

TOWN OF FRANKLIN

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

REGULAR MEETING MINUTES

Tuesday, July 17, 2018, 7:30 p.m.

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 Absent:** Leo Bienvenue, Niels Jeppesen, Don McClure. **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 #18-06 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: Sarah Ayer was present to provide a brief presentation. She noted the proposed bed and breakfast will be located on the lower level of the existing residence, length of stay will be less than a one-week period, there is ample space for parking as existing paved area could be used by guests, and that the Fire Marshal and Building Inspector have approved plans.

ZONING ENFORCEMENT OFFICER: Ron Chalecki indicated the applicant submitted a copy of a proposed site plan with the application. This plan was from the sub-division associated to approval for construction of the existing residence. However, an as-built is now necessary to determine specifics of this proposed activity, such as, current configuration of existing house and parking requirements. He noted, the as-built is now on file with the Uncas Department of Health, and that the applicant was unaware of this. In summary, the applicant must provide an as-built to Mr. Chalecki prior to a decision being made.

PUBLIC COMMENTS: 1. Mr. Charlie Grant, speaking as a citizen, spoke in favor of this application as it complements the rural and agricultural setting in the Town of Franklin.

MOTION #1 (07-17-18): made by Mr. Calvert **SECONDED BY** Mr. Wheeler that the Planning & Zoning Commission close the public hearing for PZC Application #18-06 at 7:40 p.m.

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

- b. **PZC #18-05, Franklin Hills Estates & Country Club, LLC;** Proposed New Commercial Site Plan, Special Exception, 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: Attorney Harry Heller, Sam Giavara, Mario Tristany, and a NMP Golf Representative were present to represent the application. Attorney Heller provided a history on this project and generally referenced the required Army Corp of Engineers Permit, designation by the State Traffic Commission/OSTA that this application is a major traffic generator and the need for a permit, Department of Environmental and Energy Protection requirement for a Water Quality Diversion Permit, and associated Financing.

Attorney Heller recognized the Army Corp and General Permit for the State of Connecticut has expired. However, at this point a significant amount of work has been completed, all wetlands mitigation work is done, with the exception of installation of the bridge to gain access to the site and installation of box culverts. All associated wetlands involving the golf course part is completed.

2015 Revised Site Plan: After Army Corp AND DEEP approvals were issued, the applicant returned to PZC with a Proposed Revised Site Plan for a revised clubhouse design and associated parking that was ultimately approved. The only routing change in this current plan set from the 2015 PZC Approved Site Plan is a shift in the orientation of Hole 4. Otherwise hole corridors are the same and most holes have been cut in.

In 2017, financing went dry and construction ceased. Despite the stop in construction, NMP has had personnel on site monitoring erosion and sedimentation controls. Attorney Heller read into the record, correspondence from REMA dated July 17, 2018 and summarized that there was a site walk on July 13, 2018 for review of cleared and rough graded golf holes, erosion and sedimentation controls, three compensatory wetland mitigation areas, and irrigation pond.

In summary, they believe the site is well stabilized and erosion and sedimentation controls are properly installed and functioning well for the present condition with inactive construction.

Attorney Heller indicated the project team is in the process of addressing all Staff comments from the 1) Planner, 2) Zoning Enforcement Officer, and 3) Town Engineers. Firstly, the applicant is addressing grading issues and general inconsistencies with the plan set. However, there are fundamental disagreements as follows: Attorney Heller noted:

- A. This is not a “new” application even though regulatorily the original permit expired and we are required by Statute to apply to you for a new special permit and site plan approval. This is actually an “on-going construction project” that been going on for a period of time. The complex permitting and financing process has taken much longer than any of us would have expected.
- B. We do not see any benefit in some of the things that have been asked for as if this was a new application and not been reviewed by the commission. There has been a request to submit an existing conditions plan based on where we are today. The existing conditions plans submitted with the application were the plans submitted prior to 2004 showing topography and wetlands locations, drainage patterns, etc. with respect to forested conditions at that time. There is no empirical value to spending six figures to generate new existing conditions based on current condition.
- C. Information will be in plans for our responses to Town Staff.

In reference to the REMA correspondence, dated July 17, 2018, it was stated there have been no encroachments, either by fill or by clearing, within the site’s wetlands beyond what approved plans allow. It was said after review of the site it was determined the location of wetlands has not changed and there has been no encroachment other than the 2004 approval. The mitigation areas as required by Army Corp have been installed – they are functioning well providing habitat sources they were intended to perform.

BONDING: Norman Thibeault, Killingly Engineering Associates, submitted an opinion of probable construction cost for erosion and sedimentation control and restoration, dated July 17, 2018, for maintaining the erosion and sedimentation for the remainder of the construction period in the amount of \$325,000. CLA has provided bond estimate, dated, July 10, 2018, in the amount of \$600,000. CLA and Killingly Engineering Associates are discussing major differences within bonding amounts.

PZC COMMISSION COMMENTS: John McGuire noted Town of Franklin Staff, Southeast Connecticut Council of Government Planners, and the PZC and IWWC Chairman's have solidly advised the applicant to return to the Inland Wetlands and Watercourses Commission to re-apply in order to align the wetlands and planning and zoning applications to significantly improve efficiency of the plan review and permitting processes helping both the applicant and town.

Attorney Heller responded in that the applicant is very confident they will be able to complete all wetland activities well before that original permit expires April 2019 and that is why we did not re-apply.

John McGuire noted that not reapplying is to assume IWWC does not see a significant change from what was previously approved. Attorney Heller responded that is correct and added the only change was change Hole 4.

John McGuire indicated there are numerous and significant PZC 2004 conditions of approvals that have not been met.

In response to discussion about the Town of Franklin water sewer project and how it relates to the golf course, the applicant was asked if they have been in recent contact with Norwich Public Utilities [NPU]. Mr. Giavara claimed their engineer has been in contact with NPU within the last 3 weeks. Attorney Heller noted the applicant has preliminary plan approval from NPU to bring water from Stockhouse Rd. to Murphy Rd.

Additionally, the applicant was asked if proposed comfort stations have been approved by Uncas Health. Attorney Heller indicated that prior to the recent regionalization of Uncas Health the plans were under review by the Town's Zoning Enforcement Officer. The applicant was then asked if the Franklin Zoning Enforcement Officer approved the comfort stations. Attorney Heller responded that the soil conditions were approved but must be redone because test is only valid for five years.

After Attorney Heller's last response to the questions, the Commission was left to interpret answers as meaning the comfort stations have not been approved by either the Franklin Zoning Enforcement Officer or Uncas Health District.

PUBLIC COMMENTS: 1) Gail Miller spoke in concern about financial difficulties with this project and lack of details for proposed sewer/septic/comfort stations, Attorney Heller responded that financing is now committed, 2) Al Rudolph spoke in concern of possible water run-off from project onto his property, 3) Martin McKenney noted there is a lot of information being presented tonight and appreciates a continued public hearing to allow additional time for review, 4) Charles Warner asked for clarification on the clubhouse building and hopes this project does not have a negative impact on his well water, 5) Allison Ayer asked for clarification on number of room in clubhouse/lodge (100).

APPLICANT'S PLANNER MEMO: Mr. Mario Tristany previously submitted his Zoning Regulation Evaluation Report, undated. Chairman McGuire Questioned Mario Tristany's Planner report:

In reference to 10.2.2 Sections:

- The Franklin Hills property could have been developed as a fairly significant single family housing development or as a CT General Statute Section B-30g low/moderate multi-family development.

In summary, Chairman McGuire questioned what the intent of this statement is and noted it did not need to be mentioned as it has no bearing on the Commission rendering an informed decision with respect to compliance to the Town of Franklin Zoning Regulations.

- To date, the Franklin Hills Estates has paid close to \$400,000.00 in property taxes.

Chairman McGuire questioned what the intent of this statement is and noted it did not need to be mentioned as it has no bearing on the Commission rendering an informed decision with respect to compliance to the Town of Franklin Zoning Regulations.

TOWN STAFF, SECCOG PLANNERS, TOWN ENGINEER REPORTS:

- From Justin LaFountain, CZEO, Town Planner, SCCOG, dated July 10, 2018, to Mr. Sam Giavara, P.E., DEES, FASCE, regarding Franklin Hills Estates Wetland Permit Conditions.

In general, while the subject of the application remains the same, there have been changes to the plans over the years and additional changes are in this current plan set. As such, Mr. LaFountain provided comments 1 through 21, and documented a sheet by sheet analysis of the current plan set.

Points of Interest:

1. Several of the responses to my initial memo made reference to the "final plan" as well as stating that "certain aspects" are yet to be determined. The Commission should be reviewing a final set of plans and ALL aspects should be included.
 2. Comfort stations shown on the plans do not depict ANY connections to sewer, water, or electricity.
 3. There has been encroachment. A guard house is now proposed for the main entrance and is encroaching and well within the required 50 foot front yard setback.
- From CLA Engineers, Inc., Town of Franklin Consulting Engineers, to Justin LaFountain, dated July 10, 2018, regarding their review of plans and materials as submitted regarding new application for the Franklin Golf Course Site. CLA walked the site on June 26, 2018 and offered comments as outlined in this correspondence noted as Items 1 through 32.

In general, the existing conditions site plan submitted as part of this package, and used as the basis for design, date to the early 2000's, and the site has been altered. The site has been subjected to grading and the topography thus changed as well.

The location of wetlands has changed. The applicant created wetlands on the site and a large irrigation pond on the site which are not shown on the plans. As a result, the Commission may require a complete up to date existing conditions survey. Alternatively, the Commission may request an update of areas that may have been altered.

CLA also notes that based on their recent inspections, repairs to E&S measures are needed. Also, based on the age of these measures, replacement or many of them may be necessary before any work should be allowed. The originally installed silt fence has degraded and in places has holes.

Based on our review of field conditions associated to the Army Corp and CTDEEP Section 401 permit, some of the work that was proposed under that permit has not yet been completed. Significantly, the uncompleted work involves the proposed wetland impacts.

- From Ron Chalecki, Franklin Zoning Enforcement Officer, dated July 10, 2018, regarding his review of plans as submitted by applicant. Comments depicted are Items 1 through 8.

In general, Mr. Chalecki indicated he is in need of current permit approvals from Army Corp of Engineers, Norwich Public Utilities, CT Department of Transportation, Franklin Fire Marshall, and Uncas Health District. Mr. Chalecki strongly recommended the applicant apply for a new Inland Wetlands and Watercourses Permit in order to be consistent with the current Planning & Zoning Application.

4. Additions to the Agenda:

5. Approval of Minutes:

a. June 19, 2018:

MOTION #2 (07-17-18): made by Ms. Osten **SECONDED BY** Mr. Ballaro that the Planning & Zoning Commission approve Meeting Minutes from the June 19, 2018 as amended: MOTION #7 was made by Mr. McClure and seconded by Mr. Ballaro

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

6. Report of the Zoning Enforcement Officer:

DEALERSHIP EXPANSION/1 WHIPPOORWILL: No application submitted.

BALTIC ROAD / JOHN CROOKS: Camping Trailer on site is connected to water hook-up and it appears someone is living in it. This is not allowed per Zoning Regulations. Mr. Chalecki will contact Mr. Crooks. It was noted his property taxes are overdue.

MIKE TULES / K-BEST: Mr. Chalecki indicated Mike Tules has not submitted the approved site plan mylar. Mike Tules indicated he would submit as soon as possible. Mr. Chalecki noted the Fire Marshall has approved the location for outside fuel oil tanks.

7. Correspondence/Commission Matters:

- a. Pete's Tire Barn Bond Release: At their regular meeting held May 15, 2012, the Planning & Zoning Commission required Pete's Tire Bond post a cash bond for erosion and sedimentation controls in support of their construction of a commercial building for automotive service and warehouse.

MOTION #3 (07-17-18): made by Ms. Osten **SECONDED BY** Mr. Ballaro that the Planning & Zoning Commission approve the Cash Bond Release in the amount of \$2,500 for Pete's Tire Barn 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 #18-06 Sarah Ayer**

MOTION #4 (07-17-18): made by Mr. Calvert **SECONDED BY** Mr. Wheeler that the Planning & Zoning Commission approve PZC #18-06 Sarah Ayer with the following conditions: 1) Applicant to obtain favorable approval from Zoning Enforcement Officer regarding parking requirements via a submitted As-Built plan

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

b. **PZC #18-05, Franklin Hills Estates & Country Club, LLC;**

MOTION #5 (07-17-18): made by Mr. Calvert **SECONDED BY** Mr. Wheeler that the Planning & Zoning Commission continue the public hearing for PZC Application #18-05 to August 21, 2018, 7:30 pm, Franklin Town Hall

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

11. New Business:

- a. **PZC #18-07 Joe Sudik;** Proposed New Residential Site Plan, Special Exception, for property located at 86 Whippoorwill Hollow Rd., Assessor's Map 17, Lot 24-11, Zoned R-80/PRDD, existing use is pre-existing residential lot/building lot/vacant parcel, proposed use is single family building lot.

APPLICANT / PRESENTATION: Mr. Joe Sudik was present to represent the application and provided a brief history on associated property. He purchased the parcel from Town of Franklin within a tax foreclosure process. This parcel was approved as a building lot that can be accessed via a private drive. There are no wetlands on the parcel. The parcel is landlocked at this time. Would like to move some leftover land from golf course and add it to the common drive that is existing to make it more assessable. This proposed application is for a lot line revision to create a single family building lot.

MOTION #6 (07-17-18): made by Mr. Calvert **SECONDED BY** Mr. Wheeler that the Planning & Zoning Commission approve **PZC #18-07 Joe Sudik** with the following condition: 1) Site Plan Mylar is to be filed on the Town of Franklin Land Records

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

12. Public Comment: None

13. Adjournment:

MOTION #7 (07-17-18): made by Mr. Ballaro **SECONDED BY** Ms. Osten that the Planning & Zoning Commission adjourn the meeting at 10:26 p.m.

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

Respectfully submitted,
Sherry Pollard,
Administrative Assistant to the Commission