

**TOWN OF FRANKLIN
PLANNING & ZONING COMMISSION (PZC)
FRANKLIN TOWN HALL
7 Meetinghouse Hill Rd.
REGULAR MEETING MINUTES & PUBLIC HEARING
April 19, 2022 7:30 p.m.**

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

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

Members Present: Secretary Matt Calvert, Patrick McCarthy, Chairman John McGuire III, Josh Gagnon, Thomas Miner. **Alternate Member Present:** Tammi Avery, Leo Bienvenue (call-in).

Staff Present: Ron Chalecki Zoning Enforcement Officer, Carly Holzschuh, AICP, SECCOG, Town Planner.

2. Recognition of Visitors: Sign in sheet provided.
3. Additions to Agenda:

MOTION #1 made by made by John McGuire III **SECONDED BY** Josh Gagnon that the Planning & Zoning Commission add DOT Correspondence regarding retail development at 99 Route 32
VOICE VOTE: UNANIMOUS; MOTION CARRIES

4. Approval of Minutes:

- a. February 15, 2022 Regular Meeting:

MOTION #2 made by Josh Gagnon **SECONDED BY** Tom Miner that the Planning & Zoning Commission approve February 15, 2022 Regular Meeting Minutes - as amended: (1) Item 2 remove first "Roland"; (2) Item 5a corrected spelling "Bienvenue", (3) corrected spelling "Thomas Miner" throughout minutes; (4) MOTION 8 change to March 15, 2022"
VOICE VOTE: UNANIMOUS; MOTION CARRIES

- b. March 15, 2022 Regular Meeting:

MOTION #3 made by Josh Gagnon **SECONDED BY** Thomas Miner that the Planning & Zoning Commission approve March 15, 2022 Regular Meeting - as amended: (1) Item 2 remove first "Roland"; (2) Item 11.a. add under PZC COMMENTS: "There was PZC discussion and consideration of possibly holding a public hearing"
VOICE VOTE: UNANIMOUS; MOTION CARRIES

5. Correspondence/Commission Matters:

- a. DOT Correspondence, dated April 12, 2022 regarding retail development at 99 Route 32 (Garrett Homes): Encroachment permit deemed acceptable by DOT with proof of Town approval.

6. Report Wetlands Official: Carly Holzschuh reported on IWWC April 5, 2022 Meeting:

- **JOSEPH RANDAZZO:** Southeast Corner Route 32. New gas station w/parking & warehouse / office building / units for lease. **PUBLIC HEARING MAY 3, 2022.**
- **SOUND PETROLEUM:** Property at 532 Pond Road, proposed propane storage tanks, detention basin & outlet, wet pond & outlet, filling & excavation w/in 50' upland review area. **TABLED MAY 3, 2022**

- **AARON NASH:** 16 Kahn Rd., construction of 960 sq. ft. out building with concrete foundation. **APPROVED.**
- **SHOW CAUSE HEARING:** Cease & Desist Order 204 Route 32 Chris Sullivan - excavating within a wetland. **UPHELD CEASE & DESIST W/CONDITIONS.**

7. Report of the Building Official: None

8. Report of the Town Planner:

- a. Public Act 21-29 Affordable Housing Plan:

MOTION #4 made by made by Thomas Miner **SECONDED BY** Matt Calvert that the Planning & Zoning Commission re-schedule public hearing for June 21, 2022, 7:30 PM for Planning & Zoning State Mandated Text Amendment on Affordable Dwelling Units

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

- b. Update: Cannabis Survey Update: Carly Holzschuh summarized current surveys (122). Discussion took place about option of formal referendum to obtain a more accurate vote. Discussion to continue.

9. Report of the Zoning Enforcement Official:

- a. **90 DR. NOTT CEASE & DESIST – REBECCA BURCHELL:** Ron Chalecki has received numerous complaints including a written complaint from a neighbor that dog daycare/boarding activities are taking place at 90 Dr. Nott Rd. Mr. Chalecki confirmed this business is advertised on Rover.com. Ron Chalecki submitted a cease & desist order. The Town of Franklin does not allow any type of dog daycare/boarding business activities in town. This type of activity is in direct violation of Zoning Regulations.

Rebecca Burchell was present to discuss at length. She indicated she is in compliance with State of Connecticut Statutes and therefore is not violating laws. She noted she has six dogs of her own and boards up to three at a time as a business.

Commission members discussed this issue at length. It was clarified, if Ms. Burchell would like to operate a dog daycare/boarding business she would have the options of going in front of Zoning Board of Appeals for an appeal to Mr. Chalecki's cease & desist; or, going in front of Planning & Zoning for a text amendment to allow such activity.

MOTION #5 made by made by Josh Gagnon **SECONDED BY** Matt Calvert that the Planning & Zoning Commission uphold the Cease & Desist Order as issued by the Zoning Enforcement Officer

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

- b. **204 ROUTE 32 CEASE & DESIST – CHRIS SULLIVAN:** Ron Chalecki has received numerous complaints about business activities taking place at 204 Route 32. The property owner is displaying products in front of property and selling such products. These products can be seen from Route 32. No permit has been issued for this type of business activity. Mr. Chalecki has been in contact with the property owner multiple times. He submitted a cease & desist order. Property owner is required to apply for a mixed business use with the Planning & Zoning Commission.

- c. **DAVID BOYLE – ROUTE 32 VIOLATION - ONGOING:** Mr. Chalecki has been contacted by Mr. Boyle's lawyer in opposition of the violation cited by Mr. Chalecki. Tonight, is the final night for Mr. Boyle to submit a zoning permit & building permit. Mr. Chalecki will update PZC at their next meeting.

- d. **1 WHIPPOORWILL HOLLOW:** Mr. Chalecki indicated the Town was told the Department of Motor Vehicle is the responsible party at this point for vehicle activities taking place on this property. The property owner does not have a valid dealer or repairer's license. The Town has also contacted the Ct. St. Trooper about this issue.

10. Unfinished Business: None

11. New Business:

- a. **PZC Application #22-04: Windham Materials LLC (Franklin Nasin LLC);** Renewal Excavation Permit, property located at 949 Route 32 & Pleasure Hill Road, Assessors Map 4, Lot 2; Map 1, Lots 16 & 17, Zoned R-120, existing use is earth excavation as vacant, proposed use is excavation renewal for continuation.

Harold Hopkins, Windham Materials, was present to represent the applicant and gave a brief overview of the history of this project. This is a renewal of Section V.

Ron Chalecki performed a site walk on the property and indicated the site is professionally maintained as always and recommended approval of the one-year renewal request.

MOTION #6 made by Matt Calvert **SECONDED BY** Josh Gagnon that the Planning & Zoning Commission approve Application #22-04, Renewal of Excavation Permit for a one-year period to April 30, 2023

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

12. Public Comment:

Stori Beckwith submitted correspondence into the record about the Plan of Conservation and Development. She would like Planning & Zoning to have more perspective in supporting the Town of Franklin's rural character while balancing increased commercial growth. Keep large scale commercial business away from rural areas. There has been an increase of commercial development in town that is encroaching on residential areas.

Alden Miner spoke in favor of the Plan of Conservation and Development and recommending the Planning & Zoning Commission work hard to protect the rural character of the Town.

13. Adjournment:

MOTION #7 made by Matt Calvert **SECONDED BY** Patrick McCarthy that the Planning & Zoning Commission adjourn at 9:16 pm.

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

Respectfully submitted,

Sherry Pollard,

Administrative Assistant to the Commission