



**TOWN OF KILLINGLY  
PLANNING AND ZONING COMMISSION**

**TUESDAY – JANUARY 21, 2025**

**Workshop Meeting – In Person Meeting  
6:00 PM**

**Second Floor – Town Meeting Room  
Killingly Town Hall  
172 Main Street  
Killingly, CT**

**WORKSHOP**

**RESCHEDULED  
TO  
TUESDAY,  
FEBRUARY 18, 2025.**

RECEIVED  
TOWN CLERK, KILLINGLY, CT  
2025 JAN 17 AM 8:40  
Elizabeth M. Wilson



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

**TUESDAY – JANUARY 21, 2025**

**Regular Meeting – HYBRID MEETING**

**7:00 PM**

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

**Killingly Town Hall**

**172 Main Street**

**Killingly, CT**

RECEIVED  
TOWN CLERK, KILLINGLY, CT  
2025 JAN 17 AM 8:40  
*Elyse M. Quinn*

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

**AGENDA**

THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.

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

- I. **CALL TO ORDER/ROLL CALL**
- II. **SEATING OF ALTERNATES**
- III. **AGENDA ADDENDUM**
- IV. **CITIZENS' COMMENTS ON ITEMS NOT SUBJECT TO PUBLIC HEARING** (Individual presentations not to exceed 3 minutes; limited to an aggregate of 21 minutes unless otherwise indicated by a majority vote of the Commission)  
Public comments can be emailed to [publiccomment@killinglyct.gov](mailto:publiccomment@killinglyct.gov) or mailed to the Town of Killingly, 172 Main Street, Killingly, CT 06239. All public comment must be received prior to 2:00 PM, the day of the meeting. Public comment received will be posted on the Town's website [www.killinglyct.gov](http://www.killinglyct.gov).

As this is a hybrid meeting citizens can participate in the Citizens Comment by Webex:

Join by Phone: **1-415-655-0001** Access Code: **2633 579 7439**

- V. **COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS**
- VI. **PUBLIC HEARINGS – (review / discussion / action)**

NONE

Hearings' segment closes.  
Meeting Business will continue.

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

NONE

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

**TOWN ATTORNEY TRAINING**

- RE: ZONING, ETC.
- RUNNING MEETINGS, ETC.
- RUNNING HEARINGS, ETC.
- CONFLICTS OF INTEREST AND PREDISPOSITION, ETC.
- QUESTIONS AND ANSWER PERIOD

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

- 1) Regular Meeting – November 18, 2024
- 2) Workshop Meeting – November 18, 2024 – No Minutes - Cancelled
- 3) Workshop Meeting – November 20, 2024
- 4) Workshop Meeting – December 4, 2024
- 5) Workshop Meeting – December 16, 2024 – No Minutes – Cancelled
- 6) Regular Meeting – December 16, 2024 – No Minutes - Cancelled

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

- 1) CT Land Use Law for Municipal Land Use Agencies, Boards, and Commissions
  - a) Saturday, March 22, 2025 – 9:00 am – 4:30 pm

**XI. CORRESPONDENCE**

NONE

**XII. 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

**XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT**

**XIV. TOWN COUNCIL LIAISON REPORT**

**XV. ADJOURNMENT**



**TOWN OF KILLINGLY  
PLANNING AND ZONING COMMISSION**

**MONDAY – NOVEMBER 18, 2024**

**Regular Meeting – IN PERSON ONLY**

**7:00 PM**

**\*KILLINGLY HIGH SCHOOL\***

**\*AUDITORIUM\***

**\*226 Putnam Pike\***

RECEIVED  
TOWN OF KILLINGLY, CT  
2024 NOV 26 PM 5:05  
Elizabeth M. Wilson

The public can attend this meeting in person. It was also able to be viewed on Facebook Live by going to [www.killinglyct.gov](http://www.killinglyct.gov) and clicking on Facebook Live at the bottom of the page.

**MINUTES**

- I. **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:02 p.m.
- PZC ROLL CALL** – Brian Card, Michael Hewko, Virge Lorents, John Sarantopoulos, Keith Thurlow. Matthew Wendorf was absent with notice.
- IWWC MEMBERS PRESENT** - Paul Archer, Rodney Galton, Amy Sterling, Sandy Eggers. Chris McDonald and Corina Torrey were absent with notice.
- Staff Present** – Ann-Marie Aubrey, Director of Planning & Development; Jonathan Blake, Planner I/ZEO; Jill St. Clair, Economic Development Director was seated in the audience; Attorney for the Town of Killingly, Kenneth Slater, Halloran & Sage.
- Also Present In Person** – Attorney, Kenneth C. Baldwin, Robinson + Cole; Lynn Gresock, Principle Consultant, Haley & Aldrich; Jonathan Milley, Owner's Representative, Sunflower Renewables; Clint Paige, Director of Field Operations, Flexgen; David Johnson, Director of Field Services, Flexgen; Michelle Murphy, Alternate Town Council Liaison; J.S. Perreault, Recording Secretary.  
There were nine additional people present in the audience.
- 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)  
Public comment can be made in person or submitted by 2:00 PM, on the day of the meeting via email at [publiccomment@killinglyct.gov](mailto:publiccomment@killinglyct.gov), mailed to the Town of Killingly, Planning & Development Office, 172 Main Street, Killingly, CT 06239 or put in the drop box on the side of Town Hall. Public comments will be posted on the Town's website [www.killinglyct.gov](http://www.killinglyct.gov)

- Ed Grandelski commented on the following:

- The door, as well as the handicap access, were locked.
- Mr. Grandelski referred to a letter from the Windham Energy Center (WEC) dated November 5, 2024 and commented that there is information that the Citing Council wants that was not provided so we will have to go through this again. He feels that time is being wasted.
- John LaBelle, 57 Island Road, stated that he had submitted his written comments to Staff (received November 18, 2024) which were provided to Commission Members.

#### V. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS

Attorney Slater explained the Statutory process regarding the technical deficiencies (a release from the prior Applicant, NTE). If the Application is complete by the deadline, the Citing Council will go forward on that date. Attorney Slater explained about the Statute that applies to the PZC and IWWC which provides a window of time (65 days from the filing of the Application with the CSC – October 11th) which gives an opportunity to issue Orders (concerns) which would get recorded on the Land Records. The Citing Council could take the Orders into consideration, when and if it acts, if the PZC and IWWC take advantage of the procedure under CGS 16-50x (d) which is Attorney Slater's recommendation.

At this time (7:10 p.m.), IWWC Chair, Sandy Eggers called the meeting of the IWWC to order.

At this time, Keith Thurlow read aloud the information regarding Citizens' Comments (Agenda Item IV).

#### VI. CONNECTICUT SITING COUNCIL APPLICATION (review / discussion)

This is a joint public information meeting between the Inland Wetlands & Watercourses Commission and the Planning & Zoning Commission. Both Commissions will hear the application tonight and schedule separate meetings (IWWC – Monday, December 2, 2024 at 7:00 PM during its regular meeting at the Killingly Town Hall, 2<sup>nd</sup> Floor Town Meeting Room, 172 Main Street, Killingly, CT 06239 & PZC – Wednesday, November 20, 2024 at 7:00 PM at the Killingly Public Library Community Room, 25 Westcott Road, Killingly, CT 06239) to prepare "Orders of Regulations and Restrictions" for the following Connecticut Siting Council Application.

Keith Thurlow read aloud the above information.

- 1) **Connecticut Siting Council Application – Appl #24-1338** – Windham Energy Center (WEC) (Gerald Erwin, Sr./Landowner); 189 Lake Road, GIS MAP 83, Lot 6; 63 acres; Rural Development; to develop a 325-megawatt ("MW") battery energy storage system ("BESS") facility, and related electric interconnection switchyard on a 20-acre portion of the larger 63-acre parcel. **(Public Meeting – and schedule workshop for 11/20/2024 @ Killingly Public Library Community Room – to prepare the Town's "Order of Regulations and Restrictions")**

To view all the documents related to the above application please visit <https://www.killinglyct.gov/home/news/vitis-windham-energy> and click more information.

- Attorney Kenneth Baldwin, Robinson + Cole, expressed thanks for acting quickly on putting the public meeting together and he introduced the speakers: Jonathan Milley, Owner's Representative, Sunflower Renewables and WEC; Lynn Gresock, Environmental Consultant, Haley & Aldrich; Clint Paige, Director of Field Operations – Equipment and Safety Aspects, Flexgen. David Johnson, Director of Field Services, Flexgen was also a speaker.

Attorney Baldwin gave a brief overview and explained that this facility is under the exclusive jurisdiction of the Connecticut Siting Council (CSC). He explained about the Certificate that has been approved for

the development of the NTE power generating facility (valid until September 2026) on the same property. Attorney Baldwin explained that they have presented, in their Application to the CSC, a number of reasons why they feel that project should be deemed non-existent and he feels that the CSC should be comfortable voiding that Certificate based on the reasons discussed in the WEC Application. There was a decision last week that the CSC would like this issue resolved before going forward and gave additional time for those issues to be addressed.

Attorney Baldwin explained about how the Statue allows the PZC and the IWWC to develop regulating restrict Orders and to make those regulations known to the CSC which can be taken into consideration and can choose to adopt the recommendations as conditions to the approval. He explained that WEC would have the right to appeal to the CSC and that the CSC can overrule the Orders.

Attorney Baldwin explained that the CSC needs to balance the public benefit/need for the proposed facility against the environment effects. If they determine that the public benefit/need outweighs the environmental effects they, typically, approve the application.

- Jonathan Milley, Owner's Representative, Sunflower Renewables and WEC, continued with the PowerPoint presentation and spoke about the public benefit/need and explained that Connecticut has been a leader in improving emissions and reducing air pollution for several decades. He explained that this will help keep grid prices at the lowest that they can be, given the resources that are on the grid at the time. He explained that his Killingly location is ideally situated between two low-price sources of energy. He explained about how the batteries don't need to be kept running, they are in reserve. He explained that the grid will call upon the type of resource that it needs and it has to be ready to go. ISO New England is calling for increase in battery installation across the grid. DEEP is actively seeking more battery resources in the State to compliment the off-shore wind and solar facilities that they have already procured.
- Lynn Gresock, Environmental Consultant, Haley & Aldrich, continued with the PowerPoint presentation, orientating the area and she spoke about the environmental elements of the Project. The Quinebaug River is on one side with the Windham Land Trust parcel in between the River and the Project property. Lake Road is to the south and the existing, Eversource electric right-of-way is to the east. She explained about the Project substation where voltage gets adjusted so that, when it comes off of the 345 kV System, it can be reduced in voltage to store in batteries and, when it needs to go back into the System, that Project substation can also adjust the voltage up to be able to contribute it back. Ms. Gresock explained about the Eversource Switching Station which will be owned and permitted by Eversource. She explained that there is no need for an additional off-site electrical interconnection as it all fits within the 20-acre Project area.

Ms. Gresock explained that a lot of investigations have been completed for the Project, to date (documentation included in the Application). The Project is to be setback 75 feet from Lake Road to preserve vegetation and provide visual screening. The stone wall along Lake Road is to remain for Community character. The plan is to keep the layout as compact and as far away from the wetlands and vernal pools on the site, as possible. This results in the need for no direct wetland impacts at its shortest distance. She explained that there is a buffer of at least 100 feet between the Project area and wetlands and, in most cases, there is a lot more. She explained that there is a large amount of the property that will not be developed and will stay in its current wooded state (closest to the Windham Land Trust property and the River). Detailed Archeological and Historic Structure Studies have been completed and concurrence has been received from Connecticut's State Historic Preservation Office confirming that there will be no impact to such resources. The Project is incorporating appropriate protection measures



for listed federal and State species including avoiding tree clearing during June and July and a plan for the protection of box turtles (if needed).

Ms. Gresock explained that visual effects of the Project will be limited. From most directions, the Project will not be visible. The Eversource Switching Station is expected to be able to be seen from the east.

Ms. Gresock explained that a noise analysis has been conducted to demonstrate that the Project will meet the 51-decibel level at the property boundaries. This conservative analysis has assumed, not only the Project as it will be initially constructed, but incorporates all of the future augmentation units that will, eventually, be reflected there to ensure that the Project will be able to comply for its entire lifetime. She explained about low-noise equipment and sound walls to be installed for sound and visual barrier.

Ms. Gresock explained about the preliminary stormwater analysis has been conducted.

Ms. Gresock explained that the construction of the Project is expected to take approximately 14 months, in various stages, with approximately 40 construction workers at the peak. Peak deliveries expected to be ten per day. Hours of operations Monday through Saturday, 7:00 a.m. to 5:00 p.m. (no evening work is proposed). She explained about the development of a Construction Management Plan which would be coordinated, shared and implemented in cooperation with the Town of Killingly.

Ms. Gresock explained that very little traffic is expected when the Project is in operation. The minimal parking needs will be accommodated on the site. The Project will not be staffed on an ongoing basis. A lot of consideration was given to access within the site to ensure that turning radii are appropriate.

Ms. Gresock spoke about surrounding uses and how they worked very hard to minimize neighborhood impacts. She discussed landscaping, screening, storm drainage, lighting (downward facing), public safety. She said there will be no smoke, odor, gas, dust, vibration.

Ms. Gresock explained about the location of the delineated wetlands and stated that all of the battery energy storage system units are further than 200 feet from the wetlands. She explained that there are some Project elements that are within 200 feet of the wetlands (some portions of the Project Substation, one of the gravel access roads and likely some grading and basins associated with stormwater management systems). The closest place is the manmade pond. Detailed stormwater and erosion and sedimentation control measures will be reflected in the design consistent with the latest standards. She explained that maintaining a contribution from the site of clean rainwater from the Project area is expected to benefit wetlands as well as groundwater.

- Clint Paige, Director of Field Operations, Flexgen, continued with the PowerPoint presentation and explained about the design of the battery system and safety. He explained that everything at the site is to be monitored and controlled 24/7 from their Center located in North Carolina. He explained about the fire protection system.
- David Johnson, Director of Field Services, Flexgen, continued with the PowerPoint presentation and explained about fire safety and about how lithium-ion phosphate systems are the latest and greatest technology (a more stable technology which tries to prevent fires from the start and preventing them from being propagated). He explained about regulating the temperature in the units (liquid cooling system). He explained about containment. He explained about the fire suppression system. He explained that all equipment on the site is monitored 24/7 and these sites are 100 percent remotely operated and

maintained. He explained about the software they use to monitor and how they would be able to shutdown remotely in the event that something happens.

The presentation concluded and the Speakers answered questions from the Members of the PZC and the IWWC. Topics included the following: Snow; if trees/shrubs will be planted to block the view from the Windham Land Trust property; distance between cabinets; if there is a remote camera on the front gate, if there are other cameras around the back and on the side; if the gate is locked, if it can be remotely opened if needed and if the fire department would be given access to open the gate; if there is fencing around the facility; any consideration of putting a fire hydrant on the site; containment for the liquids for cooling and heating inside the cabinets; percentage that the containment system holds; access road/parking area, if it will be used during construction – no parking on the road; 51 decibels during normal operation and if it has been tested at an existing site; estimate of noise level during construction; will species or landscaping be replaced if something damaging happens either during construction or afterwards; exterior containment for the batteries; age of the wetland delineation because it looks similar to the previous application; comments from the Town Engineer – how was the stormwater modelled for post construction conditions; is there any consideration to put a cistern on the site for fire protection; will there be retention/protection of the box turtles' existing habitat and who would be the expert to give guidance regarding monitoring/protecting the box turtles; has an area study been completed by Eversource and is there is any need for upgrades to existing infrastructure in or around the site; was the noise study with or without the walls installed; describe the augmentation units; will old modules still be good at 50 percent; during module replacement, are any modules left on-site outside the system; regarding fire suppression – if each rack has its own chiller and heater systems / if there is a failure of the heating/cooling system, does the entire container shutdown / is there any heat buildup if there is a shutdown / what is the burnout time / is a plan needed from the fire department standpoint / is there a timeline – the test was not provided, will it be shared with the fire departments / what happens if there is a power outage with the heating/cooling system shutting down / what gases are released if there is a burnout and what specialized concerns are there.

**COMMENTS FROM THE PUBLIC:** \*PLEASE NOTE that comments in their entirety as well as the entire meeting may be heard by visiting the Town of Killingly website, or by watching on either Facebook or YouTube.

- **John LaBelle**, 57 Island Road, provided his written comments to Staff. His comments and concerns include the following: serious harm that could be caused; the need for a fire management plan (he asked what Fire Chief they spoke with); construction of the Project; total number of modules on site; standards; the NTE Certificate, low-frequency sound and asked if any testing had been done regarding emissions.
- **Ed Grandelski** commented regarding public safety stating that there were not enough copies of the documents and that the Fire Chief never got a copy to review. The people who should give feedback were not given the information. He commented about snow and fire apparatus needing to be able to get into the site. He said that the fire department was not notified that this is going on.
- **Michelle Murphy** voiced concern regarding the following: she would like it to be recommended to the CSC that there be at least a once-per-week walk through; it is in a residential neighborhood; sound; fire; she also commented that the Town Council has applied for intervener status and asked that concerns/input be given to Town Council so that they can raise those concerns as interveners.



At this time, Sandy Eggers asked if there were any comments pertinent to the IWWC aspect of this Application. Ms. Eggers explained that the IWWC will meet on December 2<sup>nd</sup> and will go through comments, that pertain to wetlands issues, at that meeting and will send their recommendations to the CSC.

- **John LaBelle** asked that the presentation slide showing the wetlands be displayed and he asked if the IWWC feels that it is a reasonable distance.  
Mr. LaBelle asked that the presentation slide showing the Alexander's Lake be displayed and asked if anyone knew where Alexander's Lake is on the slide. He said that Alexander's Lake is not south of the property, it is east of the property.
- **Ed Grandelski**, Upper Maple Street, commented about his concern regarding thermal runaway and that there is no containment structure to contain the water before it enters the wetlands and that the monitoring is done from far away.

Keith Thurlow explained that the PZC and IWWC will only be giving recommendations to the CSC and that actual arguments regarding the Project would be taken up with the CSC at the public hearing where there will be an opportunity to speak.

**The IWWC Special Meeting was adjourned at 8:58 p.m.**

**The PZC Regular Meeting continued:**

**COMMENTS FROM THE PUBLIC:**

- **Ed Grandelski** continued with his comments/concerns: Noise at the property boundaries and he asked about residential standards as opposed to industrial standards; air monitors; is it a benefit to the Community.
- **Jason Anderson** referred to the Noise Ordinance and stated that, to the best of his knowledge, our Ordinances do not allow industrial sources on parcels that are zoned residential. This is a residential parcel and, per the Ordinances, it should abide by a residential emitter abutting a residential property.  
Mr. Anderson referred to the existing Certificate (NTE) asked if the CSC had deemed that they were going to change the zoning for this parcel to industrial or was if it going to stay residential.  
Mr. Anderson referred to Appendix A, on Page 3 of the Application and read aloud the list of Officials that were notified. He asked if those Officials were notified and if any other Officials had been notified directly.
- **John LaBelle** commented about the CSC Regulations which allow for the PZC and IWWC to oppose what is proposed on that site and can write regulations for the Community, but they can contest it. He said that the CSC Regulations also allow for the Community to make recommendations for other sites.
- **Ed Grandelski** noted that the documents state multiple times that the site abuts the existing Killingly Industrial Park, but it does not. It is quite a bit to the east. He referred to the Zoning Map. He said that this is misleading information.

There were no further comments from the public.

Attorney Baldwin expressed thanks and stated that, if there are further comments, to forward them prior to the final decision, so that they can respond to them.

Attorney Slater commented about how the PZC had gone through this process before and that the Order gets recorded on the Land Records. He noted that if there is some additional information that the Commission requires, we can ask Counsel for the Applicant's additional information necessary to craft the Orders.

Keith Thurlow called a five-minute recess at 9:10 p.m.

Mr. Thurlow called the Regular Meeting of the PZC back to order at 9:21 p.m.

Mr. Thurlow announced that there will be a Workshop regarding **Connecticut Siting Council Application – Appl #24-1338** at the Killingly Public Library on November 20, 2024, at 6:00 p.m.

**VII. PUBLIC HEARINGS – (review / discussion / action)**  
**NO – PUBLIC HEARINGS**

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

Keith Thurlow recused himself from **Zone Map Change – Appl #24-1336** and turned the Chair position over to Brian Card. Mr. Thurlow remained at the table.

- 1) **Zone Map Change – Appl #24-1336** – Mark Benard (Benard Properties, LLC); zone change from Low Density to Village Commercial for the following properties: 350 Hartford Pike (GIS Map 107, Lot 51, 3.013 acres), 328 Hartford Pike (GIS Map 107, Lot 50, 0.78 acres), 319 Hartford Pike (GIS Map 107, Lot 19, 0.65 acres).  
**Ratify the Effective Date of the Zone MAP Change as Monday, November 25, 2024, at 12:01 am.**

Brian Card explained that this Application had been approved last month, but the effective date had not been included in the approval.

Motion was made by Virge Lorents to Ratify the Effective Date as Monday, November 25, 2024, at 12:01 am. for approved **Zone Map Change – Appl #24-1336** – Mark Benard (Benard Properties, LLC); zone change from Low Density to Village Commercial for the following properties: 350 Hartford Pike (GIS Map 107, Lot 51, 3.013 acres), 328 Hartford Pike (GIS Map 107, Lot 50, 0.78 acres), 319 Hartford Pike (GIS Map 107, Lot 19, 0.65 acres).

Second by John Sarantopoulos. No discussion.

Motion carried by voice vote (4-0-0). Keith Thurlow had recused himself.

- 2) **Zone Map Change – Appl #24-1337** - Town of Killingly (various landowners); zone map change from General Commercial, and Industrial to Central Business District for 119 Commerce Ave (Map 181, Lot 16); 4 Railroad Ave (portion Map 107, Lot 1); 79 Commerce Ave (Map 181, Lot 15); 67 Commerce Ave (Map 181, Lot 14); 63 Commerce Ave (Map 198, Lot 77); 57 Commerce Ave (Map 198, Lot 76); 51 Commerce Ave (Map 198, Lot 74); 49 Commerce Ave (Map 198, Lot 75); 47 Commerce Ave (Map 198, Lot 73); 41 Commerce Ave (Map 198, Lot 72); and 37 Commerce Ave (Map 198, Lot 71)  
**Ratify the Effective Date of the Zone MAP Change as Monday, November 25, 2024, at 12:01 am.**

Brian Card explained that this Application had been approved last month, but the effective date had not been included in the approval.

Motion was made by Virge Lorents to Ratify the Effective Date as Monday, November 25, 2024, at 12:01 am. for approved **Zone Map Change – Appl #24-1337** - Town of Killingly (various landowners); zone map change from General Commercial, and Industrial to Central Business District for 119 Commerce Ave (Map 181, Lot 16); 4 Railroad Ave. (portion Map 107, Lot 1); 79 Commerce Ave (Map 181, Lot 15); 67 Commerce Ave. (Map 181, Lot 14); 63 Commerce Ave. (Map 198, Lot 77); 57 Commerce Ave. (Map 198, Lot 76); 51 Commerce Ave. (Map 198, Lot 74); 49 Commerce Ave. (Map 198, Lot 75); 47 Commerce Ave. (Map 198, Lot 73); 41 Commerce Ave. (Map 198, Lot 72); and 37 Commerce Ave. (Map 198, Lot 71).

Second by Michael Hewko. No discussion.

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

Keith Thurlow resumed the Chair Position.

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

- 1) **Site Plan Review Appl #24-1339** – Camiren Bucci (Lorena Petrillo / Landowner); 817 Providence Pike (GIS MAP 211, LOT 35, Village Commercial) and 827 Providence Pike (GIS MAP 211, LOT 34, Village Commercial); use welding and fabrication shop, construction of 50' x 80' building, with office space in the existing structure. Change of use – prior use restaurant. **(Receive, and either refer to staff for approval, or schedule for action by the Commission – suggested date 12/16/2024.)**

Mr. Thurlow stated that the Application is complete and he explained that it can be referred to Staff or it can be done at the PZC level. Jonathan Blake explained that it has been approved by the IWWC.

Motion was made by John Sarantopoulos to receive and refer to Staff **Site Plan Review Appl #24-1339** – Camiren Bucci (Lorena Petrillo / Landowner); 817 Providence Pike (GIS MAP 211, LOT 35, Village Commercial) and 827 Providence Pike (GIS MAP 211, LOT 34, Village Commercial); use welding and fabrication shop, construction of 50' x 80' building, with office space in the existing structure. Change of use – prior use restaurant.

Second by Virge Lorents. No discussion.

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

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

- 1) Workshop Meeting Minutes – OCTOBER 21, 2024
- 2) Regular Meeting Minutes – OCTOBER 21, 2024

Motion was made by Virge Lorents to adopt the Workshop Meeting Minutes – OCTOBER 21, 2024 and the Regular Meeting Minutes – OCTOBER 21, 2024, as presented.

Second by Michael Hewko. No discussion.

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

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

- 1) **Continuation of Workshop Schedule** – Schedule another workshop for **MONDAY, DECEMBER 16, 2024, AT 6:00 PM** to continue the discussion of the proposed revisions to the zoning regulations.

Ms. Aubrey stated that the Commission will be working on PRD Regulations on December 16<sup>th</sup> and that they have the Workshop on November 20<sup>th</sup> regarding **Connecticut Siting Council Application – Appl #24-1338**.

**XII. CORRESPONDENCE**

- 1) Zoning Practice – NOVEMBER 2024 Edition
- 2) Killingly Planning & Zoning Commission Meeting Dates

Motion was made by Virge Lorents to adopt the Schedule of Killingly Planning & Zoning Commission Meeting Dates for 2025.

Second by Michael Hewko. No discussion.

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

**XIII. 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.

**XIV. ECONOMIC DEVELOPMENT DIRECTOR REPORT**

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

**XV. TOWN COUNCIL LIAISON REPORT**

Michelle Murphy reported on the recent meeting of the Town Council.

**XVI. ADJOURNMENT**

Motion was made by Virge Lorents to adjourn at 9:28 p.m.

Second by Michael Hewko. No discussion.

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

Respectfully submitted,

J.S. Perreault  
Recording Clerk



**TOWN OF KILLINGLY  
PLANNING AND ZONING COMMISSION  
WEDNESDAY – NOVEMBER 20, 2024**

RECEIVED  
TOWN OF KILLINGLY, CT  
2024 DEC -3 PM 4:20

**Workshop Meeting – In Person Meeting** *Elizabeth M. Wilson*  
**6:30 PM**

**KILLINGLY PUBLIC LIBRARY, COMMUNITY ROOM, 25 WESTCOTT ROAD**

**MINUTES**

**I. CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 6:30 p.m.

**ROLL CALL** – Virge Lorents, John Sarantopoulos, Keith Thurlow.  
Brian Card and Michael Hewko were absent with notice.  
Matthew Wendorf was absent.

**Staff Present** – Ann-Marie Aubrey, Director of Planning & Development; Jonathan Blake, Planner I/ZEO; Attorney for the Town of Killingly, Kenneth Slater, Halloran & Sage.

**Also Present In Person** – Attorney Christopher Eddy, Robinson + Cole; J.S. Perreault, Recording Secretary.

**II. SEATING OF ALTERNATES** – None.

**III. CONNECTICUT SITING COUNCIL APPLICATION** (review/discussion)

**Connecticut Siting Council Application – Appl #24-1338** – Windham Energy Center (WEC) (Gerald Erwin, Sr./Landowner); 189 Lake Road, GIS MAP 83, Lot 6; 63 acres; Rural Development; to develop a 325-megawatt (“MW”) battery energy storage system (“BESS”) facility, and related electric interconnection switchyard on a 20-acre portion of the larger 63-acre parcel.

a) Work on draft of Order of Regulations and Restrictions

Ann-Marie Aubrey explained all of the documents that had been provided in the packet. A set of full-size plans were also made available for viewing by the Commission Members.

Keith Thurlow requested that Public Comment be added to the next workshop agenda.

There was discussion regarding comments that had been made/submitted including the following:

- Fire protection (hydrant/cistern).

- Secondary containment under cabinets to provide protection.  
There was discussion regarding fire safety and Ms. Aubrey explained that there is glycol inside of the containers and there had been a suggestion for secondary containment.  
Attorney Slater explained that the PZC could include a recommendation to look at this more carefully as a concern of the Commission.  
There was discussion regarding the surface (stone with concrete piers). Mr. Blake referred to the BESS Vendor Specs (Appendix E) which state that the Detail calls for six foundations (appears to be piers). He noted that the Slide Show presentation shows a solid foundation. The Spec Sheet calls for concrete piers and stone under it as the surface. There was mention (at the November 18<sup>th</sup> meeting) of a membrane that was a feature in the Eversource/under the Transfer Station area that would allow water to pass through, but wouldn't let oils pass through, however, it had not been stated whether the membrane would be part of the battery area.  
There was discussion regarding the stormwater management basin infiltration cross-section which Mr. Blake stated they are showing a detail for a galley system and a stormwater basin. The Town Engineer's comments, dated November 18, 2024, were read aloud by Ms. Aubrey (included in packets). Mr. Thurlow asked about the weight of each of the units and he also asked about where grass would be. Mr. Blake stated that a landscaping plan had not been called as part of the set, the specs reference some performance standards for it (no disturbance buffers/no cutting buffers particularly in the front and along the access drive to the Land Trust property).
- Security cameras (whether there should be additional cameras around the site).  
Controlled/monitored off-site in the Carolinas, with a local contact. Ms. Aubrey explained that a request may be made for the Town to be provided with that local contact information (in the case of an emergency).
- Sound walls (Sound Study – decibels naturally and the expected reduction).  
Regarding sound walls and security fencing, Mr. Blake explained that the Sound Study shows, roughly on a small plan, where those would be, but without the detail, you don't really know how much space it's taking up in that buffer zone or if it's outside the buffer zone (he said it is the same thing for the security fencing).  
More complete drawings will not be provided until they get approval from the CSC.  
Attorney Slater explained that the Commission could request that more detail be provided.
- Snow removal (in writing).
- Responsibility to replace existing landscaping/species with similar in the case existing is damaged during construction or operation.
- Recommend a walk-thru at least once-per-week (preferably once-per day – some sort of human security/oversight).
- Town Intervener Status.
- Bonding.  
Ms. Aubrey explained that someone had asked (outside of the public meeting) if a bond would be put in place for when it gets de-commissioned and that the Commission can request this.



- Attorney Slater suggested an additional WHEREAS clause, leading up to the conclusion, that describes the Zone and the uses allowed in the Zone and noting that this is not a use that would be allowed in that Zone under the Regulations.

The Commission Members reviewed the Draft Order of Regulations And Restrictions prepared by Staff:

- Jonathan Blake explained about federal and State standards vs. local regulations being more detailed (individual districts and uses).
- Section 470.4 - Mr. Thurlow explained that he would be more concerned with decommissioning of the site. Regarding bonding the Project, Mr. Thurlow stated that he would take and recommendation/guidance from Staff for both portions (beginning and ending). Attorney Slater explained that, if it is unknown how to estimate this type of facility, it could be stated that a bond needs to be provided and an analysis needs to be provided by an expert to the Citing Council and the Commission. Ms. Aubrey explained the normal process. There was consensus to add performance bond/maintenance bond/decommissioning bond. Staff will work on this.
- Section 470.9 – More detailed site plans.
- Section 470.9.1 Public Safety
  - Mr. Thurlow suggested that a document be required which shows step-by-step procedures to follow in the case of different events that could occur. Provide contact information for the local responsible party. Blake spoke of a security plan involving the Fire Marshal. He also spoke about cyber security. Staff will speak with the Killingly Police Department regarding security cameras and where they should be placed. Attorney Slater suggested a descriptive directive such as, “security cameras that would be able to monitor the entire perimeter of the facility.”
  - Fire Safety – Mr. Thurlow expressed agreement with requesting either a hydrant or a cistern, as suggested by Mr. Hewko, but he also expressed concern regarding the management of that water (will it pick up any contaminants?) as well as stormwater management. The Fire Marshal would need to review and determine what he would anticipate for storage requirements to ensure enough water to feed the system. Attorney Slater asked about a back-up generator for heating/cooling in the case of a power outage. Mr. Blake stated that the specs call out a cooling aspect as part of the container. Mr. Blake commented about the noise aspect of fans ramping up for heating/cooling cycles and whether that was accounted for in the Sound Study. Attorney Slater commented about the Applicant’s Counsel being present and that responses may be provided regarding the questions that have been raised. Mr. Thurlow requests a written, detailed process/schedule regarding education/training for the Fire Departments (Williamsville would be primary).
  - Fences – The Town Engineer asked for information on attenuation walls (no detail given). Mr. Blake noted that the plans call out for Gabion retaining walls at

various heights to support/level-off the site ,not to mitigate noise (just a very basic sketch was provided).

- Secondary Containment – Mr. Thurlow asked that Staff verify secondary containment.
- Section 470.9.2 Storm Drainage
  - Mr. Blake explained that two storm management areas are shown and two different details are provided (basins or galleys), but it is not clear which ends up being the full solution. Mr. Blake explained that they are directing all of the storm drainage from the transformer locations, and of the roads, over to those basins (catch basins shown only on one side of the roads). Ms. Aubrey read aloud the Town Engineer's comments. The Town Engineer will provide comments on the Stormwater Analysis Plan (Appendix I) after he reviews it. Mr. Blake explained that the Stormwater Analysis Plan is very much performance based-not the normal details. The battery locations, as currently depicted, all appear to be outside the wetlands 200-foot review areas, which means that the IWWC would have limited oversight on certain aspects of the Project.  
There was discussion regarding the use of wood chips.  
Attorney Slater asked if the detail specifies the Stormwater Manual. Mr. Blake stated that it was included in Appendix I, but not in the Plans. Connecticut Stormwater Manual (which was recently updated).  
Attorney Slater recommended including reference to the most up-to-date versions of the Stormwater Manual and the Water Quality Manual. Mr. Thurlow stated that it needs to be better defined somewhere.
- Section 470.9.3
  - Since it is not to be manned, there wouldn't be a lot of vehicle traffic, but there are concerns regarding parking during construction (no parking on the street as it is a hazardous road). Mr. Thurlow stated that temporary construction-time parking needs to be shown (potentially, up to 40 employees and equipment).
  - Ms. Aubrey explained that proper access for EMS and turning radius for all the streets/areas, to ensure that they will accommodate the biggest apparatus, are being discussed by Staff.
  - Mr. Blake explained that there may be an area that is big enough for parking (he referred to the Civil Index Sheet and explained that there may be some plans that don't appear to be in the pdf document, e.g. C601 Civil Truck Turning Plan).
  - Mr. Thurlow commented that this would also be for snow plowing and he said that they should try to provide areas for snow storage (he said that the State does not want it to be transported off-site).
  - Mr. Thurlow also stated that he feels that they should provide at least one or two parking spaces.

Mr. Thurlow asked the other Commission Members to make it known if they disagree or if they have anything to add. There were no responses.

- Mr. Thurlow expressed concern regarding the Town road (Lake Road), where he feels there will be trouble, especially during construction. He suggested that they give us an easement along Lake Road, so that we could widen it at some

point in time. He explained about the tight, dangerous situation there. He feels that this should be addressed somehow. Mr. Blake noted that they are not showing sightlines (although it is on the corner). There was discussion. Consensus to have Staff address (this with input from the Town Engineer regarding the construction portion).

- Section 470.9.4

- Ms. Aubrey explained about requesting more details for the noise abatement walls and a more complete Study.

There was discussion regarding Brian Card's concerns and decibels.

Mr. Sarantopoulos expressed his concerns regarding electric and magnetic fields.

Mr. Blake explained about the acoustic assessment (on-site monitoring and pointing out a nuance with our Sound Ordinance – They are exempt during construction). He is not sure if there is any kind of acoustical monitoring.

Mr. Blake stated the decibel limits for day and night in Residential, Commercial and Industrial and he said that it appears that they are shooting for the Industrial Standard (61 decibels – Daytime, 51 decibels – Nighttime).

- Section 470.9.5

- Mr. Blake explained about EMF (Electric Magnetic Field) and referred to Appendix N. Mr. Blake admitted that he is relying on the Study done by the experts and that his understanding of the summary of the Study seems to say that it is no worse than an electric or magnetic field beyond background (natural) because the equipment is not transmitting from one site to another, so there would not be a field created. He is not sure of the overall requirements (if there is monitoring of electrical emissions/interference with electronics). Request to have clarification and some sense of assurance.

- Section 470.9.6

- No landscaping plan was provided.
- There was discussion regarding Mr. Hewko's suggestion regarding replacement of landscaping/species and ensuring that there is regular maintenance of the woodland between the front fence and the roadway (residential buffer for abutters).

Mr. Blake referred to the very detailed, Ecological Study (dated July 2024) and explained that the only real potential impact was because of the tree cutting (forcing birds to a different location, possibly on the same parcel).

- There was discussion regarding security fencing/barbed wire (Mr. Blake stated that he is not sure where it is) and, for security purposes, Staff suggests that visual slats be requested for the dipped, chain-link fencing shown on the plans, but this may not be needed depending on where the sound-barrier walls are to be located. Ms. Aubrey stated that we need to know where the sound-barrier walls would be and what they are made of.

Mr. Thurlow stated that this may be addressed better at next month's meeting.

- Section 470.9.7

- Ms. Aubrey explained about the importance of the details of the attenuation walls which could be a big change to the neighborhood (visual and noise).

Ms. Aubrey noted that the pretty much the same comments could be listed for Section 470.9.6 Landscaping, Section 470.9. Neighborhood and Section 470.9.8 Architectural. Mr. Thurlow stated agreement.

Mr. Blake noted that the idea of monitoring should be included under Neighborhood Impact (noise/emissions/air quality/visual buffers). Attorney Slater explained that this is an important criteria for a special permit (make reference to all of the sections).

- Section 470.9.9
  - Self-explanatory.

Mr. Thurlow ended the Workshop at this time. Staff will work on the draft (summaries) for review at the next Workshop.

b) Schedule next workshop date and time

Next Workshop to be scheduled for Wednesday, December 4, 2024, at 6:00 p.m. (location to be determined).

Ms. Aubrey explained that the document must be completed, signed, recorded and sent in to the Citing Council by Friday, December 13, 2024.

#### IV. ADJOURNMENT

Motion was made by Virge Lorents to adjourn at 8:09 p.m.

Second by John Sarantopoulos. No discussion.

Motion carried unanimously by voice vote (3-0-0).

Respectfully submitted,

J.S. Perreault  
Recording Secretary



**TOWN OF KILLINGLY  
PLANNING AND ZONING COMMISSION**

**WEDNESDAY – DECEMBER 4, 2024**

**Workshop Meeting – In Person Meeting**

**6:00PM**

**KILLINGLY PUBLIC SCHOOLS – CENTRAL OFFICE  
CONFERENCE ROOM 'A'  
79 WESTFIELD AVENUE  
KILLINGLY, CT**

**MINUTES**

RECEIVED  
TOWN ENGINEER  
2024 DEC 10 AM 9:00  
Elizabeth M. Quinn

- I. **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 6:09 p.m.

**ROLL CALL** – Brian Card, Michael Hewko, Virge Lorents, John Sarantopoulos, Keith Thurlow.  
Matthew Wendorf was absent with notice.

**Staff Present** – Ann-Marie Aubrey, Director of Planning & Development; Jonathan Blake, Planner  
I/ZEO; Attorney for the Town of Killingly, Kenneth Slater, Halloran & Sage.

**Also Present In Person** – Attorney Christopher Eddy, Robinson + Cole.

- II. **SEATING OF ALTERNATES**

Michael Hewko was seated as a Voting Member for this meeting.

- III. **PUBLIC COMMENT**

- a. Individual speakers not allowed to exceed 3 minutes.  
b. Total time, limited to an aggregate of 15 minutes.

No comments had been received and there were no members of the public present.

Ms. Aubrey stated that if any comments were received after the deadline, they would be discussed on December 16<sup>th</sup>.

Ms. Aubrey noted that the deadline to finalize and record the Order of Regulations and Restrictions is next Friday, December 13<sup>th</sup>.

Ms. Aubrey stated that the Commission had requested Staff to draft language based on the discussions of the November 20<sup>th</sup> Workshop (copies of the Minutes were provided).

IV. CONNECTICUT SITING COUNCIL APPLICATION (review/discussion/action)

**Connecticut Siting Council Application – Appl #24-1338** – Windham Energy Center (WEC) (Gerald Erwin, Sr./Landowner); 189 Lake Road, GIS MAP 83, Lot 6; 63 acres; Rural Development; to develop a 325-megawatt (“MW”) battery energy storage system (“BESS”) facility, and related electric interconnection switchyard on a 20-acre portion of the larger 63-acre parcel. (DEADLINE END OF BUSINESS 12/13/2024)

Keith Thurlow read the above aloud.

a) Work on draft of Order of Regulations and Restrictions

Staff and the Commission reviewed the 13-page DRAFT.

- Page 3, PZC Response – Attorney Slater suggested that it be made clear that BESS is not permitted under the Zoning Regulations.
- There was discussion regarding bonds. The following suggestions were made: add “decommissioning” to #3; consultants prepare bond amounts for all three; the IWWC would like to see them and would like to have the ability to approve them, potentially with a third-party review to confirm the amounts; add “third-party engineer” to #2; Mr. Card suggested that updates be submitted annually; #2 change “discuss” to “establish” and add language regarding third-party engineer/consultant/bonding attorney to verify the number(s) provided; under “c,” “decommissioning be defined different ways (when is the system no longer viable?) and replace “nature” with “pre-construction conditions.”
- Section 470.9, PZC Requirements #1 – Attorney Slater suggested replacing “more detailed” with “detailed FOR CONSTRUCTION plans...”; Mr. Card asked if we need to pull forward all of the things that are at the end (noise abatement plans, landscaping plans, E&S plans, etc.).
- Section 470.9.1, PZC Requirements #1 – add personnel; proper access must be maintained to and through the site to meet applicable fire safety codes in accordance with the Fire Safety Plan developed for the site (NFPA Code); there was discussion regarding thru trucks and Attorney Slater suggested language that is as specific as can be (regarding the proper access and the maintenance of the equipment); Staff will check with the Fire Marshal regarding whether he wants a secondary entrance.

#2 – First to be notified would be the dispatcher center (QVCC).

Brian Card stated that he would go back to their language (from the Application).

**COMMENT FROM THE PUBLIC:**

Mr. Blake summarized comments received from a member of the public (John LaBelle): Feels that we are being too detailed, should be more broad referencing State, local and federal requirements. Feels that the Application is woefully deficient in meeting the standards set by the CSC for this type of submission.

Mr. Thurlow stated that we have to deal with what we have been given.

**CONTINUED FROM ABOVE:**

Mr. Card suggested the following: #2 and #3 go under #1(their language); regarding spills and notifications – develop and submit SPCC Plan and follow it (are we asking for every spill to be reported or just those of a certain threshold?). Staff will check with the Fire Marshal.

Regarding #4 - Mr. Card explained about the spill log and that every fluid has a different reportable spill quantity.

Mr. Card suggested deleting #5.



Regarding #6 - Mr. Card said that they noted that they would provide emergency training. He suggested that we hold them accountable to what they said they would do. He suggested changing "regular" to a certain frequency.

Regarding #7 - Mr. Card referred to a report that the one of the Presenters (from the November 18<sup>th</sup> Meeting) referenced regarding energy burnout and he said that he would provide it. Mr. Card asked Staff if any follow-up detail had been provided. Ms. Aubrey stated that no follow-up information had been received. Mr. Card questioned how much water would be needed for the burnout period in order to determine what size cistern is needed. He said that they can't put a hydrant because there is no water line there. He suggested adding "to meet the standard identified." Staff will check with the Fire Marshal. Attorney Slater suggested including a Standard.

Regarding #8 - No suggested changes.

- PZC Requirements/Lake Road/Traffic

There was discussion regarding #3 which directs traffic back to the Industrial Park.

Mr. Card suggested that this section start with, "The Applicant shall develop a Transportation Management Plan consistent with the Application and including the following: signage, truck traffic back to the Industrial Park, deliveries during off-peak times, no off-site staging etc."

There was discussion regarding traffic control which would be mostly during construction.

- PZC Requirements/Pre-Construction and Construction

A good portion is under the Transportation Plan (part of the Application).

Mr. Card suggested requesting a detailed project schedule.

Mr. Card suggested the following change to #1 - Submittal of detailed Phasing and Construction Plan (mirroring what they have in 1-7).

Delete #7 - It is under Security Fencing on page 7.

- PZC Requirements/Secondary Containment

Ms. Aubrey explained that this is something that we feel is missing in the plans.

Mr. Card feels that the Spill Plan will identify what secondary containment is required. He doesn't feel that another secondary container is needed for each container. He explained that the membrane system is going to be in the switchyard (under the main transformers) and he would not ask for the membrane system in the battery yard (the only thing that is going to be in there is glycol which is like antifreeze). There was discussion.

Consensus to remove this entire Section.

Mr. Card stated that the comment on the foundations needs clarification.

- PZC Requirements/Security Fencing/Security Cameras

Mr. Blake explained that the biggest issue with the fencing is that they don't show location.

Attorney Slater advised that if it is not shown in the detail, it is not provided, so if the Commission feels that barbed wire is important, then it should be added to the details.

Mr. Blake noted that, in the retaining wall details, they are not showing the same type of retaining walls that are noted on the plans.

Mr. Card suggested cleaning up the language for security fencing (barbed wire detail be shown).

There was discussion regarding security cameras.

Consensus was for cameras on the fence line and to delete #3.

There was discussion regarding the walk-through monitoring.

Consensus was to delete #4.

#5 - Add "off-site company."

At this time, Attorney Slater stated that he will provide some language tweaks to Staff for consideration (which will come back before the Commission).

- Section 470.9.2 - Attorney Slater suggested that #2 be included in either the PZC or the IWWC (one or the other). Ms. Aubrey stated that we are going to defer to the IWWC.

- Section 470.9.3 – Brian Card suggested that a specific number of parking spaces be requested. Attorney Slater suggested either adequate or specify a number.  
#3- Deleted as it is addressed elsewhere.  
#4 - Delete.
  - Section 470.9.4 – There was discussion regarding whether to take a position that the standard for the rural zone should be met even though it is an industrial use (especially on the west side). Mr. Blake explained that the Ordinance goes by the underlying zoning district, what standard you should apply. Discussion continued. Mr. Card feels that the decibel level should be 45. Mr. Blake read from the definition – Residential Zone 55 during the daytime and 45 during nighttime. He said we would be looking to meet the 45 threshold, not the 51 threshold. Consensus was to request/suggest that the 45 threshold, not the 51 threshold be met.
  - Section 470.9.5 - There was discussion regarding electro-magnetic fields for which Mr. Blake explained that there is a separate report which references a 2007 World Health Report. Mr. Sarantopoulos feels that this should be a concern.
  - PZC Requirements – Security Lighting  
There was discussion. For #3, Mr. Card suggested the following language: “No light shall leave the property boundary except where Eversource standards require better lighting.”  
Mr. Blake explained that we refer to dark-sky compliant lighting.
  - PZC Requirements – Erosion & Sediment (E&S) and Dust Control.  
#5 – Change “become familiar” with “comply” and move it to #1.  
#4 – Mr. Card stated that the first sentence is in Section 560 for processing and he would keep the rest of it.
  - Section 470.9.6 – There was discussion.  
PZC Requirements – Site Plan Conditions/Grading  
#1 - Mr. Card noted a typo change “grater” to “greater.” He also suggested deleting “along the north side of the site along the wetlands.” He said this is in case there are any other slopes greater than 3:1.  
Mr. Card also suggested deleting “(Provided, if the CSC allows the slopes to be greater than 2:1).”  
Mr. Thurlow asked if we should be concerned with where the material would be going.  
Mr. Card explained that they would have to give us that detail per Section 560.  
  
PZC Requirements – Landscaping  
#2 is incomplete.  
#1 - Mr. Card suggested that sound walls and buffer be added to this Section. Attorney Slater agreed. Last two sentences to be deleted.
  - Section 470.9.7  
PZC Requirements – Refer to the above.
  - Section 470.9.8 – Refer to the above.
  - Section 470.9.9 – No discussion.
  - Section 700 – Special Permits  
There was discussion and Attorney Slater recommended deleting this entire Section.  
Mr. Card explained that the only condition he would like to include is regarding replacement units and that old units be removed from the site (nothing to be stored on-site that is not in use). Staff will work on incorporating this language.
- b. Schedule the next workshop date and time, if necessary.  
There was discussion regarding how Staff would get the edits incorporated, reviewed by the Commission and signed by the Chairman.

Motion was made by Michael Hewko for Staff to draft language, per discussions at the December 4, 2025 Workshop, regarding the Order of Regulations and Restrictions for **Connecticut Siting Council Application – Appl #24-1338** – Windham Energy Center, to be reviewed by the PZC via e-mail. Subsequent comments from Commission Members to be e-mailed back to Staff. If the Chairman, Keith Thurlow, determines that the final document is consistent with the discussions of the PZC, he is authorized to sign the Order on behalf of the Killingly Planning and Zoning Commission.  
Second by Virge Lorents. No discussion.  
Motion carried unanimously by voice vote (5-0-0).

V. ADJOURNMENT

Motion was made by Virge Lorents to adjourn at 8:22 p.m.  
Second by Michael Hewko. No discussion.  
Motion carried unanimously by voice vote (5-0-0).

Respectfully submitted,

J.S. Perreault  
Recording Secretary

CBA EDUCATION & TRAINING

## Planning & Zoning

# CONNECTICUT LAND USE LAW FOR MUNICIPAL LAND USE AGENCIES, BOARDS, AND COMMISSIONS

**Saturday, March 22, 2025  
9:00 a.m. – 4:30 p.m.**

### **Webinar**

This is a virtual meeting and will be accessible via Zoom. Zoom is a cloud-based platform for video and audio conferencing. It can be accessed through a browser on any device, or the Zoom app.

**To receive your webinar link, you must provide your email address when you register.**

**To receive your printed course material in a timely manner, please register by February 26th.**

This program conforms to the statutory guidelines for planning and/or zoning commission and zoning board of appeals member training. This program fulfills general training requirements and half of the required one hour of training concerning affordable housing and fair housing policies. Note: the Office of Policy and Management does not certify individual programs.



538 Preston Ave, 3rd Floor  
Meriden, CT  
06450

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Connecticut Bar Association  
Planning and Zoning Section

# CONNECTICUT LAND USE LAW FOR MUNICIPAL LAND USE AGENCIES, BOARDS, AND COMMISSIONS

The future of Connecticut's communities will be shaped by its land use laws and regulations. Developers, neighbors, and preservationists all intersect before municipal land use boards and commissions, advocating their particular interests and approaches. Each commission member regularly has to make critical decisions, all within the context of complicated statutory and case law.

This introductory level course will focus on topics of immediate concern to all municipal land use agencies, boards, commissions, and their staffs. The topics reflect both timely and practical situations, confronting participants at every level of the municipal land use process. This course will provide a broad review of the municipal land use process, including zoning, planning, zoning board of appeals, and wetlands issues. Members of municipal land use agencies, boards, and commissions, as well as municipal planners, enforcement officers, and engineers will benefit from this full day course.

## SEMINAR PROGRAM

**9:00 a.m. – 9:10 a.m.**

### **Welcome**

*Atty. Rick Costantini and Atty. Evan Seeman  
Co-Chairs, CBA Planning and Zoning Section*

**9:10 a.m. – 9:40 a.m.**

### **Public Hearing Procedures**

*Atty. Peter S. Olson, Bethel*

This session will cover a review of statutory provisions and case law concerning administrative process, applications; conducting a public hearing; creating the administrative record, and making appropriate findings and conclusions to support decisions.

**9:40 a.m. – 10:10 a.m.**

### **Conflict of Interest and Predisposition**

*Atty. Richard P. Roberts, Hartford*

This session will cover statutory provisions on conflict of interest, rules governing predisposition and predetermination, court decisions on conflict of interest, drawing the line between cases where disqualification applies and does not apply, and procedural problems when a question of conflict arises.

**10:10 a.m. – 10:20 a.m.**

### **Break**

**10:20 a.m. – 10:50 a.m.**

### **Environmental Interventions**

*Atty. Janet P. Brooks, East Berlin*

This session will cover interventions under Conn. Gen. Stat. Section 22a-19 for the purpose of raising environmental issues: what they are, what they do, and what you have to do when you get one.





**10:50 a.m. – 11:20 a.m.**

**Planning Commission**

*Atty. Amy E. Souchuns, Milford*

This session will cover powers of the planning commission, plan of development, statutory notice requirements, subdivisions and re-subdivisions, multi-agency approvals, reasons for denial, open space, changes in regulations, bonding requirements, conditional approvals, and mandating off-site improvements.

**11:20 a.m. – 11:50 a.m.**

**Zoning Commissions**

*Atty. Marjorie F. Shansky, New Haven*

This session will cover enabling legislation, powers of zoning commissions and proper purposes and goals of zoning, the comprehensive plan, proper notices of hearings, designating and amending zoning districts, spot zoning, floating zones, the uniformity requirement, dependence upon other governmental agency action, rendering decisions, and publications of notices of decisions.

**12:00 p.m. – 12:30 p.m.**

**Lunch Break**

**12:30 p.m. – 1:00 p.m.**

**Special Permit and Site Plan Review**

*Atty. Brian R. Smith, Hartford*

This session will cover statutory requirements and the distinction between special permit and site plan review, and appeals from decisions on applications for special permit and site plan approval.

**1:00 p.m. – 1:30 p.m.**

**Nonconformities**

*Atty. Christopher J. Smith, Hartford*

This session will entail a general discussion of the origin, scope, and issues associated with nonconformities.

**1:30 p.m. – 2:00 p.m.**

**Wetlands Law and Procedure**

*Atty. Michael A. Zizka, Hartford*

This session will cover a review of procedures of municipal inland wetlands and watercourse agencies, and how wetlands law impacts the zoning and planning process.

**2:00 p.m. – 2:10 p.m.**

**Break**

**2:10 p.m. – 2:40 p.m.**

**Zoning, Planning and Wetlands Enforcement**

*Atty. Charles R. Andres, New Haven*

This session will cover analysis and discussion of Connecticut law concerning enforcement through the zoning, planning, and wetlands process.

**2:40 p.m. – 3:40 p.m.**

**Panel Discussion**

*Atty. Ira Bloom, Westport*

Affordable Housing, the Municipal Perspective

*Atty. Jason A. Klein, Stamford*

Options for Expanding Housing Opportunities

**3:40 p.m. – 4:10 p.m.**

**Zoning Board of Appeals**

*Atty. Dorian R. Famiglietti, Vernon*

This session will cover functions of zoning boards of appeal, variances, legal requisites for hardship, including issues of confiscation and self-created hardships, other statutory duties of the ZBA, and hearing procedures.



4:10 p.m. - 4:30 p.m.  
Q&A

**2025 ZiPLeR Awards and  
Recent Developments as Reported in CT  
Land Law and Practice**

Available as a video that will be sent to all  
attendees.

*Atty. Dwight H. Merriam, FAICP, Simsbury*

**Please Note:**

**This program is available only to members  
of municipal land use agencies and their  
support staff.**

**Refunds of seminar fees will not be granted  
for cancellations after the course material is  
mailed out.**

To receive your printed course material, in a  
timely manner, please register by February 26th.

To receive your webinar link, you must provide your  
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This is a virtual meeting and will be accessible  
via Zoom. Zoom is a cloud-based platform for  
video and audio conferencing. It can be  
accessed through a browser on any device,  
or the Zoom app.

**Registration Form  
Connecticut Land Use Law Seminar  
Saturday, March 22, 2025**

**To Register**

*(Please Use a Separate Registration Form for Each Registrant)*

To receive your printed course material, in a timely manner,  
please register by February 26th.

- Visit [ctbar.org/LandUse2025](http://ctbar.org/LandUse2025) to Register Online
- Mail the Completed Form to:  
Connecticut Bar Association, 538 Preston Ave, 3rd Floor,  
Meriden, CT 06450
- Call (860) 223-4400
- Fax the Completed Form to (860) 223-4488
- For Multiple Orders, Email [LandUse@ctbar.org](mailto:LandUse@ctbar.org)

**Payment must accompany registration.**

- ☐ Yes, I will attend the Virtual Connecticut Land Use Law Seminar  
\$60 (includes printed copy of materials)
- ☐ No, I cannot attend the seminar, but would like to  
purchase \_\_\_\_\_ copies of the seminar materials  
\$60 per copy (includes shipping and handling)

**To receive your webinar link, you must provide your email  
address below when you register.**

**Please PRINT Information Below**

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Municipal Agency: \_\_\_\_\_

Shipping Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Payment Method**

☐ Check (payable to Connecticut Bar Association)

☐ Visa ☐ MC ☐ Amex ☐ Discover Amount: \$ \_\_\_\_\_

Card #: \_\_\_\_\_

Exp. Date: \_\_\_\_\_ CVV: \_\_\_\_\_ Billing Zip Code: \_\_\_\_\_

Signature: \_\_\_\_\_

**Meeting code: #SPZ250322**