

**FRANKLIN ZONING BOARD  
REGULAR MEETING AND PUBLIC HEARING  
Wednesday, June 7, 2023 at 6:30 p.m.  
City Hall – Council Chambers**

**Minutes**

**Call to Order** - 6:30 p.m.

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

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

**Approval of Minutes of the May 3, 2023 Public Meeting of the Board**

Member Fleckenstein made a motion to approve the minutes, seconded by Member Cormier. **Motion carried 5-0-0.**

**New Business:**

**Z 23-06:** Tobias and Jamie Wolfe, owners, are seeking a variance from 305.14 Lot/Yard Requirements to build a 600 sq foot accessory use structure on their property. The proposed structure would be approximately 25' from the side lot line and 45' from the front and rear lot lines where the setback requires 50' from all lot lines. The property is located at 21 Lake Avenue, Map/Lot 076-071-00 in the LP [Lake Protection] zoning district.

Jamie Wolfe spoke to the application. She explained they were looking to build a woodshop for her husband's woodworking tools. Member Cormier asked questions about if it was for commercial or personal woodworking, if the property had been surveyed, if the lot had been measured and the exact location laid out, and if there would be any hazardous materials. Ms. Wolfe said it was for personal use, it had not been surveyed but they knew where the pins were and measured from those. Mr. Wolfe said he does not use any hazardous chemicals.

Member Davis asked about the noise level to which Ms. Wolfe explained it is currently being used in the garage but they want to get it out of the garage. Chairman Feener asked where the power would be coming from and confirmed the property line they measured from is where there is currently fencing. Ms. Wolfe said the power would be coming off the line to the garage and confirmed they had measured from the fence.

Director Creighton shared his concerns that the numbers on the application don't add up based on the measurements on the City's GIS Mapping system, the size of the proposed building and distances to other buildings on the lot. He explained the intent of the zoning ordinance and that this request is for a new building that creates a non-conformity as opposed to many applications that expand a non-conformity. He expressed caution to the Board with issuing an approval as there are other options that avoid all setbacks and a want is not a hardship. He explained they could choose to request a postponement to the next meeting without having to re-notice the abutters or they could move forward. Member Fleckenstein asked if they had heard from any abutters; Director Creighton said they had not.

Chairman Feener opened the hearing to the public but with no comments it was closed and brought back to the Board. Director Creighton reiterated the options to postpone and offered assistance from his office to improve the application if they chose to postpone. Ms. Wolfe said they would like to postpone it to the next meeting and get assistance.

Member Cormier made a motion to postpone the application to the July 5, 2023 meeting, seconded by Member Fleckenstein. **Motion carried 5-0-0.**

**223-07:** Chris and Kristin Ryder, owners, are seeking a variance from 305.14 Lot/Yard Requirements, to remove a flat-roof garage and replace it with a taller pitched roof and convert home from seasonal to year-round. Though the proposed change will be within the footprint of the existing house and garage, the increase in height is considered a vertical expansion within setbacks. The proposed addition will be approximately 2' from the lot line, where the required setbacks are 50'. Other variances from 305.29.3 "Webster Lake Overlay District" and 305.29.7 "Seasonal Conversion" may also be needed regarding limits on impervious surface and/or utility needs. The property is located at 75 Webster Ave, Map/Lot 076-102-00 in the LP [Lake Protection] zoning district.

Director Creighton explained that this applicant had contacted the Planning Office and asked to have the application postponed until the July 5, 2023 meeting. Member Fleckenstein made a motion to postpone the application until the July 5, 2023 meeting, seconded by Member Davis. **Motion carried 5-0-0.**

**Z 23-08:** Chris and Juliann Barrett, owners, are seeking a variance from 305.14 Lot/Yard, to build a 15' x 13' deck on the backside of their house. The deck will be approximately 12' from the side lot lines and 13' from the lake where the setback requires 50'. The property is located at 205 Webster Lake Road, Map/lot 075-064-00, in the LP [Lake Protection] zoning district.

Chris Barrett, owner, spoke to the application. He explained the purpose is to create a second means of egress for safety and to add a little bit of outdoor space. In response to questions from the Board, Mr. Barrett explained that the proposal is on the back side of the house and not visible from the road, that it is not covered, and that it will not extend beyond the current footprint of the house. He also confirmed that it would not impact the septic and accepted the condition of using non-treated wood for the decking. He confirmed there would not be a concrete pad, just footings, and no retaining wall at this time.

Director Creighton shared that the applicant is already working with the Department of Environmental Services for any necessary permits. He also explained there may be other options to correct the life-safety concerns such as just adding a door or an egress window.

Chairman Feener opened the hearing up to the public but with no comments, the hearing was closed and brought back to the Board. Member Fleckenstein made a motion:

*"I move that the Zoning Board of Adjustment approve the request for a variance from 305.14 Lot/Yard, to build a 15' x 13' deck on the backside of their house. The deck will be approximately 12' from the side lot lines and 13' from the lake where the setback requires 50'.*

*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 via the discussion held at the public hearing.*

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

***1) Building and Certificate of Completion/Use permits are required and through those processes the following must be addressed:***

- a) NH Department of Environmental Services approvals are required, if applicable, prior to construction.*
- 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 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.*
- d) No treated wood is to be used for the decking."*

Motion was seconded by Member Cormier. **Motion carried 5-0-0.**

**Z 23-09:** Denise Steadman, owner, is seeking a variance from 305-29.2.D.3 Solar energy collection systems to install a ground-mounted solar array at the front of the property where the ordinance requires it be placed in the rear

yard. The property is located at 26 Finch Drive, Map/Lot 076-405-05 in the R1 [Low-density residential] zoning district.

Paul Duncanson, Brother-in-law to the applicant, spoke on behalf of the application. He explained the back of the lot is full of ledge and boulders and the septic system so it is not feasible to place the array in the back yard. He explained they will be planting vegetative screening to help block the array from the road and they have spoken to the abutters and none of them had any concerns. He explained that it would look similar to one placed at 575 South Main Street but would only be 8' high and 37' long. He also said they could not do a roof mounted system because the house has a metal roof and there is not a good system to attach to it.

In response to questions from Chairman Feener, Mr. Duncanson confirmed it would not be necessary to upgrade the transformer, the lines would be buried underground, and that they couldn't go back any further in the yard due to a drainage ditch. He confirmed the area is already roped off and digging had begun due to a miscommunication with the solar company as he thought they had already applied for the permits. Director Creighton explained how the City Right-of-Way extends beyond the road and that property lines do not go all the way up to the edge of the road.

Chairman Feener opened the hearing up to the public but with no comments, the hearing was closed and brought back to the Board. Member Fleckenstein made a motion:

*"I move that the Zoning Board of Adjustment approve the request for a variance from Zoning Ordinance 305-29.2.D.3 Solar Energy Collection Systems to permit a ground-mounted solar array to be located in the front/side yard.*

*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 discussion had at the public hearing.*

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

*1) The proposed arborvitae vegetation, required for screening, shall be set further back into the property than what is depicted on the plans included with the application. This is meant to protect the arborvitae from the road maintenance related damages (plowing / salt damage).*

*2) At the approval of the Planning Director, alternative vegetation can be used in place of the arborvitae if the applicant so desires a different vegetative species."*

Motion was seconded by Member Cormier. **Motion carried 5-0-0.**

Member Fleckenstein recused herself from the next three applications due to a conflict of interest: she sits on the Board of the Franklin Maker Space that is in conversations with Easter Seals about a potential partnership at this property.

**Z 23-10:** Easter Seals NH, Inc., owner, is seeking a variance from 305-13 Permitted Uses, to convert two structures into multi-family housing units where the zoning ordinance does not permit multi-family residences. The property is located at 20 Holy Cross Rd. Map/Lot 104-406-01 in the C [Conservation] zoning district.

Megan Carrier, attorney for the applicant, and Chris Williams from Easter Seals of NH spoke to the application. Ms. Carrier gave a conceptual plan for the entire property but explained they are not looking for approval of all of that right now. She explained they are looking to convert 2 of the buildings into apartments for Veteran Housing. She addressed each of the 5 Variance Criteria and questions that had been raised by Director Creighton in his Staff Memo to the Board. In response to questions from the Board, Ms. Carrier explained they are repurposing the buildings, not demolishing them. They will be creating stand-alone apartments, each with its own kitchen and bathroom.

Mr. Miller addressed questions from the Board that these units will be affordable rentals for veterans. The goal is to be 100% accessible and occupied by veterans. The expectation is that the 2-bedroom units could be for a Veteran and spouse, a single-parent Veteran or one that has a live-in care-giver. Mr. Miller said it is undetermined at this

time if discharge status would be considered and also that homeless veterans are not the target audience but that has not been finalized. He also said there would be space for medical and/or psychiatric support on the campus but not in these buildings.

Director Creighton reminded the Board of their specific purpose and that either an approval or denial can have repercussions. An approval means that these buildings would be approved as multi-family properties and could be sold to a developer as such. A denial could mean the property sits vacant and the buildings fall into disrepair. He addressed questions from the Board about past uses of the property. As an orphanage, this property would house approximately 300 children, it also served as a substance-treatment center but not in the buildings being discussed at this time. He shared that, while they could put a condition on the approval that it is to be used for veteran housing only, that runs the risk of violating anti-discrimination laws. As such, he suggested the request and approval should be viewed as apartments for anyone.

Chairman Feener opened the hearing to the public. Dan Fife of 925 South Main Street spoke in favor of the zoning/use change. He said he believed the use was greatly needed and would be acceptable to him as an abutter. He felt that activity on the property would help to deter vandalism that can happen to vacant buildings.

Leigh Webb spoke as President of the Franklin Historical Society, located at 21 Holy Cross Road. He confirmed with Mr. Miller that any children of veterans housed on the property would be eligible to attend the Franklin Schools and spoke in support of the repurposing of the buildings.

The public hearing was closed and brought back to the Board. Member Cormier made a motion:

*"I move that the Zoning Board of Adjustment approve the request for a variance from 305-13 Permitted Uses, to convert two structures into multi-family housing units where the zoning ordinance does not permit multi-family residences. The property is located at 20 Holy Cross Rd. Map/Lot 104-406-01 in the C [Conservation] 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 in the Staff-memo dated 06-05-2023 which has been reviewed and approved, including any modifications, by the Board.*

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

- 1) The approval is for 15 units in the Henry building, and 14 units in the Webster building.*
- 2) The applicant be responsible for improving Holy Cross road, including but not limited to creation of City-approved turn-around."*

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

**Z 23-11:** Easter Seals NH, Inc., owner, is seeking a variance from 305-13 Permitted Uses, to convert one structure into multi-family housing units where the zoning ordinance does not permit multi-family residences. The property is located at 27 Holy Cross Rd. Map/Lot 104-406-02 in the C [Conservation] zoning district.

Megan Carrier, Attorney for the applicant requested this application be withdrawn without prejudice at this time.

**Z 23-12:** Easter Seals NH, Inc., owner, is seeking a variance from 305.14 Lot/Yard Requirements, to construct an addition to connect two existing structures. The addition will be approximately 47.5' from the front property line where the ordinance requires 50'. The property is located at 20 Holy Cross Rd., Map/Lot 104-406-01 in the C [Conservation] zoning district.

Ms. Carrier spoke to the application and explained that they are asking to build an atrium to house an elevator to connect the two buildings and make both of them handicap accessible. She explained that the buildings are staggered and both of them are already in the setback so this design was the best option with minimal impact to the property. She went through each of the 5 Variance Criteria and explained the benefits as noted on the application. Ms. Carrier confirmed that the construction would take place concurrently with the construction of the apartments.

Director Creighton asked Eric Anderson, architect on the project, why this had to encroach on the setback. Mr. Anderson said they had designed it to align such that there was minimal impact to the brickwork of the historic buildings.

Chairman Feener opened the hearing to the public. Leigh Webb asked Mr. Anderson if they would be filling in the tunnel that goes between the buildings. Mr. Anderson confirmed that they would be filling it in but would be constructing a new one for usability of the basement. With no further comments, the hearing was closed and brought back to the Board.

Member Cormier made a motion:

*"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 an addition which encroaches 2.4-feet into the 50-foot front setback.*

*The Board finds that the request meets the tests and criteria necessary for granting a Variance per the written responses authored by the applicant/agent and the discussions had during the public hearing."*

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

Chairman Feener and Member Thompson both thanked the applicant for the care of the buildings and expressed appreciation for the project.

Member Fleckenstein resumed her seat.

**Adjournment:** Member Davis made a motion to adjourn, seconded by Member Thompson. **Motion carried 5-0-0.**  
**Meeting adjourned at 8:37 p.m.**

The next scheduled meeting of the Zoning Board of Adjustments is Wednesday, July 5, 2023 at 6:30 p.m. The deadline date for submission of applications for this meeting is Wednesday, June 14, 2023.

Respectfully submitted,

Judy Bibbins  
Planning & Zoning Administrative Assistant