



TOWN OF FRANKLIN
PLANNING & ZONING COMMISSION (PZC)
FRANKLIN TOWN HALL
7 Meetinghouse Hill Rd.
Franklin, CT 06254
REGULAR MEETING MINUTES
Tuesday, September 19, 2017, 7:30 p.m.

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

Members Present: Secretary Matt Calvert, Sue Dombrowski, Chairman John McGuire, III, James Wheeler.

Members Absent: Peter Ballaro. **Alternate Members Absent:** Leo Bienvenue, Neils Jeppesen.

Also Present: Sam Alexander, Town Planner, & Ron Chalecki, Zoning Enforcement Officer

2. Recognition of Visitors: Chairman McGuire recognized those in attendance.

3. Public Hearing

- a. **Application #17-01 Planning & Zoning Commission [closed 7-18-17]** for Commission Initiated Proposed Regulation Amendments to the Zoning Regulations Specifically for Sections 2.1, 3.2, 3.3, 4.4, 5.4, 6.4, 9.4, 9.8, 9.11, 9.15, 9.26, 9.27, 10.1, 10.4, 10.17, 11.3, and 11.6. (*This public hearing was closed on July 28, 2017 see Old Business below for action)

- b. **Application #17-09 Chris and Tammy Deojay:** Proposed New Commercial Site Plan, Special Exception, Mixed-Use, for property located at 685 Route 32, Assessor's Map 12, Lot 15, Zoned C-1, proposed use is construct 2 bedroom house and 1200 sq. ft. commercial building with associated parking..

APPLICANT PRESENTATION: Chris and Tammy Deojay were both present to represent their application. Mr. Deojay submitted a revised set of plans dated September 19, 2017 for discussion and review. Some modifications included, but were not limited to, installation of rain gardens to assist in site drainage, parking area is now all gravel with the exception of concrete pads for ADA accessible parking areas, loading dock relocation to front of building, dumpster pad relocation, and planting of blueberry bushes along the perimeter of the property acting as a buffer and to assist with overall site drainage.

Proposed Building Footprint: Mr. Deojay noted the building footprint as shown on the plans is actually smaller than the footprint from previous buildings and platforms on this site. This property when purchased was a non-conforming use.

Drainage Report and Opinion of Probable Construction Cost documents dated September 2017, were submitted into the record by Killingly Engineering Associates for the applicant. Erosion & Sedimentation Bond was recommended in the amount of \$4,300.

State of Connecticut Department of Transportation [DOT] driveway cut correspondence, dated September 11, 2017, indicating there are no further comments on the proposed driveway cuts at this time was submitted into the record.. It was noted, upon receipt of PZC approval, a final review will be performed by the DOT at which time additional changes may be required.

TOWN STAFF COMMENTS: Mr. Alexander noted all of his concerns have been met. Ron Chalecki noted there is the need to address erosion and sedimentation bonding, payment of any outstanding fees, and proper filing of the plans on Town land records. Ellen Bartlett of CLA Engineering reviewed drainage calculations as provided by the applicant and submitted her report, dated September 18, 2017. She noted the plans should include: spot grades associated to handicap parking and the connecting sidewalk in accordance with ADA, detail for depressions for storm water storage and infiltration, and specification of native plants to be used in association with rain gardens.

PUBLIC COMMENTS:

1. Terry Watson spoke with concern about the proposed multiple businesses causing overcrowding on a small piece of property, the modified locations for the three proposed structures are now going to be closer to his property, and truck traffic will increase as late as 10:00 p.m. A new concern is that repairs will be taking place in the commercial building and there is the possibility that equipment waiting for repairs will be placed outside the building and become an eye-soar.
2. Elizabeth Perez agrees that the three proposed businesses on this site will cause site overcrowding. There is a home daycare business, retail operation for welding equipment supplies, and now a small repair activity inside the commercial building. Additionally, she is concerned that during construction the already deteriorating stone-wall will fail and negative impacts would be felt on her property.

PZC noted if Mr. Deojay begins construction and knocks down this wall, he would be held responsible. It was clarified that if erosion and sedimentation takes place as a result of construction activities the erosion and sedimentation bond to be posted by the applicant would be used for corrective measures.

3. Kim Lapage is concerned with storage of tanks/containers against the side of the building. There is a safety concerns that these tanks may explode. Additionally noted is that three businesses all running on this property is too much.
4. Terry Watson commented that during the Public Hearing he was not aware there was going to be equipment repair work on this site. This is considered yet another type of business on this site.

APPLICANT COMMENTS:

Storage of Canisters/Tanks: Mr. Deojay explained canisters and tanks stored outside are in a safety containment system as required by the Federal and State governments. These types of tanks do not explode. These types of tanks are present at almost every repair station and gas station in every town. Additionally, this system has been reviewed and approved by the Franklin Fire Marshall and State of Connecticut.

Small repair Activities in Commercial Building: Mr. Deojay explained the equipment he repairs is generally small and is not "over the road" vehicles, and therefore, does not require a certificate of approval of location of motor vehicle dealer and/or repair. Additionally, all repair work is proposed to take place inside the commercial building.

PZC Comments: There was discussion on proposed repair work inside the commercial building. This application is for a mixed-use - special exception allowing the Commission to carefully review proposed activities. If the proposed multiple uses meet the Town of Franklin Planning & Zoning Regulations the property owner has a right to use their property accordingly.

MOTION #1 (09-19-17): made by Mrs. Dombrowski **SECONDED BY** Mr. Calvert that the Planning & Zoning Commission close the Public Hearing at 8:31 p.m.

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

4. Additions to the Agenda: None

1. Sam Alexander reported on the following:

- a. **Windham Solar.** At the public hearing held August 31st, 2017, the Connecticut Siting Council approved PETITION NO. 1137, Windham Solar, LLC., installation of a solar photovoltaic facility renewable energy generating facility located in Lebanon CT and partially in Franklin CT. It appears the Council considered but took no action on comments provided by the Franklin Planning & Zoning Commission as outlined in correspondence dated August 1, 2017. The correspondence noted portions of the racking and panels are within the minimum setback for the C2 Zoned District. The Council noted the setback distances as proposed are adequate for the area and there is adequate tree coverage creating an acceptable buffer.

- b. **Gawendo Sub-division.** Mr. Alexander noted he had received correspondence from an abutter to this approved four (4) lot sub-division within the 15 day appear period. The abutter initially intended to submit an application to the Zoning Board of Appeals [ZBA] in opposition of PZC approval. Town of Franklin Legal Council advised the abutter be made aware that the correct path of action to file a dispute in this case is to appeal to the Appellate Court and not ZBA. The abutter decided to not pursue the opposition claim.

5. Approval of Minutes:

a. August 15, 2017:

MOTION #2 (09-19-17): made by Mrs. Dombrowski **SECONDED BY** Mr. Wheeler that the Planning & Zoning Commission approve the Meeting Minutes of August 14, 2017 as presented
VOICE VOTE: UNANIMOUS; MOTION CARRIES

6. Report of the Zoning Enforcement Officer: None

7. Report of the Building Official: None

8. Report of the Wetlands Enforcement Officer: None

9. Correspondence: Land Use Law Seminar, Hartford CT, September 26, 2017.

10. Unfinished Business:

- a. **Application #17-01 Planning & Zoning Commission:** for Commission Initiated Proposed Regulation Amendments to the Zoning Regulations Specifically for Sections 2.1, 3.2, 3.3, 4.4, 5.4, 6.4, 9.4, 9.8, 9.11, 9.15, 9.26, 9.27, 10.1, 10.4, 10.17, 11.3, and 11.6.

MOTION #3 (09-19-17): made by Mr. Calvert **SECONDED BY** Mrs. Dombrowski that the Planning & Zoning Commission table Application #17-01 Planning & Zoning Commission
VOICE VOTE: UNANIMOUS; MOTION CARRIES

- b. **Application #17-09 Chris and Tammy Deojay:** Proposed New Commercial Site Plan, Special Exception, Mixed-Use, for property located at 685 Route 32, Assessor's Map 12, Lot 15, Zoned C-1, proposed use is construct 2 bedroom house and 1200 sq. ft. commercial building with associated parking.

MOTION #4 (09-19-17): made by Mr. Calvert **SECONDED BY** Mrs. Dombrowski that the Planning & Zoning Commission approve Application #17-09 Chris and Tammy Deojay with the following conditions:

1. Applicant is responsible for filing Mylars on Town land records not later than 90 days after the expiration of the appeal period or settling of an appeal
2. Applicant is responsible for submitting an Erosion and Sedimentation Bond in the amount of \$4,300 to the First Selectman
3. Applicant is responsible for paying outstanding application fees associated to additional costs incurred by the Town for review of plans and drainage calculations prior to the issuance of a zoning permit

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

- c. **Review of Sign Regulations:** Tabled to 10/17/17

11. New Business: Review Other Regulations: Tabled to 10/17/17

12. Public Comment: None

13. Adjournment:

MOTION #5 (09-19-17): made by Mrs. Dombrowski **SECONDED BY** Mr. Calvert that the Planning & Zoning Commission adjourn the meeting at 9:08 p.m.

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

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