

**TOWN OF FRANKLIN
PLANNING & ZONING COMMISSION (PZC)
FRANKLIN TOWN HALL
7 Meetinghouse Hill Rd.
REGULAR MEETING MINUTES & PUBLIC HEARING
August 17, 2021, 7:30 p.m.**

1. Call to Order: Secretary Calvert called the meeting to order at 7:30 p.m.

Members Present: Secretary Matt Calvert, Pat Osten, James Wheeler. **Members Absent:** Peter Ballaro, Chairman John McGuire III. **Alternate Members Present:** Patrick McCarthy. **Alternate Members Absent:** Leo Bienvenue, Don McClure.

Also, Present: Ron Chalecki, Zoning Enforcement Officer, Charlie Grant, First Selectman, Carly Holzschuh, AICP, SECCOG Town Planner.

2. Recognition of Visitors: Lynda Craney, Roland Mihok
3. Public Hearings: Vice Chairman Calvert opened the Public Hearing at 7:40 PM.

- a. **Application #21-05 Richard & Kara Vendola:** Revised Commercial Site Plan, Special Exception, Mixed-Use, property located at 192 Route 32, Assessor's Map 42 Lot 5, Zoned C-1; existing use is abandoned taxi business, proposed use is used car sales and office space

APPLICANT/PRESENTATION: Rick Vendola explained intended use of property is used car sales business. Existing house on property will be demolished/removed from site. Construction of metal building will occur. First floor will be used for car sales business activities and second floor will consist of offices.

ZONING ENFORCEMENT OFFICER COMMENTS: Mr. Chalecki indicated site plan is lacking necessary details. Site plan must be modified to include specific information, such as, building dimensions, exact location of building placement, first & second floor layout plans, property lines, and set-back lines. Exact dimensions and location of designated parking spaces is needed including cars for sale, employee spaces, and handicap spaces. Additionally, plans must show associated well, water and sewer locations. At this point, the applicant has not obtained Uncas Health District approval.

TOWN PLANNER COMMENTS: Carly Holzschuh reviewed plans as submitted and is in agreement with the Zoning Enforcement Officer; and also noted Uncas Health approval is a requirement prior to action being taken on this application.

PUBLIC COMMENTS:

Charlie Grant, resident, spoke in favor because this project will improve the property from its pre-existing failing condition and stimulate economic growth for the town especially within existing commercial district.

Tammy Avery spoke in favor of proposal activities because it is good economic growth but noted there should be consideration for handicap accessibility and water/sewer hook-ups.

Patty Osten spoke in favor but asked that a buffer be required for cars placed near Route 32. Also, locations of cars for sale must be clearly marked on site plan and must meet zoning regulation requirements.

MOTION #1 (08.17.21): made by Patty Osten **SECONDED BY** Jim Wheeler that the Planning & Zoning Commission close the Public Hearing at 7:58 PM

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

Secretary Calvert seated Pat McCarthy for Chairman John McGuire.

- b. **Application #21-07 Mike Tules, K-Best USA:** Zone Change Request for property (proportional) located at 931 Route 32, North Franklin, CT., Assessor's Map 3, Lot 7, Zoned R-120, Existing Zone is R-120 /proposed Zone is C-2

Secretary Calvert opened the hearing at 8:00 PM.

APPLICANT / PRESENTATION: Mr. Tules explained the property owner would like to have the option of broadening business use on this property. Application request is to change a portion of the property from current R-120 Residential to C-2 Mixed Commercial & Light Industrial use. This allows for more flexibility in recruiting future businesses. Current owner continues to favor agriculturally based commercial business but will entertain other types of business as well. Property owner prefers to keep business conducive to each other. Currently, business activities on site are related to grape seed extraction and bottling/shipping wine.

Proportionate zone change is equal to approximately 62 acres remaining in R-120 and 132 acres changing to C2 Commercial & Light Industrial. Current facility is 330,000 square and parcel is about 7 acres total.

TOWN PLANNER COMMENTS: After review of submitted materials and mapping, Carly Holzschuh noted all requirements have been met and this proposal is allowed.

ZONING ENFORCEMENT OFFICER COMMENTS: Mr. Chalecki indicated there have been ongoing communications with Mr. Tules about future business activities that could take place on this property (the former Franklin Mushroom Farm). This property was fully agricultural at the time the mushroom farm was operating. But at this time, future business options may be more aligned with commercial use.

TOWN PLANNER COMMENTS: Carly Holzschuh read correspondence into the record as submitted by Mr. Sam Alexander, SECCOG, indicating proposed zoning map amendments to extend the C-2 Commercial Zone further into an area comprising the former Franklin Farms Mushroom Farm currently Zoned R-120 will not have a negative inter-municipal impact. Carly Holzschuh noted proposed commercial use supports agricultural use and aligns with the POCD.

PUBLIC COMMENTS:

Susan Allen had multiple questions about how this potential zone change may affect her as she is an abutting property owner. She had additional questions about past business practices on this property and what plans are for future business uses and how such uses may negatively affect wildlife etc.

Tammy Aver spoke about her concerns as an abutting property owner in that an unwanted or unappreciated type of business could be operating on this property under the commercial and light industrial zone.

Charlie Grant spoke in favor of this applicant and noted the Town has been working with Mr. Tules and KBEST to initiate this zone change as it would promote good business for the town.

MOTION #2 (08.17.21): made by Patty Osten **SECONDED BY** Jim Wheeler that the Planning & Zoning Commission close the Public Hearing at 8:32 PM

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

4. Additions to Agenda: None
5. Approval of Minutes:

- a. July 20, 2021:

MOTION #3 (08.17.21): made by Patty Osten **SECONDED BY** Jim Wheeler that the Planning & Zoning Commission table July 20, 2021 meeting minutes to the September 21, 2021 meeting
VOICE VOTE: UNANIMOUS; MOTION CARRIES

6. Correspondence / Commission Matters: None
7. Report Town Planner:
- a. Cannabis Bill & Affordable Housing Plan/Bill:

Carly Holzschuh submitted correspondence, dated August 12, 2021, outlining active Cannabis & Affordable Housing Legislation. It was noted, PZC is in the position to review and render decisions about these pieces of legislation that impact zoning regulations. Necessary review and decision timetables were reviewed as noted in correspondence.

8. Report Wetlands Official: No August Meeting.
9. Report of the Building Official: No Report.
10. Report of the Zoning Enforcement Official:

431 POND ROAD: Blight complaint received about abandoned building. Sent letter to property owner requiring clean-up.

26 BALTIC ROAD - RYAN MOCEK: Mr. Mocek has not obtained a zoning permit for placement of shed on property. He is currently non-compliant with Zoning Regulations. Letter has been sent requiring a permit or removal of shed.

122 & 140 ROUTE 32 DW TRANSPORT:

DW Transport owns both pieces of property. Goodyear Tire leases 122 Route 32 from DW Transport at 140 Route 32. DW Transport has made improvements to commercial property at 122 Route 32 and is also using buildings on 122 Route 32 for their own business use. A zoning permit was not obtained for these activities, therefore, DW Transport is non-compliant with Zoning Regulations. Even though DW owns both lots, they are not allowed to combine business activities in this manner without zoning permit approval. Each lot must obtain independent zoning approval for any business use. A site plan is required for each lot and must be submitted with the request for approval.

There was PZC consensus that the Zoning Agent continue discussions with DW Transport and that a statement of use explaining their intent for both 122 and 140 Route 32 be submitted as well.

204 ROUTE 32: Portable saw mill activity has turned into a full operating business. Current operation does not meet zoning regulations in defining home-occupation. Zoning permit was not obtained and property owner is non-compliant with Zoning Regulations. Property owner has been notified he must file an application with the Planning & Zoning Commission for mixed-use business operation.

90 DR. NOTT ROAD: Property owner has not obtained a zoning permit for barn addition & has placed an offensive sign on property. Property owner is non-compliant with Zoning Regulations. Letter has been sent to indicating permit is required and sign must be removed.

96 ROUTE 32: DATADARBAR Asif Choudhry appeared before ZBA to ask for sign variance and was denied.

107 ROUTE 32 - Package Store Message Spa. Letter sent to property owner to remove non-compliant signs.

34 PLAINS ROAD. Mr. Mocek has not obtained a zoning permit for placement of shed on property. He is currently non-compliant with Zoning Regulations. A letter has been sent requiring permit approval or removal of shed.

OLD CLAUSON FARM – TEMPORARY FOOD CART: Building on this property is currently being renovated. Person would like to set-up a temporary hot dog cart during renovation project. Proposed use would conform to zoning regulations with a permit for a temporary structure. However, Uncas Health District permit approval is required due to food use and the business use is to be registered in the Town Clerks Office.

11. Unfinished Business:

- a. **Application #21-05 Richard & Kara Vendola:** Revised Commercial Site Plan, Special Exception, Mixed-Use, property located at 192 Route 32, Assessor's Map 42 Lot 5, Zoned C-1; existing use is abandoned taxi business, proposed use is used car sales and office space

MOTION #4 (08.17.21): made by Pat Osten **SECONDED BY** Jim Wheeler that the Planning & Zoning Commission table Application #21-05 Richard & Kara Vendola to the next regular meeting of September 21, 2021

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

- b. **Application #21-07 Mike Tules, K-Best USA:** Zone Change Request for property (proportional) located at 931 Route 32, North Franklin, CT., Assessor's Map 3, Lot 7, Zoned R-120, Existing Zone is R-120 /proposed Zone is C-2

MOTION #5 (08.17.21): made by Jim Wheeler **SECONDED BY** Pat Osten that the Planning & Zoning Commission approve Application #21-07, Mike Tules, K-Best USA

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

12. New Business: None

13. Public Comment:

Heidi Bardelli would like to operate a dog-daycare business at 841 Route 32 Flex Park. There is an existing unit that has a fenced in area. Overnight boarding would be allowed. Estimated business hours would be 7:00 AM to 6:00 PM. Saturday and Sunday, if needed, would be only a partial day. Mr. Chalecki explained Zoning Regulations currently do not address this type of business. It was recommended, Ms. Bardelli file an application for a text amendment addressing this issue.

14. Adjournment:

MOTION #6 (07.20.21): made by Patty Osten **SECONDED BY** Patty Osten that the Planning & Zoning Commission adjourn at 9:46 pm

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

Respectfully submitted,

Sherry Pollard,

Administrative Assistant to the Commission