

PLEASE!
SAVE PAPER...
SAVE INK!
REVIEW AND BRING LAST MONTH'S
PACKET
WITH YOU ON
MONDAY, JUNE 20, 2002



THANK YOU!



TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION

RECEIVED
TOWN CLERK, KILLINGLY, CT
2022 JUN 17 AM 8:21

MONDAY – JUNE 20, 2022
Regular Meeting – HYBRID MEETING
7:00 PM

Elizabeth M. Wilson

TOWN MEETING ROOM – 2ND FLOOR

Killingly Town Hall

172 Main Street

Killingly, CT

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

AGENDA

THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.

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

I. CALL TO ORDER/ROLL CALL

II. ELECTION OF OFFICERS FOR THIS YEAR - ORGANIZATIONAL

- 1) Chair
- 2) Vice-Chair
- 3) Secretary

III. SEATING OF ALTERNATES

IV. AGENDA ADDENDUM

V. CITIZENS' COMMENTS ON ITEMS NOT SUBJECT TO PUBLIC HEARING (Individual presentations not to exceed 3 minutes; limited to an aggregate of 21 minutes unless otherwise indicated by a majority vote of the Commission)

NOTE: Public comments can be emailed to publiccomment@killinglyct.gov or mailed to the Town of Killingly, 172 Main Street, Killingly, CT 06239. All public comment must be received prior to 2:00 PM the day of the meeting. Public comment received will be posted on the Town's website www.killinglyct.gov.

NOTE: To participate in the CITIZENS' COMMENTS– the public may join the meeting via telephone while viewing the meeting on Facebook live.

To join by phone please dial 1-415-655-0001; and use the access code 2634 149 2509 when prompted.

VI. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS

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 2634 149 2509 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. **CONT FROM 4/18/22 & 5/16/2022.**

2) **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 **CONT FROM 5/16/2022.**

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). **CONT FROM 5/16/2022.**

4) **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). **CONT FROM 5/16/2022.**

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. **CONT FROM 4/18/22 & 5/16/2022.**

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

1) PLANNING ZONING COMMISSION BY-LAWS – Review and discuss the proposed amendment to the by-laws and act on same. Proposed amendment is the designated end of meeting time, and the requirement to make a motion to continue the meeting passed that time for one hour. NOTE: All members were notified of this proposed amendment.

2) OPT-OUT – ACCESSORY DWELLING UNITS STATE STATUTE – Per the State Statute, the PZC must schedule a public hearing to review, discuss, and act upon opting-out of the State's Accessory Dwelling Unit Statute. **The suggested hearing date is July 18, 2022.**

3) Zone TEXT Change Ap# 22-1294 – Rosemary & Thomas C. Clarie et als; proposed text amendment to Sections 436.1; 436.2; 436.3; 436.4.2; 436.4.3; 436.6.1.b; 436.2.2; and 450 of the TOK Zoning Regulations regarding permitted uses and requirements of the Business Park District – making changes to the Intent, General Requirements, Special Permitted Uses; Interior Circulation; Landscaping and Screening; replace Exemptions with Concept Plan Optional; Concept Plan; and Dimensional Requirements. **Receive and schedule a public hearing for August 15, 2022 – to allow time to properly notify NECCOG of proposed text changes.**

(*) Applications submitted prior to 5:00 PM on MONDAY, JUNE 13, 2022, will be on the agenda as New Business, with a “date of receipt” of MONDAY, JUNE 20, 2022, and may be scheduled for action during the next regularly scheduled meeting of **MONDAY, JULY 18, 2022**.

(*) Applications submitted by 12:00 noon on FRIDAY, JUNE 17, 2022, will be received by the Commission (“date of receipt”) on MONDAY, JUNE 20, 2022. However, these applications may not be scheduled for action on MONDAY, JUNE 20, 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 – APRIL 18, 2022
- 2) Regular Meeting Minutes – MAY 16, 2022

XI. OTHER / MISCELLANEOUS – (review / discussion / action)

- 1) Five Mile River Overlay District – Staff will report during July 18, 2022, meeting.

XII. CORRESPONDENCE

- 1) Letter dated 04/11/2022 – Copy of correspondence from GDIT to Melanie A. Bachman, Ex. Director, CT Siting Council, RE: Notice of Exempt Modification – 246 E. Franklin Street, Killingly, CT. Complete Notice is in the Planning and Development Office for Review.
- 2) Letter dated 05/25/2022 – Copy of correspondence from Northeast Site Solutions to Members of the CT Siting Council, RE: Tower Share Application – 246 E. Franklin Street, Killingly, CT. Complete Notice is in the Planning and Development Office for Review.
- 3) Letter dated 05/24/2022 – Copy of correspondence from Northeast Site Solutions to Members of the CT Siting Council, RE: Tower Share Application – 280 Ross Road, Killingly, CT. Complete Notice is in the Planning and Development Office for Review.

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

VIII. PUBLIC HEARINGS & IX. 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.

APPLICANT(S):	Jolley Commons, LLC
LANDOWNER(S):	Jolley Commons, LLC
SUBJECT PROPERTY:	120 Wauregan Road
ASSESSOR’S INFO:	GIS MAP 220, LOT 21
ACREAGE:	~6.4 acres
ZONING DISTRICT:	General Commercial Zone
REQUEST:	Request for excavation and removal of gravel products
Zoning Regulations:	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

NOTE: THIS IS A CONTINUATION FROM MONDAY, May 16, 2022 – HEARING WAS NOT CLOSED – SOT THE COMMISSION MEMBERS ARE FREE TO ASK THE APPLICANT FOR ANY ADDITIONAL INFORMATION.

1) It appears that at this time the Commission requested that the applicant show on the plans the 150-foot setback to residential structures across the street; and the distance from the railroad itself.

NOTE: THIS IS A CONTINUATION FROM MONDAY, APRIL 18, 2022 - HEARING WAS NOT CLOSED – SO THE COMMISSION MEMBERS ARE FREE TO ASK THE APPLICANT FOR ANYMORE INFORMATION, ETC.

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

PZC MEETING MONDAY, APRIL 18, 2022 & MONDAY, MAY 16, 2022 & MONDAY, JUNE 20, 2022

- 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

Secondary Legal Notices

- 1) Legal Notice posted in the Town Clerk's Office on Thursday, April 21, 2022
- 2) Legal Notice posted to Town's website same day
- 3) Legal Notice published in the Norwich Bulletin on Monday 5/2/2022 and Monday 5/9/2022
- 4) Placard is at the site is observed by the ZEO.

Legal Notices –

- 1) A notice of continuation was published in the Norwich Bulletin on Friday, 05/20/2022 as required.

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Other Required Approvals

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

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

2) **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

APPLICANT(S): Town of Killingly
LANDOWNER(S): D/N/A
SUBJECT PROPERTY: D/N/A
ASSESSOR’S INFO: D/N/A
ACREAGE AMOUNT: D/N/A
ZONING DISTRICT: Business Park, General Commercial, Light Industrial, Mill Mixed Use, and Mixed-Use Interchange Zone
REQUEST: The creation of cannabis establishments by special permit only.
REGULATIONS: ARTICLE IX – Section 900

Documents Attached

JUNE 20, 2022

- 1) Memo from Attorney Kenneth Slater – June 7, 2022
 - a) “Drug free zone” does not apply to approved cannabis facilities
- 2) Copy of General Assembly Bill No. 1201
 - a) Pages 1, 2, 15, 16, & 17 – these pages back up Attorney Slater’s comments
- 3) “Cannabis Example” – research by Staff
 - a) Backs up Attorney Slater’s comments
 - b) Provides another definition of “School”
- 4) Revised draft of the Zone TEXT Change for Cannabis Establishments

MAY 16, 2022

- 1) Draft copy of the proposed cannabis establishment regulations
-
-

LEGAL NOTICE

- 1) A Legal Notice publicizing the continuation of the hearing to 06/20/2022 was published on Friday, 05/20/2022 edition of the Norwich Bulletin.

Legal Notices

- 1) Legal Notice was sent to NECCOG via email.
 - 2) Memorandum of proposed zone text change posted in Town Clerk’s Office April 21, 2022
 - 3) Legal Notice posted in Town Clerk’s Office on April 21, 2022
 - 4) Legal Notice published in Norwich Bulletin on Monday, 5/2/2022 and Monday, 5/9/2022
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STAFF COMMENTS AND SUGGESTIONS

- 1) Staff has received some comments regarding the 200-foot buffer zone from an abutting residential district and will discuss those comments with commission members during the public hearing.

2) The proposed regulations are the same regulations that the commission has previously discussed during their workshop.

3) If the commission does approve this zone text change, then the commission must state an effective date for the zone text change – **staff recommends an effective date of Monday, June 13, 2022, at 12:01 am.**

*****June 20, 2022 – Staff Recommends an effective date of Monday, July 18, 2022, at 12:01 am.**

4) If the commission does approve this zone text change, then the commission must also make a motion to end the moratorium on cannabis establishments – **staff recommends that the moratorium be lifted (become null and void) at the end of business on Friday, June 10, 2022, at 1:00 pm.**

*****June 20, 2022 – Staff Recommends that the moratorium be lifted (become null and void) at the end of business on Friday, July 15, 2022, at 1:00 pm.**

Ann-Marie Aubrey

From: Kenneth R. Slater, Jr. <Slater@halloransage.com>
Sent: Tuesday, June 7, 2022 11:41 AM
To: Ann-Marie Aubrey
Cc: Mary Calorio; Jonathan Blake
Subject: FW: Scanned Document from CPR08-19SW
Attachments: 2763_001.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Ann-Marie,

As you and I expected, the “drug free zone” does not apply to approved cannabis facilities. Attached is an excerpt of the recently adopted legislation amendment the drug free zone legislation to carve out legal cannabis sale.

Ken



Kenneth R. Slater, Jr., Esq.
Halloran & Sage LLP
One Goodwin Square, 225 Asylum Street
Hartford, CT 06103-4303

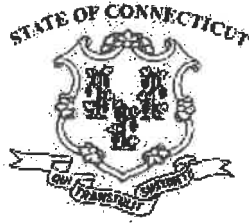
E slater@halloransage.com
D 860.297.4662
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From: Notifications <notifications@halloransage.com>
Sent: Tuesday, June 7, 2022 11:42 AM
To: Kenneth R. Slater, Jr. <Slater@halloransage.com>
Subject: Scanned Document from CPR08-19SW



General Assembly

Bill No. 1201

June Special Session, 2021

LCO No. 10834



Referred to Committee on No Committee

Introduced by:

SEN. LOONEY, 11th Dist.

REP. RITTER M., 1st Dist.

**AN ACT CONCERNING RESPONSIBLE AND EQUITABLE
REGULATION OF ADULT-USE CANNABIS.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) As used in RERACA, unless
2 the context otherwise requires:

3 (1) "Responsible and Equitable Regulation of Adult-Use Cannabis
4 Act" or "RERACA" means this section, sections 7, 9, 11 to 14, inclusive,
5 16, 18, 20 to 65, inclusive, 82, 83, 89 to 110, inclusive, 112 to 114, inclusive,
6 121, 124 to 128, inclusive, 134, 135 and 144 to 151, inclusive, 153, 162, 163,
7 165 to 167, inclusive, and 174 of this act, and the amendments to sections
8 7-148, 10-221, 12-30a, 12-35b, 12-412, 12-650, 12-704d, 14-44k, 14-111e, 14-
9 227a to 14-227c, inclusive, 14-227j, 15-140q, 15-140r, 18-100h, 19a-342,
10 19a-342a, 21a-267, 21a-277, 21a-279, 21a-279a, 21a-408 to 21a-408f,
11 inclusive, 21a-408h to 21a-408p, inclusive, 21a-408r to 21a-408v,
12 inclusive, 30-89a, 31-40q, 32-39, 46b-120, 51-164n, 53-394, 53a-39c, 54-1m,
13 54-33g, 54-41b, 54-56e, 54-56g, 54-56i, 54-56k, 54-56n, 54-63d, 54-66a and
14 54-142e of the general statutes;

15 (2) "Backer" means any individual with a direct or indirect financial
16 interest in a cannabis establishment. "Backer" does not include an
17 individual with an investment interest in a cannabis establishment if (A)
18 the interest held by such individual and such individual's spouse,
19 parent or child, in the aggregate, does not exceed five per cent of the
20 total ownership or interest rights in such cannabis establishment, and
21 (B) such individual does not participate directly or indirectly in the
22 control, management or operation of the cannabis establishment;

23 (3) "Cannabis" means marijuana, as defined in section 21a-240 of the
24 general statutes;

25 (4) "Cannabis establishment" means a producer, dispensary facility,
26 cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage
27 manufacturer, product manufacturer, product packager, delivery
28 service or transporter;

29 (5) "Cannabis flower" means the flower, including abnormal and
30 immature flowers, of a plant of the genus cannabis that has been
31 harvested, dried and cured, and prior to any processing whereby the
32 flower material is transformed into a cannabis product. "Cannabis
33 flower" does not include (A) the leaves or stem of such plant, or (B)
34 hemp, as defined in section 22-61l of the general statutes;

35 (6) "Cannabis trim" means all parts, including abnormal or immature
36 parts, of a plant of the genus cannabis, other than cannabis flower, that
37 have been harvested, dried and cured, and prior to any processing
38 whereby the plant material is transformed into a cannabis product.
39 "Cannabis trim" does not include hemp, as defined in section 22-61l of
40 the general statutes;

41 (7) "Cannabis product" means cannabis that is in the form of a
42 cannabis concentrate or a product that contains cannabis, which may be
43 combined with other ingredients, and is intended for use or
44 consumption. "Cannabis product" does not include the raw cannabis
45 plant;

407 (j) (1) As used in this section, "cannabis", "cannabis flower", "cannabis
408 trim", "cannabis concentrate" and "cannabis product" have the same
409 meanings as provided in section 1 of this act.

410 (2) As used in this section, "cannabis plant material" means cannabis
411 flower, cannabis trim and all parts of any plant or species of the genus
412 cannabis, or any infra specific taxon thereof, excluding a growing plant,
413 and the seeds thereof. "Cannabis plant material" does not include hemp,
414 as defined in section 22-611.

415 (3) As used in this section, "motor vehicle" has the same meaning as
416 provided in section 14-1.

417 (4) As used in this section, "trunk" means (i) the fully enclosed and
418 locked main storage or luggage compartment of a motor vehicle that is
419 not accessible from the passenger compartment, or (ii) a locked toolbox
420 or utility box attached to the bed of a pickup truck, as defined in section
421 14-1. "Trunk" does not include the rear of a pickup truck, except as
422 otherwise provided, or of a hatchback, station-wagon-type automobile
423 or sport utility vehicle or any compartment that has a window.

424 Sec. 4. Section 21a-267 of the general statutes is repealed and the
425 following is substituted in lieu thereof (*Effective July 1, 2021*):

426 (a) No person shall use or possess with intent to use drug
427 paraphernalia, as defined in subdivision (20) of section 21a-240, to plant,
428 propagate, cultivate, grow, harvest, manufacture, compound, convert,
429 produce, process, prepare, test, analyze, pack, repack, store, contain or
430 conceal, or to ingest, inhale or otherwise introduce into the human body,
431 any controlled substance, as defined in subdivision (9) of section 21a-
432 240, other than [a cannabis-type substance in a quantity of less than one-
433 half ounce] cannabis. Any person who violates any provision of this
434 subsection shall be guilty of a class C misdemeanor.

435 (b) No person shall deliver, possess with intent to deliver or
436 manufacture with intent to deliver drug paraphernalia knowing, or

437 under circumstances where one reasonably should know, that it will be
438 used to plant, propagate, cultivate, grow, harvest, manufacture,
439 compound, convert, produce, process, prepare, test, analyze, pack,
440 repack, store, contain or conceal, or to ingest, inhale or otherwise
441 introduce into the human body, any controlled substance, other than [a
442 cannabis-type substance in a quantity of less than one-half ounce]
443 cannabis. Any person who violates any provision of this subsection shall
444 be guilty of a class A misdemeanor.

445 (c) Any person who violates subsection (a) or (b) of this section in or
446 on, or within one thousand five hundred feet of, the real property
447 comprising a public or private elementary or secondary school and who
448 is not enrolled as a student in such school shall be imprisoned for a term
449 of one year which shall not be suspended and shall be in addition and
450 consecutive to any term of imprisonment imposed for violation of
451 subsection (a) or (b) of this section.

452 ~~[(d) No person shall (1) use or possess with intent to use drug
453 paraphernalia to plant, propagate, cultivate, grow, harvest,
454 manufacture, compound, convert, produce, process, prepare, test,
455 analyze, pack, repack, store, contain or conceal, or to ingest, inhale or
456 otherwise introduce into the human body, less than one-half ounce of a
457 cannabis-type substance, or (2) deliver, possess with intent to deliver or
458 manufacture with intent to deliver drug paraphernalia knowing, or
459 under circumstances where one reasonably should know, that it will be
460 used to plant, propagate, cultivate, grow, harvest, manufacture,
461 compound, convert, produce, process, prepare, test, analyze, pack,
462 repack, store, contain or conceal, or to ingest, inhale or otherwise
463 introduce into the human body, less than one-half ounce of a cannabis-
464 type substance. Any person who violates any provision of this
465 subsection shall have committed an infraction.]~~

466 [(e)] (d) The provisions of subsection (a) of this section shall not apply
467 to any person (1) who in good faith, seeks medical assistance for another
468 person who such person reasonably believes is experiencing an

469 overdose from the ingestion, inhalation or injection of intoxicating
470 liquor or any drug or substance, (2) for whom another person, in good
471 faith, seeks medical assistance, reasonably believing such person is
472 experiencing an overdose from the ingestion, inhalation or injection of
473 intoxicating liquor or any drug or substance, or (3) who reasonably
474 believes he or she is experiencing an overdose from the ingestion,
475 inhalation or injection of intoxicating liquor or any drug or substance
476 and, in good faith, seeks medical assistance for himself or herself, if
477 evidence of the use or possession of drug paraphernalia in violation of
478 said subsection was obtained as a result of the seeking of such medical
479 assistance. For the purposes of this subsection, "good faith" does not
480 include seeking medical assistance during the course of the execution of
481 an arrest warrant or search warrant or a lawful search.

482 (e) For purposes of this section, "cannabis" has the same meaning as
483 provided in section 1 of this act.

484 Sec. 5. Section 46b-120 of the general statutes is repealed and the
485 following is substituted in lieu thereof (*Effective July 1, 2021*):

486 The terms used in this chapter shall, in its interpretation and in the
487 interpretation of other statutes, be defined as follows:

488 (1) "Child" means any person under eighteen years of age who has
489 not been legally emancipated, except that (A) for purposes of
490 delinquency matters and proceedings, "child" means any person who (i)
491 is at least seven years of age at the time of the alleged commission of a
492 delinquent act and who is (I) under eighteen years of age and has not
493 been legally emancipated, or (II) eighteen years of age or older and
494 committed a delinquent act prior to attaining eighteen years of age, or
495 (ii) is subsequent to attaining eighteen years of age, (I) violates any order
496 of the Superior Court or any condition of probation ordered by the
497 Superior Court with respect to a delinquency proceeding, or (II) wilfully
498 fails to appear in response to a summons under section 46b-133 or at any
499 other court hearing in a delinquency proceeding of which the child had

— CANNABIS - EXAMPLE —

Are cannabis establishments required to be located a certain distance from any other buildings or businesses, including more than 1,500 feet from a school?

Date: March 22, 2022

Read time: 1 minutes

A cannabis establishment applicant must show evidence of a right to occupy the establishment's location and any necessary zoning approval in order to obtain final licensure.

Title 21a of the Connecticut General Statutes does not contain any specific distance requirements, unless restrictions are imposed by a municipality. Each municipality has the authority to establish restrictions on the proximity of cannabis establishments to any of the following: churches, public or parochial schools, convents, charitable institutions supported by private or public funds, hospitals or veterans' homes or any camps, barracks or flying fields of the armed forces.

DCP does not evaluate distance requirements of cannabis establishments and will rely on the zoning approval provided by the municipality for the location. For more information concerning any location restrictions, please contact the specific municipality.

Sec. 77. Section 21a-408p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) For the purposes of this section:

(1) "Action" has the meaning provided in section 47a-1;

(2) "Dwelling unit" has the meaning provided in section 47a-1;

(3) "Employer" means a person engaged in business who has one or more employees, including the state and any political subdivision of the state;

(4) "Landlord" has the meaning provided in section 47a-1;

(5) "Palliative use" has the meaning provided in section 21a-408;

(6) ["Primary caregiver"] "Caregiver" has the meaning provided in section 21a-408;

(7) "Qualifying patient" has the meaning provided in section 21a-408;

(8) "School" means a public or private elementary or secondary school in this state or a public or private institution of higher education in this state; and

(9) "Tenant" has the meaning provided in section 47a-1.

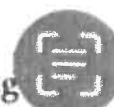
(b) Unless required by federal law or required to obtain federal funding:

June Sp. Sess., Public Act No. 21-1

122 of 303

Senate Bill No. 1201

(1) No school may refuse to enroll any person or discriminate against any student solely on the basis of such person's or student's status as a



Zone TEXT Change Ap #22-1287

Note 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.

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 Statute 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. Where the proposed use abuts a residential district, a buffer strip of at least 25' wide, containing planted screening may be require by the Commission. Permanent structures such as wooded fences, stone walls and the like may be approved in lieu of part or in conjunction with the required planting where, in the opinion of the Commission, the intended buffering purpose is served by such a substitution.
2. The application must include the following:
 - a. A 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. Waste management
 - g. Exterior lighting and signage; all exterior lighting shall be night sky compliant.
 - h. 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.

Zone TEXT Change Ap #22-1287

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.

Zone TEXT Change Ap #22-1287

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.

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

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).

APPLICANT(S):	Dayville Four Corners, LLC.
LANDOWNER(S):	Same
SUBJECT PROPERTY:	736 Hartford Pike
ASSESSOR'S INFO:	GIS MAP 115, LOT 6
ACREAGE AMOUNT:	~7.07 acres
ZONING DISTRICT:	General Commercial
REQUEST:	Special Permit for a Liquor Store
REGULATIONS:	Section 420.2.1(a) with reference to 420.1.2(i) Special Permit – Article VII. Site Plan – Section 470

Documents Attached

- 1) Letter dated May 10, 2022, from MidPoint Engineering & Consulting
 - 2) Letter dated November 2, 2016, from MidPoint Engineering & Consulting (referred to in 5/10/2022 letter)
 - 3) Compilation Plan – showing an overview of the shopping plaza
 - 4) Interior layout of the proposed “liquor store unit”
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Legal Notices

- 1) A Legal Notice of the Continuation was published in the Friday, 05/20/2022 edition of the Norwich Bulletin.

Legal Notices

- 1) Legal Notice posted in Town Clerk’s Office on April 21, 2022
 - 2) Legal Notice published in Norwich Bulletin on Monday, 5/2/2022 and Monday, 5/9/2022
 - 3) Placard posted at the site as witnessed by the ZEO
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STAFF COMMENTS AND SUGGESTIONS

- 1) As it was the applicant that requested the continuation this will be the first time the commission members will be hearing this matter. Therefore, staff has no new comments to add to those listed below.

STAFF COMMENTS AND SUGGESTIONS

- 1) That the commission review the regulations listed above, and verify that the applicant has met all those standards,
- 2) That the commission listen to the testimony being given by the applicant and others,
- 3) Staff does not see an issue with a liquor store at this site; however, the State will make the final determination if this site qualifies for a liquor sales license.

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

4) **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).

APPLICANT(S): Melting Point Welding & Fabrication, Inc.
LANDOWNER(S): Weld, LLC
SUBJECT PROPERTY: 543 Wauregan Road
ASSESSOR'S INFO: GIS MAP 262, LOT 20
ACREAGE AMOUNT: ~2.1 acres
ZONING DISTRICT: Light Industrial
REQUEST: to conduct manufacturing activities
REGULATIONS: Section – 430.2.2(b)
Special Permit – Article VII.
Site Plan – Section 470

Documents Attached – June 20, 2022

1) Revised set of Architectural Plans with new landscaping.

Documents Attached

- 1) Application with fee
 - 2) Letter dated April 11, 2022, from Attorney Timothy Bleasdale – explains application
 - 3) Exhibit 1 – Deed
 - 4) Exhibit 2 – General Information regarding applicant
 - 5) Exhibit 3 – General Floor plan
 - 6) Exhibit 4 – Letters from supporters of applicant
 - 7) Exhibit 5 – DEEP aquifer protection area map
 - 8) Exhibit 6 – Print from TOK GIS Map
 - 9) Exhibit 7 – Map showing abutting landowners
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Legal Notices – June 20, 2022

1) Notice of Continuation was published in the Norwich Bulletin on Friday, May 20, 2022.

Legal Notices

- 1) Legal Notice posted in Town Clerk's Office on April 21, 2022
 - 2) Legal Notice published in Norwich Bulletin on Monday, 5/2/2022 and Monday, 5/9/2022
 - 3) Placard posted at the site as witnessed by the ZEO
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Staff Comments and Suggestions – June 20, 2022

- 1) Staff met with the Applicant, his Attorney, and his Architect at the site to discuss the proposed landscaping to determine what staff believes would be sufficient landscaping along the Route 12 area and the Lucienne Avenue area.
- 2) Staff has transferred the Applicant's and the Architect's proposed landscaping design to an aerial GIS map of the actual site and will present that to the commission during Monday's hearing.

- 3) Staff agrees with the proposed landscaping design – the additional plantings and greenspace areas – and believes it will work well for this site. That too much landscaping would raise unnecessary concerns – as the neighbors are quite use to viewing the building from the Route 12 area.
- 4) Staff also believes that this landscaping design is on the same level as other landscaping designs for businesses and industries along Route 12, and even our industrial park area.

STAFF COMMENTS AND SUGGESTIONS

- 1) That the commission review the regulations listed above, and verify that the applicant has met all those standards,
- 2) That the commission listen to the testimony being given by the applicant and others,

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

1) **PLANNING ZONING COMMISSION BY-LAWS** – Review and discuss the proposed amendment to the by-laws and act on same. Proposed amendment is the designated end of meeting time, and the requirement to make a motion to continue the meeting pass that time for one hour. NOTE: All members were notified of this proposed amendment.

The following language is to be added as Section 5 – under Article VIII Regular Meetings: and as Section 4 under Article IX Special Meetings.

No Regular / Special Meeting shall run past the time of 10:00 pm; unless the Chair entertains a motion to extend the meeting until the hour of 11:00 pm. The motion shall be made at or before 9:45 pm to make the public aware of the Commission's intentions. Once extended, the meeting shall promptly end at or before 11:00 pm and any business not reached shall be continued to the next regularly scheduled meeting.

Current Edition Adopted July 20, 2009
Effective July 20, 2009
Amended September 17, 2012; Amendments Effective September 17, 2012
Amended February 19, 2013: Amendments Effective February 19, 2013

BY-LAWS OF THE KILLINGLY PLANNING AND ZONING COMMISSION

Article I Purpose and Authorization

The objectives and purposes of the Planning and Zoning Commission of the Town of Killingly are those set forth in Chapters 124 and 126 of the Connecticut General Statutes, 1958 Revision, as amended, and those powers and duties delegated to the Killingly Planning and Zoning Commission by the aforementioned statutes, by Section 804 of the Charter of the Town of Killingly, adopted November 4, 1969, and by ordinance adopted September 13, 1973 by the Town Council of the Town of Killingly in accordance with the above enabling laws.

Article II Name

The Commission shall be known as the Killingly Planning and Zoning Commission.

Article III Office of the Commission

The office of the Commission shall be the Planning and Development office (amend. of 9/17/12) at the Killingly Town Hall, 172 Main Street, Danielson where all Commission records will be kept. Copies of all official documents, records, maps, commission minutes, agendas and legal notices, etc. will be filed or recorded in the office of the Town Clerk as required by Connecticut General Statutes.

Article IV Membership

Section 1. The membership and terms of office shall be as specified in the aforementioned ordinance, Town Charter and General Statutes.

Section 2. The number of regular members shall be five (5). There shall be three (3) alternate members. All regular members or their seated alternates, including officers, shall be entitled to vote.

Section 3. Members of the Planning and Zoning Commission shall be appointed as described in the Town Ordinance and Charter.

Section 4. Vacancies on the Planning and Zoning Commission shall be filled as per Town Ordinance and Charter.

Section 5. The Town Manager and Director of Public Works shall serve as member(s) of the Planning and Zoning Commission ex officio, without voting privileges.

Section 6. Each member shall notify designated Town staff of his or her inability to attend a regular or special meeting.

Section 7. The Commission shall forward to the council for appropriate action the name of any member who is absent without excuse for three consecutive meetings.

Section 8. Resignations from the Commission shall be in written form and submitted to the Town Clerk and the Town Manager (amend. of 9/17/12), who will forward notice of such resignation to the Town Council, the Commission and the designated Commission staff.

Section 9. In the event of the absence or a disqualification of a regular member of the Commission, the Chair shall appoint an alternate member to act in place thereof. Alternates shall generally be chosen on a rotational basis, so that all serve as equal a number of times as possible. The minutes shall record when each alternate sits. When so appointed, the alternate member shall have all the duties and privileges of a regular member.

Article V

Officers and Their Duties

Section 1. The officers of the Commission shall consist of a Chair, a Vice-Chair and a Secretary.

Section 2. The duties of the Chair shall be as follows:

- to preside at all meetings and hearings of the Commission;
- to call special and emergency meetings of the Commission;
- to sign documents of the Commission;
- to appoint a Vice-Chair Pro Tem in the absence of the Vice-Chair;
- to appoint a Secretary Pro Tem in the absence of the Secretary;
- to act as one of the Commission members having the privilege of discussing all matters before the Commission and of voting thereon.

Section 3. The duties of the Vice-Chair shall be as follows:

- shall act for the Chair due to absence, disability or disqualification of the Chair;
- when acting as Chair, shall appoint a Vice-Chair Pro Tem.
- shall sign official documents of the commission

Section 4. The duties of the Secretary shall be as follows:

- shall act for the Chair due to absence, disability or disqualification of both the Chair and Vice-Chair
- when acting as Chair, shall appoint a Vice-Chair Pro Tem and Secretary Pro Tem.
- shall sign official documents of the Commission.

Section 5. In the absence of all officers, the Commission members who are present shall elect a Chair Pro Tem and Vice-Chair Pro Tem.

Article VI

Administrative Staff

Section 1. A Recording Clerk shall be appointed to keep the minutes of the Commission and shall file those minutes in the Commission's Office

Section 2. In the absence of the Recording Clerk, due to illness or personal reasons, the Chair, with the assistance of available staff, shall appoint a Recording Clerk pro tem.

Section 3. The Director of Planning and Development shall serve as staff to the Commission and shall oversee preparation of the agenda of regular and special meetings under the direction of the Chair, prepare meeting information, provide notice of all meetings to Commission members, arrange proper and legal notice of hearings and other notice requirements, attend to general correspondence of the Commission and other administrative actions necessary to assist the Commission in the exercise of its power, duties, and functions as prescribed by the Connecticut General Statutes.

Article VII

Annual Meeting

Section 1. An Annual Organizational Meeting of the Planning and Zoning Commission shall be held on the evening of the regular meeting in January of each year, or at the next regular meeting that follows (amend. of 9/17/12). At each Annual Organizational Meeting, the Commission shall elect officers for a one (1) year term, review by-laws and attend to other organizational business as the Chair deems appropriate.

Section 2. A quorum must be present before the election of officers can take place. Elections of officers shall occur as follows: Nominations shall be made from the floor, beginning with nominations for Chair, and elections shall follow immediately upon the

close of nominations for each office. A candidate for each office receiving a majority vote of those present shall be declared elected for one year. (amend. of 2/19/13)

Section 3. Should any vacancy occur among the officers of the Planning and Zoning Commission, the vacant office shall be filled by a special election to be held at a regular meeting, following the same procedure as outlined above. Such officer shall serve the unexpired term of office in which the vacancy has occurred.

Article VIII

Regular Meetings

Section 1. Regular meetings of the Planning and Zoning Commission shall be held on the third Monday of each month at 7:00 PM in the Town Meeting Room, Killingly Town Hall, 172 Main Street, unless otherwise designated in the yearly filing of meetings with the Town Clerk under Connecticut General Statutes Section 1-225(b) or as posted for another location.

Section 2. At such meetings, the Commission shall consider all matters properly brought before the Commission. Items may be added to the agenda by a two-thirds (2/3) majority vote of the Commission members present and voting. A regular meeting may be canceled by the Commission at a prior meeting or by the Chair. Commission meetings shall be open to the public when in session.

Section 3. The Commission may, by a two-thirds (2/3) (amend. of 9/17/12) majority of those present and voting, enter into executive session in accordance with Connecticut General Statutes.

Section 4. (amend. of 9/17/12) Citizens' Comments shall be heard by the Commission at any regular meeting. A citizen's statement may be presented orally or in writing on items not subject to a public hearing (amend. of 2/19/13). All presentations by citizens under this Section shall be limited to an aggregate of twenty-one (21) minutes for each meeting, and each citizen's presentation shall not exceed three (3) minutes unless otherwise indicated by a majority vote of the Commission. These time limits shall be shown on the agenda and shall be announced by the Chair at each meeting. Each citizen recognized shall state his/her name and address. Following Citizens' Comments, the Commission/Staff shall have time to respond. In the event that an item is added to the agenda after the Citizens' Comments portion of that meeting, then there shall be additional citizen comments and Commission/Staff responses limited to that item.

Article IX

Special Meetings

Section 1. Special meetings of the Planning and Zoning Commission shall be held at a time and place designated by the Chair. The notice shall specify the time and place of the special meeting and the business to be transacted. No business other than that listed on the agenda shall be discussed.

Section 2. In addition, such written notice shall be delivered to the usual place of abode of each member of the Commission so that the same is received prior to such special meeting. Emailed notices with "delivery receipt" and "request for read receipt" shall be considered acceptable "written notice" for this section (amend. of 9/17/12). The requirement of delivery of such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the Commission a written waiver of delivery of such notice. Such waiver may be given by telegram. The requirement of delivery of such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

Section 3. Citizens' Comments shall be heard by the Commission at any special meeting. The statements shall be limited to the subject(s) which is (are) included in the call of the special meeting and shall follow the time limits as for regular meetings in Article VIII. Following citizens' comments, the Commission/Staff shall have time to respond. (Amend. of 9/17/12)

Article X

Quorum

At any meeting of the Commission, a quorum shall consist of three (3) members of the Commission (amend. of 6/15/09). No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date until a quorum is obtained.

Article XI

Disqualification

Section 1. No member of the Planning and Zoning Commission shall appear for or represent any person, firm or corporation or other entity in any matter pending before the Commission or Zoning Board of Appeals. A member of the Commission shall disqualify himself or herself from participating in the hearing or decision of the Commission upon any matter in which he or she is directly or indirectly interested in a personal or financial sense. In the event of such disqualification, such fact shall be entered on the records of the Commission and the member shall leave the room. Replacement shall be made from alternate members to act as a member of such Commission in the hearing and determination of the particular matter or matters in which the disqualification arose.

Section 2. No member shall be deprived of the opportunity to comment on a matter which directly impacts the member's property provided the member shall disqualify themselves from any participation as a commission member.

Section 3. When disqualification is questionable and the member has not recused him- or herself, a two-thirds (2/3) majority of those present and voting shall make the final decision as to disqualification.

Article XII

Voting

Section 1. At all meetings of the Commission, each member attending shall be entitled to cast one vote. Commission officers shall be entitled to debate and vote on all matters before the Commission. Voting shall be by voice and show of hands. At the discretion of the Chair or upon request by a Commission member the vote shall be by roll call. All roll call voting shall be by voice, with the order of voting rotating alphabetically by the Commission Members' last name, except that the Chair shall have the final vote. (amend. of 9/17/12)

Section 2. An affirmative vote of the majority of the members present shall be necessary for the adoption of any resolution or other voting matter except as required otherwise by Connecticut State Statutes.

Section 3. The commission must ensure it takes action on all applications and other voting matters before it. In the event of a tie vote, no action has been taken.

Article XIII

Order of Business

Section 1. Unless otherwise determined by the Chair, the order of business shall be as follows:

- a. Call to Order/Roll Call
- b. Seating of Alternates (amend. of 9/17/12)
- c. Agenda Addendum (amend. of 9/17/12)
- d. Meeting Conduct and Orientation (amend. of 9/17/12)
- e. 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) (amend. of 9/17/12)
- f. Commission/Staff Responses to Citizens' Comments (amend. of 9/17/12)
- g. Public Hearings
- h. Unfinished Business
- i. New Business

- j. Adoption of Minutes
- k. Correspondence
- l. Other
- m. Economic Development Liaison
- n. Council Liaison
- o. Adjournment

Section 2. Each formal action of the Planning and Zoning Commission required by law, charter, rule or regulation shall be embodied in a formal motion duly entered in full upon the Minutes Book after an affirmative vote.

Article XIV

Rules of Procedure

All meetings of the Planning and Zoning Commission shall be conducted in accordance with the procedures contained herein, and Roberts Rules of Order, or a widely recognized and accepted text based on Robert Rules of Order, shall govern the proceedings at the meetings of this Commission.

Article XV

Conducting the Public Hearing

Section 1. The Chair of the Commission shall preside at the public hearing.

Section 2. The Chair (amend. of 9/17/12) shall call for the public hearing by reading the agenda item (amend. of 9/17/12).

Section 3. The Chair shall describe the method of conducting the hearing. It shall be made clear that all questions and comments must be directed through the Chair only after being properly recognized by the Chair. All persons recognized shall approach the Commission in order to facilitate proper recording of comments, and shall give his/her name and address prior to commenting. The hearing shall be conducted only for the purpose of taking testimony, which shall be later considered by the Commission during the application deliberations portion of the meeting of the Commission. The Commission may neither deliberate nor take a substantive vote during the hearing.

Section 4. Unless otherwise determined by the Chair, the Chair shall direct the following order of comments:

- presentation by the applicant
- public comments in support of the application
- public comments opposed to the application
- questions by the Commission
- response by the applicant or appropriate party
- second round of public comments at the discretion of the Chair
- Comments and questions to and by staff

- final questions by the Commission
- final response by the applicant
- closure or continuance of the hearing

Section 5. Parties intervening under the Connecticut Environmental Protection Act (CEPA) CGS Section 22a-19 shall receive all the rights and privileges as the applicant.

Section 6. The Chair or presiding officer shall assure an orderly hearing and shall take necessary steps to maintain the order and decorum of the hearing at all times. The Chair or presiding officer shall reserve the right to terminate the hearing in the event the discussion becomes unruly and unmanageable.

Section 7. Proceedings of the public hearing shall be incorporated into the Minutes Book of the Commission to be a permanent part of the record.

Article XVI

Suspension of the Rules

Any of these rules may be suspended by a two-thirds vote of the Commission Members voting, provided that such action is not inconsistent with any provisions of the Connecticut General Statutes or Commission regulations (amend. of 9/17/12).

Article XVII

Consultants and Outside Employees

Payment for services by other than town employees shall be made in accordance with Section 12.5-103(b) of the Town's Land Use Application Processing Fees Ordinance.

Article XVIII

Amending the By-Laws

These By-Laws and all future amendments shall be adopted only with the approval of at least four (4) members of the Commission provided that written notice of said proposed amendment(s) is given to all members of the Commission at least seven (7) days prior to the said meeting of vote thereon.



TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION

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

TOWN MEETING ROOM – 2ND FLOOR
Killingly Town Hall
172 Main Street
Killingly, CT

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

MINUTES

THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.
GO TO www.killinglyct.gov AND CLICK ON FACEBOOK LIVE AT THE BOTTOM OF THE PAGE.

RECEIVED
TOWN CLERK, KILLINGLY, CT
2022 APR 29 AM 10:46
Eloisebeth@town.killinglyct.gov

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 arrived at 7:37 p.m.

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 (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; Norm Thibeault; Killingly Engineering Associates; Wayne Jolley; Representatives from Stantec Consulting Services and Antinozzi Associates; Ulla Tiik-Barclay; Town Council Liaison; J.S. Perreault, Recording Secretary.
There were approximately 10 people in the audience.

Present via Webex – Jaucqueta Santerre

II. **SEATING OF ALTERNATES**

Michael Hewko was 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 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.

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.

Ann-Marie Aubrey read aloud the above call-in information. There were no comments from the public received and there were no callers with public comments.

V. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENT – None.

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.

There was discussion with Town Attorney, Ken Slater regarding whether a motion to approve can be made without giving reasons. Ms. Lorents stated that she was making a motion to approve to open discussion.

Motion was made by Virge Lorents to approve **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 Brian Card.

Discussion:

- Mr. Sarantopoulos asked about the petition that had been filed by the area property owners. Attorney Ken Slater explained that they are still verifying the number of signers/property owners on the petition. He advised the Commission to vote tonight and he explained that whether the vote passes or fails could be contingent upon the number of valid signers on the petition. At this time, they cannot say whether the petition meets the requirements of the General Statutes. Attorney Slater explained that it is also not clear whether 3 or 4 votes of the Commission Members are needed for the vote to pass until the details of the petition are verified. The Statute requires that people who are owners of at least 20 percent of the area within 500 feet have to petition in order to require the super majority. Attorney Slater explained that, in this instance, the subject property would not be included.
- Mr. Hewko stated his concerns regarding traffic, noise, wells for domestic and fire prevention, the concept plan.
- Mr. Card commented that a lot of flexibility changes have been made over the last six or seven years to allow for development in this Town. He noted that some of the things that are currently allowed under Rural could be more detrimental to the area than GC. He explained that he has some of the same concerns, but he feels that for this particular tract, it would be beneficial to the Town. He agrees with the EDC that we need to be flexible in offering businesses to relocate to this Town. This parcel, which is on a major highway and has limited uses because of no water or sewer, needs to be looked at from a development standpoint. He feels that it fits with the POCD. He feels that it is a potential better use for the Town. He feels that if it went residential it would be more of a draw on taxpayer issues (school systems, roads, conservation areas). Somebody is going to buy the property and develop it (180 potential houses). What do we want to see on that 180 acres?
- Mr. Sarantopoulos expressed disagreement with Mr. Card. He feels that we want a good school system, but want to stop residential building because we're afraid of having to pay to support school children coming into our system. He wants to know what the grade is on the highway (he guessed 4 percent) and he would like to

know what the State thinks about access for industrial off of Route 6. He said it is surrounded by residential and the neighbors don't want it. He referred to Section 902 regarding excavation which states that it should be made so that it does not devalue property and it is to be returned back to its original state. He referred to Sections 120, 402 (GC), 430.2 (Light Industrial), 436.1 (Intent), Village District. He feels that it should not be put within that area and cause property owners to wonder about property value, quality of life, pollution and noise. He feels that Killingly should find another area for this.

- Ms. Lorents explained she has found that it is possible to have a commercial development that works out in an area that looks unpromising (e.g. Killingly Commons).
- Mr. Thurlow asked how wide the gap is where it appears that it has access to Snake Meadow. Matthew Wendorf arrived at 7:37 p.m. He recused himself and left the room. Jon Blake displayed the GIS map and explained that there is at least 25 feet on that one, particular portion.
- Mr. Sarantopoulos voiced disagreement with Ms. Lorents' statement about Killingly Commons.

Roll Call Vote: Brian Card – yes; Virge Lorents – yes; John Sarantopoulos – no; Michael Hewko – yes; Keith Thurlow – yes.

Ms. Lorents noted the following reasons for approval:

- The property is located on Route 6 which is an underutilized highway.
- The ability to access Route 6 is a plus for a commercial operation.

Attorney Slater explained that he was able to verify that, for the petition, all owners would have been needed (husband and wife joint owners would both need to protest), but it is irrelevant, in this case, because the vote was 4 out of 5 in favor, therefore, it passes. Attorney Slater explained that other Members could suggest others reasons for approval and then the group, by consensus, could adopt them, or they could state individual reasons.

Our Members of the Commission (Brian Card, Virge Lorents, Michael Hewko and Keith Thurlow) were in agreement with Ms. Lorents' reasons for approval and Mr. Card added the following:

- The POCD requires that we identify areas for potential commercial development which is what we did on areas of major highways.
- It is enhancing small businesses and commercial enterprises.

Motion #1 carried (4-1-0)

John Sarantopoulos was opposed. Matthew Wendorf had recused himself.

Matthew Wendorf resumed his position of Regular Voting Member and Michael Hewko resumed his position as Alternate Member.

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.

Norm Thibeault, Killingly Engineering Associates, represented the Applicant and gave an overview. Wayne Jolley was also present in person. Maps were displayed as discussed.

- Numerous businesses are located on the parcel in strip plaza fashion.
- They are proposing to excavate slightly over 65,000 c.y. of material from the site which will produce a flatter site which could be developed at some point in the future.
- They are not proposing any buildings or particular use for the property at this time.

- A copy of the approval letter from the CT DOT (dated April 12, 2022) had been submitted to Staff earlier in the day and was provided to Commission Members along with copies of the most current maps. Mr. Thibeault read aloud from the letter and stated that the two notes were added to Sheet 5 of the Plans (Sight Line Demonstration).
- They are proposing a temporary entrance at the far norther end. He indicated a small plateau area along Route 12 which is where they would be working the face, working toward the east and toward the south. He stated that as they work in that direction, they would move the materials out.
- Mr. Jolley has two trucks to transport the material. They anticipate 2 or 3 truckloads per hour. On any given day during the excavation, there would be no more than 25 truckloads per day leaving the site. Using 25 truckloads per day, they estimate 175 working days (not necessarily continuous) to remove the proposed amount of material.
- The intention is to complete this entire project and restore the site within a year, which he thinks is a reasonable expectation. Permits issued are good for a three year period and he anticipates that the site would be completed well within that period.
- Comments from Town Engineer, David Capacchione have been addressed:
Plans have been modified to include comments from CT DOT.
Anti-tracking pad will be removed, the area will be restored and curbing will be put back in as well. The comment regarding pavement marking details is irrelevant. Existing conditions are shown on Page 2 of the Plans. He has spoken with Mr. Capacchione about this.
Detail for earthen or wood chip berm has been included on Page 4 of the Plans. It will be constructed parallel to Route 12 with the intent to keep any storm water that might be generated or sediment from being transported onto Route 12. He explained that they don't feel that there will be a lot of storm water generation as these are excessively well-drained soils.
He indicated where they have modified the plan to include staked hay bale check dams along both cut slopes.
- The site will be excavated in a down-cutting method.
- The excavation is on less than 2 acres of the 6.4 acre parcel. It is minor in nature than some of the larger projects that have been approved in Town.
- Mr. Thibeault read aloud and addressed concerns raised in the letter received on April 18, 2022, from members of the public, Charles and Jaucqueta Santerre of 147 Wauregan Road:
The Santerre's property is across from the furthest southern portion of the parcel.
Regarding their concern for erosion/run-off, Mr. Thibeault explained that they would be creating a berm along the front and the area where the loading is will be slightly depressed. The DOT has reviewed the plan and did not have any concerns. The Drainage Engineer did not have any comment on the plan.
Regarding their concern for dust/airborne debris, Mr. Thibeault explained that Mr. Jolley as a lot of experience in the sand and gravel business and it would behoove him to utilize application of water. They do not propose utilizing calcium chloride on the site (from an environmental standpoint). He emphasized that it is a small-scale operation.
Regarding their concern for the entrance/exit, Mr. Thibeault explained that the driveway is at the far northern end of the proposed excavation site, as far from their driveway as it could be. They have well over 700 feet of sight line distance in both directions from the proposed driveway. The trucks will be able to access and egress the site safely.
Regarding their concern for blasting, Mr. Thibeault explained that they do not anticipate ledge on the site at all. He said that there was no ledge when the Jolley Commons side was excavated in a similar fashion to what is being proposed here. It is very well-drained sand and gravels on the site.
Mr. Thibeault stated that Mr. Jolley has had a business in this community for a couple of generations and has respect for his neighbors and the other property owners. He said that this is a short-term operation and, hopefully, there will be some additional building done there and Jolley Commons might be expanded. This is preparing the property in a manner so that it could be developed at some point in the future.

QUESTIONS/COMMENTS FROM COMMISSION MEMBERS:

- **Brian Card** asked about the phasing plan for the 2.5 acres of cutting area, storm water control and calculations, revegetation plan, topsoil stockpile,
Mr. Thibeault referred to Sheet 3 of the Plans which shows the first phase which is the bulk (2/3) of the cut.
Mr. Thibeault explained about, and indicated on the plan, the staked hay bales and silt fence. The intention is to keep as much of the storm water from entering where they will be doing the excavation. As the excavation proceeds from north to south (as the areas get stabilized), a line of staked hay bales will be put in place at that time. Portions of the phase will be stabilized as they work down that face. He said that since this is not a large operation, it will be easy to keep things stabilized and restored as they work their way south down that face. He indicated and explained about where they are proposing a berm and an 8-10 foot wide, storm water infiltration swale along the front of the site. That area is not going to be compacted and it is a pretty small drainage area.
Mr. Thibeault explained that he had not provided drainage calculations, but he had spoken with Town Engineer, David Capacchione and he did not request that they be provided. Mr. Card asked that they be provided, for the record, to show that the Applicant is comfortable that the storm water is going to infiltrate and that there is a mechanism/system in place and if it does not, what is going to happen (flooding potentially on Route 12). Mr. Card flow is from south to north and 4 percent is a pretty good slope for a swale.
Mr. Thibeault reviewed the sequence of operations on Sheet 6 of the Plans.
Mr. Thibeault indicated where the topsoil would be stockpiled. He explained that he probably scaled it incorrectly and that it would probably be twice the size shown on the Plan. The material excavated won't be stockpiled. There will be no processing. It will be taken off the face, loaded onto a truck and taken off the site.
- **John Sarantopoulos** asked about how the railroad track would be handled.
Mr. Thibeault explained that the closest point to the railroad track is a little over 70 feet away. They have not notified the railroad because they are not proposing any work within their right-of-way.
- **Keith Thurlow** asked how far out from the property to the final cut.
Mr. Thibeault explained and indicated on the Plan that it is about 25 feet. Mr. Thurlow stated that it is supposed to be 50 feet. Ann-Marie Aubrey referred to Page 9 of 15, (she read from Section 560.7.i.2). Mr. Thibeault explained that they would have to fill to be even at that property line. He said that it makes sense that you can't be below grade at the road. Mr. Thurlow stated that he thinks that the intent is that there is supposed to be 50 feet from a property line before cutting takes place to keep it stable to protect the neighbor's property rights. Ms. Aubrey suggested doing a site walk with the Town Engineer. Mr. Thibeault offered to discuss that portion of the Regulations with Staff.
Keith Thurlow asked what they would do if ledge is encountered.
Mr. Thibeault stated that Mr. Jolley says that he is pretty sure that there is no ledge there, but if they did encounter ledge, they would not blast it.
- **Brian Card** - Regarding Item 560.7.i.3 regarding anything within 150 feet of an existing dwelling. He asked that this be verified on the Plans. Mr. Thibeault agreed.
Mr. Card asked if there are any issues on the hill and he asked if the land to the east, across the road, goes up in topography.
Mr. Thibeault stated that yes, the land continues to go up from the property line to the railroad tracks, it is 16-18 feet higher. He did not note any issues on the hill when he was out there.
- **John Sarantopoulos** asked about the drop from the railroad.
Mr. Thibeault explained that the drop-off from the railroad to the property line is much steeper than what the final grades on the site are going to be. He indicated that they have 2.5 to 1 slopes on the final grades on the property. There are 1 to 1, or even steeper, slopes coming off the railroad tracks to the

property line. Mr. Thurlow requested that Mr. Thibeault send a letter to the railroad and Mr. Thibeault agreed to do that and he will provide a copy to Staff.

There were no questions from Staff.

Wayne Jolley, Owner of Jolley Commons, indicated an area where they will fill to make it level with the parking lot. Mr. Thibeault stated that this was shown on the Plans.

QUESTIONS/COMMENTS FROM COMMISSION MEMBERS:

- **Keith Thurlow** asked about lighting, equipment or fuel being stored on site, hours of operation. Mr. Jolley stated that there may be a pay loader there during daytime, not at night; no fuel – they have their own fuel truck; no lights. Mr. Thibeault stated that hours of operation are on the Plans and are per the Regulations. Maximum of 7 a.m. – 6 p.m. Monday – Friday, 8 a.m. – 12 p.m. Saturday, no Sundays, no holidays.

There were no questions or comments from the public.

QUESTIONS/COMMENTS FROM STAFF and COMMISSION:

- **Ann-Marie Aubrey** stated that she will do a site walk with the Town Engineer.
- **Jonathan Blake** asked if the Plans show new or existing wire (guardrail) at the roadway. Mr. Thibeault stated that there is no guardrail. They are showing silt fence.
- **Brian Card** asked if a bond is being proposed. Mr. Thibeault explained that they had not prepared one, but if they are coming back, they would do that. He will review Section 560.8 with the Town Engineer.
- **Keith Thurlow** asked about the overall estimate for completion. Mr. Thibeault explained that they hope to be complete in a year, but it depends on demand. He does not believe that they would need to renew the permit.

Open items noted: Performance Bond; E&S storm water calculations; letter to the railroad; Section 560.7.i items; site visit.

There were no further questions or comments.

Motion was made by Virge Lorents to continue the public hearing for **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., to Monday, May 16, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m. Second by John Sarantopoulos. No discussion.
Motion carried unanimously by voice vote (5-0-0).

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].

Ann-Marie Aubrey stated that new Plans had been provided to Commission Members.

Norm Thibeault, Killingly Engineering Associates, represented the Applicant and gave an overview (plans were displayed as discussed):

- Mr. Thibeault stated that the Owner is looking to do a mini storage facility which seems to be a sufficient use for the property.

- The Applicant had come before the PZC previously and the problematic items were: millings that were unacceptable for the site; concerns regarding crushed stone surfaces; moving around the site; snow storage. They took another look at it and made some modifications based upon concerns of the Commission and based upon Staff review.
- They are proposing six buildings a couple, of which, have been slightly reduced in size. The large building to the south is slightly narrower to provide a little more travel width between the property line and the building and the building to the west is also narrower.
- Regarding millings between the buildings which would be problematic for snow removal and maintaining the site, to stay below the 65 percent for impervious surfaces (they are at 64.1 percent), there are two storm water basins and perimeter landscaping which are pervious surface. Along the center of the property along Westcott Road, there is a large area of pavement which is unnecessary and they are removing a good portion of it in order to provide the pervious surfaces needed to meet the Zoning requirements. This also give a lot more area for snow storage. They also have the grass area out front. He explained that they modified the fencing along Westcott Road and the storm water infiltration basin could also be used in the winter months for snow storage. So, they have quite a substantial area now for snow storage that they did not have previously, giving the opportunity to melt in place and infiltrate into the soil which, he said, are very well drained.
- They provided storm water calculations to Engineering and they have approved them.
- They provided turning templates on the site to show that vehicles could move around the buildings. Around the larger building, they were able to get a 30-foot truck around the perimeter of the building in the center of the lot. Around the perimeter, it works well for cars or trucks with trailers as they have 24-foot travel widths for most of the aisles. They have a 20-foot, one-way travel lane along the southern property line. He indicated where they have 21 feet to the west.
- Regarding traffic patterns, they have 4-foot, painted traffic arrows to show traffic going in a counter-clockwise motion.
- Site entrance is off of Westcott Road with a kiosk entry. There will be a gate. Per request of the Engineer, they moved the kiosk in deeper, so it is about 60 feet off of Westcott Road. This will allow a pickup truck pulling a trailer to pull completely into the site.
- There is a dedicated entrance and a dedicated egress and the traffic patterns will allow the configuration to work pretty well.
- Steel bollards around the corners of all of the buildings.
- Lighting on the buildings will be dark-sky compliant, motion-sensor lighting.
- They have not received approval from the CT DOT yet, but Mr. Thibeault spoke with Gary Brigham, from DOT District 2, who said that they just haven't had time to get to it yet as they are backed-up right now. Mr. Thibeault suggested that a condition of approval could be that no building permits are issued until final approval is received from the DOT. He said that the Town Engineer does not have a problem with that since we are using the existing curb cuts for the site (not modifying them in any way). Ann-Marie Aubrey verified that Town Engineer, David Capacchione has reviewed storm water and the curb cuts.

QUESTIONS/COMMENTS FROM COMMISSION MEMBERS and STAFF:

- **Keith Thurlow** asked about recharge areas, fencing to the south to the inside, a gate and pushing snow down the alleyway.
Mr. Thibeault explained where they are and also the 25-foot landscape buffer around the perimeter of the site.
Mr. Thibeault confirmed that the fencing to the south goes to the inside.
Mr. Thibeault agreed with Mr. Thurlow's suggestion about pushing snow down the alleyway to push it straight through and said he can do that.

- **Matthew Wendorf** commented that the modifications regarding the overall width of the road are a good improvement, but he explained that he feels that snow storage may still be difficult in some areas (corners). He asked about the 20-foot wide roadway on the southern side.
Mr. Thibeault explained that the 20-foot wide roadway is a one-way. He explained that these are very low-traffic uses.
- **Keith Thurlow** asked about slope/pitch from the back of the lot (no catch basin).
Mr. Thibeault explained that there are two infiltration basins on the northern side. Total amount of slope – about four feet of pitch going from the back to the front. He said it's pretty flat. It is one percent and he said that these buildings can be built on a one-percent grade.
Mr. Thurlow voiced concern regarding stagnant water.
Mr. Thibeault explained that these types of sites are pretty flat and in the areas where they think may be problematic, they have basins with infiltrators built into them. He explained that there are very well-drained soils on this site and that they had done some ground-water monitoring on the site in the past.
Mr. Thurlow asked if would be necessary to put one in the middle of the two long runs on the western end.
Mr. Thibeault explained that the center of the building is the high point and they have one percent grading in both directions from that building. There are extensive spot grades. It will be driven by the foundation. The slabs of the foundation will have to be set pretty specifically.
Mr. Thurlow asked about signage.
Mr. Thibeault indicated the location for the proposed sign near the entrance.
Mr. Thurlow asked about designated parking other than in the front, if all access to the building is through the front and number of units inside the building.
Mr. Thibeault stated just in the front and that all access is through the front. He stated that, ultimately, that will be a climate-controlled storage. Mr. Thibeault did not know how many units.
- **Virge Lorents** asked about plantings around the perimeter. She stated concern for the plantings getting overgrown and protruding out into the roadways. She suggested some tall evergreens.
Mr. Thibeault explained that they are calling for dwarf ornamental trees and ornamental grasses. He explained that it is mostly heavily wooded.
Ms. Aubrey stated that they will have privacy slats in the chain-link fence.
- **Mr. Sarantopoulos** commented that he is not concerned about snow because a snow-blower could be used in tight areas rather than pushing it.
Mr. Thibeault explained that the Owner has a truck with a plow and he will be doing his own snow plowing.
- **Jonathan Blake** asked about the well cover in the southeastern corner.
Mr. Thibeault stated that it is in a paved area and has been driven over forever. It is not an exposed well. It is below grade.
Mr. Blake stated that he agrees with Mr. Thurlow regarding the smaller infiltration basin on the south end and running the fence along Westcott Road and go up instead of jogging it in.
Mr. Thibeault agrees and thinks it is a good idea because he said that it makes a lot more sense for snow removal.
- **Matthew Wendorf** asked if he could drive around the site in a pickup truck with 6-foot trailer.
Mr. Thibeault stated that you could.
- **Brian Card** asked about bollards to protect the oil and propane tanks around the existing building.
Mr. Thibeault agreed that they should and he and stated that he would do that.

There were no further questions or comments.

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

Second by Matthew Wendorf. No discussion.

Motion carried unanimously (5-0-0).

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

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.

Continued to May 16, 2022.

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].

Motion was made by Brian Card to approve **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], with the following conditions:

- DOT approval must be received prior to building permit issuance.
- Fencing at the southeast corner be moved to the road side of the basin.
- Lighting be dark-sky compliant with timer based no longer than 30 minutes.
- Proposed site sign at the entrance dimensional requirements be verified with Staff.
- Safety bollards where needed around the building structure, where the utility tanks are, for protection purposes.

Second by Virge Lorents. No discussion.

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

Motion carried unanimously (5-0-0).

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.**

Motion was made by Virge Lorents to schedule a public hearing 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, May 16, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by John Sarantopoulos. No discussion.

Motion carried unanimously (5-0-0).

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.**

Motion was made by Virge Lorents to receive and assign to Staff **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.

Second by Matthew Wendorf.

There was discussion regarding the location and also about State licensing for liquor.

Motion carried unanimously (5-0-0).

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 aces, 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.**

Motion was made by Virge Lorents to receive and schedule a public hearing for **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 aces, 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), for Monday, May 16, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by John Sarantopoulos.

There was discussion regarding that there is only one liquor license available.

Motion carried unanimously (5-0-0).

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.**

Representatives from Stantec Consulting Services and Antinozzi Associates gave a presentation of the project and answered questions (plans were displayed as discussed):

- Demolition of the western modular is Phase One.
- Eventually the eastern modular will also be demolished.
- 18,000 s.f. addition to be added to the existing building (in the location of the western modular building).
- Existing building to be completely renovated. Adding mechanical, HVAC, electrical, plumbing, fire protection (fully sprinkled system), security/technology systems throughout the existing building.
- Site development work: Bus Loop in front of the building; entrances from Main Street, Hutchins Street and the entrance to the Westfield Avenue property. Circulation pattern is similar, but improved around the entire building.
- The original solar panel project (Green Skies) was put on hold when the Town pursued the expansion and renovation project. The Town still plans to implement the solar project. There are no existing panels on this KMS site.
- State funding has been committed for the project. An explanation was given about the specifics for the funding, the issue of the square footage, and how the State wanted it to be renovated as new. The funding for KMS has been granted in the amount of \$34.
- Ulla Tiik-Barclay explained that this project was approved by Town Council. She explained that they did not have to appropriate much more funding due to the need for replacement of the HVAC system. Mr. Sarantopoulos feels that it should have gone to referendum.



TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION

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MONDAY – MAY 16, 2022
Regular Meeting – HYBRID MEETING
7:00 PM

Elizabeth M. Wilson

TOWN MEETING ROOM – 2ND FLOOR

Killingly Town Hall

172 Main Street

Killingly, CT

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

MINUTES

THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.

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I. **CALL TO ORDER** – Acting Chair, Brian Card, called the meeting to order at 7:00 p.m.

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

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

Also Present (in person) – Norm Thibeault; Killingly Engineering Associates; Attorney Tim Bleasdale, Law Firm of
Waller, Smith & Palmer; Brian Caya, Stuart Peaslee, Peaslee Architect, PC; Ulla Tiik-Barclay; Town
Council Liaison; J.S. Perreault, Recording Secretary.
There were 2 additional people in the audience.

Present via WebEx – There were two call-in users that did not comment.

II. **ELECTION OF OFFICERS FOR THIS YEAR - ORGANIZATIONAL**

- 1) Chair
- 2) Vice-Chair
- 3) Secretary

Since Keith Thurlow was not present, it was decided to table the Election of Officers.

Motion was made by Virge Lorents to table the Election of Officers to next meeting of Monday, June 20, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by John Sarantopoulos. No discussion.

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

III. **SEATING OF ALTERNATES** – None.

IV. AGENDA ADDENDUM – None.

V. CITIZENS' COMMENTS ON ITEMS NOT SUBJECT TO PUBLIC HEARING (Individual presentations not to exceed 3 minutes; limited to an aggregate of 21 minutes unless otherwise indicated by a majority vote of the Commission)

NOTE: Public comments can be emailed to publiccomment@killinglyct.gov or mailed to the Town of Killingly, 172 Main Street, Killingly, CT 06239. All public comment must be received prior to 2:00 PM the day of the meeting. Public comment received will be posted on the Town's website www.killinglyct.gov.

NOTE: To participate in the CITIZENS' COMMENTS– the public may join the meeting via telephone while viewing the meeting on Facebook live.

To join by phone please dial 1-415-655-0001; and use the access code 2630 871 0662 when prompted.

There were no comments from the public either in person or via WebEx.

Ann-Marie Aubrey stated that the only citizen's comment received in the office was regarding the public hearing for which the Applicant is requesting continuance until June.

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

VII. SET EFFECTIVE DATE FOR ZONE MAP CHANGE – (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. Said Zone MAP Change was approved on Monday, April 18, 2022 – however, must schedule an effective date for the Zone Map Change. Suggested effective date – Monday, June 13, 2022, at 12:01 am.

Motion was made by Virge Lorents to set the effective date of Monday, June 13, 2022, at 12:01 am. 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. Said Zone MAP Change was approved on Monday, April 18, 2022.

Second by John Sarantopoulos. No discussion.

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

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

NOTE: To participate in THE PUBLIC HEARINGS – the public may join the meeting via telephone while viewing the meeting on Facebook live.

To join by phone please dial 1-415-655-0001; and use the access code 2630 871 0662 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. **CONT FROM 4/18/22.**

Norm Thibeault, Killingly Engineering Associates, represented the Applicant. Revised plans, based upon his meeting earlier in the day with Town Engineer, David Capacchione, were submitted to Staff and provided to the Commission Members.

Mr. Thibeault reviewed the revisions (plans were displayed as discussed):

- Drainage – He submitted drainage computations, for the record, as requested last month. There were no significant changes due to the well-drained soils on the site. For the 50-year and 100-year storms, he explained that a series of berms were added within the broad infiltration swale along the front of the site that runs parallel to the roadway.
They added a New England wildflower mix within the swale for the first 15-20 feet before you get to the cut slopes.
Virge Lorents voiced concern for the seed getting washed away before getting established. Mr. Thibeault explained that this is a mix used frequently by the CT DOT and that he feels confident that it will establish a nice wildflower area in front of the site. He said that they will make sure that it establishes itself.
Ms. Aubrey stated that she and Mr. Blake had spoken with Mr. Capacchione and she verified that Mr. Capacchione agrees with revision to the plan and also the wildflower mix.
- Mr. Thibeault stated that he reviewed an Erosion & Sedimentation Control and Restoration Bond with Mr. Capacchione (which he submitted for the record). Silt fence, staked hay bales, anti-tracking construction entrance, spreading loam and seed on disturbed areas, and jube netting have been included. Mr. Capacchione concurs with the Bond Estimate of \$71,075. Ms. Aubrey stated that she had also received that e-mail.
- Regarding the grading near the railroad (because concern had been expressed about the proximity of excavation near the tracks) – Mr. Thibeault had sent plans and a letter (dated May 6, 2022 and submitted for the record) to Tom Kresnowski, Area Manager, for the Providence & Worcester Railroad. He heard back from Mr. Kresnowski earlier in the day.

Mr. Thibeault explained that on the far right of the profile, you can see the elevation of the railroad tracks which is 16-18 feet lower than the top of the hill to the site and the existing grade where they are proposing to cut. He discussed, today with Mr. Kresnowski, the issue regarding the grading being within 50 feet of the property line and was directed to contact Tom Ferris who is the Director of Safety & Compliance. Mr. Thibeault left a message for Mr. Ferris, but has not heard back from him. Mr. Thibeault stated the following for the record: “We are not at the level of the railroad tracks itself until we are about 125 feet into the site. We are maintaining and preserving that large berm that resides between the railroad property and the tracks and our property.” Mr. Thibeault offered that he could continue to pursue correspondence from the railroad in order to keep this grading. He feels that Mr. Ferris would probably want to see plans or meet to review it. Mr. Thibeault referred to, and read aloud from, Sections 560.7.i.1, 2 & 3 of the Regulations. Mr. Thibeault explained his interpretation that “unless approved by the Commission” doesn’t carry over to Item 2. He said that if the Commission wants to interpret that differently, he would not object to that. Ms. Aubrey commented that the concern was that there wasn’t going to be any undermining of the railroad, especially with a freight railroad. Mr. Blake asked if a temporary easement to match the grade would be the intention. Mr. Thibeault stated that he does not want to match the grade, he wants to keep it like it is. Mr. Thibeault explained that the only way to not be lower than the property line would be that they would have to fill there. They are at about 35 feet before that grading begins. The slope from the railroad to the property line is pretty steep. Mr. Blake commented about “as proposed” maintaining the berm for sound from the train. Discussion continued.

Mr. Blake and Ms. Aubrey were in agreement that it sounds like it is within the intention of the Regulation. Discussion continued. Mr. Thibeault explained that there will be no water going in the opposite direction and nothing will be affected in the right-of-way for the rail line. There was discussion regarding Section 560.6.c (under Application Process) which Mr. Thibeault read aloud and it was displayed. Mr. Card commented that it gives the ability to waive, given the fact that it is not undermining at the property line or the property on the other side of the railroad tracks. The intent was

to make sure we have somewhat of a buffer from the cut to the property line and that we are not undercutting the property line. In this case, the berm remains. Ms. Aubrey advised that this should be stated in the motion (if approving). The motion should state why the Commission would be granting a waiver, for what reasons, and cite the Regulation.

- Mr. Card asked if the 150-foot setback to residential structures was marked on the plans. Mr. Thibeault stated that he had not. This needs to be verified/demonstrated from the three residences.
- The revised plans show an update to the stockpile of topsoil. Mr. Jolley will remove what he feels is necessary.

There were no comments from the public.

Mr. Card stated that the following updates are needed: verify the 150-foot setback; he recommended to put the distances in the cross section from the property line over and from the railroad tracks.

Mr. Thibeault agreed to an extension to continue the public hearing.

Motion was made by Virge Lorents to continue the public hearing for **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. (**CONT FROM 4/18/22**), to Monday, June 20, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by Matthew Wendorf. No discussion.

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

2) **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.

Ann-Marie Aubrey explained that public comments had been received regarding Section 1.b. of the Draft (dated March 17, 2022). The following language was suggested to replace Section 1.b. of the Draft:

1.b. Where the proposed use abuts the residential district, a buffer strip of at least 25' wide, containing planted screening may be required by the Commission. Permanent structures such as wooded fences, stone walls and the like may be approved in lieu of part or all of the required planting where, in the opinion of the Commission, the intended buffering purpose is served by such a substitution.

Jonathan Blake explained that it had been brought to Staff's attention that the original Draft language may be problematic given the zones that are proposed in the Regulation. They got the suggested language from the Regulations as there is similar language in other zones for other uses. He explained that this allows the Commission to require at least 25 feet of a buffer where the zone, for the use, meets a residential zone. It also allows the Commission to allow substitution at the property line (e.g. wood fence, stone walls or a combination). He said that the 200-foot buffer would be more in line if the RD Zone was included. Ms. Aubrey explained that the 200-foot buffer could eliminate large portions of the zones and it could be appealed, which would not be good for the Town.

Staff explained that this covers retail and grow facilities. Grow facilities would be indoors which would mitigate nuisance such as odor. It can be better controlled and it helps with security. In New England, indoor growing seems more common sense due to winter. OPM may make changes to their policies in their 300+ page Bill that was passed.

There was discussion. John Sarantopoulos referred to Drug Free Zone Law published by the Office of Legal Research, dated December 1, 2016 (which he had found on-line) and stated that he had spoken with one of their Attorneys regarding whether there had been any changes since it had been published. The Attorney advised him that the legislature that has been passed did not address existing law. Mr. Sarantopoulos stated that, regarding retail, he, himself, feels that the 500-foot setback is too low and he said that it presently stands at 1500 feet which is what he feels it should be. He said that the Attorney's opinion was that the Communities will each decide what their limits are going to be. Mr. Sarantopoulos provided Ms. Aubrey with a copy of the publication.

Mr. Blake explained that his understanding is that this is exempt from the Drug Free Zone which is 1500 feet. Mr. Blake explained that the 500 feet comes directly from the passed Bill for certain types of locations (churches and schools) and that other items listed in Section 1.a of the Draft (which other municipalities have included) are in addition to churches and schools. Mr. Blake stated that the Town Attorney had reviewed the Draft language as it is submitted. Discussion continued. Ms. Aubrey went to her office to get her copy of the legislation.

Motion was made by Virge Lorents to have a recess at 7:42 p.m.

Second by Matthew Wendorf. No discussion.

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

Ms. Aubrey returned and Mr. Card called the meeting back to order at 7:47 p.m.

Discussion continued. Ms. Aubrey stated that Staff had asked the same question - 500 feet vs. 1500 feet and were advised that it is 500 feet. But, she will research the facts.

Ms. Lorents voiced concern, for the record, regarding the sale of cannabis which, by its very nature, brings up the issue of what is going to happen with the sold product that puts others at risk (e.g. driving in an altered state). Ms. Aubrey explained that there are ongoing discussions among the authorities that would have that jurisdiction.

Mr. Wendorf commented about the 25-foot wide strip (based on the Commercial Zoning Regulations). He spoke of the odor from a grow facility in Rhode Island, that he drives by, which is approximately 25 feet off of the street. He said that he would be concerned if this were going near a residential district. Mr. Blake explained that odor control measures are one of the requirements, but policies regarding acceptable projection or design in terms of emission have not been established for Connecticut yet. He believes that they would have to show consideration for those elements and have to meet all of the State requirements. The State would act on air quality complaints. He compared it to night-sky compliant lighting (lumen levels are not regulated, we do not have a way of measuring). Mr. Wendorf stated that distance is the ultimate buffer in dissipating odor/sound/light. Mr. Card stated that, under the Special Permit Regulations, 25-feet is the minimum and the PZC can require more.

Mr. Card suggested the following:

- Language regarding permanent structures say, "in conjunction with or in lieu or part of all the required plantings" depending on what the adjacent property is.
Discussion continued regarding odor and Mr. Sarantopoulos commented that he feels that the PZC has an opportunity to put it at a distance to give some protection, not only school children, but to someone who has a business that does not want this next door. He, again, stated that it should go from 500 feet to 1500 feet for all of items listed under Drug Free Zone in the Draft language.
- A bullet be added under Item 2 to address waste management. Mr. Card feels that a Waste Management Control Strategy should be included as part of the application.

Mr. Blake noted that it is regulated by the State, but it can be included as well. Ms. Aubrey suggested that a copy of what was submitted to the State could be submitted to the Town with proof that it had been submitted to the State for approval.

Mr. Wendorf stated that he would, potentially, be in favor of leaving the Drug Free Zones, as written in the previous law, at 1500 feet. But, he suggested that the additional items listed by the Town, could be set at 500 feet. He feels that this compromise would address Mr. Sarantopoulos' concerns, which are valid, and it also allows for enough space within the Town that could still allow for feasible locations for a facility.

Ms. Aubrey asked if the Members of the Commission were happy with the following:

- Within 1500 feet of the property comprising an elementary or secondary school or a licensed day care center and the remaining will be at 500 feet.

No opposition was expressed.

There were no comments from the public either in person or on-line.

Mr. Card recommended that the public hearing be continued so that the Town Attorney could be consulted for an opinion regarding the Drug Free Zone – Minimum of 500 feet or Consistent with State Law.

Motion was made by Matthew Wendorf to continue the public hearing 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, to Monday, June 20, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by Virge Lorents. No discussion.

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

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).

Ms. Aubrey explained that she received an email from the Applicant requested that the public hearing be tabled to the next regularly scheduled meeting of Monday, June 20, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

4) **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).

Representing the Applicant: Attorney Tim Bleasdale, Law Firm of Waller, Smith & Palmer, New London, CT; Brian Caya, Owner; and Stuart Peaslee, Engineer.

Attorney Bleasdale noted a correction, for the record, that the Applicant is Inc, not LLC. He gave an overview (plans were displayed as discussed):

- The Applicant was previously before the PZC for a zone change for this property.
- The welding and metal products fabrication business (Classification Code #332323) would like to relocate from Plainfield to Killingly which requires a special permit.
- They plan to revitalize and re-use the building, putting it back into productive use as a manufacturing use which is an as-of-right use in the Zone. He referenced Sections 430.2.1.a & b of the Regulations. The building is approximately 22,000 s.f.

- He stated that, when the Applicant was previously before the PZC, a neighbor from Carol Avenue had voiced concern regarding the property being vacant and nuisance behaviors that were taking place there. Having this business there will stop those behaviors.
- The property is fully developed. Improvements were approved by this Commission when they were first constructed several decades ago. It has a large parking lot, private well and septic.
- They are proposing very minimal changes to the site and will try to re-use, as much as possible, what is already there.

Two Proposed Changes:

- Creation of a vegetated buffer along Wauregan Road and Lucienne Avenue, in part, to bring the property into compliance with the LI Regulations (Section 430.2.5). Existing bushes do not provide much screening.
- Two Alternative Proposals, pertaining to the loading dock, that they would like to be able to do sometime within the next five years, if they become feasible:
Regarding steel deliveries – they would like to move the deliveries entirely indoors for the off-loading (which takes approximately 20 minutes), for convenience and for sound mitigation.
- All manufacturing activities to occur indoors which they anticipate will prevent from producing any kind of noise, odor, dust, smoke and glare that would emanate from the property.
- There are no hazardous materials used in the manufacturing process.
- The goal is to implement the process of quality throughout all aspects of their business to minimize impact on the neighbors and put the building back into productive use which would be beneficial to the Town.
- They currently have 15 employees: 3 office employees; 5 workshop employees; and 7 field employees which primarily work off-site installing the finished products. They expect that the maximum increase in the total number of employees would be to 25 which, he said, would not generate a lot of traffic.
- It would not be open to the general public (like when it was a Benny's store). The only regular traffic, other than the eight that work on-site, would be: steel deliveries – generally 1-3 per week, but varies based by project; consumables – once per week; UPS/FedEx – once per day.
- Office Hours: Monday through Friday - 7:00 am to 5:30 pm;
Workshop Hours: Monday through Friday - 6:00 am to 4:30 pm;
Field Workers' Hours: 7:00 am to 4:30 pm
- No outdoor storage is proposed for the large parking lot. However, as products are finished indoors they come outdoors and are loaded onto a truck or a trailer. They may sit there up to 24 hours or so until they are taken off the site for delivery or installation. As the vegetative buffer grows, it will provide a lot of screening for the neighbors.

QUESTIONS/COMMENTS FROM COMMISSION MEMBERS:

- **Matthew Wendorf** asked about the increase in the number of employees (current or future). Brian Caya stated that they are currently understaffed, so they are looking for 3 or 4 additional employees with the potential of an additional 10 based on future workload.
- **John Sarantopoulos** asked about unloading material with a crane outside of the dock area. Mr. Caya explained that, as part of their immediate proposal, they would like to construct a concrete ramp so that the trucks can come inside because they intend to put overhead cranes inside the building for all off-loading. If unable to build the concrete ramp, they would off-load with fork trucks. He explained that the plans call for either the ramp or a fully-enclosed addition (which they are not sure is feasible right now).
- **Brian Card** asked if this is the proposal now. Mr. Caya said that their intent for this approval is for the ramp. Attorney Bleasdale referred to Exhibit 3 (General Floor Plan) of his letter dated April 11, 2022 (included in packets to Commission Members) and stated that it is one of two alternatives.

Ms. Aubrey explained that Applicant had told Staff about this and she had told them that to show us you plans and, if approved, Staff would work with them.

Mr. Card asked if employee parking would be in front of the building on the right side. He asked about employee access and if the entrances are gated. He asked about proposed venting.

Mr. Caya stated yes regarding the employee parking being in front on the right side. He said that, currently, there are no gates, but they do intend to put gates at the access from Route 12 and Lucienne Avenue.

Mr. Caya said that there is a plan for a full-circulation, 16-unit, overhead system that changes the volume of air, inside the facility, five times per hour and keeps it OSHA compliant. It does not extract anything. No exhaust.

Mr. Card asked about excessive noise during the workshop hours.

Mr. Caya said that it is tough to say, but it is a CMU (Concrete Masonry Unit) building, so he thinks that any noise would be minimal. He said that letters from neighbors in Plainfield have been submitted stating that they have had no complaints about noise.

Stuart Peaslee, Peaslee Architect, PC, explained that any of the possible noises would not be consistent to be annoying to neighbors. If there were to become such an annoyance, there would acoustical measures to address that.

Attorney Bleasdale referred to sections of his letter (dated April 11, 2022) pertaining to the Special Permit Criteria and the POCD (Sections 3.2, 3.5 and 3.6).

Stuart Peaslee, Peaslee Architect, referred to Section 430.2.5 regarding the 25-foot buffering width and height. He said that they are willing to accommodate and be as least intrusive as possible. He said to accommodate the 25-foot buffer, they would have to remove a significant amount of paving and re-landscape. He asked if there would be flexibility on the buffering requirement located at the boundary line or within the existing green area. At the steepest part, it is about a 10-11 foot differential in elevation from the road height to the parking lot finish grade. The planting/fencing requirement is only 6-feet. Arborvitaes won't grow fast like a white pines would. White pines would grow fast, but in 20 years there would be a maintenance issue. He asked what is best to accommodate the Regulations, but also be sensible with that location.

- Expense to modify the parking lot to accommodate the 25-foot wedge;
- Can they extend into the existing green area?
- What are the expectations regarding planting and/or fencing?

Mr. Wendorf clarified that there is an existing parking lot that goes within the 25-foot buffer. So, the existing parking lot goes closer than 25 feet to the property line. The side setback for a buffer zone is 25 feet, but there is existing pavement there.

There was discussion. Mr. Wendorf asked what measures would be proposed if it were to remain as is.

Mr. Peaslee explained that, ideally, they would like to put more plantings in that area without a significant modification to the existing parking lot.

Ms. Aubrey commented that the definition and what is required of a buffer gives the Commission leeway on what they would require as a condition of the Special Permit. However, she stated that a State permit would be needed because the area is a State Highway (Route 12) right-of-road.

Mr. Blake stated that the Commission also does not have the authority to grant permission for an easement on the Town road. Mr. Blake added that he agrees with Ms. Aubrey that the Commission has leeway to allow substitution provided there are alternatives presented. Mr. Caya stated that he feels it would be reasonable, with the setbacks, to say just clear enough of the parking lot to put a solid row of arborvitaes and include the existing green space as part of it. He said that he measured 27 feet from curb-to-curb. Mr. Peaslee stated that it would need to be shown in the drawing.

Virge Lorents voiced concern that an arborvitae wouldn't be tall enough. Mr. Peaslee stated that they would over time.

Brian Card suggested the following:

- Look over whether there any changes to the front of the building? Look over the landscaping – what is appropriate there?
- North side of the building where deliveries come in and out, as well as headlights and noise issues (adjacent to residential area) – what landscaping is appropriate there? Present something to handle the potential nuisance to protect the neighbors.
- Look at the definition and try to meet the intent of the definition.

Mr. Peaslee stated that they will create something that will enhance the character and make improvement to the existing conditions and come back to present it. Ms. Aubrey suggested that Mr. Peaslee call Staff, who would go to the site with him, to discuss at that time.

Mr. Peaslee commented regarding that there is a full basement which will be good for storage. He feels this is a great opportunity for everyone.

Mr. Blake commented about the recently updated Parking Regulations which allow an Applicant to propose parking based on the need of the use, not just per the defined Table. He asked if the 97 parking spots are needed. The answer was no. Mr. Blake explained that they could show an alternative based off of need.

Mr. Wendorf commented that he is happy that this proposal uses something that is currently vacant.

Attorney Bleasdale asked about lighting concerns.

Virge Lorents explained about dark-sky compliant lighting fixtures that aim the light downward.

Brian Card suggested that they look at what the lighting that they will be putting on the outside of the building and present details at the next meeting.

Mr. Caya stated that he does not see any need for upward lighting.

Ms. Aubrey offered that they could reach out to Staff.

There were no comments from the public either in person or on-line.

Motion was made by Virge Lorents to continue the public hearing for **Special Permit Ap# 22-1291** – Melting Point Welding & Fabrication, Inc. (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), to Monday, June 20, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by Matthew Wendorf. No discussion.

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

5) **Zone TEXT Change Ap #22-1292** – Town of Killingly, allowing garages as a primary use in in rural development and low-density-zones only.

Jonathan Blake explained that the only language that has changed between the Work Shop until now is as follows:

Item 3 – The total square footage of the structure shall not exceed 1200 square feet.

Brian Card stated that changes were made to make it more consistent with what is out there because of primary use in those zones. It is not a special permit. He said there was agreement on the language changes at the last meeting.

There were no comments from Commission Members.

Mr. Blake stated that no comments had been received.

There were no comments from the public either in person or on-line.

Motion was made by Matthew Wendorf to close the public hearing for **Zone TEXT Change Ap #22-1292** – Town of Killingly, allowing garages as a primary use in in rural development and low-density-zones only.

Second by John Sarantopoulos. No discussion.

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

IX. 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. – **Continued.**

2) **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. – **Continued.**

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). – **Tabled.**

4) **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). – **Continued.**

5) **Zone TEXT Change Ap # 22-1292** – Town of Killingly, allowing garages as a primary use in in rural development and low-density-zones only.

Motion was made by Matthew Wendorf to approve **Zone TEXT Change Ap #22-1292** – Town of Killingly, allowing garages as a primary use in in rural development and low-density-zones only, as presented. Effective date of June 13, 2022, 12:01 a.m.

Second by Virge Lorents. No discussion.

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

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

1) **BY-LAWS** – Does the Commission want to schedule a time limit for meetings? Do they want to allow the meeting to continue for an additional hour, provided someone makes a motion at least 15 minutes prior to the scheduled closing of meeting? Review / discussion this meeting – any formal action to be taken on June 20, 2022.

Ann-Marie Aubrey explained that the By-Laws do not state an end time. It was proposed to end meetings by 10:00 p.m. There was discussion and there was agreement among the Commission Members, for end of meeting at 10:00 p.m. and then, a motion would need to be made at 9:45 p.m. to extend for either an hour or to the end of the end of the Agenda.

Ms. Aubrey will draft the revision language for review next month.

2) **OPT OUT** – Accessory Dwelling Units State Statute vs. Secondary Dwelling Units Town of Killingly Zoning Regulations – prepare to opt out of the state statute requirements.

Ms. Aubrey explained that we already have a secondary dwelling unit regulation which is much more encompassing than the accessory dwelling unit that is required in the State Statute, so we can opt out of the State Statute, but there is a formal process to follow. She will prepare draft language for review next month.

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

1) Regular Meeting Minutes – APRIL 18, 2022

Ms. Aubrey explained that the last three pages of the Minutes were missing from the packets to Commission Members. Therefore, the adoption will need to be tabled to next month.

Motion was made by Virge Lorents to table adoption of the Regular Meeting Minutes of APRIL 18, 2022, to Monday, June 20, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by Matthew Wendorf. No discussion.

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

XII. OTHER / MISCELLANEOUS – (review / discussion / action)

1) Five Mile River Overlay District – staff review still in process
No discussion.

XIII. CORRESPONDENCE – None.

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

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

B. Inland Wetlands and Watercourses Agent's Report – No report.

C. Building Office Report – No report.

XV. ECONOMIC DEVELOPMENT DIRECTOR REPORT

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

XVI. TOWN COUNCIL LIAISON REPORT

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

XVII. ADJOURNMENT

Motion was made by Matthew Wendorf to adjourn at 9:05 p.m.

Second by Virge Lorents. No discussion.

Motion carried unanimously (4-0-0).

Respectfully submitted,

J.S. Perreault
Recording Secretary

GDIT

P2C - AGENDA 6/20/2022
CORRESPONDENCE

RECEIVED

APR 25 2022

April 11, 2022

VIA ELECTRONIC AND FEDERAL EXPRESS

PLANNING & ZONING DEPT.
TOWN OF KILLINGLY

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

Re: New Cingular Wireless PCS, LLC ("AT&T")

Notice of Exempt Modification

Emergency Back-up Generator

246 E. Franklin Street, Killingly, CT 06239

Lat.: 41.79579190; Long.: -71.87030000

FILE COPY

Dear Ms. Bachman:

This letter and enclosures are respectfully submitted on behalf of New Cingular Wireless PCS, LLC ("AT&T"). AT&T currently maintains its wireless telecommunications facility on the existing tower located at 246 E. Franklin Street in the Town of Killingly, Connecticut. The underlying property is owned by Charles Hutchins & Amanda Martell Trustee and the tower structure is owned by SBA. AT&T submits this letter and enclosures to the Connecticut Siting Council ("Council") to notify the Council of AT&T's intent to perform modifications to the existing facility that do not have substantial adverse environmental effects and thus do not require a certificate pursuant to Section 16-50k of the Connecticut General Statutes.

AT&T intends to install one (1) new Generac 30kW Diesel Generator within the existing grade-level fenced equipment compound as demonstrated on the plans enclosed as Attachment 1. AT&T's existing facility supports its FirstNet program which provides first responders with priority access to AT&T's network to ensure adequate communication capabilities in the event of emergency. AT&T's proposed generator will ensure that critical communication capability for first responders and the public are not lost in the event of a loss of power.

AT&T's proposed generator will also advance the State's goal of natural disaster and emergency preparedness. As discussed in the Council's Docket 432 Findings and Report and Docket 440 proceedings and Findings of Fact (Nos. 76- 77), in response to two significant storm events in 2011, the State formed a Two Storm Panel (the "Panel") that evaluated Connecticut's approach to planning and mitigation of impacts associated with emergencies and natural disasters. The Panel found that "wireless telecommunications service providers were not prepared to serve residential and business customers during a power outage" because certain companies had limited backup generator capacity.



The Panel also noted that “[t]he failure of a large portion of Connecticut’s telecommunications system during the two storms is a life safety issue.” The Panel recommended that State regulatory

bodies review “telecommunications services currently in place to verify that the vendors have sufficient generator and backhaul capacity to meet the emergency needs of consumers and businesses” and that the “Connecticut Siting Council should require continuity of service plans for any cellular tower to be erected.” The planned modifications will ensure continuity of services by reinforcing AT&T’s backup power and backhaul capacity to meet the emergency needs of first responders, consumers, and businesses in the event of a power outage.

The planned modifications to the facility fall squarely within the activities explicitly provided for in R.C.S.A. § 16-50j-72(b)(2) as the planned modifications:

- Will not result in an increase in the height of the existing structure;
- Will not require the extension of the site boundary;
- Will not increase noise levels at the facility by more than six decibels or more, or to levels that exceed state or local criteria since emergency backup generators are exempt from noise regulations as “noise created as a result of, or relating to, an emergency”;
- Will not increase radio frequency emission at the facility to a level at or above the Federal Communications Commission safety standards;
- Will not cause a change or alteration in the physical or environmental characteristics of the site; and
- Will not impair the structural integrity of the facility.

This modification complies with the aforementioned approval. AT&T’s proposed modification will maintain compliance with any relevant conditions these original approvals and any other subsequent approvals. The proposed modifications will have no impact on the existing tower structure itself or the radiofrequency emissions as the proposed modifications only consist of the addition of one new generator within the grade-level equipment compound. Thus, AT&T respectfully requests a waiver from submission of information relating to the existing tower structure or the radio-frequency emissions.

Please accept this letter as notification pursuant to R.C.S.A. § 16-50j-73 for construction that constitutes an exempt modification pursuant to R.C.S.A. § 16-50j-73. In accordance with R.C.S.A. § 16-50j-73, a copy of this letter and enclosure are being sent to the Town of Killingly Council Chair Jason Anderson and the Town of Killingly Planning Department as well as the property owner and structure owner identified above. Certification of Service is enclosed as Attachment 3. For the foregoing reasons, AT&T respectfully submits that the proposed modification to the above



referenced wireless telecommunications facility constitutes an exempt modification under R.C.S.A. § 16-50j-72(b)(2).

Very truly yours,

Steven J. Volkert Site Acquisition Specialist

General Dynamics Wireless Services

2586 Industry Lane, Ste. 100

Norristown, Pa 19403

(318) 642-6190 phone

steven.volkert@gdit.com

GENERAL DYNAMICS
Information Technology

CC: Jason Anderson, Town of Killingly Council Chair

Charles Hutchins, Property owner

SBA, Tower owner



NSS **NORTHEAST**
SITE SOLUTIONS
Turnkey Wireless Development

PLANNING ZONING COMM.
 CORRESPONDENCE 6/20/2022.

Northeast Site Solutions
 Denise Sabo
 4 Angela's Way, Burlington CT 06013
 203-435-3640
 denise@northeastsitesolutions.com

May 25, 2022

Members of the Siting Council
 Connecticut Siting Council
 Ten Franklin Square
 New Britain, CT 06051

FILE COPY

RECEIVED

MAY 26 2022

RE: Tower Share Application
 246 East Franklin Street, Danielson, CT 06239
 Latitude: 41.795861
 Longitude: -71.870166
 Site #: CT00302-S_BOBOS00896A_SBA_DISH

PLANNING & ZONING DEPT.
 TOWN OF KILLINGLY

Dear Ms. Bachman:

This letter and attachments are submitted on behalf of Dish Wireless LLC. Dish Wireless LLC plans to install antennas and related equipment to the tower site located at 246 East Franklin Street, Danielson (Killingly), Connecticut.

Dish Wireless LLC proposes to install three (3) 600/1900 MHz 5G antennas and six (6) RRUs, at the 117-foot level of the existing 155-foot monopole tower, one (1) Fiber cable will also be installed. Dish Wireless LLC equipment cabinets will be placed within a 7' x 5' lease area within the fenced compound. Included are plans by B+T, dated May 16, 2022, Exhibit C. Also included is a structural analysis prepared by TES, dated January 20, 2022, confirming that the existing tower is structurally capable of supporting the proposed equipment. Attached as Exhibit D. The facility was originally approved by the Killingly Planning & Zoning Commission on July 13, 1998. Please see attached Exhibit A.

Please accept this letter as notification pursuant to Regulations of Connecticut State Agencies 16-50aa, of Dish Wireless LLC intent to share a telecommunications facility pursuant to R.C.S.A. 16-50j-88. In accordance with R.C.S.A., a copy of this letter is being sent to Jason Anderson, Town Council Chair, and Ann-Marie Aubrey, Director of Planning & Development for the Town of Killingly, as well as the tower owner (SBA) and property owner (Charles Hutchins & Amanda Martell).

The planned modifications of the facility fall squarely within those activities explicitly provided for in R.C.S.A. 16-50j-89.

1. The proposed modification will not result in an increase in the height of the existing structure. The top of the existing tower is 155-feet and the Dish Wireless LLC antennas will be located at a center line height of 117-feet.
2. The proposed modifications will not result in an increase of the site boundary as depicted on the attached site plan.



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3. The proposed modifications will not increase noise levels at the facility by six decibels or more, or to levels that exceed local and state criteria. The incremental effect of the proposed changes will be negligent.

4. The operation of the proposed antennas will not increase radio frequency emissions at the facility to a level at or above the Federal Communications Commission safety standard. The combined site operations will result in a total power density of 32.75% as evidenced by Exhibit F.

Connecticut General Statutes 16-50aa indicates that the Council must approve the shared use of a telecommunications facility provided it finds the shared use is technically, legally, environmentally, and economically feasible and meets public safety concerns. As demonstrated in this letter, Dish Wireless LLC respectfully submits that the shared use of this facility satisfies these criteria.

A. Technical Feasibility. The existing monopole has been deemed structurally capable of supporting Dish Wireless LLC proposed loading. The structural analysis is included as Exhibit D.

B. Legal Feasibility. As referenced above, C.G.S. 16-50aa has been authorized to issue orders approving the shared use of an existing tower such as this monopole tower in Killingly. Under the authority granted to the Council, an order of the Council approving the requested shared use would permit Dish Wireless LLC to obtain a building permit for the proposed installation. Further, a Letter of Authorization is included as Exhibit G, authorizing Dish Wireless LLC to file this application for shared use.

C. Environmental Feasibility. The proposed shared use of this facility would have a minimal environmental impact. The installation of Dish Wireless LLC equipment at the 117-foot level of the existing 155-foot tower would have an insignificant visual impact on the area around the tower. Dish Wireless LLC ground equipment would be installed within the existing facility compound. Dish Wireless LLC shared use would therefore not cause any significant alteration in the physical or environmental characteristics of the existing site. Additionally, as evidenced by Exhibit F, the proposed antennas would not increase radio frequency emissions to a level at or above the Federal Communications Commission safety standard.

D. Economic Feasibility. Dish Wireless LLC will be entering into an agreement with the owner of this facility to mutually agreeable terms. As previously mentioned, the Letter of Authorization has been provided by the owner to assist Dish Wireless LLC with this tower sharing application.

E. Public Safety Concerns. As discussed above, the tower is structurally capable of supporting Dish Wireless LLC proposed loading. Dish Wireless LLC is not aware of any public safety concerns relative to the proposed sharing of the existing tower. Dish Wireless LLC intentions of providing new and improved wireless service through the shared use of this facility is expected to enhance the safety and welfare of local residents and individuals traveling through Killingly.

Sincerely,

Denise Sabo

Denise Sabo

Mobile: 203-435-3640

Fax: 413-521-0558

Office: 4 Angela's Way, Burlington CT 06013

Email: denise@northeastsitesolutions.com



NSS **NORTHEAST**
SITE SOLUTIONS
Turnkey Wireless Development

PZC 6/20/2022- AGENDA
 Correspondence.

Northeast Site Solutions
 Denise Sabo
 4 Angela's Way, Burlington CT 06013
 203-435-3640
 denise@northeastsitesolutions.com

May 24, 2022



Members of the Siting Council
 Connecticut Siting Council
 Ten Franklin Square
 New Britain, CT 06051

RECEIVED

MAY 26 2022

PLANNING & ZONING DEPT.
 TOWN OF KILLINGLY

RE: Tower Share Application
 280 Ross Road, Killingly, CT 06239
 Latitude: 41.771527
 Longitude: -71.855722
 Site #: 857013_Crown_Dish

Dear Ms. Bachman:

This letter and attachments are submitted on behalf of Dish Wireless LLC. Dish Wireless LLC plans to install antennas and related equipment to the tower site located at 280 Ross Road, Killingly, Connecticut.

Dish Wireless LLC proposes to install three (3) 600/1900 MHz 5G antennas and six (6) RRUs, at the 75-foot level of the existing 119-foot monopole tower, one (1) Fiber cable will also be installed. Dish Wireless LLC equipment cabinets will be placed within a 7' x 5' lease area within the fenced compound. Included are plans by Jacobs, dated February 1, 2022, Exhibit C. Also included is a structural analysis prepared by Morrison Hershfield, dated September 8, 2021, confirming that the existing tower is structurally capable of supporting the proposed equipment. Attached as Exhibit D. The facility was approved by the Connecticut Siting Council, Docket No.283 on June 23, 2004. Please see attached Exhibit A.

Please accept this letter as notification pursuant to Regulations of Connecticut State Agencies 16-50aa, of Dish Wireless LLC intent to share a telecommunications facility pursuant to R.C.S.A. 16-50j-88. In accordance with R.C.S.A., a copy of this letter is being sent to Jason Anderson, Town Council Chair and Ann-Marie Aubrey, Director of Planning & Development for the Town of Killingly as well as the tower owner (Crown Castle) and property owner (Snake Meadow Club Inc.).

The planned modifications of the facility fall squarely within those activities explicitly provided for in R.C.S.A. 16-50j-89.

1. The proposed modification will not result in an increase in the height of the existing structure. The top of the existing tower is 119-feet and the Dish Wireless LLC antennas will be located at a center line height of 75-feet.
2. The proposed modifications will not result in an increase of the site boundary as depicted on the attached site plan.



**NSS NORTHEAST
SITE SOLUTIONS**
Turnkey Wireless Development



3. The proposed modifications will not increase noise levels at the facility by six decibels or more, or to levels that exceed local and state criteria. The incremental effect of the proposed changes will be negligent.

4. The operation of the proposed antennas will not increase radio frequency emissions at the facility to a level at or above the Federal Communications Commission safety standard. The combined site operations will result in a total power density of 16.29% as evidenced by Exhibit F.

Connecticut General Statutes 16-50aa indicates that the Council must approve the shared use of a telecommunications facility provided it finds the shared use is technically, legally, environmentally, and economically feasible and meets public safety concerns. As demonstrated in this letter, Dish Wireless LLC respectfully submits that the shared use of this facility satisfies these criteria.

A. Technical Feasibility. The existing monopole has been deemed structurally capable of supporting Dish Wireless LLC proposed loading. The structural analysis is included as Exhibit D.

B. Legal Feasibility. As referenced above, C.G.S. 16-50aa has been authorized to issue orders approving the shared use of an existing tower such as this monopole tower in Killingly. Under the authority granted to the Council, an order of the Council approving the requested shared use would permit Dish Wireless LLC to obtain a building permit for the proposed installation. Further, a Letter of Authorization is included as Exhibit G, authorizing Dish Wireless LLC to file this application for shared use.

C. Environmental Feasibility. The proposed shared use of this facility would have a minimal environmental impact. The installation of Dish Wireless LLC equipment at the 75-foot level of the existing 119-foot tower would have an insignificant visual impact on the area around the tower. Dish Wireless LLC ground equipment would be installed within the existing facility compound. Dish Wireless LLC shared use would therefore not cause any significant alteration in the physical or environmental characteristics of the existing site. Additionally, as evidenced by Exhibit F, the proposed antennas would not increase radio frequency emissions to a level at or above the Federal Communications Commission safety standard.

D. Economic Feasibility. Dish Wireless LLC will be entering into an agreement with the owner of this facility to mutually agreeable terms. As previously mentioned, the Letter of Authorization has been provided by the owner to assist Dish Wireless LLC with this tower sharing application.

E. Public Safety Concerns. As discussed above, the tower is structurally capable of supporting Dish Wireless LLC proposed loading. Dish Wireless LLC is not aware of any public safety concerns relative to the proposed sharing of the existing tower. Dish Wireless LLC intentions of providing new and improved wireless service through the shared use of this facility is expected to enhance the safety and welfare of local residents and individuals traveling through Killingly.

Sincerely,

Denise Sabo

Denise Sabo
Mobile: 203-435-3640
Fax: 413-521-0558
Office: 4 Angela's Way, Burlington CT 06013
Email: denise@northeastsitesolutions.com

ZONING PRACTICE

JUNE 2022



AMERICAN PLANNING ASSOCIATION

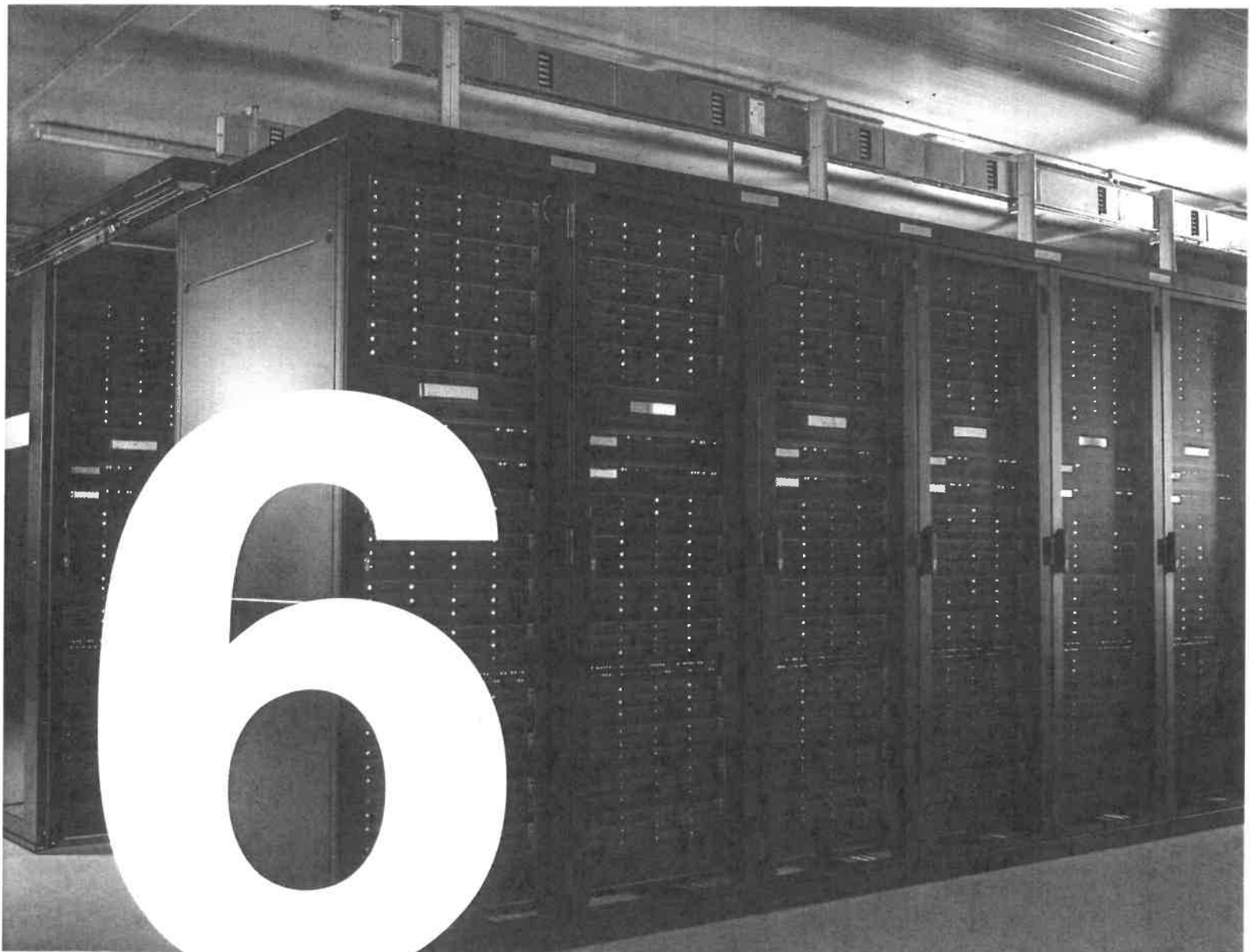
RECEIVED

JUN 13 2022

PLANNING & ZONING DEPT.
TOWN OF KILLINGLY

➔ ISSUE NUMBER 6

PRACTICE DATA CENTERS



Zoning for Data Centers and Cryptocurrency Mining

By David Morley, AICP

Data centers are the physical facilities where the internet lives. Fundamentally, they consist of networked computer systems used for data storage and processing, along with supporting equipment, such as batteries, back-up power generators, and cooling devices. Modern data centers are the direct descendants of the, so-called, *telecom hotels* that began springing up in downtowns in the late 1990s to accommodate the rapid expansion of the commercial internet and, before that, of automated telephone exchange facilities that made it possible to place land-line telephone calls across a city, the nation, or the world (Evans-Cowley 2002).

An emerging segment of the data center market consists of facilities dedicated in whole or part to “mining” cryptocurrency. A cryptocurrency is a decentralized digital currency that uses encrypted data strings to denote individual units, or coins, and a peer-to-peer database known as a blockchain to maintain a secure ledger of transactions. Several of the most popular cryptocurrencies, most notably Bitcoin, require extremely complex computations to verify each transaction and add a record, or block, for that transaction to the blockchain. Whoever verifies a transaction first receives a new cryptocurrency coin as a reward. While, theoretically, anyone with a computer server can “mine” new coins by helping to verify these transactions, large-scale cryptocurrency mining requires a massive amount of computing power.

This article explores the reasons why cities, towns, and counties may wish to define and regulate data centers and cryptocurrency mining as distinct uses in their zoning codes and provides a summary of contemporary approaches. It begins with a brief overview of the factors that drive demand for data centers or cryptocurrency mines in particular locations before examining the key planning issues that may merit special attention through zoning and posing a series of questions to guide code drafting.



➡ A hyperscale Google data center in Council Bluffs, Iowa.

Chad Davis / Flickr (CC BY 2.0)

The article concludes with short profiles of local zoning approaches that may serve as models for others.

DEMAND DRIVERS

Industry analysts predict sustained growth in data center construction in the coming years (Dunbar and Bonar 2021). This includes demand for larger and larger “hyperscale” data centers as well as more widely distributed “edge” data centers (Sowry et al. 2018). Data center developers (or operators) are attracted to sites with low latency to end users and dependable and affordable electricity.

While data centers have historically been clustered around major internet access points, information technology companies, and government employment centers, the proliferation of cloud computing and the internet of things is pushing demand out to network edges. This means more data centers in smaller metropolitan and nonmetropolitan areas.

Big technology companies are likely to continue looking for sites that can accommodate new, large single-story structures.

But operators that specialize in leasing space in the same facility to multiple companies (i.e., collocated data centers) may be more open to infill sites and existing structures, especially if those sites have access to fiber optic infrastructure.

Data centers use a lot of electricity (see below) to power processing and storage hardware and to keep that hardware cool. The amount of electricity (and often water) needed for cooling is higher in warm, humid climates than in cool, dry areas. Consequently, holding other factors equal, developers favor locations with low electricity rates and cooler climates. Furthermore, because these facilities operate continuously, developers are also looking for sites that are less vulnerable to natural hazards.

Cryptocurrency miners are also looking for locations with cheap electricity and low hazard risk; however, dedicated mining facilities are not concerned about proximity to customers and are less likely to invest in backup power. While there seems to be a widespread consensus that data centers are essential to global communications and the global economy, cryptocurrency miners

have a more limited “social license” to operate. Widespread concerns about the energy use of mines and the limited utility of the coins they produce has led some countries, including China, to ban Bitcoin mining. Consequently, many cryptocurrency miners are relocating to the U.S. (Obando 2022).

PLANNING ISSUES

From the exterior, data centers and cryptocurrency mining facilities may be physically indistinguishable from many commercial or light industrial uses. However, the operational characteristics of these facilities are typically quite distinct from those of surrounding land uses. From a planning perspective, the most noteworthy characteristics relate to their electricity and water use, noise production, enhanced safety and security needs, and low employment densities.

They Use a Lot of Electricity (and Water)

In 2020, data centers used between 200 and 250 terawatt hours (TWh) of electricity, accounting for approximately one percent of global consumption (IEA 2021). While the total consumption has grown steadily along with global power demand, this ratio has held relatively constant over the past 20 years as efficiency improvements have proportionally offset increased demand from data centers. However, this pattern is unlikely to hold as growth in streaming video, online gaming, cloud computing, machine learning, virtual reality, and the internet of things begins to outstrip efficiency improvements.

The figures above exclude cryptocurrency mining. Bitcoin miners alone used an estimated additional 60 to 70 TWh in 2020. According to Cambridge University, if Bitcoin was a country, its annual electricity consumption would be slightly higher than that of Poland or Malaysia (2022).

Data center and cryptocurrency mining equipment also generates a tremendous amount of waste heat, which must be dissipated by fans or absorbed by a cooling medium to avoid hardware damage and ensure efficient operations. Many data centers and cryptocurrency mines use water as a cooling medium. Water is also necessary for most forms of electricity production. In aggregate, a medium-sized data center typically uses more water each year than two 18-hole golf courses (Mytton 2021).

They Can Be Noisy

Inside a data center or cryptocurrency mine server room, the noise can make it difficult to carry on a conversation at a normal volume. While most data centers and large cryptocurrency mines incorporate construction and soundproofing techniques that ensure this server noise isn't audible outside of the building, air conditioner compressors mounted on the roof or on ground near these facilities can generate noise that carries across property lines.

In some contexts, vegetation or other structures may rapidly attenuate this sound. In others, the sound may travel over long distances. Obviously, the degree to which these sounds constitute nuisance “noise” depends on surrounding land uses and ambient noise levels. The problem is typically most acute when data centers or mines are near residences.

They Have Enhanced Safety and Security Needs

Data centers typically aim to run continuously, and any outage or downtime can threaten business operations. Furthermore, data centers house expensive, highly specialized hardware, and many handle sensitive data. Consequently, most data centers incorporate enhanced safety and security features, such as gated access points, fencing, or bright lighting, to prevent unauthorized access and to minimize the likelihood of disruption.

Cryptocurrency mines have similar safety and security needs, with two key distinctions. First, miners want to maintain network access, but the stakes are lower

than for data centers because an outage wouldn't negatively affect any other services or users. Second, cryptocurrency mines generally aren't receiving any clients and have little incentive to draw attention to themselves with fencing or lighting.

They Have a Low Employment Density

Data centers typically have far fewer workers per square foot than professional offices or light industrial facilities (Tarczynska 2016). And cryptocurrency mines generally have even lower employment densities than data centers. For some communities, data centers (and potentially cryptocurrency mines) are highly desirable from an economic development perspective because they often generate a large property tax surplus that can subsidize more service-intensive land uses, such as single-family homes. Others, however, are reluctant to devote too much commercial or light industrial space to uses that generate few jobs.

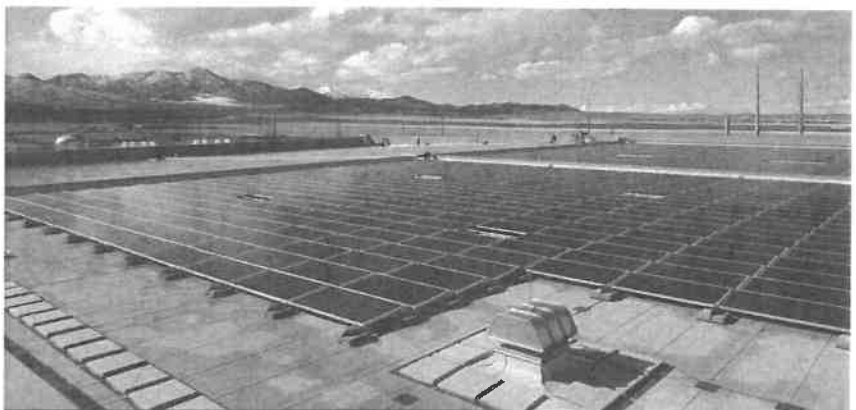
ZONING CONSIDERATIONS

Any community interested in regulating data centers and cryptocurrency mining through zoning should consider three key questions:

1. Do these uses need new use definitions?
2. Where should these uses be permitted?
3. Do these uses need special development or performance standards?

Do They Need New Use Definitions?

New land uses don't necessarily require new use definitions in the local zoning code. It depends, in part, on whether the use fits



The roof of eBay's Topaz data center in South Jordan, Utah.

neatly under a broader use category or is substantially like another defined use. And it depends on whether treating the new use the same as this use category or other similar use would be likely to generate negative effects on nearby properties or the community as a whole.

Many communities have defined data centers (or some closely analogous term) as a distinct use in their zoning codes. These definitions typically reference the general function of the facility and the degree to which it is occupied by computer systems and related equipment. For example, Anne Arundel County, Maryland, defines *data storage center* as “a facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations” (§18-1-101.(44)).

Comparatively fewer communities have defined cryptocurrency mining as a distinct use. Many of these definitions focus on the specialized purpose of the facility, often with references to other newly defined terms, such as *high density load* or *server farm*, that clarify its distinct characteristics. For example, Moses Lake, Washington, specifies that *cryptocurrency mining* often uses more than 250 kilowatt-hours per square foot each year (§18.03.040).

Where Should They Be Permitted?

Communities that choose to regulate data centers or cryptocurrency mines as distinct uses may permit these uses either by right or with a discretionary use permit (i.e., conditional, special, or special exception use permits) in one or more existing base or overlay zoning districts. Alternatively, they may elect to establish a new special-purpose base or overlay zoning district for either use.

Many communities permit data centers and cryptocurrency mines either by right or with a discretionary use permit in commercial and industrial districts. While data centers and mines can fit in a wide range of existing commercial or industrial buildings, purpose-built facilities are often single-story structures with large floorplates.

Given that they generally have few employees and visitors, these uses may not be appropriate in ground-floor street-frontage spaces in pedestrian-oriented

EXAMPLES OF DEFINED USES

Jurisdiction	Defined Uses
Alpharetta, GA	Data center (§1.4.2)
Anne Arundel County, MD	Data storage center (§18-1-101.(44))
Fairfax County, VA	Data center (§9103)
Frederick County, MD	Critical digital infrastructure facility (§1-19-11.100)
Moses Lake, WA	Cryptocurrency mining; Data center/server farm/cluster (§18.03.040)
Pitt County, NC	Data processing facility (large scale) (§15)
Plattsburgh, NY	Commercial cryptocurrency mining; Server farm; High density load service (LL 6-2018)
Prince George's County, MD	Qualified data center (§27-2500)
Prince William County, VA	Data center (§32-100)
Somerville, MA	Data center (§9.8.b)
Vernal, UT	Data center (§16.04.173)
Wenatchee, WA	Cryptocurrency mining; Data center (§10.08)

commercial areas. Wenatchee, Washington, addresses this issue by permitting data centers and cryptocurrency mines by right in multiple pedestrian-oriented commercial districts, with a simple stipulation that they cannot occupy “grade level commercial street frontage” (§10.10.020).

A new special-purpose zoning district can help steer data centers or cryptocurrency mines toward corridors or other subareas that have suitable utility infrastructure. When adopted as floating zones, special districts can also provide an extra layer of review for large projects that may cover dozens or hundreds of acres.

Prince William County, Virginia, added a Data Center Opportunity Zone Overlay District to its zoning code in 2016 (§32-509). The county has mapped this overlay to more than 70 percent of its industrially zoned land. The overlay permits data centers and includes design standards for these facilities; however, it does not otherwise modify the existing use permissions for underlying districts.

Do They Need Special Development or Performance Standards?

Communities that decide to regulate data centers or cryptocurrency mines as distinct uses may choose to adopt use-specific standards that modify or supplement other relevant universal or district-specific development or performance standards. This approach can help communities target standards to the distinct features of these uses

to address specific community concerns.

Use-specific standards can help minimize reliance on discretionary approvals and improve the consistency of local decisions. Without these standards, local officials may be more likely to require all data centers and cryptocurrency mines to obtain a discretionary use permit, and they may be more likely to adopt wildly varying conditions of approval for substantially similar proposals.

Communities that have adopted use-specific standards for data centers and cryptocurrency mines often establish building design and buffering or screening requirements to minimize the visibility or improve the appearance of these facilities from public streets or nearby properties. Other common standards address environmental performance, including noise and light pollution, and evidence of electric utility approval.

POTENTIAL MODEL APPROACHES

It would be difficult to find a community with more experience with data centers than Loudon County, Virginia. And the county's approach to zoning for data centers serves as a potential model for other communities with suitable sites and sufficient infrastructure to accommodate data center development. In contrast, Missoula County, Montana, was one of the first local jurisdictions to craft zoning regulations for cryptocurrency mining operations. And its emphasis on mitigating the potential climate impacts represents a different type of potential model.

Loudon County, Virginia

Northern Virginia's Data Center Alley, primarily clustered around Routes 7 and 267 in Loudon and Fairfax Counties is the largest data center market in the world (Fray and Koutsaris 2022). Its combined power consumption capacity is more than 1.6 gigawatts (GW), nearly twice as much as the next largest market. And within Data Center Alley, Loudon County has the highest concentration of data centers. As of October 2021, data centers occupied more than 25 million square feet, with another 4 million square feet in development (LCDED 2022).

Several important factors have driven demand for data center development in Loudon County. It is home to the Equinix internet exchange, one of the largest internet access points in the world and a successor to Metropolitan Area Exchange, East, the first

U.S. exchange. The county has abundant (and redundant) fiber optic infrastructure, relatively cheap power, and sufficient water. Additionally, it has a high concentration of skilled technology workers and businesses that support the data center industry.

By the year 2000, there was already an emerging data center cluster in Loudon County. However, the county did not define and regulate data centers as a distinct use in its zoning code until 2014 (ZOAM 2013-0003). According to Acting Planning & Zoning Director James David, prior to this, the county defined data centers as commercial offices.

The latest version of the county's zoning ordinance permits data centers by right in Planned Office Park, Research and Development Park, Industrial Park, and General Industrial districts and as a special exception use in Commercial Light Industry

districts. New data centers (without vested rights) must comply with a set of use-specific standards governing façade design, screening of mechanical equipment, exterior lighting, pedestrian and bicycle facilities, and landscaping, buffering, and screening (§5-664).

According to David, these standards are intended to improve the aesthetics of data centers, minimize visibility from nearby residential areas, and ensure continuous sidewalk and trail networks. Overall, they represent a light-touch approach that has, so far, worked well for a county with enormous demand for data centers and relatively modest competition for space from other commercial and industrial uses.

However, in February 2022, county officials directed staff to research regulatory options to prevent new data centers in the

EXAMPLES OF USE-SPECIFIC STANDARDS FOR DATA CENTERS AND CRYPTOCURRENCY MINING

Jurisdiction	Use-Specific Standards
Alpharetta, GA	Requires evidence of compliance with noise standards; specifies exterior lighting fixture design; establishes minimum building height; requires building façade design elements; establishes other fencing, screening, and landscaping requirements to minimize visibility from adjacent roads and properties (§2.7.2.1)
Anne Arundel County, MD	Establishes minimum lot size and setbacks; prohibits residences on the same lot; establishes limit on outdoor storage (§18-10-119)
Fairfax County, VA	Requires all equipment to be enclosed within a building; establishes maximum floor area by zoning district (§4102.6.A)
Frederick County, MD	Establishes criteria for reducing setbacks; specifies building design standards; specifies landscaping, screening, and buffering requirements; clarifies parking, loading, signage, and lighting standards; establishes criteria for private roads; establishes noise and vibration standards (§1-19-8.402)
Moses Lake, WA	Clarifies review process for business license; prohibits container storage; requires evidence of electrical utility approval; requires evidence of electrical permit and inspection; establishes environmental performance standards, addressing noise, heat, and electric and magnetic fields; limits amount of exposed equipment on facades (§18.74)
Pitt County, NC	Limits height; requires separation from sensitive uses; requires noise study and compliance with noise standards; requires underground wiring; requires security fencing and vegetative screening; requires evidence of electrical utility approval; clarifies signage standards; requires notification of abandonment (§8(UUUU))
Plattsburgh, NY	Requires fire suppression and mitigation techniques; limits internal ambient temperature and the direct release of heat on colder days; establishes permissible noise levels (LL 6-2018)
Prince George's County, VA	Requires building façade design elements; specifies exterior lighting fixture design; requires screening for security fencing and limits fence height; requires compliance with landscape manual; clarifies applicable off-street parking standard; clarifies signage standards; requires an acoustical study; specifies additional site, locational, and noticing requirements for facilities in rural residential districts (§27-5102(e)(4)(B))
Somerville, MA	Establishes special review criteria related to aesthetic impacts and employment opportunities (§9.8.b)
Vernal, UT	Requires fencing and structural screening for electrical generators; requires noise mitigation plan for facilities near residential zones or existing hotels or motels (§16.20.250)
Wenatchee, WA	Clarifies review process for business license; prohibits container storage; requires evidence of electrical utility approval; requires evidence of electrical permit and inspection; clarifies blank wall limitation standards; requires an affidavit verifying operating sound levels (§18.48.310)

Route 7 corridor. While data center demand remains high in this area, the county's comprehensive plan designates most of this corridor as Suburban Mixed Use, which envisions a compact, pedestrian-friendly mix of commercial, residential, cultural, and recreational uses. Furthermore, the existing electricity network infrastructure is insufficient to accommodate the existing demand for new data centers (LCDED 2022).

The county is working on its first complete overhaul of its zoning code since 1993. And it intends to incorporate any new regulations for data centers into the new code, which officials hope to adopt by the end of 2022.

Missoula County, Montana

In April 2019, Missoula County, Montana, adopted an interim zoning resolution that established a cryptocurrency mining overlay (Resolution No. 2019-026). The county had one large cryptocurrency mine already, and its low electricity rates and cool climate made it an attractive area for prospective miners. While a few other jurisdictions had already defined cryptocurrency mining in their zoning codes, Missoula County appears to be the first to explicitly position its zoning approach as a response to climate change.

According to county planner Jennie Dixon, AICP, local officials originally took an interest in regulating cryptocurrency mining as a distinct use after multiple complaints of noise from cooling fans at an existing Bitcoin mine operating out of a former sawmill in unincorporated Bonner. Soon, though, the county expanded its focus to include energy consumption and electronic waste.

Montana law only authorizes interim zoning in the case of an emergency involving "public health, safety, morals, or general welfare" (§76-2-206). Dixon says the Inter-governmental Panel on Climate Change's 2018 Special Report on *Global Warming of 1.5° C* helped justify climate change as a local emergency that warranted interim zoning to mitigate greenhouse gas emissions (and other potential environmental impacts) from cryptocurrency mining.

The interim zoning regulations defined cryptocurrency mining as a distinct use and created a Cryptocurrency Mining Overlay Zone, mapped to the entire unincorporated geographic extent of the county (which includes some un-zoned areas). The overlay



Google Earth

➡ The heart of Northern Virginia's Data Center Alley in Ashburn, Virginia.



Google Earth

➡ The former Bonner sawmill in Missoula County, Montana, was once home to the HyperBlock cryptocurrency mine.

restricted cryptocurrency mining operations to industrial districts and required operators to obtain a discretionary use permit if the mine was adjacent to a residential district or within 500 feet of a residential property boundary. These regulations also required all mining operations to verify that all electronic waste be handled by a licensed recycling firm and that all electricity use be offset by new renewable energy production.

Caroline Lauer, the county's Sustainability Program Manager, stresses the importance of this last requirement. If cryptocurrency miners purchased existing supplies of renewable energy, it could actually displace existing utility customers to dirtier sources. While most of the county's

electricity comes from hydropower, coal accounts for much of the remainder.

Missoula County's 2016 *Growth Policy* plan includes an objective to "reduce the county's contribution to climate change" (4.1) and lists policies that promote alternative energy development (4.1.3) and reduce energy use and waste generation as implementation actions (4.1.6). A day before it adopted the interim cryptocurrency mining regulations, the county further strengthened its policy rationale by adopting a joint commitment with the City of Missoula to achieve 100 percent clean electricity use by 2030.

County officials extended the interim zoning for another year in 2020 before adopting the same regulations as a permanent zoning amendment in March 2021 (§1.04

& \$5.05). According to Dixon, the Bonner mine ceased operations during the interim zoning period, but not because of the county's zoning. It declared bankruptcy two days after the "Black Thursday" Bitcoin crash in March 2020, leaving the tribal-owned independent power producer that provided its electricity with a \$3.7 million unpaid bill (Rozen 2020).

CONCLUSIONS

The rapid rise in data center development has coincided with dramatic decreases in the costs of producing solar and wind power. This, in combination with a growing trend toward clean power commitments among technology companies, has blunted some of

the climate impacts of an increased demand for data storage and processing.

The increased digitalization of life virtually guarantees that data centers will continue proliferating in strategic locations across the country (Gomez and DeAngelis 2022). Soon, communities may start seeing a sharp increase in interest in very small edge data centers that could fit in underutilized commercial spaces or even be collocated with other telecommunications infrastructure, such as small cell facilities, in public rights-of-way (Sowry et al. 2018).

The future of cryptocurrency mining facilities is less certain. Bitcoin and other energy-intensive cryptocurrencies are facing social pressure to transition to more

energy-efficient transaction verification methods, and several existing cryptocurrencies already use these methods. However, we are still at the very beginning of the cryptocurrency story. While this form of currency currently exists primarily as a speculative investment vehicle, this could change rapidly if valuations stabilize and large numbers of goods and service providers accept cryptocurrencies for payment.

Not every community will see the value in defining data centers or cryptocurrency mines as distinct uses in their zoning codes. Nevertheless, doing so can give local jurisdictions a leg up when it comes to signaling preferences to developers and operators and minimizing or mitigating potential adverse impacts.

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HOW DOES YOUR ZONING
TREAT DATA CENTERS AND
CRYPTOCURRENCY MINES?

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