

**FRANKLIN ZONING BOARD  
REGULAR MEETING AND PUBLIC HEARING  
Wednesday, May 4, 2022 at 6:30 p.m.  
City Council Chambers**

**Minutes**

**Call to Order** Chairman Feener called the meeting to order at 6:30 p.m.

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

**Salute to the Flag** – led by Cecile Cormier

**Approval of Minutes of the February 2, 2022 Public Meeting of the Board.**

A motion was made by Member Cormier to approve the minutes of the February 2, 2022 meeting. Motion was seconded by Member Davis. Member Cormier added that the minutes should include the conditions of the approval. Minutes were amended to include those conditions. **Motion carried 4-0-0.**

**Old Business:** None

**New Business:**

**Z 22-02:** GMI Acquisition, LLC, owner, is seeking a variance from 305.15 Height Regulations, to install a storage silo 91' high where the zoning is 35'. The property is located at 33 Punch Brook Road, Map/Lot 103-406-00 in the I1 [Industrial] Zoning District.

Warren Colby, owner, and Neil Arruda, manager, spoke to the application. Mr. Colby explained the silo is for storage of material and will provide a significant cost savings as well as decrease the noise from the plant as the majority of the noise and electricity is from starting up the plant. This will allow them to produce a greater volume of material at each start up and store it.

Member Cormier said the topography of the property looks like it sits in a pit. Would the silo be seen from the road? Mr. Colby responded that she was correct, it will sit down into a pit and will not be seen from the road. Mr. Arruda confirmed that they recently had a crane on the property that was 135' high and it could not be seen from South Main Street so the silo will not be visible. Member Cormier then asked Director Creighton if there were any concerns that the Planning Board would need to address. Director Creighton confirmed that there were none. Member Davis asked if they have a silo already for storage. Mr. Colby confirmed they do not, this would be the only one.

Member Fleckenstein explained the 35' height zoning regulation was implemented due to the Franklin Fire Department not have a ladder truck that could extend beyond that height at the time the ordinance was enacted. They do have a truck that exceeds that height now so it is no longer a safety concern.

Chairman Feener opened it up to the public but no one spoke on the application. Public hearing was closed and brought back to the Board.

Member Cormier made a motion to approve the application with the condition they obtain a building permit prior to installation; seconded by Member Fleckenstein. **Motion carried 4-0-0.**

**Z 22-03:** Tyag Realty, LLC, owner, is seeking a special exception from 305.13 Permitted Uses, to construct a second story to a convenience store to house a single residential apartment. The property is located at 221 South Main St, Map/Lot 099-006-00 in the B1[Low-density Business and Commercial] zoning district.

Myank Patel, owner, spoke to the application. While they are expanding the convenience store, they thought it would be a good idea for the manager to be on site for safety so they would like to add an apartment over the convenience store.

Member Cormier asked if the apartment would only be for the manager. Mr. Patel said his brother will be managing the store so it will be for him. Member Davis asked if the addition was only on the back of the building. Mr. Patel confirmed it is a 900 sq. ft., 1-story addition and handed out a drawing of the elevation and plans. Director Creighton confirmed that they are expanding the store and adding the apartment to a portion of the second floor.

Chairman Feener opened the hearing to the public. April Doherty, member of the public, spoke in favor of it as they are doing the electrical work. Hearing was closed and brought back to the Board. Member Cormier made a motion to approve the application, seconded by Member Fleckenstein. **Motion carried 4-0-0.**

**Z 22-04:** The Irrevocable Orciani Children's Trust, owner, is seeking a variance from 305.14 Lot/Yard Requirements, to demolish an existing house and build a larger house 6' and 10' from the property line where the setback requires 50'. The property is located at 248 Lake Shore Drive, Map/Lot 032-001-00 in the LP [Lake Protection] zoning district.

Deb Parker, contractor, and Doug Orciani, owner, were available to speak to the application. Ms. Parker explained they will be taking down the existing cottage and building a new one. She explained the logistics of the location of the proposed house due to the existing well and not wanting to block the neighbor's view of the lake. The property was surveyed a year ago and discovered the shed and the fence are both over the property lines. Mr. Orciani said the shed has been there for 40+ years and they did not realize it was over the line. Ms. Hinds asked about looking into an easement from the neighbors or doing a lot line revision to correct the encroachment.

Member Cormier asked Director Creighton if an approval could be conditional on getting an easement first. He confirmed that yes, that could be done. Because the house would be increasing a non-conformity, it could be balanced by decreasing the non-conformity of the fence and shed. It could be accomplished by moving those structures, getting an easement or a lot line revision. Member Fleckenstein agreed that an approval should be conditional on dealing with the shed and fence.

Chairman Feener opened the hearing to the public but no one spoke on it. Hearing was closed and brought back to the Board. Member Fleckenstein made a motion to approve the application with the condition that the shed and fence are demolished/moved to be fully on the property, a lot line revision completed, or a permanent easement issued prior to a Building Permit being issued. Motion was seconded by Member Cormier. **Motion carried 4-0-0.**

**Z 22-05:** Edward and Mary Doherty, owners, are seeking a variance from 305.14 Lot/Yard Requirements to subdivide one lot into two lots. One lot will have 286' of frontage where the zoning requires 400'. The property is located at 247 Smith Hill Road in the C [Conservation] zoning district.

April Doherty, daughter of the owners, spoke to the application. She explained they are looking to be closer to her parents to be able to assist them as they age. She explained that they plan to set the house back from the road so as to not crowd the road. Member Cormier asked Director Creighton if they meet the setbacks. Director Creighton confirmed that they do.

Member Fleckenstein asked about the number of driveways in the conservation district as she believed that was discussed in a prior case. The determination was made that it was about the number of driveways on the highway. Chairman Feener asked if the Planning/Zoning office had received any questions from abutters. Director Creighton explained there had been one phone call about it but when the project was explained, they had no issues with it.

Chairman Feener opened the hearing to the public but closed it with no comment and brought it back to the Board. Member Fleckenstein made a motion to approve the application, seconded by Member Cormier. **Motion carried 4-0-0.** Director Creighton explained that the next steps are to get subdivision approval from the Planning Board.

**Planner's Update:** Director Creighton confirmed that the sign that used to be on the side of a truck at the corner of Sanborn and Central Streets is gone. The property was sold and the truck and sign have been removed.

**Other Business:** None

**Public Comment:** None

**Adjournment:** Motion to adjourn made by Member Cormier, seconded by Member Fleckenstein. **Motion carried 4-0-0.** Meeting adjourned at 7:10 p.m.

The next scheduled meeting of the Zoning Board of Adjustments is Wednesday, June 1, 2022, at 6:30 p.m. The deadline date for submission of applications for this meeting is Wednesday, May 11, 2022.

Respectfully submitted,

Judy Bibbins  
Planning and Zoning Administrative Assistant