Card asked if there will be a Spill Prevention Control Plan on site. Mr. Douglas stated that they will as it is part of the program at all of their locations.

Mr. Card asked for the following:

- For someone to describe the building as no Floor Plan was included in the Application.
- Are there floor drains in the building?
- He asked for the activity to be described.
- He said that the Site Plan is very limited from the special permit application point of view as it does not show all of the parking, where things will be stored, how many employees on site, and all of the other items that are typically required for a special permit application.

Mr. Sigfridson responded:

- The building had been formerly occupied by Spirol Corporation and it was mostly used for warehouse and minimal office area.
- In the front portion of the building on Lake Road, there is approximately 1,000 s.f. of office area with a bathroom and, if this Application is approved, they are planning to submit a building permit application to expand the offices slightly.
- The rest of the space is just warehouse (dimensions 50' x 220').
- No columns, no floor drains, just concrete floor.
- Steel construction with metal wall panels.
- The area to the east of the building is currently paved and accessed by a drive-in door. There was, previously, a second drive-in door that faced toward the pavement area which was closed up by Spirol during the past ten years. They plan to open another one of those overhead doors.
- The rest of the land area there has been cleared of trees and is now a graveled site.
- There are two curb cuts: one just to the east and one just to the west of the building. The rear area was used for tractor-trailer storage. There is a berm at the rear of the parcel that was created when they cleared the site. The berm has vegetation on it to provide a buffer from the rear neighbor.

Mr. Thurlow asked what the intent is for the rest of the area:

Mr. Sigfridson responded:

- TransAxle does not need the entire site. They only need the building, the paved area, an area for employee and customer parking (10-15 vehicle spaces), and an area for trucks and/or trailers (roughly 5 spaces) for storage or service.
- He does not have a planned use, at this time, for the rest of the area that is graveled. He would like to find another business to bring to Town and, hopefully, build another building in the rear of the parcel in the future or another adjacent business that might need tractor-trailer storage, or some other allowed use.

Mr. Thurlow asked about trailers being in the back.

Mr. Douglas responded. He explained that while merging their two locations, for a period of about six months, they need to have 3-5 trailers parked at the location (inventory that they need to find a place to put).

Mr. Thurlow asked about parking and the requirement for pavement.

Mr. Douglas responded. The graveled area is to be used for storage and the existing paved area is appropriate for employee and customer parking.

Mr. Thurlow asked if access to the storage trailers would be toward the existing asphalt.

Mr. Douglas responded that they would have to be because that is the only way they would be able to get to them with a fork lift.

Mr. Thurlow asked if the stumps (where the area was disturbed initially) along the western border of the big stone parking area and to the northwest and to the north would be taken away and if the area would be landscaped.

Jonathan Blake explained that any of the side or rear areas should have vegetation and/or fencing particularly adjacent to residential properties. The zones to the north and to the west are both Industrial, but the current uses are residential. So,

even if it were a common courtesy of the business or a condition placed by the Commission, the recommendation from Staff would be some sort of vegetative buffer at those two locations. He explained that a berm had been placed by Mr. Sigfridson to try to address concerns from a neighbor. Mr. Thurlow stated that there is no issue with the berm, but that he is concerned about the stumps. Mr. Blake explained that the Commission could condition removal of the stumps. Mr. Thurlow stated that it does not seem pertinent to TransAxle since they would not be using that area, but it does seem that it would be pertinent to any development of that property. Mr. Thurlow's opinion is that the stumps should be removed. Mr. Douglas stated that he feels that the conditions have been met by the property owner and he stated that the adjacent property is also owned by Mr. Sigfridson. Mr. Sigfridson stated that if and when they ever develop the rear lot (he hopes soon), he would be happy to address the stumps as well as vegetation along those sections as part of that development. Mr. Card asked for clarification as to whether Mr. Sigfridson would be enhancing the vegetation screening to the west and north as stated under this application. Mr. Sigfridson stated that he would prefer to do it later. Mr. Card commented that the northwest corner and the southwest corner seem to be a little sparse with vegetation at this time and he noted that, per the Regulations, there is supposed to be a 25' vegetative buffer between Industrial and Residential Zones. Since they are used residentially, it would be nice to leave buffering. Mr. Douglas stated that there would be very minimal activity on the western side of the building. Mr. Card asked if there would be any traffic using that curb cut under this application. Mr. Douglas stated that he would not want to prevent them from using that curb cut, but it would be very minimal. Mr. Thurlow commented that four storage containers would be blocking access to that area on the east side of the building and he asked what they would be accessing from going in by the westerly entrance (are there doors on the western side of the building?) Mr. Douglas stated that there are no doors on the western side of the building. Mr. Sigfridson stated that there will probably be one door on the northern side (an overhead door which they intend to use, but he does not know how frequently) and two doors on the eastern side. Mr. Sigfridson stated that they could look at adding some vegetation near the home (which is in the Industrial Zone).

There was discussion regarding whether paving is needed if they will be using the back door for deliveries. Mr. Blake explained that if any hazardous materials was coming in or exiting there, it would be required to be paved by State Regulations. Under the Town's current Zoning Regulations, as modified in October 2020, the gravel portion, even for parking in the Industrial Zone, can be allowed by the Town Engineer or acting MS4 Agent if they feel it benefits adding impervious coverage. The Town Engineer reviewed this Application and did not make any comments regarding requiring additional parking, but that is up to the Commission. Discussion continued. Mr. Thurlow expressed concern for stabilization and he said that the material that is out there is very coarse and aggressive and very difficult to grade. He feels that there are two conflicting areas in the Regulations and he would like to get a determination. Mr. Blake explained that the Site Plan, as presented, shows the majority of commercial traffic to be on the eastern side of the building and he suggested a condition of the Application, as it pertains to the northern door, for the Applicant to come back at that time (either to the Town Engineer or to the Commission) if they look to make that portion viable adding a door and commercial traffic in that area. Mr. Card clarified that no door is shown/proposed on this Application, so if approved, no door would be approved on the northern side. Mr. Card stated that the Site Plan is lacking and he suggested that when they make that request, they modify the Site Plan and show more detail to address Section 700.

Mr. Card stated his understanding for this Application:

- All work is to be done on the eastern side of the building (employee parking).
- Only trucks to be coming in on the eastern side.
- All activity to be done on the inside of the building, no exterior activity happening under this Application.

Mr. Douglas stated that the rear door was asked of the property owner for the purpose of bringing vehicles in and out and park vehicles in and out. He said it was an important part of their decision as to whether they would lease the property or not. He referred to a "K" thruway purpose for moving vehicles around. Mr. Sigfridson explained that he did not realize that it needed to be noted on the Site Plan if they were not going to be paving.

Mr. Card explained that they would need to look at the Site Plan and look at Section 700 (Site Plan Special Permit Requirements) and make sure that all of the requirements are shown so that there will be a clear understanding of the Site Plan and what is in the record will be appropriate. Mr. Thurlow asked if this could be handled by Staff should this Application were to move forward tonight. Mr. Blake explained that if there were a modification (the door were added and the traffic pattern - even if it exits on the more western curb cut), those items could be considered minor and as long as they are reviewed by the Town Engineer and all of his requirements are met. The condition could be included on the Application. He said that the intention of the more western curb cut was to allow for larger trucks to exit and have less of an issue with a guard-rail or something closer to the east and also further away from the traffic light. This is a safety approach with the site from the Town Engineer's Office. If there is a modification, the Town Engineer would be able to give direction as to how to proceed on these items in the spirit of the Regulations.

There were no further questions or comments from Commission Members.

There were no further comments from the Applicant.

There were no further comments from Staff.

Mr. Blake stated that there were no callers for public comments.

Motion was made by Virge Lorents to close the public hearing for **Special Permit Application #20-1254** – Deerfield 26 Marshall, LLC; for TransAxle, LLC., to operate under the proposed Section 420.2.2.m – Heavy Equipment and Heavy Specialized Vehicle Sale, Rental and/or Service/Repair Establishments; 429 Lake Road; GIS Map 62; Lot 46; 5.25 Acres; Industrial Zone.

Second by John Sarantopoulos. No discussion.

Roll Call Vote: Virge Lorents – yes; John Sarantopoulos – yes; Brian Card – no; Keith Thurlow – yes. Motion carried (3-1-0).

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

1) **Zoning Text Change Amendment Application #20-1253** – Deerfield 26 Marshall, LLC; Text Change Amendment Application. Add subsection as stated under Section 420.2.2.m – Heavy Equipment and Heavy Specialized Vehicle Sale, Rental and/or Service/Repair Establishments; to the Industrial Zone as a Special Permitted Use (430.1.2.k).

Motion was made by Brian Card to approve **Zoning Text Change Amendment Application #20-1253** – Deerfield 26 Marshall, LLC; Text Change Amendment Application. Add subsection as stated under Section 420.2.2.m – Heavy Equipment and Heavy Specialized Vehicle Sale, Rental and/or Service/Repair Establishments; to the Industrial Zone as a Special Permitted Use (430.1.2.k), with the following change to language in the third paragraph: delete the word “shall” and add “are preferred to.” Third paragraph to read as follows: “All vehicles stored out-of-doors waiting for service and/or pick-up are preferred to be located at the rear of the building and screened, using vegetation and/or fencing, from any adjacent residential property.”

Effective date to be thirty days from today. (**NOTE:** That will be Friday, February 19<sup>th</sup> at 12:01 am)

Second by Virge Lorents.

Roll Call Vote: John Sarantopoulos – yes; Brian Card – yes; Virge Lorents – yes; Keith Thurlow – yes. Motion carried unanimously (4-0-0).

2) **Special Permit Application #20-1254** – Deerfield 26 Marshall, LLC; for TransAxle, LLC., to operate under the proposed Section 420.2.2.m – Heavy Equipment and Heavy Specialized Vehicle Sale, Rental and/or Service/Repair Establishments; 429 Lake Road; GIS Map 62; Lot 46; 5.25 Acres; Industrial Zone.

Motion was made by Virge Lorents to approve **Special Permit Application #20-1254** – Deerfield 26 Marshall, LLC; for TransAxle, LLC., to operate under the proposed Section 420.2.2.m – Heavy Equipment and Heavy Specialized Vehicle Sale, Rental and/or Service/Repair Establishments; 429 Lake Road; GIS Map 62; Lot 46; 5.25 Acres; Industrial Zone, with the following conditions:

- Vegetative buffer strip to be added on the western boundary near the resident. Recommend a 15-foot width to be marked-out and approved with local Staff.
- The Site Plan can be modified for the northern door addressing the traffic flow, the gravel, and parking issues with the Town Engineer and Town Staff and Site Plan modified and recorded accordingly.
- Effective date no earlier than the effective date and the completion of the appeals on the regulatory change just made (#20-1253) – February 19, 2021.

Second by John Sarantopoulos.

Roll Call Vote: Brian Card – yes; Virge Lorents – yes; John Sarantopoulos – yes; Keith Thurlow – yes. Motion carried unanimously (4-0-0).

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

1) **Special Permit Application #21-1255** – Westview Land Company; proposed 5040 SF child day care center with proposed access drive, parking, walkways and municipal water and sewer connections; Section 410.2.2.f (Nursery Schools/Day Care Centers; 39 Thompson Pike (Rte. 21) & 137 Ware Road; GIS Map 32; Lots 44 & 44.1; Low Density Zone. **Receive, and if**

**application is complete, schedule for public hearing. Next Available date for public hearing is TUESDAY, FEBRUARY 16, 2021.**

Jonathan Blake stated that the Application is complete and that it already has IWWC approval.

Virge Lorents asked about another project/use for that land that had been spoken about in the past. Mr. Blake explained that Country Living at Westview had fulfilled that goal and that this is a new proposal.

There was discussion regarding the location of the property.

Motion was made by Virge Lorents to receive **Special Permit Application #21-1255** – Westview Land Company; proposed 5040 SF child day care center with proposed access drive, parking, walkways and municipal water and sewer connections; Section 410.2.2.f (Nursery Schools/Day Care Centers; 39 Thompson Pike (Rte. 21) & 137 Ware Road; GIS Map 32; Lots 44 & 44.1; Low Density Zone. Second by John Sarantopoulos.

There was discussion regarding location and Jonathan Blake stated that IWWC approval has been obtained.

Roll Call Vote: Virge Lorents – yes; John Sarantopoulos – yes; Brian Card – yes; Keith Thurlow – yes. Motion carried unanimously (4-0-0).

**NOTE: AS NO DATE WAS MENTIONED DURING THE MOTION THE HEARING DATE WILL BE ON THE NEXT REGULARLY SCHEDULED MEETING OF TUESDAY, FEBRUARY 16, 2021 AT 7:00 PM**

**Note: The February 16, 2021 meeting to be held in the Town Meeting Room, 2<sup>nd</sup> Floor, 172 Main Street.**

There was discussion regarding Special Permit Application and Site Plan Application for this proposal. Mr. Blake explained that it is per the Ordinance. Mr. Blake will provide clarification to Commission Members.

**2) Site Plan Application #21-1256** – Westview Land Company; proposed 5040 SF child day care center with proposed access drive, parking, walkways and municipal water and sewer connections; Section 410.2.2.f (Nursery Schools/Day Care Centers; 39 Thompson Pike (Rte. 21) & 137 Ware Road; GIS Map 32; Lots 44 & 44.1; Low Density Zone. **Preliminary Review of Site Plan prior to hearing on Special Permit listed above.**

Mr. Blake stated that the Application is complete.

No action required at this time.

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

- 1) Regular Meeting Minutes – December 21, 2020
- 2) Special Meeting Minutes – December 30, 2020

Motion was made by Virge Lorents to approve both the Minutes of the Regular Meeting of December 21, 2020, and the Minutes of the Special Meeting of December 30, 2020.

Second by Brian Card. No discussion. Motion carried unanimously by voice vote (4-0-0).

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

1) **File Number #21-1257; Danielson Airport (through Waters Construction Co., Inc.; erosion and sedimentation control measures for work at Danielson Airport; rehabilitate runway 13-31, Taxiway “A” and “B”; and replace airfield lighting and signs. Receive, and determine if what further action (by staff or commission), if any, needs to be completed.**

Jonathan Blake referred to Section 590.6.1 of the Regulations and displayed an Erosion and Sedimentary Control Plan. He explained that, although airports are a State entity, Waters Construction Co., Inc. requested local review. Under Section 590.6.1, Staff is looking at it and making recommendation to the PZC whether or not to certify that the Plan meets the Town’s Regulations for erosion and sedimentary control. Mr. Blake and the Town Engineer have reviewed the plans and are

in agreement that all items have been properly addressed in the Application. They are repaving and re-grading the existing runways and all E&S measures are addressed. Therefore, they are asking that the PZC certify as submitted.

Motion was made by Virge Lorents to certify, as submitted, File Number #21-1257; Danielson Airport (through Waters Construction Co., Inc.; erosion and sedimentation control measures for work at Danielson Airport; rehabilitate runway 13-31, Taxiway "A" and "B"; and replace airfield lighting and signs. Second by John Sarantopoulos. No discussion.

Roll Call Vote: John Sarantopoulos – yes; Brian Card – yes; Virge Lorents – yes; Keith Thurlow – yes. Motion carried unanimously (4-0-0).

**XI. CORRESPONDENCE – None.**

**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**

Jonathan Blake stated that all approved agendas were posted with the Town Clerk for ZEO and IWWC. He offered to answer any questions from Commission Members and he explained that they are in the process of updating permitting software which includes digital permits, applications, and plan review that could be live to the public as soon as the end of February.

**C. Building Office Report – No discussion.**

**XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT**

Jill St. Clair reported:

- Trinket Shop has a retail tenant that will be moved in by the end of February.
  - EDC approved a \$100,000 small business revolving loan pilot program to begin in March.
  - Bousquet's has moved to their new location.
  - RollVac's 30,000 s.f. expansion to be completed mid-April.
  - SBA expanded their program for the economic injury disaster loan program until December 31, 2021.
  - The Tours of Marketing Matching Grant Program gave the Last Green Valley \$25,000.
- There was discussion.

**XIV. TOWN COUNCIL LIAISON REPORT**

Patti Larrow George reported:

- Approved BOE's request to move up to \$880,945 to the Unexpended Education Funds Account.
- The Town is offering the Property Tax Relief Program again (Executive Order 9R).
- KMS grant application has been approved, so that project will be moving forward.
- Revisiting the Community Center moving to Westfield Avenue. Doing a renewed feasibility study. Public Hearing February 9<sup>th</sup>.

**XV. ADJOURNMENT**

Motion was made by Virge Lorents to adjourn at 8:37 p.m. Second by John Sarantopoulos. No discussion. Motion carried unanimously by voice vote (4-0-0).

Respectfully submitted,

J.S. Perreault  
Recording Clerk

# Paid Fees Report

From: 1/1/2021 To: 1/29/2021

Payment Date	Identifier	Fee Type	Payer	Payment Type	Payment #	Fee Amount
<b>FeeGroup: Building</b>						
<i>Payment Type: Cash</i>						
1/4/2021	001809	Open Burning Permit	Ida Berris	Cash	00009371	5.00
1123 NORTH RD, Killingly						
1/7/2021	000462	Res: Mechanical	Northeast Oil & Propane	Cash	00009385	35.00
21 SEAGRAVE ST, Killingly						
1/7/2021	003257	Res: Mechanical	Northeast Oil & Propane	Cash	00009386	35.00
520 LHOMME ST EXT, Killingly						
1/7/2021	713150	Res: Mechanical	Northeast Oil & Propane	Cash	00009387	35.00
277 NO SHORE RD, Killingly						
1/7/2021	712447	Res: Mechanical	Northeast Oil & Propane	Cash	00009388	35.00
243 NO SHORE RD, Killingly						
1/8/2021	713748	Res: Renovations	James Vance	Cash	00009394	182.00
92 ISLAND RD, Killingly						
1/11/2021	005246	Res: Roof/Siding/Window	Hopkins David R Melissa D	Cash	00009395	35.00
54 STONE ST, Killingly						
1/13/2021	005586	Open Burning Permit	Duncan John E Linda S	Cash	00009413	5.00
1210 NORTH RD, Killingly						
1/14/2021	004494	Res: Mechanical	Northeast Oil & Propane	Cash	00009404	35.00
67 CARDINAL DR, Killingly						
1/20/2021	001488	Res: Roof/Siding/Window	United We Stand LLC	Cash	00009424	252.00
34 TAFT ST, Killingly						
1/20/2021	000857	Res: Barn	John Currier	Cash	00009426	125.00
9 CORINNE ST, Killingly						
1/21/2021	003764	Res: Mechanical	David Tegtmeier	Cash	00009428	35.00
323 MAPLE ST, Killingly						

## Paid Fees Report

Payment Date	Identifier	Fee Type	Payer	Payment Type	Payment #	Fee Amount
1/25/2021	005805	Res: Mechanical	Northeast Oil & Propane	Cash	00009435	35.00
8 LAFANTASIE RD, Killingly						
1/25/2021	001763	Open Burning Permit	Edmond Theodore M & Hilda F Lu	Cash	00009436	5.00
430 VALLEY RD, Killingly						
1/26/2021	003439	Res: Mechanical	Saveway Petroleum	Cash	00009443	28.00
126 LHOMME ST, Killingly						
1/26/2021	001633	Res: Barn	Saveway Petroleum	Cash	00009449	84.00
307 WAUREGAN RD, Killingly						
<b>Cash Total:</b>						<b>966.00</b>
<i>Payment Type: Check</i>						
1/4/2021	004570	Res: Mechanical	Thompson Electric	Check #16436	00009364	35.00
575 DAVIS RD, Killingly						
1/4/2021	000216	Res: Mechanical	Thompson Electric	Check #16436	00009365	35.00
469 WESTCOTT RD, Killingly						
1/4/2021	003519	Res: Renovations	PosiGen	Check #5280	00009366	486.00
1579 NORTH RD, Killingly						
1/4/2021	009941	Res: One Story/Multi/Town	Swabby Construction, LLC	Check #6235	00009367	2,386.00
52 Airport Road, Killingly						
1/4/2021	009941	Res: Renovations	Southern NE Windows	Check #24181	00009368	167.00
339 GREEN HOLLOW RD, Killingly						
1/4/2021	003423	Commercial Project Cost	Darcie Roy	Check #5223	00009369	175.00
16 TRACY RD, Killingly						
1/4/2021	008947	Commercial Project Cost	Custom Electric, Inc.	Check #50015	00009370	448.00
40 LOUISA VIENS DR, Killingly						
1/4/2021	714282	Res: Mechanical	EverAir & Flame LLC	Check #205	00009372	35.00
20 ARROWHEAD LN, Killingly						



## Paid Fees Report

Payment Date	Identifier	Fee Type	Payer	Payment Type	Payment #	Fee Amount
1/4/2021	007524	Res: Mechanical	EverAir & Flame LLC	Check #205	00009373	35.00
580 LITCHFIELD AV, Killingly						
1/5/2021	009561	Res: Mechanical	Quiet Corners Mechanical, LLC	Check #7095	00009375	112.00
17 BARTLETT MEADOW DR, Killingly						
1/5/2021	007189	Res: Mechanical	Quiet Corners Mechanical, LLC	Check #7095	00009376	111.00
12 MOCKINGBIRD DR, Killingly						
1/5/2021	002598	Res: Mechanical	BMW Electric	Check #1003	00009374	35.00
305 PUTNAM PIKE, Killingly						
1/6/2021	000476	Commercial Project Cost	SRS Petroleum Services	Check #3229	00009377	61.00
439 HARTFORD PIKE, Killingly						
1/6/2021	003392	Res: Renovations	Trinity Solar	Check #35578	00009378	194.00
47 JOHN ST, Killingly						
1/7/2021	712447	Res: Mechanical	Murdock Electric & Security, LLC	Check #0392	00009382	112.00
243 NO SHORE RD, Killingly						
1/7/2021	004023	Res: Mechanical	Chaput Electric	Check #2881	00009383	84.00
688 BAILEY HILL RD, Killingly						
1/7/2021	000201	Res: Mechanical	Chaput Electric	Check #2884	00009384	98.00
25 FALLBROOK RD, Killingly						
1/7/2021	009323	Res: Renovations	Mystic River Electric	Check #111	00009389	96.00
26 LINCOLN RD, Killingly						
1/7/2021	009996	Res: Mechanical	Paquette Electric	Check #41211	00009390	1,540.00
207 TRACY RD, Killingly						
1/7/2021	000307	Open Burning Permit	Sandra L. & Robert A. Beauregard	Check	00009391	5.00
34 CHASE RD, Killingly						

## Paid Fees Report

Payment Date	Identifier	Fee Type	Payer	Payment Type	Payment #	Fee Amount
1/8/2021	000897	Res: Mechanical	Derek Stone	Check #2373	00009393	35.00
75 ATHOL ST, Killingly						
1/11/2021	000129	Res: Renovations	Kendra & Geoffrey R. Smith	Check #177	00009403	35.00
48 BALLOUVILLE RD, Killingly						
1/14/2021	710956	Res: One Story/Multi/Town	Square 1 Building Associates, LLC	Check #3481	00009401	3,325.00
74 ISLAND RD, Killingly						
1/14/2021	007331	Res: Addition	Fullerton Construction	Check #339	00009405	212.00
339 LEDGE RD, Killingly						
1/14/2021	007517	Res: Addition	Fullerton Construction	Check #340	00009406	282.00
66 PINE KNOLLS DR, Killingly						
1/14/2021	001144	Res: Mechanical	CT Heat Pros	Check #496	00009407	112.00
19 WYNDHAM LANDING, Killingly						
1/19/2021	004797	Res: Barn	John Henderson Construction, LLC	Check #8961	00009416	107.00
110 MECHANIC ST, Killingly						
1/19/2021	005606	Res: Barn	Connecticut Permit Services	Check #12536	00009417	57.00
22 W PALMER ST, Killingly						
1/19/2021	003826	Res: Renovations	Momentum Solar	Check #100925	00009418	345.00
76 KATHERINE AV, Killingly						
1/19/2021	004959	Res: Mechanical	Spath & Son, Inc.	Check #29855	00009419	144.00
70 WAUREGAN RD (Big Y Foods, Inc.), Killingly						
1/19/2021	004123	Res: Renovations	The Siding Store	Check #65954	00009420	434.00
28 E FRANKLIN ST, Killingly						
1/19/2021	002091	Res: Mechanical	Paquette Electric	Check #41233	00009421	28.00
43 WELSH ST, Killingly						

## Paid Fees Report

Payment Date	Identifier	Fee Type	Payer	Payment Type	Payment #	Fee Amount
1/19/2021	002091 43 WELSH ST, Killingly	Res: Mechanical	Paquette Electric	Check #41242	00009421	7.00
1/19/2021	005219 140 MAIN ST, Killingly	Commercial Project Cost	PB Projects VII, LLC	Check	00009422	220.00
1/20/2021	004803 199 LAKEVIEW LN, Killingly	Res: One Story/Multi/Town	John Farrell	Check #100	00009423	1,298.00
1/20/2021	000520 116 REYNOLDS ST, Killingly	Res: Mechanical	D/E/F Services Group, Ltd.	Check #22746	00009427	154.00
1/21/2021	001686 41 HAWKINS ST, Killingly	Res: Renovations	Matthew Morgan/Whitney Easton	Check #7361	00009429	70.00
1/25/2021	005476 1269 NORTH RD, Killingly	Res: Roof/Siding/Window	Northeast Specialty Corp dba Nescor	Check #11789	00009434	647.00
1/25/2021	002706 1015 NORTH RD, Killingly	Res: Roof/Siding/Window	John Chapman	Check #1006	00009437	125.00
1/25/2021	005679 119 STATE AV, Killingly	Res: Roof/Siding/Window	Solar Wolf Energy Inc. Wolf	Check #93172	00009439	35.00
1/25/2021	002855 72 BONNEVILLE ST, Killingly	Res: Enclosed 3 Season SP	Elite Construction and Remodeling LLC Elite	Check #2246	00009440	126.00
1/25/2021	003442 337 STATE AV, Killingly	Res: Roof/Siding/Window	Vivint Solar	Check #6613	00009441	271.00
1/26/2021	001956 170 BROAD ST, Killingly	Res: Barn	JPW Building LLC	Check #6825	00009442	203.00
1/26/2021	005347 103 MAIN ST, Killingly	Res: Roof/Siding/Window	Frank Zaino & Assoc	Check #7177	00009444	1,440.00

Town Of Killingly  
**Paid Fees Report**

Payment Date	Identifier	Fee Type	Payer	Payment Type	Payment #	Fee Amount
1/26/2021	001489	Res: Roof/Siding/Window	New Engalnd Building Co Inc.	Check #29028	00009445	112.00
62 COUNTRY CLUB RD, Killingly						
1/26/2021	004780	Res: Barn	Shawn Densmore	Check #609	00009446	49.00
30 STEVEN ST, Killingly						
1/26/2021	009201	Res: Addition	James McIntire	Check #1182	00009447	35.00
111 SHEPARD HILL RD, Killingly						
1/26/2021	002289	Res: Barn	F Panza Company LLC	Check #5672	00009448	448.00
86 WESTCOTT RD (DUNKIN' DONUTS), Killingly						
1/29/2021	002235	Res: Roof/Siding/Window	Done Once Done Right Home Impr	Check #589	00009451	126.00
24 JOAN ST, Killingly						
1/29/2021	009020	Res: Roof/Siding/Window	The Siding Store	Check #66005	00009453	84.00
58 KENNETH DR, Killingly						
1/29/2021	004845	Res: Mechanical	Power Systems Electrical Contractors LLC	Check #8714	00009454	736.00
1093 NO MAIN ST, Killingly						
1/29/2021	004845	Res: Mechanical	Power Systems Electrical Contractors LLC	Check #8715	00009454	112.00
1093 NO MAIN ST, Killingly						
1/29/2021	004849	Res: Barn	Sunrun, Inc.	Check #231001419	00009455	95.00
15 HIGH ST, Killingly						
<b>FeeGroup:</b> Code Compliance / Inspect						<b>Check Total:</b> 17,759.00
<b>Payment Type:</b> Cash						<b>Building Total:</b> 18,725.00
1/13/2021	001916	House Code Inspection	Fiteni Eugene R Sandra D	Cash	00009399	25.00
84 BOYS AV, Killingly						
<b>Cash Total:</b>						<b>25.00</b>

# Paid Fees Report

Payment Date	Identifier	Fee Type	Payer	Payment Type	Payment #	Fee Amount
<i>Payment Type: Check</i>						
1/6/2021	005023	House Code Inspection	Jen Ty Properties	Check #1109	00009379	25.00
104 MECHANIC ST, Killingly						
1/12/2021	003924	House Code Inspection	Wilson R Roa Diaz	Check #184	00009396	25.00
12 POTTER ST, Killingly						
1/19/2021	001733	House Code Inspection	Real Estate Partners LLC	Check #1064	00009410	25.00
46 ACADEMY ST, Killingly						
<b>FeeGroup: Fire Marshal</b>						<b>75.00</b>
<i>Payment Type: Check</i>						
1/20/2021	003873	FM: Sprinkler Review Fees	ADT Commercial	Check #9425	00009452	275.00
349 LAKE RD (Superwinch), Killingly						
<b>Check Total:</b>						<b>275.00</b>
<b>Fire Marshal Total:</b>						<b>275.00</b>
<b>Code Compliance / Inspect Total:</b>						<b>100.00</b>
<b>Paid Fees Grand Total:</b>						<b>19,100.00</b>

# CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Winter 2021

Volume XXV, Issue 1

## 2021 ANNUAL MEETING

Due to the ongoing Covid-19 Pandemic and the restrictions imposed by the State of Connecticut in regard to public and private gatherings, the Executive Board of the Federation has determined that the 2021 Annual Meeting will be postponed indefinitely. The Federation remains hopeful that the pandemic will come to an end by Summer. Once it becomes clear when this will occur, a new date for a 2021 conference will be set.

In the meantime, the Federation plans to schedule one or more webinars on land use topics of interest. In addition, an announcement will be mailed for length of service awards and lifetime achievement awards. The recipients of the awards will hopefully be made at a meeting this year but may instead be announced at a webinar.

## NOT ALL SPECIAL EXCEPTION APPLICATIONS ARE CREATED EQUAL

When a property owner's application for a special exception was rejected by a land use administrator, he appealed the matter to the Superior Court. The appeal was dismissed by the court, and later by the Appellate Court, on the basis that the property owner did not exhaust his administrative remedies.

The court viewed the rejection of the application by the land use administrator as a decision by an officer charged with the enforcement of the zoning regulations. It reached this conclusion by first finding that the zoning regulations provided the administrator with the authority to review applications and decide whether they were complete. Then, since this review was based upon the interpretation of the zoning regulations by the administrator, the decision that the application was incomplete was in fact a decision involving the enforcement of the zoning regulations. Thus, the decision was required to be appealed to the zoning board of appeals before an appeal to court could be taken. See *Farmington-Girard LLC v. Planning & Zoning Commission*, 190 Conn. App. 743 (2019).

## GENERAL STANDARDS ALONE SUPPORT DENIAL OF SPECIAL EXCEPTION SAYS COURT

The owner of a parcel of property located within an industrial zone applied for a special permit to operate a crematory. The owners of parcels within the industrial park objected, as did the town's economic development commission. These objectors claimed that approving the crematory would result in a decrease of their property values and negatively affect the character of the industrial park.

Written and Edited by  
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# RECEIVED

JAN 20 2021

PLANNING & ZONING DEPT.  
TOWN OF KILLINGLY

# CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

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The planning and zoning commission eventually agreed, denying the application on the basis that a crematory would negatively affect the industrial park and the town by depressing property values. Protecting property values was a general standard contained in the zoning regulations that needed to be satisfied before a special permit application could be approved.

The applicant appealed this decision to court alleging that the commission's decision was not based on substantial evidence in the record because its decision was based solely on noncompliance with general standards contained in the zoning regulations.

The appeal found its way to the Appellate Court which found the Commission's decision was supported by substantial evidence. In doing so, the court reaffirmed the rule that noncompliance with general standards contained in the zoning regulations is a sufficient basis to deny a special permit application. *McLoughlin v. Planning & Zoning Commission*, 200 Conn. App. 307 (2020).

## LARGE FINE AWARDED BY COURT FOR ILLEGAL JUNKYARD

An award of \$125,000 for fines plus attorney fees was ordered by a court together with an injunction preventing the further use of a residential property as a junkyard and processing center. The homeowner was using her

home in connection with her business, which was to clean out foreclosed properties. She would, under contract with the foreclosing lender, empty a foreclosed home of its contents and then sell or junk these items.

Much of this material ended up at her home, where it was first stored indoors and then overflowed into the front and side yards of her property. This activity continued even after her home was destroyed by fire. Complaints from neighbors eventually resulted in a zoning enforcement action and a blight action.

The award was made solely under C.G.S. Sec. 8-12, which provides for daily fines as well as an award of attorney fees where the violation is deemed to be willful. The evidence clearly demonstrated that the property owner was aware that her use of the residential property as a junkyard was prohibited, yet she ignored repeated notice of violations and a cease and desist order. See *South Windsor v. Lanata*, 68 Conn. L. Rptr. 45 (2019).

## DENIAL OF APPLICATION BASED UPON STATE REGULATIONS

An owner of a business with an existing liquor permit applied for a special permit and site plan application. The current permitted use was a billiard hall and bar. The owner now sought to convert the business to an exotic dance establishment and bar. The Commission

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# CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

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denied the application for one reason which was that under state law, a liquor permit could not be issued to a business that featured unclothed employees.

On appeal to court, the commission's decision was upheld. While local land use commissions can impose stricter requirements on the sale of alcohol, they cannot make less restrictive rules. Thus, the Commission was correct to deny the application where it was certain that state law prohibited the use as it could not approve a use of land that the state prohibited. *Q-Lungian Enterprises Inc. v. Planning & Zoning Commission*, 69 Conn. L. Rptr. 295 (2019).

## VALIDITY OF PLANNED DEVELOPMENT DISTRICTS AFFIRMED BY COURT

A superior court decision affirmed that a zoning commission can amend its zoning regulations to include what are known as planned development districts. These districts typically target one or just a few properties for multi-use development and allow the commission to apply detailed standards and controls to the uses permitted therein. In this case, aggrieved neighboring property owners challenged the district as violating the uniformity requirement found in C.G.S. Sec. 8-2 as well as being an improper exercise by the commission of the variance power which is reserved for a zoning board of appeals.

The court dismissed both arguments and found that the commission was within its authority when it adopted the district, finding that such a district does not violate the uniformity requirement as it treated all property within the district the same. As for the variance argument, it was quickly dismissed as the amending of zoning regulations is a specific power given to a zoning commission and does not constitute a variance. *See Tillman v. Planning & Zoning Commission*, 69 Conn. L. Rptr. 409 (2020).

## ANNOUNCEMENTS

### **CFPZA Website**

The Federation's website has been up and running for nearly one year. The web address is [www.cfpza.org](http://www.cfpza.org). On the website you can find educational materials published by the Federation as well as news items and Federation webinars. Please take time to visit us.

### **Workshops**

If your land use agency recently had an influx of new members or could use a refresher course in land use law, contact us to arrange for a workshop to be held at your next meeting. At the price of \$180.00 per session for each agency attending, it is an affordable way for your commission or board to keep informed.

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