

**FRANKLIN ZONING BOARD
REGULAR MEETING AND PUBLIC HEARING
Wednesday, December 7, 2022 at 6:30 p.m.
Bessie Rowell Community Center – Room 134**

Minutes

Call to Order: 6:30

Attendance: Kathlene Fleckenstein (Acting Chair), Cecile Cormier (arrived at 6:40), Gregory Thompson, Debbie Davis. Staff present: Planning Director Seth Creighton, Planning & Zoning Administrative Assistant Judy Bibbins. (Absent: Chairman Glen Feener)

Salute to the Flag

Approval of Minutes of the October 5, 2022 Public Meeting of the Board

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

New Business:

Z 22-11: Alan and Teri Gauntt, owners, are seeking a variance from 305.14 Lot/Yard Requirements, to demolish an existing house and replace it with a taller house. Though the proposed footprint will be slightly smaller than the existing, the proposed home will be taller than the existing. This increase in height is a vertical expansion within setbacks. The existing and proposed house setbacks vary from 7+/- feet to 35 +/- feet from the side property line, and 12 +/- feet from the rear property line, where the required setbacks are 50'. The property is located at 253 Lake Shore Drive, Map/Lot 032-042-00 in the LP [Lake Protection] zoning district.

Alan Gauntt, owner, spoke to the application. Director Creighton explained that with only three members currently present, there would need to be a unanimous vote. He gave the applicant the option of postponing the application to next month in hopes of getting more members in attendance. The applicant chose to proceed with the application.

Mr. Gauntt explained that the height increase was to bring the entire home into code compliance with 8' ceilings and to change the pitch of the roof to best accommodate solar panels. They are raising the foundation because digging down that close to the lake is not an option.

Member Cormier arrived and asked about the square footage and questioned if it is an expansion of a non-conformity. Director Creighton confirmed that it is an expansion of a non-conformity. Member Cormier followed up with questions about the impact to the view of the lake for the neighbor across the street and brought up the question of a view tax. Mr. Gauntt assured the Board it would not impede the view but there is no restriction in his deed regarding it. Director Creighton explained a view tax is a misconception but one zoning variance criteria does refer to how it impacts the property value of neighbors. Mr. Gauntt explained that the neighbor in question is not directly across from the proposed location of his house and showed the map to Member Cormier.

Acting-Chairperson Fleckenstein opened the hearing up to public comment. Janet Flagg spoke in favor of the application as she believed it would benefit other property values. Mr. Gauntt explained that he has been working with his neighbors regarding the impact.

Acting-Chairperson Fleckenstein closed the public hearing and brought it back to the Board. Member Cormier asked about a landscaping plan. Mr. Gauntt said he will be working with a landscape architect next year. With no further discussion, Acting-Chairperson 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 305.14 "Lot and Yard Requirements" to replace an existing house with a taller house which is 7+/- feet to 35 +/- feet from the side property line, and 12 +/- feet from the rear property line where the setback requires 50'. The house will be no closer to abutters than what exists currently.

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 Cormier. Motion was amended by Member Cormier to include a condition that native NH plants are encouraged wherever possible. **Amended motion carried 4-0-0.**

Other Business:

Discussion on Possible Zoning Ordinance Amendments for the Lake Protection Zoning District.

Director Creighton gave an overview of how changes become necessary when there are frequent requests for the same variance and indicate a desire to make changes to the ordinance. He presented the data collected including current rules, state rules and current property make-up and how it varies throughout the Lake Protection (LP) district.

Member Cormier suggested a committee be created to review the data. Acting-Chairperson Fleckenstein suggested the idea of splitting up the zoning district. Member Thompson said he would like to see how proposed changes would bring properties into compliance. There were questions about who has the authority to change the ordinance and what the process is. Acting-Chairperson Fleckenstein reiterated the idea of splitting the LP district into four sub-zones as there seem to clearly be distinctions. There was a general agreement for Director Creighton to go to the Planning Board with the proposal to change the LP district into 4 separate districts with the changes to the setbacks as discussed.

Adjournment:

Member Cormier made a motion to adjourn, seconded by Member Fleckenstein. **Motion carried 4-0-0. Meeting adjourned at 8:00 p.m.**

The next scheduled meeting of the Zoning Board of Adjustments is Wednesday, January 4, 2023, at 6:30 p.m. The deadline date for submission of applications for this meeting is Wednesday, December 14, 2022.

Respectfully submitted,

Judy Bibbins
Administrative Assistant for Planning & Zoning