

**TOWN OF FRANKLIN
PLANNING & ZONING COMMISSION (PZC)
FRANKLIN TOWN HALL
7 Meetinghouse Hill Rd.
REGULAR MEETING MINUTES & PUBLIC HEARING
April 20, 2021, 7:30 p.m.**

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, Pat Osten, James Wheeler.
Members Absent: Peter Ballaro. **Alternate Members Absent:** Leo Bienvenue, Patrick McCarthy, Don McClure.

Also, Present: Ron Chalecki, Zoning Enforcement Officer, Carly Holzschuh, AICP, SECCOG Town Planner, Roland Mihok, Resident, and Lynda Craney, Town Clerk.

2. Recognition of Visitors: Joe Boucher, Harold Hopkins, John Faulise, Martin McKinney.
3. Public Hearing:

- a. **Application #21-02, Windham Materials LLC.** New Commercial Site Plan, Special Exception, for property located at Route 32 & Pleasure Hill Rd & 949 Route 32, Assessor's Map 1 Lot 16-17 and Map 4, Lot 2; Zoned R-120, existing use is active earth excavation, proposed use is next phase of earth excavation activities

APPLICANT / PRESENTATION: Joe Boucher and Harold Hopkins were present to represent the application. Mr. Boucher discussed meeting materials as presented into the record:

PROPOSED ACTIVITY: Proposed activity is continued excavation of sand and gravel materials from the Franklin Nasin, LLC property by Windham Materials, LLC. Current application encompasses a 46.3 acre parcel which will be known as Section V and is laid out in 7 phases.

RELATED MATERIALS: Materials submitted into the record indicate there are no negative issues relative to traffic & pedestrian safety, surrounding property values & environmental quality, development of surrounding properties, public utilities & storm water drainage, and impacts on appropriate use of adjoining properties.

BONDING: Bond estimate by Towne Engineering is \$40,079.60. Current bond held by the Town in the amount of \$40,000 will be rolled-over for this phase. Additionally, the Town holds an estimated \$4,077.62 pass book savings account.

ZONING ENFORCEMENT OFFICER: Mr. Chalecki reviewed plan set and noted plans and application are consistent with what the applicant has provided to the town throughout this entire project. Site management has always been very professional and exceeds expectations. In summary, site plans and application materials meet Town of Franklin Zoning Regulations.

TOWN PLANNER: Carly has reviewed site plans and application materials and indicated all meets the Town of Franklin Planning & Zoning Regulations.

MOTION # (04.20.21): made by Matt Calvert **SECONDED BY** Patty Osten that the Planning & Zoning Commission close the public hearing 7:41 pm.

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

4. Additions to Agenda: NONE

5. Approval of Minutes:

a. March 16, 2021

MOTION # (04.20.21): made by Matt Calvert **SECONDED BY** Jim Wheeler that the Planning & Zoning Commission approve Meeting Minutes of March 16, 2021, as amended: (1) Item #10, Page 3, Item B, Applicant Presentation: Last sentence to read: "A small **area** needs to be loamed and graded due to recent break-down of dozer equipment"

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

6. Correspondence / Commission Matters: NONE.

7. Report Town Planner:

Affordable Housing: Carly Holzschuh reviewed activities associated to the Affordable Housing Public Workshop held April 12, 2021. Topics of discussion included, but were not limited to, current home prices are rising significantly, choice of housing is becoming very limited, affordable senior housing should be increased, there are few low to mid-income houses available, and there are many first time homebuyers looking to purchase. It was also noted, there is no interest by residents for low income housing and/or high-rise type housing structures.

As the PZC is looking into developing the final Affordable Housing Plan, there should be consideration of the existing Plan of Conservation and Development Plan as a guide.

8. Report Wetlands Official: Carly Holzschuh noted the following applications were approved by IWWC April 6, 2021.

- **Application IWWC 21-01, Vagangles, Martin McKinney,** replacement of perimeter chain link fencing/wall within existing footprint as shown on submitted site plans dated March 23, 2021
- **Application IWWC 21-02, Joe LeVasseur, drainage project,** Property located at 483 Lebanon Rd., GIS Map 20, Lot 4, Zoned R80; Existing use of property area is poorly draining hay field, proposed activity is to improve drainage via installation of a piping system and stone followed by filling and grading
- **Application #20-04, Hull Forest Products Inc.,** Jurisdiction Ruling approved by the Wetlands Agent

9. Report of the Building Official: No report.

10. Report of Zoning Officer:

GUY PALAZZO: Mr. Palazzo submitted correspondence providing an update in that his intended use of 70 Route 32 is for display of vehicles and there is no intent to use the building on site for sales office at this time. Additionally, Mr. Palazzo asked for permission to store used staging materials on this site and to erect a fence in front of it so that it could not be seen.

Mr. Chalecki noted storing staging materials or construction type materials on 70 Route 32 is not prohibited because it is in no way associated to the approved use for this property. A fence is not allowed to be erected to hide the materials. However, the material can be stored inside the building.

RINDY/CHAMPION ROAD / JASON DOUBLDAY: Mr. Chalecki has become aware of a camper and abandoned cars being stored on this site. Camping trailers are not allowed unless grandfathered in and the Town did not approve this trailer before zoning regulations took effect. Additionally, Town records show there is no water and septic supply associated with this property. This is in violation of town regulations and the Department of Health Code.

MURPHY RD. STORAGE: Mr. Chalecki has been made aware a person is living in one of the office of this business. This is a violation of Town Regulations and Department of Health Code.

11. Unfinished Business:

A. Application #21-02, Windham Materials LLC. Section V - New Commercial Site Plan, Special Exception, for property located at Route 32 & Pleasure Hill Rd & 949 Route 32, Assessor's Map 1 Lot 16-17 and Map 4, Lot 2; Zoned R-120, existing use is active earth excavation, proposed use is next phase of earth excavation activities

MOTION # (04.20.21): made by Matt Calvert **SECONDED BY** Jim Wheeler that the Planning & Zoning Commission approve Application #21-02 with the following conditions:

1. The current commercial surety bond held by the Town in the amount of \$40,000 remain in place to ensure compliance with approved site plan.
2. The additional 10% or \$4,000 (plus accrued interest) remain posted with the Town in a pass book savings account held by the Town for any Erosion and Sedimentation issues that occur as the result of proposed activity.
3. Maximum excavation depth permitted to be no more than one foot below final proposed level.
4. No topsoil shall be removed from property until entire section has been fully graded and restored in accordance with approved plan dated 9/16/2020
5. Final Site Plan Mylars be filed on Town Land Records with the Town Clerk within 90 days after the 15-day appeal period (extension requests by applicant may be approved by PZC - if necessary)

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

B. Application #21-03, Vagangles, LLC. Revised Commercial Site Plan for property located at 26 Murphy Rd., Assessor's Map 53 Lot 42-9, Zoned C-2; existing use is bulk fuel storage facility, proposed use is replacement of fueling canopy/ and construction of new fueling station with double walled storage tank

APPLICANT/PRESENTATION: John Faulise, Boundaries, was present to represent the applicant. There was review of proposed improvements consistent with demolition of existing fueling canopy and concrete pad, constructed of a new fueling canopy and concrete pad in same location; installation of new 10,000 gallon double walled tanks and associated fueling station, installation of two catch basins beneath fueling canopy directed to new 10,000 gallon oil water separator and existing buried spill containment tank. Additionally, the existing chain link fence will be replaced with new chain link within same location/footprint. The catch basin / holding tank / oil-water separator will be removed by a qualified waste hauler.

ZONING ENFORCEMENT OFFICER: Ron Chalecki performed a site plan review. He asked if there is a bituminous driveway on the north side of the existing oil tank. Mr. Faulise responded in that this driveway was experiencing broken asphalt. Millings have been put down and there is no pavement so it is not bituminous. This driveway will always be maintained over time.

TOWN PLANNER COMMENTS: Carly Holzschuh performed a site plan review and indicated the plans meet Town of Franklin Planning & Zoning Regulations.

PZC COMMISSION COMMENTS: Mr. McGuire asked for clarification on the easement/right-of-way. Mr. Faulise indicated the McKinney family owns the abutting property associated to the easement/right-of-way. The Business name is Cherick Distributors and in effect, the easement is between property the family owns.

Mr. McGuire asked for clarification on types of fuel being utilized on this property. Mr. Faulise indicated kerosene, heating oil, and diesel. All EPA standard requirements are adhered to in a complete professional manner.

It was noted proposed improvements would be a good investment into the property as managed and for the Town of Franklin. This business maintains a good professional relationship with the Town of Franklin and appears to be very responsible.

MOTION # (04.20.21): made by Jim Wheeler **SECONDED BY** Patty Osten that the Planning & Zoning Commission approve **Application #21-03, Vagangles, LLC**. Revised Commercial Site Plan Site Plan, dated March 23, 2021, with the following conditions:

1. Erosion and Sedimentation Controls and Restoration Bond to be set at \$1700.00
2. Bond be submitted as follows:
 - a. **Original** - Town Treasurer, Patty Osten, Franklin Town Hall, 7 Meetinghouse Hill Rd., Franklin, CT 06254
 - b. **Copy** - Sherry Pollard, Land Use Administration @ landuse@franklinct.com
3. Site Plan Mylars, dated March 23, 2021, be recorded on the Town land records within 90-days after the 15-day appeal period (extensions are permissible by PZC if necessary)

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

10. New Business:

11. Public Comment: None

12. Adjournment:

MOTION # (04.20.21): made by Jim Wheeler **SECONDED BY** Matt Calvert that the Planning & Zoning Commission adjourn at 8:23 pm

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

Respectfully submitted,

Sherry Pollard,
Administrative Assistant to the Commission