



TOWN OF KILLINGLY, CT ZONING BOARD OF APPEALS

Thursday – February 8, 2024

Regular Meeting – Hybrid

7:00 PM

Town Meeting Room – 2nd Floor

Killingly Town Hall

172 Main Street

Killingly, CT

AGENDA - Amended

The public can also view this meeting on Facebook Live.

Go to www.killingly.org and click on Facebook Live at the bottom of the page

RECEIVED
TOWN OF KILLINGLY
2024 FEB - 2 PM 9:22
Eugene@killingly.org

I. CALL TO ORDER

II. ROLL CALL

III. CITIZEN PARTICIPATION -- Public comment can be emailed to publiccomment@killinglyct.gov or mailed to Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comments received prior to 2:00 PM on the day of the meeting will be posted on the Town's website www.killingly.org.

IV. PUBLIC HEARINGS – (Review/Discussion/Action)

To participate in the Public Hearing – the public may join the meeting via WebEx.

<https://townofkillingly.my.webex.com/townofkillingly.my/j.php?MTID=mf227b71dae56bca7eb870a7d8adb282b>

Meeting #: 2631 949 0131 Password: Zoning Join by phone: 1-415-655-0001

1. **Application #23-835 of Christopher & Beth Fallon;** to vary the Town of Killingly Zoning Regulations Section 450; Dimensional Requirements – Table A; Min. setback from street line from 50' to 48' and min. setback from sideline from 25' to 8', for additions for a garage, screen porch & studio. Property located at 23 Wauregan Rd; GIS MAP 217, LOT 70; IND Zone.

V. UNFINISHED BUSINESS – (Review/Discussion/Action)

1. **Application #23-835 of Christopher & Beth Fallon;** to vary the Town of Killingly Zoning Regulations Section 450; Dimensional Requirements – Table A; Min. setback from street line from 50' to 48' and min. setback from sideline from 25' to 8', for additions for a garage, screen porch & studio. Property located at 23 Wauregan Rd; GIS MAP 217, LOT 70; IND Zone.

VI. NEW BUSINESS

VII. ADOPTION OF MINUTES

1. August 10, 2023, Regular Meeting

VIII. CORRESPONDENCE TO THE BOARD

IX. COUNCIL LIAISON

X. ADJOURNMENT

24-835

Killingly Engineering Associates

Civil Engineering & Surveying



P.O. Box 421 Killingly, CT 06241
Phone: 860-779-7299
www.killinglyengineering.com

January 17, 2024

Proposed Variance

Christopher Fallon & Beth L. Fallon
23 Wauregan Road (Route 12)

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PLANNING & ZONING DEPT.
TOWN OF KILLINGLY

APPLICATION PACKAGE CONTENTS – Zoning Board of Appeals

1. Application fee: \$435.00
2. 4 – reduced sized plans – dated: 3/30/2023
3. Zoning Board of Appeals Application
4. List of adjacent land owners including across the street as of 1/17/2024
5. Copy of tax assessor's property card
6. GIS Map of the property

Application #: 24-835 ~~418~~
Date Submitted: 1-18-2024 - 405pdck
Date of Receipt by Board Fee: _____ #520
Staff Initials: SG -30pdck
#11615
1-18-24

KILLINGLY ZONING BOARD OF APPEALS APPLICATION

A \$405.00 fee must accompany each application. THIS FEE IS NONREFUNDABLE. Checks or money orders must be payable to the Town of Killingly.

TO BE COMPLETED BY THE APPLICANT --PLEASE PRINT

Applicant's Name Christopher Fallon & Beth L. Fallon

Day Phone # 401-374-9171 Evening Phone # _____

Address 459 Saw Mill Hill Road

Owner of Land " _____

Address " _____ Phone # " _____

LOCATION OF PROPERTY

Street 23 Waukegan Road (Route 12)

GIS # 46 Lot 20 Zoning District I Lot Size 1.0± Frontage 293±

TYPE OF APPLICATION (Check appropriate box):

- ☒ A variance in the application of the Zoning Regulations is requested.
- ☐ There is an error in an order, requirement or decision made by the Zoning Enforcement Officer (Appeal)
- ☐ Other (Specify)

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PLANNING & ZONING DEPT.
TOWN OF KILLINGLY

Current Property Use: Residential
(Residential, commercial, industrial)

Proposed Property Use: Residential
(Residential, commercial, industrial)

Has any previous Planning & Zoning Commission or Zoning Board of Appeals Application been requested for this property? If so, provide Application #, Applicant's Name and/or Date:

No

Briefly describe the proposed project and/or activity:

Proposed additions for a garage, screen porch, and studio

State the appropriate section(s) of the Zoning Regulations you wish to vary or appeal:
Board action requested by the applicant:

Section 420:

- Reduce front yard setbacks from 50' to 48'

- Reduce South side yard from 25' to 8'

Is unnecessary hardship claimed? Yes. If yes, state the specific hardship with respect to Zoning Regulations, Section 800.2.1 a. b. c & d. Please note a hardship cannot be financial in nature.

See attached

ATTACHMENTS:

The following items must be provided to complete this application:

(Check if provided. N/A if not applicable)

- ☒ Site Plan to a scale of 1" = 20' or 1" = 40', including
 - ☒ Location and size of existing buildings and uses
 - ☒ Location and size of proposed buildings and uses
 - ☒ Dimensions of the lot and required and proposed setbacks
 - ☒ Driveways and parking areas
 - ☒ Wells/Water Lines
 - ☒ Septic System/Sewer Lines
 - ☒ Accessory structures (swimming pools, tool sheds, etc.)
 - ☒ Wetlands and water courses
 - ☒ Distinguishing boundary or other landmark features such as stone walls, large trees, etc.

NOTE: AN A-2 SURVEY/SITE PLAN MAY BE REQUIRED

- ☒ Names and addresses of adjoining property owners
- ☒ Copies of the Tax Assessor's property card for this location
(Both sides -available in Assessor's Office)
- ☒ N/A Verification (through Attorney's letter, title searcher and/or complete deed history) of nonconforming lots of record (if applicable). (Zoning implementation: Town of Killingly: May 26, 1975, Borough of Danielson: September 1, 1960)
- ☒ One 8 1/2" X 11" G.I.S. map of the property and surrounding area. (Available in Planning & Zoning Department)
- ☐ Other exhibits or documents supplied by applicant -please specify:

The undersigned hereby authorizes the Killingly Zoning Board of Appeals, or its agents, to enter upon the property for the purpose of inspection and enforcement of the Town of Killingly and/or Borough of Danielson Zoning Regulations.

Signed:  Date: 1/14/24
(Applicant)

Signed:  Date: 1/14/24
(Owner)

LIST OF AJACENT LAND OWNERS as of 1/17/2024 GIS

Christopher Fallon & Beth L. Fallon
23 Wauregan Road (Route 12)
Killingly, CT

Job No. 20026

MAP/BLOCK/LOT
KILLINGLY

NAME

Map 200, Lot 186 STATE OF CONNECTICUT-101
450 CAPITOL AV MS#54FOR
HARTFORD, CT 06106

Map 217, Lot 53 JOHN L. LABOSSIERE
371 NO. CANTERBURY RD.
CANTERBURY, CT 06331

Map 217, Lot 55 DL PROPERTIES, LLC
7 OAK HILL ESTATES
WOODSTOCK, CT 06281

Map 217, Lot 69 TOWN OF KILLINGLY-051
172 MAIN ST.
KILLINGLY, CT 06239

BROOKLYN

Map 19, Block 46, Lot 81 DMP PALMER ASSOCIATES, LLC
9 OLD DERRY RD.
HUDSON, NH 03051

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JAN 18 2024

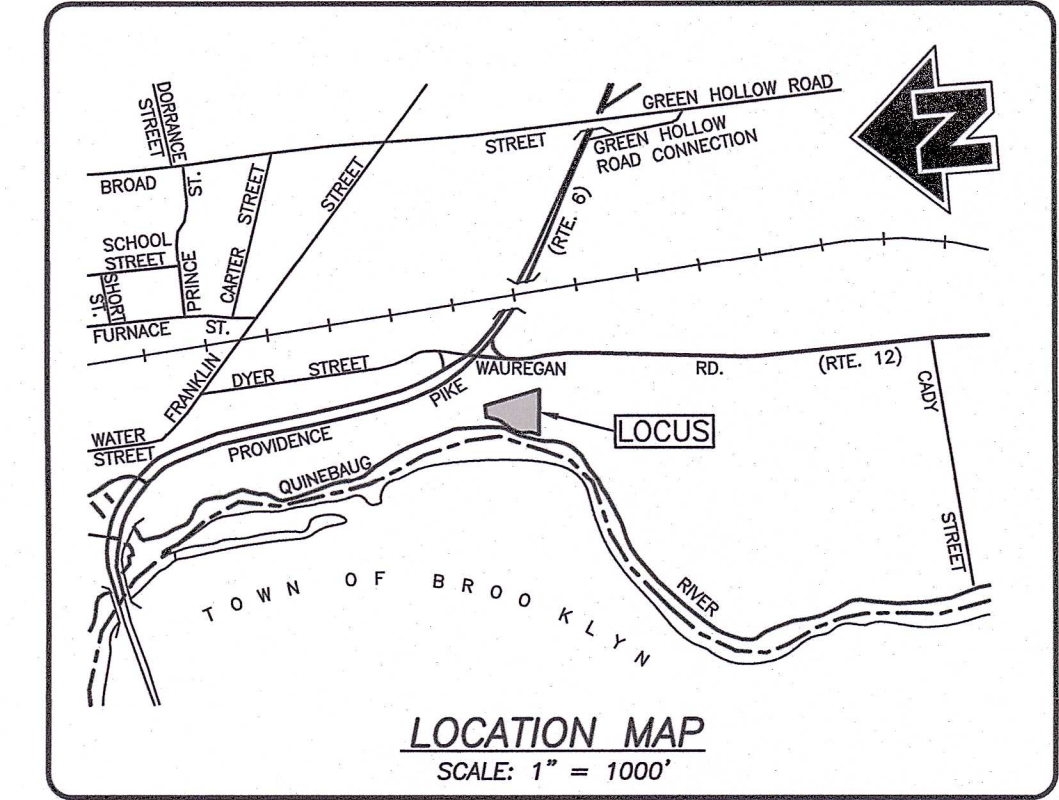
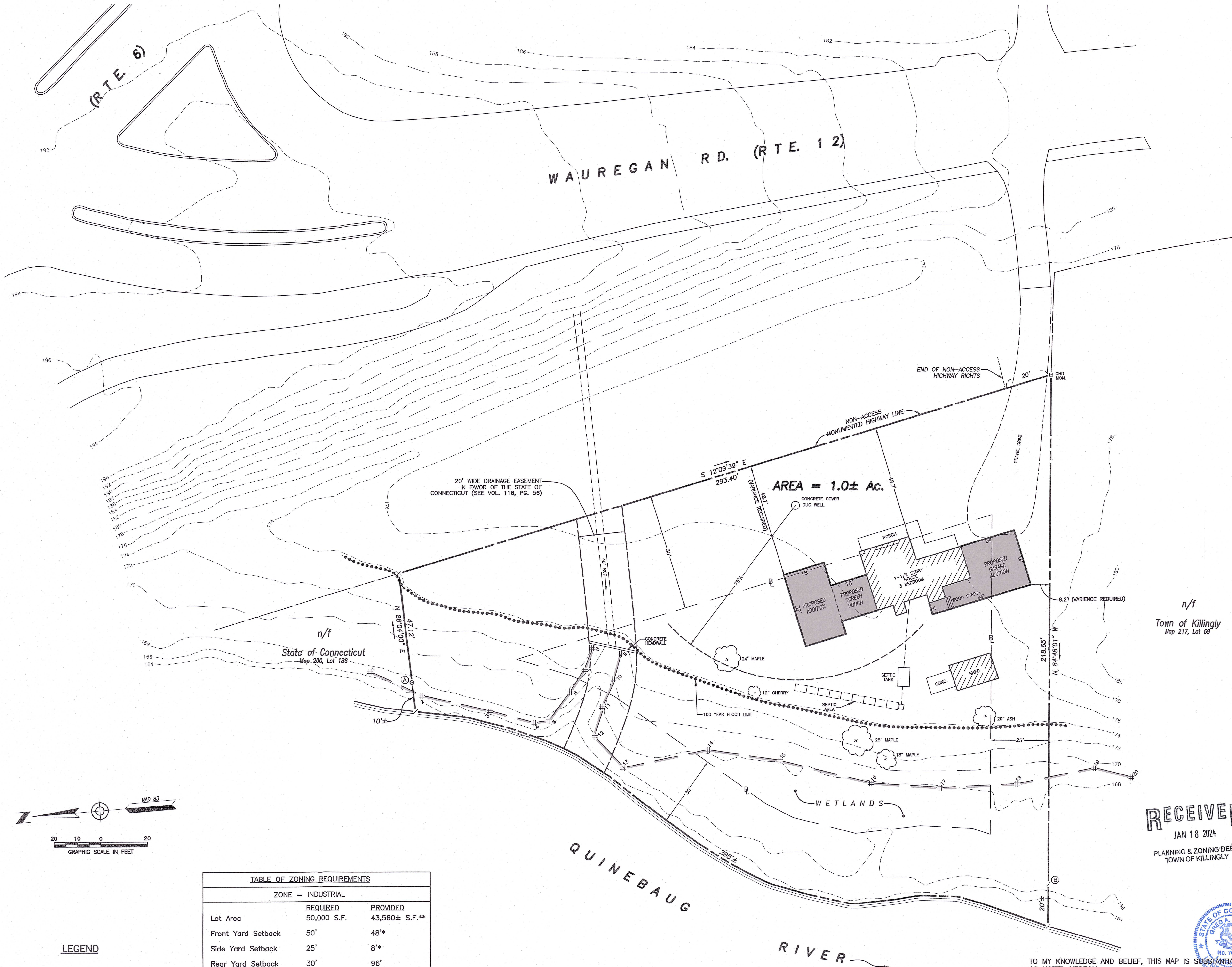
**PLANNING & ZONING DEPT.
TOWN OF KILLINGLY**

Christopher Fallon & Beth L. Fallon
23 Wauregan Road (Route 12)
Killingly, CT

Job No. 20026

Hardship:

Flood zone and wetlands restrictions create hardship for building elsewhere on property, State of CT did a taking in 1950 for the Route 12 and Route 6 rotary project that created the front property line that exists today. The house was relocated to present position at that time. House and porch currently sits closer than 50' to front property line.



- NOTES:
- This survey has been prepared pursuant to the Regulations of Connecticut State Agencies Sections 20-300b-1 through 20-300b-20 and the "Standards for Surveys and Maps in the State of Connecticut" as adopted by the Connecticut Association of Land Surveyors, Inc. on September 26, 1996;
 - This survey conforms to a Class "A-2" horizontal accuracy.
 - Field surveyed topographic features conform to a Class "T-2", "V-2" vertical accuracy.
 - LIDAR topographic features conform to a Class "T-D" vertical accuracy.
 - Survey Type: Improvement Location Survey.
 - Boundary Determination Category: Resurvey
 - Zone = Industrial.
 - Owner of record: Christopher Fallon
459 Sawmill Hill Rd
Sterling, CT 06377
 - Parcel is shown as Lot #20, Block #88 on Assessors Map #40.
 - Elevations shown are based on North American Vertical Datum of 1988 (NAVD 88). Contours shown are taken from Connecticut statewide LIDAR and supplemented with actual field survey. Contour interval = 2'.
 - North orientation, bearings and coordinate values shown are based on North American Datum of 1983 (NAD 83) and are taken from GPS observations using the "Superior" statewide GPS network and RTK correction system.
 - Wetlands shown were delineated in the field by Joseph Theroux Certified Soil Scientist, on 1/9/2024.
 - A closing line is a random line used for technical purposes. It is not to be construed as a boundary line. The closing line from A to B is N 22°17'58" E, 286.86'.

MAP REFERENCE:

- "Town of Killingly - Map showing land, easement & Rights of Access acquired from Alphonse J. Fraser by The State of Connecticut - Reloc. U.S. Route #6 - Scale: 1" = 40' - Date October 1950 - Revised to: March, 1954 - Prepared by The State of Connecticut." On file in the Killingly Land Records as Map # 389-G.

DATE	DESCRIPTION
	REVISIONS

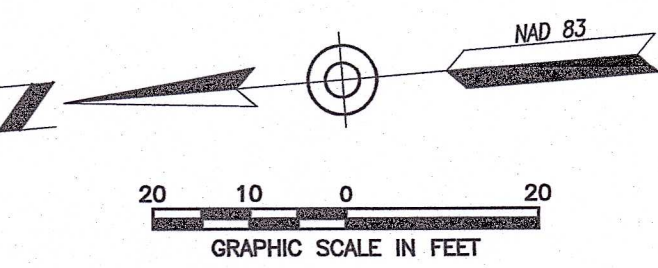
IMPROVEMENT LOCATION SURVEY
SHOWING PROPOSED ADDITIONS
PREPARED FOR
CHRISTOPHER FALLON
23 WAUREGAN ROAD (ROUTE 12)
KILLINGLY, CONNECTICUT

Killingly Engineering Associates
Civil Engineering & Surveying
114 Westcott Road
P.O. Box 421
Killingly, Connecticut 06241
(860) 779-7299
www.killinglyengineering.com

DATE: 12/14/2023	DRAWN: AMR
SCALE: 1" = 20'	DESIGN: ---
SHEET: 1 OF 1	CHK BY: GG
DWG. No: CLIENT FILE	JOB No: 20026

TABLE OF ZONING REQUIREMENTS		
ZONE = INDUSTRIAL		
	REQUIRED	PROVIDED
Lot Area	50,000 S.F.	43,560± S.F.**
Front Yard Setback	50'	48'*
Side Yard Setback	25'	8'*
Rear Yard Setback	30'	96'
Building Height	50' Max.	26'
Lot Coverage	70% Max.	7%

* Variance required
** Existing condition—predates zoning



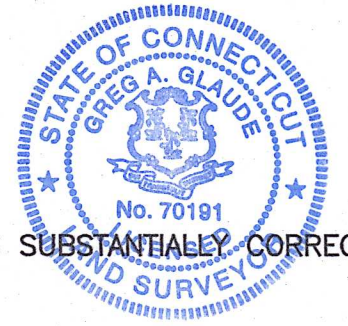
- LEGEND
- IRON PIN FOUND
 - CHD MONUMENT FOUND
 - EXISTING CONTOURS
 - BUILDING SETBACK LINE
 - 100 YEAR FLOOD LIMIT

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON,

Greg A. Claude
GREG A. CLAUDE, L.S. LIC. NO. 70191 DATE 1-18-2024

NO CERTIFICATION IS EXPRESSED OR IMPLIED UNLESS THIS MAP BEARS THE ORIGINAL SEAL AND SIGNATURE OF THE LAND SURVEYOR.

RECEIVED
JAN 18 2024
PLANNING & ZONING DEPT.
TOWN OF KILLINGLY





TOWN OF KILLINGLY

PLANNING & DEVELOPMENT OFFICE

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

MEMORANDUM

TO: Katherine Bisson, CCTC – Brooklyn Town Clerk
FROM: Jonathan Blake, AICP, CZEO – Planner 1 / Zoning Enforcement Officer
DATE: January 22, 2024
SUBJECT: Notice of proposed activity within 500 feet of the boundary of an adjoining municipality. In accordance with Connecticut General Statutes Section 8.7d (as amended).

In accordance with Connecticut General Statutes the Killingly Zoning Board of Appeals (ZBA) notifies you that the Board is in receipt, as of January 18, 2024, **App. #24-835 of Christopher & Beth Fallon; to vary the Town of Killingly Zoning Regulations Section 450; Dimensional Requirements – Table A; Min. setback from street line from 50' to 48' and min. setback from sideline from 25' to 8', for additions for a garage, screen porch & studio. Property located at 23 Wauregan Rd; GIS MAP 217, LOT 70; IND Zone. The Board's next regular scheduled meeting is on February 8, 2024, at 7:00 PM.**

A copy of application #24-835 can be obtained from the Killingly Planning and Development Office, 172 Main Street, Danielson, CT 06239, during normal business hours.

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.

Next Regular Scheduled ZBA Meeting: Thursday, February 8, 2024 @ 7:00 PM
Town Meeting Room – 2nd Floor
Killingly Town Hall
172 Main Street, Killingly, CT 06239

This is a hybrid meeting; the public can attend in person or by:

- **WebEx**
<https://townofkillingly.my.webex.com/townofkillingly/my/j.php?MTID=mf227b71dae56bca7eb870a7d8adb282b>
Meeting number: 2631 949 0131
Password: Zoning
- **Phone: +1-415-655-0001 US Toll**
Access code: 263 194 90131

Additionally, the public can view this meeting on Facebook Live. Go to www.killingly.org and click on Facebook Live at the bottom of the page.

All public comments can be emailed to publiccomment@killinglyct.gov or mailed to the Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. Public comments can also be submitted in person at the hearing.

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



**TOWN OF KILLINGLY, CT
ZONING BOARD OF APPEALS
Thursday – August 10, 2023**

Regular Meeting – Hybrid
7:00 PM
Town Meeting Room – 2nd Floor
Killingly Town Hall
172 Main Street
Killingly, CT

MINUTES

RECEIVED
TOWN CLERK, KILLINGLY, CT
2023 AUG 14 AM 8:19
Elizabeth M. Quisenberry

The public can also view this meeting on Facebook Live.
Go to www.killinglyct.gov and click on Facebook Live at the bottom of the page.

- I. **CALL TO ORDER CALL TO ORDER** – Chair, Andrew Farner called the meeting to order at 7:33 p.m. (due to technical issues).
- II. **ROLL CALL** - Lynn LaBerge (Vice-Chair); William Menghi; and Andrew Farner (Chair) were present in person. David Izzo, Sr. was present via online.

Staff Present – Jonathan Blake, Planner I and Zoning Enforcement O (present in person).

Others Present – Norm Thibeault, Killingly Engineering Associates; and J.S. Perreault, Recording Secretary.

Others Present via Online – None.

- III. **CITIZEN PARTICIPATION** -- Public comment can be emailed to publiccomment@killinglyct.gov or mailed to Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comments received prior to 2:00 PM on the day of the meeting will be posted on the Town's website www.killingly.org.

Andrew Farner read aloud the above public participation information.

Jon Blake stated that no public comments had been received in the Office.

There were no comments from the public either in person or online.

IV. **PUBLIC HEARINGS – (Review/Discussion/Action)**

1. **Application #23-834 of Michael Shabenas**; to vary the Town of Killingly Zoning Regulations Section 450; Dimensional Requirements – Table A; Min. setback from street line from 40' to 21.8', for a two-bedroom home. Property located at 254 Wheatly St; GIS MAP 159, LOT 116.1; MD.

Norm Thibeault, Killingly Engineering Associates, represented the Applicant and gave an overview. Plans were displayed and were included in packets to Board Members.

- The parcel is slightly over .25 acre in size.
- Proposing a small, single-family home.
- The Applicant purchased the property with the understanding that he would have access to public water and sewer.
 - There is public water and sewer on North Main Street and the end of Davis Road. There is no water service, but the waterline is along the edge of Davis Road and is easily accessible, therefore, this is not problematic.

- However, the sanitary sewer stub is on the adjacent property, not on this particular property. The Killingly Sewer Ordinance is clear that you cannot connect to a sanitary sewer service through another property. Mr. Thibeault explained that the sanitary sewer line is all the way on the other side of Route 12, is approximately 12 feet deep and currently, there is a moratorium on disturbing the road on Route 12 due it having been paved less than five years ago. The State will not allow disturbance unless there is an emergency, such as a break in the sewer line.

They looked at another alternative – Mr. Thibeault explained where there is a sanitary sewer on Davis Road, however, this would have to be a pump system and they would have to tunnel through the wetlands underneath Davis Brook. Mr. Thibeault explained that they did soil testing on the lot and, fortunately, they found that the soils are all sands and gravels which would require a non-engineered system, which they would be able to fit in a very small footprint. They received approval from the NDDH. To make it work, they used the minimum separation distance, from the house, of ten feet because it is just going to be a slab on grade (no foundation or footing drain which would have required 25 feet).

Mr. Thibeault explained that the Health Code requirement of 50 feet from an open watercourse prevents them from putting the septic system in front of the house on the south side.

Mr. Thibeault explained that they looked at reducing the setback from Wheatley Street where the frontage is, which is what they are asking for a variance for. Regulations in Medium Density Zone require 40 feet as a front yard setback. They are proposing a 21.8-foot setback from the property line, which he explained will be almost 50 feet away from Wheatley Street because of the shoulder. They will keep a nice vegetated buffer there.

- The intent was that Mr. Shabenas would build a house for his daughter.

STAFF COMMENTS:

Jon Blake referred to the Staff Report (included in packets). He commented about the Brook that runs through the southern portion cutting down on the useable space/acreage regardless of setbacks. Due to the septic system, this Application will have to go back before the IWWC which had previously looked at it with the assumption of access to public utilities.

QUESTIONS/COMMENTS FROM THE BOARD:

Lynn LaBerge asked if the driveway would interfere with wetlands.

Mr. Thibeault explained that the driveway would come off of Wheatley Street, formerly known as the Wheatley Street Extension. He said that there is already a portion of the road that goes over Davis Brook where there are existing twin, 30-inch pipes. He said that there will be no disruption or impact of any kind to the wetlands.

There were no further questions or comments.

Motion was made by David Izzo to close the public hearing for **Application #23-834 of Michael Shabenas**; to vary the Town of Killingly Zoning Regulations Section 450; Dimensional Requirements – Table A; Min. setback from street line from 40' to 21.8', for a two-bedroom home. Property located at 254 Wheatly St; GIS MAP 159, LOT 116.1; MD.

Second by Lynn LaBerge. No discussion.

Motion carried unanimously by voice vote (4-0-0).

V. UNFINISHED BUSINESS – (Review/Discussion/Action)

1. **Application #23-834 of Michael Shabenas;** to vary the Town of Killingly Zoning Regulations Section 450; Dimensional Requirements – Table A; Min. setback from street line from 40' to 21.8', for a two-bedroom home. Property located at 254 Wheatly St; GIS MAP 159, LOT 116.1; MD.

Motion was made by David Izzo to approve **Application #23-834 of Michael Shabenas;** to vary the Town of Killingly Zoning Regulations Section 450; Dimensional Requirements – Table A; Min. setback from street line from 40' to 21.8', for a two-bedroom home. Property located at 254 Wheatly St; GIS MAP 159, LOT 116.1; MD.

Second by William Menghi.

Discussion:

Mr. Izzo explained that his reason for approval is the hardship due to being unable to get to the public sewer and trying to accommodate this taxpayer to be able to put a house there instead of having a vacant lot.

Roll Call Vote: David Izzo – yes; Lynn LaBerge – yes; William Menghi – yes; Andrew Farner – yes.

Motion carried unanimously (4-0-0).

VI. NEW BUSINESS

Annual Organizational Meeting

1. Review of By-Laws (Review/Discussion/Action)

There was discussion and Ms. LaBerge commented that the Board, during the previous review, had changed the Agenda to match the By-Laws.

There were no changes proposed.

2. Election of Officers (Review/Discussion/Action)

- i. Meeting turned over to Staff Liaison.
- ii. Call for nominations.
- iii. Verify acceptance by nominees.
- iv. Call for a vote.
- v. Meeting turned back to new Chair.

Jon Blake called for nominations. He explained options: the Members could either nominate each position individually, Chair and Vice Chair, or if the same slate of Officers is wanted to continue, they could be nominated together.

Motion was made by David Izzo to nominate the same slate of Officers: Andrew Farner for Chair and Lynn LaBerge for Vice Chair.

Second by William Menghi.

Discussion:

Mr. Farner and Ms. LaBerge accepted their nominations.

There were no other nominations.

Motion was made by Lynn LaBerge to close nominations.

Second by David Izzo. No discussion.

Motion carried unanimously (4-0-0).

Roll Call Vote on Motion #3 to Nominate Andrew Farner as Chair and Lynn LaBerge as Vice Chair: Lynn LaBerge – yes; David Izzo – yes; William Menghi – yes; Andrew Farner – yes.

Motion carried unanimously (4-0-0).

The meeting was turned over to Chair, Andrew Farner.

VII. ADOPTION OF MINUTES

1. April 13, 2023, Regular Meeting

Motion was made by David Izzo to adopt the Minutes of the Regular Meeting of April 13, 2023, as presented.

Second by William Menghi. No discussion.

Motion carried unanimously by voice vote (4-0-0).

VIII. CORRESPONDENCE TO THE BOARD – None.

IX. COUNCIL LIAISON – No representation.

X. ADJOURNMENT

Motion was made by Andrew Farner to adjourn at 7:51 p.m.

Second by David Izzo. No discussion.

Motion carried unanimously by voice vote (4-0-0).

Respectfully submitted,

J.S. Perreault

Recording Secretary