

**FRANKLIN ZONING BOARD
REGULAR MEETING AND PUBLIC HEARING
Wednesday, January 5, 2022 at 6:30 p.m.
City Council Chambers**

Minutes

Call to Order Chairman Feener called the meeting to order at 6:39 p.m.

Attendance – Present: Chairman Glen Feener; Kathlene Fleckenstein; Cecile Cormier; Director Creighton; Debbie Davis via phone due to weather. *Per RSA 91-A :2 III a quorum of members was present at the meeting site.* All votes taken by roll call.

Salute to the Flag – led by Cecile Cormier

Approval of Minutes of the December 1, 2021 Public Meeting of the Board.

A motion was made by Member Cormier to approve the minutes of the December 1, 2021 meeting. Motion was seconded by Member Fleckenstein. **Motion carried 4-0-0 by role call vote.**

Old Business: None

New Business:

Kirkwood Weyant, owner, is seeking approval for the following variances at 357 River Street. The property is located at Map/Lot 121-405-00 in the Conservation Zoning District.

Z 21-16:

requesting a Variance from Zoning Ordinance 305-3, Definitions, specifically the definition of Frontage. The definition of “Frontage” reads, “the distance along a lot line on an accepted street which provides access to a lot.” The applicant is requesting a variance from this because River Street is not a “city accepted street” instead is a Class VI road.

David Krause, Surveyor for the applicant, spoke to the application. He explained that the requested subdivision requires the variance because the definition of “frontage” is on a city-accepted street. As a Class VI road, it is not considered city-accepted.

Member Cormier asked where it becomes a Class VI road as much of it is a city-accepted street. Mr. Krause explained that it changes down near the intersection of Winnepesaukee Street. Member Cormier followed up by asking when the office/barn was built on the property. Kirkwood Weyant, property owner, responded that it was approved by the Planning Board and ZBA and built in 2015.

Chairman Feener opened it up to the public but no members of the public were present. Public comment was closed.

Member Cormier Made a motion to approve the variance:

“I move that the Zoning Board of Adjustment approves the variance request for 357 River St, Map/Lot 121-405-00 in the Conservation Zoning District, for a variance from Zoning Ordinance 305-3, Definitions, specifically from the definition of Frontage which requires the lot frontage be on a City accepted street.

The application is referenced as Z21-16. The Board finds that the application request meets the tests and criteria necessary for the granting of a Variance for the reasons the applicant has stated in their application and as outlined in Staff’s review. With one condition that the applicant sign the release of municipal liability upon approval by the Planning Board and City Council per RSA 674:41”

Motion was seconded by Member Davis, **Motion carried 4-0-0 by role call vote.**

Z 21-17:

requesting a Variance from Zoning Ordinance 305-3, Definitions, specifically the definition of "Lot, Minimum Area of", which reads "the horizontally projected area of the lot computed exclusive of any portion of the right of way of any public thoroughfare and any utility easements or other legal encumbrances prohibiting building construction." The applicant is requesting a variance from this because the proposed unencumbered area of the proposed lot is 144,457 sq. ft., where 225,000 sq. ft. is required. The proposed lot's total land area is 226,472 sq. ft, but 81,892.8 sq. ft. of that is encumbered (conservation land).

Again, application was presented by Mr. Krause. He explained that the total lot would meet the minimum requirements but, since part of that land is encumbered, the unencumbered portion does not meet the requirement.

Member Cormier asked about the topography of the land. Mr. Krause said it was fairly flat. Member Cormier asked about septic/well requirements. Mr. Krause explained that it has passed all the DES regulations. Member Cormier also asked why not split the lot more evenly so as to not require the variance. Mr. Weyant explained that the proposed lot line is at a natural divide of the land. Splitting the lot evenly would mean cutting through the portion currently used for his landscape business.

Chairman Feener opened it up to the public but no members of the public were present. Public comment was closed.

Member Cormier Made a motion to approve the variance:

"I move that the Zoning Board of Adjustment approves the variance request for 357 River St, Map/Lot 121-405-00 in the Conservation Zoning District, Zoning Ordinance 305-3, Definitions, specifically the definition of "Lot, Minimum Area of" to allow a lot with a proposed unencumbered area of 144,457 sq. ft., where 225,000 sq. ft. is required.

The application is referenced as Z21-17. The Board finds that the application request meets the tests and criteria necessary for the granting of a Variance for the reasons the applicant has stated in their application and as outlined in Staff's review."

Motion was seconded by Member Fleckenstein, **Motion carried 4-0-0 by role call vote.**

Planner's Update: None

Other Business: None

Public Comment: None

Adjournment: Motion to adjourn made by Member Cormier, seconded by Member Fleckenstein. **Motion carried 4-0-0 by role call vote.** Meeting adjourned at 6:58 p.m.

The next scheduled meeting of the Zoning Board of Adjustments is Wednesday, February 2, 2022, at 6:30 p.m. The deadline date for submission of applications for this meeting is Wednesday, January 12, 2022.

Respectfully submitted,

Judy Bibbins
Planning and Zoning Administrative Assistant