

**FRANKLIN ZONING BOARD
REGULAR MEETING AND PUBLIC HEARING
Wednesday, February 2, 2022 at 6:30 p.m.
City Council Chambers**

Minutes

Call to Order Chairman Feener called the meeting to order at 6:35 p.m.

Attendance – Present: Chairman Glen Feener; Kathlene Fleckenstein; Cecile Cormier; Debbie Davis; Director Creighton

Salute to the Flag – led by Kathlene Fleckenstein

Approval of Minutes of the January 5, 2022 Public Meeting of the Board.

A motion was made by Member Fleckenstein to approve the minutes of the January 5, 2022 meeting. Motion was seconded by Member Cormier. **Motion carried 4-0-0.**

Old Business: None

New Business:

Z 22-01: Tyag Realty, LLC, owner, is seeking a variance from 305.14 Lot/Yard, to construct a canopy/fueling island 8.6 feet from the property line where the zoning requires 20'. The property is located at 221 South Main Street, Map/Lot 099-006-00 in the B1 [Low-density Business and Commercial] Zoning District.

Myank Patel, owner, spoke to the application. He gave an overview of the business and the approvals he has sought. Based on feedback from Director Creighton, they have learned a lot more about what is required. He said this process has taken longer than expected and his investors are getting impatient. He said it used to be a gas station and he wants it to be a gas station again but everything keeps getting pushed back.

Chairman Feener opened the discussion to the Board. Member Davis asked why he wanted to move the pumps into the setback. Mr. Patel responded that he believes there used to be pumps in that location and thinks it should be grandfathered to put them there again. They want them there to make room for large diesel trucks to be able to use them.

Member Cormier asked if they had confirmed that the soil was not contaminated. Mr. Patel responded that they had confirmed it but believed they would still need to have the State retest it due to changes they have made.

Chairman Feener asked if it is just the canopy that is in the setback, he also stated that there is nothing on the property behind them to be a problem as it was a rail road bike corridor. Mr. Patel confirmed that was the case. Member Cormier disagreed that it was only the canopy, that the drawing shows the pumps are also in the setback and that he is creating his own hardship by putting them there. Mr. Patel responded that that pump design is one “master” pump with two “slave” pumps so it needs to be set up that way. Director Creighton clarified what that type of set up looks like and explained that there are alternative pump options which would not create the need for setback encroachments.

Member Cormier asked Mr. Patel if he could address other design options with his architect. Mr. Patel confirmed that he could. Member Fleckenstein suggested they deal with the application/question as it stands before them. Chairman Feener asked if the location was because of traffic flow for large diesel trucks. Mr. Pate said it was more because of an existing light pole being in the way, but would consider moving it if necessary.

Member Fleckenstein asked Director Creighton if there had been any input from the State as an abutter to the property. Director Creighton said we had not heard from any of the abutters.

Chairman Feener brought it back to the Board for any further discussion. Member Fleckenstein made a motion to approve the application with the following condition: "Because the Planning Board is still reviewing a Site Plan Application for this property which includes review of the diesel canopy, and because the Planning Board's review may result in modification to the site plan reviewed by the Zoning Board, the Zoning Board approval's is to allow the diesel fuel canopy to be no closer than 8.6 feet from the rear property line. Any minor modifications to the location/setback encroachment can be reviewed administratively and found to be approvable if in-line with the Zoning Board's 2/2/22 discussion and approval." Motion was seconded by Member Davis. Member Cormier said she does not believe that it meets the five criteria for a variance because he is creating his own hardship. Member Fleckenstein added that she doesn't believe it to be an issue because there is nothing on the property behind this lot. Chairman Feener said he was leaning towards approval as he thinks it would be a safety issue to move it closer to the store. **Motion carried 3-1-0.**

Planner's Update: None

Other Business: None

Public Comment: None

Adjournment: Motion to adjourn made by Member Davis, seconded by Member Fleckenstein. **Motion carried 4-0-0.** Meeting adjourned at 7:04 p.m.

The next scheduled meeting of the Zoning Board of Adjustments is Wednesday, March 2, 2022, at 6:30 p.m. The deadline date for submission of applications for this meeting is Wednesday, February 9, 2022.

Respectfully submitted,

Judy Bibbins
Planning and Zoning Administrative Assistant