



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

Monday, September 21, 2015

Regular Meeting

7:00 PM

Town Meeting Room, Second Floor

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

MINUTES

I. CALL TO ORDER – Chair, Keith Thurlow, called the meeting to order at 7:04 pm.

ROLL CALL – Brian Card; Todd Nelson; Sheila Roddy; William Ritter, Alternate; Keith Thurlow.

Milburn Stone was absent without notification.

Staff Present – Karen Clark, Zoning Enforcement Officer, Planning Assistant; Eric Rumsey, Planner 1, Wetlands Agent; Dave Capacchione, Town Engineer; Elsie Bisset, Economic Development Director.

Also Present - Joyce Ricci, Town Council Liaison.

II. SEATING OF ALTERNATES – William Ritter was appointed by Chair, Keith Thurlow, to be a voting Member this evening.

III. AGENDA ADDENDUM – None.

IV. MEETING CONDUCT AND ORIENTATION – Read by Eric Rumsey.

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)

Virge Lorents, Hartford Pike Extension, read from a prepared statement in which she spoke of the importance of the preservation of agricultural land (not only for food, but for economic development) and the regulations regarding the Killingly Agricultural Commission which the P&Z Commission adopted. She stated that, it is her understanding that Mr. Sarantoploulos had been in support of those regulations at the time of the adoption. Regarding the issue between Mr. Sarantopoulos and his neighbor, she submitted for the record, an aerial photo of Mr. Sarantopoulos' lawn. Ms. Lorents stated that it is Mr. Sarantopoulos' right to sue, and that if the judge finds a correction needs to be made to the text, the Commission will need to make the necessary changes. She advised the Commission to stand by as matters unfold.

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

VII. PUBLIC HEARINGS

A. Zone Change Applications

1. Zone (Text) Change Application #15 – 1108 to add new Section 445 Mill Mixed Use Development District (MMUDD), and delete the existing Section 445 Mill Mixed Use Development District (MMUDD).

Patrick O'Leary, VHB Consultants, who was hired by the Economic Development Commission to work on simplifying and streamlining the MMUDD Regulations, explained that the first draft had been submitted about nine months ago and that it has been reviewed/scrutinized by P&Z, EDC, and the Town Attorney. He stated that the P&Z and the EDC did a good job in trying to balance fostering economic development and revitalizing those areas while maintaining some control in the design, aesthetics and sustainability of those projects, thus, protecting the community while still encouraging economic development. Mr.

O'Leary recommended that the P&Z Commission adopt these regulations based on the comment/input from Town Council, EDC and the P&Z Commission itself.

Eric Rumsey stated that the largest changes made were to residential in eliminated the number of outside units and also the increase by special permit to allow 70 percent of impervious coverage (vs. 60 percent previously) which coincides with the special permit option for Industrial Zone.

Keith Thurlow stated that they tried to recognize the fact that these old mill buildings are pretty much deteriorated beyond restoration so these regulations address what to do other than restoring them.

Karen Clark stated more of a redevelopment vs. a reuse of the existing mills.

Public Comment:

Anthony Simpson, 400 Hartford Pike, asked::

- What is considered a flat roof?
- What part of the regulations addresses the facade of the building that could cast a shadow for future solar use? He explained that his mill building is parallel with the sun, so anything put on the roof or on the front of the building that would cast a shadow on the roof would eliminate square footage for solar. The majority of what is left is flat and he is hoping to do flat with solar panels on an angle so the roof would look flat from the street. He asked if this would constitute a peaked roof.
- If the roof has a pitch to it, is it considered not a flat roof?
- Hours of deliveries. He stated that there are deliveries at 4 a.m. in the morning across the street and next door from him, so why is it restricted to 9 a.m.

Eric Rumsey answered that flat roofs are only prohibited on single-story structures and that it would not be required to put a new roof that is not flat on an existing single-story structure. There was discussion regarding pitch and height. Eric Rumsey read from 445.2.a. of the Regulations. Sheila Roddy explained the intention of "replicate" as to have the same look, but not having to be duplicated exactly. They did not want to set specific criteria which would make it too restrictive.

Sean Hendricks, Town Manager/Acting Planning and Development Director (who was seated in the audience) stated that as long as it is a single plain with no peak, it is considered flat (he had consulted with five different building officials). He stated that flat can be interpreted on the plain or on the elevation. He also mentioned that solar panels would not be considered under this regulation for roof structure because those would be fixtures to be added or removed at the structure owner's convenience.

Sean Hendricks stated that the Town has a noise ordinance, but that there had been no complaints, that he is aware of, in that particular area. The time restrictions in the MMUDD Regulations directly correlate with the existing Town Noise Ordinance which supersedes the MMUDD Regulations. He stated that if those times were to become a problem it would need to be addressed at the Council level or Ordinance Subcommittee level.

Motion by Todd Nelson to close the public hearing for Zone (Text) Change Application #15 – 1108 to add new Section 445 Mill Mixed Use Development District (MMUDD), and delete the existing Section 445 Mill Mixed Use Development District (MMUDD). Second by William Ritter. Motion carried unanimously.

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

VIII. UNFINISHED BUSINESS

A. Zone Change Applications –

- 1.** Zone (Text) Change Application #15 – 1108 to add new Section 445 Mill Mixed Use Development District (MMUDD), and delete the existing Section 445 Mill Mixed Use Development District (MMUDD).

Motion by Brian Card to approve Zone (Text) Change Application #15 – 1108 to add new Section 445 Mill Mixed Use Development District (MMUDD), and delete the existing Section 445 Mill Mixed Use Development District (MMUDD) with an effective date of October 15, 2015, at 12:01 a.m., for the following reasons:

- The update of the regulations will promote economic development of these properties from current standards which are outdated;
- Continues to include sustainability concepts in these regulations which was promoted in the Plan of Conservation and Development;
- Gives protection to the community and flexibility to developers.

Second by William Ritter.

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

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

E. Other

1. Discussion and Direction on Remaining Plan of Conservation and Development Zone Map Changes – Informational workshops - (review/discussion/action)

Karen Clark will research the minutes and the audio tapes to find where the Commission had decided to consider next.

IX. NEW BUSINESS

- A. Zone Change Applications**- None
- B. Special Permits**

1. Special Permit Application 15-1110 of Snake Meadow Club, Inc. for restoration and permitting of a gravel operation; 377 Snake Meadow Road. GIS Map 267 Lot 1; 51.03 acres; Rural Development Zone. **Receive, and if the application is complete, decide on a site walk and schedule the public hearing for Monday, October 19, 2015**

Karen Clark stated that the Application is not complete because the drainage calculations have not been submitted. She explained that this application is in response to a violation at the existing acreage that has already been excavated. The intent is for a second application for a new area. Eric Rumsey stated that they are doing an archeological study with the State for the further expansion to the northeast.

Motion by Todd Nelson to receive (pending receipt of drainage calculations which will make the application complete) and schedule a site walk for Special Permit Application 15-1110 of Snake Meadow Club, Inc. for restoration and permitting of a gravel operation; 377 Snake Meadow Road. GIS Map 267 Lot 1; 51.03 acres; Rural Development Zone. Second by Sheila Roddy.

Brian Card mentioned that the Commission had, in the past, discussed not receiving incomplete applications. Discussion ensued.

Todd Nelson withdrew his motion. Sheila Roddy withdrew her second.

Motion by Brian Card to schedule a site walk only for Special Permit Application 15-1110 of Snake Meadow Club, Inc. for restoration and permitting of a gravel operation; 377 Snake Meadow Road. GIS Map 267 Lot 1; 51.03 acres; Rural Development Zone for Thursday, October 8, 2015, at 5:00 p.m. Second by Todd Nelson. Motion carried unanimously.

Sheila Roddy stated, for the record, that she will be absent for the site walk.

- C. Site Plan Reviews** - None
- D. Subdivisions**

1. Resubdivision Application #15-1090 of Robert Misiaszek for 1 new lot and 1 lot with existing house; 90 Cutler Road; GIS Map 12 Lot 6; 6.74 acres; Rural Development Zone: **Receive, and if the application is complete, decide on a site walk and schedule the public hearing for Monday, October 19, 2015.**

Karen Clark stated that the Application is complete.

Motion by Brian Card to receive and schedule a public hearing for Re-subdivision Application #15-1090 of Robert Misiaszek for 1 new lot and 1 lot with existing house; 90 Cutler Road; GIS Map 12 Lot 6; 6.74 acres; Rural Development Zone for Monday, October 19, 2015, at Killingly Town Hall, 172 Main Street, Town Meeting Room, Second Floor, at 7:00 p.m. No site walk. Second by William Ritter. Motion carried unanimously.

E. Other

1. LED signs in residential zones – request from ZEO/Planning Assistant Karen Clark.

Karen Clark stated that there have been inquiries in the Low Density Zone (Wauregan Road) to use internally lit signage, but there is nothing in the Zoning Regulations under Signage allowing LED's in the LD Zone.

Keith Thurlow stated that it is basically a residential zone and it doesn't make sense to put those kinds of signs in residential areas. Sheila Roddy spoke of the literature that had been in the packets last month on the subject and stated that it was not viewed as a positive thing to do.

Karen Clark mentioned that the Commission could consider limiting the hours. Brian Card suggested that the Commission revisit and update the regulations concerning the use of new technology. Discussion ensued. Karen Clark will research and bring more information and specific examples back to the Commission. Brian Card suggested reviewing the current regulations (standards regarding the use of signs/lighting) and apply the same concept to LED signs.

2. "Livestock Management Plan" clarification –from ZEO/Planning Assistant Karen Clark- update

Karen Clark stated that she had spoken with Attorney St. Onge and that he is reviewing the information and he will have an opinion by the next meeting.

3. Public hearing signs/placards – (review/discussion/action)

Karen Clark stated that there is a fair supply of the type currently being used. Town Council would be responsible to decide on a fee.

X. ADOPTION OF MINUTES

1. Regular Meeting of August 17, 2015 - The minutes were not included in the packets.

XI. CORRESPONDENCE – None.

XII. OTHER

A. CGS 8-24 referrals

1. CGS 8-24 referral for the proposed Rogers Village Pump Station Comprehensive upgrade – total anticipated project cost of \$3.5 million

Keith Thurlow asked Dave Capacchione if there is an emergency plan in place. Dave Capacchione explained that at some point a by-pass would need to be installed and the intention is to use the existing force main as the by-pass. Disconnections will need to be made to the existing system to make the connection. During that time, they will by-pass with tank trucks until the piping is available for the portable/temporary pumps. He explained the process to be used.

Motion by Brian Card to approve CGS 8-24 referral for the proposed Rogers Village Pump Station Comprehensive upgrade – total anticipated project cost of \$3.5 million. Second by Sheila Roddy. 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– None.

G. Request to allow overhead utilities– None.

H. Upcoming P&Z meetings - Next Regular Meeting – Monday, October 19, 2015

XIII. ECONOMIC DEVELOPMENT DIRECTOR

Elsie Bisset reported:

- EDC invited the KBA and some property owners and members of the Downtown community to attend its October 6th meeting to discuss options and ideas for the Downtown area.
- Annual report submitted in September.

XIV. COUNCIL LIAISON

Joyce Ricce reported:

- Request for use of the local ambulance corp. was denied by the State – in the process of an appeal.
- Application for revaluation dropped because they want to stay with the same company that did it last time.
- Frank Anastasio read a letter written by John Sarantopoulos.

XV. ADJOURNMENT

Motion by Todd Nelson to adjourn at 8:00 p.m. Second by Sheila Roddy. Motion carried unanimously.

Respectfully submitted,

J.S. Perreault
Recording Clerk