

TOWN OF FRANKLIN

PLANNING & ZONING COMMISSION (PZC)
FRANKLIN TOWN HALL
7 Meetinghouse Hill Rd.
Franklin, CT 06254
REGULAR MEETING MINUTES
Tuesday August 20, 2019, 7:30 p.m.

1. Call to Order: Chairman McGuire called the meeting to order at 7:30 p.m. **Alternate Members Absent:** Leo Bienvenue, Niels Jeppesen, Don McClure. **Also Present:** Ron Chalecki, Zoning Enforcement Officer, Charlie Grant, First Selectman, and Carly Myers, SECCOG Town Planner.

2. Recognition of Visitors: Chairman McGuire recognized visitors. Seymour Adelman & Pat Coleman.

3. Additions to the Agenda: NONE

5. Approval of Minutes:

- a. March 19, 2019 Regular Meeting:

MOTION #1 (08.20.19): made by made by Mrs. Osten SECONDED BY Mr. Wheeler that the Planning & Zoning Commission approve March 19, 2019 Meeting Minutes as presented

VOICE VOTE: Chairman McGuire - Abstained

MOTION CARRIES

- b. May 21, 2019 Regular Meeting & Public Hearing:

MOTION #2 (08.20.19): (05.21.19): made by Mr. Wheeler SECONDED BY Mr. Ballaro that the Planning & Zoning Commission approve the May 21, 2019 Meeting Minutes as amended:

(1) Item 3.a.; Under Application / Presentation; "Attorney Heller" was the speaker throughout this section

VOICE VOTE: Mr. Calvert - Abstained

MOTION CARRIES

- c. May 30, 2019 Special Meeting & Public Hearing:

MOTION #3 (08.20.19): made by Mr. Wheeler SECONDED BY Mr. Ballaro that the Planning & Zoning Commission approve the May 30, 2019 Meeting Minutes as amended: (1) Item 3.a.; Public Hearing - at the end of discussion ADD the following MOTION:

MOTION made by Mr. Wheeler SECONDED BY Mr. Ballaro that the Planning & Zoning Commission extend the Public Hearing for Application #19-01 Franklin Hills Estates & Country Club to a special meeting/public hearing Thursday, May 30, 7:30 p.m.

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

6. Report of the Zoning Enforcement Officer:

WRITTEN COMPLAINT / BLIGHT / 580 ROUTE 82: Mr. Chalecki received a written complaint about a possible blight issues at 580 Route 32. There is one vacant residential house on this property with an over grown yard, plants and trees growing into the house, and toys littering the yard. Mr. Chalecki intends to send a Notice of Violation letter to the property owner referencing the Town of Franklin Blight Ordinance. If the property owner does not work with Mr. Chalecki on remediation, an official Violation letter will be issued.

7. Correspondence/Commission Matters: None

8. Report of the Building Official: None

9. Report of the Wetlands Enforcement Officer: None

10. Unfinished Business:

11. New Business:

- a. **PZC #19-02 Seymour Adelman:** Proposed New Commercial Site Plan, Special Exception, for property located on Route 32, Map 45, Lot 47, Zoned C-2 & I; Existing Use is vacant. Proposed use is re-grade/excavate approximately 6.2 acres of land (250,000 cubic yards)

TOWN STAFF COMMENTS/CONCERNS: Mr. Chalecki explained Mr. Adelman has been removing material off site for the past two years. The original activity was approved to remove chicken coups and foundations and to finish with re-grading of the site to make it attractive for commercial sale/use. The foundations were broken-up and removed off site. However, it was learned recently much more material was being hauled off site; and as a result, this activity then became an “excavation” activity by definition. Mr. Chalecki then asked Mr. Adelman to submit a PZC Application and provide a site plan with an explanation of activities.

SEYMOUR ADELMAN COMMENTS: Mr. Adelman responded by saying he has removed three old houses and foundations from the old chicken coups. Currently, he is removing ledge from the property and hauling it off site. This activity involves blasting and off-site debris removal. Mr. Adelman agreed he has removed approximately 5000 cubic yards of material off site in the past two years. He said he is preparing and improving the site for a sale of property with commercial use. He believes this is very good thing and good for economic growth in the Town and subsequently an increase in the tax base.

PZC COMMENTS/CONCERNS: Chairman McGuire asked Mr. Seymour if he is doing any “processing” of material on site. Mr. Adelman responded by saying he blasts the ledge material and then “breaks-it-down” to a size suitable for hauling purposes only. Additionally, Mr. Adelman noted the driveway has been upgraded to handle truck traffic to and from this site. In summary, Mr. Adelman believes the current activity is not “excavation” because he is bringing in more material back onto the site than is going out and that his activities should be considered restoration and “an improvement” to the land and nothing else. The Commission pointed out the site plan as submitted does not show any type of proposed future structure/building and that the removal of ledge is not a permitted use of right according to Zoning Regulations. There was review of the Zoning Regulations as noted below:

EXCAVATION: The removal from any land premises within the Town of Franklin of earth, sand, gravel, clay, or other natural earth products in excess of 250 cubic yards in a single calendar year, except as surplus material resulting from a bona fide construction, landscape or agricultural operation being executed on the premises.

SECTION 10.4 GRADING AND EXCAVATION: Grading may be conducted in any zone without a permit, subject to the requirements of Section 11.4, unless the activity is also an excavation as previously defined. Excavation may be permitted by the Commission provided the detrimental effects of the activity are minimized and provided the future usefulness of the premises is assured when the excavation is completed. The quarrying of stone or rock and associated drilling and/or blasting is prohibited in all zoning districts except as surplus material resulting from site preparation for an approved permitted use or special exception.

SECTION 10.4.6. No bank may exceed a slope of one foot vertical rise in two feet of horizontal distance unless in ledge where the finished slope may be on 1- 1/2 to one.

[Note: The site plan showed basically a sheer wall with a 12:1 slope.]

MOTION #4 (08.20.19): made by Mr. Calvert SECONDED BY Mr. Ballaro that the Planning & Zoning Commission table Application #PZC #19-02 Seymour Adelman to the next regular meeting.

VOICE VOTE: Pat Osten - Abstained

MOTION CARRIES

12. Public Comment: None

13. Adjournment:

MOTION #5 (08.20.19): made by Mr. Ballaro SECONDED BY Ms. Calvert that the Planning & Zoning Commission adjourns the meeting 8:12 p.m.

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

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