

**TOWN OF FRANKLIN**  
**ZONING BOARD OF APPEALS (ZBA)**  
7 Meetinghouse Hill Rd.  
Franklin, CT 06254

**MINUTES**  
**REGULAR MEETING**  
**Tuesday, December 28, 2021**  
**7:30 P.M.**

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

1. Call to Order: Chairman Dougherty called the meeting to order at 7:34 p.m.

**Members Present:** Chairman Bruce Dougherty, Thomas Craney, Secretary Alden Miner, Traci Hastings, Henry Konow Jr.

**Alternates Absent:** Jeremy Beisiegel, Kelsey Malik

**Also Present:** Zoning Enforcement Officer Ron Chalecki, Town Planner Carly Holzschuh, PZC Chairman John McGuire

2. Recognition of Visitors: Visitors were provided a sign in sheet.

3. Public Hearing:

Chairman Dougherty noted the public hearing for this application closed November 23, 2021. Action taken under Old Business below.

- a. **ZBA #21-04 ZONING ENFORCEMENT APPEAL/DAVID BOYLE:** For property located at Route 32; Assessor's Map 9, Lot 21, Zoned R-120; Requesting zoning enforcement appeal to notice of violation issued by Town Zoning Enforcement Officer

4. Additions to the Agenda: None

5. Approval of Minutes:

- a. November 23, 2021:

**MOTION #1 (12-28-21):** made by Tom Craney, SECONDED BY Alden Miner that the Zoning Board of Appeals approve Meeting Minutes of November 23, 2021- as amended:

1. Clarify: Main discussion of ZBA focused on obtaining legal opinion on definition of mobile home and recreation vehicle.
2. Unfinished Business: Add the following to the Minutes:

**MOTION #3 (11-23-21):** made by Henry Konow that the Zoning Board of Appeals vacate the Zoning Enforcement Officer's Violation letter dated October 12, 2021 for reasons set for the in the letter submitted by Mr. Konow dated November 23, 2021. There was no second – Motion is not considered

3. New Business: MOTION to approve 2022 Calendar: Henry Konow did not OPPOSE. MOTION passed unanimously.

**VOICE VOTE: UNANIMOUS;**

**MOTION CARRIES**

4. Unfinished Business:

- a. **ZBA #21-04 ZONING ENFORCEMENT APPEAL/DAVID BOYLE:** For property located at Route 32; Assessor's Map 9, Lot 21, Zoned R-120; Requesting zoning enforcement appeal to notice of violation issued by Town Zoning Enforcement Officer.

**APPLICANT / PRESENTATION:** David Held, Engineer, Provost & Rovero, Inc., was present to represent Mr. Boyle. Mr. Boyle was present via ZOOM.

**EXHIBIT A** - An opinion letter on this topic was submitted into the record from Town of Franklin Consulting Attorney, Matthew Willis, Halloran Sage Law Firm, dated December 23, 2021. Chairman Dougherty read the letter into the record.

There was general consensus, the opinion letter did not specifically define motor home and recreational vehicle which is what ZBA was specifically interested in. However, there was additional relevant information in the letter that ZBA considered when reviewing this application.

**ZONING ENFORCEMENT OFFICER COMMENTS:** Ron Chalecki reviewed his violation letter, dated October 12, 2021.

**TOWN PLANNER COMMENTS:** Carly Holzschuh discussed regulation definitions of mobile home versus recreational vehicle and noted neither is listed as a primary use. Recreational Vehicle is considered an accessory use.

**COMMISSION / COMMENTS:** ZBA members discussed the following in detail:

- Regulations 3.2. Zoning Permit. No building shall be erected, moved, structurally enlarged or changed to another use without a zoning permit from the Town of Franklin
- Regulation 9.19. Mobile Home During Construction of Dwelling: A residential unit used to occupy on a *temporary* basis is only permitted for a one-year time period and must be approved by the Town of Franklin
- Section 5.25. Permitted Uses: There was discussion on what specifically defines mobile home, camper unit, recreational vehicle, registered vehicle, and motor vehicle.

**MOTION #2 (12-28-21):** made by Henry Konow that the Zoning Board of Appeals overturn the Zoning Enforcement Officers Restrictions as noted in his letter dated October 12, 2021. There was no Second. The Motion is not considered.

**MOTION #3 (12-28-21):** made by Thomas Craney SECONDED BY Traci Hastings that the Zoning Board of Appeals deny ZBA #21-04, request of a zoning enforcement appeal; and, sustains the Zoning Enforcement Violation Letter dated October 12, 2021:

Discussion ensued: Mr. Chalecki indicated the applicant now has a list of responsibilities to complete due to the denial. Mr. Chalecki recommended the applicant contact him directly to discuss what steps would be needed in moving forward.

**VOICE VOTE: 4:1:0 Henry Konow - Opposed**

**MOTION CARRIES**

5. New Business:

- a. Approval FY 2022-2023 ZBA Budget:

**MOTION #4 (12-28-21):** made by Alden Miner SECONDED BY Henry Konow that the Zoning Board of Appeals approve FY 2022-2023 ZBA Budget as presented

**VOICE VOTE: Henry Konow - Opposed**

**MOTION CARRIES**

6. Public Comments:

7. Adjournment:

**MOTION #5 (12-28-21):** made by Thomas Craney SECONDED BY Traci Hastings that the Zoning Board of Appeals adjourn the meeting at 8:17 p.m.

**VOICE VOTE: Henry Konow - Opposed**

**MOTION CARRIES**

Respectfully submitted,  
**Sherry Pollard**  
ZBA Board Secretary