

**FRANKLIN ZONING BOARD
REGULAR MEETING AND PUBLIC HEARING**

Wednesday, July 11, 2018 at 7:00 p.m.; City Council Chambers

Minutes

Call to Order 7:11

☐ **Salute to the Flag**

☐ **Roll Call: Present** – Glen Feener, Cecile Cormier, Jeffrey Dickinson, & Zoning Director Richard Lewis **Absent** – Debbie Davis, Kathlene Fleckenstein and David Testerman

❖ **Seat Alternates** – Cecile Cormier for David Testerman

☐ **Approval of Minutes of the June 6, 2018 Public Meeting of the Board.** Member Cormier suggested that a note be added regarding the mention of letters on page 2, paragraph 1 to read “see file for details”. Member Dickinson motioned to accept the minutes as amended. Member Cormier seconded but abstained from voting since she wasn’t present at the June 6th meeting. There was no further discussion and the minutes were approved by a vote of 2-0-1.

Old Business: None

New Business:

Z 18-04: Brian Nawoj, owner/applicant requests a Variance from Section 305-14, Lot and Yard Requirements to construct a 36 ft. by 28 ft. house with a 16 ft. by 20 ft. attached garage that will not meet the required front and side yard setbacks. The proposed structure will be located on Smiling Hill Road, Map/Lot # 074-012-00 in the LP [Lake Protection] zoning district, Map Sheet J6.

Member Cormier stated that the applicant also doesn’t meet the frontage requirement and the lot is non-conforming because it doesn’t meet the lot size. She suggested that the variance include 305.18B(1) for non-conforming lot. Director Lewis answered that the lot is pre-existing non-conforming so the only conditions of zoning that need to be addressed are the front and side yard setbacks. Chairman Feener read 305.18B(2) to further clarify the issue. He then informed the applicant that since there were only 3 members present at the meeting, there must be a unanimous vote in favor to grant the requested variance.

Mr. Brian Nawoj stated that he wished to proceed. Mr. Nawoj added that the property has been in his family for 50 to 60 years. The property was originally 52’ x 75’ and his grandfather had started to build on it but had never completed the job. At this point, Mr. Nawoj is looking to build this 36’ x 28’ house. The setbacks today are 50 feet on all sides. The lot is currently

100 feet deep and 117 feet wide so it doesn't leave much space to build. The original setbacks were 30 feet front and 20 feet side and rear. Mr. Nawoj is seeking a variance to use those setbacks which will accommodate both the house and the garage. This property is two lots combined. In 2001 the city paved over part of the lot and a lot line adjustment was made giving Mr. Nawoj a bit more square footage. The house would be placed in the natural depression on the property which would keep the structure from appearing much higher than the neighboring houses. Mr. Nawoj also owns several lots on the opposite side of the street but it is all ledge over there. If he can't build on the lot in question, it would render the lot not usable.

Member Cormier asked if he would be filling the lot and Mr. Nawoj answered that the drive will go in before the road turns the corner and that fill would be brought in to add to the excavation materials to grade the drive up to the house. He added that there is a State approved septic. With no further questions from the board, the meeting was opened to the public.

Dennis Jenkins, 11 Smiling Hill Road is an abutter. His main concern is the status of the trees on the lot, especially one huge oak tree that leans towards his property. He mentioned that he had spoken with Mr. Nawoj prior to the meeting and they discussed the tree, the access to the property and for what the new house would be used. Mr. Nawoj had said the house might be for rental which concerned Mr. Jenkins who felt that it would be better if it were owner occupied.

Mr. Nawoj answered that the tree would be coming down, but that it was his philosophy is to take down as few trees as possible. As far as rental, it would be long term rental or possible his brother living there.

The public hearing was closed and the discussion brought back to the board. There was no further discussion by the board and Member Cormier motioned to approve the variance with the conditions stated in the Notice of Decision, which was seconded by Member Dickinson. By a vote of 3-0-0 the motion passed.

Planner's Update: Nothing

Other Business: None

Public Comment: None

Adjournment: Members Cormier / Dickinson motioned / seconded adjournment at 7:31 PM. All were in favor.

The next scheduled meeting of the Zoning Board of Adjustments is Wednesday, August 1, 2018, at 7:00 p.m.; the deadline date for submission of applications for this meeting is Wednesday, July 11, 2018.