

**TOWN OF FRANKLIN
PLANNING & ZONING COMMISSION (PZC)
FRANKLIN TOWN HALL
7 Meetinghouse Hill Rd.
REGULAR MEETING MINUTES & PUBLIC HEARING
February 15, 2022 7:30 p.m.**

(These Minutes are "Unapproved". Formal "Approval" takes place at the next Board meeting held and will show changes/ corrections if any)

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

Members Present: Secretary Matt Calvert, Chairman John McGuire III, Patrick McCarthy, Josh Gagnon. **Members Absent:** Peter Ballaro. **Alternate Member Present:** Leo Bienvenue, Thomas Miner. **Also Present:** Ron Chalecki Zoning Enforcement Officer, Carly Holzschuh, AICP, SECCOG, Town Planner. Thomas Miner was seated for absent member Peter Ballaro.

2. Recognition of Visitors: Charlie Grant, Roland, Roland Mihok.

3. Public Hearing:

- a. **PZC APPLICATION #21-10 PATTERSON BROTHERS PROPERTIES:** New Commercial Site Plan, Special Exception, property located at 828 Route 32, Assessor's Map 53 Lot 9-3, Zoned C-2; existing use is sale of landscaping and earth products, proposed use is temporary earth materials processing.

APPLICANT / PRESENTATION: Ellen Bartlett, CLA Engineers, was present to represent the applicant and review revised site plans. She reviewed her responses, dated January 17, 2022 to the Zoning Enforcement Officer Comments dated December 15, 2021. Incorporated into the site plans is the requirement by Department of Transportation that show stop signs & bars at Route 32 entrance and exit location.

ZONING ENFORCEMENT OFFICER/COMMENTS: Mr. Chalecki performed a site walk. Campers are located on site in back area behind existing building. Campers are connected to sewer and there is a dog associated to a camper. Department of Health has not approved sewer/water connections. Additional campers are behind the building appearing to be stored on site.

Ellen Bartlett has told property owner campers must be disconnected from sewer and no one is allowed to stay in campers. A note for this appears on sheet 2 of revised site plan set. Ms. Bartlett indicated a note to the plans will be added as follows: "no residential uses are allowed on this site and no campers are to be stored on site".

Mr. Chalecki noted the following:

1. final DOT approval for driveway will come after local town approval. A copy of the approval is required to be submitted to Zoning.
2. Any reference on site plans associated to stockpile measurement amounts must be removed from site plans. Top Soil is allowed on site but amounts currently noted on plans are incorrect.
3. Crusher/Screeners location on this site is a delicate matter due to its radius to abutting properties. Site Plans must identify specific allowable location in the field and must be visually staked-out in the field for exact location.
4. Erosion & Sedimentation controls around stockpiles down gradient to pond are to be installed and shown on site plans.

PUBLIC COMMENTS: None.

MOTION #1 (02.15.22) made by made by Matt Calvert **SECONDED BY** Josh Gagnon that the Planning & Zoning Commission close the Public Hearing at 7:55 PM

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

4. Additions to Agenda:

MOTION #2 (02.15.22) made by made by Matt Calvert **SECONDED BY** Josh Gagnon that the Planning & Zoning Commission add the following to the Agenda: Resignation Letter Peter Ballaro – Agenda Item 6.e

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

5. Approval of Minutes:

a. January 13, 2022 Special Meeting:

MOTION #3 (02.15.22) made by made by Matt Calvert **SECONDED BY** Josh Gagnon that the Planning & Zoning Commission approve January 13, 2022 Special Meeting Minutes - as amended: (1) Leo Bienvenu was present via ZOOM; AND 2) Add the following PZC Comments:

PZC discussed concerns about setting precedence regarding Accessory Dwelling units. It was noted, PZC is currently dealing with recent state regulations to allow accessory dwelling units and is in the position to possibly opt-out or allow.

In this instance, Calli Carboni is making an attempt to show pre-existing non-conforming legitimacy. She is seeking approval for her own personal issue and not for business use. Don's Aubrey's letter and Ms. Jello's testimony is very strong and should be taken into consideration. Calli Carboni is being assessed and taxed on the apartment on this property.

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

b. January 18, 2022 Regular Meeting:

MOTION #4 (02.15.22) made by made by Matt Calvert **SECONDED BY** Josh Gagnon that the Planning & Zoning Commission approve January 18, 2022 Regular Meeting Special Meeting - as amended

1. Correction: "**Tom**" Miner not Tim Miner

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

6. Correspondence/Commission Matters:

- a. There was review of Towne Engineering letters, dated December 29, 2021 & January 10, 2022 documenting their review of proposed IWWC retail development at 99 Route 32 Garrett Homes LLC.

Agenda items b, c, and d. were not included in packet.

- e. Chairman McGuire read Peter Ballaro's resignation letter into the record.

7. Report Wetlands Official:

Carly Holzschuh noted IWWC approved Garrett Homes, 99 Route 32, on February 1, 2022, with conditions and in accordance with Towne Engineering Project Review Letter dated February 1, 2022.

8. Report of the Building Official: None

9. Report of the Town Planner:

- a. Public Act 21-29 Affordable Housing Plan & Updates & Cannabis Updates to Franklin Zoning Regulations. There was PZC consensus to consider public input before making decisions to allow or deny cannabis in Franklin. This topic will be discussed at the next monthly meeting.

MOTION #5 (02.15.22): made by made by Matt Calvert **SECONDED BY** Tom Miner that the Planning & Zoning Commission set a public hearing for April 19, 2022 at 7:30 PM for a Planning & Zoning State Mandated Text Amendment on Affordable Dwelling Units

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

10. Report of the Zoning Enforcement Official:

- a. **ZBA/DAVID BOYLE:** Mr. Boyle is working on submitting a Zoning Permit.
- b. **1 WHIPPOORWILL:** Received complaint from neighbor that someone is living on premises. Owner said he has a night watchman for the property. He also said he runs a used car dealership and is allowed to sell vehicles. DMV has indicated the property owner must have a dealer's license. The State Police have the jurisdiction to oversee business activities on this site as this is currently a DMV issue.

11. Unfinished Business:

a. **PZC APPLICATION #21-10 PATTERSON BROTHERS PROPERTIES:**

MOTION #6 (02.15.22): made by made by Matt Calvert **SECONDED BY** Patrick McCarthy the Planning & Zoning Commission approve Application #21-10 with the following conditions:

1. Add Note to plans: No campers are to be stored on site. No residential uses on site.
2. Add Note to plans: Identify exact location of screen placement and crusher placement
3. Add Note to plans: Identify railroad location
4. Remove from plans: Any reference to stockpile volume and location
5. Submit Surety bond in the amount of \$2,000 for Erosion and Sedimentation activities
6. Site Plan Mylars are to be filed on Town land records through the Town Clerk's Office within 90 days (PZC may grant extension upon applicant's request)

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

12. New Business:

Chairman McGuire moved Application #22-02 to this point in the meeting:

- a. **PZC APPLICATION #22-02:** Revised Commercial Site Plan Review, Special Exception, Mixed-Use for property located at 888 Route 32, Assessors Map 6, Lot 3; Zoned C2; Existing use of property is landscaping business, proposed additional activity is ice cream parlor

MOTION #7 (02.15.22): made by made by Matt Calvert **SECONDED BY** Tim Miner the Planning & Zoning Commission set a public hearing for March 15, 2022 at 7:30 PM

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

- b. **PZC APPLICATION #22-01:** New Commercial Site Plan Review for property located at 99 Route 32, Assessors Map 44, Lot 24; Zoned C2/I; Existing use of property is residential, proposed activity includes demolition of existing single-family home & construction of 9,100 s.f. retail store with new paved parking & loading areas, site lighting, concrete walkways, stormwater management system & associated utilities & landscaping

APPLICANT/PRESENTATION: Matthew Bruton, and the project architect were present via Zoom to represent the applicant. Revised Plans, dated February 2, were presented for

review. Received Department of Transportation approval, dated February 3, 2022 for the shared drive entry. Also reviewed existing condition survey and storm water management plan. All water from site is accounted for and will be properly managed to our outlet on Route 32. Reviewed grading and drainage plan. Towne Engineering and Department of Transportation have reviewed and addressed the drainage plan and determined there will be no detrimental drainage results of activity to property abutters or downstream.

There was a review of wetlands system and limits of disturbance. It was noted, design shows limits of clearing at 11 feet at closest point to building. Design calls for several retaining walls on site and the building facade to act as retaining wall. There was review of the drain connections to stormwater management system along northern side of building. It is believed there will be no issues post construction.

PZC COMMENTS/CONCERNS:

1. Applicant is required to submit a formal review letter written by the Fire Marshal
2. Applicant is required to address and submit all review letters addressed to the Planning & Zoning Commission.
3. PZC Commission would like Towne Engineering to review latest materials submitted, and provide formal review letter
4. Applicant is to submit shared driveway easement to Towne Engineering and PZC for review
5. Signage details must meet regulations
6. Multiple driveway signs showing in and out it is confusing. Only show in and out in accordance with Department of Transportation

MOTION #8 (02.15.22): made by made by Matt Calvert **SECONDED BY** Josh Gagon the Planning & Zoning Commission table this application to their March 5, 2022 meeting

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

14. Public Comment:

1. Alden Miner noted he is concerned with Route 32 increased traffic entering and exiting the site, the original Pete's Tire barn driveway conditions set by Zoning Board of Appeals, associated frontage, and that the location of a historical mile marker is absent but should be placed back on property.
2. Ron Chalecki noted the current set-up for ZOOM meetings is not efficient. Pubic attendees cannot see or hear persons attending via ZOOM due to lack of proper technology and equipment. The Board of Selectmen should consider purchasing adequate equipment.

15. Adjournment:

MOTION #9 (02.15.22): made by Matt Calvert **SECONDED BY** Patrick McCarthy that the Planning & Zoning Commission adjourn at 9:34 pm.

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

Respectfully submitted,

Sherry Pollard,

Administrative Assistant to the Commission