

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

Wednesday, October 3, 2018 at 7:00 p.m.; City Council Chambers
Minutes

Call to Order

☐ Salute to the Flag

- ☐ Roll Call:** Present: David Testerman, Jeffrey Dickinson, Cecile Cormier, Chairman Glen Feener, & Zoning Director Richard Lewis. Absent: Kathlene Fleckenstein & Vice Chair Debbie Davis
Seat Alternates--Member Cormier is seated for Member Fleckenstein

☐ Approval of Minutes of the September 5, 2018 Public Meetings of the Board.

Member Cormier motioned to approve the minutes as written which was seconded by Member Testerman. The motion passed by a vote of **4-0-0**.

Old Business: None

New Business:

Z 18-10: Craig & Jessica Emerson, owners at 59 Edward Street are seeking an Agricultural Waiver for a chicken coop / enclosure to be located at Map/Lot 116-160-00 in the RS [Single Family Residential] zoning district.

Craig Emerson stated that they were requesting a waiver for a chicken coop on his Stevens Street property. The enclosure has netting over the top to keep chickens contained. There are four chickens and no roosters. Their children will be keeping the coop clean on a weekly basis. He contacted all except one of his abutters and they were all okay with the chickens.

Member Cormier asked why they put the coop so far from their house and if it was far enough away from his neighbors not to cause an issue. Mr. Emerson answered that the coop is within proximity to his shed which has power and storage for chicken supplies.

Member Dickinson asked about the complaint that had been made regarding the chickens. Mr. Emerson explained that they had been ignorant of the need to be granted a waiver to establish the chicken coop. He had planned on covering the top of the enclosure prior to leaving on vacation but the birds were still young and not able to fly. During their absence the birds flew out of the enclosure and the neighbor's dog was chasing them around. He has since covered the enclosure with netting so the birds can't get out and the neighbor who complained has added their approval of the project.

Public: No one from the public rose to speak either for or against the waiver.

Chairman Feener closed the public portion of the hearing and brought the discussion back to the board. Chair Feener asked Director Lewis to explain the pertinent RSA. Mr. Lewis said that the

State of New Hampshire recognizes that agriculture is part of the character of New Hampshire's communities. The RSA places a cap on communities from being overly restrictive toward agricultural activities. Although an agricultural waiver is not a right, if the tests and criteria established by the State are met by an applicant, the Board may grant the waiver.

Motion: Member Testerman motioned to approve the application which allowed for the keeping of five chickens. Member Cormier seconded. Director Lewis asked for clarification whether the Emersons were intending to keep four or five chickens. Mr. Emerson said that four would be the most they would keep. Member Cormier motioned to approve an amended draft of approval for four chickens which was seconded by Member Dickinson. The Motion as amended passed with a **4-0-0** vote.

Planner's Update: In next couple months, he will be making recommendations to Planning Board regarding zoning in response to Steven's Mill project and apartment sizes. There are currently specific requirements about the numbers and sizes of apartments in the Downtown Overlay District that may need revision due to the present trend to create smaller units, as in Concord where apartments of only 350 square feet are being constructed. Member Cormier asked if the board attends the NH Municipal Association annual conference which offers updates on court cases and legal issues. Director Lewis answered that the city doesn't have the budget for board members to attend, that he has attended what was formerly called the Office of Energy and Planning conference which has workshops for zoning and planning boards and typically takes place in April.

Other Business: Gary & Deb Auger, 39 Maple Square, request for a rehearing. Director Lewis told the board that the Auger's have filed a request for rehearing. The task for the board tonight is either to accept or deny the request for rehearing. If a rehearing is granted, all necessary fees and notices will have to be addressed. Member Cormier asked if the applicants had received the minutes from the previous meeting which was confirmed by the recording secretary. She then asked if only those members of the board who were present at the first meeting could vote for a rehearing and was answered that all present members could vote tonight. Member Testerman motioned for a rehearing and Member Cormier seconded that motion. By a vote of **3-1-0** [Chair Feener voting against] the applicant was granted a rehearing on November 7, 2018.

Public Comment: None

Adjournment: Member Cormier / Member Dickinson motioned / seconded adjournment at 7:25 PM. All were in favor.

Minutes Recorded by Cheryl Y. Fisher, Administrative Assistant Planning & Zoning

The next scheduled meeting of the Zoning Board of Adjustments is Wednesday, November 7, 2018, at 7:00 p.m.; the deadline date for submission of applications for this meeting is Wednesday, October 17, 2018.