

**TOWN OF FRANKLIN**  
**PLANNING & ZONING COMMISSION (PZC)**  
**FRANKLIN TOWN HALL**  
**7 Meetinghouse Hill Rd.**  
**Franklin, CT 06254**  
**PUBLIC HEARING / REGULAR MEETING MINUTES**  
**Thursday, October 18, 2022, 7:30 p.m.**

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1. Call to Order: Chairman McGuire called the meeting to order at 7:31 p.m.

**Members Present:** Secretary Matt Calvert, Patrick McCarthy, Chairman John McGuire III, Josh Gagnon, Thomas Miner. **Alternate Members Absent:** Leo Bienvenue. **Alternate Member Present:** Tammi Avery. **Also Present:** Ron Chalecki, Zoning Enforcement Officer, Nicole Haggarty, SECCOG Town Planner.

2. Recognition of Visitors: Chairman McGuire recognized visitors.

3. Public Hearing:

- a. **PZC #22-08 Franklin Planning & Zoning Commission:** Nicole Haggerty reviewed New Section 9.29 Accessory Dwelling Unit (ADU) text amendments. Generally, PZC members asked for modifications as follows:

- Delete "plot" from first sentence
- Add "If required by ZEO" at beginning of second sentence
- Change "shall" to may in second sentence
- Add land surveyor in second sentence

Town Attorney will perform final review of 9.29 and report back to Town Planner.

**PUBLIC COMMENTS:** No Public Comments.

**MOTION #1** made by Mr. Calvert **SECONDED BY** Mr. McCarthy that the Planning & Zoning Commission continue Application 22-08 Public Hearing to November 15, 2022

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

4. Additions to Agenda:

**MOTION #2** made by Mr. Calvert **SECONDED BY** Mr. Gagnon that the Planning & Zoning Commission add Release of Bond Windham Materials to New Business

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

4. Approval of Minutes:

- a. September 20, 2022:

**MOTION #3** made by Mr. Calvert **SECONDED BY** Mr. Gagnon that the Planning & Zoning Commission approve September 20, 2022 meeting minutes as presented

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

5. Correspondence / Commission Matters: None

6. Report of Wetlands Official:

**CHRIS SULLIVAN:** At their October 12, 2022 meeting IWWC approve Application 22-07, Chris Sullivan, seeding and stabilization.

7. Report of Building Official: None

8. Report of Town Planner:

**INCOMPLETE APPLICATIONS:** Nicole Haggerty reviewed her Report dated October 18, 2022. Applications should be reviewed by Town Staff and Commissions with the idea of whether an incoming application is complete as outlined in Zoning Regulations. Areas of review include, but are not limited to Applicability, Purpose, and Contents. In summary, incomplete applications risk the possibility of not meeting the 60-day administrative review period, add significant staff review time, and lengthen time items are on Commission's agenda.

**PLAN OF CONSERVATION AND DEVELOPMENT (POCD):** Nicole Haggerty reviewed her Report dated October 18, 2022 noting POCD must be updated and adopted prior to June 1, 2023. PZC Review process should allow time for Public Hearing process.

9. Report Zoning Officer:

**DAVID BOYLE:** Site Plans have been submitted to Zoning & Building Departments for review.

**FRANKLIN HILLS GOLF COURSE:** No final report received from Boundaries Engineering.

**CHRIS SULLIVAN:** Continues to operate in violation of Town Zoning Regulations due to operating a mixed-use business with no approved permit. PZC had given a 30-day clean up window for property. Two other Towns are also seeking enforcement. There was PZC consensus Chairman McGuire perform a stie walk visit on the property.

10. Unfinished Business:

a. **PZC #22-08 Franklin Planning & Zoning Commission:** Action above.

b. **PZC Application #22-09 Sound Petroleum:** New Commercial Site Plan Review, for property located at 532 Pond Road, Assessor's Map 12, Lot 45; Zoned C-2, proposed use is propane distribution-delivery facility/storage/office/retail showroom.

**APPLICANT/ENGINEER PRESENTATION:** Wes Wentworth submitted revised Site Plan Set dated and application memo dated October 7, 2022. Mr. Wentworth noted Department of Transportation provided approval letter dated October 5, 2022 as submitted into the record. Mr. Wentworth provided a presentation using mapping and provided responses to Towne Engineering's Peer Review letter dated 9.16.22 and October 14, 2022. Item 6 would not be applicable for this applicant because trucks cannot be stored inside. Surrounding properties have trucks outside. If any changes occur within the scope of site plans as submitted application will return to Commission for approval. Mr. Wentworth closed by noting he and the applicant have done all they can to meet the Town of Franklin Planning & Zoning Regulations; and, in his professional opinion this is a complete application.

**MOTION #4** made by Mr. Calvert **SECONDED BY** Mr. Gagnon that the Planning & Zoning Commission approve PZC #22-09 Sound Petroleum as presented with the following conditions:

1. Site Plan Mylars are to be filed on Town Land Records in Town Clerks Office within 90 days after appeal period ends.
2. All Outstanding Application Fees are to be paid prior to the issuance of permits, the endorsement of maps or plans, and/or the release of any bond held.
3. That the Wetlands Agent and Zoning Enforcement Officer and/or any other Town assigned staff attend a preconstruction meeting held onsite with the Contractor and Design Engineer.

4. That the limits of disturbance as shown on the approved plans be staked in the field by a Connecticut Licensed Land Surveyor to A-2 Horizontal Accuracy Standards at a maximum of 50-foot intervals prior to any site disturbance.
  - a. A letter from the Land Surveyor should be provided to the Zoning Enforcement Officer certifying that the stakes were set by the Surveyor in accordance with those standards.
  - b. The stakes be placed before the preconstruction meeting.
  - c. That the stakes remain undisturbed until the site is fully stabilized and be replaced as necessary by the Surveyor if they are lost or disturbed.
5. That an Erosion and Sediment Control bond be provided for Phase 1 in the amount of \$34,000 and that \$5,000 being provided in cash or a passbook savings account (to be determined by the Town Treasurer) and the balance (\$29,000) in commercial surety or letter of credit (again in a form acceptable to the Town Treasurer).
6. If blasting is found to be necessary that separate permits will be required to be issued by the Fire Marshal.
7. That prior to commencement of construction a copy of the approved DOT Encroachment Permit be provided to the Zoning Enforcement Officer.
8. That the applicant provides the location of any proposed construction trailer to the Zoning Enforcement Officer for approval prior to the installation of any such unit.
9. That the applicant contacts the Zoning Enforcement Officer and Inland Wetlands Agent for a final site inspection once the site is fully stabilized and that all temporary erosion and sediment control devices be removed within 30 days following the site inspection or as directed by Town Staff.
10. That three (3) sets of the approved plans be provided to the Zoning Enforcement Officer bearing the signatures and seals of all of the responsible professionals.
11. If the approved plans are not those issued for actual construction and CDs or Construction Documents are prepared, then three (3) sets of the signed and sealed paper prints are to be provided to the Zoning Officer for approval prior to commencing construction.

**VOICE VOTE: 3:2:0** In Favor: Mr. McGuire, Mr. Calver, Mr. Gagnon  
 Opposed: Mr. McCarthy, Mr. Miner

**MOTION CARRIES**

#### 11. New Business:

- a. **PZC Application #22-12 Mike Tules (KBEST USA):** Revised Commercial Site Plan, property located at 931 Route 32, Assessors Map 3, Lot 7, Zoned C-2, existing use of property is Winery – proposed use of property is wine tasting room with serving of food.

The Commission accepted Mike Tules signed withdrawal request for Application 22-12, dated October 18, 2022.

- b. **PZC Application #22-13 WINDHAM MATERIALS:** Renewal/Extension for property located at 949 RT 32 & Pleasure Hill Road, Assessor's Map 4, Lot 2 & Map 1 Lots 13, 14, 15, 16, & 17. Zoned R-120, proposed use is earth excavation; proposed use is annual renewal of excavation permit.

**APPLICANT PRESENTATION:** Harold Hopkins was present to represent applicant and reviewed mapping and proposed activity. This is the last renewal for Section IV.

**ZEO COMMENTS:** Mr. Chalecki reviewed site and proposed activities and recommends approval.

**MOTION #5** made by Mr. Calvert **SECONDED BY** Mr. Gagnon that the Planning & Zoning Commission approve renewal Windham Materials Application #22-13 for a one-year period to October 30, 2023.

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

**931 ROUTE 32 (MAP 3 LOT 7) RELEASE BOND:** Windham Materials. Ron Chalecki has reviewed associated activities and performed a site walk and recommends release of bond.

**MOTION #6** made by Mr. Calvert **SECONDED BY** Mr. Gagnon that the Planning & Zoning Commission approve release bond for Application #20-01 Windham Materials in the amount of \$50,000.00

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

12. Public Comments:

1. Mark Heinonen spoke in opposition of Sound Petroleum and asked for clarification on public hearing process.
2. Alden Miner spoke in opposition of Sound Petroleum and was concerned with this application by-passing public hearing process.
3. Stori Beckwith spoke in opposition of Sound Petroleum and was concerned with the fact Franklin is not equipped to handle an environmental negative spill if it happens.
4. Andrew Malazzi (PZC 22-09 Applicant & Property Owner) noted Sound Petroleum intends to be a good business for the Town and will support residents in any way possible.

13. Adjournment:

**MOTION #7** made by Mr. Calvert **SECONDED BY** Mr. McCarthy that the Planning & Zoning Commission adjourn the meeting at 9:12 p.m.

**VOICE VOTE: UNANIMOUS**

**MOTION CARRIES**

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