

**FRANKLIN ZONING BOARD
REGULAR MEETING AND PUBLIC HEARING
Wednesday, March 1, 2023 at 6:30 p.m.
City Hall – Council Chambers**

Minutes

Call to Order - 6:30 p.m.

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

Salute to the Flag – led by Greg Thompson

Approval of Minutes of the January 4, 2023 Public Meeting of the Board

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

New Business:

Z 23-01: The David J Chandonnet Family Trust, owner, is seeking a variance from 305.14 Lot/Yard Requirements, to add a second level/story to the existing single-family house. Though the proposed second floor addition will be within the footprint of the existing house, the increase in height is considered a vertical expansion within setbacks. The proposed addition will be approximately 13-feet from the southern side property line, where the required setbacks are 50'. The property is located at 5 Log Cabin Rd, Map/Lot 035-005-00 in the LP [Lake Protection] zoning district.

David Chandonnet, owner, spoke to the application. He explained the changes they are making to add 2 full-dormers to the second story of the house to create more living space. They will also be removing a small doorway over the bulkhead and adding a front door with 2 steps for an entryway.

Member Davis asked for clarification on the stairs. Mr. Chandonnet explained they will be removing the shed structure over the bulkhead, adding a front door and a couple steps to access the house from that side. Member Cormier asked if the new stairs are in the setback and if this would become a 2-family. Mr. Chandonnet said the stairs would be in the setback but it is not a 2 family. He said it is much too small for that. Director Creighton clarified that a motion to approve could include the steps as shown on the drawing with the application.

Chairman Feener opened the hearing up to the public. There was no one present to speak to it so the hearing was closed and brought back to the Board. 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 construct a second-floor addition within side and front property lines setbacks, as presented, where the setback requires 50'. The property is located at 5 Log Cabin Rd, Map/Lot 035-005-00.

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 in the Staff-memo dated 02-22-2023 which has been reviewed and approved, including any modifications, by the Board.

This approval is subject to the following conditions:

- 1) The addition must not overhang the lower level.
- 2) Any proposed exterior steps or other structures not shown on the plan (excluding in-kind replacements) are not part of this variance approval and thus must meet setbacks.

3) Building and Certificate of Occupancy permits are required and through those processes the following must be addressed:

- a) NH Department of Environmental Services septic system approvals are required.
- b) The septic system is to be protected from vehicular traffic by means of installation of shrubs, boulders, fencing, or other permanent features approved by the City Planner.
- c) Applicant is to incorporate vegetative stormwater management/treatment. Submission of a planting plan for this is to be drafted by a NH licensed landscape architect and submitted with the Building Permit application; it is to be reviewed and found acceptable by the City Planner. Installation of said vegetative treatment is to be installed prior to issuance of a Certificate of Occupancy."

Motion was seconded by Member Davis. **Motion carried 4-0-0.**

Member Cormier asked if deadlines are put on the approval notices. Director Creighton said they are not usually but would consider it.

Z 23-02: Gary Bennett, applicant, is seeking a Special Exception per Zoning Ordinance 305.4 to construct a single-family home on a vacant lot in the B1 (Low-density Business & Commercial) zoning district. The property is located at 0 Carver Street, Map/Lot 096-023-00.

Gary Bennett, applicant, spoke to the application. He explained that he is looking to build a single-family home. The lot is too small to support a duplex, which is permitted in that zone, but would support a single-family home. He explained the character of the neighborhood is other single-family homes and very few businesses so a single-family house would make sense.

Member Cormier asked if the house would meet the setback. Mr. Bennett confirmed that it would. Member Davis asked if there was currently anything on the property. Mr. Bennett confirmed there is not, it is just vacant land. Member Thompson asked for clarification on what Mr. Bennett meant by "energy-efficient" in his application. Mr. Bennett said the house would have spray-foam insulation, energy-efficient windows, etc.

Chairman Feener opened the hearing up to the public. There was no one present to speak to it so the hearing was closed and brought back to the Board. Member Davis asked Director Creighton for clarification on the difference between multi-family and duplex as the zone permits a duplex but not multi-family. Director Creighton explained the City's definition of multi-family is 3 or more. He also clarified that the B1 zoning district is set up for Commercial use, which would require Planning Board site-plan approval, but no zoning relief. A Special Exception means that in the right situation it is permitted. The area is primarily single-family homes and businesses. He explained that he has been working with the applicant to assist him with finding the best use for the property.

Member Cormier asked which street the house would be facing. Mr. Bennett confirmed it would face North Main Street. Member Davis asked where the driveway would be. Mr. Bennett said the driveway will be on Carver Street. Member Thompson expressed that, given the housing shortage in the State, he felt this was an appropriate use of the property. Member Davis made a motion to approve:

"I move that the Zoning Board of Adjustment approve the request for Special Exception to allow a residential use (single-family) in the B-1 Zoning district at 0 Carver St, Map-Lot 096-023-00.

The Board finds that the application request meets the tests and criteria necessary for granting a Special Exception as reasoned by the applicant via their application and presentation and via the Staff memo dated 2/22/2023, which have been reviewed and approved, including any modifications, by the Board.

This approval is subject to the following condition:

1. *The approval is for a single-family home only, and does not permit for additional dwelling units (standalone or accessory).*
2. *All setbacks must be met.*

3. *Connection to municipal water and sewer is required.*"

Member Thompson seconded the motion. **Motion carried 4-0-0.**

Other Business:

Member Cormier asked Director Creighton about the status of the proposed changes in the Lake Protection zone that had been discussed previously. Director Creighton explained that since many of the property owners affected are seasonal residents, he felt it would be more appropriate to hold a public hearing in the summer when they are more likely to be able to attend.

Adjournment: Member Cormier made a motion to adjourn, seconded by Member Thompson. **Motion carried 4-0-0. Meeting adjourned at 6:59 p.m.**

The next scheduled meeting of the Zoning Board of Adjustments is Wednesday, April 5, 2023 at 6:30 p.m. The deadline date for submission of applications for this meeting is Wednesday, March 15, 2023.

Respectfully submitted,

Judy Bibbins
Planning & Zoning Administrative Assistant