

**TOWN OF FRANKLIN
PLANNING & ZONING COMMISSION (PZC)
FRANKLIN TOWN HALL
7 Meetinghouse Hill Rd.
SPECIAL MEETING MINUTES
January 13, 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 7:31 p.m.

Members Present: Secretary Matt Calvert, Chairman John McGuire III, Leo Bienvenue. **Members Absent:** Peter Ballaro, Josh Gagnon, Patrick McCarthy. **Alternate Members Present:** Thomas Miner, Leo Bienvenue.

Also Present: Carly Holzschuh, AICP, SECCOG Town Planner, Selectman Tom Craney

Chairman McGuire seated Leo Bienvenue for Peter Ballaro and Thomas Miner for Josh Gagnon.

2. Recognition of Visitors: Calli Carboni, Ms. Jello.

3. 622 Route 32:

Ms. Calli Carboni joined the meeting by phone to talk about the apartment above her garage/barn located at 622 Route 32. Ms. Carboni is asking the Planning & Zoning Commission to approve the apartment above the barn located at 622 Route 32 as a pre-existing non-conforming use.

Ms. Carboni submitted the following in to the record:

Exhibit A:

- January 4, 2022 letter written and signed by Jessie Barbone indicating her best recollection of the apartment is as far back as the early 1980's. Chairman McGuire read the letter into the record.

Exhibit B:

- Ms. Roberta Jello, mother to Ms. Carboni, joined the meeting by phone and stated she and Rocco Carboni moved into the house at 622 Route 32 in 1972 and the garage/barn was built with the apartment above in 1973. At that time, zoning permits were not required.

Chairman McGuire read into the record an email from the Zoning Enforcement Officer dated January 13, 2022. Mr. Chalecki noted, the letter submitted by Jessie Barbone indicates the apartment was remembered back as early as the 1980's. However, Town of Franklin Zoning Regulations became effective January 1975. So, since the apartment appears to be constructed after 1975, permits should have been issued by the Town.

Exhibit C:

- January 13, 2022 Email written by Don Aubrey:

Calli read the Email into the record. In part, the letter indicated Mr. Aubrey had visited Mr. Rocco Carboni in the apartment above the garage on this property numerous times within the 4 previous decades. If there are no town records on this apartment, it is not surprising since the apartment was likely built long before the Town started keeping accurate records. As this apartment has existed for decades and been occupied this should not be of significant concern of the town to be raised as this juncture. The apartment is clearly lawful and is a matter of right and legally non-conforming.

TOWN PLANNER: Carly Hozschuh indicated if the apartment isn't out of bounds for set-backs then the apartment is a non-conforming use. It would then have to be established it was built before 1975 to be exempt from violation. Therefore, at this point, there must be an established decision that it was in fact built prior to 1975.

Leo Bienvenue spoke in favor of Calli Carboni's request and Don Aubrey's letter in determining this apartment as a pre-existing non-conforming use.

MOTION #1 (01.13.21): made by Thomas Minor **SECONDED BY** Matt Calvert that the Planning & Zoning Commission approve the apartment above the garage/barn as a pre-existing non-conforming use

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

14. Public Comment:

Tom Craney spoke in favor of the PZC decision to approve the apartment above the garage/barn as a pre-existing non-conforming use.

15. Adjournment:

MOTION #2 (01.13.21): made by Matt Calvert **SECONDED BY** Thomas Minor that the Planning & Zoning Commission adjourn at 8.25 p.m.

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

Respectfully submitted,

Sherry Pollard,

Administrative Assistant to the Commission