

Application for Appeal
Zoning Board of Adjustment (ZBA), Franklin, New Hampshire

VARIANCE

- A. Please complete the entire application. Failure to do so will delay processing it. The completed application and all supporting information must be submitted by the Deadline Date in order for your appeal to be heard at the next meeting of the Zoning Board.

PRINT legibly and in INK. The application must be signed and dated. The owner must sign the application or a letter of authorization from the owner must be attached. *You must be present at the meeting to speak for your application.*

This application is to be completed by anyone requesting a use or area VARIANCE from the ZBA. A variance is a relaxation or a waiver of any provision of the ordinance authorizing the landowner to use his or her land in a manner that would otherwise violate the ordinance and may be granted by the board of adjustment on appeal.

1. Location of the property for which the appeal is being applied:

Street Address: 143 LAKE SHORE DRIVE

FRANKLIN, NH 03235

Owner

Person Completing Application

2. Name: LEONARD + JUDITH DESHARNAIS

LEONARD + JUDITH DESHARNAIS

Address: 143 LAKE SHORE DRIVE

City/State/Zip: FRANKLIN, NH 03235

Phone #: (H) 603-671-7540 (C) 603-315-3661

Email: LENDESHARNAIS@METROCAST.NET

NOTE: HAVE ALREADY OBTAINED DES
SHORELAND PERMIT APPROVAL
(DES APPROVAL FORM ATTACHED)

3. Zoning Classification: _____

4. Briefly describe the PROPOSED project, be specific:

CURRENT
REPLACE AGED DECK AND EXTEND WIDTH TO END OF HOUSE, AND WILL INCLUDE A
3 SEASON PORCH AS PART OF EXPANSION. CURRENT DECK SIZE ALL OPEN: 25ft LONG x 10ft wide.
PROPOSED DECK SIZE: 30ft x 10ft OF WHICH 14x10ft IS OPEN AND 16x10ft ENCLOSED 3 SEASON

5. Please attach to the application a plot plan, on an 8 1/2 x 11 sheet of paper, or survey plan that shows: the existing property lines; all existing and the proposed structure(s) and their setbacks from the property lines for both; any wetlands, ledge, flood area, septic systems, or other features that limit where the proposed structure(s) can be placed on the property. The Board reserves the right to require a formal survey plan to assist in the consideration of the application request.

6. Site has (Check appropriate response): ☐ City Water ☐ City Sewer ☒ Well ☐ Septic

7. Was a Variance previously granted for this site: ☐ Yes ☒ No

Please respond to whether the following is a true statement or a false statement and EXPLAIN your answers in DETAIL:

- B. A variance may be granted if all the following criteria are met:

1. The Variance will not be contrary to the public interest:

☒ True ☐ False

REPLACING ROTTING WARPED DECK WILL ADD LAKE APPEAL AND SAFETY
FOR OURSELVES AND GUESTS

2. The Variance is consistent with the Spirit of the Ordinance:

☒ True ☐ False

WITH REPLACING AGED DECK, MINOR EXPANSION TO SQUARE OFF WITH
WIDTH OF HOUSE

3. Substantial Justice is done:

☒ True ☐ False

IMPROVING PROPERTY FOR LAKE APPEAL AND SAFETY

4. The Value of Surrounding properties are not diminished:

☒ True ☐ False

PLANS WILL INCREASE SURROUNDING PROPERTY VALUES AND BE CONSISTENT WITH
OTHER WEBSTER LAKE FRONT CURRENT PROPERTY IMPROVEMENTS,

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

A. For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

☒ True ☐ False

COMPLIANCE WITH 50 FOOT BOUNDARY WITH NEIGHBORS IS IMPOSSIBLE AS
OUR PROPERTY IS ONLY 50 FEET WIDE, CREATING THIS PROPERTY HARDSHIP

ii. The proposed use is a reasonable one.

☒ True ☐ False

UPDATING STRUCTURE FOR SAFETY, FUNCTIONALITY, AND IMPROVING OUR
YEAR ROUND HOME. TO SHED STORMWATER: A COMBINATION OF GUTTERS AND A STORM DRIP TRENCH,

B. If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

☒ True ☐ False

WILL BE USED.

DECK NEEDS TO BE REPLACED FOR SAFETY REASONS, AND THE REQUEST TO
EXPAND THE SIZE TO SQUARE OFF THE HOUSE, WILL IMPROVE VALUE + HAS NO ADVERSE

Your application is incomplete unless the following are submitted:

EFFECT TO OUR NEIGHBORS

- Letter of authorization, if you are not the owner;
- Plot Plan sketch (refer to Letter A #8);
- Abutter's List, blank form attached; and,
- All fees are paid. \$100.00 application fee, plus \$6.70 per abutter for abutter's notices.

Note: The Zoning Administrator and/or the Zoning Board may require more information if necessary and may request a Site Visit to your property.

Leonard E. Deshaunais *Justin Deshaunais*
Signature of Applicant

8/22/2021

Date

Office Use Only:

Date of Submission:

8/23/21

Fee Collected ☒ Yes ☐ No

Form of Pymt: ☐ Cash ☒ Check #

Date of hearing:

10/6/21

Amount Paid

\$ 126.80

Decision:

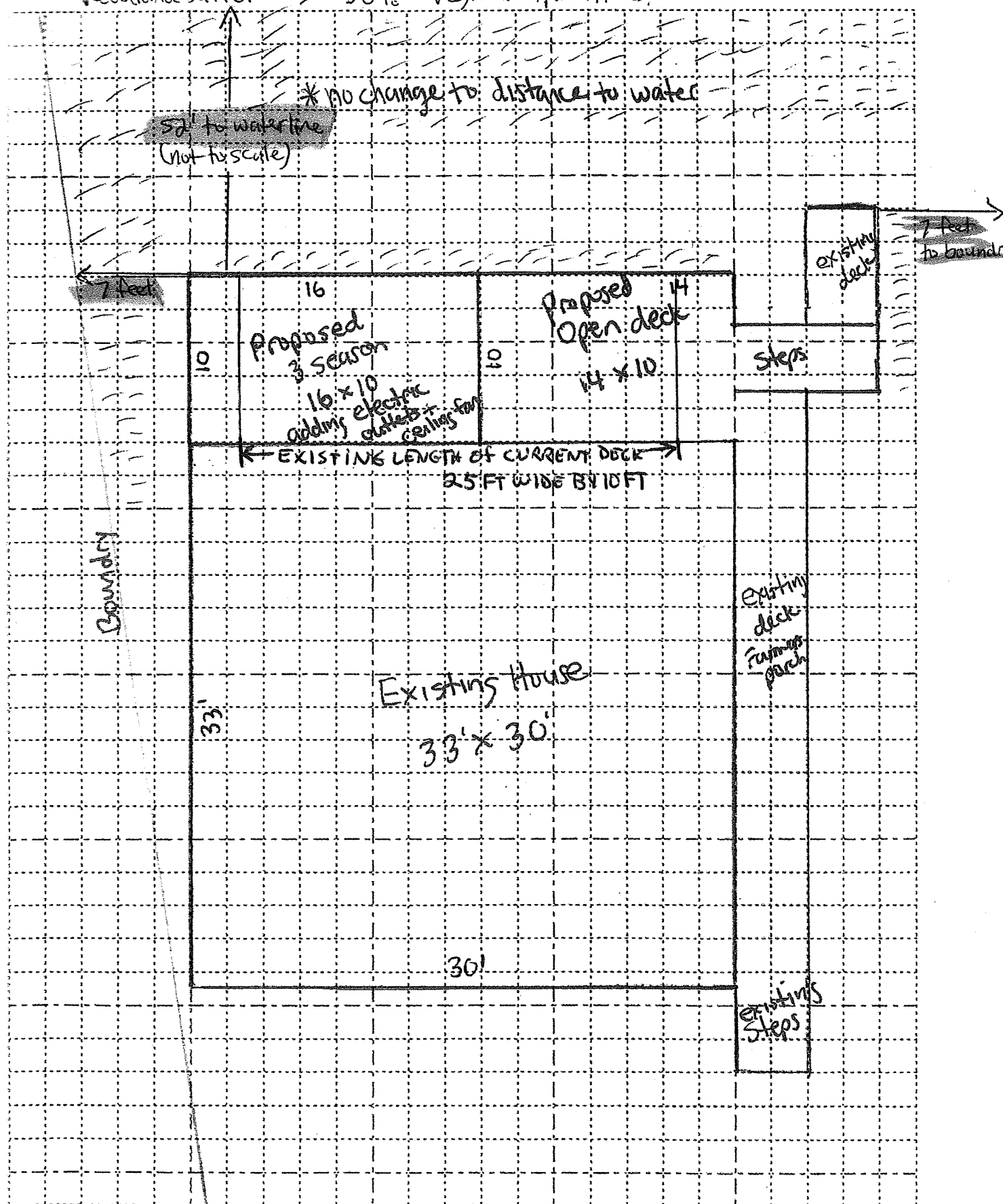
☐ Granted

☐ Denied

Date Notice sent to applicant:

Comments, if Any:

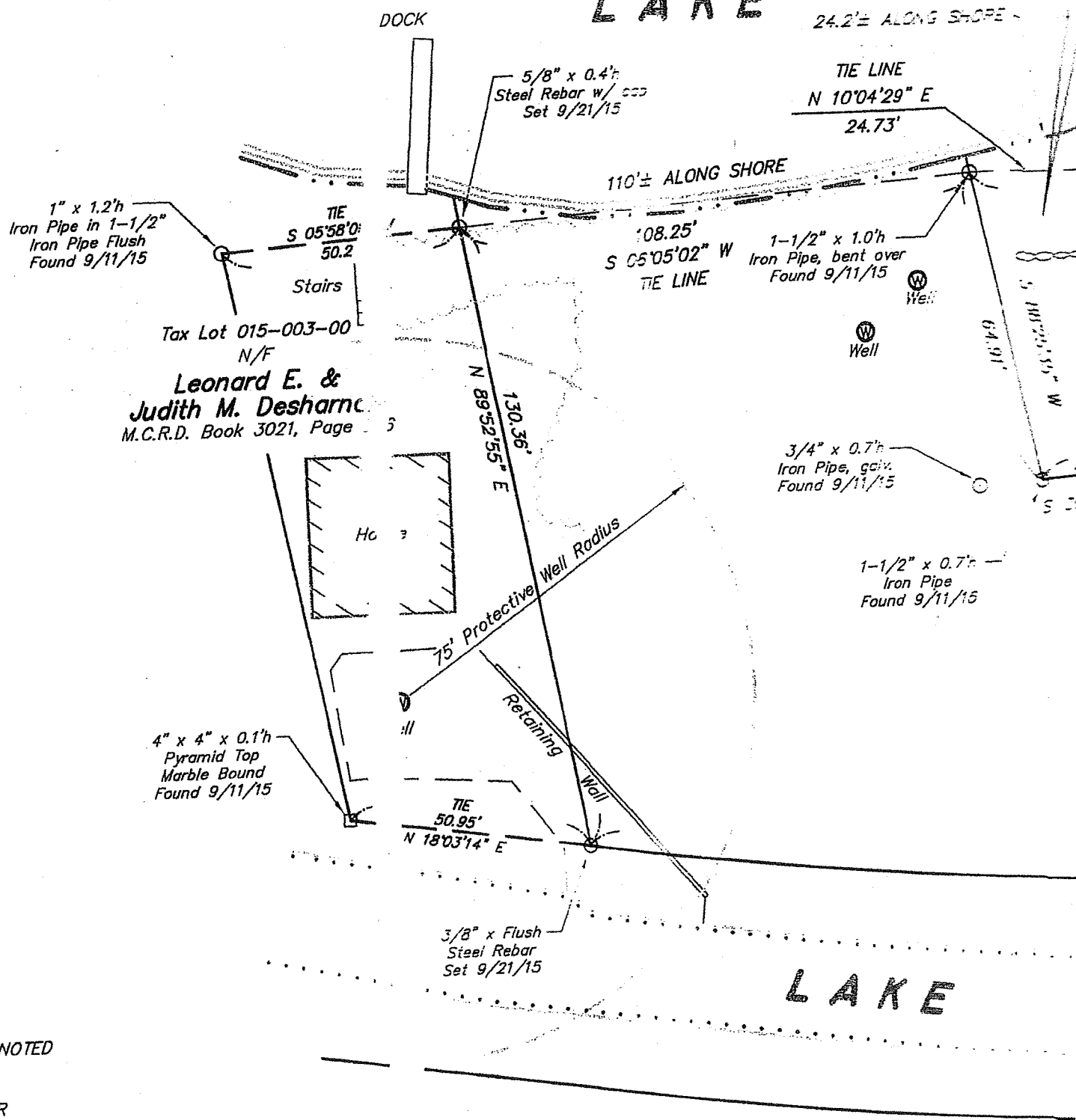
Newland Buffer $\approx 50\%$ vegetation, plants, trees, etc



MAGNETIC 1982

Z

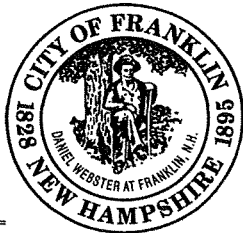
WEBSTER LAKE



PIPE, AS NOTED

TH ANCHOR

SE LLS
REET
H 0.3276



CITY OF FRANKLIN, NEW HAMPSHIRE
"The Three Rivers City"

Planning and Zoning
316 Central Street
Franklin, New Hampshire 03235

Phone: (603) 934-2341
dlewis@franklinnh.org

ABUTTERS LIST

Applicant information:

Printed Name: LEONARD DESHARNAIS Contact Telephone: (H) 603-671-7540 (C) 603-315-3661
Address: 143 LAKE SHORE DR FRANKLIN, NH 03235

Owner/Agent Information

(\$6.70 per abutter including owner and agent- fees go up as Postage is raised)

Map	Lot	Name	Address

Abutter(s) Information

Map	Lot	Name	Address
	033-402	KURT + RUTH MARVIN	139 LAKE SHORE DR FRANKLIN, NH 03235
	015-004	KEVIN KING	147 LAKE SHORE DR FRANKLIN, NH 03235
	015-402	JAMES + KIM CHANDLER	7 APPLE FARM RD FRANKLIN, NH 03235

(If needed please attach an additional sheet.)

I, the undersigned LEONARD DESHARNAIS, certify that to the best of my knowledge the above is an accurate and complete abutters list.

Leonard E. Desharnais
Applicant Signature

8/22/2021
Date

672:3 Abutter. - "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.



**SHORELAND PERMIT BY NOTIFICATION (PBN)
NOTIFICATION FORM**
Water Division/Land Resources Management
Shoreland Program
Check the Status of your PBN



RSA/Rule: RSA 483-B/Env-Wq 1400

RECEIVED Administrative MAY 18 2021 Only NHDES LAND RESOURCES MANAGEMENT	Administrative Use Only	<input checked="" type="checkbox"/> PBN Accepted, Expires: 05/19/2026	Reviewer's Initials: CW
		<input type="checkbox"/> PBN Rejected	Admin's Initials: BH
		File No.: 2621-01539	Amount: \$400.00
		Check No.: 3240	

This form requests authorization to excavate, fill, or construct new structures within the protected shoreland, which is 250 feet landward of the reference line of public waters, as regulated under RSA 483-B. Refer to the cover sheet to determine your eligibility to use this form in lieu of the standard Shoreland Permit Application. Please note: Notification packages missing required components will be rejected and the fee will not be returned.

SECTION 1 - PROPERTY OWNER (RSA 483-B:5-b; Env-Wq 1406.17)			
LAST NAME, FIRST NAME, M.I.: Desharnais, Leonard, E			
MAILING ADDRESS: 143 Lake Shore Drive	TOWN/ CITY: Franklin	STATE: NH	ZIP CODE: 03235
PHONE: cell 603-315-3661 (home 603-671-7540)	EMAIL: lendesharnais@metrocast.net		
SECTION 2 - PROJECT LOCATION (RSA 483-B:5-b; Env-Wq 1406.17)			
ADDRESS: 143 Lake Shore Drive	TOWN/ CITY: Franklin, NH	STATE: NH	ZIP CODE: 03235
WATERBODY NAME: Webster Lake	TAX MAP/ LOT: 015-003		
SECTION 3 - CONTRACTOR OR AGENT (Env-Wq 1406.17)			
LAST NAME, FIRST NAME, M.I.: Desharnais, Mark (Spruce Building)			
MAILING ADDRESS: PO Box 366	TOWN/ CITY: Candia	STATE: NH	ZIP CODE: 03034
PHONE: 603-703-6265	EMAIL: mdesharnais@sprucebuilding.com		
SECTION 4 - PROJECT DESCRIPTION (Env-Wq 1406.17)			
Provide a brief description of the proposed project including square footage of impacts and dimensions of new structures. Tearing down old, rotting open deck. Replacing that open deck with both a 3 season porch and part open deck. Extending size of the current footprint to end of house (32 inches wide x 10ft for the 3 season porch) & (32in x 56 on open deck side). Note: no extension towards the water from the current footprint. Overall size 300sqft, 3 season porch is 16x10, open deck 14x10.			
TOTAL SQUARE FEET OF IMPACT: 300 TOTAL SQUARE FEET OF NET CHANGE IN IMPERVIOUS AREA: 39.0			

shoreland@des.nh.gov or (603) 271-2147

NHDES Shoreland Program, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

Total impact area is determined by the sum of all areas disturbed by excavation, fill, and construction. Examples include, but are not limited to: constructing new driveways, constructing new structures, removing or replacing structure foundations, grading, and installing a new septic system or well.

SECTION 5 - PBN CRITERIA (RSA 483-B:5-b; Env-Wq 1406.05)

Check one of the following project type criteria.

- ☒ 1. This project impacts less than 1,500 square feet in total, with a net increase in impervious area, if any, of no more than 900 square feet. *PBN Impact Limit: 1,500 square feet/ Fee: \$400.*
- ☐ 2. This project is proposed for the purpose of stormwater management improvements, erosion control, or environmental restoration or enhancement. *PBN Impact Limit: None/ Fee: \$200.*
- ☐ 3. The project is for the maintenance, repair, and improvement of public utilities, public roads, and public access facilities. *PBN Impact Limit: None/ Fee: \$400.*
- ☐ 4. The project consists of geotechnical borings, test wells, drinking water wells or is a site remediation project and meets the requirements of Env-Wq 1406.05. *PBN Impact Limit: None / Fee: \$400.*

SECTION 6 - FEE (RSA 483-B:5-b; Env-Wq 1406.16)

Consult Section 5 to determine fee. Make checks and money orders payable to "Treasurer - State of NH". Undated checks cannot be accepted. TOTAL FEE: \$400

SECTION 7 - PHOTOS (RSA 483-B:5-b; Env-Wq 1406.16)

- ☒ Dated photographs of each area proposed to be impacted are required for all projects.

SECTION 8 - PLAN REQUIREMENTS (RSA 483-B:5-b; Env-Wq 1406.16)

Check YES or NO to all statements, and review the applicable plan requirements. If your plans do not include the information that is required, your notification will be rejected.

<input checked="" type="checkbox"/> YES	Required for all projects: A clear and detailed plan of work depicting, at a minimum, all impact areas, the <u>reference line</u> , and property lines. Plans that are not to scale must show all relevant dimensions and distances from the reference line and dimensions.	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	This project proposes an increase in <u>impervious</u> (i.e. non-permeable) area. Plans must include the dimensions and locations of all existing and proposed impervious surfaces on the lot that are within 250 feet of the reference line. Decks are typically considered impervious.	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	< 20%	This project proposes an increase in impervious area, and the total post-construction impervious area on the lot within 250 feet of the reference line will not exceed 20%.
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	20 – 30%	This project proposes an increase in impervious area such that the total impervious area of the lot within 250 feet of the reference line will be greater than 20% but less than 30%. Plans must include a <u>stormwater management system</u> that will infiltrate increased stormwater runoff from development per <u>RSA 483-B:9, V(g)(2)</u> and in accordance with <u>Env-Wq 1500</u> .
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	> 30%	This project proposes an increase in impervious area such that the total impervious area on the lot within 250 feet of the reference line will be greater than 30%. Plans must include a <u>stormwater management system</u> designed and certified by a professional engineer to account for all new development, and plans must demonstrate how the vegetation point score is met per <u>RSA 483-B:9, V(g)(1,3)</u> .
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	This project proposes impacts within 50 feet of the reference line. Plans and photos must show each area of the <u>waterfront buffer</u> that will be impacted, including groundcover, and calculate the tree and sapling point scores in accordance with the <u>Vegetation Management Fact Sheet</u> .	

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NHDES Shoreland Program, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

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<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	This project proposes impacts between 50 and 150 feet of the reference line. Plans must depict the 25% area of the woodland buffer to be designated and maintained as natural woodland. See the <u>Vegetation Management Fact Sheet</u> .	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	This project proposes to install or expand an <u>accessory structure</u> , such as a patio or shed, within 50 feet of the reference line. All plans <i>must</i> demonstrate that the height, size, and setback limitations for accessory structures will be met. These limitations are described within the <u>Accessory Structure Fact Sheet</u> . The <u>shoreland frontage</u> on this lot is: linear feet. <input type="checkbox"/> N/A – There is no direct frontage on this lot.	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	This project proposes a pervious (i.e. permeable) surface technology. Plans must include the location and type of the surface and a cross-section depicting the construction method, materials, and specifications as to how this surface will be maintained as a pervious technology. The notification must also include a maintenance plan describing how the surfaces will be maintained pervious.	
SECTION 9 - CONDITIONS (Env-Wq 1406.20; RSA 483-B:9, V, (d)) Initial each of the required conditions below.		
LD 1.	Erosion and siltation control measures shall: be installed prior to the start of work; be maintained throughout the project; and remain in place until all disturbed surfaces are stabilized.	
LD 2.	Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.	
LD 3.	No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.	
LD 4.	Any fill used shall be clean sand, gravel, rock, or other suitable material.	
LD 5.	For any project where mechanized equipment will be used, orange construction fence shall: be installed prior to the start of work at the limits of the temporary impact area as shown on the plans approved as part of a permit or accepted as part of the permit by notification; be maintained throughout the project; and remain in place until all mechanized equipment has been removed from the site.	
SECTION 10 - CERTIFICATIONS (Env-Wq 1406.18) Initial each of the required certifications below.		
LD 1.	The property owner shall sign the notification form below.	
LD 2.	The signature(s) shall constitute certification that: the information provided is true, complete, and not misleading to the knowledge and belief of the signer; the signer understands that any permit by notification obtained based on false, incomplete, or misleading information is not valid; the project as proposed complies with the <u>minimum standards</u> established in RSA 483-B:9, V and will be constructed in strict accordance with the proposal; the signer accepts the responsibility for understanding and maintaining compliance with RSA 483-B and these rules; the signer understands that an accepted shoreland permit by notification shall not exempt the work proposed from other state, local, or federal approvals; the signer understands that incomplete notifications shall be rejected and the notification fee shall not be returned; and the signer is subject to the applicable penalties in RSA 641, <i>Falsification In Official Matters</i> .	
LD 3.	The signature of the property owner certifies that the property owner has authorized the agent to act on the property owner's behalf for purposes of the notification. (<input checked="" type="checkbox"/> Not Applicable)	
SECTION 11 - REQUIRED SIGNATURE (RSA 483-B:5-b; Env-Wq 1406.18)		
SIGNATURE (OWNER):	PRINT NAME LEGIBLY:	DATE:

Leonard E. Desharnais

LEONARD E. DESHARNIS
shoreland@des.nh.gov or (603) 271-2147

5/16/2021

NHDES Shoreland Program, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

<u>Leonard E. Desharvais</u>	LEONARD E, DESHARVAIS	5/16/2021
SIGNATURE (AGENT, IF APPLICABLE):	PRINT NAME LEGIBLY:	DATE:

Subject: Accepted Shoreland Permit by Notification (RSA 483-B), 143 Lake Shore Drive, Franklin, Tax Map #015, Lot #003
From: "Day, Craig" <Craig.W.Day@des.nh.gov>
Date: 5/19/2021, 11:50 AM
To: 'Lenny' <lendesharnais@metrocast.net>

Dear Desharnais,

On May 18, 2021, the New Hampshire Department of Environmental Services (NHDES) Shoreland Program received the above-referenced Shoreland Permit by Notification (SPBN). In accordance with RSA 483-B:5-b, I and Env-Wq 1406.19, on May 18, 2021, the NHDES accepted the SPBN. The enclosed SPBN form is your permit. Any individual conducting work under this permit is advised to post a copy of the enclosed SPBN form on site in a prominent location, visible to inspecting personnel, at all times during construction.

Only the impacts shown on the submitted plans and accepted by NHDES as part of the SPBN are authorized under RSA 483-B. Any and all impacts not shown on the accepted plans or permitted through another SPBN or Shoreland Permit Application will render this SPBN invalid and will be in violation of RSA 483-B.

Please note that this SPBN cannot be amended. Prior to any change to the size or location of the proposed impacts, please contact me at Craig.Day@des.nh.gov or (603) 271-0649 to determine the appropriate method to obtain any additional approval under RSA 483-B:5-b as may be required. Please do not hesitate to contact me as noted above if you have additional questions.

Sincerely,

Craig Day, Shoreland Specialist
Shoreland Program, Land Resources Management
Water Division, NH Department of Environmental Services
P.O. Box 95
Concord, NH 03302-0095
Phone: (603) 271-0649
Email: Craig.Day@des.nh.gov



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Like us on Facebook!

We greatly appreciate your feedback, please take a moment to fill out our NHDES-LRM [customer satisfaction survey](#)

— Attachments: —

2021-01539.pdf

162 KB



Abutters List Report

Franklin, NH
August 23, 2021

Subject Property:

Parcel Number: 015-003-00
CAMA Number: 015-003-00
Property Address: 143 LAKE SHORE DRIVE

Mailing Address: DESHARNAIS, LEONARD E
DESHARNAIS, JUDITH M
143 LAKE SHORE DRIVE
FRANKLIN, NH 03235

Abutters:

Parcel Number: 015-004-00
CAMA Number: 015-004-00
Property Address: 147 LAKE SHORE DRIVE

Mailing Address: KING, KEVIN F
76 OVERLOOK CIRCLE
HUDSON, NH 03051

Parcel Number: 015-402-00
CAMA Number: 015-402-00
Property Address: 7 APPLE FARM ROAD

Mailing Address: CHANDLER FAMILY TRUST, THE JAM
CHANDLER - TTEES, JAMES T & KI
7 APPLE FARM ROAD
FRANKLIN, NH 03235

Parcel Number: 033-402-00
CAMA Number: 033-402-00
Property Address: 139 LAKE SHORE DRIVE

Mailing Address: BEK FAMILY TRUST MARVIN - TTEE, K &
MARVIN - TT
139 LAKE SHORE DRIVE
FRANKLIN, NH 03235



www.cai-tech.com

8/23/2021

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