

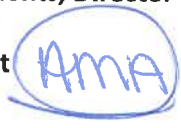


TOWN OF KILLINGLY

PLANNING & DEVELOPMENT OFFICE

172 Main Street, Killingly, CT 06239
Tel: 860 779-5311 Fax: 860 779-5381

MEMORANDUM

TO: Jim Larkin – Northeast Connecticut Council of Governments, Director of Regional Planning, jim.larkin@neccog.org
FROM: Ann-Marie Aubrey, Director Planning and Development 
DATE: MAY 16, 2025
SUBJECT: Notice of Zone TEXT Change Application
in accordance with Connecticut General Statutes Section 8-3b (as amended).

In accordance with Connecticut General Statutes Section 8-3b, the Town of Killingly Planning and Zoning Commission notifies you that the Commission will consider the following zone TEXT change application:

- **Zone TEXT Change Appl #25-1352** – Town of Killingly Planning and Zoning Commission; Zone TEXT Change, total re-write of Section 470 – Site Plan Review, of the Town of Killingly Zoning Regulations

A copy of application #25-1352 can be obtained from the Killingly Planning & Development Office, 172 Main Street, Killingly, CT 06239. A copy of the proposed TEXT change is attached for your convenience and review. The regular business hours of the Killingly Town Hall are Monday, Wednesday, Thursday 8:00 am to 4:30 pm; Tuesday 8:00 am to 5:30 pm and Friday 8:00 am to 11:30 am.

The scheduled date for the public hearing is **MONDAY, JUNE 16, 2025 @ 7:00 pm**
Second Floor – Town Meeting Room
Killingly Town Hall
172 Main Street, Killingly, CT 06239

All interested parties are urged to attend and be heard. If you attend in person, your written testimony will be accepted up to and through the close of the public hearing. Remote access information will be posted on PZC Regular Meeting Agenda for the June 16, 2025, meeting.

If unable to attend in person, public comments can be emailed to publiccomment@killinglyct.gov, or mailed to the Town of Killingly, 172 Main Street, Killingly, CT 06239. If mailed, or e-mailed, all public comments must be received prior to 2:00 pm, the day of the hearing.

Please note that during the public hearing, modifications to the application, word and/or editing changes, to the proposed zone TEXT change may be made by the Commission up to the close of the hearing, and there will be no further notification sent.

Any inquiries or questions can be directed at the Planning and Development Office, (tel.) 860-779-5311; voicemail is available after our normal business hours.

We appreciate any comments on this pending application. Thank you for your consideration.

Attached: “copy of proposed TEXT change.”

Visit us at: www.killinglyct.gov

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SECTION 470 – SITE PLAN REVIEW

#25-1352

470.1 – Purpose

The Site Plan approval process is intended to assure that all aspects of industrial and commercial development in the Town of Killingly, as well as other specialized uses, comply with the requirements and standards of these regulations and that adequate provision is made in such developments for vehicular and pedestrian access and circulations, parking, landscaping, buffers, signage, lighting, drainage, utilities, and other aspects of the proposed development and use of the land.

470.2 – Interchangeable Terms Used Within This Zoning Regulation Section

- a. Planning and Zoning Commission shall be referred to as “Commission.”
- b. Planning and Development Staff shall be referred to as “Staff” and shall include but not be limited to the Director, Planner, and Assistant Planner.

470.3 – Authority

The Connecticut General State Statutes Section 8-3(g)(1) to 8-3(g)(3) (Site Plans, etc.); states the zoning regulation may require that a site plan be filed with the commission or other municipal agency or official to aid in determining the conformity of a proposed building, use or structure with specific provisions of such regulations. (CGS §8-3(g)(1))

- a. Permitted by Right Use – Uses that are permitted by right and require only a site plan approval may be referred to Staff by the Commission, once that is done the Staff becomes the Commission’s Designee and is required to follow the regulations as if they were the Commission.
- b. Special Permitted Use – All site plans that are submitted with a special permit application are considered part of that special permit application; the site plans are not a separate application. Therefore, the regulations regarding special permits will apply as to time frames and hearing requirements; however, the site plan must still conform with the specific requirements listed in this site plan review regulations.

470.4 – Pre-Application Technical Meeting

As stipulated by CGS Section 7-159b (Pre-application review of use of property), any comment or suggestions on the pre-application plan by the Commission or Staff shall not be construed as a form of approval and shall not be binding upon the Commission should a subsequent formal application for the site be officially filed.

- a. Pre-Application Technical Meeting – Prior to submission of a formal site plan application, the applicant shall meet with Staff to discuss the application requirements and review pre-application plans.
- b. Pre-Application Plan – A pre-application plan may also be submitted to the Commission for the purpose of preliminary discussion. The plan may be general in nature but should be sufficiently clear to indicate all proposals’ however, the

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applicant may choose to only complete the pre-application technical meeting with the staff prior to submitting their formal application.

470.5 – Application Submittal Requirements

a. Site Plan Requirements

(i) A-2 Survey Required – The site plan shall be based upon an accurate and up-to-date Class A-2 Survey of the property prepared in accordance with the standards as defined in the Code of Recommended Practice for Standards of Accuracy of Surveys and Maps, as prepared and adopted by the Connecticut Association of Land Surveyors, Inc., on September 29, 2019, as may be amended. The survey map shall be certified, signed, and sealed by a registered land surveyor licensed to conduct business in Connecticut. If a separate survey map is used, a copy shall be attached to the site plan.

(ii) The site plan shall be prepared, signed, and sealed by an engineer, surveyor, architect, landscape architect, and interior designer whichever shall be appropriate. Each such professional shall be registered and licensed to conduct business in Connecticut.

(iii) The site plan shall indicate all existing and proposed features of the property and shall contain such information as required by these regulations and by the Commission. The Commission shall establish administratively a checklist of information to be included on all site plans, including but not limited to the following: general information concerning the property and the site plan; topography and other natural features; buildings, structures and uses; parking, loading and circulation; utilities; signs and lighting; and landscaping.

(iv) Number of Paper Plan Copies Required – The applicant shall submit four (4) full size (24" x 36") paper copies of the proposed site plans, and four (4) ledger size (11" x 17") paper copies of the proposed site plans.

(v) Electronic / Digital Copies – In addition to the submission requirements above, the applicant shall submit in digital format (PDF or JPEG, as deemed appropriated by Staff) all application materials, and any supplemental information requested by the Commission through and up to the decisive action by the Commission. These materials shall include, but not be limited to, the application form, cover letter, plan narrative, site plan and architectural plans, reports, easement or deeds to roads, and any other information submitted to support their application throughout the process.

b. Exceptions – Upon written request by the applicant, the Commission may waive or modify one or more of the site plan requirements of the site plan application if:

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- (i) The proposed improvement or development will not affect existing parking, circulation, drainage, relationship between buildings, landscaping, signs, lighting, or any other consideration of site plan approval; or,
 - (ii) The information required is unnecessary for the application and the lack of such information would not impair the Commission's determination as to the site plan's conformance with these regulations.
- c. Application Documents – All applications for site plan approval shall be submitted in writing to, and in a format prescribed by the Commission to the Planning and Development Office. The forms, site plan map requirements, number of copies, and filing deadlines. Failure on the applicant's part to comply with the application submission requirement of these regulations may be grounds for the Commission to deny such application.
- d. The application and any additional reports (such as Stormwater Drainage Reports) must be completed, and payment received in full at the time of submittal.
- e. Submittal Date – A complete plan application must be submitted a minimum of seven (7) calendar days before a regularly scheduled meeting to be received by the Commission at that meeting.
- f. Received Date – Not to be confused with a submittal date, the date of receipt is the earlier of following: (i) The day of the next regularly scheduled meeting of the Commission immediately following the day the petition was submitted; or (ii) thirty-five (35) days after the day the petition was submitted. It is the date of receipt which commences the statutory time frames.
- g. Additional Information – At any time during its consideration of an application or a site plan review, and in accordance with the requirements of these regulations, the Commission may require the submission by the applicant of such additional information as the Commission deems necessary to determine compliance with these regulations.
- h. Inland Wetlands and Watercourses Act – If a site plan application involves an activity regulated pursuant to CGS §22a-36 to 22a-45 (Inland Wetlands and Watercourses Act), inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission (IWWC) not later than the day such application is filed with the Planning and Zoning Commission. If a decision from the IWWC is required and still pending, then the Planning and Zoning Commission cannot make their final decision until the IWWC has made their final decision.

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470.6 – Procedural Timelines

Procedural Timelines are governed by the CGS §8-3(g)(1) to 8-3(g)(3) (Site Plans), and §8-7(d) (Hearings, and decisions, etc.) Please see Appendix _____ for an outline of same.

470.7 – Miscellaneous

Various other sections of the Killingly Zoning Regulations shall apply in the consideration of a site plan review, such as, but not limited to parking, signage, soil erosion and sediment control, and other general design standards. It is up to the applicant to verify that all zoning regulations that apply are complied with.

470.8 – Architectural Plans

The Commission may require the applicant to submit preliminary architectural drawings that show the building height relative to the ground plane, exterior wall elevations, roof lines, and façade materials of all proposed buildings and structures, including signs.

470.9 – Phasing Plan

In cases where the development of the property is proposed to be undertaken in phases, the Commission may grant site plan approval limited to each phase of development. Each phase must be capable of independent existence without the completion of succeeding phases. Buffer and setback requirements shall not apply to the common line between phases of development. The proposed phases must be clearly shown on the site plan map.

470.10 – Off-Site Information

The Commission may require the applicant to submit off-site information including but not limited to location of buildings, parking areas and curb cuts on adjoining properties (including those across the street), traffic lights and controls, public trees, catch basins, manholes, hydrants, utility poles and utility lines located in adjacent streets, and zoning district boundary lines. This requirement is to provide the Commission with the necessary information to show that the safety of ingress and egress to the proposed development was carefully considered.

470.11 – Impact Analysis

In those cases where the Commission believes the public facilities or the environment may be adversely affected by the proposed development, the Commission may require the applicant to submit an impact analysis of the development upon storm drainage, sanitary sewerage, site conditions and/or water, air, or noise pollution.

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470.12 – Referrals and Expert Consultants

To assist with the consideration of an application for site plan approval, the Commission may refer the plan to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency, or official.

- a. The Commission may engage the services of an outside third-party consultant to assist in its review of a site plan application. If such services are engaged, the Commission will procure an estimate for those services and the applicant shall submit a deposit for the full amount of the estimated fee to the Town of Killingly.
- b. The Commission should decide at the time of receiving an application if an outside consultant will be required prior to scheduling future review, hearings, or other actions.
- c. An application will be denied as incomplete if the payment for the third party is not paid in full by applicant in a timely manner.

470.13 – Standards for Approval

In reviewing and acting upon an application for Site Plan approval, the Commission shall take into consideration the health, safety, and welfare of the public in general and the immediate neighborhood in particular, as well as the following factors:

- a. The general conformity of the Site Plan with the intent of the Plan of Conservation and Development; however, the Plan of Conservation and Development shall not take precedence over specific provisions of these Regulations,
- b. The arrangement of buildings, structures, and uses on the site,
- c. The adequacy of design of the interior vehicular circulation system to provide safe and convenient access to all structures, uses, parking spaces, and loading spaces,
- d. Provision for safe pedestrian movement within and adjacent to the site,
- e. The adequacy of access for fire, police, and ambulance services,
- f. The adequacy of design of the storm drainage system to accommodate any increase in storm water runoff and to minimize soil erosion and sedimentation,
- g. The adequacy of water, sewer, and other public facilities to accommodate the development,
- h. The location, intensity, and direction of outdoor lighting and the proposed times for its use,
- i. The size, location, and type of any outdoor storage facilities, including dumpsters,
- j. The size, location, and type of signs, and their appropriateness to the neighborhood; and,
- k. The adequacy of the landscaping treatment, including any buffers and other screening.

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470.14 – Conditions and Safeguards

In granting Site Plan approval, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety, and general welfare, and to ensure continued compliance with these Regulations.

470.15 – Financial Guarantee Requirements (CGS 8-39g)(1), 8-3(g)(2))

The Commission may, as a condition of approval of a site plan or modified site plan, require a financial guarantee.

a. Classifications - Said financial guarantee(s) shall be classified as one of the following:

(1.) Performance Bond – Is a financial guarantee that the contractor will meet its obligations under the approved site plan, and any modifications thereto. It includes the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality.

The amount of a performance bond shall be calculated (by the applicant) so as not to exceed the anticipated actual costs for the completion of such site improvements, or the implementation of such erosion and sediment controls, plus a contingency amount not to exceed ten percent (10%) of such costs and must be submitted to the Town Engineer and/or Staff for approval.

A performance bond may also be requested for the implementation of any erosion and sediment controls, including landscaping, which are required during or at the completion of construction. Staff shall set the amount of these bonds.

(2.) Maintenance Bond – A maintenance bond may be required for the maintenance of roads, streets, retention or detention basins or other improvements approved under the site plan and will be retained for a period of one year after the date said improvements were completed to the satisfaction of the Town Engineer.

The Town Engineer shall determine the amount of a maintenance bond.

b. Acceptable Forms – The Commission and/or Staff may, in their sole discretion, require the financial guarantee to be in one of the following forms: (1.) cash, or a certified check payable to the Town of Killingly to be placed on deposit with the Town; or (2.) an irrevocable letter of credit from a bank chartered to conduct business in the State of Connecticut. **The preferred form is the cash or certified check.**

c. Release of all or a portion of the financial guarantee – If the person posting said financial guarantee requests a release of all or a portion of such financial guarantee, said request for a reduction or release must be done by a written submission to the Commission. The Commission, or its designee, shall no later than sixty-five (65) days after receiving such request shall complete the following.

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1) The appropriate Town Official must conduct an inspection of the site to determine if the required site improvements were satisfactorily completed in accordance with the approved site plan. Said Town Official is to report back to the Commission with their findings.

2) If the required site improvements were satisfactorily completed, then the Commission, or its agent, may authorize the release of any such financial guarantee or a portion thereof.

3) If the required site improvements were not satisfactorily completed, then the Commission, or its agent, shall provide the person requesting the reduction, release, with a written explanation as to the additional site improvements that must be completed before such financial guarantee or portion thereof will be released.

d. Before the release of a financial guarantee the Commission may do the following.

1. May require the applicant to submit "as-built" drawings in accordance with Section 470.22.
2. May require that the applicant post a maintenance bond to be retained for a period of one year after vegetative cover and plantings have been installed to guarantee the survival of landscaping and to ensure any other relevant improvements.
3. Maintenance bonds may be required for the maintenance of roads, streets, retention or detention basins or other improvements approved under the site plan to be retained for a period of one year after the date said improvements were completed to the satisfaction of the Town Engineer.

470.16 – Amendments or Modifications to Approved Site Plans

The developer shall request the amendment(s) in writing, clearly setting forth the reasons for such changes. If the change is approved, the plan shall be amended.

- a. Minor Amendments – Amendments to the approved plan which does not change the concept of the site plan, may be approved by the Director of Planning and Development. Such minor changes may include, but not be limited to, small site alterations such as realignment of minor roads, or relocation of utility lines due to engineering necessity. Notice of such changes shall be provided to the Commission at the next regularly scheduled meeting. Appeal from the decision of the Director of Planning and Development may be taken by the applicant to the Planning & Zoning Commission.
- b. Major Amendments – Amendments to the approved plan which the Director of Planning and Development determines to be substantial deviations from the concept of the approved site plan shall require application, review, and modification pursuant to Section 470 (Site Plan Review) of these Regulations.

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470.17 – Continuance

All conditions and improvements shown on the approved Site Plan shall remain with the site and continue in full force for as long as the use indicated on the approved Site Plan shall be in operation, regardless of any change in ownership of the property.

470.18 – Certificate of Zoning Compliance

A Certificate of Zoning Compliance shall be issued by the Zoning Enforcement Officer after all the site improvements have been completed in accordance with the approved Site Plan.

470.20 – Certificate of Occupancy

A Certificate of Occupancy shall not be issued by the Building Official until the Zoning Enforcement Officer has determined that the site improvements have been completed in accordance with the approved Site Plan and has issued a Certificate of Zoning Compliance.

470.21 – As-Built Drawings

- a. "As-built" drawings may be required prior to the issuance of a Certificate of Zoning Compliance. The "as built" is to be submitted to the Zoning Enforcement Officer and Town Engineer and are determined by them to be in substantial compliance with the approved Site Plan.
- b. The "as-built" drawings shall:
 1. Be prepared at the same scale as the Site Plan by an engineer and/or surveyor, as appropriate, registered and licensed to conduct business in Connecticut,
 2. Show the actual installation of all site improvements, the exact location of buildings, and other required items at a level of detail at or exceeding that of the approved Site Plan,
 3. Include a certification as to substantial compliance with the approved Site Plan, and,
 4. List or show all deviations from the approved Site Plan.
- c. The Zoning Enforcement Officer shall submit all "as-built" drawings which substantially deviate from the approved Site Plan to the Commission for its determination of acceptance or need for plan amendment.