

May 10, 2021

Sherry Pollard Town of Franklin, Land Use Office 7 Meetinghouse Road Franklin, CT 06254

RE: Zoning Board of Appeals – May 25<sup>th</sup> Meeting for a Proposed 10,640sf Retail Facility 99 Route 32 Franklin, CT 06254

On behalf of Garrett Homes LLC, BL Companies respectfully requests a Zoning Board of Appeals hearing for a proposed retail development located at 99 Route 32. The application package includes the following:

- (6) Copies of Zoning Board of Appeals application for variance permit
- (6) Copies of 24"x36" plans including Existing Conditions Plan and Proposed Site Plan
- (6) Copies Corporate Resolution letter for the authorized representative. See attached Exhibit B, Notice of Permitting Rights.
- (6) Copies of Town of Franklin Tax Bills search showing paid taxes.
- Filing fee in the form of a check made payable to the Town of Franklin for \$320.00
- Pdf files have been forwarded to franklinzeo@99main.com and franklinlanduse@99main.com

We are available at your convenience to review the plans and supporting documents.

Sincerely,

Kimberly M. Masiuk, P.E. Senior Project Manager

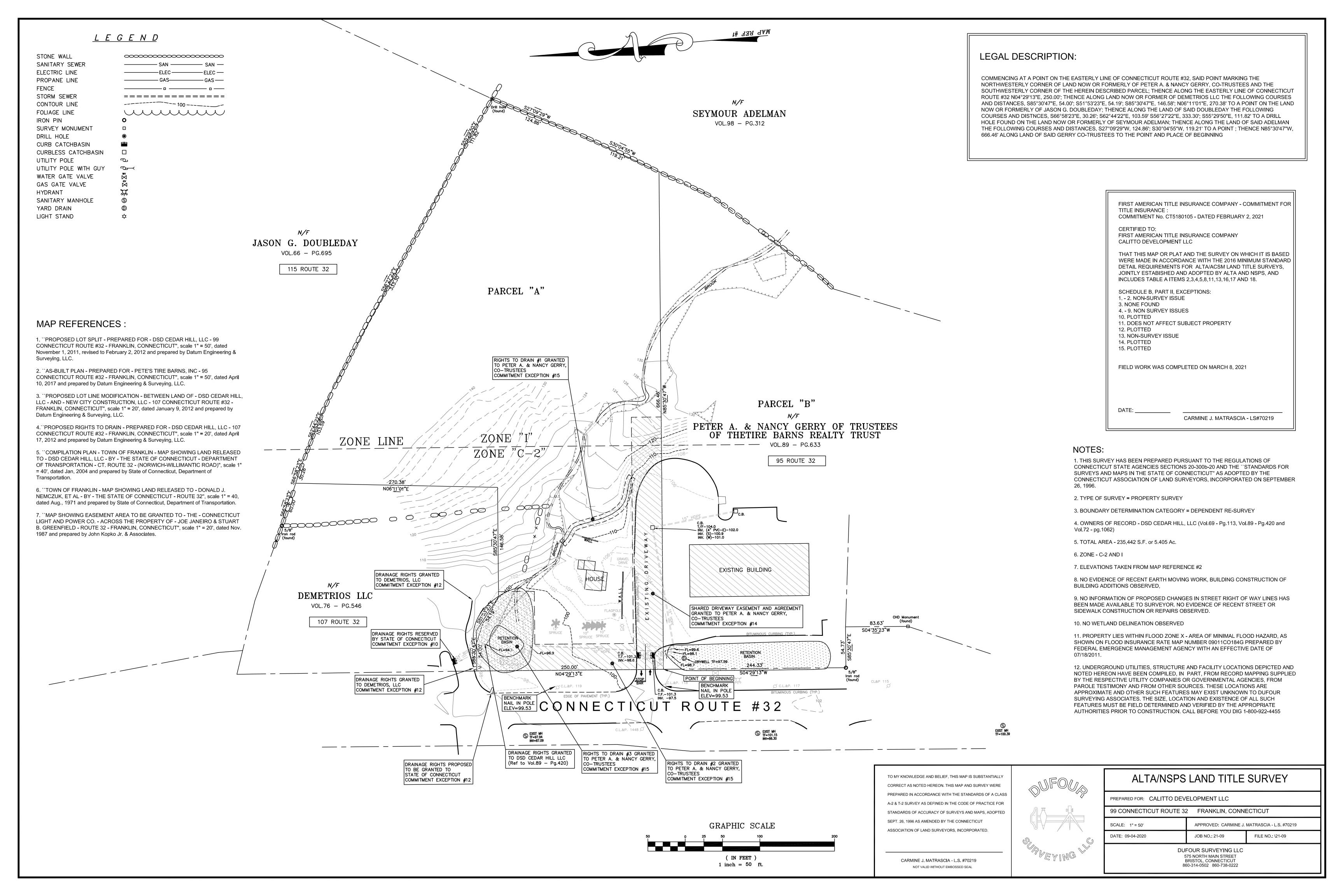
## TOWN OF FRANKLIN 7 Meetinghouse Hill Rd., Franklin, CT 06254 ZONING BOARD OF APPEALS (PZC) APPLICATION FOR VARIANCE PERMIT

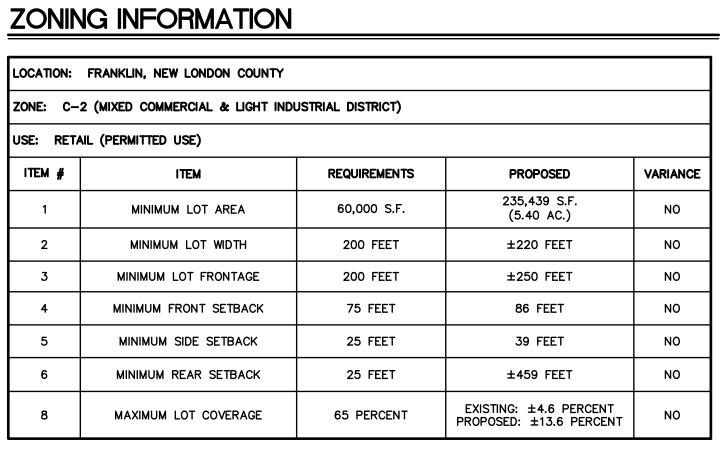
APPLICATION NO	(Assigned by Admin upon receipt of	application fees)	DATE: _ 5/10/2021
TOTAL APPLICATION FEES PAID \$	( fees determine	ed by Zoning Enfo	rcement Officer)
APPLICANT: Garrett Homes, LLC	(PRINT)	SIGNATURE:	
APPLICANT STATUS (circle one):	OWNER AGENT OF	OWNER	POTENTIAL BUYER
ADDRESS OF APPLICANT: _59 Field S	Street Torrington, CT 06790		
E-MAIL ADDRESS OF APPLICANT: euca	alittogary@gmail.com	TELEP	HONE NO.: <u>860-307-5479</u>
PROPERTY LOCATION:99 Route 32			
ASSESSOR'S MAP# 44	LOT# <u>24</u>		ZONE DISTRICT: <u>C-2 / I</u>
PROPERTY OWNER: DSD Cedar Hil	I, LLC (PRINT)	SIGNATURE: _	See attached Exhibit B
ADDRESS OF PROPERTY OWNER P	O BOX 103, Windham, CT 062	280	
E-MAIL ADDRESS OF OWNER:			TELEPHONE NO.:
EXISTING USE OF PROPERTY: Resid	lential		
DESCRIPTION OF PROPOSED ACTIVITY:	The proposed activity include	des demolition	of an existing single-family home and
construction of a 10,640 sf retail	store with new paved parking	and loading a	reas, site lighting, concrete walkways
stormwater management system	, associated utilities and lands	caping.	
IS PROPERTY LOCATED W/I 500 FT OF A	DJOINING MUNICIPALITY? No	TOWNS:	
ARE ALL PROPERTY TAXES PAID TO DA			
**  Variance	PROPOSED ACTIVITY AND	\$ 250.00	ON FEES
☐ Certificate of Approval of Location: Mot and/or Repair (do not need to fill out		\$ 250.00	
☐ Zoning Enforcement Appeals		\$ 250.00	
* ADD Town Administrative fee (as not	ed above)	\$ 10.00 (cur	rent)
* ADD State Administrative fee (as note	ed above)	\$ 60.00 (cur	rent)
	TOTAL FEES \$_	\$320.00 (er	iter under TOTAL FEES PAID above)
VARIANCE REQUESTED TO THE FRANK	LIN ZONING REGULATIONS SECTION	ON(S) 9	<u>/ 15 / 8 :</u>
Please review Planning & Zoning Regulation Regulations can be found @ www.frankling		ncluding, but not li	mited to, Chapter 3, Sections 3.3.3 & 3.5.
It is necessary to request this variance to the	e Zoning Board of Appeals because of	the following, wh	ich I consider a hardship:
EXPLAIN HARDSHIP: It should be noted ex	pansion of a non-conforming use alor	ne could not be co	nsidered a hardship or changing of a non-conforming

The existing property contains a intermittent brook and associated wetland area running southeast to northwest through the center of the property splitting usable lot area into two sections. The area northeast of the brook is densely wooded with steep slopes averaging roughly 33% making construction impractical. In addition, the majority of this area is zoned I-Industrial where retail establishments are not permitted. On the southwest side of the Brook, there is an existing retention basin along the front of the property that collects stormwater from the state road and neighboring properties. Due to the site constraints, the buildable area is significantly smaller than the size of the property. Per zoning regulation 9.15.18, 54 parking spaces are required for the size of the building. We are requesting constructing 28 spaces which meets the needs of the tenant. This will limit the impacts to the wetlands, wooded area, and retention basin.

use to one that is more offensive.

ZBA APPLICATION FORM	2
<b>EXPLAIN REQUIRED DISTANCE</b> : Closeness of property line or street to desired construand the desired variance to that distance: Example: Twenty-five (25) feet is required, a vidistance to nineteen (19) feet.	
Not Applicable	
The building I desire to construct will be used as:	
<b>EXPLAIN CHANGE IN OR EXPANSION OF EXISTING USE</b> : Provide complete explana change or expansion of that use:	tion of proposed expansion, existing use or uses, and desired
Not Applicable	
NOTES TO APPLICAL	NT
Provide SIX (6) copies of application & supporting materials (including site plans).	
2. Send PDF FILES of site plans to: franklinzeo@99main.com & franlinlanduse@9	99main.com
<ol> <li>A formal notice of the ZBA Decision will be sent to the applicant under separate cove</li> <li>If approved, Town Administration will send the applicant a Recording of Land Record</li> </ol>	rds Notice, and, the applicant would then be required to contact
the Town Clerk to record the variance and to determine the fee to be paid for such re	ecording.
PER TOWN ORDINANCE FOR PROCESSING APPL	ICATION & Administrative Fees:
Cost to Review: In the event the cost to review, evaluate, and process an application Franklin Fee Ordinance, the applicant shall pay all reasonable additional costs incurred	on/site plans exceeds applicable fees set forth in the Town of
additional costs are paid, the Town or agency or officer, thereof, may withhold the issuarelease of any bond held.	ance of permits, the endorsement of maps or plans, and/or the
Checks: Payable to "The Town of Franklin": **FEES ARE NON-REFUNDABLE**	(Includes State, Town, & Application Fees)
PER TOWN ORDINANCE FOR PROCESSING APPLICATION	ON – Advertising & Consulting Fees:
<b>Advertising:</b> The Town reserves the right to charge the applicant for advertising costs v to pay for advertising.	where the costs exceed the application fee that is normally used
Consulting Services: In accordance with the Town of Franklin Fee Ordinance on the Agent or Commission that it must consult with experts to analyze, review, and report of assist the Agent or Commission in evaluating the effect of a proposal on the Town, the A These fees will be paid to the Town for the Agent or Commission's use <u>prior to proceeding</u> experts, multiplied by 150%. Upon completion of technical review & a full accounting of the applicant.	on areas requiring a detailed, technical peer review in order to gent or Commission may require the Applicant pay these costs.  In on the application based on a preliminary estimate from such
*STATE FEES: Per Connecticut General Statute-Section 22a-27j, an additional fee is to Fund.	be added to all application fees for the Environmental Quality
PROPERTY OWNER SIGNATURE: See Exhibit B	Date:
APPLICANT SIGNATURE:	Date: _ 5/10/2021
(if different from Property Owner)	
ZONING ENFORCEMENT APPEAL	S (if applicable)
EXPLAIN HARDSHIP:	
[COMMISSION USE ONL'	<u>Y</u> 1
Date of Commission receipt	
Public Hearing Start Date of: is hereby set. Date	e/Commission's action
Commission's Decision: APPROVED or DENIED  Zoning Board of A	appeals Chairman
[S.Pollard – 06.18.20]	





## PARKING INFORMATION

ITEM #	ITEM	REQUIREMENTS	PROPOSED	VARIANCE	
1	BUILDING SIZE	NONE REQUIRED	10,640 S.F.	NO	
2	PARKING REQUIRED	RETAIL: 1 SPACE PER EVERY 200 S.F. OF GROSS FLOOR AREA (10,640 S.F.) TOTAL REQUIRED = 54	28 SPACES	YES	
3	MINIMUM HANDICAPPED PARKING SPACES REQUIRED	2 SPACES	2 SPACES	NO	
4	MINIMUM PARKING DIMENSIONS	10 FEET X 20 FEET	10 FEET X 20 FEET	NO	
5	MINIMUM AISLE WIDTH	24 FEET - 2-WAY 16 FEET - 1-WAY	24 FEET — 2—WAY	NO	
6	MINIMUM FRONT SETBACK	N/A	O FEET	NO	
7	MINIMUM SIDE SETBACK	N/A	±24 FEET	NO	
8	MINIMUM REAR SETBACK	N/A	±325 FEET	NO	
	L	<u> </u>		<u> </u>	



PROPERTY LINE

LIMIT OF DISTURBANCE AND SITEWORK

CONTRACT LIMIT LINE

SAWCUT LINE

PROVIDE AND INSTALL CURB

6' HIGH TRASH ENCLOSURE VINYL FENCE
AND GATE

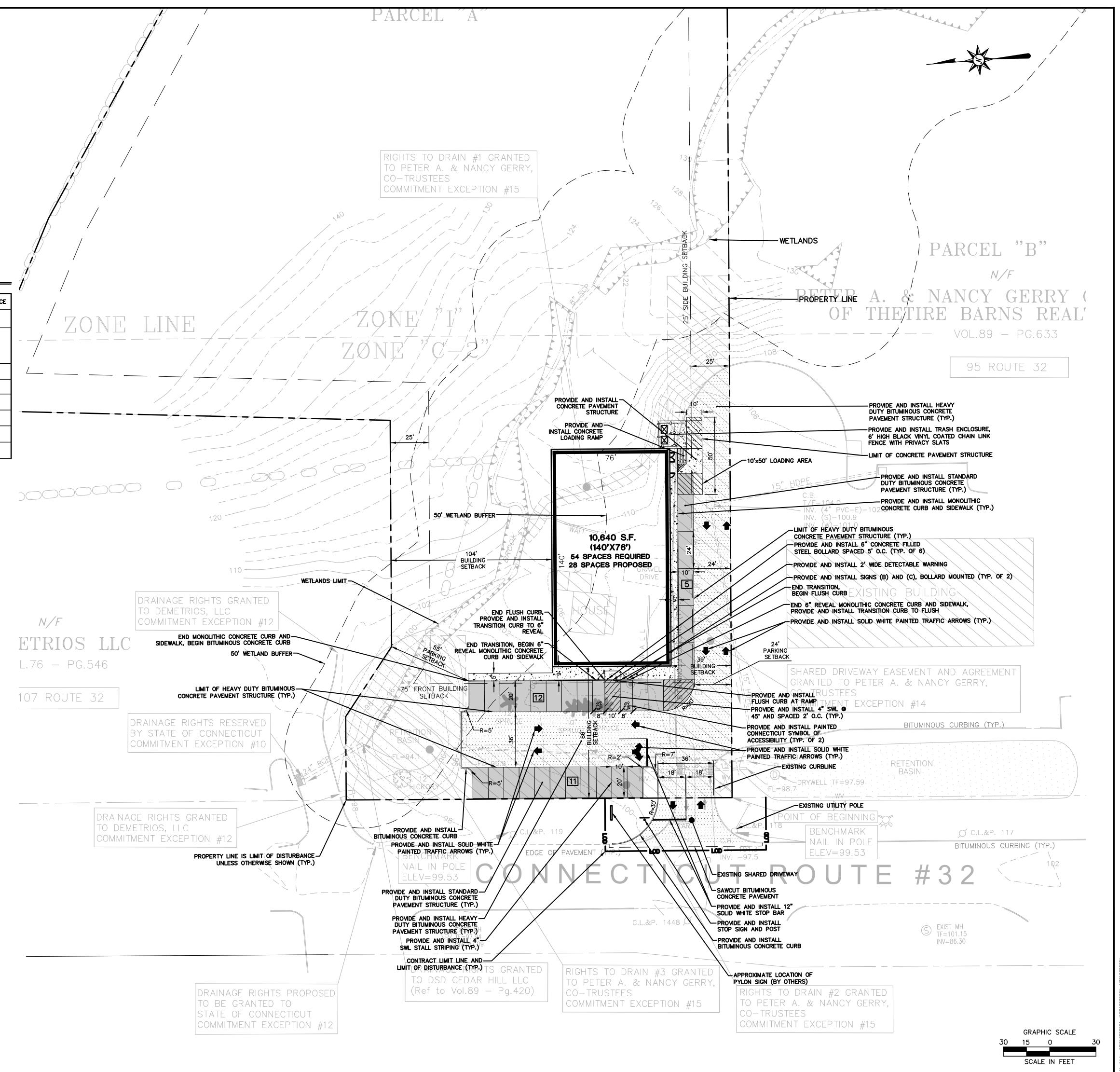
PROVIDE AND INSTALL CONCRETE PAVEMENT

STRUCTURE, REINFORCED CONCRETE SIDEWALK,
OR MONOLITHIC CONCRETE CURB AND SIDEWALK

PROVIDE AND INSTALL FULL DEPTH HEAVY
DUTY BITUMINOUS CONCRETE PAVEMENT

PROVIDE AND INSTALL FULL DEPTH STANDARD DUTY BITUMINOUS CONCRETE PAVEMENT STRUCTURE

• PROVIDE AND INSTALL SIGN



Architecture Engineering Environmental Land Surveying



100 Constitution Plaza 10th Floor Hartford, CT 06103 (860) 249-2200 (860) 249-2400 Fax



PMENT

OSED RETAIL DEVELOP 99 CT ROUTE 32 FRANKLIN, CONNECTICUT

Desc.

REVISIONS No. Date

Designed E.P.Z.
Drawn E.P.Z.
Reviewed K.M.M.
Scale 1"=30'
Project No. 2100098
Date 05/07/2021
CAD File:

SP210009801
Title
SITE
PLAN

Sheet No.

SP-1

## EXHIBIT B Notice of Permitting Rights

The undersigned parties hereby certify that Seller and Purchaser have entered into that certain Purchase and Sale Agreement dated as of December 2, 2020 (the "Agreement") and that the Agreement contains the following terms:

Seller:

DSD Cedar Hill, LLC

Purchaser:

Garrett Homes LLC, a Connecticut limited liability company

Property:

99 Route 32 (Parcel A), Franklin, Connecticut

Purchaser's Permitting

Rights:

Section 4 of the Agreement provides in part, "At Purchaser's request, and at the cost and expense of Purchaser, Seller shall promptly execute applications for permits, licenses and other governmental and quasi-governmental permits and approvals reasonably deemed to be necessary by Purchaser in connection with the pursuit of the Approvals and shall otherwise cooperate with Purchaser in obtaining the Approvals. Seller shall not, during the term of this Agreement, make any applications for permits, licenses or other governmental and quasi-governmental permits and approvals relating to the Property. Seller hereby irrevocably appoints Purchaser as attorney-in-fact for Seller with full power and authority to execute and deliver any such applications for Approvals with respect

to the Property in the name of Seller."

The purpose of this notice is to provide governmental authorities and other parties with notice that Seller has the authority to apply for and obtain permits and approvals in connection with the development of the Property without Seller's further consent. This notice is not intended to expand or reduce any of the rights afforded Seller or Purchaser in the Agreement.

SELLER:

DSD CEDAR HILL, LLC

11/25/2020

me: David Mieczynski

Title: Manager

PURCHASER:

GARRETT HOMES LLC

Title: Member

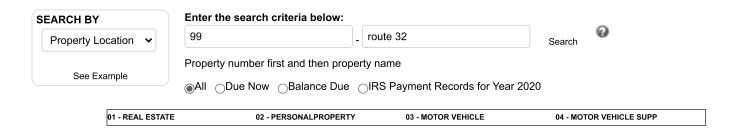




0 BILL(S) - \$0.00

Home Shopping Cart Checkout

## TAX BILLS



BILL#	NAME/ADDRESS	PROPERTY/VEHICLE	TOTAL TAX	PAID	OUTSTANDING	OPTIONS	REGISTER ONLY	PAY
<b>2016-01-0000314</b> W1029100 (REAL ESTATE )	DSD CEDAR HILL LLC PO BOX 103 WINDHAM CT	99 ROUTE 32 44 24	\$3,471.44	\$3,471.44	\$0.00			
<b>2017-01-0000322</b> W1029100 (REAL ESTATE )	DSD CEDAR HILL LLC PO BOX 103 WINDHAM CT	99 ROUTE 32 44 24	\$3,471.44	\$3,471.44	\$0.00			
<b>2018-01-0000319</b> W1029100 (REAL ESTATE )	DSD CEDAR HILL LLC PO BOX 103 WINDHAM CT	99 ROUTE 32 44 24	\$2,445.54	\$2,445.54	\$0.00			
<b>2019-01-0000320</b> W1029100 (REAL ESTATE )	DSD CEDAR HILL LLC PO BOX 103 WINDHAM CT	99 ROUTE 32 44 24	\$2,393.98	\$2,393.98	\$0.00		Register	

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