



**TOWN OF KILLINGLY
INLAND WETLANDS AND WATERCOURSES COMMISSION**

Monday, May 2, 2022

Regular Meeting – Hybrid Meeting

7:00 PM

Second Floor – Town Meeting Room

Killingly Town Hall

172 Main Street

Killingly, CT

AGENDA

Public can also 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 8:25
Elizabeth M. Quisenberry

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **ADOPTION OF MINUTES** – (Review/Discussion/Action)
 - A. February 7, 2022, Regular Meeting Minutes
- IV. **CITIZENS' PARTICIPATION** – Public comment can be emailed to publiccomment@killinglyct.gov or mailed to Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comment received prior to the meeting will be posted on the Town's website www.killinglyct.gov.
- V. **Unfinished Business:** – (Review/Discussion/Action)
 - A. **Application 22-1544 of Eric Brown** for construction of a single-family residence with driveway, house, well and septic system in the 200' upland review area; 189 Coomer Hill Road; Map ID 9057, Alt ID 171-19; Rural Development Zone.
- VI. **New Business:** (listed in order of receipt) – (Review/Discussion/Action)

If the application is complete the Commission shall decide if a public hearing and/or site walk should be held on each application and continue further action until next month's meeting. The Commission may also delegate to its duly authorized agent.
- VII. **Correspondence to the Commission**
 - A. **Town of Killingly Policy for Sale of Town Land** – proposed update of policy
- VIII. **Staff Report**
 - A. Authorized Agent Applications
 - B. Monthly Zoning/Wetlands Report
 - C. Other
- IX. **Town Council Liaison**
- X. **Adjournment**

TOWN OF KILLINGLY
INLAND WETLANDS AND WATERCOURSES COMMISSION (IWWC) RECEIVED
Killingly Town Hall
172 Main Street
Danielson, CT
REGULAR MEETING MINUTES
Monday, February 7, 2022 @ 7:00 PM

TOWN CLERK, KILLINGLY, CT
2022 FEB 17 PM 2:29
Elizabeth M. Wilson

This meeting was held in person and virtual with connections via live stream and video conferencing.

- I. Call to order: Chairman Sandy Eggers called the meeting to order at 7:00 p.m.

Members Present: Chairman Sandy Eggers, Vice Chairman Rodney Galton, Deborah Lamiotte, Fred Ruhlemann & Corina Torrey.

Members Absent: Fred Ruhlemann (w/notification)

Also Present: Jonathan Blake, Town Planner/Zoning Enforcement Officer.

- II. Adoption of Minutes:

- A. January 3, 2022 Regular Meeting:

MOTION #1 (02.07.22): made by Rodney Galton **SECONDED BY** Corina Torrey that the Inland Wetlands and Watercourses Commission approve meeting minutes of January 3, 2022 Regular Meeting – as amended

- Deborah Lamiotte voted against accepting Application #21-1538, Tammy Rainville & Robert LaBonte

VOICE VOTE: UNANIMOUS;

MOTION CARRIED

- III. Citizens' Participation: NONE

- IV. Unfinished Business:

- A. **Application #21-1538, Tammy Rainville & Robert LaBonte** for development of existing agricultural property for residential use. Demolish existing barn and construct 2-bedroom single family home in former barn's location. Also construct a detached garage with 900 sq. ft. accessory apartment, new driveway, private septic, well and associated site grading and E&S within 200' of upland review area; Located at 146 Pineville Road; Map ID 1679; Alt ID 18-23 Rural Development Zone / Five Mile River Overlay District

APPLICANT / PRESENTATION: Damian Sorrentino, AICP, C.S.S., Boundaries Inc., provided a brief history of the property. Mr. Sorrentino noted previous comments/concerns from the Engineering Department regarding drainage improvements have been addressed and are reflective on revised site plans as submitted. NDDH approval letter has been submitted into the record.

ENGINEERING COMMENTS: David Capacchione previously noted items 1 through 4 have been addressed and that he agrees the associated trench and DOT driveway configurations are acceptable.

IWWC COMMENTS: There was concern about the septic area and it potentially leaching towards the cross-wetland. Mr. Sorrentino explained that although septic leaching is downgradient to wetlands, it is a very acceptable 120 feet away from the primary septic and will have no impact. It was noted roof liters flow into the lawn and buffer area, and, are considered low flow and clean.

MOTION #2 (02.07.22): made by Rodney Galton **SECONDED BY** Deborah Lamiotte that the Inland Wetland and Watercourses Commission approve Application #21-1538, Tammy Rainville & Robert LaBonte

VOICE VOTE: UNANIMOUS;

MOTION CARRIED

- B. **Application #21-1540, Fall Brook Investments LLC (Brian Meehan)** for construction of a single-family residence & garage with associated well, septic & drive within the 200' upland review area, 43 Fallbrook Road; Map ID 8783, Alt ID 221.-22; Rural Development Zone

APPLICANT / PRESENTATION: Gregg Glaude, Killingly Engineering Associates, was present to represent the applicant. Revised Site plans were submitted for review. This application was part of a previous 1986 subdivision. This project was last reviewed in 2015, however, the administrative timeline for approval expired.

Current design calls for the house to be moved 40 feet north to provide for a larger back yard. There was review of limits of clearing and E&S controls. Septic System is the same design as in 2015. NDDH approval letter dated January 27, 2022 was received and submitted into the record. Joseph Theroux, Professional Soil Scientist, reviewed the site February 1, 2022. He agrees with the 2015 delineations. His report was submitted into the record. Renovation and calculations report was completed and shows flow meets drinking water standards defined by the State of Connecticut.

ENGINEERING COMMENTS: David Capacchione reviewed revised site plans and associated data and indicated his concerns have been met.

STAFF COMMENTS: Jonathan Blake noted his concerns have been met as well.

MOTION #3 (02.07.22): made by Rodney Galton **SECONDED BY** Deborah Lamiotte that the Inland Wetland and Watercourses Commission approve Application #21-1540, Fall Brook Investments LLC (Brian Meehan)
VOICE VOTE: UNANIMOUS; MOTION CARRIED

V. New Business:

- A. Application #21-1541, Scott Person** for jurisdictional ruling, selective timber harvest of 188 acres (400,000 board feet) of approximately 215 acres; trees above 14:" DBH, project includes 3 wetlands crossings; 195, 241, 275, 309, 333 & 351, Breakneck Hill Road; Map ID 9813, 7802, 5063, 9814, 5064, 5602 & 7803; Alt ID 91-2.1, 79-4, 79-1, 78-6, 78-3, 65-7 & 65-9; Rural Development Zone

STAFF COMMENTS: Jonathan Blake noted there are four (4) crossings and three (3) wetlands, and one (1) stream. Steams areas are considered small. Applicant is granted a "use-by-right", however, best management practices must be adhered to for protection of this property and surrounding properties as well. Harvest activities to begin March 2022. Anti-tracking pads are required. GIS map outlining activities has been submitted into the record.

IWWC COMMENTS: There was concern this timber harvest activity encompasses a large collection of properties. It was recommended, Staff watch closely and review this project as it moves along. IWWC would like to be sure stream crossing are done in the correct way. There are times when stream crossings are done in an unacceptable manner. Mr. Blake agree to reach out to the applicant to ask for detailed methods in writing.

MOTION #4 (02.07.22): made by Rodney Galton **SECONDED BY** Corina Torrey that the Inland Wetland and Watercourses Commission approve Application #21-1541, Scott Person, with the following conditions:

1. Town Staff is to review activity as project moves along
2. Town Staff to ensure best management practices are used for wetlands crossings
3. Erosion and Sedimentation Controls are required

VOICE VOTE: UNANIMOUS;

MOTION CARRIED

VI. Correspondence to the Commission: NONE

VII. Staff Report:

A. Authorized Agent Approval:

1. **Application #21-1539, Square 1 Building Associates:** for demolition of existing cottage and construction of new single-family residence with attached two car garage (29 X 61; footprint including deck & stoop), public sewer, and private well within 200' upland review area; 7 Lawton Lane; Map ID 3065, Alt ID 87-34; Rural Development Zone / Alexander Lake Overlay District.

TOWN STAFF COMMENTS: Jonathan Blake noted the map shows a modification in that the well location has been moved further away from Alexander's Lake. Erosion and Sedimentation Controls are required.

- 2. **Application 22-1542 Bluestone Meadow Properties LLC** for construction of a single-family residence & garage with associated well, septic & drive within the 200' upland review area, 43 Fallbrook Road; Map ID 8783, Alt ID 221.-22; Rural Development Zone

STAFF COMMENTS: Jonathan Blake noted there is a unique encroachment to the septic-system due to old records showing proposed lot lines never finalized. It is anticipate easement/s will be granted to clarify.

ENGINEERING COMMENTS: David Capacchione submitted his review report of site plans as submitted and the engineered septic system. He has no remaining concerns.

IWWC COMMENTS: It was noted delineation records are old and should be renewed. Jonathan Blake will reach out to the applicants engineer asking for current delineation report.

B. Monthly Zoning/Wetlands Report: N/A

C. Other: N/A

VIII. Town Council Liaison: It was noted various appointments have been made boards and commissions and there has also been an appointment for Town Legal Counsel.

IX. Adjournment:

MOTION #5 (02.07.22): made by Rodney Galton **SECONDED BY** Deborah Lamiotte that the Inland Wetland Watercourses Commission adjourns the meeting at 7:48 PM.

VOICE VOTE: UNANIMOUS;

MOTION CARRIED

Respectfully submitted,
Sherry Pollard,
IWWC Recording Secretary

Property within 500' of adjoining Town boundary? _____
If so, which town(s)? _____
Date the notice was sent by KIWWC to town clerk of adjoining municipality(ies) _____
Receipt date of copy of Applicants notice to adjoining municipality _____

Application #: 22-1544
Date Submitted: 3/31/22
Date of Receipt by Comm: 4/4/22
Fee: \$160 - pd. 3/31/22
Staff Initials: dmj CHECK #3081

KILLINGLY INLAND WETLANDS & WATERCOURSES COMMISSION APPLICATION

A \$100.00 base fee (or, for a proposed subdivision, \$100.00 per lot, whichever is greater) plus \$20.00 state fee must accompany each application (Total fee: \$160.00). THIS FEE IS NON-REFUNDABLE. Checks or money orders should be made payable to the Town of Killingly. Public hearing fee: \$225.00 required in addition to the above fees if a public hearing is required by the commission(s) and not already included.

TO BE COMPLETED BY THE APPLICANT -- PLEASE PRINT

Applicant's Name: Eric Brown
Day Phone #: 401-782-5958 Evening Phone #: _____
Mailing Address: Po Box 1542, Sterling, CT 060277 (Physical address 101 Gibson Hill Rd.)
Owner of Record: Jeanette Beaudry
Mailing Address: 163 Coomes Hill Road Phone #: 860-934-3297

Applicant's interest in the land if the applicant is not the property owner: Buyer

Authorization of property owner: Authorized By Signature on Application

LOCATION OF PROPERTY:

House # and Street: 189 Coomes Hill Road
Tax Map Number: 171 Block: _____ Lot: 19
Zoning District: RD Lot Size: 2.83 Acres Lot Frontage: 250 LF.
Easements and/or deed restrictions: _____

PURPOSE:

Provide the purpose and description of the proposed activity, including a list of all proposed regulated activities:
Proposed single family residence with driveway, horse, well, and septic system in the upland review area.

ON-SITE WETLANDS AND WATERCOURSES:

Windham County wetland soil types and areas of each type: See Soil Scientist report

Watercourse(s) – type (pond, stream, marsh, bog, drainage ditch, etc.), manmade or natural, and area of each:

ALTERNATIVES:

List alternatives considered by the applicant and state why the proposal to alter wetlands as set forth in the application is necessary and was chosen:

N/A

MATERIALS:

Provide the volume (cubic yard) and nature of materials to be deposited and/or extracted:

N/A

MITIGATIVE MEASURES:

List measures to be taken to minimize or avoid any adverse impact on the regulated area:

E&S controls (see site plan)

BIOLOGICAL EVALUATION:

Describe the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions:

See Soil Scientist report

SITE PLAN*:

Scale 1"=40' showing existing and proposed conditions in relation to wetlands and water courses to include, but not be limited to:

- Contours
- Buildings
- Wells
- Driveways
- Septic Systems
- Drainage Systems (Including Culverts, Footing and Curtain Drains)
- Erosion and Sedimentation controls
- Wetlands
- Watercourses
- Areas of Excavation and /or Material Deposit

**Refer to Section 6.0 – Application Information Requirements and Section 7.0 – Application Evaluation Criteria of the Killingly Inland Wetlands & Watercourses Commission Regulations for information the Commission may require. Professionally prepared plans (Licensed Land Surveyor/Professional Engineer registered in the State of Connecticut, Soil Scientist) may be required for significant activities.*

ADDITIONAL INFORMATION:

List additional information submitted by the applicant:

Gravel Cover Street w/ Application Comments

The applicant understands that this application is to be considered complete only when all information and documents required by the Commission have been submitted. The undersigned warrants the truth of all statements contained herein and in all supporting documents according to the best of his/her knowledge and belief. Permission is granted to the Town of Killingly, Killingly Inland Wetlands & Watercourses Commission, and its agent (s) to walk the land, at reasonable times, and perform those tests necessary to properly review the application, both before and after a final decision has been issued.

Applicant's Signature: *Joseph J. P...* Date: *2-23-2022*
 Owner of Record: *Jennifer F. Beaudry* Date: *2-23-2022*

Text in red is a modification to the existing policy. Any ~~crossed-out~~ words are to be removed.

AGENDA ITEM COVER SHEET

ITEM: Consideration and action on revisions to the Policy for the Sale of Town-Owned Property

ITEM SUBMITTED BY: Mary Calorio, Town Manager

FOR COUNCIL MEETING OF: Month, Day, 2022

TOWN MANAGER APPROVAL: _____

ITEM SUMMARY: This item proposes the revision to the sale of Town-Owned policy. The revision is to outline what Town-Owned properties should be eligible for sale; partially land acquired as part of Subdivision, Tax Sale. Including provisions for land with conveyances such as Open Space, Conservation, or Recreational Use. The Ordinance Sub-Committee of the Town Council voted to forward the proposed policy to the Town Council at their meeting of Month, Day, 2022. This policy change was respectfully submitted by the Town of Killingly Planning & Development Commission and Conservation Commission with their support.

FINANCIAL SUMMARY: N/A

STAFF RECOMMENDATION: Approval of the Resolution

TOWN ATTORNEY REVIEW: N/A

COUNCIL ACTION DESIRED: Action on the Resolution

SUPPORTING MATERIALS: Resolution

Text in red is a modification to the existing policy. Any ~~crossed-out~~ words are to be removed.

**RESOLUTION TO ADOPT MODIFY THE POLICY FOR
THE SALE OF TOWN-OWNED PROPERTY**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the following policy shall be used for the sale of Town-owned property:

- A. The sale of Town-owned property shall be finalized in accordance with Section 1008 of the Killingly Town Charter.
- B. The general procedures to publicly offer a Town-owned property for sale should be initiated with a Town Council resolution, either **upon** a written request or on its own, that specifies the Town-owned property to be sold.
- C. ~~Prior to conducting a Town Council approved sale, the Planning and Zoning Commission shall be notified of and approve the proposed sale in accordance with Connecticut General Statutes, Section 8-24. Town Department Heads and appropriate boards and commissions shall also be notified of the proposed sale to determine if there are any internal concerns or constraints to the sale. (This wording is now found under current letter E below)~~
- D. Real Estate Acquired and Maintained by the Town for the Purposes of, and/or Designated as Open Space, Conservation or Recreation. Whether such real estate was acquired by the Town through purchase, gift, subdivision approval process, or any other means said real estate should not be sold by the Town in part or entirely. Properties meeting these designations may be considered for sale only after the following reviews: In addition to Planning & Zoning Commission 8-24 review, if the Land was reserved for Open Space or Conservation, the Conservation Commission and Open Land Space Acquisition Commission ~~need to agree with the sale~~ must agree that the land is of limited open space value, is not governed by any recorded covenants or restrictions which run in favor of private property owners or other third parties, and that the land may be managed by a private property owner if it remains subject to open space and/or conservation restrictions in favor of the Town of Killingly. If the land was reserved for Recreational Use, the Board of Recreation ~~needs~~ to agree with the sale. Any ~~sold~~ properties subject to this Section shall only be conveyed subject to maintain the restrictions of such Open Space and Conservation ~~restrictions in favor of the , held by the~~ restrictions in favor of the , held by the Town of Killingly as may be deemed appropriate.
- E. Real Estate Acquired by the Town from Tax Sale or through other means and said Real Estate was NOT Acquired for Open Space, Conservation or Recreation. Provided said real estate was **NOT** acquired for Open Space, Conservation or Recreation purposes, the Town **may** offer for sale said real estate upon a positive finding of the Planning Zoning Commission (PZC) as outlined in Connecticut General Statutes Section 8-24. The PZC **may** request the input of the Conservation Commission and the Board of Recreation, through the Directors of each Department that staffs said Commissions, prior to submitting their findings to the Town Council. When the Town Council notifies the PZC, it shall also notify all

Agenda Item #xxx

Text in red is a modification to the existing policy. Any ~~crossed-out~~ words are to be removed.

Town Department Heads of the proposed sale, to determine if there are any internal concerns or constraints with the proposed sale.

- F. One of the following methods shall be used to conduct the sale:
1. By soliciting public bids for the sale of the property. Public notice of the bid procedure shall be provided by posting a notice in Town Hall a minimum of 14 days prior to the date for opening of bids and by publishing of a notice in a newspaper of local circulation for a minimum of 14 days prior to the date for opening of bids. The notice shall describe the time, date and place for publically opening the bids and all bid terms.
 2. By conducting a limited public sale among parties who directly abut the property. This limited method of sale should be primarily used to address public concerns which may be harmed if the property were made available for sale to all members of the public. By way of example only, harm to public concerns could include: where a lot does not conform to present minimum lot size standards and where this situation could be addressed by requiring merger with the abutting property(ies); where a Town-owned lot has no road frontage or other means of access; or, where soils on an abutting lot are too poor for on-site septage disposal. All abutters to any Town-owned lot to be offered for sale shall be invited to bid and shall be provided notice of the bid invitation at least 14 days prior to the date for opening of bids. The notice to abutters shall describe the time, date, and place of the opening of bids and the bid terms. Bids may be accepted from more than one abutter and each abutter submitting a bid may be permitted to purchase only a portion of the property, provided this property is merged with the bidders' property.
- G. The Town Manager shall open all bids received and shall ensure the bidder submitting the highest bid has the ability to satisfy all bid conditions within 60 calendar days. When the ability to satisfy all bid conditions has been confirmed, the Town Manager shall submit to the Town Council an ordinance to authorize the sale of the property in accordance with Section 1008 of the Town Charter.
- H. The Town Council shall reserve the right to accept or reject any and all bids submitted and to act in the best interests of the Town.
- I. These general procedures shall not be applied to the sale of Town-owned property for economic development purposes where such a sale may be by negotiated settlement.
- J. A quit claim deed shall be issued to convey title to any property which is disposed of by public sealed bid auction.

KILLINGLY TOWN COUNCIL

Agenda Item #xxx

Text in red is a modification to the existing policy. Any ~~crossed-out~~ words are to be removed.

Jason Anderson
Chairman

Dated at Killingly, Connecticut
this XX day of XXX, 2022