

**FRANKLIN ZONING BOARD  
REGULAR MEETING AND PUBLIC HEARING  
Wednesday, July 6, 2022 at 6:30 p.m.  
City Hall – Council Chambers  
Minutes**

**Call to Order** - 6:35

Attendance: Chairman Glen Feener, Kathlene Fleckenstein, Cecile Cormier. (Absent: Debbie Davis, Director Seth Creighton).

**Salute to the Flag** – led by Judy Bibbins

**Approval of Minutes of the May 4, 2022 Public Meeting of the Board**

Member Fleckenstein made a motion to approve the minutes, seconded by Member Cormier. **Motion carried 3-0-0.**

Chairman Feener explained to the applicants that, with only three members present, a quorum had been met but that any approvals will require a unanimous vote. If a member votes to deny a request, the application is denied and it is not grounds for an appeal. He gave both applicants the option of postponing without prejudice. Both applicants agreed to move forward.

**New Business:**

**Z 22-06:** Public Service of New Hampshire d/b/a Eversource Energy, is requesting a variance from 305-15.B “Height Regulations” to replace 12 existing non-conforming wooden poles with taller steel poles along the existing A-182 electric transmission line, which runs from Salisbury Road to Montgomery Road. The 12 wooden poles range from 65-90 feet above ground and would be replaced with steel poles ranging from 75-93.5 feet above ground.

Andrew Mahoney from VHB presented the application. He explained that the newer steel poles will conform with current building standards. The wooden poles need to be replaced due to rot and woodpecker damage. This is just a continuation of the entire project along the A182 transmission line.

Member Cormier asked if they had all the dredge and fill permits. Mr. Mahoney confirmed that they have them. Chairman Feener opened it up to the public but no one spoke so the hearing was closed and brought back to the Board. Member Cormier made a motion to approve the application, seconded by Member Fleckenstein. **Motion carried 3-0-0.**

**Z 22-07:** Black Bear Investment Trust, LLC, owner, is seeking a variance from Zoning Ordinance 305-14 “Lot and Yard Requirements”, to add a seventh residential unit to an existing non-conforming property that contains six residential units, where only three residential units are permitted. The property is located at 155 South main Street, Map/Lot 098-064-00 in the B1 [Low-density Business & Commercial] Zoning District.

Jay Alpers, owner of Black Bear Investment, LLC, spoke to the application. He explained that he does not believe they are actually adding a 7<sup>th</sup> unit as he sees it as a conversion of existing commercial space and not changing the footprint. He also said he felt the Planning Director agreed that the existing space is not conducive to commercial use. He also said the parking design was done by an engineer but the drawings are not stamped because he is from MA and not licensed in NH.

Member Cormier asked if he had a clearer copy of the plan as their copies were small and difficult to read. Mr. Alpers gave out bigger copies to the Board and explained the layout. He said the plan is that the manufactured

home on the lot will be removed and a two-story, single-family house will replace it. The Board was confused as to exactly what the space was and what he was asking for. Mr. Alpers reiterated that he sees it as a remodel, not an addition. He also said the new parking configuration would allow better access for EMS.

Chairman Feener asked where the barn was going. Mr. Alpers said he was moving it back on the lot. Member Cormier asked about the empty space shown on the plan which Mr. Alpers explained was for a dumpster and snow removal. Member Cormier asked if he was getting rid of all the trees to which Mr. Alpers said they aren't really trees. Member Fleckenstein asked Planning Staff if any abutters had reached out. Judy Bibbins, Administrative Assistant, confirmed that a Mrs. Pratt of 161 South Main Street had come into the office for clarification of what was being requested and said she could not support it. Mrs. Pratt also said she didn't understand why it would be considered as the property is already overcrowded and out of conformance.

Member Cormier asked about the setbacks and Mr. Alpers said he believes they can meet the required setbacks. Member Fleckenstein asked about other options for the barn if he can't meet the setback. Mr. Alpers explained that he would like to keep the barn for storage but it could be removed if necessary. Member Cormier asked again for clarification of the number of units as she was unclear of the configuration of the buildings. Mr. Alpers said again that he believes this is a natural expansion of the space into an existing unit.

There was more discussion among the Board as to what part of the plan was in their purview and what was for the Planning Board as part of a site plan review. Chairman Feener then opened it up to public comment but there was no one in attendance to speak on it. The public hearing was closed and brought back to the Board. There was more discussion about how to make a motion on this and what exactly they are voting on. Ms. Bibbins explained that the application is requesting an existing non-conforming property that has six residential units where only three are allowed, and grant a variance to make it more non-conforming by adding a seventh residential unit.

Member Fleckenstein made a motion to approve the variance and allow the conversion of a commercial space into a residential unit for a total of seven residential units on the property. Motion seconded by Member Cormier.  
**Motion carried 3-0-0.**

**Other Business:**

**Adjournment:**

Member Cormier made a motion to adjourn, seconded by Member Fleckenstein. **Motion carried 3-0-0.**  
**Meeting adjourned at 7:09 p.m.**

Respectfully submitted,

Judy Bibbins  
Planning & Zoning Administrative Assistant