

# TOWN OF FRANKLIN

## PLANNING & ZONING COMMISSION (PZC) FRANKLIN TOWN HALL 7 Meetinghouse Hill Rd. Franklin, CT 06254

### REGULAR MEETING MINUTES

**Tuesday, June 19, 2018, 7:30 p.m.**

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1. Call to Order: Chairman McGuire called the meeting to order at 7:30 p.m.

**Members Present:** Peter Ballaro, Secretary Matt Calvert, Chairman John McGuire, III, Pat Osten, James Wheeler. **Alternate Members Present:** Don McClure. **Alternate Members Absent:** Leo Bienvenue, Niels Jeppesen

**Also Present:** Justin LaFountain, Town Planner, Carly Myers, SECCOG Town Planners, Ron Chalecki, Zoning Enforcement Officer.

2. Recognition of Visitors: Chairman McGuire recognized visitors.

3. Public Hearing:

- a. **PZC #18-02 [CONTINUED]** - PZC Initiated Proposed Zoning Text Amendments Addressing Following Topics:

Signs (Chapter 12); Non-Conformities (Chapter 13); Temporary Healthcare Structures (Section 9.28); Appeals (Section 3.5); Wells & Septic Systems (Sections 9.6, 9.11.5, 10.10.2.A, 10.10.2.B, 10.16.B(f) and 10.17(c)(6); and Minor Procedural Corrections & Wording Changes (Sections 3.2.2, 3.2.3, 3.3, 3.3.3, 3.3.4.B, 3.5.1, and 10.4.F).

There was discussion on changing bonding amount from \$50,000 to \$25,000 for:

9.28.6. A Temporary Healthcare Structure installed pursuant to this section shall be removed not later than one-hundred and twenty (120) days after the mentally or physically impaired person no longer occupies the structure or no longer qualifies as mentally or physically impaired. The applicant shall submit a bond in the amount of **\$25,000** prior to the issuance of a permit, in order to ensure compliance with this sub-section

**MOTION #1 (06-19-18):** made by Mr. Calvert **SECONDED BY** Mrs. Osten that the Planning & Zoning Commission close the public hearing for PZC Application #18-02

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

4. Additions to the Agenda:

**MOTION #2 (06-19-18):** made by Chairman McGuire **SECONDED BY** Mr. Wheeler that the Planning & Zoning Commission add the following to the Agenda: 1) Bond Release Holmgren Subaru, and 2) Add Application #18-06 to the Agenda

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

## 5. Approval of Minutes:

## a. April 17, 2018 Meeting Minutes Rescind Approval to Allow for Corrections

**MOTION #3 (06-19-18):** made by Mr. Calvert **SECONDED BY** Mr. Ballaro that the Planning & Zoning Commission rescind approval of Meeting Minutes from the April 17, Meeting to allow for corrections as attached

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

## b. May 17, 2018 Minutes

**MOTION #4 (06-19-18):** made by Mr. Calvert **SECONDED BY** Mr. Wheeler that the Planning & Zoning Commission approve Meeting Minutes of May 17, 2018 as amended

1) Call to Order: REPLACE Chairman McGuire with "Secretary Calvert"

2) Call to Order: Niels Jeppesen was "**ABSENT**"

3) Last MOTION: REPLACE Mr. Moll with "**Mr. McClure**"

**VOICE VOTE: Chairman McGuire - Abstained**

**MOTION CARRIES**

## 6. Report of the Zoning Enforcement Officer:

**WHIPPOORWILL HOLLOW RD:** Mr. Chalecki received complaints that 1 Whippoorwill Hollow Road was becoming somewhat of a blight issue. There is currently an auto repair and sales business on this property. The owner came into the Zoning Department to discuss the issue and indicated he has actually cleaned-up junk on property, removed dead trees, and expanded the parking area for cars. Mr. Chalecki indicated the property owner must comply with previously approved site plan requirements including amount and location of cars that can be on display. The property owner intends to file a PZC Application addressing site plan issues.

## 7. Correspondence/Commission Matters:

## a. SECCOG Letter Regarding Regional Planning Commission:

**MOTION #5 (06-19-18):** made by Mr. Calvert **SECONDED BY** Mr. Wheeler that the Planning & Zoning Commission approve Matt Calvert as Regional Planning Commission Member and John McGuire as an alternate member

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

## b. Holmgren Subaru Bond Release:

At their regular meeting held March 17, 2015, the Planning & Zoning Commission required Holmgren Subaru post a cash bond for erosion and sedimentation controls in support of their 2015 Showroom Expansion project.

**MOTION #6 (06-19-18):** made by Mr. Calvert **SECONDED BY** Mr. Wheeler that the Planning & Zoning Commission approve the Cash Bond Release in the amount of \$5,000 for Holmgren Subaru as the project is complete

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

## 8. Report of the Building Official: None

9. Report of the Wetlands Enforcement Officer: None

10. Unfinished Business:

a. **PZC #18-02** - PZC Initiated Proposed Zoning Text Amendments Addressing Following Topics:

Signs (Chapter 12); Non-Conformities (Chapter 13); Temporary Healthcare Structures (Section 9.28); Appeals (Section 3.5); Wells & Septic Systems (Sections 9.6, 9.11.5, 10.10.2.A, 10.10.2.B, 10.16.B(f) and 10.17(c)(6); and Minor Procedural Corrections & Wording Changes (Sections 3.2.2, 3.2.3, 3.3, 3.3.3, 3.3.4.B, 3.5.1, and 10.4.F)

**MOTION #7 (06-19-18):** made by Mrs. Osten **SECONDED BY** Mr. McClure that the Planning & Zoning Commission approve the Planning & Zoning Text Amendments as presented including the modifications of **\$25,000** for Bond for Temporary Health Care Structures, and the additions of Sub-letter and sub-numbers, and with an effective date of August 1, 2018

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

11. New Business:

a. **PZC #18-05, Franklin Hills Estates & Country Club, LLC;** Proposed New Commercial Site Plan for property located on the westerly side of Route 32, Avery Lane, and Lathrop Lane, Franklin, CT, Map 37, Lot 1, 324.70 Acres, Zoned PRDD. Existing Use is construction for Golf Course. Proposed use is Golf Course, Driving Range, Clubhouse, Lodge, Maintenance Building and Comfort Stations

**APPLICANT PRESENTATION:** Mr. Sam Giavara was present to represent the applicant. Also present was Normand Thibeault Jr., Killing Engineering Associates, Mario J. Tristany, Jr., Planning Consultant, Stephan Nousiopoulos, SGN Associates, and Mario Poirier, NMP Golf Construction.

**EXHIBITS:**

Exhibit A: Mr. Giavara submitted into the record, a Franklin Group, LLC, Planning, Permitting, Design & Construction Administration Services Summary Report, referenced as Franklin Hills June 19, 2018 App.

Exhibit B: Mr. Giavara submitted into the record, a Killingly Engineering Associates Civil Engineering & Surveying Report, dated June 19, 2018, written by Normand Thibeault, Jr. P.E., regarding his responses to the staff report by Justin LaFountain, Franklin Town Planner, dated May 25, 2018.

Exhibit C: Mr. Giavara submitted into the record, a history report titled Town of Franklin P&Z Commission Franklin Hills Estates & Country Club Application #18-05, dated June 19, 2018.

**ARMY CORPS OF ENGINEERS / DEEP PERMITS:** Mr. Giavara gave a brief presentation and noted, the golf course itself is 29% complete in terms of construction and that they have virtually completed requirements of Army Corps and DEEP permit conditions in the field. The applicant stated that Army Corps and DEEP performed a site walk in June 2016 to review our work. The applicant indicated that they have addressed all comments by Town Staff both shown on the plans and in written form.

**REQUEST FOR WAIVERS:** Mr. Giavara asked for waivers as follows:

- Waive 50 ft buffer restrictions for tees, greens and fairways
- Waive requirements to re-flag wetlands as the applicant believes it is not necessary as noted in submitted Exhibits mentioned above
- Waive requirements to re-survey existing conditions. The applicant believes it is pointless because golf course construction of fairways is usually tweaked throughout the construction process, with rough shaping and then final shaping activities.

If these items are required, it will push the golf course project into 2019. If that's the case, the developer could lose financing. At this time bonding information is being worked on and the developer is ready to post.

**TOWN STAFF COMMENTS:** Members were in receipt of the following correspondence:

- From Justin LaFountain, CZEO, Town Planner, SCCOG, dated May 10, 2018, to Mr. Sam Giavara, P.E., DEES, FASCE, regarding Franklin Hills Estates Wetland Permit Conditions. In general, it was noted there are several outstanding issues involving unmet conditions with the Inland Wetlands and Watercourses permit that will need to be addressed prior to the Planning & Zoning Commission being able to approve a new site plan application.
- From Justin LaFountain, CZEO, Town Planner, SCCOG, dated May 25, 2018, to Mr. Sam Giavara, P.E., DEES, FASCE, regarding Planning & Zoning Commission Application #18-04, Franklin Hills Estates & Country Club. This report provides a comprehensive review of the very large plan set. The report makes mention of numerous issues which were found within the plans, as well as noting other conditional issues which need to be addressed.
- From CLA Engineers, Inc., Town of Franklin Consulting Engineers, to Justin LaFountain, dated June 1, 2018, regarding their partial review of site plans for Application #18-04 with the understanding it has been withdrawn, however, the following considerations may be important to any future consideration of the project. In general, existing conditions plan submitted date to the early 2000's and should be re-done. Course routing, grading, and wetland activities currently proposed do not match what is shown on the approved plans provided for inspections conducted through 2015. CLA has received a copy of the USACOE permit letter dated December 13, 2013 and notes that the permit has apparently expired. If the applicant renewed the permit, a copy should be provided, if not, they will have to re-apply to ACOE.

**PZC COMMENTS:** Chairman McGuire noted there is a concern that Franklin Hills Golf Course is not applying to wetlands for a new site plan permit and that this has and will continue to create a conflict.

If there were significant changes to this project since the original Inland Wetlands and Watercourses approvals and Wetlands has not approved current conditions, PZC would not be in a position to render a favorable decision.

It was noted this application was received for presentation purposes only. Discussion on all matters will take place when the Public Hearing is opened.

**MOTION #8 (06-19-18):** made by Mr. Calvert **SECONDED BY** Mr. Ballaro that the Planning & Zoning Commission schedule a Public Hearing for Application #18-05 for July 17, 2018

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

- b. **PZC #18-06 Sarah Ayer:** Revised Residential Site Plan, Special Exception, for property located at 54 Ayer Rd., Franklin, CT Map 11, Lot 7, Zoned R-120. Existing use is residence. Proposed use is Bed & Breakfast.

**APPLICANT PRESENTATION:** Alison Ayer Potts and Michael Potts were present to represent the applicant and gave a brief description of proposed activity.

This application was submitted and accepted this evening. Mr. Chalecki indicated a public hearing is needed as the proposed activity falls under a special exception.

**MOTION #9 (06-19-18):** made by Mr. Ballaro **SECONDED BY** Ms. Osten that the Planning & Zoning Commission schedule a Public Hearing for Application #18-06 for July 17, 2018 meeting

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

12. Public Comment: None

13. Adjournment:

**MOTION #10 (06-19-18):** made by Mr. Calvert **SECONDED BY** Ms. Osten that the Planning & Zoning Commission adjourn the meeting at 8:33 p.m.

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

Respectfully submitted,  
*Sherry Pollard,*  
Administrative Assistant to the Commission