

**FRANKLIN ZONING BOARD  
REGULAR MEETING AND PUBLIC HEARING  
Wednesday, September 7, 2022 at 6:30 p.m.  
City Hall – Council Chambers**

**Minutes**

**Call to Order:** 6:30

Attendance: Chairman Glen Feener, Kathlene Fleckenstein, Cecile Cormier (arrived at 6:35), Debbie Davis, Gregory Thompson, Planning Director Seth Creighton.

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

Chairman Feener welcomed Gregory Thompson to the Board as the newest member. He acknowledged that we now have a full slate of regular members.

**Approval of Minutes of the July 6, 2022 Public Meeting of the Board**

Member Fleckenstein made a motion to approve the minutes, seconded by Member Thompson. **Motion carried 4-0-0.** Member Cormier arrived after this vote.

**Old Business:** Director Creighton gave an overview of the new land use law regulations and how they impact decisions made by the Board. He explained that all decisions will require findings of fact to be very clear.

**New Business:**

**Z 22-08:** Paul and Maureen Cooper, owners, are seeking a variance from 305.14 Lot/Yard Requirements, to demolish an existing house and build a slightly larger house 14.5' and 7.4' from the property line where the setback requires 50'. The property is located at 103 Webster Avenue, Map/Lot 076-107-00 in the LP [Lake Protection] zoning district.

Deb Parker, agent for the applicant, spoke to the application. She explained that they have made a couple changes to the design and it no longer will change the footprint of the house, it will only be a vertical expansion. She inquired about the deck that is shown plans that is not addressed in the application. She asked if, since it was replacing an existing patio, did it need to also meet the setbacks. Director Creighton explained that because it is a structure, it does need to meet the setbacks and it is not addressed in the application. Ms. Parker said they would remove that from the plan.

Member Cormier asked why it isn't clear on the plan that this is for a vertical expansion/variance. Director Creighton said it is addressed in the application itself.

Chairman Feener opened it up to the public. Val Perkins of 182 Webster Avenue asked about the septic system and has that been evaluated. Ms. Parker explained it is a new system. Member Cormier asked if the house would be for year-round use. Ms. Parker said it would still be seasonal use for now.

With no other questions/comments from the public, Chairman Feener closed the public hearing and brought it back to the Board. Member Davis asked for some clarification on the denial of the deck. Director Creighton explained that a patio is not a structure and therefore does not need to meet the setbacks but a deck is considered a structure and subject to the setback regulations.

Member Cormier made a motion to approve:

“I move that the Zoning Board of Adjustment approve the request for a variance from

Zoning Ordinance 305.14 "Lot and Yard Requirements" to demolish an existing house and build a slightly larger house 14.5' and 7.4' from the side property lines where the setback requires 50'. The property is located at 103 Webster Avenue, Map/Lot 076-107-00 in the LP [Lake Protection] zoning district.

The Board finds that the application request meets the tests and criteria necessary for granting a Variance per the written responses authored by the the applicant/agent and in the Staff-memo dated 8/30/2022, which has been reviewed and approved, including any modifications, by the Board.

**This approval is subject to the following conditions:**

*1) The lot corners and proposed structure corners are to be marked by a NH Licensed surveyor before a foundation is poured. Said surveyor is to submit a letter to the Planning Director stating these points have been set. A field visit to verify the markings will be made by Planning Staff prior to issuance of a building permit.*

*2) This Zoning Variance approval is only for the proposed house. The proposed deck was not / is not part of this Zoning Variance approval and therefore is not permitted within setbacks."*

Member Fleckenstein seconded the motion. She also asked if it needed to be modified to account for the deck denial but Director Creighton said it did not. **Motion carried 5-0-0.**

**Z 22-09:** Watts Water d/b/a Webster Valve, owner, is seeking a variance to replace an existing freestanding non-electronic sign with an electronic changeable message sign. Zoning Ordinance 305-24.F prohibits this type of changeable electronic sign.

Wayne McDonald spoke to the application. He explained the type and purpose of the sign and the need to replace the very aged sign that is currently there. Member Cormier asked if abutters had been notified. Director Creighton confirmed that they had been. Member Cormier also asked if this sign would be changing, blinking, etc. Mr. McDonald explained that it would not be.

Director Creighton explained that this variance request is for the type of sign, not the size. He also explained that the concerns with a request like this is what it sets as precedent. He explained that they need to look at what makes this property different. He felt that the size, location and angle of the sign is what makes this approvable because it is much less intrusive than it could be. He also stated that the sign is for employees and guests, not for the general public. Member Davis said she believed this was a perfect example of why they need specifics to point to for approvals.

Member Cormier confirmed the size and angle of the sign and asked Director Creighton if they could use it to advertise for help. Director Creighton confirmed that they we could not regulate what they advertise. Mr. McDonald confirmed that the signs around the city for help wanted would still be there.

Chairman Feener opened the hearing up to the public. Jeff Perkins of Webster Avenue spoke in favor of the application saying that Watts is a good steward and neighbor to the public. With no further comments, the hearing was closed and brought back to the Board.

Member Fleckenstein made a motion to approve the application:

"I move that the Zoning Board of Adjustment approve the request for a variance from Zoning Ordinance 305-24.F to replace an existing freestanding non-electronic sign with an electronic changeable message sign.

The Board finds that the application request meets the tests and criteria necessary for granting a Variance per the written responses authored by the the applicant/agent and in the Staff-memo dated 8/30/2022, which has been reviewed and approved, including any modifications, by the Board.

**This approval is subject to the following condition:**

- 1) *The sign dimensions are to be as noted on the "Production Rendering" sheet included with the Variance application.*
- 2) *Sign permit(s) must be obtained."*

Motion was seconded by Member Cormier. Member Cormier then asked if there needed to be more detail in the motion for approval. Director Creighton said the notice of the decision will speak to the reasons for the decision.  
**Motion carried 5-0-0.**

**Other Business:**

Director Creighton gave more detailed information on the new land use regulations. He explained that all 5 variance criteria need to be met in order to approve a variance – not 3, not 4. He acknowledged that denials will be difficult emotionally but they open an avenue to change ordinances that no longer meet the needs of the City. He explained that we work with applicants ahead of time to try to find alternatives that meet their needs without needing a variance or that can be easily approved. If we hear enough of something that doesn't make sense, we can look at updating the ordinances. Member Davis said she felt good about the new guidelines and thought they would be helpful in their decision making on the Board. Member Cormier asked to get a copy of the changes. Secretary Bibbins will send them out. Member Thompson stated that he appreciates all the work Director Creighton does going through the applications and all the information that he has received.

**Adjournment:**

Member Cormier made a motion to adjourn, seconded by Member Fleckenstein. **Motion carried 5-0-0. Meeting adjourned at 7:10 p.m.**

The next scheduled meeting of the Zoning Board of Adjustments is Wednesday, October 5, 2022, at 6:30 p.m. The deadline date for submission of applications for this meeting is Wednesday, September 14, 2022.

Respectfully submitted,

Judy Bibbins  
Administrative Assistant for Planning and Zoning.