



**TOWN OF FRANKLIN**  
**PLANNING & ZONING COMMISSION (PZC)**  
**FRANKLIN TOWN HALL**  
**7 Meetinghouse Hill Rd.**  
**Franklin, CT 06254**  
**REGULAR MEETING MINUTES**  
**Tuesday, August 15, 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:** Peter Ballaro, Secretary Matt Calvert, Sue Dombrowski, Chairman John McGuire, III, James Wheeler. **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.

Tabled to September 19, 2017.

- b. **Application #17-07 Michael Gawendo [CONT]:** Proposed New Subdivision & Site Plan Review, Special Exception (rear lot), for property located at Pond Rd., Assessor's Map 18, Lot 32, Zoned R-80, existing use is raw land.

**PLANNING & ZONING COMMENTS:** Chairman McGuire reviewed and summarized discussions that have taken place during the public hearing process. The Commission held discussion, including but not limited to, the proposed location of the shared driveway on the cul-de-sac and its proximity to the nearest existing driveway, those portions of the planning and zoning regulations that address this type of activity, and definitions within the regulations regarding right-of-way, public sideline, easements, and traffic safety.

**TOWN STAFF COMMENTS:** Mr. Alexander provided a summary of the legal opinion provided by Town of Franklin, Legal Council, Mr. Mark Branse, covering topics associated to, but not limited to, public sideline, right-of-way, temporary easement, and driveway separating distances.

**PUBLIC COMMENTS:**

1. Drew Lombardi noted the 100' separation distance between the proposed shared driveway and his existing driveway, as provided by the applicant's surveyor, may not be accurate and in fact may be less than 100'; and therefore is not be in compliance with Planning & Zoning Regulations.
  - Mr. Seitz responded to PZC indicated the 100' separating distance was measured using laser equipment and that in his professional opinion is as accurate as possible.
2. Jeraldine O'lette asked for clarification on the traffic safety of this proposed sub-division and asked if the Fire Marshal has reviewed this application.
  - PZC indicated the Fire Marshal was notified. If the site plan shows that dimensional requirements have been met as required by regulations and ordinances there would be no concerns regarding emergency access.

**MOTION #1 (08-15-17):** made by Mrs. Dombrowski **SECONDED BY** Mr. Calvert that the Planning & Zoning Commission close the Public Hearing at 8:06 p.m.

**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.

**APPLICANT PRESENTATION:** Chris and Tammy Deojay were present to represent their application. Currently, the site plan is being modified per Town Staff comments and potential design changes by the applicant. The property will be used for commercial and residential purposes. The commercial purpose includes construction of a commercial building with sales and recycling services associated to welding and medical oxygen equipment/tanks, etc. The residential portion will include construction of a home with daycare services. The applicant asked that the Commission consider a waiver for the required amount of paved surfaces as referenced in the Zoning Regulations. Mr. Deojay believes the site requires a reduced amount of paving in relation to its limited business use and traffic activity on-site. Additionally, the applicant asked that the Commission consider a waiver for requirements associated to a loading dock because associated business activities do not require it.

It is anticipated this plan will be modified as review continues from the Commission, Town Staff, Zoning Enforcement Officer, Project Engineer, and applicant.

**PUBLIC COMMENTS:**

1. Terry Watson, abutting property owner, noted their concerns about a reduction in their privacy due to commercial activities occurring regularly and up to 10:00 p.m., excessive lighting, safety associated to the storage of oxygen tanks etc., vehicle equipment storage on site, and the potential for increased water run-off as a result of site development.
2. Sadok Perez: Chairman McGuire read a letter into the record from Mr. Perez, dated August 9, 2017, noting his concerns.

**MOTION #2 (08-15-17):** made by Mrs. Dombrowski **SECONDED BY** Mr. Calvert that the Planning & Zoning Commission continue the Public Hearing for September 19, 2017, 7:30 p.m.

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

4. Additions to the Agenda: None

5. Approval of Minutes:

- a. July 18, 2017

**MOTION #3 (08-15-17):** made by Mrs. Dombrowski **SECONDED BY** Mr. Wheeler that the Planning & Zoning Commission approve the July 18, 2017 Minutes as presented

**VOICE VOTE: UNANIMOUS**

**MOTION CARRIES**

6. Report of the Zoning Enforcement Officer:

**CHANGE OF USE:** Mr. Chalecki noted he and Chairman McGuire issued an Administrative Approval for a change of use for operation of a hair salon located at 106 Route 32.

**MURPHY ROAD / STORAGE FACILITY:** Mr. Chalecki received a report that a person may be living on this property in a stored camper on site. He will perform a site walk.

**ADELMAN/ OLD RYTMAN FARM:** Mr. Chalecki noted work continues on this site. The existing concrete foundation is being removed while portion of the property is being graded. These activities are being managed well.

7. Report of the Building Official: None

8. Report of the Wetlands Enforcement Officer: None

9. Correspondence: Reviewed as submitted.

- a. 8-24 Municipal Improvements / PZC Referral / Acceptance of Easement Rights / Fire Hydrant:

Mr. Joe Boucher, Towne Engineering, provided correspondence dated July 31, 2017, regarding an 8-24 Planning and Zoning Referral Acceptance of Easement for Fire Hydrant Request. The activity is associated to installation of a Franklin Fire Department pond fed fire hydrant on Whippoorwill Hollow Road on the Carboni Land.

**MOTION #4 (08-15-17):** made by Mrs. Dombrowski **SECONDED BY** Mr. Wheeler that the Planning & Zoning Commission endorses the 8-24 Municipal Improvement Request as submitted

**VOICE VOTE: UNANIMOUS**

**MOTION CARRIES**

- b. Land Use Law Current Issues in Subdivision Zoning & More Information / National Business Institute
- c. CT Federation of Planning & Zoning Agencies Newsletter Summer 2017
- d. Windham Solar LLC:
  - 1. Windham Solar DOT Letter Driveway Sight Line Distances
  - 2. Planning & Zoning Comments to CT Siting Council Regarding Windham Solar LLC.

10. Unfinished Business:

- 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. **(Tabled to 9/19/17)**
- b. **Application #17-07 Michael Gawendo:** Proposed New Subdivision & Site Plan Review, Special Exception (**rear lot**), for property located at Pond Rd., Assessor's Map 18, Lot 32, Zoned R-80, existing use is raw land

**MOTION #5 (08-15-17):** made by Mrs. Dombrowski **SECONDED BY** Mr. Wheeler that the Planning & Zoning Commission approve Application #17-07 Michael Gawendo, Rear Lot, as presented

**VOICE VOTE: UNANIMOUS**

**MOTION CARRIES**

- c. **Application #17-06 Michael Gawendo:** Proposed New Subdivision & Site Plan Review for property located at Pond Rd., Assessor's Map 18, Lot 32, Zoned R-80, existing use is raw land (vacant), proposed use is four (4) lot subdivision

**MOTION #6 (08-15-17):** made by Mrs. Calvert **SECONDED BY** Mr. Wheeler that the Planning & Zoning Commission approve Application #17-06 Michael Gawendo as presented with the following conditions

- 1. Applicant is responsible for filing Easement Language for common driveway
- 2. Applicant is responsible to set and show property corners on Mylars
- 3. 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

**VOICE VOTE: UNANIMOUS**

**MOTION CARRIES**

- d. **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. **(Tabled to 9/19/17)**

- e. **Review of Sign Regulations: (Tabled to 9/19/17)**

11. New Business:

12. Public Comment: None

13. Adjournment:

**MOTION #7 (08-15-17):** made by Mrs. Dombrowski **SECONDED BY** Mr. Ballaro that the Planning & Zoning Commission adjourn the meeting at 9:30 p.m.

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

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