

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

**Minutes**

**Call to Order:** 6:30

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

**Salute to the Flag** – led by Gregory Thompson

**Approval of Minutes of the September 7, 2022 Public Meeting of the Board**

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

**New Business:**

**Z 22-10:** Ethan Applei, owner, is seeking a variance from 305.14 Lot/Yard Requirements, to build a shed roof off the back of a garage 34' from the property line where the setback requires 50'. The property is located at 18 Colby Avenue, Map/Lot 076-078-00 in the LP [Lake Protection] zoning district.

Mr. Applei spoke to the application. He explained that he is looking to build a 20' x 8' shed roof style structure off the back of his garage to cover his wood pile. He explained that he is currently using the space and used tarps over it last winter but would like to be able to keep it dry and not have to shovel the snow off. He has designed it to be aesthetically pleasing and as narrow as possible by making it longer.

Member Cormier asked for clarification as to how far out it will be from the garage. Mr. Applei confirmed it would be 8' wide and cover 4 rows of firewood. Member Cormier asked if it would cover the fuel tanks, also. Mr. Applei said it would not.

Chairman Feener opened the hearing to the public but with nobody there to speak, the hearing was closed and brought back to the board. Member Fleckenstein asked if there had been any comment or concerns from abutters. Director Creighton confirmed that the Planning Office had not heard from any abutters.

Member Cormier made a motion to approve the application:

*I move that the Zoning Board of Adjustment approve the request for a variance from Zoning Ordinance 305.14 "Lot and Yard Requirements" to build a lean-to with semi-open sides and solid roof off the back of a garage 34' from the property line where the setback requires 50'. The property is located at 18 Colby Avenue, Map/Lot 076-078-00 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 applicant/agent and presented at the public hearing.*

Motion was seconded by Member Fleckenstein. Member Fleckenstein then suggested the motion be amended to be subject to obtaining a building permit. **Motion carried 4-0-0.**

Director Creighton reminded the applicant that the next step is to apply for the Building Permit.

**Other Business:**

Member Cormier asked Director Creighton if there are any plans to revise the zoning regulations around the lake as 50' seems unreasonable. Director Creighton explained that this particular application could have gone either way as he does have other space on the property to put a wood pile but understood that most of the properties in the area are even smaller and he is at the limit of the Lake Protection Zone. He also shared that NH case law supports the reasons for the setbacks and the allowance of the variance. In this particular case, the applicant does have other options to locate the wood pile, but it would have created another hardship.

Director Creighton said we could certainly look at revising the setbacks but need to be cognizant of the impact to the lake ecosystem. We can also look at the rest of the neighborhood to maintain consistency. The consensus from the Board was that the lot sizes in most of that district do not allow for owners to conform to the setbacks and there is likely a need to revise the ordinances. Director Creighton asked the Board to give some thought to what would be considered a reasonable setback and we can discuss it at the December meeting. He offered to send an email to the Board with the Lake Protection district lot sizes, setbacks, state regulations, etc. to guide their thoughts on the subject.

**Adjournment:**

Member Cormier made a motion to adjourn, seconded by Member Fleckenstein. **Motion carried 4-0-0. Meeting adjourned at 6:51 p.m.**

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