



**TOWN OF KILLINGLY, CT  
PLANNING AND ZONING COMMISSION**

**Monday, March 16, 2015**

**Regular Meeting**

**7:00 PM**

**Town Meeting Room, Second Floor**

**Killingly Town Hall  
172 Main St., Killingly**

**MINUTES**

**I. CALL TO ORDER** – Acting Chair, Sheila Roddy, called the meeting to order at 7:04 pm.

**ROLL CALL** – Todd Nelson, Sheila Roddy, Milburn Stone, William Ritter. Brian Card was absent with notification.

Keith Thurlow arrived at 7:13 pm.

**Staff Present** – Linda Walden, Director of Planning & Development; Dave Capacchione, Town Engineer; Elsie Bisset, Economic Development Director; William St. Onge, Town Attorney.

**Also Present** – Joyce Ricci, Town Council Liaison

**II. SEATING OF ALTERNATES** – Sheila Roddy stated that William Ritter would be seated as a voting member for this meeting.

**III. AGENDA ADDENDUM**

Motion by Todd Nelson to include Addendum Item:

**XII. OTHER**

F. Project completion/Mylar filing extension requests – review/discussion/action.

1. Request of Paul Archer on behalf of Spiros and Christa Haveles for one 90-day Mylar filing extension for Subdivision #14-1097 of Spiros and Christa Haveles to create one 0.98+/- acre front lot and one 2.06+/- acre interior lot, each to contain one existing multi-family structure – ZBA variances granted; 52 Dog Hill Road (CHaveles LLC owner); Map #130 – Lot #78; 3.04+/- total acres; Low Density Zone.

Second by William Ritter. Motion carried 4-0.

**IV. MEETING CONDUCT AND ORIENTATION** – Read by Linda Walden.

**V. CITIZENS' COMMENTS ON ITEMS NOT SUBJECT TO PUBLIC HEARING**

John Sarantopoulos, 37 Tunk City Road, commented that he had spoken with various people, including Steve Palmer from Senator Kathy Austin's Office, regarding open space and fee-in-lieu of open space. He stated that Mr. Palmer told him that P&Z Boards should have it in their regulations that the P&Z reserves the right to require one or the other and that it is not at the sole discretion of the developer. Mr. Sarantopoulos read from Section 8-25 - The Subdivision of Land (enabling legislation), which Mr. Palmer had sent to him. Mr. Sarantopoulos stated that, from conversations that have taken place between the Council and P&Z, there is a consensus of the Killingly Town Council that the Council does not want fragments of land that are not contiguous and that serve no purpose (rock/wetlands/unsuitable for development) to be turned over to the Town. Mr. Sarantopoulos will bring more specific information as he receives it.

**VI. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS**

Linda Walden stated that she had received a telephone call from a legislative researcher. Linda Walden said that that provision is in the Killingly P&Z Regulations, but she thinks the difference of opinion seems to be whether the P&Z can require the developer to donate money instead of land. She read from page 30 of the Open Space

Subdivision Regulations which states several ways to donate open space. She then read from page 32 Section M Fee in Lieu (which refers to Section 8-25 of the CT General Statutes - the enabling legislation). She asked Attorney St. Onge for his opinion on the interpretation of: If you authorize someone to give you money, can you require them to give you the money.

Attorney St. Onge stated that he would like to research and prepare a formal answer as the statutory language is not crystal clear.

Sheila Roddy stated that Keith Thurlow had arrived (7:13 p.m.) and turned the position of Chair over to him.

## VII. PUBLIC HEARINGS

### A. Zone Change Applications

1. Zone (Text) Change Application #15-1102 of Jim Rivers to amend the Borough of Danielson Zoning Regulations Section 300 to add a definition for clinic and to amend Section 440.1C under Central Business District Permitted Uses to read "Office and professional buildings, including medical and dental offices, but excluding medication dispensing clinics." Underlined = proposed added language

Jim Rivers, Searles Road, Pomfret, CT, stated that he is the sole member of Rivers Realty, LLC which owns 134, 156 and 157 Main Street in Danielson. These buildings total approximately 26,000 s.f. of space currently configured into 15 rental spaces. He explained that filling vacancies is challenging in this business environment, however, he is optimistic for the future of Downtown Danielson with the location at Routes 6, 12 and 395, good architecture, good parking, and a good base of long-term, solid businesses that are owner occupied. He stated that one of the greatest needs for commercial rental space today is in the health-care industry. He named some of the health care and other related public service providers in Town (presently or in the past) which have provided foot traffic and employment in the Downtown area.

Community Health Resources, now located on Commerce Avenue, has applied for a zoning permit to move into 32,000 s.f. of the 3<sup>rd</sup> floor of Mr. Rivers' 134 Main Street property. The ZEO denied the permit as CHR's activity fits the handbook (The New Illustrated Book of Development Definitions) definition of a clinic which is specifically excluded as a use in the Central Business District Zone. There is no definition of clinic in the Borough Regulations. He stated that medical and dental offices and office and professional buildings defined in the Borough Regulations specifically listing licensed medical practitioners are permitted in the same Section under 440.1.C.

Mr. Rivers stated that to address this contradiction, he is submitting the text change and definition of clinic, and to specify the exclusion of medication dispensing clinics as they may be considered to have undesirable impact. He stated that he agrees with Attorney St. Onge that listing clinic with medical and dental and professional offices would be clearer. He also agrees with changing the definition to say that patients would not be lodged overnight, and to specify that social workers are professionally licensed by the State of Connecticut.

CHR would be staffed by 11 professionals. He stated that this use is well-suited, ideal, and consistent with the recent historical uses of this building. He asked the Commission to act favorably and swiftly.

Keith Thurlow asked Attorney St. Onge to summarize. Attorney St. Onge went over the suggestions that he had made in his letter dated March 11, 2015:

- The word "admitted" be changed to "not lodged overnight."
- Language referring to "other medical personnel and social workers" too broad. Limit to those professionally licensed by the State of Connecticut.
- The proposed amendment changes the definition to include clinics that do not dispense medicine. He suggests also amending the list of permitted uses to include clinics which do not dispense medicine.

Attorney St. Onge reminded the Commission that, to approve, 3 affirmative votes of the 5 would be needed.

Linda Walden stated that there is a conflict as clinic is listed both as permitted use and special permitted use in the Borough General Commercial Zone. She mentioned that the current location of CHR is in the Industrial Zone.

Sheila Roddy asked Attorney to explain his definition of "clinic" in his letter dated November 19, 2012. Attorney St. Onge stated that he was differentiating between "clinic" and "medical office."

Keith Thurlow asked for a definition of treatment for persons with mental health and substance abuse.

Stan Shapiro, 139 Vernon Street, North Hampton, MA, Senior Vice President, Community Health Resources, stated that mental health issues range from adjustment disorders/difficulty in daily/personal life to chronic disorders such as: depression; anxiety disorders; major mental disorders such as schizophrenia; bi-polar; post-traumatic stress disorder.

Keith Thurlow asked about the difference between CHR and United Services. Mr. Shapiro stated that CHR is the largest non-profit behavioral provider in Connecticut, they are an affiliate with the Department of Mental Health and Addiction Disorders, they are an open outpatient clinic (walk-ins), have contracts with Probation Department to serve clients referred by probation. Mr. Shapiro stated that at all of the outpatient services they are all licensed professionals or are individuals supervised by licensed professionals (in the process of obtaining their license). He left information about their services with Staff.

Milburn Stone asked if they had been at their current location for 29 years. Mr. Shapiro stated that they have, but for most of that time, the services were operated by CPAS (Center for Prevention and Addiction Services) and CHR merged with CPAS approximately five years ago. He stated that they have outgrown the facility on Commerce Avenue. Their client base in Danielson is about 250 individuals from several times per week to once every few months for services. No individuals stay overnight. They come for therapy (for an hour or two) or are seen by a doctor or nurse on an outpatient basis.

Peter Deary, owner of Sunnyside Farms and Deary's Gymnastics Supply, Co-President of Killingly Business Association, asked if a clinic/health could be allowed on the first floor and he asked for more clarity on the medical dispensing. He stated that he is not against clinics.

Mr. Shapiro stated that they do not dispense medications at their clinic site on Commerce Avenue, nor would they at Main Street. He stated that he would define dispensing medications as clients walking out of the site with their medications; however, they do prescribe medications.

Alan Parsons, 103 Main Street, asked if the number of clients is expected to increase. He asked the Commission to be clear and specific with wording if approving the Application.

Linda Walden stated that there are no existing restrictions on which floor of the building it could be on, but there is a prohibition in the Central Business District that disallows residential use on the first floor.

Linda Walden stated that there is a Fire Code issue for use of the third floor – a fire escape needs to be installed with direct access to the outside. There is an understanding that this would be done as part of this relocation. The elevator goes to the second floor.

Attorney St. Onge explained that he feels that the word "admitted" being changed to "not lodged overnight" and "limiting other medical personnel and social workers to those professionally licensed by the State of Connecticut" would be alright without re-noticing. He is concerned about not noticing expanding the original application to include amending the list of permitted uses to include clinics which do not dispense medicine. He also stated concern regarding the district as a whole as this would apply to all potential uses in the zone. Discussion ensued.

Sheila Roddy stated that she feels that there is vagueness that could cause issues and that, if this were maintained as special permitted use, the Commission would be able to look at the details of each one.

Linda Walden explained where the Central Business District is and that it has been there since 1960 when the Borough first adopted zoning and is contiguous. It is the main, central, historically used, retail and commercial center of the Town.

Sean Hendricks, Town Manager, 155 Valley Road, questioned the use of the word clinic and stated that Mr. Rivers is trying to provide a good, politically correct, broad definition to allow as much use as possible. He stated that a flu shot would be considered medication dispensing.

Linda Walden reminded the Commission to be sure that they are sure that they have received enough testimony from the Applicant to address Article 900 – Criteria, before closing the public hearing.

Peter Deary, 5 Commerce Avenue, asked how much longer it would take for special permit. Linda Walden explained the process.

John Hallbergh, Jr., 1260 Hartford Pike, spoke in opposition. He said that it seems that this a foot in the door to allow clinics in Downtown Danielson and, as time goes on, they will probably allow medication dispensing and he does not think that is the direction for Downtown to go. It was hoped to be retail with thriving stores. He stated that he agrees with Sheila Roddy that it should be by special permit.

Jim Rivers stated that, after listening to the concerns of the Commission and the public, regarding the possibility of special permit being required, he asked if the Commission would require another application cycle. Linda Walden and Attorney St. Onge were in agreement that it is beyond what was advertised and that it would need to be noticed to the public.

Motion by Sheila Roddy to close the public hearing for Zone (Text) Change Application #15-1102 of Jim Rivers to amend the Borough of Danielson Zoning Regulations Section 300 to add a definition for clinic and to amend Section 440.1C under Central Business District Permitted Uses to read "Office and professional buildings, including medical and dental offices, but excluding medication dispensing clinics." Underlined = proposed added language. Second by William Ritter. Motion carried unanimously.

**B. Special Permits** - none

**C. Site Plan Reviews** – none

**D. Subdivisions**

1. Planning and Zoning Commission - initiated Subdivision Regulation Change Application #15-1101 to amend the Killingly Subdivision Regulations to replace the existing Standard Common Driveway Detail sheet with a new sheet (revised Jan. 2014) and to replace the existing Standard Driveway Detail sheet with a new sheet (revised Jan. 2015)

William Ritter left the room at 8:40 pm and returned at 8:43 pm.

Dave Capacchione explained that when it was time to print a new batch of driveway permits, it was noticed that the text did not match the details, so it was decided to modify the details to match the text. Sample sheets were provided in the packets to the Commission Members. He explained the differences and stated that it is in keeping with the Subdivision Regulations.

Linda Walden stated that the driveway details and driveway language should be in the Zoning Regulations as well.

John Sarantopoulos, 37 Tunk City Road, commented about the number of driveways allowed on a common driveway. He stated that there should be only two to three instead of five.

Motion by Milburn Stone to close the public hearing for Planning and Zoning Commission - initiated Subdivision Regulation Change Application #15-1101 to amend the Killingly Subdivision Regulations to replace the existing Standard Common Driveway Detail sheet with a new sheet (revised Jan. 2014) and to replace the existing Standard Driveway Detail sheet with a new sheet (revised Jan. 2015). Second by Todd Nelson. Motion carried unanimously.

**E. Other** – none

## **VIII. UNFINISHED BUSINESS**

### **A. Zone Change Applications**

1. Zone (Text) Change Application #15-1102 of Jim Rivers to amend the Borough of Danielson Zoning Regulations Section 300 to add a definition for clinic and to amend Section 440.1C under Central Business District Permitted Uses to read "Office and professional buildings, including medical and dental offices, but excluding medication dispensing clinics." Underlined = proposed added language

Motion by Todd Nelson to approve including language suggested by Town Attorney, William St. Onge for Section 440.1.C as it is more restrictive and allows professional services to be provided in the Downtown area:

- Add the definition of clinic: An establishment where patients are seen for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not lodged overnight. Treatment and examinations to be provided by professionals who

are licensed by the State of Connecticut or by personnel supervised by professionals who are licensed by the State of Connecticut.

Second by Milburn Stone.

Sheila Roddy stated that she is not comfortable with making this part of the Regulations and that she would propose the special permit process.

Roll Call Vote: Todd Nelson – yes; William Ritter – yes; Sheila Roddy – no; Milburn Stone – no; Keith Thurlow – no.  
Motion denied 2-3.

**B. Special Permits** - none

**C. Site Plan Reviews** - none

**D. Subdivisions**

1. Planning and Zoning Commission - initiated Subdivision Regulation Text Change Application #15-1101 to amend the Killingly Subdivision Regulations to replace the existing Standard Common Driveway Detail sheet with a new sheet (revised Jan. 2014) and to replace the existing Standard Driveway Detail sheet with a new sheet (revised Jan. 2015)

Motion by Sheila Roddy to adopt Planning and Zoning Commission - initiated Subdivision Regulation Change Application #15-1101 to amend the Killingly Subdivision Regulations to replace the existing Standard Common Driveway Detail sheet with a new sheet (revised Jan. 2014) and to replace the existing Standard Driveway Detail sheet with a new sheet (revised Jan. 2015). Second by William Ritter.

Roll Call Vote: William Ritter – yes; Sheila Roddy – yes; Milburn Stone – yes; Todd Nelson – yes; Keith Thurlow – yes.  
Motion carried 5-0.

Motion by William Ritter to suspend the rules to allow discussion (staff note: on the next item). Second by Todd Nelson.  
Motion carried unanimously.

Motion by Sheila Roddy to set an effective date of Wednesday, April 8, 2015, at 12:01 a.m. for the approved Planning and Zoning Commission - initiated Subdivision Regulation Change Application #15-1101 to amend the Killingly Subdivision Regulations to replace the existing Standard Common Driveway Detail sheet with a new sheet (revised Jan. 2014) and to replace the existing Standard Driveway Detail sheet with a new sheet (revised Jan. 2015). Second by William Ritter.  
Motion carried unanimously.

Keith Thurlow asked Attorney St. Onge a question regarding post office boxes in Ballouville. He stated that he needs snowshoes to get to it and asked if there is anything that can be done about it. Attorney St. Onge stated that he would discuss it with Linda Walden and get back to Keith Thurlow at a later date. Attorney St. Onge left the meeting at this time (approximately 9 pm)

**E. Other**

1. Mixed Mill Use Development District Proposed Amendments – update – Joint P&Z/EDC meeting April 7, 2015, 7 PM

Elsie Bisset stated that only one member of the P&Z (Keith Thurlow) attended the joint meeting of the EDC and P&Z – no consensus was reached. Another workshop meeting was rescheduled for April 7, 2015.

2. Discussion and Direction on Remaining Plan of Conservation and Development Zone Map Changes (review/discussion/action)

Linda Walden stated that they could continue with commercial areas before residential - looking north of the Danielson Borough along North Main Street and also to East Killingly. It was decided that the Commission would look at East Killingly next.

**IX. NEW BUSINESS**

**A. Zone Change Applications** - (review/discussion/action)

1. Consideration to sponsor Zone (Text) Change Application #15 – 1103 to add the definition Accessory Dwelling Unit to Section 310, delete the existing Section 410.1.2 q and add new Section 410.1.2q, add new Section

410.2.2o, add new Section 566 - Accessory Dwelling Unit and add Section 530.1.1e – Parking, for the purpose of allowing accessory dwelling units as a Special Permitted use in the Rural Development and Low Density zones: **If the Commission decides to sponsor the application, Receive, and schedule a public hearing for Monday, April 20, 2015.**

Linda Walden explained that a draft of proposed language by the Town Manager and current ZEO had been included in the packets for consideration by the Commission Members.

Todd Nelson stated that the language should disallow further subdivision of the property. Sheila Roddy stated that she agrees with Todd Nelson and that she is not ready to sponsor and would like more time. Milburn Stone and William Ritter also agreed.

Linda Walden stated that it is by special permit and contains many Staff suggestions. She stated that more research is needed regarding ZBA variance. Discussion ensued.

There was a consensus among the Commission to putting off considering whether to sponsor or not to the April 20, 2015 meeting.

- B. **Special Permits** - none
- C. **Site Plan Reviews** - none
- D. **Subdivisions** - none
- E. **Other** - none

**X. ADOPTION OF MINUTES**

- 1. Regular Meeting of February 17, 2015

Motion by William Ritter to adopt the Minutes of Regular Meeting of February 17, 2015. Second by Sheila Roddy. Motion carried 3-0. Milburn Stone and Keith Thurlow abstained as they had not attended that meeting.

**XI. CORRESPONDENCE**

**XII. OTHER**

- A. CGS 8-24 referrals
- 1. 2015-16 Capital Improvement Program Presentation – review/discussion/action

Dave Capacchione gave a quick review of the Capital Improvement Program which was included in the packets to the Commission Members and he provided copies of an updated version which included Board of Education information.

Keith Thurlow asked if repair of a cross culvert/frost heave on Ware Road was included. Dave Capacchione stated that it was not included because there is not enough money to fix it. David Capacchione stated that they can reduce the frost heave. Discussion ensued.

Motion by Sheila Roddy to propose an amendment to the 2015/2016 Capital Improvement Program to include the repair of the cross culvert/frost heave on Ware Road. Second by Milburn Stone. Motion carried unanimously.

- B. Zoning Enforcement Officer's Report – None.
- C. Zoning Activity Review – None.
- D. Building Office Report – None.
- E. Bond releases/reductions/calls – None.
- F. Project completion/Mylar filing extension requests – review/discussion/action.
- 1. Request of Paul Archer on behalf of Spiros and Christa Haveles for one 90-day Mylar filing extension for Subdivision #14-1097 of Spiros and Christa Haveles to create one 0.98+/- acre front lot and one 2.06+/- acre interior lot, each to contain one existing multi-family structure – ZBA variances granted; 52 Dog Hill Road (CHaveles LLC owner); Map #130 – Lot #78; 3.04+/- total acres; Low Density Zone.

Linda Walden stated that they have been working on the easements and other modifications that the P&Z approved in January, they just need more time to get the mylars on file.

Motion by William Ritter to approve the request of Paul Archer on behalf of Spiros and Christa Haveles for one 90-day Mylar filing extension for Subdivision #14-1097 of Spiros and Christa Haveles to create one 0.98+/- acre front lot and one 2.06+/- acre interior lot, each to contain one existing multi-family structure – ZBA variances granted; 52 Dog Hill Road (CHaveles LLC owner); Map #130 – Lot #78; 3.04+/- total acres; Low Density Zone. Second by Todd Nelson. Motion carried unanimously.

Motion by Milburn Stone to approve the 2015/2016 Capital Improvement Program as amended. Second by William Ritter. Motion carried unanimously.

G. Request to allow overhead utilities – None.

H. Upcoming P&Z meetings

**Special Meeting (Joint with EDC) – Tuesday, April 7, 2015, 7 PM**

**Next Regular Meeting – Monday, April 20, 2015**

### **XIII. ECONOMIC DEVELOPMENT DIRECTOR**

Elsie Bisset reported:

- Last meeting of the EDC was mostly about the MMUDD.
- She handed out a flyer regarding a presentation regarding “Energy Options for CT Businesses” on March 26<sup>th</sup> – Sent out 350 invitations to industrial and commercial businesses in Killingly, but only received five positive responses as of this date.

### **XIV. COUNCIL LIAISON**

Joyce Ricci reported:

- Discussion continued on changing the number of polling places. Will study more.
- Approved Randy Daggett’s proposal to change over to Killingly Paramedics on July 1<sup>st</sup>. This will save \$30,000.00.
- Set the schedule for budget meetings.
- Killingly became a Clean Energy Community with 140 Towns. For \$99.00 they will come and inspect and make changes to save energy.
- Block grants.
- Combining bonding to save \$300,000.00.

### **XV. ADJOURNMENT**

Motion by Milburn Stone to adjourn at 9:35 p.m. Second by Todd Nelson. Motion carried unanimously.

Respectfully submitted,

J.S. Perreault  
Recording Clerk