

**TOWN OF FRANKLIN  
PLANNING & ZONING COMMISSION (PZC)  
FRANKLIN TOWN HALL  
7 Meetinghouse Hill Rd.  
REGULAR MEETING & PUBLIC HEARING MINUTES  
September 20, 2022, 7:30 p.m.**

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

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1. Call to Order: Chairman McGuire called the meeting to order at 7:32 p.m.

**Members Present:** Secretary Matt Calvert, Chairman John McGuire III, Josh Gagnon, Thomas Miner. **Members Absent:** Patrick McCarthy. **Alternate Members Absent:** Tammi Avery, Leo Bienvenue.

**Staff Present:** Ron Chalecki Zoning Enforcement Officer, Nicole Haggerty, Town Planner

2. Recognition of Visitors: Sign in sheet provided.

3. Public Hearings:

- a. **PZC Application #22-08 – Franklin Planning & Zoning Commission [cont]:** Application for regulation amendment to allow Accessory Dwelling Units as a permitted use per CT Public Act 21-29 adding new section 9.29.

Nicole Haggerty noted this is a static document. PZC will determine and reference definitions as related to Public Act that will not change. Therefore, if State Statute changes, we will not have to change our definitions.

After full review, there was PZC consensus to adjust language in

Chairman McGuire asked for public comments. No persons spoke in favor or against.

**MOTION #1** made by Matt Calvert **SECONDED BY** Josh Gagnon that the Planning & Zoning Commission approve the following amendment and send document to Franklin Town Attorney for approval and that the Public Hearing be continued to October 18, 2022:

- Section 9.29.3 add that indicating additional information may be required as determined by ZEO

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

- b. **PZC Application #22-10 – Franklin Planning & Zoning Commission:** Regulation amendments to establish a temporary (180-day) Moratorium on Cannabis Establishments.

Nicole Haggerty reviewed her staff report dated September 20, 2022. Items included, but were not limited to, Proposed Moratorium Language and its relationship with Zoning Regulations, Disproportionately Impacted Areas, Overview Public Act 21-1, Current Permit Lottery Data, and Current Status of Nearby Cities.

**MOTION #2** made by Matt Calvert **SECONDED BY** Josh Gagnon that the Planning & Zoning Commission close the Public Hearing for Application #22-10 at 7:56 pm

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

- c. **PZC Application #22-11 – Franklin Planning & Zoning Commission:** Application to Adopt Affordable Housing Plan

Nicole Haggerty reviewed her staff report dated September 20, 2022. Items included, but were not limited to, Draft Plan Review, edits to such Draft Plan, Action Plan Options, Housing Inventory by Community Type and Bedroom Count, and lack of Housing Production in Southeast CT 2000-2017.

Chairman McGuire noted PZC members should be aware of needed connection between POCD, Zoning Regulations, and Affordable Housing Plan.

**COMMENTS:**

- Richard Handfield noted Franklins should not allow the State of CT to dictate how Franklin should take of our town and community.
- John McGuire indicated it is responsible for the Planning & Zoning Commission to be aware of current and long-term housing conditions.

**MOTION #3** made by Matt Calvert **SECONDED BY** Josh Gagnon that the Planning & Zoning Commission close the Public Hearing for Application #22-11 at 8:10 pm

**VOICE VOTE: UNANIMOUS; MOTION CARRIES**

4. Additions to Agenda: None

5. Approval of Minutes:

a. August 16, 2022 Regular Meeting:

**MOTION #4** made by Matt Calvert **SECONDED BY** Thomas Miner that the Planning & Zoning Commission approve August 16, 2022 - as presented

**VOICE VOTE: UNANIMOUS; MOTION CARRIES**

6. Correspondence/Commission Matters: None.

7. Report Wetlands Official: Ron Chalecki:

a. IWWC in process of reviewing By-Laws and Regulations:

b. **CHRIS SULLIVAN - 192 RT 32** IWWC asked Mr. Sullivan to provide written-signed statements from DEEP & Eversource stating they have reviewed the property and there are no environmental concerns, including that Mr. Sullivan is not in possession of, or working with, utility poles in any manner, etc. Chairman Baribeault said written statements of such findings must be submitted into the IWWC record.

8. Report of the Building Official: None

9. Report of the Town Planner:

Nicole Haggerty noted POCD is due to be updated by 3.1.23. PZC should consider starting review process soon to allow time for public hearing process to be completed prior to due date.

10. Report of the Zoning Enforcement Official:

**DAVID BOYLE:** RV on property is occupied as residential use by Mr. Boyle on occasion in violation of Zoning Regulations. Mr. Chalecki is working with Mr. Boyle's engineer and architect to have them submit valid site plans to the Zoning and Building Departments. Recently submitted plans contained incorrect floor plans and RV placement are incorrect.

**CHRIS SULLIVAN - 204 ROUTE 32:** Chris Sullivan. Ron Chalecki reviewed current cease and desist order in place - Operating a mixed-use business without proper permit. This is a residential piece of property with an operating woodworking business. Mr. Sullivan has now been asked to submit application to PZC for mixed-use business operation. No application has been submitted. At this point Mr. Chalecki is asking PZC to consider legal action.

Chris Sullivan was present and indicated he is no longer operating a woodworking business. He intends to change to a mobile coffee cart business and will seek a permit at such time.

Mr. Chalecki submitted pictures showing evidence of large amounts of woodworking materials on site very similar to business use. Additionally, Mr. Sullivan is advertising such business and is a registered business with the State of Connecticut.

Mr. Sullivan added he is only working with wood to make material to improve his existing house and barn.

There was PZC consensus Mr. Sullivan has 30 days to clean-up the property of commercial woodworking machinery and/or materials to show that there are no business-related activities or business volume of materials on this site.

#### 11. Unfinished Business:

- a. **PZC Application #22-08.** Discussed 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.

Wes Wentworth gave a presentation referencing revised site plans, dated September 19, 2022.

Nicole Haggerty reviewed her staff report dated September 20, 2022. Items included, but were not limited to, Application Administrative Timeline, List of Documents submitted, Petition to Request Public Hearing, and associated Zoning Regulation Considerations for PZC.

Mr. Chalecki noted the original statement of use has been revised to remove reference to potential for rental business in two of the buildings on site. If statement of use was not changed, the proposed use would have been considered a mixed-use and required a public hearing.

There is a proposal for a retail showroom to be included with the revised activities. This may require additional discussion.

Wes Wentworth replied the applicant now wants to just focus on start-up of propane related business only and is choosing to use those other two buildings for storage of business-related materials.

Nicole Haggerty pointed out Towne Engineering has not received revised plans submitted this evening. DOT approval has not been received by applicant.

Wes Wentworth indicated DOT approval is not required for PZC to render a decision, and land swap/lot line adjustment has been agreed upon with abutting land owner as shown in letter submitted into the file.

Nicole Haggerty noted applicant has addressed Town Staff Comments and the commercial proposal meets Zoning Regulations. However, Towne Engineering has not reviewed revised plans submitted this evening.

PZC asked how many vehicles will enter and exit this site on an average daily basis. Wes Wentworth replied approximately 50 vehicles including employees.

PZC asked for clarification on safety issues in propane distribution as directly related to this site. A representative from Propane Distribution Specialists explained complete safety system mechanisms in place for operations.

PZC noted the following points of interest:

1. Towne Engineering must have time to review plans and provide PZC with a peer review staff report prior to PZC rendering a decision
2. Applicant should consider evergreen screenings on property line
3. DOT approval is highly recommended
4. Wes Wentworth to provide revised statement of use including accessory use (specifics of materials to be stored in warehouse buildings as shown on plan)
5. Some members are concerned proposed activity is mixed-use in general
6. Some members believe application meets regulations

**MOTION #5** made by Matt Calvert **SECONDED BY** Josh Gagnon that the Planning & Zoning Commission accept the written 30-day extension request submitted by Applicants Attorney and as submitted into the record

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

c. **PZC Application #22-10:**

**MOTION #6** made by Matt Calvert **SECONDED BY** Josh Gagnon that the Planning & Zoning Commission approve PZC Application #22-10 temporary 180-day moratorium to 3.20.23

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

d. **PZC Application #22-11 Franklin Planning & Zoning Commission:** Application to Adopt Affordable Housing Plan

**MOTION #7** made by Matt Calvert **SECONDED BY** Josh Gagnon that the Planning & Zoning Commission approve PZC Application #22-11 as amended:

- 1) Page 9; Support First-Time Home-Ownership and Aging-in-place; 2<sup>nd</sup> bullet add "Consider Applying" first words.
- 2) Page 10; Expand availability lower-cost housing; delete 3<sup>rd</sup> bullet

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

12. 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

Mike Tules indicated he would not be in attendance this evening due to illness and requested the Commission table the application.

**MOTION #8** made by Tom Miner **SECONDED BY** Josh Gagnon that the Planning & Zoning Commission table Application 22-12 to the October 18, 2022 meeting

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

## 13. Public Comment:

1. Alden Miner asked about the petition he submitted dated August 16, 2022 requesting a public hearing for Sound Petroleum PZC 22-09. Once again, the following was explained to Alden Miner: The Town of Franklin Town Attorney previously indicated petitions referencing CGS 7-1, (as submitted numerous times by Mr. Miner) pertains to Town of Franklin Meetings only. Additionally, Site Plans do not require a public hearing nor can a petition force Planning & Zoning Commission to hold one. Application 22-09 under consideration by Planning & Zoning is not a special exception and does not require a public hearing.
2. Richard Handfield said he was shocked the Town of Franklin used a drone to take pictures of a property in Franklin – this is not acceptable. He said Town Officials should be enforcing other properties in Town that are vagrant junk yards.

## 14. Adjournment:

**MOTION #9** made by Matt Calvert **SECONDED BY** Josh Gagnon that the Planning & Zoning Commission adjourn at 9:57 pm.

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

Respectfully submitted,

*Sherry Pollard,*

Administrative Assistant to the Commission