



TOWN OF KILLINGLY, CT  
PLANNING AND ZONING COMMISSION

RECEIVED  
TOWN CLERK, KILLINGLY, CT  
2022 APR 14 AM 8:48

**MONDAY – APRIL 18, 2022**  
**Regular Meeting – HYBRID MEETING**  
**7:00 PM**

*Elizabeth M. Wilson*

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

**Killingly Town Hall**

**172 Main Street**

**Killingly, CT**

THE PUBLIC IS ALLOWED TO ATTEND THE MEETING IN PERSON  
OR THE PUBLIC MAY VIEW THIS MEETING AS DESCRIBED BELOW

**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. 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 755 2865 when prompted.

V. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS

VI. PUBLIC HEARING CLOSED MARCH 21, 2022 – (review / discussion / action)

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

VII. 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 755 2865 when prompted

1) **Spec Perm Ap #22-1282**; Jolley Commons, LLC (Applicant/Owner); 120 Wauregan Rd; GIS MAP 220, LOT 21; ~6.4 acres; Gen Comm Zone; excavation & removal of gravel products; under Sect 560, et seq (Earth Filling & Excavation); Sect 700 et seq (Spec Perm); & Sect 470 et Seq (Site Plan) of the TOK Zoning Regs.

2) **Spec Perm Ap # 22-1286** – American Storage Centers, LLC, (American Sports Centers, Inc./Landowner); 551 Westcott Rd; GIS MAP 214; LOT 5; ~3.8 acres; GC; request to construct 6 new buildings & convert 1 existing building to establish a self-service storage facility; under TOK Zoning Regs Section 420.2.2[q].

Hearings' segment closes.

Meeting Business will continue.

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

1) **Spec Perm Ap #22-1282**; Jolley Commons, LLC (Applicant/Owner); 120 Wauregan Rd; GIS MAP 220, LOT 21; ~6.4 acres; Gen Comm Zone; excavation & removal of gravel products; under Sect 560, et seq (Earth Filling & Excavation); Sect 700 et seq (Spec Perm); & Sect 470 et Seq (Site Plan) of the TOK Zoning Regs.

2) **Spec Perm Ap # 22-1286** – American Storage Centers, LLC, (American Sports Centers, Inc./Landowner); 551 Westcott Rd; GIS MAP 214; LOT 5; ~3.8 acres; GC; request to construct 6 new buildings & convert 1 existing building to establish a self-service storage facility; under TOK Zoning Regs Section 420.2.2[q].

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

1) **Zone TEXT Change Ap # 22-1287** – Town of Killingly, special permitted use under Business Park, General Commercial, Light Industrial, Mill Mixed Use and Mixed-Use Interchange Zones for the creation of cannabis establishments. **Schedule for Public Hearing on May 16, 2022.**

2) **Site Plan Ap # 22-1288** – Noah Janetatos (AK Real Estate, LLC / Owner); 162 Main Street, GIS MAP 198, LOT 126, Central Business District (Borough of Danielson Zoning Regulations), ~0.28 acres, for location of new retail business (liquor store) in pre-existing building. **Receive, and assign staff to do site plan, as the retail store will be one tenant, in a multi-tenant pre-existing building.**

3) **Special Permit Ap # 22-1289** – Dayville Four Corners, LLC (Applicant/Owner); 730 (736) Hartford Turnpike, GIS MAP 115, LOT 6, General Commercial Zone, ~7.07 acres, request use of existing space in building for liquor, beer & wine sales, under TOK Zoning Regs under 420.2.1(a) with reference to 420.1.2(i). **Receive, and schedule for Public Hearing on May 16, 2022.**

4) **Section 8-24 Review Ap # 22-1290** – Town of Killingly (Applicant/Owner); 339 Main Street, GIS MAP 181, LOT 142, Borough High Residential Zone, ~10.5 acres, for expansion and renovation of the Killingly Memorial School. **Review, discussion, action.**

5) **Special Permit Ap# 22-1291** – Melting Point Welding & Fabrication, LLC (Weld, LLC / Owner), 543 Wauregan Road, GIS MAP 262, LOT 20, Light Industrial, ~2.1 acres; to conduct manufacturing activities pursuant to TOK Zoning Regs. Sec. 430.2.2(b). **Review, and schedule for Public Hearing on May 16, 2022.**

6) **Zone TEXT Change Ap #22-1292** – Town of Killingly, allowing garages as a primary use in in rural development and low-density-zones only. **Schedule for Public Hearing on May 16, 2022.**

7) **Section 8-24 Review Ap #22-1293**, Town of Killingly, review and comment on the Affordable Housing Plan. **Review, discussion, action.**

(\*) Applications submitted prior to 5:00 PM on MONDAY, APRIL 11, 2022, will be on the agenda as New Business, with a "date of receipt" of MONDAY, APRIL 18, 2022, and may be scheduled for action during the next regularly scheduled meeting of **MONDAY, MAY 16, 2022.**

(\*) Applications submitted by 12:00 noon on THURSDAY, APRIL 14, 2022, will be received by the Commission ("date of receipt") on MONDAY, APRIL 18, 2022. However, these applications may not be scheduled for action on MONDAY, MAY 16, 2022, as they were submitted after the Commission's deadline. This is in accordance with Commission policy to administer Public Act 03-177, effective October 1, 2003.

- X. ADOPTION OF MINUTES – (review/discussion/action)**
  - 1) Regular Meeting Minutes – MARCH 21, 2022
  - 2) Special Meeting Minutes – MARCH 28, 2022
  
- XI. OTHER / MISCELLANEOUS – (review / discussion / action)**
  - 1) Five Mile River Overlay District – staff review still in process
  
- XII. CORRESPONDENCE**
  
- XIII. 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**
  
- XIV. ECONOMIC DEVELOPMENT DIRECTOR REPORT**
  
- XV. TOWN COUNCIL LIAISON REPORT**
  
- XVI. ADJOURNMENT**

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

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

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

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**STAFF COMMENTS:**

1) The hearing for this application was closed on Monday, March 21, 2022 – you are here today for commission discussion, review, and action on this application. (Decisions must be made within 65 days after the public hearing. Section 901.3 Decision of the Commission.)

2) It should be noted that no new testimony can be taken tonight, that no further questions can be asked of the applicant, nor can any new documents be introduced to the commission.

3) If the amendment is approved, the Commission must state the reasons for the approval. Section 901.3 Decision of the Commission – TOK Zoning Regulations

4) Section 902. Criteria – TOK Zoning Regulations for the approval or denial of such an application.

5) Section 903. Effective Date – If the Commission votes to approve the requested change. Staff believes the Commission should follow their standard procedure (if they approve) of making the change effective on Monday, May 16, 2022, at 12:01 am. That date will allow staff enough time to post the decision and the change prior to the effective date.

6) There was a petition introduced by some of the abutters at last month's meeting. Please note, that the submission of this petition **DOES NOT** mean an automatic denial. The petition only **REQUIRES** a two-thirds for adoption of the zone change – translation – it would now require a super majority (4 votes out of 5) to pass the requested zone change.

i) Staff suggests that the commission members read section 901.2 Requirements for Adoption of their Town of Killingly Zoning Regulations.

ii) The Town's Attorney will be in attendance to explain staff's findings regarding the petition and what it means for the voting process.

7) Staff highly suggests that the commission members re-read the minutes of the Monday, March 21, 2022, meeting (said minutes are enclosed in this packet).

8) Staff also highly suggest that the commission members review their packet inserts for the Monday, March 21, 2022, and/or Tuesday, January 18, 2022, meetings regarding this application.

9) Though no more testimony can be taken, the commission members are encouraged to ask any questions of the staff and the Town's Attorney, if needed.

10) See the comments below for the staff comments from the Monday, March 21, 2022, meeting, and the Tuesday, January 18, 2022, meeting as well.

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**STAFF COMMENTS AND SUGGESTIONS (MARCH 21, 2022 & JANUARY 18, 2022)**

The Staff reiterates its comments and suggestions from the January report.

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

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

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1) **Spec Perm Ap #22-1282**; Jolley Commons, LLC (Applicant/Owner); 120 Wauregan Rd; GIS MAP 220, LOT 21; ~6.4 acres; Gen Comm Zone; excavation & removal of gravel products; under Sect 560, et seq (Earth Filling & Excavation); Sect 700 et seq (Spec Perm); & Sect 470 et Seq (Site Plan) of the TOK Zoning Regs.

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<b>APPLICANT(S):</b>	Jolley Commons, LLC
<b>LANDOWNER(S):</b>	Jolley Commons, LLC
<b>SUBJECT PROPERTY:</b>	120 Wauregan Road
<b>ASSESSOR’S INFO:</b>	GIS MAP 220, LOT 21
<b>ACREAGE:</b>	~6.4 acres
<b>ZONING DISTRICT:</b>	General Commercial Zone
<b>REQUEST:</b>	Request for excavation and removal of gravel products
<b>Zoning Regulations:</b>	Town of Killingly Section 470 – Site Plan Section 560 – Earth Filling and Excavation Subsections 560.1(Intent) to and including 560.9 (Approval Criteria) Article VII – Special Permits

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Documents -

- 1) Site Plans
  - 2) Aquifer Protection Area Maps
  - 3) Hydrologic Soil Group – Description
  - 4) Hydrologic Soil Group – Map
  - 5) Natural Diversity Data Base Areas Map
  - 6) Letter dated March 11, 2022 – from CT DOT – denial to work within the State right of way or perform work that may affect State property
- =====

Legal Notices

- 1) Legal Notice was posted in the Town Clerk’s Office on Thursday, March 31, 2022
  - 2) Legal Notice was posted to the Town’s Website the same day
  - 3) Legal Notice was published in the Norwich Bulletin on Monday 4/4/2022 & Monday 4/11/2022
  - 4) A placard was posted at the site and was observed by the ZEO on Friday 4/8/2022
- =====

Other Required Approvals

- 1) State of Connecticut DOT – right to work within the State right of way
- =====

Staff Comments

- 1) The real estate that is a subject of this application is located along Route 12 South (120 Wauregan Road), and is known as Jolley Commons
  - 2) Should be noted that railroad property abuts this property, and that it is an active freight train rail
  - 3) Staff has some concerns due to the location of the railroad – and the intensity of the gravel operation; and the site is tight
  - 4) Commission members should carefully read the Earth Filling and Excavation Section of the Town of Killingly Zoning Regulations as the requirements for such an operation are clearly stated in said section
  - 5) Commission Members on behalf of the general-public carefully go through the requirements during the time of the hearing
  - 6) As this is a special permit the Commission, if they decide to approve, may put conditions on the approval that would protect the general-public
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# AQUIFER PROTECTION AREAS

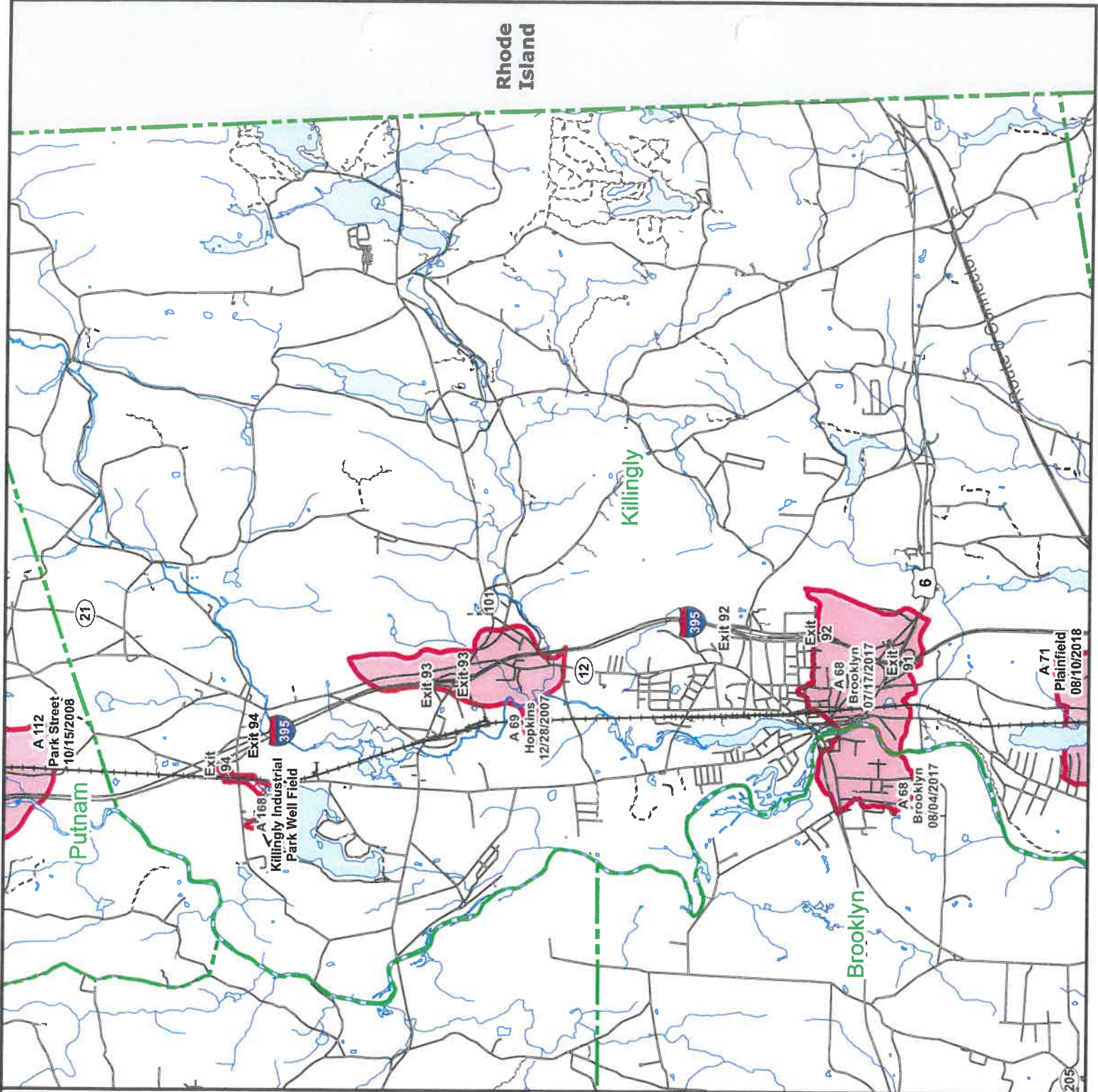
Killingly, CT

December 23, 2021

-  Level A APA (Final Adopted)
-  Level A APA (Final)
-  Level B APA (Preliminary)
-  Town Boundary

NOTE: The Aquifer Protection Areas were delineated through Connecticut's Level A and Level B Mapping Processes. Aquifer Protection Areas are delineated for active public water supply wells in stratified drift that serve more than 1000 people, in accordance with Sections 22a-354c and 22a-354z of the Connecticut General Statutes. Level B Mapping delineates a preliminary aquifer protection area, providing an estimate of the land area from which the well draws its water. Level A Mapping delineates the final Aquifer Protection Area, which becomes the regulatory boundary for land use controls designed to protect the well from contamination. As Level A Mapping is completed for each well field and approved by DEEP, it replaces the Level B Mapping. Final Adopted Level A Areas are those where towns have land use regulations for them. Massachusetts and Rhode Island Wellhead Protection Areas may be shown for informational purposes.

QUESTIONS:  
Bureau of Water Protection and Land Reuse  
Planning and Standards Division  
Phone: (860) 424-3020  
[www.ct.gov/deep/aquiferprotection](http://www.ct.gov/deep/aquiferprotection)



Rhode Island

Killingly

Putnam

Brooklyn

Plainfield

205



## Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

**Group A.** Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

**Group B.** Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

**Group C.** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

**Group D.** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

## Rating Options

*Aggregation Method:* Dominant Condition






































*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Higher

## Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
29A	Agawam fine sandy loam, 0 to 3 percent slopes	B	0.5	12.9%
38C	Hinckley loamy sand, 3 to 15 percent slopes	A	2.5	62.0%
38E	Hinckley loamy sand, 15 to 45 percent slopes	A	1.0	24.9%
306	Udorthents-Urban land complex	B	0.0	0.1%
<b>Totals for Area of Interest</b>			<b>4.0</b>	<b>100.0%</b>

## MAP LEGEND

 Area of Interest (AOI)	 C
 Area of Interest (AOI)	 C/D
<b>Soils</b>	 D
<b>Soil Rating Polygons</b>	 Not rated or not available
 A	<b>Water Features</b>
 A/D	 Streams and Canals
 B	<b>Transportation</b>
 B/D	 Rails
 C	 Interstate Highways
 C/D	 US Routes
 D	 Major Roads
 Not rated or not available	 Local Roads
<b>Soil Rating Lines</b>	<b>Background</b>
 A	 Aerial Photography
 A/D	
 B	
 B/D	
 C	
 C/D	
 D	
 Not rated or not available	
<b>Soil Rating Points</b>	
 A	
 A/D	
 B	
 B/D	
 C	
 C/D	
 D	
 Not rated or not available	

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

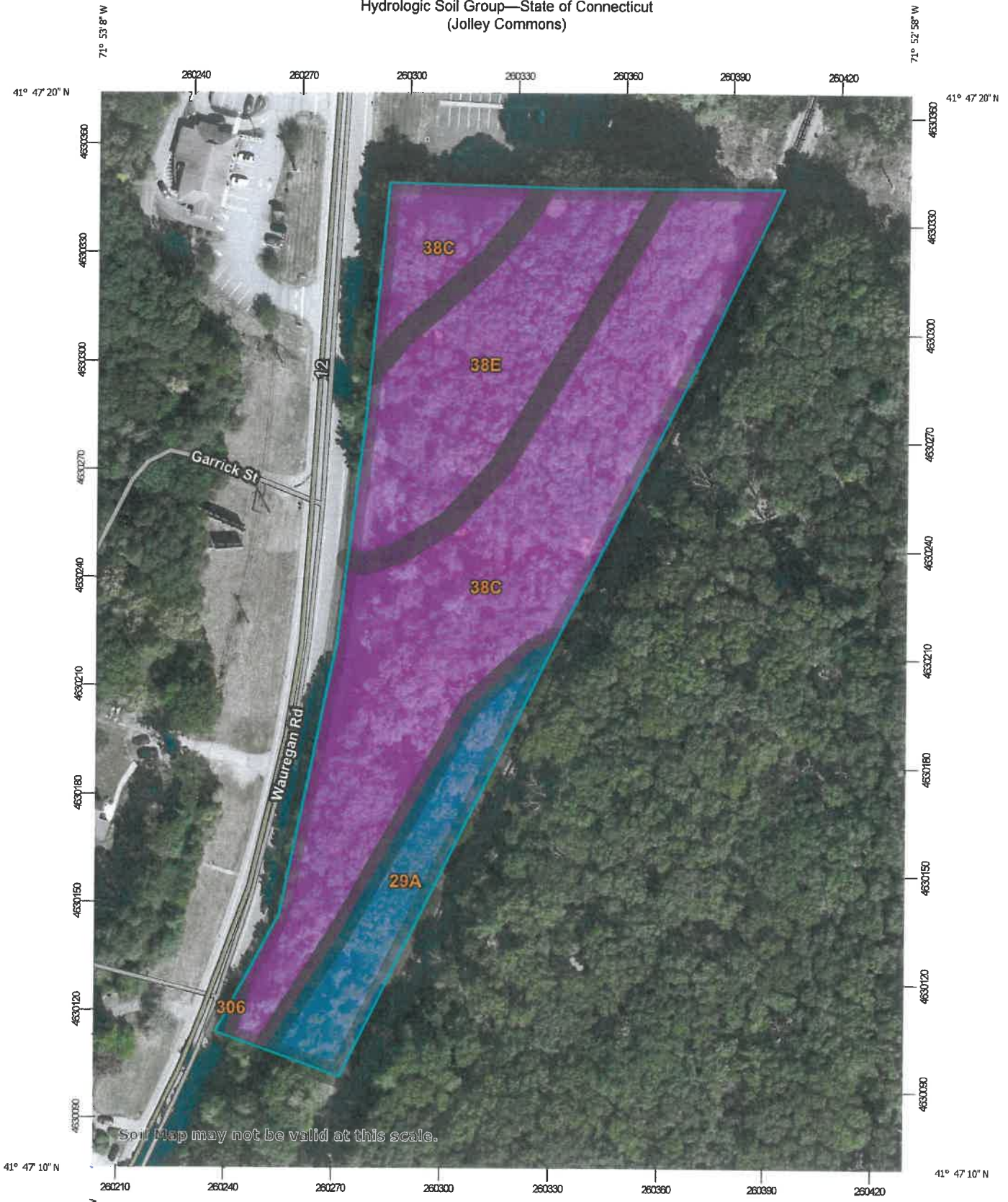
Soil Survey Area: State of Connecticut  
Survey Area Data: Version 21, Sep 7, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

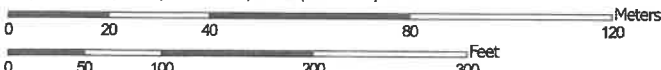
Date(s) aerial images were photographed: Sep 16, 2020—Oct 1, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group—State of Connecticut  
(Jolley Commons)



Map Scale: 1:1,450 if printed on A portrait (8.5" x 11") sheet.






Map projection: Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 19N WGS84



# Natural Diversity Data Base Areas

KILLINGLY, CT

December 2021

-  State and Federal Listed Species
-  Critical Habitat
-  Town Boundary

**NOTE:** This map shows general locations of State and Federal Listed Species and Critical Habitats. Information on listed species is collected and compiled by the Natural Diversity Data Base (NDDDB) from a variety of data sources. Exact locations of species have been buffered to produce the generalized locations.

This map is intended for use as a preliminary screening tool for conducting a Natural Diversity Data Base Review Request. To use the map, locate the project boundaries and any additional affected areas. If the project is within a hatched area there may be a potential conflict with a listed species. For more information, complete a Request for Natural Diversity Data Base State Listed Species Review form (DEP-APP-007), and submit it to the NDDDB along with the required maps and information. More detailed instructions are provided with the request form on our website.

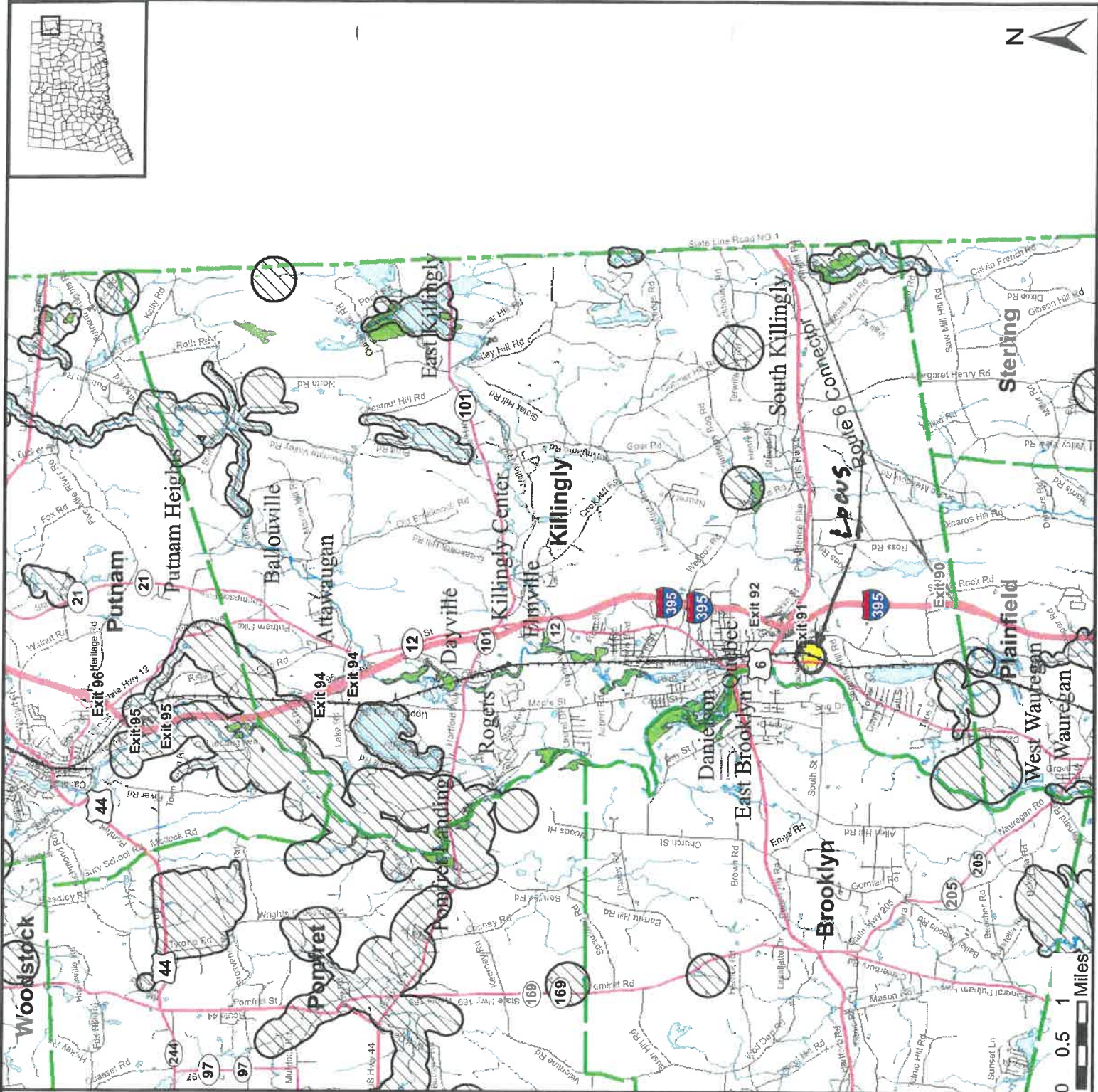
[www.ct.gov/deep/nddbrequest](http://www.ct.gov/deep/nddbrequest)

Use the CTECO Interactive Map Viewers at <http://cteco.uconn.edu> to more precisely search for and locate a site and to view aerial imagery with NDDDB Areas.

**QUESTIONS:** Department of Energy and Environmental Protection (DEEP)  
79 Elm St, Hartford, CT 06106  
email: [deep.nddbrequest@ct.gov](mailto:deep.nddbrequest@ct.gov)  
Phone: (860) 424-3011



**Connecticut Department of  
Energy & Environmental Protection**  
Bureau of Natural Resources  
Wildlife Division





STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



DISTRICT II  
171 Salem Turnpike  
Norwich, Connecticut 06360  
Phone:

March 11, 2022

Mr. Normand Thibeault, Jr., P.E.  
Killingly Engineering Associates  
P.O. Box 421  
Dayville, CT 06360

Dear Mr. Thibeault:

Subject: ~~Excavation Plan for Jolley Commons, LLC~~  
~~Wauregan Road / Route 12~~  
Town of Killingly

The Department of Transportation (Department) has reviewed your latest plans for the above-noted subject received February 16, 2022, entitled, "Excavation Plan for Jolley Commons, LLC" dated December 21, 2021.

~~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 comments:~~

1. The 85% speeds in this area are 49 MPH; therefore, sightlines of 545' are required.
2. Provide a STOP sign at proposed temporary drive.

When you resubmit, please provide two sets of plans, 40 scale or larger, reflecting the above-noted comments.

Please note that any resubmission may generate additional comments and concerns and in no way guarantees the issuance of an encroachment permit. An encroachment permit must be obtained prior to performing any work within or affecting the highway right of way.

If you have any questions in regard to this matter, please contact Mr. Gary Brigham of this office at (860) 823-3114, or by email at gary.brigham@ct.gov.

Sincerely,

Carlos M. Wimberly  
Special Services Section Manager  
Bureau of Highway Operations

cc: Killingly Planning and Zoning

RECEIVED  
MAR 17 2022  
TOWN OF KILLINGLY  
BUILDING DEPARTMENT

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

3) **Special Permit Ap #22-1286**; American Storage Centers, LLC (Landowner same); 551 Westcott Road; GIS MAP 214; LOT 5; ~3.8 acres; General Commercial Zone; construction of 6 new buildings & conversion of existing building to establish a self-service storage facility (420.2.2.[q]).

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

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**DOCUMENTS**

- 1) Completed Application – paid in Full
  - 2) Site Plan
  - 3) Staff Included – the prior denial letter stating the PZC's concerns about the prior plan
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**LEGAL NOTICES**

- 1) Legal Notice posted in the Town Clerk's Office on Thursday, March 31, 2022
  - 2) Legal Notice posted to the Town's Website the same day
  - 3) Legal Notice published in the Norwich Bulletin on Monday 4/4/2022 and Monday 4/11/2022
  - 4) A placard was posted at the site and was observed by the ZEO on Friday 4/8/2022
- 
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**STAFF COMMENTS**

- 1) This applicant originally came before the commission at an earlier date (Jan/Feb of 2022); at that time the PZC had several issues regarding the prior site plan – said issues were outlined in the denial letter March 2, 2022.
- 2) Since that time the applicant has re-worked the site plan for the proposed project and re-submitted the application that is before you tonight.
- 3) Staff suggest that the commission determine if their prior concerns were properly addressed and determine if the project meets all the zoning requirements.
- 4) Staff will be at the meeting if there are any further questions the commission members may have.

**PRIOR COMMENTS BY THE STAFF**

1) Town Engineer

- a. Town Engineer would prefer hot mix asphalt and not millings
- b. Town Engineer has requested that the drainage calcs be done over based on hot mix asphalt

2) P&D Staff

- a. The landscaping plan along the outer boundaries is just ornamental trees and ornamental grass
- b. Commission may request certain trees and/or grass (to make sure the border screen is complete) as a condition of approval. OR the commission may require applicant show their plans for the proposed trees / and grass to staff and staff can give the final approval of landscaping
- c. There are no lighting details – should remind applicant that all lighting should be dark sky compliant





# TOWN OF KILLINGLY

## PLANNING & DEVELOPMENT OFFICE

172 Main Street, Killingly, CT 06239  
Tel: 860-779-5311 Fax: 860-779-5381

### **FOR RECORDING PURPOSES ONLY**

PARTY 1: American Sports Centers, Inc. / Landowner

PARTY 2: Town of Killingly / PZC

DOC TYPE: Decision – Spec Perm & Site Plan

ADD'L INFO: 551 Westcott Road

GIS MAP 214, LOT 5

### **DECISION LETTER**

March 2, 2022

**CERTIFIED MAIL RETURN RECEIPT REQUESTED**  
**# 7018 0040 0000 4773 0508**

American Storage Centers, LLC  
c/o American Sports Centers, Inc.  
174 Cranberry Bog Road  
Killingly, CT 06241

Dear Gentlemen,

At its regularly scheduled meeting held on Tuesday, February 22, 2022, the Killingly Planning & Zoning Commission **denied without prejudice** special permit application #21-1277; American Storage Centers, LLC, 551 Westcott Road, GIS MAP 214, LOT 5, GC; to construct six new buildings and convert existing building to establish a self-service storage facility.

There was discussion regarding the “tightness” of the design, that site is too dense (“too tight”) with everything in it and its limited access, there was also concern regarding the radii of the corners. There was discussion regarding the width available around corners and in the driveways between buildings versus what is needed for emergency vehicles and snow removal vehicles. There was also discussion regarding snow removal and how that would occur.

The commission’s concerns, as discussed during the hearing and their discussion were as follows:

- 1) **Hot-mixed asphalt** – the Commission agreed with the Town Engineer that millings should not be used, and that hot-mixed asphalt is the way to go.
- 2) **Total Lot Coverage** – the total amount of impervious area allowed in a general commercial zone is 65%, once applicant replaces millings with the hot-mixed asphalt applicant will need to show they have not gone over the 65% lot coverage.
- 3) **Total Lot Coverage** – the lot coverage in a general commercial area may be increased to 75% by special permit; however, the applicant would then need to verify that they were willing to meet the requirements of Section 420.2 of the Town of Killingly Zoning Regulations (said regulations would include a payment of a fee to go over the 65% lot coverage).
- 4) **Emergency Vehicles** – the driveways between the buildings should be 20 feet to accommodate emergency vehicles, the turning radius of the corners around buildings may need to be revised to accommodate emergency vehicles. Installation of a Knox box is requested at the entry way gates to allow access to the site for emergency vehicles.

5) Snow Plowing and Snow Storage – the driveways between the buildings appear to be too small for snow plowing equipment, the turning radius of the corners around the buildings may need to be revised to accommodate such equipment. There appears to be no place for the snow storage within the confines of the security fencing / security gates. If snow storage were to take place outside of security fencing, how would the snow be transferred from behind the security gate to the retention ponds?

6) Lighting on buildings – all lighting on buildings should be tilted downward, applicant must make sure no lighting goes off the premises, lights on the building should be motion-activated and programmed to go off after 30 minutes.

**Legal Notice:** As required, a Decision Legal Notice was published in the Norwich Bulletin on Friday, February 25, 2022. In accordance with CT General Laws, a fifteen (15) day appeal period commenced on that date. The appeal period will end at the end of the business day on Monday, March 14, 2022.

As the special permit was denied without prejudice the applicant is allowed to re-apply at their earliest convenience once the applicant has addressed all the issues / concerns of the commission. Applicant will be required to pay another application fee, as the application fee covers the legal ads for the hearing.

If you have any questions regarding this matter, please feel free to contact me at 860-779-5311 during our normal business hours - Monday, Wednesday, and Thursday 8:00 am to 5:00 pm; Tuesday 8:00 am to 6:00 pm; and Friday 8:00 am to 12:00 noon. Voicemail is available after hours if you need to leave a message.

Respectfully,



Ann-Marie L. Aubrey  
Director of Planning & Development

Cc: Jonathan Blake, Planner 1 (email)  
Tracy Bragg, Building Official (email)  
Paul Gazzola, Bldg. Official Asst.(email)  
Diane Guertin, Adm. Secretary (email)  
David Capacchione, Town Engineer (email)  
Jill St. Clair, Dir. Eco. Development (email)  
Normand Thibeault, Jr., PE @ KEA (email)

Allison Brady, Asst. Planner (email)  
Randy Burchard, Fire Marshal (email)  
William Skene, Asst. Fire Marshal (email)  
Tammy LaPlante, Adm. Secretary (email)  
Gary Martin, Asst. Town Engineer (email)  
Kathleen Thornton, Tax Assessor (email)

## **Cannabis Establishment**

**Add Section xxx.x.x under Special Permitted Uses in the Borough Central Business District, Borough General Commercial, Business Park, General Commercial, Light Industrial, Industrial, Mill Mixed Use and Mixed-Use Interchange Zones.**

### **x. Cannabis Establishment**

The purpose of these Zoning Regulation is to regulate the location and operation of cannabis sales, cultivation, or production in accordance with SB 1201 – An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis and Connecticut General Statue 420f – Palliative Use of Marijuana, as amended from time to time.

1. Separation requirements
  - a. The cannabis establishment shall not be within a five hundred (500) foot radius of any part of any building or structure used for the purpose of a school, house of worship, library, public playground, Town parks and recreation facilities, daycare centers/nurseries, municipal building, or Board of Education facility open to the public, as measured from entrance of the above use (for parks or similar outdoor uses it is from the property line) to the entrance of the proposed cannabis establishment.
  - b. A two hundred (200') foot buffer zone shall be required when abutting a residential district, as measured from the property line.
2. The application must include the following:
  - a. The map identifying all the locations of all above referenced uses within five hundred (500') feet of the proposed cannabis establishment.
  - b. Noise abatement methods used, if necessary.
  - c. Odor controls used, if necessary.
  - d. Security methods implemented.
  - e. Water consumption estimates and handling of wastewaters.
  - f. Exterior lighting and signage; all exterior lighting shall be night sky compliant.
  - g. Emergency power; location of generators, if necessary.
3. No cannabis establishment shall be allowed within the same building, structure, or portion thereof that is used for residential purposes. In the mixed use zones the cannabis establishment should be in a separate building from any residential uses on that property.
4. All cannabis establishments shall have an adequate security system to prevent and detect diversion, theft, or loss of cannabis, utilizing commercial grade equipment meeting at least the minimum requirements of the Department of Consumer Protection Title 21a – Consumer Protection Section 21a-408-62.
5. The production and/or storage of cannabis shall be conducted indoors.
6. Hours of operation for any retail component, shall be limited to between 9 am to 9 pm, Monday through Saturday and between 10 am to 6 pm, Sunday.
7. Copy of all State Permitting must be on file with the Town of Killingly Planning Office and displayed within the Cannabis Establishment.

**Disclaimer:** Marijuana, whether medical or recreational, continues to be listed on Schedule I of the U.S. Controlled Substances Act (CSA) and is therefore still illegal under federal law. Any applications for cannabis dispensaries and/or production facilities are done under SB1201 and Connecticut General Statute 420f and at total risk of the applicant.

**Definitions add for purpose of this regulation**

**Cannabis** – Marijuana as defined in Section 21a-240, CGS.

**Cannabis Establishment** – Producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager and or delivery service.

**Cultivator** – A person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand (15,000) square feet of grow space.

**Delivery Service** – A person that is licensed to deliver cannabis from (A) micro-cultivators, retailers, and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers, and research program subjects, as defined in Section 21a-408, C.G.S., or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to Chapter 368v, C.G.S. that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.

**Dispensary Facility** – Means a place of business where cannabis may be dispensed, sold, or distributed in accordance with Chapter 420f, C.G.S. and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under Chapter 420f, C.G.S. and any regulations adopted thereunder.

**Food and Beverage Manufacturer** – A person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.

**Hybrid Retailer** – A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

**Micro-cultivator** – A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand (2,000) square feet and not more than ten thousand (10,000) square feet of grow space, prior to any expansion authorized by the commissioner.

**Person** – An individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.

**Product Manufacturer** – A person, excluding a producer, that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type and who may sell or transfer cannabis and cannabis products to laboratories, research programs and cannabis establishments.

**Produce Packager** – A person that is licensed to package and label cannabis and cannabis products.

**Producer** – Grows cannabis for medicinal use.

**Retailer** – A person, excluding a dispensary facility that is licensed to purchase cannabis and cannabis products from producers, cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis and cannabis products to consumers and research programs.

**Transporter** – Means a person licensed to transport cannabis between cannabis establishments, laboratories, and research programs.

#### **Add Definition to Section 310**

**School** – Any building or part thereof or accessory facilities there to which is designed and constructed to provide full time instruction and education, associated with a program of study which meets the requirements of the educational laws of the State of Connecticut. Includes public, private, charter, and parochial schools, at the primary (day-care & kindergarten), elementary, middle school and high school levels; excludes home schools. For the purposes of these regulations home schools are still considered a private residence.

#### **\*\*\*Notes\*\*\***

Another consideration is for a cannabis establishment that is exclusively an indoor grow facility, be allowed by Special Permit in the Rural Development Zone. Provided the property is a min. of ten (10) acres and all buffering & conditions stated above. Systems must be in place to prevent odor.

Currently only the retail and micro cultivator license types under Cannabis Establishments the Town of Killingly is capped at one (1) of each license type. (1 – 25,000 residents allow for one (1) of each type per the State of Connecticut and current State law for the municipality). There is currently no cap on other license types that are also considered Cannabis Establishments under the law in each municipality. There is pending legislation that proposes eliminating the cap or changing the ratio of number of residents per license type issued.

Upon passage of this text amendment, Section 640 – Temporary and Limited Moratorium on Cannabis Establishments, will be lifted and removed from the Town of Killingly and Borough of Danielson Zoning Regulations.



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

4) **Section 8-24 Review Ap # 22-1290** – Town of Killingly (Applicant/Owner); 339 Main Street, GIS MAP 181, LOT 142, Borough High Residential Zone, ~10.5 acres, for expansion and renovation of the Killingly Memorial School. Review, discussion, action.

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**APPLICANT(S):** TOWN OF KILLINGLY  
**LANDOWNER(S):** TOWN OF KILLINGLY  
**SUBJECT PROPERTY:** 339 Main Street  
**ASSESSOR'S INFO:** GIS MAP 181, LOT 142, ~10.50 acres  
**ZONING DISTRICT:** Borough Residential High Density  
**REQUEST:** Expansion and Renovation of Killingly Memorial School  
**REGULATIONS:** CT General Laws Section 8-24 Review

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**DOCUMENTS**

- 1) Completed Application
  - 2) Site Plan
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**LEGAL NOTICES**

No Legal Notices are required.

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**STAFF COMMENTS**

Mr. Kent Gannon, PE from Stantec Consulting Services, Inc., will make a presentation.

# Project Narrative: 8-24 Review KILLINGLY MEMORIAL SCHOOL

11 April 2022

## Background & Introduction

The Killingly Memorial School is one of the District's three elementary age schools and houses 2nd through 4th grades. Construction of the original school was completed in 1952, and portable classrooms were added in 1973 and 2002. The existing school has a current gross area of approximately 68,083 square feet. Upon completion of the new project, the new/renovated facility will be 76,125 square feet. The existing structure is primarily a single-story structure with multiple levels, and a small basement, under which is an intricate series of tunnels for mechanical and plumbing piping.

The structure sits on a 10.5 acre sloping site, surrounded by residential and institutional properties. The site is being redesigned as part of the current project, which will reorganize the traffic patterns and parking, and renovate select utilities – including gas, storm, sanitary, water, and electric. Parent and bus drop offs and pickups remain segregated on the site but is organized to flow through the site more efficiently, while memorializing secondary entrances for drop offs and pickups. The new site maximizes available parking spaces while leaving a series of green spaces for vegetation/plantings and snow storage. The reorganized site will provide 143 parking spaces including 5 accessible spaces. This represents an increase of 33 parking spaces when compared with existing conditions. The existing playgrounds will remain, and the play fields adjacent to the site will also remain without changes.

Prior to the current project, the existing facility underwent several improvements. An accessibility project introduced stair lifts to navigate the multiple levels and ensured there was at least one fully accessible classroom for each grade. In addition, three individual Toilet rooms were renovated to provide full single-use accessibility, and select fixtures in both gang Toilet Rooms were upgraded to provide a minimal level of accessibility in each of the Girls and Boys Room. In 2018, the entire existing school building roof was replaced with a modified bitumen roof system, and in 2019 break resistant glazing assemblies, up to seven feet above finish floor and grade, were installed in most of the existing entries, and all of the existing window systems replaced.

The current project includes the construction a new 17,539 SF addition, and the demolition of both of the existing portable classroom buildings. The new addition will replace many of the spaces existing in the two portable buildings. Those spaces include the Media Center, seven regular Classrooms, three Specialty Classrooms – Music, Art, & Science, a Conference Room, a Teacher's Lounge, Adult and Kids Toilet rooms, and a series of Resource and Work Rooms and Offices for Staff & Students.

RECEIVED

APR 11 2022

PLANNING & ZONING DEPT.  
TOWN OF KILLINGLY





# Project Narrative: 8-24 Review KILLINGLY MEMORIAL SCHOOL

11 April 2022

As part of the Town's compliance with the requirements of the State Grant process, the town also agreed to upgrade and 'renovate as new' the remaining existing building. As such, the existing building will receive full Mechanical system replacement, upgraded Electrical, Plumbing, Technology & Security systems, and the installation of a new Sprinkler system throughout. Also, a full hazardous materials abatement process will be implemented to clean up the existing building. A comprehensive renovation of the Food Service facility, including a small addition is also being planned as part of the current project. Finally, a number of accessibility upgrades will be instituted to complete the accessibility initiatives for code compliance. Some of those upgrades includes a new elevator, new accessibility paths to and within the Main Office, select replacement of bleachers in the Gymnasium to provide accessible seating, and a new chair lift to provide accessibility to the existing Stage

## Plan of Conservation and Development

### Overview

The proposed school and site design was carefully prepared to align with the Town of Killingly's Plan of Conservation and Development 2020-2030 (POCD). The current POCD was approved April 20, 2020 and became effective on May 4, 2020. The following sections will briefly highlight how the planned Killingly Memorial School project will align with some of the goals and policies outlined in the POCD.

### Section 3.3 - Education

With one of the largest school districts in Northeastern Connecticut, the town in conjunction with the board of education has the difficult task of maintaining numerous facilities and providing the most advantageous environment for learning. The new addition and renovated school will provide an updated space essential to meeting some of the goals outlined in Section 3.3 of the Plan of Conservation and Development. In particular, Goals #4 and #5 will be satisfied by the proposed project as the facility will provide an updated, safe, healthy learning space outfitted with modern learning tools necessary for future success.

### Section 3.6 – Natural Resources

It is a fundamental responsibility of Towns and Municipalities to protect the vast natural resources within their boundaries. While development can sometimes negatively impact the environment, an informed responsible design, aligned with the Town's Policies in the POCD can preserve and protect these irreplaceable resources.

## Project Narrative: 8-24 Review KILLINGLY MEMORIAL SCHOOL

11 April 2022

The proposed site design helps meet *Goal 1 – Preserve protect, manage, and restore the Town’s natural resources*. The proposed site includes a water quality infiltration basin to collect, treat, and infiltrate stormwater sheet flow runoff from a section of proposed parking. The Low Impact Development (LID) technique is critical to improving the water quality of runoff leaving the site. This LID feature is in alignment with Policy 1, Action 1.

In addition, an underground infiltration system is proposed to collect and infiltrate a large portion of the redeveloped sites stormwater runoff. The system will provide water quality improvements through filtration methods while provide a system to reduce both peak runoff rates and volumes from the site. This proposed stormwater retention system is in alignment with Policy 1, Action 2, as outlined in Section 3.6 of the POCD.



## STAND ALONE GARAGES

**NOTE:** to be added to Rural Development and Low-Density Zones Only.

### Stand Alone Garage for Personal Storage:

- 1) A site-plan review application is required, as well as a zoning permit and building permit.
- 2) The structure is to be used by the property owner only for their personal use.
- 3) The total square footage of the structure shall not exceed 1,200 square feet.
- 4) The structure must meet all the set-back requirements of the underlying zone.
- 5) Storage and display of any materials shall not be permitted on the premises outside of the structure.
- 6) Such structure shall not change the residential character of the neighborhood in any visibly manner.
- 7) The use of such structure shall not create objectionable noise, smoke, odor, toxic fumes, waste products, vibration or unsightly conditions that would set the structure apart in its surroundings or degrade residential property in the neighborhood.
- 8) The use of said structure shall not cause traffic to or from said structure in greater volumes than would normally be expected in a residential neighborhood.

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

7) **Section 8-24 Review Ap #22-1293**, Town of Killingly, review and comment on the Affordable Housing Plan. Review, discussion, action.

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**APPLICANT(S):** TOWN OF KILLINGLY  
**LANDOWNER(S):** TOWN OF KILLINGLY  
**SUBJECT PROPERTY:**  
**ASSESSOR'S INFO:**  
**ZONING DISTRICT:**  
**REQUEST:**  
**REGULATIONS:**

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**DOCUMENTS**

- 1) Power Point Presentation Given to the Town Council on Tuesday, April 12, 2022
  - 2) Draft of the Affordable Housing Plan
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**LEGAL NOTICES**

No Legal Notices are required.

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**STAFF COMMENTS**

- 1) Under Connecticut General Laws the Town of Killingly is required to have an Affordable Housing Plan in place before June 1, 2022.
- 2) This plan was created by staff – the actual process of creating the plan is outlined in the power point presentation.
- 3) It is up to the Town Council to hold a public hearing – which they have scheduled for Tuesday, May 10, 2022, at 7:00 pm in the Town Meeting Room.
- 4) The Goal, Policy, and Action Items correlate with the Goal, Policy and Actions Items in the Plan of Conservation and Development.
- 5) The biggest change between the POCD Housing Section and the Affordable Housing Plan is that the Affordable Housing Plan required a housing assessment for the Town of Killingly, and an assessment of our current zoning regulations.



# **TOWN OF KILLINGLY AFFORDABLE HOUSING PLAN 2022**

**Presented by:**

**Ann-Marie Aubrey, Director of Planning and Development**

**Jonathan Blake, Planner I / ZEO**

**Mary Bromm, Community Development Administrator**

**Jill St. Clair, Economic Development Director**

## WHY CREATE AN AFFORDABLE HOUSING PLAN?

**Connecticut General Law, Sec. 8-30j. Affordable Housing Plan. Submission to Office of Policy and Management. Hearing and adoption. Filing Requirement. Review and Amendment of Plan.**

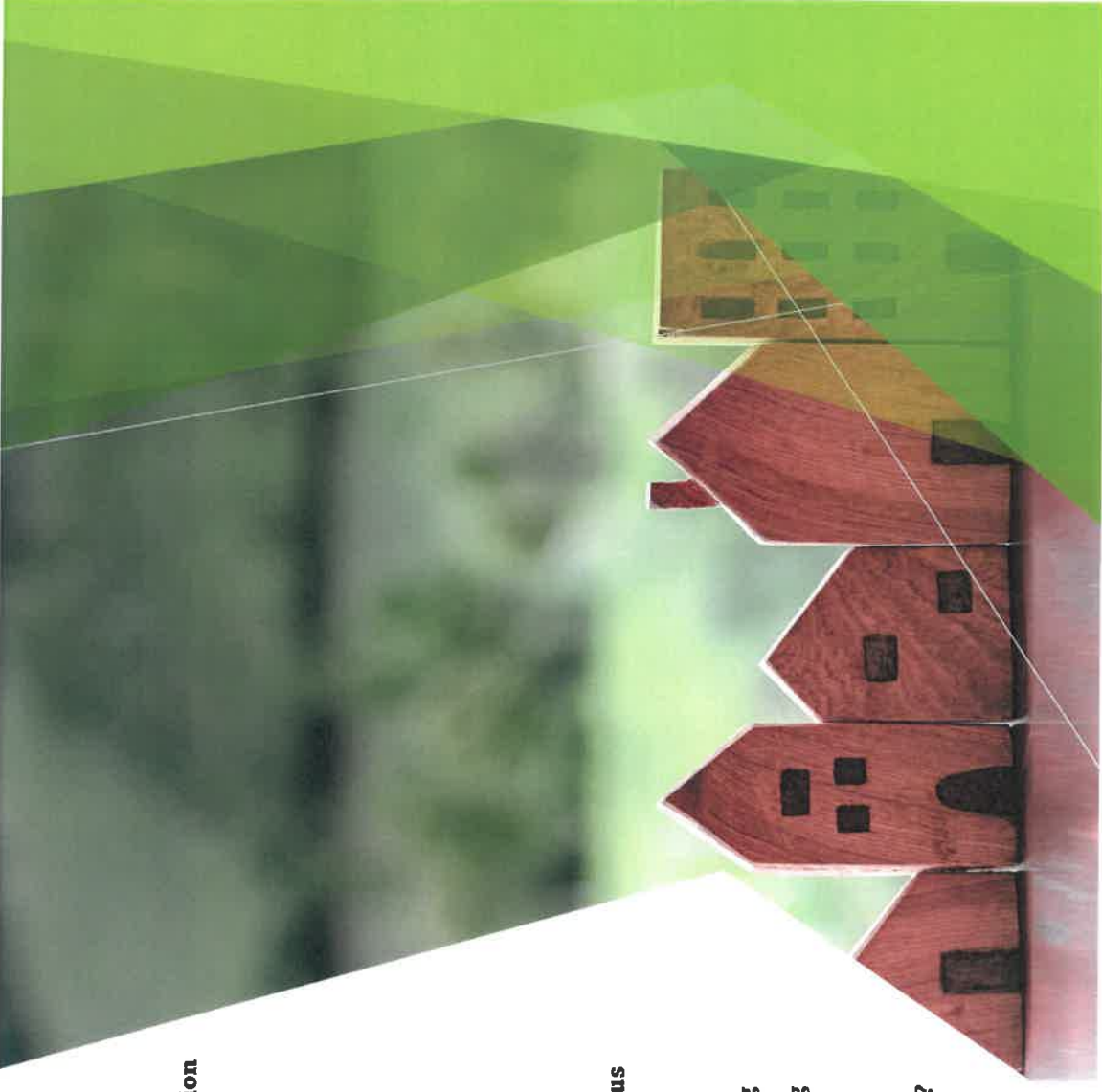
**(a)(1) Not later than *June 1, 2022*, and at least once every five years thereafter, each municipality shall prepare or amend and adopt an affordable housing plan for the municipality and shall submit a copy of such plan to the Secretary of the Office of Policy and Management, who shall post such plan on the Internet web site of said office. Such plan shall specify how the municipality intends to increase the number of affordable housing developments in the municipality.**

***(NOTE: Prior to the release of this final statutory wording above, all other state documents stated the deadline for the initial plans would be July 1, 2022.)***



# THE PLANNING PROCESS

- 1) Review of the Town of Killingly, 2020-2030 Plan of Conservation and Development
  - a. Review of Section 3.4 Housing
  - b. Review of Appendix “B” Community Participation
    1. Review Public Survey – Housing Sections
  - 2) Constant contact with stake holders
    - a. People using public / assisted housing
    - b. People running public / assisted housing
    - c. Employers – “Connectivity” stakeholders meeting
    - d. Developers / Contractors view on construction of various types of housing
  - 3) Research, research, research....
    - a. Reading numerous articles regarding affordable housing
    - b. Web research on the newest and best designs – “Missing Middle Housing”
    - c. What did the State require?
    - d. What have “like” communities done – was it successful?



# GOAL OF THE PLAN



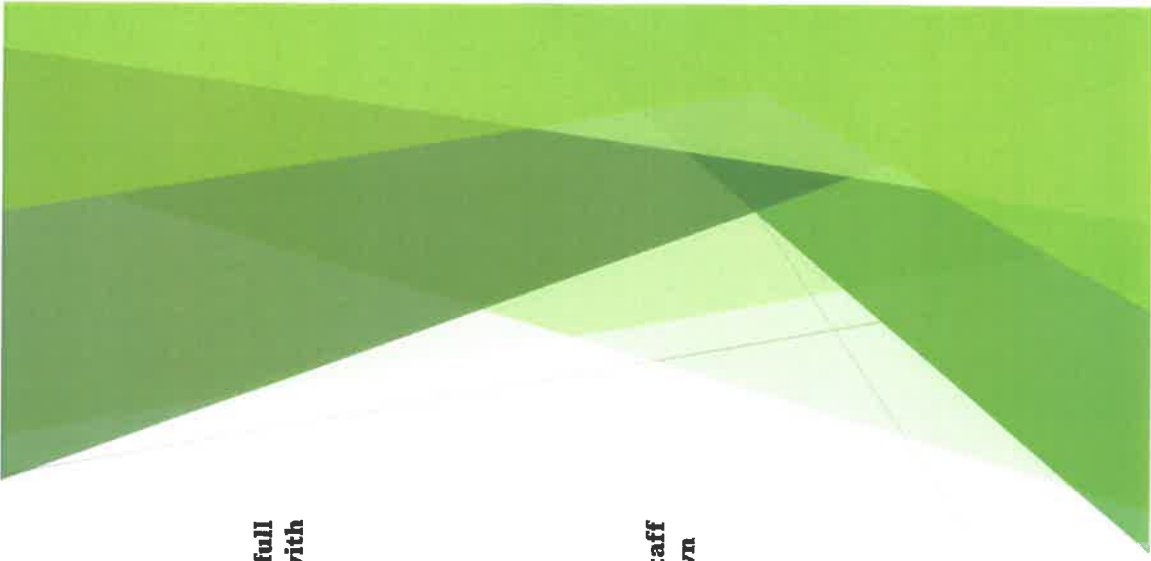
## Community Value Statement - Goal

**“Housing in both quantity and quality, and available for the full range of income levels, for all ages, and inclusive of people with varying special needs. Said housing should complement the positive natural and cultural characteristics of the Town.”**

**(REQ) Sec. 8-30j(a)(1)”...Such plan shall specify how the municipality intends to increase the number of affordable housing developments in the municipality.”**

**(ANS) The plan lists several policies and action items that should be followed and taken over the next five (5) years. Staff realizes they are the front-line workers to make sure the Town does indeed follow said policies.**

**(ANS) Safe, secure, and affordable housing is a basic human need for all individuals, and for a community at large.**





## **NEXT STEP IN APPROVAL PROCESS**

**Connecticut State Statute, Chapter 126a, Sec. 8-30i(b)**

**“(b) The municipality may hold public informational meetings or organize other activities to inform residents about the process of preparing the plan and shall post a copy of any draft plan or amendment to such plan on the Internet web site of the municipality. If the municipality holds a public hearing, such posting shall occur at least thirty-five days prior to the public hearing. After adoption of the plan, the municipality shall file the final plan in the office of the town clerk of such municipality and post the plan on the Internet web site of the municipality.”**

**We are asking that the Town Council schedule a public hearing on the plan in May. That way the plan can take effect immediately and a copy can be sent to the Secretary of Office of Policy and Management in time to make the June 1, 2022, deadline set by statute.**



THANK YOU.





# TOWN OF KILLINGLY

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## Affordable Housing Plan 2022

**DRAFT SUBMITTED: April 4, 2022**

**PREPARED BY:**

**Ann-Marie L. Aubrey,  
Director of Planning & Development**

**Jonathan Blake  
Planner I / Zoning Enforcement Office**

**Mary Bromm  
Community Development Administrator**

**Jill St. Clair  
Economic Development Director**

**TOWN OF KILLINGLY**  
**AFFORDABLE HOUSING PLAN 2022**

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## **COMMUNITY VALUE STATEMENT**

The Community of Killingly values housing for all people, as reflected in the 2020-2030 Plan of Conservation and Development where it reads – “Housing in both quantity and quality, available for the full range of income levels, which would complement the positive natural and cultural characteristics of the Town.” (*Town of Killingly, 2020 - 2030 Plan of Conservation and Development, Effective 05/04/2020, Section 3.4 Housing, Page 28*) However, the community’s value statement under this Affordable Housing Plan is updated to state the following – **“Housing in both quantity and quality, available for the full range of income levels, for all ages, and inclusive of people with varying special needs. Said housing should complement the positive natural and cultural characteristics of the Town.”** The Town of Killingly recognizes that a stable and secure residence is one of the back bones of building a thriving community where residents flourish.

“The development, maintenance, and redevelopment of housing plays a major role in shaping the community’s physical character, transportation investments, public infrastructure investments, and the need for and location of schools and community facilities. Killingly has a wide spectrum of housing types, including rural farmhouses, old mill housing, seasonal vacation homes, mobile homes, garden apartments, and single and multi-family housing.” (*Town of Killingly, 2020 – 2030 Plan of Conservation and Development, Effective 05/04/2020, Section 3.4 Housing, Page 25*)

“Inadequate or substandard housing can lead to other economic, health and social problems for the community. Problems associated with substandard housing can result in a high crime rate, drug usage, fires and increased high school dropout rates. The appearances of run-down housing in an area can also hinder economic development by discouraging developers from investing in the Town.” (*Town of Killingly, 2020 – 2030 Plan of Conservation and Development, Effective 05/04/2020, Section 3.4 Housing, Page 25*)

The community promotes the value of a safe, secure home for all residents, and understands the impact of proper housing on the success of its’ residents and the success of the whole community.

## **UNDERSTANDING AFFORDABLE HOUSING**

To understand the history of affordable housing, one needs to comprehend just what affordable housing is. As defined by the United States Housing & Urban Development (HUD), a broad-based definition of affordable housing is housing that should not exceed 30% of the gross income of the household occupying a single residence. That cost of housing, at the minimum, includes mortgage, rent, real estate taxes, and utilities. Some scholars also include any other costs that either renters or homeowners may incur associated with living in the residence such as homeowner association fees, and insurance. Today some scholars in the field of affordable housing believe the cost of transportation to and from work should also be included; however, that will be discussed in further detail later in this document. The 30% threshold became effective in 1981 and is used for both homeowners and renters alike and has not been adjusted in 40 years. (*Defining Housing Affordability*, Published August 14, 2017, <https://www.huduser.gov/portal/pdredge/pdr-edge-featd-article-081417.html>) The 30% threshold is an increase over the previously used threshold of 25%. This definition of affordable housing covers all types of housing and the people that live in said housing. For example, if your gross household income is \$90,000.00 annually and you live in a residence that costs you more than \$30,000.00 annually, that residence is not affordable for your income level under HUD's current definition of affordable.

## **DEFINITION OF AFFORDABLE HOUSING FOR PURPOSES OF THIS PLAN**

The State's definition of affordable housing under Section 8-30g of General Statutes for the State of Connecticut has a narrower definition and is the main type of affordable housing that this plan addresses.

Under Section 8-30g affordable housing is 1) Low- and moderate-income housing that has received some sort of governmental financial assistance (for construction or rehab thereof) ; 2) Housing for tenants that have received rental vouchers; 3) Housing with Connecticut Housing Finance Authority (CHFA) or the United States Department of Agriculture (USDA) single family mortgages (often referred to as "first-time home buyers' loans); 4) Housing with deed restrictions limiting the price to low- and moderate-incomes as classified by the State. The deed restriction must be in place and stay in place for forty (40) years to qualify as affordable housing status under Connecticut's statutes.

Section 8-30g applies to housing stock that is “assisted housing” by the government; “housing that is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low- and moderate-income housing, and any housing occupied by persons receiving rental assistance under Chapter 319uu or Section 1437f of Title 42 of the United States Code.” (CGS Sec. 8-30g(3))

Section 8-30g is the Affordable Housing Land Use Appeals Act which “allows housing developers willing to build housing with long-term affordability to low-and-moderate income households to challenge the town’s failure to approve the proposal even when they do not meet a municipality’s zoning regulations.” (*“What is the Affordable Housing Appeals Procedure? [Section 8-30g]”; Partnership for Strong Communities, February 22, 2022*)

**Section 8-30j Affordable housing plan** -requires that each municipality shall prepare, or amend, and adopt an affordable housing plan for the municipality every five (5) years. It further states that such plan shall specify how the municipality intends to increase the number of affordable housing developments in the municipality.

At present, the Town of Killingly is one of only thirty-one (31) municipalities that is exempt from the Affordable Housing Appeals Procedure as we currently have 10.35% of our current housing stock that classifies as affordable housing under Sec. 8-30g. Why is this important? By being on the exempt list from Sec. 8-30g allows us to “connect the dots” in the way that is most important to our community and not just to someone else’s “bottom line”. Right now, we have control over the script; however, that control could easily slip out of our grasp if we are not pro-active about establishing more affordable housing within our community over the next five years.

(Continued on next page)

**Killingly's Status on Connecticut's Affordable Housing Appeals Exempt Status List**

YEAR	CENSUS DATA	GOV'T. ASSISTED	TENANT RENTAL ASSISTANCE	SINGLE FAMILY CHFA/USDA MORTGAGES	DEED RESTRICTED UNITS	TOTAL ASSISTED UNITS	PERCENT AFFORDABLE § 8-30g
2021	7,592	467	152	167	0	786	10.35%
2020	7,592	520	147	188	0	855	11.26%
2019	7,592	520	147	201	0	868	11.43%
2018	7,592	520	112	202	0	834	10.99%
2017	7,592	520	117	296	0	933	12.29%
2016	7,592	520	112	297	0	929	12.24%
2015	7,592	527	106	417	0	1,050	13.83%
2014	7,592	495	107	488	0	1,090	14.36%
2013	7,592	530	125	479	0	1,134	14.94%
2012	7,592	530	120	309	0	959	12.63%
2011	7,592	530	124	251	0	905	11.92%
2010	6,909	658	n/a	248	0	906	13.11%

**(NOTE: The Census Data on this table is from the 2010 Census – Once the 2020 Census information is publicly available the Census Data will most likely change, and if it changes to a larger number our Percent of Affordable Housing under §8-30G may be lower than presented above.)**

According to the table above, government financially assisted (for construction or rehabilitative purposes) housing is the largest segment of affordable housing within Killingly, followed by the CHFA / USDA mortgages on single family dwellings, with tenant rental assistance being the smallest segment of affordable housing assistance. Currently, there are no deed restricted units located within Killingly.

It should be noted that the Town of Killingly is currently at an all-time low for affordable housing units, at 10.35%. The highest percentage of affordable housing recorded for Killingly was in 2013 at 14.94%. This does not mean that affordable housing is no longer needed in the community, if anything, it shows that many of our CHFA / USDA mortgages have aged out or been refinanced to conventional lending.



According to the Partnership for Strong Communities Housing Data Profiles, Killingly is at risk of losing another 7% of our federally assisted housing units (mortgages) within the next five (5) years.

### **WHO DOES AFFORDABLE HOUSING SERVE?**

Affordable Housing serves the community as a whole; as well as, the individuals and families that reside in affordable housing units. Affordable housing is one piece of the puzzle when it comes to providing housing diversity, and housing equity within our community.

Affordable housing serves a purpose for the student just graduating from school and getting their first job, the newly married couple purchasing their first home, a single parent trying to provide a safe and secure place for his/her family, someone that due to injury can no longer work a full-time job but wants to stay independent, and the elderly couple (or elderly single) on a limited income, that no longer can afford to, or does not want to, stay in their large family home.

Affordable housing also supports our major employer base. For example, one issue that staff hears from our employers is that they cannot find local employees. Staff rephrases that problem as there is not enough housing within a reasonable distance of employment locations that employees can afford. The major mode of transportation for residents of Killingly is driving; however, the Town of Killingly recently completed their "Killingly Industrial Park Connectivity Plan." That plan noted "15.9% of households in Killingly do not have access to a vehicle or have less vehicles than workers." (*Killingly Industrial Park Connectivity Plan, Page 9, September 2021*) – [original source 2019 American Community Survey {ACS}, 5-year Estimate]. Killingly does not have easy access to public transportation. The Northeast Council of Governments does offer a limited schedule of buses, unfortunately, the bus schedules cannot accommodate our major employers or their employees, as the bus schedules and employers' / employees' work schedules do not coincide. Even those Killingly residents travelling to work outside of Killingly cannot use CT Rapid Transit (bus or trains) unless they drive to a location in another municipality. If it was, or is, possible to construct affordable housing near our major employment centers we might be able to solve the issue of transportation to and from their place of employment. The resolution might take a partnership of the employers and developers, but we are hopeful a solution will be found.

**OUTSIDE ISSUES AFFECTING KILLINGLY’S AFFORDABILITY**

Over the last decade the number of residents commuting outside of Killingly for their employment has grown. There is a concern that Killingly is becoming a bedroom community for the cities of Hartford, Providence, Worcester, Boston and other cities and towns outside of the northeast region of Connecticut. One reason for this could be the prohibitive cost of housing in other employment centers in comparison to the housing costs in Killingly for the same style house. Unfortunately, this dynamic has both positive and negative outcomes, 1) those people trying to sell their homes have received offers and closed quickly; and 2) due to the above, the increase in housing prices has outpaced the means of some locally generated incomes.

This pressure of becoming a bedroom community for businesses outside of our own town continues with the development of, and growth of large-scale employers in the eastern region of Connecticut. Electric Boat and Amazon are just two examples of such pressure.

Finally, a portion of the housing shortages we face today are due to the circumstances surrounding COVID for the past two (2) years. There is an adverse effect on the building supply chain which in turn causes an increase in the prices of home construction; and when a house does become available on the market it sells within a matter of days often for a price higher than listed. This places additional cost burdens and stress on those trying to find a suitable family home.

**HOUSING STOCK ASSESSMENT FOR KILLINGLY**

(NOTE: Graphs from 2018 American Community Survey are based upon 5-year estimates, and therefore will vary in number from the more accurate numbers of the 2021 Town Profile provided by AdvanceCT / CTDATA.)

According to the 2018 American Community Service 5-year estimates, there are 7,968 units of housing located within the Town of Killingly, of those approximately 64% are single family homes. All other types of residences, two family, multi-family units, apartment complexes, condominiums, and trailers equal less than half, approximately 36% of the remaining housing stock. Most units (75%) contain either 2 or 3 bedrooms, with studio units or 1-bedroom units comprising 14% of the inventory, leaving 4-bedroom units at 12% of the housing stock. The Town does have a diverse nature of housing, but those diverse housing options are still the minority of total housing units.

<b>TOTAL NUMBER OF HOUSING UNITS</b>	<b>7,968</b>	<b>100%</b>
--------------------------------------	--------------	-------------

Single Housing Units	(1)	5,153	65.7%
Two Housing Units Each	(2)	856	10.7%
Three to Four Housing Units Each	(3 to 4)	592	7.4%
Five to Nine Housing Units Each	(5 to 9)	625	7.8%
Ten to Nineteen Housing Units Each	(10 to 19)	181	2.3%
Twenty to Forty-Nine Housing Units Each	(20 to 49)	88	1.5%
Fifty or More Housing Units Each	(50 +)	26	0.3%
Mobile Homes	(Mobile)	447	5.6%

Source – 2018 American Community Survey, 5-year estimates, Table B25024 (Secondary – CT DATA Collaborative)

COUNT OF BEDROOMS PER UNIT	Killingly, Town Of	Windham County	Connecticut
Studio or 1 Bedroom	14%	13%	15%
2 Bedrooms	30%	26%	27%
3 Bedrooms	44%	43%	36%
4 Bedrooms	12%	17%	22%

Source – 2018 American Community Survey, 5-year estimates, Table B25041 (Secondary – CT DATA Collaborative)

The age of the housing unit is important as well, since the older structures built prior 1978 often will not contain the same safety features as modern housing stock. Older housing stock may contain environmental hazards not fully addressed; also, it may not meet today's standards for Americans with Disabilities Act (ADA) accessibility needs, and fire safety codes. Approximately 39% of the rental units were constructed before 1950, 18% were constructed between 1950-1969, and 43% were built after 1970, while a majority (58%) of the owner-occupied units were built in 1970 or after.

AGE OF THE UNITS / RESIDENCES	Killingly, Town Of	Windham County	Connecticut
<b>OWNER OCCUPIED</b>	---	---	---
Before 1950	28%	25%	24%
1950 – 1969	14%	20%	32%
1970 and after	58%	55%	44%
<b>RENTER OCCUPIED</b>	---	---	---
Before 1950	39%	43%	36%
1950 – 1969	18%	20%	41%
1970 and after	43%	36%	41%

Source: 2018 American Community Survey, 5-year estimates, Table B25036 (Secondary – CT DATA Collaborative)

What is the occupancy status of housing in Killingly? According to the 2018 American Community Survey, 5-year estimates, almost 60% of the housing units in Killingly are owner occupied, renters occupy another 27%, with approximately 14% vacancy rate. However, when you get into the multi-family homes the owner-occupied rate drops to 22%, while the renter rate increases to 59%. We caution readers that due to the demand for housing in this current market there are currently no vacant units available; however, this may change once the stay of evictions is lifted.

OCCUPANCY STATUS OF HOUSING	Killingly, Town Of	Windham County	Connecticut
<b>Total Housing Units</b>	---	---	---
Owner Occupied	59%	62%	60%
Renter Occupied	27%	27%	30%
Vacancy Rate	14%	10%	10%
<b>Single Family Homes</b>	---	---	---
Owner Occupied	79%	82%	83%
Renter Occupied	~12%	~9%	~10%
Vacancy Rate	~9%	~9%	~7%
<b>Multi-Family Homes</b>	---	---	---
Owner Occupied	22%	~15%	18%
Renter Occupied	59%	71%	69%
Vacancy Rate	~19%	~14%	~13%

Source - 2018 American Community Survey, 5-year estimates (Secondary – Partnership for Strong Communities 2020 Housing Data Profiles - Killingly)

According to the 2018 American Community Survey, rental units in Killingly are reasonable, 44% of the units can be rented for somewhere between \$500.00 to \$999.00; 32% of the units rent out between \$1,000.00 to \$1,499.00, with a minority of them renting out for over \$1,500.00. Recently however, several rental units throughout the town were sold and updated, and we can already see the upward trend of rental costs. The 2021 Killingly Town Profile, by AdvanceCT, lists the median rent at \$1,024.00.

UNITS BY GROSS RENT	Killingly, Town Of	Windham County	Connecticut
Under \$500.00	8%	16%	10%
\$500.00 to \$999.00	44%	43%	25%
\$1,000.00 to \$1,499	32%	29%	37%
\$1,500.00 and over	11%	8%	25%

No Rent Paid	5%	4%	4%
--------------	----	----	----

Source – 2018 American Community Survey, 5-year estimates – Table B25063 (Secondary – CT DATA Collaborative)

According to the 2021 Killingly Town Profile, by AdvanceCT, the median household income for Killingly is \$62,500 which is in line the Connecticut Department of Housing’s 100% annual median income for a 2-person household of \$66,560.

The same 2021 Town Profile reports that the median home value is \$192,000, while the 2019 Zillow Home Value Index states that the average sale price of a home in Killingly is \$204,678. Readers are cautioned to remember that due to the recent high demand for housing and the low quantity of available housing stock in recent months (late 2021 to early 2022), neither one of these values may accurately reflect the current market values.

MEDIAN SALE PRICE SINGLE FAMILY	Killingly, Town Of	Windham County	Connecticut
2016	\$193,800	\$203,200	\$274,500
2017	\$188,500	\$197,500	\$270,500
2018	\$187,300	\$196,900	\$269,300
2019	\$184,000	\$196,800	\$270,100
2020 - (No Information Available)	---	---	---
2021	\$192,000	---	\$275,400

Source; Town Profiles Connecticut Economic Resource Center (n/k/a ADVANCE CT)

AVERAGE PRICE FOR SINGLE FAMILY	Killingly, Town Of	Windham County	Connecticut
2019	\$204,678	\$200,234	\$259,129

Zillow Home Value Index (average for 12 months) – (Secondary – CT DATA Collaborative)

Each year, the National Low Income Housing Coalition calculates the “housing wage,” the hourly wage required to afford a two-bedroom rental home without spending more than 30% of the renter’s gross household income on housing. Killingly is included in the Windham County Metro Area. The housing wage in Killingly is \$19.62, which is 25% lower than the State of Connecticut’s housing wage of \$26.42 (Source, 2019 National Low Income Housing Coalition, <https://nlihoc.org/>) The housing wage of \$19.62 comes out to an annual gross salary of \$35,708.40 (35-hour workweek) or \$40,809.60 (40-hour workweek). At these levels, the individual’s income would be classified somewhere between 50% to

80% of the Annual Median Income (AMI) by the Connecticut Department of Housing and would classify for affordable housing assistance.

Connecticut’s minimum wage as of July 1, 2022, will be \$14.00 per hour, or \$5.00 below the necessary housing wage. Someone working for minimum wage of \$14.00 would earn an annual gross salary of \$25,480 (based on 35-hour work week) or \$29,120 (based on a 40-hour work) week. Those salaries range somewhere between 30% and 50% of the Annual Median Income (AMI) by the Connecticut Department of Housing and once again would classify for affordable housing assistance.

To state those facts in a different manner, someone earning \$14.00 per hour would need to work 80 hours per week to meet or exceed the 100% of the annual median income listed below; and someone earning \$19.62 per hour would need to work close to 60 hours per week to meet or exceed the 100% of the annual median income listed below.

**Connecticut Department of Housing – Development Program – Annual Median Income – June 1, 2021**

Household	1 Person	2 People	3 People	4 People	5 People
100 % of AMI	\$ 58,240	\$ 66,560	\$ 74, 880	\$ 83,200	\$ 89,856
80% of AMI	\$ 46,590	\$ 53,248	\$ 59,904	\$ 66,560	\$ 71,885
60% of AMI	\$ 43,260	\$ 49,440	\$ 55,620	\$ 61,740	\$ 66,720
50% of AMI	\$ 29,120	\$ 33,280	\$ 37,440	\$ 41,600	\$ 44,928
30% of AMI	\$ 21,600	\$ 24,700	\$ 27,800	\$ 30,850	\$ 33,350

**WHAT IS COST BURDENED?**

To determine if a homeowner or renter is cost burdened by their residence one looks to compare the percentage of their gross income to what they spend on their housing. If the housing unit costs less than 30% of the annual gross income of the household there is no burden on that household. If the household spends somewhere between 30% and 50% of the household income on housing, then the

household a defined as “moderately burdened.” If the household spends over 50% of the household income on housing, then the household is defined as “severely burdened”.

The following quote sums up the importance of affordable housing in any community. “In addition to meeting the basic need for shelter, housing can also be a component of efforts to promote positive life outcomes for low- and moderate-income families. Research shows that affordable housing has the capacity to help improve residents’ health, access to education, and employment prospects. Conversely, high housing cost burdens are associated with negative life outcomes such as declines in mental health, reduced parental enrichment spending and cognitive achievement for the low- and moderate-income children, and reduced educational attainment among children. Ensuring that policymakers define housing affordability in a way that allows families to obtain quality housing and comfortably pay other nondiscretionary costs is important to helping those families thrive.” (*Defining Housing Affordability*, Published August 14, 2017, <https://www.huduser.gov/portal/pdredge/pdr-edge-featd-article-081417.html>) The writers of this report would like to add the following statement to this quote – When individuals and families thrive, so too the community they are a part of.

According to the 2020 Housing Data Profiles for Killingly prepared by the Partnership for Strong Communities over 54% of our renters face some sort of burden meeting their housing costs, while only 27% of (home)owners have cost burdens; however, those (home)owners that have a mortgage on their units are more likely to be cost burdened than those that do not.

<b>HOUSING COST BURDEN FOR RENTERS</b>	<b>Killingly, Town Of</b>	<b>Windham County</b>	<b>Connecticut</b>
Severe Burden (50% or greater)	25%	22%	26%
Moderate Burden (30% to 50%)	29%	27%	23%
Not Burdened (Less Than 30%)	40%	45%	45%
Not Computed	6%	6%	6%
<b>HOUSING COST BURDEN FOR OWNERS</b>	---	---	---
Severe Burden (50% or greater)	9%	9%	12%
Moderate Burden (30% to 50%)	18%	17%	17%
Not Burdened (Less Than 30%)	73%	74%	71%
Not Computed	---	---	---

(Source – 2018 American Community Survey, 5-year estimates ( - (Secondary – CT DATA Collaborative)

The State of Connecticut reports, the Town of Killingly currently has 467 units of government assisted (financial aid given for construction and/or rehab) living units within the community. The map showing the Town of Killingly Assisted Housing Facilities is enclosed herewith and incorporated herein.

Though we cannot verify the number of people on the waiting lists for all assisted living units, we can verify, the Killingly Housing Authority has a waiting list which contains over 140 names. Many of the people on the waiting list are single elderly females and young disabled community members.

### **LAND USE AND ZONING ASSESSMENT**

The Killingly Planning and Zoning Commission and staff have responded to the changing needs of people needing, or looking for, housing within the Killingly Community. Staff continues to be pro-active in keeping up to date on the most current trends and offerings. Some of the more recent zoning regulations put in place or reviewed and amended to meet these changing housing needs are as follows.

1) Mill Mixed Use Development (MMUD) – “is to provide the opportunity to redevelop former mill properties that are part of the town’s landscape, character, and history.” (*Town of Killingly Zoning Regulations, Section 445.1 Intent, 10/15/2015*) This designation allows for the following uses – single family, two-family dwellings, multi-family dwellings, live-work space, as well as several commercial uses. These regulations were reviewed and amended in October 2015.

The community has a several mill sites located throughout the community which offer redevelopment potential. The Mill at Killingly Apartments, located at 42 Maple Street, was fully renovated, and opened for occupants in January 2020, and the Town was a partner in the redevelopment of that site. Now completed the site offers 32 residential units, they are all classified as affordable units. The Bailey Hill Mill was in the process of being redeveloped into a small village center, containing commercial/retail units, a coffee shop, and residential units when a fire occurred in March 2019. That site is currently the subject of a civil litigation matter, and the Town has no way to know when, or if, the redevelopment of that site will occur. Other mill sites offer opportunity, but only when all the parties – landowners, developers, and the Town – can reach an agreement for the re-development and addressing of environmental injustices.



2) Secondary Dwelling Unit (SDU) – This was created to provide flexibility in housing options in response to the changing needs of families, create new housing units while respecting and maintaining, the appearance and scale of single-family development neighborhoods, provide housing that responds to smaller household size and increasing housing costs, provide opportunities for a younger generation to live independently, and provide an older generation with a means of obtaining rental income, security, companionship and/or care services. Secondary units may be located within a residence, attached to the residence or an outbuilding, or can be free standing. These regulations were reviewed and amended in July 2018.

Applications for secondary dwelling units are increasing. The number of applications for such secondary dwelling units shows that there is indeed a need for this type of residence; however, since the costs of construction of a secondary dwelling unit is often solely on the shoulders of a landowner, usually occurs when both the need arises, and the landowner has the financial capacity to start construction.

3) Planned Residential Development (PRD) – This was created to provide for controlled flexibility in land development schemes, establish performance criteria for residential development, and establish opportunity for innovative combinations of housing. There are two types of PRD, 1) Independent Residential Living (IRL), and 2) Residential Life Care Communities (RLCC). These regulations were reviewed and amended in August 2017. Currently, most, if not all, multi-family units are developed under PRD.

Planned Residential Development is extraordinarily successful. A recent example of a PRD is Westview Country Living (WCL). WCL is a 74-unit development for the “well-elderly”. Seniors that need little to no assistance with their day-to-day self-care, but no longer wish to live on their own. WCL was fully occupied when it officially opened, and to this day has a waiting list of future tenants. Though this development is not considered affordable housing, it provides a particular type of residence for the people of the community.

The next page has two charts which show the type of residential housing allowed in each zoning district for both the Town of Killingly Zoning Regulations, and the Borough of Danielson Zoning Regulations. Please note that multi-family units are allowed under Planned Residential Development.

Town of Killingly ZONING REGULATIONS	SINGLE FAMILY	TWO-FAMILY	MULTI-FAMILY	SECONDARY DWELLING	PLANNED RESIDENTIAL	CLUSTER FLEX DEV	LETTING OF ROOMS	CONVALES ELDERLY	LIVE / WORK SPACE
RURAL DEVELOPMENT	ALL	ALL	NO	ALL	SP	SP	NO	NO	
LOW DENSITY	ALL	ALL	SP	ALL	SP	SP	SP	SP	
MEDIUM DENSITY	ALL	ALL	SP	ALL	SP	SP	SP	NO	
PROF. & BUS. OFFICE	ALL*	ALL	NO	NO	NO	NO	NO	NO	
VILLAGE COMMERCIAL	ALL*	NO	NO	NO	NO	SP#	NO	NO	
GENERAL COMMERCIAL	NO	NO	NO	NO	NO	SP#	NO	NO	
INDUSTRIAL DISTRICT	NO	NO	NO	NO	NO	SP#	NO	NO	
LIGHT INDUSTRIAL	NO	NO	NO	NO	NO	SP#	NO	NO	
MIX USE INTERCHANGE	NO	NO	NO	NO	NO	NO	NO	NO	
BUSINESS PARK DIST	NO	NO	NO	NO	NO	NO	NO	NO	
FLOOD HAZARD DIST	SP*	NO	NO	NO	NO	NO	NO	NO	
MILL MIXED USE DIST	ALL	ALL	ALL	NO	NO	NO	NO	SP	ALL

Borough of Danielson ZONING REGULATIONS	SINGLE FAMILY	TWO-FAMILY	MULTI-FAMILY	SECONDARY DWELLING	PLANNED RESIDENTIAL	CLUSTER FLEX DEV	LETTING OF ROOMS	CONVALES ELDERLY	LIVE / WORK SPACE
RESIDENTIAL MEDIUM	ALL	ALL	NO	NO	NO	SP	NO	NO	NO
RESIDENTIAL HIGH	ALL	ALL	ALL	NO	NO	SP	SP	SP	NO
GENERAL COMMERCIAL	ALL*	NO	NO	NO	NO	SP	NO	NO	NO
CENTRAL BUS. DIST	ALL*	NO	ALL	NO	NO	NO	NO	NO	NO
INDUSTRIAL ZONE	NO	NO	NO	NO	NO	SP#	NO	NO	NO
FLOOD HAZARD DIST	SP*	NO	NO	NO	NO	NO	NO	NO	NO

**Legend:**

ALL – Allowed

SP – Special Permit

NO – Not Allowed

\* - Special Requirements must be met.

## **PLAN GOALS, POLICIES AND ACTIONS**

**Goal** – Housing in both quantity and quality, available for the full range of income levels, for all ages, and inclusive of people with varying special needs. Said housing should complement the positive natural and cultural characteristics of the Town

**Policy** – Promote and maintain an adequate supply of housing at, and for, all income levels.

**Action** – Adapt existing non-residential buildings for residential use where appropriate.

**Action** – Put covenants into place on affordable housing to ensure the long-term or permanent affordable status of these units.

**Action** – Promote higher density housing capability.

**Action** – Research and implement programs that create an increase in the number of owner-occupied rental properties.

**Policy** – Provide housing options for populations with special needs.

**Action** – Work with social service providers and public agencies to locate support facilities and infrastructure that compliments housing (affordable and needs based) development.

**Action** – Encourage the production of a range of housing types for the elderly and for people with disabilities in areas that are served by the proper support facilities and infrastructure.

**Policy** – Ensure housing development matches the needs of the Town and blends with the existing infrastructure.

**Action** – Review, revise, and amend the zoning regulations and subdivision regulations as necessary to keep the regulations as current as possible with attention to housing opportunities.

**Action** – Continue staff education on most current housing trends and governmental regulations.

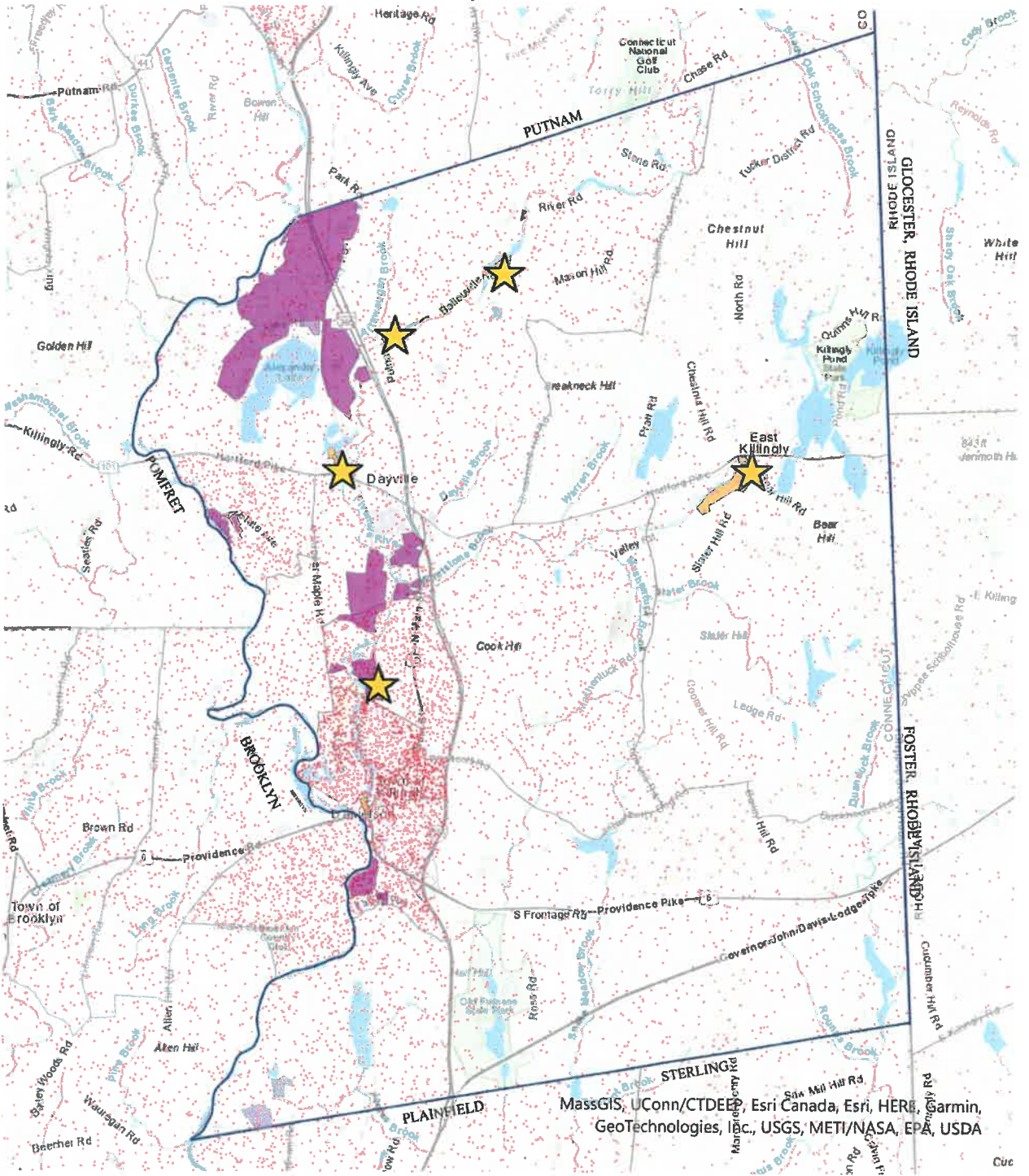
**Action** – Staff collaborate with developers to make them aware of the need of housing for the Killingly community, and to keep them aware of the Town's expectations.

## **IMPLEMENTATION STRATEGY**

Staff realizes that they are the front-line workers in making this plan a reality. Staff also realizes that to succeed they will need to work with other various municipal boards and commissions, various state agencies, including various financial programs run by the state, landowners, and developers. To create more affordable housing within the community will be a process and will not be accomplished overnight; however, it is a process that can be and will be done. Staff members have worked on these types of projects in the past and will take those lessons learned to make future projects better.

# Mapping of Potential Mill Housing

★ Potential Mill Housing Locations



# Town of Killingly Assisted Housing Facilities

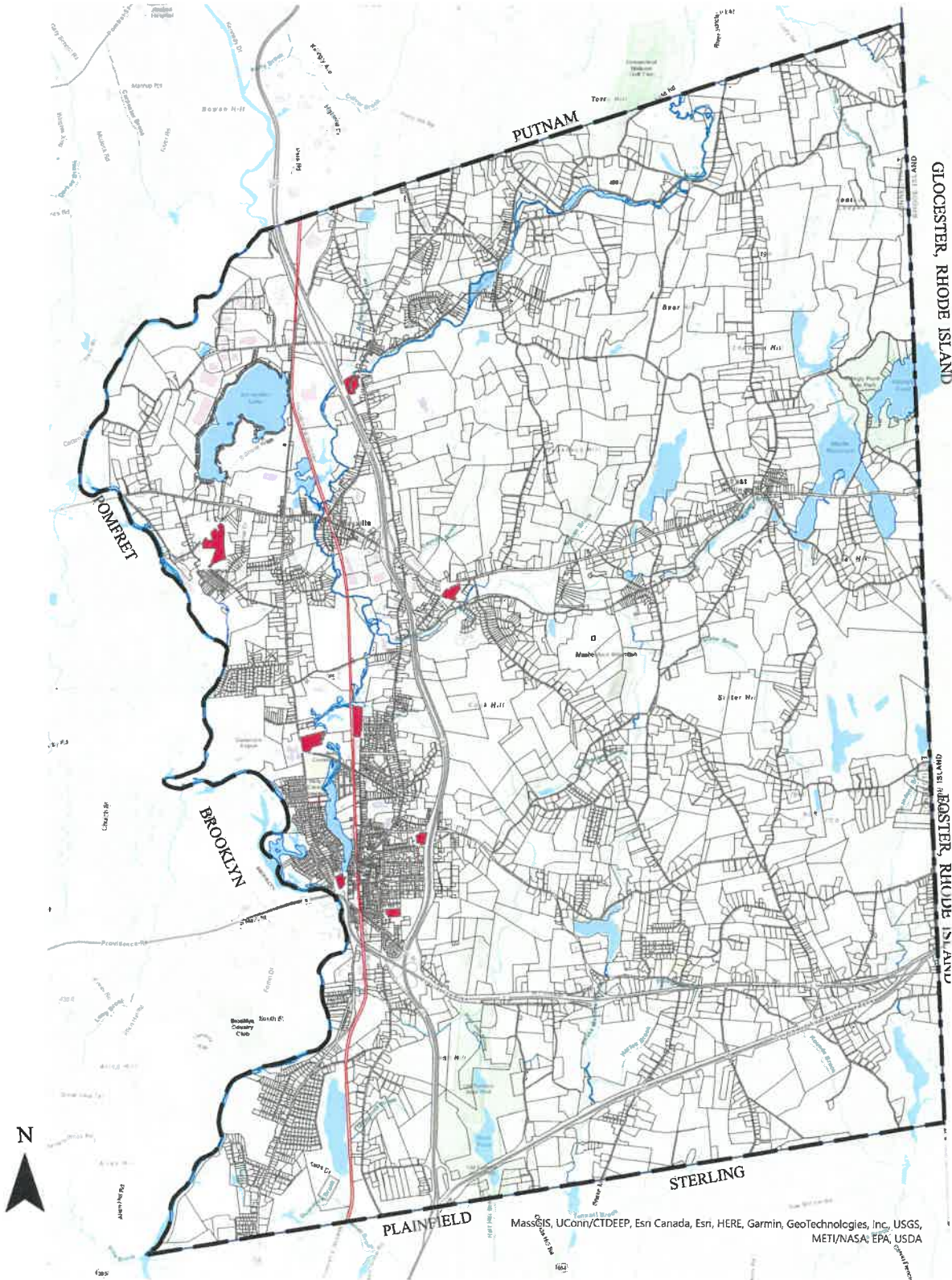


## Assisted Housing Facilities

Total Government Assisted Housing Units = 467\*

Name	Units	Name	Units
Birchwood Terrace	40	Primrose	57
Huntley Road	14	Dayville Affordable Housing	116
Maple Courts	123	Davis Place	38
Mill at Killingly	32	Westfield Village	43

\*This number includes Group Home Facilities that are not mapped for privacy purposes. Not included in the above total figure or mapped are the tenant rental assistance recipients, single family CHFA / USDA mortgages or Deed Restricted Units. The total affordable housing units are 786 units, that qualify under Connecticut General Statutes (CGS) 8-30g according to 2021 data. That equates to 10.35% affordable housing units.



MassGIS, UConn/CTDEEP, Esri Canada, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, METI/NASA, EPA, USDA

Resolution #22-23

**RESOLUTION INTRODUCING AND SETTING THE DATE OF MAY 10, 2022  
FOR A PUBLIC HEARING ON THE DRAFT AFFORDABLE HOUSING PLAN**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the Draft Affordable Housing Plan is set down for a Public Hearing on Tuesday, May 10, 2022 at 7:00 p.m. in the Town Meeting Room of the Killingly Town Hall, 172 Main Street, Killingly, Connecticut,

KILLINGLY TOWN COUNCIL



Jason Anderson  
Chairman

Dated at Killingly, Connecticut  
this 12<sup>th</sup> day of April 2022

Attest: I, Elizabeth Wilson, Town Clerk of the Town of Killingly, do hereby certify that the above is a true and correct copy of a resolution adopted by the Killingly Town Council at its duly called and held meeting on April 12, 2022, at which a quorum was present and acting throughout, and that the resolution has not been modified, rescinded, or revoked and is at present in full force and effect. I further certify that Mary T. Calorio now holds the office of Town Manager and that he has held that office since March 11, 2019.

  
Elizabeth Wilson, Town Clerk

4-13-22  
Date

(Seal)



TOWN OF KILLINGLY, CT  
PLANNING AND ZONING COMMISSION

RECEIVED  
TOWN CLERK, KILLINGLY, CT  
2022 MAR 29 AM 11:20

**MONDAY – MARCH 21, 2022**  
**Regular Meeting – HYBRID MEETING**

*Elizabeth M. Wilson*

**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

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.

## **MINUTES**

I. **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:03 p.m.

**ROLL CALL** – Brian Card, Virge Lorents, John Sarantopoulos, Michael Hewko, Keith Thurlow (all were present in person).

Matthew Wendorf was absent with notice.

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

**Also, Present (in person)** – Attorney Michael Carey, Law Firm of Suisman Shapiro and Associates; Nicholas Durgarian, Douglas Construction; Jim Rossman, Project Engineer with Stadia Engineering; Steven MacCormack; Jason Andersen, Town Council Liaison; J.S. Perreault, Recording Secretary.

II. **SEATING OF ALTERNATES**

Chair, Keith Thurlow stated that Michael Hewko would be seated as a voting Member for this meeting (in the absence of Matthew Wendorf).

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.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 2633 752 3248 when prompted.

Keith Thurlow read aloud the information regarding citizens' comments. There were no comments from citizens.



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 2633 752 3248 when prompted**

1) **Zone MAP Change Ap #21-1278**; Douglas Construction (Jim Vance/Landowner) & Laurel A. Horne (Applicant & Landowner); 605 Providence Pike; GIS MAP 224, LOT 14; ~177 acres, RD **AND** 613 Providence Pike; GIS MAP 224, LOT 13, ~4.6 acres, RD; request to change zoning from Rural Development to General Commercial. **(CONT. FROM 01/18/2022)**

Attorney Michael Carey, Law Firm of Suisman Shapiro and Associates; Nicholas Durgarian, Douglas Construction; and Jim Rossman, Project Engineer for Douglas Construction, were present to represent the Applicant and gave an overview. Plans/maps were displayed as discussed.

Attorney Carey referred to his Application Narrative dated January 14, 2022 (which was intended to cover all of the issues and was included in packets to Commission Members) that he had submitted in January, and he stated that he feels it still stands. While he said that he would read it, he would point out some of the highlights. He said that it had been expressed, the first time before the PZC, that no concept plan had been presented.

- Two parcels (referred to as Parcel A and Parcel B in the narrative) of approximately 200 acres in total. Parcel A = 187 acres. Parcel B =
- Parcel A has been the site of a legal, non-conforming, gravel mining business for about 20 years (a commercial, if not industrial, activity).
- The change to GC will not introduce alien use concepts to the property or to the neighborhood. It will allow the site to be used for non-residential purposes as it has been. But, non-residential uses more consistent with any nearby residential use. He said that the change to GC would bring an underutilized property to its higher potential, benefiting the Town as a whole. He said that the PZC Members should be mindful that they are charged with acting in the best interest of the Town, not with any particular group of people including residents of nearby properties.
- The Applicant took great care to address the concerns that had been expressed by the public and the PZC during the public hearing on the earlier application.
- They will demonstrate the suitability of this property to be zoned GC.
- Attorney Carey spoke of the Applicant's experience in developing sites and high-quality work.
- He spoke of how, due to the topography, even a large-scale building would not be visible from outside the property.
- He introduced Nicholas Durgarian to present the conceptual plan.

Nicholas Durgarian explained that the conceptual plan identifies four uses allowable in the GC Zone: professional offices; contractor flexible space units; self-storage units; warehouse and distribution. He gave an overview:

- One of the major concerns was that neighbors did not want to lose the natural habitat adjacent to their backyards.

They looked at the Regulations for General Commercial and buffering requirements, met with the Conservation Commission, and Staff for Economic Development. They considered the Town's needs as well as the concerns of the neighbors. They expanded the buffer from 25 feet to 75 feet in the concept plan. The concept plan also shows approximately 100 acres consisting of combined buffer and what they would propose to deed into permanent conservation land. They are proposing that, although the trees would be in the GC Zone, they would be permanently placed into conservation land. The goal is to insulate a well-developed, mixed commercial-use property from the neighborhood and to be able to have a development that respects the neighbors and expands conservation land which is a goal of the POCD. Town-owned land (deeded as conservation) was indicated on the map and Mr. Durgarian noted that this would make it contiguous conservation space.

- This is not spot zoning.

- Lot coverage is far less than the allowable maximum of 65 percent in GC.
- Well above the 25-foot minimum buffers.
- They are proposing approximately 7 percent building coverage. Critical as it relates to concerns raised in the past.
- Regarding the Plan of Conservation and Development (POCD) he explained that the Rural Development Zone is a development zone, not a residential zone. Many of the identified allowable uses don't rely on public utilities. Mr. Durgarian noted that the uses identified in their concept plan would not require the use of public utilities such as public water, public sewer or natural gas.
- Economic Benefits: Mill Rate/Assessment (the four uses identified in the concept plan = a total of 550,000 s.f. at \$1.04/s.f. (based on GC assessments in Town), would generate \$572,000 of positive revenue to the Town). There would be personal property tax as well.  
Some other benefits to the Town: While commercial uses on private land require only a small number of municipal services such as: EMS; Fire; and Police. However, there would be no plowing and no children enrolling into the school system. This would be a significant positive from a fiscal/economic perspective. The Town and local businesses would benefit from jobs (construction as well as permanent) and substantial investment into the Town. There would be indirect growth (other businesses will benefit as well).
- Mr. Durgarian explained that the Town should consider commercial development beyond Killingly as employees from commercial developments in other towns may look for housing in other nearby towns, so Killingly could appreciate increased residential development. It is good to have a balanced development plan (1/3 Residential, 1/3 Commercial and Industrial, 1/3 Green Space).
- The Applicant looked for other GC Zoned properties as it had been previously stated that there are many. Mr. Durgarian explained that there are other GC Zoned properties, however, some are land-locked, are not suitable for redevelopment, are fully occupied, or just not available at this type of scale. This parcel is unique regarding its size, access to I-395 and Route 6, and it would allow for this type of development.
- Mr. Durgarian said that they have already addressed conservation and wetlands. The POCD addresses preserving wetlands especially in Rural Development areas. This concept plan shows (inside the red buffer zone) zero impact to any wetland or protected area. This is based on their walking the site and an initial review done by a wetland scientist.
- General Engineering
  - **Water** - They have domestic water sourced via wells on site. They do not anticipate any issue with domestic water supply for the site.
  - **Fire Service** - They have experience with building where there is no public water available (in these situations, underground cisterns and fire pumps have been utilized). Water would either be delivered to the site or brought in via the wells over time and once the cisterns are full and fire service needs are accommodated for, per State Statute in Code, they would be able to accommodate any kind of fire suppression system needed for these buildings.
  - **Sanitary Systems** – They would be very, very low impact and would be akin to any of the neighbors along Snake Meadow Road or Route 6 - underground leech fields and septic tanks (e.g., storage facility or contractor units would be one bathroom per unit).
  - **Storm Water Management** - Would all be handled on-site. They work with the CT DEEP a lot. Mr. Durgarian said that any storm water improvement and management on this site would be a positive for the surrounding areas.
  - **Heating** on-site would most likely be on-site propane which is not uncommon.
  - **Electrical** would come in on-site. They have looked into rooftop solar. In the past, Mr. Vance had the site evaluated for solar and there was not enough conveyance availability on Route 6 to take what the 80+ acres of array could produce. Mr. Durgarian explained that a private development can install rooftop solar, and he explained about net metering where you supply power to yourself and you don't have to convey power back onto the lines, which ultimately reduces your overall power consumption on-site. He said that this is something that could be looked into.
  - **Traffic Impacts** – CT DOT would evaluate Primary traffic. Mr. Durgarian stated that they had a traffic engineer look at this concept plan and the engineer's opinion was that an initial review would absolutely show that that the infrastructure of Route 6 would be able to handle a commercial development of this

nature. However, Mr. Durgarian stated that there is a level of engineering that would have to go into it, and it would have to come before the PZC at that time.

**QUESTIONS/COMMENTS FROM COMMISSION MEMBERS ON THE CONCEPT PLAN:**

- **Michael Hewko** asked about cisterns and sprinklers and storm water run-off and where the storage areas are.  
Mr. Durgarian explained that, where sprinklers are required by Code, each building would be handled separately and the water source for the sprinklers would be the cisterns. He explained about determining size and location. He explained that pumps are part of the building mechanicals. EMS services would come after the water is already running. Domestic water would be from the well
- **Virge Lorents** asked about electricity for the fire-suppression system during a power outage.  
Mr. Durgarian explained that it would be either a generator or diesel backed-up pumps.
- **John Sarantopoulos** asked how much of the 100 acres is wetlands, about the agreement with the present owner of the gravel operation regarding intent because this is a similar activity that is going to be taking place there.  
Mr. Durgarian was not sure, but he stated that they had reviewed the IWWC maps and are planning on putting more into conservation than there is wetland. The majority of the wetlands is on the west and Norton Brook is on the opposite side (the areas were indicated on the map).  
Ms. Aubrey explained that the agreement for the gravel operation is no longer in effect because they have pulled out and have gone away. Ms. Aubrey stated that she believes that, regarding the extent of the similarity, it was meant that it was a commercial enterprise, and they are planning on continuing a commercial enterprise.  
Attorney Carey stated that Ms. Aubrey's above statement regarding the gravel operation is correct. There was discussion: Ms. Aubrey explained that the last renewal was a year or two ago. She added that they also had requested their bond because they ended their operation, and the bond was returned to them. The existing permit is null and void. If the Applicant purchased the property and wanted to continue the gravel operation, they would have to apply for a whole new permit underneath the new Regulations.

**Mr. Durgarian Continued His Presentation:**

- Mr. Durgarian explained about and indicated the locations of proposed storage units, warehouse, contractor units (1,500 s.f. units, office space in front with a roll-up door) and a layout for single-story offices. He explained that there is a demand for office space adjacent to parent companies that they do business with.  
Mr. Hewko asked about retail. Mr. Durgarian stated no retail. Mr. Thurlow gave a reminder that this is a concept plan.
- Mr. Durgarian explained that he feels Rural Development is really Remote Development because it doesn't require the public services of the Town as it relates to public utilities. It is development that can be appreciated without the need of the public services, with the exception of EMS and those type of things. Rural Development is not sprawling meadows/untouched land/green space/open space. He said that everything in this area is zoned Rural Development. He feels that the four uses on the concept plan could work here. He explained that they could have submitted applications for four text amendments to allow the four uses in the current zone. However, because these four uses are already allowable in the GC Zone, and because this parcel and the re-zone fall so well within the POCD, and because there is GC just to the north, they felt to most efficient route was to go for a re-zone.
- Mr. Durgarian explained the topography (maps showing approximate current condition of the site were displayed). Almost half of the developable area has already been disturbed. They are hundreds of feet away from Norton Brook. He explained that, due to the topography, the development would be set down significantly from the adjacent areas and, with the building height limitations in GC, there is no way that this development would visually impact Route 6 or Snake Meadow Road (regardless of the vegetated buffers or conservation land being proposed).
- Mr. Durgarian explained the elevations (map showing elevations was displayed). He noted that even if they were to raise the average, existing grades inside what has presently been disturbed as much

as 20-50 feet and then put a 50-foot building on top of it, you would still be well below the crest at elevation 585 looking west from Snake Meadow Road.

- Traffic and Commercial Activity Impact on the Area – The only real access the former gravel operation had was from Snake Meadow Road (which is a State Highway) or the road just to the left. The Applicant is proposing main, primary access from State Highway Route 6. There are other existing commercial operations off of side roads.

Mr. Sarantopoulos read from Section 560.1.c and d of the Regulations regarding excavation operations being restored and protection of property values and quality of life for neighbors. Jonathan Blake explained that the operation was legal, non-conforming and about goals of excavation work and that some restoration work had been done which was okay under the previous regulations. There was no significant grade change in that area since 2019 (photos displayed were taken in 2019). Mr. Blake explained that the newer Regulations are stricter.

There was discussion regarding allowable uses in the RD Zone such as State Recycling Facility and Planned Residential Development.

Jim Rossman, Project Engineer with Stadia Engineering, stated that medium residential development does not require public sewer and water.

Mr. Thurlow clarified, for the record, that more land is required in medium density (40,000 s.f.).

Attorney Carey read aloud from a list of permitted uses as of right with site plan from Section 410.1.1 of the Regulations under Residential Rural Development. He noted that all of which would be significantly more intense than the concept plan.

Mr. Durgarian stated that they look at the Regulations and the POCD and try to create alignment for the Town. He gave a reminder that this is a hearing for a zone change which doesn't allow them to do anything. It gives them an opportunity to come back before the Commission and present something to go on this lot. He explained that the goal of the concept plan is compromise and collaboration taking the previous comments from the public into consideration and to work with the PZC.

Attorney Carey referred to his Application Narrative (dated January 14, 2022).

- Page 5, Item 3 – Regarding a need for more GC Zoned properties in Town. Mr. Durgarian indicated the surrounding zones.
- Page 5, Regarding Conservation and Wetlands – The conservation land proposed would encompass the majority of the property. This development would benefit all the abutters in terms of leaving land in its natural condition. The hillside which forms the natural buffer would remain treed. Large portions of the property already lack trees. Removal of trees won't happen to any large extent. Vistas would remain as they are.
- Technical/Legal Matter – If Route 6 is considered to be satisfactory or adequate to deal with the traffic generated by the current RD Zone, then it has to be deemed to be adequate to deal with any traffic that could come from the GC Zone given the various uses that are allowed in each of those zones.
- General Zoning Procedural Matters - He read aloud from Page 7 of his Application Narrative (dated January 14, 2022).
- Regarding the POCD (Page 9 of his Narrative), Attorney Carey explained that it is a planning document, but the PZC is not bound to follow it, however, he saw nothing that suggests that this property should not be zoned GC. He said that he did find ways that it strongly supports the Application. This property is much more suitable in the GC Zone. The uses discussed would not be large traffic generators and Route 6 would be able to handle any use permitted in the GC Zone. He stated that GC allows for it to be near residences and he referred to Section 410.2 regarding buffers. Attorney Carey stated that the Applicant would almost certainly be required to plant additional trees and shrubbery at the perimeter of whatever projects are built.
- Attorney Carey referred to Section 902 Criteria for Zoning Map Amendments (Page 10 of his Application Narrative). By contrast to the potential of the GC Zone, the RD Zone is less appropriate for this property. He said that conditions have changed since the POCD was enacted and that there

were no supply chain disruptions, at that time, which leads to things like creation of more warehouse space.

- Effect on the Surrounding Area (Page 10 of his Application Narrative) – They feel that this concept plan would have less of an impact, if anything, on the neighboring properties than would most of the uses allowed in the GC Zone.
- Neighborhood Acceptance Weighed Against Community Needs – (Page 11 of his Application Narrative).
- Attorney Carey referred to Page 6/78 of the POCD which speaks about Killingly being a “crossroads community” due to its location near Route 395. They suggest that Route 6 has the same capacity. This is not only a benefit to Killingly, but to the entire region.
- Attorney Carey referred to Section 3.2 of the POCD – Economics (Page 12 of his Application Narrative).
- Attorney Carey referred to Section 3.2 of the POCD regarding Goals and Policies (Pages 12 & 13 of his Application Narrative) and he described how this proposal would be consistent with the policies and actions of the POCD.

Attorney Carey stated that, from a legal standpoint, the Applicant has demonstrated that the Application ought to be granted, would be of great benefit to the Town of Killingly as a whole and would not be a detriment to anybody in the Town of Killingly. He feels that they have addressed all the concerns that they have anticipated that neighbors and other people from Town could have. He asked that the Application be granted and offered to answer questions.

#### QUESTIONS/COMMENTS FROM THE COMMISSION:

- **Keith Thurlow** asked about the additional property and how this application is different from the previous application.  
Mr. Durgarian indicated the location of the property and explained that with the previous application, they did not have the concept plan and they have come with substantial more information and a complete application. Additionally, the abutter to the east has agreed to be part of the Application to also be rezoned to GC. He explained that the abutter’s property is not on the concept plan because it had already been created. But that does not change the ability to present the plan tonight.
- **John Sarantopoulos** referred to Section 560.d – regarding excavation operations and protecting property values and quality of life. He read from Section 420.2 regarding intent – adjacent to. Rural development all around which is the concern of the neighbors. Village concept did not create a mixed uses area. Minimum of ten acres.  
Mr. Durgarian, again, explained about Rural Development being detached from public services and spoke about some allowed uses. He explained that anything that they would do would be done to today’s standards. They would be improving what is there. He said that it is a concept plan, and they are open to suggestions and comments. They are not opposed to working with the neighbors and the Town. He explained that Douglas Construction is now a stakeholder in Killingly and they are looking to spend money in Killingly and that should be viewed as a good thing.
- **John Sarantopoulos** referred to and read aloud from Sections of the Regulations regarding Intent and he spoke about the Village District. He commented that you need 10 acres, and he made a distinction between the two properties because of the need to have access to the property.
- **Brian Card** stated, for the record, that he appreciates the site plan, but the uses presented, although they are what the Applicant feels are appropriate, are not the only uses allowed. He commented that everything in GC and Village Commercial would be allowed and some of the uses in GC might have a higher traffic count than what Rural Development does. They have not evaluated every single use. He asked if they could provide data to support the facts collected in their report regarding interest in GC, existing GC land - developed land vs. undeveloped land vs. what is available to be redeveloped. Attorney Carey explained that information regarding interest in GC land came from Staff. Mr. Durgarian explained that he does not have hard data, but that they had looked for GC land and did not find anything suitable or that could accommodate what they are looking to do. He said that if

there are GC zoned properties that could accommodate what they are looking to do, they would be happy to look at them. He stated that they have been looking at properties for quite some time and that they had just closed on a 54-acre property on Route 101 (behind Aldi's) and are under contract for another 50-acre property on Route 12 (90 Putnam Pike).

There was discussion regarding how the Applicant could come back with something different than what is on the concept plan. Mr. Durgarian explained that he wouldn't want to ruin his reputation as an investor in Killingly and that these are the uses that they are contemplating for the site. They were trying to accommodate the request for a concept plan from the PZC when the previous application was denied.

Attorney Carey added that existing conditions on the site would militate against of the most uses that would be allowed in the zone that the Commission might find less attractive than the ones presented. The topography offers protection to the neighbors. You can't condition the approval on representations made during the process.

**QUESTIONS/COMMENTS FROM THE PUBLIC (all attended the public hearing in person):**

**Bruce Aiken**, 785 South Frontage Road, stated that one of his concerns is the lack of concern by the Applicant toward the neighbors. Theoretical statements were made regarding a concept and tax revenue. Effort was made for protection of Snake Meadow Road residents, but not for South Frontage Road residents. His backyard is 430-450 feet above sea level, and he can see the entire site from his back deck. He is concerned about traffic safety due to a lot of accidents on Route 6 and he said that it is all back roads to get to I-395. He feels that a warehouse would increase traffic significantly. He is also concerned about downward lighting which he would see from his backyard. The northwest corner, where the road turns, is under water when it rains. Another of his concerns is impact to his well if there are multiple wells drilled.

**Edith Cote**, 583 Providence Pike, her basement has flooded during a hundred-year storm because of what had been done years ago due to putting the road in. She feels that additional changes could make things even worse for her property. She is also spoke about current traffic on Route 6 which makes her house shake when trucks go by, and she is concerned about a distribution center causing more traffic coming through.

**Ms. Cote also voiced concern for a neighbor** – He asks where the water for fire suppression would come from and if a pump is put in to supply the storage tank, could it drain the neighbors' wells?

**Kevin Allsworth**, 85 Snake Meadow Road (abutter to the property), stated that nobody is against the Applicant developing his property, but Mr. Allsworth feels that he is being disingenuous that there are no definitive plans. He is concerned about traffic and lights. He feels that they don't need to change the zone if he doesn't have a plan. This is a rural residential area, and they live there for a reason. He feels that that need to come in with an actual plan.

**Gill Simmons**, 129 Snake Meadow Road, submitted (to Staff) a petition, against changing the zone, which he said was signed by over 50 percent of the abutters. He said that abutters do matter.

**Melissa Phillips**, 635 Providence Pike, (abutter to 613 Providence Pike) is concerned about noise, lights and traffic. She feels that a warehouse is not a lesser, traffic-producing use. She feels the plan goes against the POCD regarding preserving the rural character of the Town. She is concerned about home values in the area. She feels that not disclosing the intent is bothersome (a red flag). She asked about four uses on the same parcel.

Ms. Aubrey explained that they were showing uses that are allowed under GC. The Applicant constructs certain types of GC buildings/structures. It is a conceptual plan showing what could go on the campus (there can be more than one use on the lot).

**Ms. Phillips continued** - Another red flag for her is, if they know that Route 6 is suitable, they must know what they want to put there. She is concerned about Route 6 traffic. She feels that, due to things that were said during the presentation (suitable to help with supply chain disruptions), it will be a warehouse and she is

concerned about trucks, lights and noise on Route 6. She feels that there is no comparison of Route 6 to I-395.

Chair, Keith Thurlow, called a five-minute break at 9:01 p.m. to allow time for the signatures on the petition to be verified.

Mr. Thurlow called the meeting back to order at 9:21 p.m.

**CONTINUATION OF QUESTIONS/COMMENTS FROM THE PUBLIC (all attended the meeting in person):**

**Steve Severino**, 88 Snake Meadow Road, feels that this is no small zone change, this will be a whole business park. He is concerned about traffic on Route 6. He said there is other land already zoned commercially on Westcott Road and Rock Avenue. He read aloud from Section 3.5 of the current POCD regarding Land Use. He feels that this property does not fit with the POCD that this is all rural.

**Steven MacCormack**, 8 Wolf Den Road, Brooklyn, CT, owns property in Killingly and feels that re-zoning would be dangerous for Killingly and would open a Pandora's Box in the neighborhood. He stated that the GC Zone is the broadest commercial zone and mentioned things that could come into Town, such as a 2 million s.f. distribution center, hotels, amusement parks, water parks, football/recreation stadiums, He is concerned about traffic and the impact that a large development would have on the aquifer.

**Carol Cooper-Riley**, Cook Hill Road, is very familiar with Route 6 and traffic is her biggest concern. She has seen many accidents on Route 6 and stated that we should be very careful about what is allowed because Route 6 can only support so much traffic.

**Jason Anderson**, 125 Lake Road, feels that the Applicant discredited the neighbors' concerns. He is concerned about impacts, from traffic/safety, noise and lighting. All the people living along Route 6 will be impacted by the traffic and noise caused by it. Douglas Construction never came before the Town Council for an opinion. There is an important balance between growth in the community and maintaining the rural nature of the community. He explained that the Town Council wants to develop a Vision Commission to get an idea of the long-term direction that Killingly would want to go in. He commended the PZC for all the work that they do as volunteers. He asked if Douglas Construction would consider offering property owners, surrounding the facility, a property-value guarantee as NTE did. He stated concern about the refresh rate of the aquifer and how it could impact neighbors. He feels that something should be put into place (similar to what NTE did) so that there is money available to help homeowners if their wells run dry. He wants to see growth, but we need to look at areas to have industrial development because there isn't much room left in the Industrial Park. He has concerns regarding changing the zoning on a parcel like this, where it is rural residential, without a concrete plan in place for what is going to go there.

**Randall Simmons**, 107 Snake Meadow Road, is concerned about his 5-foot dug well and is concerned about traffic on Route 6. He said you don't know what it is like if you don't live on that road. South Killingly has always been rural, why change it? He noted that the Industrial Park is 166 acres, and this parcel is 187 acres.

**Debra Saritelli**, across the street from the property, is concerned about lighting, noise and traffic. She spoke of many accidents that have happened near her home.

**James Saritelli**, 560 Providence Pike, stated that this is just a conceptual plan and, if this gets approved, there is no going backwards. He is concerned about the traffic and spoke of the many accidents near his home and about difficulty getting out of his driveway due to traffic. He voiced concern about erosion and spills to Snake Meadow Brook because there has been no mention of it. He said that the Westcott Road property is no comparison to this type of project and that area is more suited to this type of commercial use. He said that the gravel pit had a very, very low impact to the residents. The South Killingly Fire Department is a very small volunteer Department, and this project may be a big burden to them.

There were no public comments via Zoom call-in.

Ms. Aubrey gave a summary of comments that had been received via mail or e-mail (all were posted on the website and had been provided to Commission Members):

- Kristie Wallis, 71 Halls Hill Road, letter in opposition, dated January 10, 2022.
- Laurie T. Crafts and Glenn R. Crafts, 105 Halls Hill Road, e-mail in opposition, dated January 16, 2022.
- Donna Bronwell, 699 Bailey Hill Road, e-mail giving her personal opinion in opposition, dated January 18, 2022.
  - Mike Montville, 30 Griffiths Road, email in opposition. He suggested that a stop light at the intersection be installed, his major concern was traffic, email was dated March 18, 2022.

**Jim Rossman, Project Engineer with Stadia Engineering**, gave an overview of the following topics:

- **Traffic.** He explained that, currently, Route 6 in this area is classified as Class "B" highway by the State of CT. The Traffic Engineer has looked at the number of accidents, where they took place, and the root causes, and still assessed the impact of this development, given the uses shown in the concept plan, saying that the carrying capacity of Route 6 is still adequate to maintain the volume which would be generated by this development.  
A site plan with full engineering design, including traffic engineering, would have to come before the PZC for approval. If approved, it would then go to the DOT to the Office of State Traffic Authority for their review (he explained what this review would entail). If a traffic were deemed necessary, Douglas Construction would be responsible for the cost.
- **Storm Water Management** – Under the current Regulations it would come before both the IWWC and the PZC. They would have to submit a full water quality management design, including E&S control measures that would support and show that they are maintaining the current run-off rates given the change in material permeability on the site. They would have to deal with how to mitigate that run-off and how to ensure that the water that left the developed site would be maintained in a clean and uniform fashion so that all of the downstream recipients would get the same water quality, or better, coming off of our site, as it currently receives.
- **Fire Use of Water** – It would be private supply wells which would serve by building. He said that regarding recharge rates of the aquifer, we are talking about minimalistic demands for the uses that are shown on the concept plan. The re-charge rate of the aquifer, although difficult to quantify, is not unquantifiable. A hydrologist could address those questions. He said that well supply would be small, domestic demands for sanitary washing/septic systems. He said that as we move forward with development potential, each one of the categories would receive scrutiny by NDDH for public health code compliance. So, they would have to demonstrate the water use and water demands. They would also have to show how the extraction of water wouldn't be detrimental to the areas that are served.  
Wells would not be utilized directly for fire suppression. The well would be used to supplement the cistern so that the cistern would always be full in the event of an emergency (they are designed to cover the first hour of an emergency). Every fire department has tanker trucks which deliver water to the site. It would be part of the building process for the mechanical and plumbing engineers to determine the water demands based on building code. The sizing would be shown on the site plan and would be reviewed by the Fire Marshal who would ensure that compliance was met for each of those demands.
- Regarding comments made about traffic/speeds/operational areas, Mr. Rossman explained that no developer has the authority to control the operation of motor vehicles/trucks on a given road. Mr. Rossman stated that he travels on both Snake Meadow Road and Route 6, and he gave his opinion that with keeping the development traffic off Snake Meadow Road and utilizing the connection with the Route 6 corridor, you're using the highest category road to maintain the lowest amount of traffic that could be generated by this site. There is no proposed activity where the traffic would move from inside the site out onto Snake Meadow and then up to the intersection of Snake Meadow and Route 6, nor would it travel south through the site to other connections either via Ross Road or down to Route 14 or across, over to Foster. He said that, in a Traffic Engineer's Study, each of those intersections and routings would be reviewed and discussed in the Report. Those concerns would be addressed at a site plan level, not a zone change level.



- Drainage & Hydrology Design Under Site Plan Analysis – Engineers would look at the topography and the availability of watercourse routing. He said that they would look to maintain the current routing pre-development and post-development. In an effort to manage the higher-volume storms, newer rainfall categorization has been coming from the DEEP, and he explained that they have looked at several management methods to slow or mitigate water that is generated by the site: how do we hold it; how long does it take us to release that water; and then, whether or not that poses any detrimental use for the downstream, adjacent property owners.
- Regarding the larger storms, he explained that no site design in Connecticut will handle a hundred or 500-year storm.
- Regarding on-site and off-site flooding, he explained that they would look at the historical values that have come down the pike over the areas so that they could see where water is collecting, how quickly it is being distributed into those locations and then, try to devise methods that would attenuate those flows. He gave examples of different methods; one being creating lined ponds that would be part of the fire-suppression system (which would come under site design and would be designed and developed under advisement with the Fire Marshal). He stated that all these things are at the site plan level, not the zone change level, so while they can address general concerns, they cannot talk about specifics.

**Mr. Durgarian** addressed some of the other comments that had been made:

- Rural District – He explained that it is a rural development district and the characterization of it as a residential district is not 100 percent with what the ordinance actually states. He said that there is development potential in the current RD Zone.
- GC Zones popping up all along Route 6 – He explained that, unless the GIS mapping is not up to date, there are not.
- Accident Data – He explained that they have found that a lot of the accidents have occurred late at night and there have been deaths under the influence. He stated that he is not trying to discredit the traffic concerns along Route 6, he does not live there or deal with it on a daily basis, but all they can do, as developers, is trying to review the impacts from the development and try to improve the safety on the Route 6 corridor. He said that they have considered this. He explained that there are pros and cons regarding intersections and traffic lights.
- Building Size – The concept plan represents 550,000 s.f. He stated that this is not a big number in this type of development, and he explained how they calculated the revenue that could be generated by this development.
- Soils Contamination – He explained that he doesn't think that there is a use in all of the GC that allows for any kind of hazardous use that would create some sort of contamination to wetlands. He explained that there are a number of development opportunities in the RD Zone that would disrupt the land in the same way that GC development would disrupt the land and you must look at the uses to see whether they generate any kind of hazardous or waste material that could contaminate the aquifer or the wetlands. He said that those uses don't exist in the GC Regulations or the RD Regulations. He explained that whether they develop the site under GC (zone change) or RD, they are moving the earth, doing Civil Engineering and putting buildings up.
- Comparing Douglas Construction to Other Developers/Stakeholders in Town – He stated that Douglas Construction has not done anything to demonstrate that they are not people of their word. They were asked for specific things and have provided those things. He doesn't think it is fair to consider not working with Douglas Construction on this zone change because they may not be being transparent. They have been trying to supply all the information that they can, and he said that they haven't been around for 62 years because they are bad or not people of their word. He said that they would be open to a way for the Commission to keep them to their word on paper. They take their reputation as developers and individuals seriously.
- Property Value Guarantees – They have never considered it before and have never had a development where property values have been damaged. He said that he isn't opposed to considering it and would like to review the language.

**Attorney Carey:**

- He commented that, in terms of being able to bind the Applicant to the concept plan or representations made tonight, the Regulations, to a large extent, allow the Commission to do that. Not by imposing conditions on a zone change, but he referred to, and read aloud from, Sections 720.4 and 740 regarding Special Permit.
- Regarding a comment made about discrediting the neighbors, Attorney Carey stated that they certainly did not mean to do that, and he stated that they took great pains to convey that they respect the neighbors and their right to express their concerns.
- Attorney Carey stated that he has never heard a suggestion that, preparatory to going before the PZC, an Applicant should go to the Town Council, Boar of Selectman, or any other politically based authority in a Town. He feels it would be wrong to do that.
- Regarding the letter from the person who does farming – He explained that agriculture is a permitted use in current RD Zone and agriculture tends to produce a good deal of run-off that may be damaging to other properties (golf courses also which are permitted in the RD Zone).
- Regarding Traffic Volume – The only expert evidence regarding the capacity of Route 6 was the testimony by Mr. Rossman who referenced the Traffic Engineers who were engaged to work on this project. Everything else is anecdotal, although nobody is questioning the sincerity.
- Attorney Carey commented that, if the Commission considers things discussed like aquifers, pollution, animals and habitats, it might make any decision, one way or the other, problematic. The Commission would have the ability to deal with those things through special permit.
- In closing, Attorney Carey stated that they have presented an application that has tremendous merit and he asked that it be granted.

**Mr. Durgarian** commented about Brian Card's comments from when the previous application was denied, requesting a conceptual plan regardless of what the Commission is entitled to for information. Mr. Durgarian explained about the work that they did since then to prepare this Application as it relates to, and beyond, the matter at hand. He feels that they have demonstrated that the good will is there. He stated that they sent a letter to the abutters when they decided to continue with another application.

**QUESTIONS/COMMENTS FROM STAFF:**

**Jill St. Clair** reported that after reviewing the Application at its March 2, 2022, meeting, there was a unanimous consensus by the EDC in favor of the zone change (Memo dated March 15, 2022, was included in packets to PZC Members). She gave background on how the EDC reached its decision to recommend the zone change.

Ms. St. Clair spoke about quality of life (personal economics) and the quality of place (the overall community economics and fiscal health) in the POCD. Census information was displayed. She explained Key Performance Indicators:

- Median age of population in Killingly
- Economy (manufacturing/transportation/warehousing)
- Wages
- Stakeholders are looking for light warehousing
- Tax Base/Grand List
- Business retention and expansion within our community
- Attracting new business to our community is the hardest thing to do in Connecticut
- Killingly is a Sustainable Community

Ms. St. Clair explained why she supports this Application. She explained about community service ratio. The EDC believes that this proposed, Rezone Application can provide sustainable growth and have a positive societal impact and would be an appropriate reuse of a gravel excavation site.

**Ann-Marie Aubrey** explained that Staff has worked with the Applicant and has repeatedly asked him to look through the Regulations and show us how you have met our Regulations. She stated that the way that they submitted the Application shows that they followed the directions.

**QUESTIONS/COMMENTS FROM COMMISSION MEMBERS:**

**John Sarantopoulos** commented about Attorney Carey's earlier reference to the special permit section of the Regulations. Mr. Sarantopoulos commented about how the voters determine quality of life when approving the budget. He commented that wanting to keep this area "The Quiet Corner" is detrimental. He explained that people don't like change. He expressed agreement with Mr. Anderson regarding the property value guarantee that he had suggested.

Attorney Carey explained that he was pointing out that if the PZC grants this Application, it would have the ability, later, to take into account the kinds of conditions and concerns that were expressed tonight.

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

**Attorney Carey** asked about the petition and stated that he would like the opportunity to review it to ensure that it meets the Statute.

**Attorney Ken Slater** explained to the Chair that it does not need to be done during the public hearing. He offered to give a preview and he explained that if it were a valid petition, it would require four of the five voters to be able to pass it. He explained that the Town Ordinance is different than the State Statute. The State Statute requires that the persons that file the petition take up 20 percent of the area within 500 feet. Attorney Slater explained that the validity of the petition is not something that the Commission has to decide, and it is not something that the Applicant has to be heard on. If it is not interpreted correctly, it is subject to legal challenge. The Town Ordinance provides for 20 percent of the lot owners. He is not seeing an Ordinance that is inconsistent with the State Statute. He said, in this case, the Town Ordinance may govern as it is more restrictive, in some instances, than the State Statute. He said that he would allow Attorney Carey to review it and provide feedback before Staff publishes it. Attorney Slater explained about how the vote of the Commission would determine how it would pass or be denied due to the petition and whether the Town Ordinance would override the State Statute.

**Attorney Carey** asked if the Commission intends to act tonight. He feels it is important to know whether the petition is valid before the Commission votes as he feels that it could have a potential effect on the vote.

**Attorney Slater** advised the Commission that they should not hold off on voting because of the petition because the names of the persons who filed the petition have been submitted into the record and are available. Whether or not the petition is legally valid should not come into play.

**Attorney Carey** stated that he is not asking to have the hearing held open because of this. He said that it seems that the hearing is over.

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

Second by Virge Lorents. No discussion.

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

Motion carried unanimously (5-0-0).

**Attorney Slater** explained to Chair, Keith Thurlow that the Commission does not need to wait for the results on the petition to vote.

2) **Special Permit Ap #22-1283**; Steven E. MacCormack (Applicant/Owner); 42 Mechanic St; GIS MAP 181; LOT 104; ~0.13 acres; **AND** 26 Oak St; GIS MAP 181; LOT 105; ~0.25 acres; both Borough General Commercial Zone; self-service

storage facility in two pre-existing buildings; under Section 430, et seq (General Commercial) and Section 700 et seq (Special Permit) of the Borough of Danielson Zoning Regulations.

Steven E. MacCormack represented himself and gave an overview (plans/maps were displayed as discussed):

- The properties have been vacant for approximately 3 years.
- He intends to re-paint, make repairs to and keep the existing buildings, improve the parking lot, add some landscaping.
- Floor plan was submitted for self-storage (average size 5'x10') which is a high need for the area.
- He feels that it would not only benefit the community, but it would be an economic asset to the Town by reusing a vacant property that was not maintained properly and increase the tax revenue.
- Mr. MacCormack explained the site plan: required handicap parking spaces; 12 regular parking spaces (calculated per warehouse requirements); loading zone; signage; 1,000 s.f. garage in back (will be repairing damage done by a tree).
- Each building to be self-contained with units inside with 4–5-foot isles. He explained that nobody can access the buildings without going to the door and punching a keypad. They are not changing the site plan to accommodate self-storage units; they are retrofitting the buildings to make a good use without impacting the neighborhood with new development.

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

**Keith Thurlow** asked what would be done if tenants abandon their belongings in their units.

Mr. MacCormack explained that the State gives you the right to hold an auction, but he said that he would try to avoid that as much as possible. He said that he may have to do it occasionally (inside) and he explained that, if they had to do it outside, it could be done in the garage building.

Mr. Thurlow read aloud from the Borough Regulations which allows for periodic auctions. He asked if there would be any of the following: outside storage; operation of power tools; any use that is noxious or offensive; animals or pets; anybody sleeping on the premises; anything hazardous.

Mr. MacCormack stated “no” to each of the above items asked by Mr. Thurlow.

Mr. Thurlow asked about outside lighting.

Mr. MacCormack stated that it is existing motion detector lighting: there is one light above the entrance door; there are a couple on the back garage building.

Mr. Thurlow asked about hours of operation.

Mr. MacCormack stated that it would be seven days per week from 7 a.m. to 7 p.m. with an office manager there from 10 or 11 a.m. to 4 p.m. to meet people who want to rent and give them their storage code.

Mr. MacCormack stated that it would be a very low key, self-service facility.

**Brian Card** asked about exterior improvements to the buildings.

Mr. MacCormack stated that they will paint it all one color (brown or white), repoint the brick, remove graffiti, possibly some potted plants, repair broken windows, improve the broken pavement in the parking lot.

Mr. Card asked about security.

Mr. MacCormack stated that they will have security alarms and two or three security cameras. Someone will be there during the office hours.

**Ann-Marie Aubrey** clarified that the entrance on the same side as the parking lot will be a keyed entrance.

Mr. MacCormack confirmed that is right. He stated that the front one on Mechanic Street will be the office entrance, so they won't have a key to that. He explained that the back two doors on the garage building (main entrances) will each need a code to unlock.

**Jonathan Blake** asked about parking pointing toward the east which is GC. He noted that the Zone next door is GC, but the use is residential, and he asked if there was any consideration for shading or privacy fencing at the property line.

Mr. MacCormack explained that the abutter is above grade (about 3 feet above us), so the cars are parking at a higher level. He said that he had thought about headlights and thought about adding some kind of vegetation there, but he doesn't feel that a fence would make a difference.

**Mr. Thurlow** noted that there is future pavement on the plan and asked Mr. Blake if there is a need for that. **Mr. Blake** referred to MS-4 and Borough Regulations and stated that we want to reduce parking if it is not needed. He stated that there is at least one catch basin on the property and if the rest of the property were to be paved, the water run-off would need to be addressed.

**Mr. Thurlow** stated that his concern is the neighbors. He feels there should be buffers of some sort, at least for the parking spots.

**Mr. Blake** asked the Applicant if he had presented his case in front of the Town Council, the EDC, or the Conservation Commission.

**Mr. MacCormack** stated that he had not.

**Jill St. Clair**, Director of Economic Development, stated that we need storage.

There were no further comments from the Commission, Staff, or the Public.

Motion was made by Michael Hewko to close the public hearing for **Special Permit Ap #22-1283**; Steven E. MacCormack (Applicant/Owner); 42 Mechanic St; GIS MAP 181; LOT 104; ~0.13 acres; **AND** 26 Oak St; GIS MAP 181; LOT 105; ~0.25 acres; both Borough General Commercial Zone; self-service storage facility in two pre-existing buildings; under Section 430, et seq (General Commercial) and Section 700 et seq (Special Permit) of the Borough of Danielson Zoning Regulations.

Second by Virge Lorents. No discussion.

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

Motion carried unanimously (5-0-0).

3) **Zone MAP Change Ap #22.1284**; State of CT; Aquifer Area Program Implementation Letter for Map Delineation; 360 Lake Road; GIS MAP 61; LOT 52; ~11 acres; Industrial Zone; Level "A" Mapping Approval for the Connecticut Water Company's Killingly Industrial Park Well Field.

Ann-Marie Aubrey explained that it needs to be added to the Zoning Maps by May 14, 2022. There are three in total, the other two have already been done. They are all Level A. The Aquifer Protection Area Program Implementation Letter for Map Delineation dated January 20, 2022, as well as the Map were included in packets to Commission Members.

Jonathan Blake explained about Well Heads vs. Aquifers. At the Industrial Park, it is now a Level A.

There were no further comments from the Commission, Staff or the Public.

Motion was made by Virge Lorents to close the public hearing for **Zone MAP Change Ap #22.1284**; State of CT; Aquifer Area Program Implementation Letter for Map Delineation; 360 Lake Road; GIS MAP 61; LOT 52; ~11 acres; Industrial Zone; Level "A" Mapping Approval for the Connecticut Water Company's Killingly Industrial Park Well Field.

Seconded by John Sarantopoulos. No discussion.

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

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

1) **Zone MAP Change Ap #21-1278**; Douglas Construction (Jim Vance/Landowner) & Laurel A. Horne (Applicant & Landowner); 605 Providence Pike; GIS MAP 224, LOT 14; ~177 acres, RD **AND** 613 Providence Pike; GIS MAP 224, LOT 13, ~4.6 acres, RD; request to change zoning from Rural Development to General Commercial. **(CONT. FROM 01/18/2022)**

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

Seconded by Virge Lorents. No discussion.

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

Motion carried unanimously (5-0-0).

2) **Special Permit Ap #22-1283**; Steven E. MacCormack (Applicant/Owner); 42 Mechanic St; GIS MAP 181; LOT 104; ~0.13 acres; **AND** 26 Oak St; GIS MAP 181; LOT 105; ~0.25 acres; both Borough General Commercial Zone; self-service storage facility in two pre-existing buildings; under Section 430, et seq (General Commercial) and Section 700 et seq (Special Permit) of the Borough of Danielson Zoning Regulations.

Motion was made by Brian Card to approve **Special Permit Ap #22-1283**; Steven E. MacCormack (Applicant/Owner); 42 Mechanic St; GIS MAP 181; LOT 104; ~0.13 acres; **AND** 26 Oak St; GIS MAP 181; LOT 105; ~0.25 acres; both Borough General Commercial Zone; self-service storage facility in two pre-existing buildings; under Section 430, et seq (General Commercial) and Section 700 et seq (Special Permit) of the Borough of Danielson Zoning Regulations.

Second by Michael Hewko. No discussion.

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

3) **Zone MAP Change Ap #22.1284**; State of CT; Aquifer Area Program Implementation Letter for Map Delineation; 360 Lake Road; GIS MAP 61; LOT 52; ~11 acres; Industrial Zone; Level “A” Mapping Approval for the Connecticut Water Company’s Killingly Industrial Park Well Field.

Motion was made by Michael Hewko to approve **Zone MAP Change Ap #22.1284**; State of CT; Aquifer Area Program Implementation Letter for Map Delineation; 360 Lake Road; GIS MAP 61; LOT 52; ~11 acres; Industrial Zone; Level “A” Mapping Approval for the Connecticut Water Company’s Killingly Industrial Park Well Field.

Seconded by Brian Card. No discussion.

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

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

1) **C.G.S. Section 8-24 Review AP #22-1285** – Town of Killingly, Capital Improvement Budget for the July 1, 2022, to June 30, 2023, fiscal year. (review/discussion/action)

Motion was made by Virge Lorents to accept **C.G.S. Section 8-24 Review AP #22-1285** – Town of Killingly, Capital Improvement Budget for the July 1, 2022, to June 30, 2023, fiscal year.

Second by Michael Hewko.

Discussion: Ms. Aubrey asked the Commission is just passing the 8-24 Review. Mr. Thurlow stated that they are.

There was discussion regarding the bridge on Peep Toad Road.

There was discussion regarding renovating the Town Hall Building.

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

Attorney Ken Slater left the meeting at this time.

2) **Special Permit Ap # 22-1286** – American Storage Centers, LLC, (American Sports Centers, Inc./Landowner); 551 Westcott Road; GIS MAP 214; LOT 5; ~3.8 acres; General Commercial; request to construct six (6) new buildings and convert one (1) existing building to establish a self-service storage facility; under TOK Zoning Regs Section 420.2.2[q]. **Receive and schedule for public hearing. Proposed date Monday, April 18, 2022.**

Ms. Aubrey stated that it is ready and that they have made the corrections that were suggested.

Motion was made by Virge Lorents to receive and schedule a public hearing for **Special Permit Ap # 22-1286** – American Storage Centers, LLC, (American Sports Centers, Inc./Landowner); 551 Westcott Road; GIS MAP 214; LOT 5; ~3.8 acres; General Commercial; request to construct six (6) new buildings and convert one (1) existing building to establish a self-service storage facility; under TOK Zoning Regs Section 420.2.2[q], for Monday, April 18, 2022, 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 (5-0-0).

3) **Zone TEXT Change Ap # 22-1287** – Town of Killingly, special permitted use under Business Park, General Commercial, Light Industrial, Mill Mixed Use and Mixed-Use Interchange Zones for the creation of cannabis establishments. **Receive and schedule for the workshop on Monday, March 28, 2022.**

Ms. Aubrey stated that it is written and is in review with legal counsel.

Motion was made by John Sarantopoulos to receive and schedule a Special Meeting Workshop for **Zone TEXT Change Ap # 22-1287** – Town of Killingly, special permitted use under Business Park, General Commercial, Light Industrial, Mill Mixed Use and Mixed-Use Interchange Zones for the creation of cannabis establishments, for Monday, March 28, 2022, Town Meeting Room, 2<sup>nd</sup> Floor, 172 Main Street, at 7:00 p.m.

Second by Michael Hewko. No discussion.

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

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

1) Regular Meeting Minutes – Tuesday, February 22, 2022

Motion was made by Michael Hewko to accept the Minutes of the Regular Meeting Minutes of Tuesday, February 22, 2022, as presented.

Second by Virge Lorents.

Discussion: Virge Lorents stated, for the record, that she no longer corrects the typos.

Motion carried by voice vote (4-0-1). Brian Card abstained.

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

1) **TRAINING** – Scheduled for **Tuesday, March 22, 2022 @ 6:00 PM** in the Town Meeting Room.

a. FOIA, Parliamentary Procedure, Ethics

2) **WORKSHOP** – Next Workshop Scheduled for **Monday, March 28, 2022 @ 6:00 PM** in the Town Meeting Room.

a. Free standing accessory structures – to become primary use?- review, discussion, action

b. Five Mile River Overlay District – review, discussion, action

c. Cannabis Zoning Regulations – review, discussion, action

d. Proposed Updated Policy – Town of Killingly Policy for the sale of real estate

**XI. CORRESPONDENCE – None.**

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

**A. Zoning Enforcement Officer's & Zoning Board of Appeal's Report(s) – None.**

**B. Inland Wetlands and Watercourses Agent's Report – None.**

**C. Building Office Report – None.**

**XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT**

Jill St. Clair deferred until next month's meeting.

**XIV. TOWN COUNCIL LIAISON REPORT**

Jason Anderson reported on recent actions of the Town Council.  
There was discussion regarding solar at the capped landfill.

**XV. ADJOURNMENT**

Motion was made by Virge Lorents to adjourn at 11:25 p.m.  
Second by Michael Hewko. No discussion.  
Motion carried unanimously (5-0-0).

Respectfully submitted,

J.S. Perreault  
Recording Secretary





TOWN OF KILLINGLY, CT  
PLANNING AND ZONING COMMISSION

RECEIVED  
TOWN CLERK, KILLINGLY, CT

2022 APR -5 AM 11:17

*Elizabeth M. Wilson*

**MONDAY – MARCH 28, 2022**  
**SPECIAL MEETING - WORKSHOP**

**6:00 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

**MINUTES**

THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.

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

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

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

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

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

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

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

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

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

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

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

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

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

There was discussion:

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

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

Mr. Thurlow asked the Commission Members for their opinions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**V. ADJOURNMENT**

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

Second by John Sarantopoulos. No discussion.

Motion carried unanimously (5-0-0).

Respectfully submitted,

J.S. Perreault  
Recording Secretary

# ZONING PRACTICE

APRIL 2022



AMERICAN PLANNING ASSOCIATION

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PLANNING & ZONING DEPT.  
TOWN OF KILLINGLY

➔ ISSUE NUMBER 4

## PRACTICE CLIMATE CHANGE MITIGATION

An aerial photograph of a large solar farm, showing rows of solar panels stretching across a landscape. A large, white, stylized number '4' is overlaid on the bottom left corner of the image.

4

# Low-Carbon Land-Use Laws

By Meg Byerly Williams

A recent report on climate change impacts, adaptation, and vulnerability by the Intergovernmental Panel on Climate Change's Working Group II warns how, without immediate intervention, continued greenhouse gas (GHG) emissions at today's levels will result in increased global average temperatures of 2.7 degrees Fahrenheit above pre-industrial levels over the next 10 years (IPCC 2022). The report details how higher global temperatures will lead to extreme heat waves and drought, the spread of diseases like malaria, extreme flooding, increased storm events, and sea level rise that will engulf island nations.

These effects of climate change occur at the local level, affecting people where they live and work and disrupting lives from flooding, storm surge, wildfires, drought, extreme heat, and mudslides, among other catastrophes (Liptak 2021). Natural disasters have also led to declining property values in communities throughout the U.S. (Nolon 2021). In 2012, Hurricane Sandy resulted in extreme flooding along the New Jersey and New York coasts, damaging property that never recovered its full value, in part due to high rebuilding costs and lender hesitancy (Kaysen 2014). In Paradise, California, the 2018 Butte County Camp Fire demolished thousands of structures, costing over \$16 billion dollars in damage and killing 85 people (Braga 2019). Drought and warmer temperatures in Morton County, Kansas, have reduced and destabilized the region's aquifer and shifted the growing area for corn away from this primarily agricultural locality (Coulter 2018).

Such impacts on citizens and local businesses motivate local jurisdictions to respond in ways that will help reduce climate change and its effects. As described in *Choosing to Succeed: Land Use Law & Climate Change*, local governments have the authority they need to adopt land-use regulations to help mitigate climate impacts (Nolon 2021). State zoning enabling acts authorize local officials to adopt laws that encourage the "most appropriate use of land," which

includes zoning, as well as other land-use laws like site plan and subdivision regulations, to shape settlement patterns in a way that most benefits the community.

Cities, towns, and counties can use this authority to mitigate climate change by adopting local land-use regulations that help reduce GHG emissions associated with new development. It is estimated that buildings contribute about 35 percent of carbon dioxide (CO<sub>2</sub>) emissions in the United States, and transportation sources contribute about 19 percent of CO<sub>2</sub> emissions (Nolon 2018). Conversely, the vegetated environment, including agricultural lands, forests, meadows, pastures, and urban trees and green infrastructure, sequesters about 18 percent of CO<sub>2</sub> emissions in the U.S (Nolon 2018). Although the novel coronavirus pandemic resulted in a 10 percent reduction in domestic GHG emissions in 2020, emissions rose by six percent in 2021 and continue that trajectory (Plumer 2022).

This article explores how cities, towns, and counties can use land-use regulations to respond to climate change by implementing low-carbon land-use strategies that reduce GHG emissions associated with new development. Low-carbon land use comprises energy-efficient and zero-emission buildings; development patterns that encourage walking, bicycling, and transit use in lieu of personal automobiles; and preservation of existing green space and natural resources, as well as the creation of new green infrastructure.

## **BUILDING STRATEGIES**

To reduce GHG emissions associated with energy use in buildings, local governments can amend their energy, building, and zoning codes to incentivize or require energy-efficient buildings.

### **Energy Codes**

Energy codes can help improve energy efficiency in buildings by requiring or allowing "design and construction techniques that reduce heating, cooling, ventilating, and

lighting loads" (ESMAP 2014). Generally, states adopt model building and energy codes that, in many states, local governments must enforce. In some states, local jurisdictions may obtain state permission to amend the energy code with stricter local standards. In these states, as well as those that allow cities, towns, and counties to adopt stricter code standards outright, local legislatures can incorporate energy efficiency standards in their energy codes to help reduce energy consumption in buildings and associated GHG emissions. Most states have adopted the International Code Council's International Energy Conservation Code, which is updated periodically to strengthen energy efficiency requirements (Nolon 2018). New York State developed the NYStretch Code – 2020 Version 1.0 (NYStretch-2020), a more stringent supplement to the state's energy code that local governments may adopt. NYStretch-2020 improves the state's energy code effectiveness by 10 percent (NYSERDA 2022).

### **Energy Efficiency in Building Codes & Zoning**

Cities, towns, and counties can also amend their building or zoning codes to incentivize or require new development to meet minimum energy efficiency standards for its internal equipment and appliances, as well as energy-efficient upgrades for significant renovations.

Marin County, California, amended its building code to require both residential and commercial development to meet California's 2019 Building Energy Efficiency Standards, which align with the American Society of Heating, Refrigerating, and Air-Conditioning Engineers' (ASHRAE) 90.1 2017 national standards and include provisions for attics, walls, water heating, and lighting (\$19.04.140). These energy efficiency requirements increase with development size.

Greenburgh, New York, adopted home energy conservation requirements that require new residential dwellings to achieve a score of 70 or less on the Residential Energy Services Network's Home Energy

Rating System and comply with the Building Performance Institute's combustion safety testing standards (§100-20). Residential development also must include a controlled mechanical ventilation system that complies with the ASHRAE 62.2 standard for whole-house ventilation.

Blooming Grove, New York, amended the major subdivision provisions for rural residential districts in its zoning code to allow increased development density in exchange for adherence to New York State Energy Star guidelines (§235-14.1.A(3)).

### Passive Energy Efficient Buildings

Passive solar building design orients buildings to have unobstructed access to the sun on their south side, positions windows to collect maximum sunlight, and uses building materials that retain and store heat from sunlight, either to help heat or cool its interiors depending on the season. Passive daylight and heating or cooling features help reduce energy consumption in these buildings (U.S. DOE 2022).

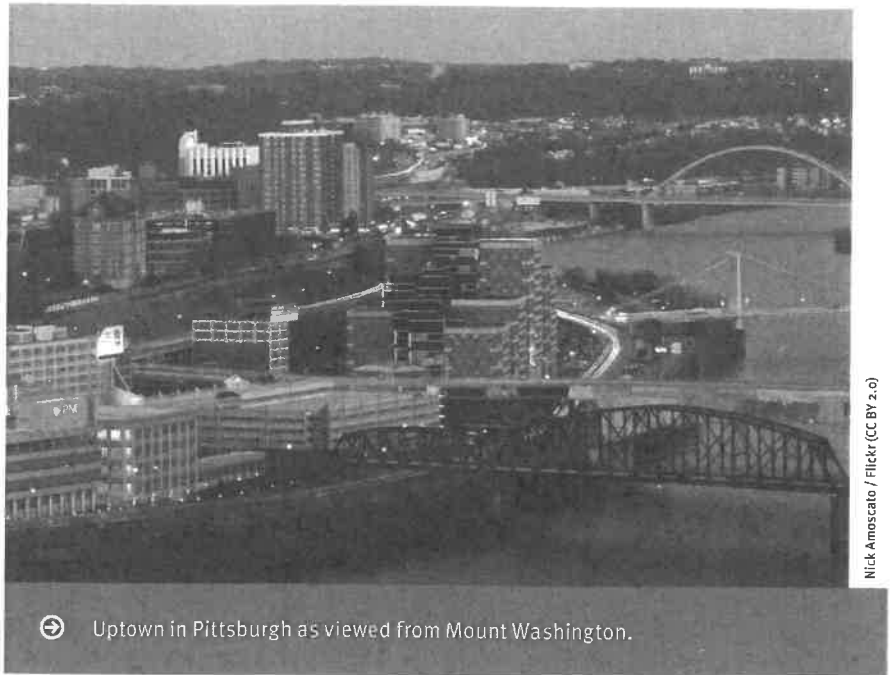
Boulder, Colorado, adopted a solar access law that divides the city into four solar access areas to maximize solar access protection consistent with development densities, topography, and lot orientations (§9-9-17). The law forbids the construction of structures that would shade protected lots in the solar access areas and requires new planned unit developments and subdivisions to orient residential units to maximize solar access and be structurally capable of supporting solar collectors.

### Distributed Energy Generation

Distributed energy generation facilities generate electricity at or near where it will be used, such as combined heat and power, thus reducing GHG emissions related to transferring energy from where it is generated to where it is consumed (U.S. EPA 2021).

Pittsburgh has used district energy systems for years. More recently the city has begun updating those systems; developing new sites for district energy, microgrids, and combined heat and power; and interconnecting those systems into a grid of microgrids (Wood 2017). Pittsburgh reinforces its commitment to district energy in its zoning code.

The city's Uptown Public Realm Mixed-Use Urban Core Subdistrict requires structured parking to include site features



Uptown in Pittsburgh as viewed from Mount Washington.

such as combined heat and power with battery storage, connection to a district energy system or connection to a smart/micro-energy grid (§908.04.D.1(c)). Similarly, the city offers points toward zoning incentives for developments that connect to distributed energy systems (§915.07). Pittsburgh defines these systems as “a range of smaller-scale [fossil and renewable energy] technologies designed to provide electricity and thermal energy closer to consumers,” including on-site energy storage, existing district energy facilities, combined heat and power systems, microgrids, fuel cells, and batteries.

### Renewable Energy Generation

Renewable energy is harnessed from natural sources or processes that continually renew, including sunlight, wind, and the earth's core. Solar energy systems collect sunlight and convert it to solar power, while wind energy systems create energy from blowing wind and geothermal systems capture heat from the earth and convert it to power. Buildings that use power from renewable sources reduce GHG emissions associated with traditional electricity generation facilities, like coal powered plants (NRDC 2018).

To encourage renewables, local governments can adopt land-use regulations that allow or mandate these systems in appropriate zoning districts. For example, Dover, New

Hampshire's mixed-use CBD General Sub-District includes a building standard that requires all buildings to be solar ready and mandates commercial and mixed-use buildings over 25,000 square feet to incorporate solar panels and a green roof on at least 30percent of the roof area (§170:13).

More commonly, cities, towns, and counties amend their zoning to allow solar energy systems, like Marion, Massachusetts, which adopted a Municipal Solar Overlay District that allows construction of ground-mounted solar photovoltaic systems, subject to minor site plan approval (§230-8.13). Marion also has a solar farm regulation that allows ground-mounted solar farms in residential districts if they meet certain area requirements and obtain a major site plan approval and special permit (§230-16.11).

### TRANSPORTATION STRATEGIES

In addition to facilitating energy-efficient development that reduces GHG emissions associated with buildings, local governments can adopt zoning and other land-use regulations that enhance the pedestrian realm in urban centers and around transit stations to encourage walking, bicycling, and transit use and reduce dependence on personal automobiles, which contributes to climate change.



### **Pedestrian-Oriented Design**

Walkable places showcase a mix of residential and commercial land uses in close proximity and share several urban design features that attract pedestrians and bicyclists. Pedestrian-friendly areas are recognizable and memorable, featuring diverse buildings, architecture, and landscape elements. They have pedestrian-friendly street walls defined by buildings, trees, and other structural elements that provide a comfortable, safe walking environment. These areas also offer transparent views through public spaces and buildings with an adequate number of windows and connect destinations both visually and physically so that pedestrians can efficiently move from one destination to another (Ewing and Bartholomew 2013). To encourage pedestrian-oriented development, cities, towns, and counties can adopt zoning regulations that require these urban design features and allow a mix of land uses that enable people to live, work, and play in the same places.

For example, Grand Rapids, Michigan, adopted mixed-use commercial zoning that created three types of mixed-use districts: high density city centers with diverse uses and a diversity of uses, linear commercial areas that pass through multiple neighborhoods on major streets, and core commercial areas focused around particular intersections with defined edges adjacent to less intense uses (§5.6.01). Proposed developments in these zones must contribute to placemaking by being easily convertible into a variety of uses, including a variety of housing, creating potential for a mix of uses integrated within and among buildings, and exhibiting “high-quality and enduring” architectural character.

The regulations require additional placemaking elements for each type of mixed-use zone, including the creation or maintenance of a continuous street wall, off-street parking located at the rear or side of main buildings where it will not interrupt the pedestrian realm, and adequate sidewalk space (§§5.6.02–05). Required building elements include increased transparency via windows that add visual interest, building entrances and storefronts oriented to the street, and articulation of longer building façades into more human-scale increments (§5.6.08).

### **Transit Oriented Development**

Transit oriented development (TOD) builds on these concepts, centering land-use variety and urban design elements around transit. According to the Federal Transit Administration, TOD is “a mix of commercial, residential, office and entertainment centered around or located near a transit station,” creating dense and walkable development that “attracts people” and “adds to vibrant, connected communities” (FTA 2019). To facilitate alternative modes of transportation associated with fewer GHG emissions, cities, towns, and counties can amend their zoning around mass transit to allow mixed uses, including a range of residences, retail, offices, and personal and civic services, as well as denser development that supports transit.

Minneapolis adopted a Pedestrian Oriented (PO) Overlay District ordinance that established PO overlay districts around existing and proposed transit stations (§§551.60–180). The PO Overlay District promotes street life and activity in commercial areas by regulating building orientation and design and parking facilities and by barring automobile-oriented uses. In particular, the PO Overlay District prohibits drive-through facilities, automobile service uses, and transportation uses. It further requires building placement to “reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation” and includes a minimum setback of eight feet for first floors. Building façade standards require a minimum amount of windows and encourage awnings and canopies, while accessory parking standards mandate that parking be located to the rear or interior side of a site, within the principal building, or entirely below grade.

### **GREEN SPACE PRESERVATION STRATEGIES**

Cities, towns, and counties can further help mitigate climate change by reducing development impacts on local open space. Protecting green space like forests, pastures, meadows, croplands, urban trees, and green infrastructure safeguards the natural environment that sequesters carbon emissions. For decades, local jurisdictions have adopted local environmental laws that limit development impacts on their natural resources and enhance important environmental features (Nolon 2001).

These regulatory strategies include local ordinances that protect environmentally sensitive areas, forests, and trees, as well as erosion and sedimentation control ordinances, steep slope regulations, and stormwater management laws. More recently, local governments have begun to adopt local laws that require sustainable landscaping and green infrastructure elements, which also contribute to the sequestering environment.

### **Environmentally Sensitive Area Designation**

Environmentally sensitive area ordinances preserve and protect a local jurisdiction’s unique environmental features, such as wetlands, floodplains, watercourses, or important wildlife habitat.

Penfield, New York, adopted an Environmental Protection Overlay District (EPOD) ordinance that established, in part, a Woodland Protection District (§250-6.1). Developers must obtain an EPOD permit for any projects proposed within the district and must demonstrate that the proposed activity will not adversely impact soil stability, rate of surface runoff, and existing drainage systems, among other factors.

Similarly, Tampa, Florida, adopted an Upland Habitat Protection Ordinance to protect the city’s remaining large contiguous environmentally sensitive areas and to preserve existing habitat diversity and wildlife corridors (§27-287 et seq.). The ordinance established an Upland Habitat Overlay District that requires rezoning, subdivision, site plan, and building permit applicants for any proposed development within the district to have an approved upland habitat plan that protects any significant or essential wildlife habitat on the effected parcel during construction. The ordinance also includes general standards and guidelines for upland and significant wildlife habitat protection, including prevention of wildlife corridor fragmentation, routing new road rights-of-way away from significant wildlife habitat where possible, designation of preserved areas as conservation areas on all development plans and plats, a management plan agreement ensuring continued management of the site, and preservation of off-site habitat when on-site preservation cannot be sufficiently managed.

### **Timber Harvesting**

Timber harvesting ordinances ensure proper forest management while protecting and

improving forest ecosystems and their essential values, including wildlife habitat, water filtration, soil retention, and carbon sequestration.

Pursuant to Maryland's Forest Conservation Act (Md. Code. Ann. Nat. Res. §5-1603), Laytonsville, Maryland, adopted a Forest Conservation and Reforestation Ordinance that applies to applications for subdivisions, project plans, grading, or sediment control approvals on parcels 40,000 square feet or greater. It requires applicants to submit a forest stand delineation and forest conservation plan for the affected parcel, using methods provided in the Maryland Department of Natural Resources Forest Conservation Technical Manual, to protect retained forests and trees during construction.

The ordinance includes criteria for developing a forest conservation plan, including plan preparation by a licensed forester, prioritizing retaining existing forest on site, and the creation of a two-year maintenance agreement for applicants required to conduct reforestation. Applicants must establish forested areas based on existing forest cover and land use and must retain contiguous forest, trees in sensitive areas, rare and threatened species, and historic and large trees.

### **Tree Protection**

Tree protection ordinances protect the urban forest, including street trees and trees on private property, preserving the ecosystem services they offer, "including the practical aspects of wind protection and shade for energy savings, higher property values, less soil erosion, and the prevention of wetland siltation" (ADF 2016). Reno, Nevada, has proposed a Tree Protection Ordinance to expand existing tree protection standards related to tree planting, maintenance, and removal (2022). The draft ordinance aims to increase the city's tree canopy through retention of healthy trees and new plantings in line with Reno's *Urban Forestry Management Plan and Sustainability and Climate Action Plan*, which acknowledges that trees and landscaping help improve air quality by reducing carbon emissions and help lower heating and cooling costs and energy consumption.

The ordinance applies to all trees on public property, as well as private trees that meet certain size criteria and requires all on-site trees to be preserved to the extent

possible. When protected trees are removed, the removal must be mitigated through replacement trees. If on-site replacement is infeasible, developers may comply by planting replacement trees off-site on public property or paying an in-lieu fee to the ReLeaf Reno Program in the amount of 100 percent of the value of the removed trees.

### **Landscaping Requirements**

In addition to enhancing the sequestering environment, landscaped areas help conserve energy by reducing heat islands and contribute to a pedestrian-friendly environment by creating attractive spaces and screening parking facilities and building utilities from view.

Recognizing these benefits, Tampa adopted tree preservation, planting, and landscaped area requirements (§27-284.3.3). This regulation requires protection of certain significant trees and the planting of mitigation trees for any protected tree removals, requires projects to retain a minimum percentage of protected trees by land and use type, and includes tree planting standards for tree type, size, species, and mature crown spread, height, and growth rate. Additionally, development projects must install a minimum amount of landscaping and trees by use type, as well as vegetative screening between different uses. All landscaped areas and plant materials must be 60 percent native plant material or adapted to local conditions, and irrigation systems are not required for retained native plant habitat and drought-tolerant landscape material.

### **Erosion and Sedimentation Control**

Local erosion and sedimentation control ordinances regulate the design, construction, and maintenance of development and other land-disturbing activities to prevent soil, pollutants, and other solid materials from leaving the site and entering wetlands and waterbodies, where they degrade water quality. These regulations are not new regulatory strategies, but they do help contribute to the sequestering environment by requiring protection of existing vegetation during construction activities.

Geneseo, New York, adopted an Erosion and Sedimentation Control ordinance that applies to all development that involves the disturbance of 500 or more square feet and requires these development activities

to obtain an erosion control permit (§54). Activities that will disturb or uncover 10,000 or more square feet must have an erosion control plan that outlines temporary and permanent erosion control measures. The ordinance includes performance standards that apply to all land disturbing activities, including retention and protection of existing vegetation. Where protection of trees or other vegetation is required, the erosion control plan must show their location, and applicants must adhere to vegetation protection methods outlined in the New York State Standards and Specification for Erosion and Sediment Control. In sensitive areas, sites are required to be seeded with grass upon construction completion.

### **Steep-Slope Protection**

Also relatively common, steep-slope regulations prevent development on steep land that is susceptible to erosion, landslides, and subsidence (We Conserve PA 2022). Like erosion and sedimentation control laws, steep-slope regulations offer another traditional way to protect the carbon sequestering environment.

Pittsburgh adopted a steep slope overlay (SS-O) district to protect its scenic hillsides that contribute to the city's visual character and, in part, to "[m]aintain and enhance natural land features which are environmentally significant or which constitute a natural resource of importance to the community at large, including especially wooded hillsides, river frontages and stream valleys" (§906.01(C)). The ordinance requires developers to submit an application for development that will affect slopes of 25 percent or greater in the SS-O District (§906.08). Additionally, all development in the SS-O district must maintain natural landforms to the maximum extent possible, must minimize the need for vegetation removal with the exception except for invasive species, and may not remove vegetation solely to create views. Developers must revegetate the site with native plants or those with similar appearance and growing requirements to existing vegetation.

### **Stormwater Management & Green Infrastructure**

Another familiar local law, stormwater management regulations, offers the opportunity to further protect and enhance local green



➡ The Canal Street Stormwater Park in Milwaukee.

spaces through the installation of green infrastructure, “vegetative infrastructure systems” like green roofs and walls, bioswales, rain gardens, street plantings, wetlands, trees, parkland, and other vegetative systems that capture rain on-site through plant evapotranspiration, soil infiltration, or storage for reuse (WGIN 2022).

To increase local resiliency to climate change impacts, the American Society of Landscape Architects recommends supporting natural systems by incentivizing the “planting of locally/regionally appropriate and biodiversity-supporting vegetation,” protecting and enhancing “natural vegetative buffers, including wetlands and water’s edge plantings, along coastlines and inland waterways,” prioritizing retention and expansion of green space, and preserving wildlands, among other strategies (ASLA 2017).

Milwaukee has adopted Storm Water Management Regulations that incorporate these strategies (§120). In accordance with the city’s *Green Infrastructure Plan*, which recognized that green infrastructure is an effective way to manage stormwater and improve water quality, these regulations require developments and redevelopments of an acre or more to capture at least the first half-inch of rainfall on-site using green infrastructure. Applicants must submit a green infrastructure plan “with a detention volume equal to at least one-half inch multiplied by the total area of new or redeveloped impervious surface” (§120-7.6.5). The green

infrastructure plan may include designs for rain gardens, wetlands, green roofs, bioswales, including dry ponds, landscaping with deeply rooted plants, trees, and the removal of pervious surfaces or structures to allow revegetation or infiltration.

#### Transfer of Development Rights

To further protect green, open space, cities, towns, and counties can consider adopting laws that allow development rights to be transferred from one area to another. Transfer of development rights (TDR) programs create a process for transferring development rights from a sending district, where land should be conserved, to a more urban, receiving district. The municipality amends the sending district’s zoning standards to reduce allowed development density while awarding these property owners development rights that can be transferred via a development rights bank, at a price, to property owners in the receiving district, who then may apply for zoning incentives to increase the development densities at which they may build (Nolon 2001).

Chesterfield Township, New Jersey, adopted a voluntary TDR program to protect its agricultural and open space (§§130-128–134). Chesterfield’s sending area comprises 10,000 acres of rural and agricultural acres land, and its receiving area includes 560 acres of existing developed areas near Trenton, New Jersey; major transportation corridors; and existing water

treatment facilities. The program awards transfer credits based on existing U.S. Department of Agriculture Soil Conservation Service (now known as Natural Resource Conservation Service) soil maps, with credits awarded based upon a parcel’s soil limitations for accommodating septic disposal (NJHWPPC 2007). Chesterfield’s successful TDR program was awarded a 2003 Smart Growth Award by New Jersey Future for cost effectively increasing the town’s significant farmland preserve (NJF 2003).

#### NEXT STEPS

The strategies outlined above offer a variety of ways cities, towns, and counties can amend their building, zoning, and other land-use regulations to facilitate low carbon development. Before embarking on a local regulatory effort to mitigate GHG emissions through land-use laws, local governments should begin by forming a policy framework that lays out their goals and process for adopting these strategies. They should consider creating a task force or committee to guide the process by gathering information, exploring strategies, and making recommendations to the local legislature. Additionally, local officials can adopt an executive order, council resolution, or other policy statement to display their commitment to climate change mitigation and outline the initiative’s purpose and objectives. Local governments also should consider amending their comprehensive plan to further lay the groundwork for this initiative and provide a legal foundation for local regulations that will help reduce the community’s carbon footprint. Finally, a robust community engagement program throughout this entire process will help build support for the low-carbon land-use effort.

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#### ABOUT THE AUTHOR

Meg Byerly Williams, Esq., MEM, MS, is in-house counsel for Skeo Solutions, Inc., where she is a regular consultant to the Land Use Law Center at Pace Law School. Williams serves as Editor of the Case Law Digest for the APA’s Planning and Law Division and is the Ex Officio Member of APA’s Divisions Council Executive Committee. This article was written in conjunction with the Land Use Law Center’s Land Use, Equity, and Human Health Project.

## REFERENCES

- Arbor Day Foundation (ADF). 2016. "Tree Protection Ordinances." *Tree City USA Bulletin* No. 31. [bit.ly/3CB3YqW](http://bit.ly/3CB3YqW)
- American Society of Landscape Architects (ASLA). 2017. *Smart Policies for a Changing Climate*. [bit.ly/3KAY14M](http://bit.ly/3KAY14M)
- Braga, Ayrton. 2019. "The Economic Impact of the Butte County Camp Fire." *Founder's Guide*, March 14. [bit.ly/3pRxVhi](http://bit.ly/3pRxVhi)
- Coulter, Phyllis. 2018. "Corn Belt Moves North as Planting Practices Shift." *Illinois Farmer Today*, December 10. [bit.ly/3hUVTDZ](http://bit.ly/3hUVTDZ)
- Energy Sector Management Assistance Program (ESMAP). 2014. *Improving Energy Efficiency in Buildings*. Washington, D.C.: World Bank. [bit.ly/34AotEw](http://bit.ly/34AotEw)
- Ewing, Reid and Keith Bartholomew. 2013. *Pedestrian- & Transit-Oriented Design*. Washington, D.C.: Urban Land Institute and American Planning Association. [bit.ly/3vWdcMR](http://bit.ly/3vWdcMR)
- Federal Transit Administration (FTA). 2019. "Transit-Oriented Development." [transit.dot.gov/TOD](http://transit.dot.gov/TOD).
- Intergovernmental Panel on Climate Change. 2022. "Climate Change 2022: Impacts, Adaptation and Vulnerability." [bit.ly/3tu3KNR](http://bit.ly/3tu3KNR)
- Kaysen, Ronda. 2014. "Back to the Jersey Shore." *New York Times*, April 4. [nyti.ms/3hylVl](http://nyti.ms/3hylVl)
- Laytonsville (Maryland), Town of. 2011. Forest Conservation and Reforestation Ordinance. [bit.ly/3HGbilZ](http://bit.ly/3HGbilZ)
- Liptak, Kevin. 2021. "FEMA Chief Says Powerful Storms 'New Normal' in Era of Climate Change." *CNN*, December 21. [cnn.it/3pyvftf](http://cnn.it/3pyvftf)
- Milwaukee (Wisconsin), City of. 2019. Green Infrastructure Plan. [bit.ly/35C78HF](http://bit.ly/35C78HF)
- National Resource Defense Council (NRDC). 2018. "Renewable Energy: The Clean Facts." [on.nrdc.org/3Kaa2Jm](http://on.nrdc.org/3Kaa2Jm)
- New Jersey Future (NJF). 2003. "Transfer of Development Rights Program Winner: Township of Chesterfield." [bit.ly/3CcbCrB](http://bit.ly/3CcbCrB)
- New Jersey Highlands Water Protection and Planning Council (NJHWPPC). 2007. "Established TDR Programs in New Jersey." [bit.ly/3MjWwVt](http://bit.ly/3MjWwVt)
- New York State Energy Research and Development Authority (NYSERDA). 2022. "NYStretch Energy Code: 2020 Outreach, Training and Resources." [on.ny.gov/3sEUibB](http://on.ny.gov/3sEUibB)
- Nolon, John R. 2001. *Well Grounded: Using Local Land Use Authority to Achieve Smart Growth*. Washington, D.C.: Environmental Law Institute. [bit.ly/3Ca3xn2](http://bit.ly/3Ca3xn2)
- Nolon, John R. 2018. "Low Carbon Land Use: Paris, Pittsburgh, and the IPCC." *University of Arkansas at Little Rock Law Review*, 40: 661-697. [bit.ly/3sCXaW6](http://bit.ly/3sCXaW6)
- Nolon, John R. 2021. *Choosing to Succeed: Land Use Law & Climate Control*. Washington, D.C.: Environmental Law Institute. [bit.ly/3pCx8jZ](http://bit.ly/3pCx8jZ)
- Plumer, Brad. 2022. "U.S. Greenhouse Gas Emissions Bounced Back Sharply in 2021." *New York Times*, January 10. [nyti.ms/3pzWnn4](http://nyti.ms/3pzWnn4)
- Reno (Nevada), City of. 2022. "Tree Protection Ordinance." [bit.ly/3sCxqcw](http://bit.ly/3sCxqcw)
- U.S. Department of Energy (U.S. DOE). 2022. "Passive Solar Home Design." [bit.ly/3lEr2ag](http://bit.ly/3lEr2ag)
- U.S. Environmental Protection Agency (U.S. EPA). 2021. "Distributed Generation of Electricity and its Environmental Impacts." [bit.ly/3hAFcOo](http://bit.ly/3hAFcOo)
- We Conserve PA. 2022. "Steep Slope Ordinance." [bit.ly/3Cc9uQp](http://bit.ly/3Cc9uQp)
- Wood, Elisa. 2017. "Will America's Steel City Build the First Grid of Microgrids?" *Microgrid Knowledge*, May 16. [bit.ly/3vBr1tT](http://bit.ly/3vBr1tT)
- World Green Infrastructure Network (WGIN). 2022. "Key Definition: Green Infrastructure." [bit.ly/3HFfs9N](http://bit.ly/3HFfs9N)

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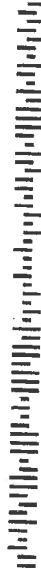
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