

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

Wednesday, May 1, 2019 at 7:00 p.m.; City Council Chambers

Minutes

Call to Order

☐ Salute to the Flag

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

☐ Nominations for Chairman and Vice Chairman: David Testerman nominated Glen Feener for Chairman. Cecile Cormier seconded the nomination. There were no other nominations. **By a vote of 4-0-0 the nomination was approved.** Cecile Cormier nominated Kathlene Fleckenstein for Vice Chair. David Testerman seconded the nomination. **By a vote of 4-0-0 that nomination was approved.**

☐ Approval of Minutes of the April 3, 2019 Public Meetings of the Board. Vice Chair Fleckenstein motioned to approve the minutes. Member Cormier seconded the motion. **There were no modifications noted and the minutes were approved as written by a vote of 5-0-0.**

Old Business: Continuation of Z18-09: Brian Nawoj, owner is seeking a variance from 305.14, Lot and Yard, to replace an existing nonconforming residence with a new residence that does not meet the shoreline [17 ft. vs. 50 ft.] or property line setbacks [19.4', 11.5', & 14.1' versus 50']. The property is located at 19 North Shore Lane [Map/Lot 032-048-00, Map Sheet H4] in the LP [Lake Protection] zoning district.

Mr. Nawoj told the board that the existing 1950s era cottage was beyond salvaging and really needed to be rebuilt. He and Nicole Roseberry from Ames Associates have been working with both DES and Franklin Planning and Zoning on a design for a new house. On the first level would be a living room, kitchen and ½ bath. The second level would have three bedrooms and a full bathroom. They have already received approval from DES for the reduction of the front setback. The plan generally maintains the original dimensions of the building and also stays within the grandfathering of the building envelope. It reduces the front setback to about 12.5 feet. The distance to the right of way is about 18 feet. Without the additional 4-foot increase toward the back of the property, the depth would be 19 feet on the right side toward the lake and 16 feet as opposed to 23 feet and 20 feet. That is a very narrow building envelope which presents a hardship in rebuilding, so he doesn't consider a four-foot increase along the road to be unreasonable. This expansion

doesn't affect abutters in terms of view of the lake or access along the lane. In the November meeting there was an issue with the front steps so the revised plan has those steps recessed into the building. Elevation was another question that came up previously and to avoid too tall an elevation a back shed-dormer and a front A-dormer were designed. The front elevation will be 25 feet high and the rear about 31 feet since the property slopes down toward the lake. They don't want to dig down more than a 4-foot frost wall. Recent improvements along the lane have included variances that increase the footprint, in some cases by as much as 10 feet, and have also allowed 2nd levels for bedrooms. He feels that it would only be fair if they got the same treatment.

Member Cormier had several questions for the applicant which included the square footage of current house, the elevation of the proposed house, the location of the well, the drip line trenches and any DES required ground cover. The following answers were supplied by Mr. Nawoj and Ms. Roseberry: The old structure is 31.5 feet x 25.5 feet. The proposed house with four-foot expansion would be about the same on two levels; the well will be an artesian well about 4-5 feet from the edge of the lake; the dripline trenches would be a minimum of 8 inches deep and extend a foot out from the edge of the drip line and filled with crushed stone; if there is no net increase in coverage within the 20-30 percent range, the property is grandfathered and there is no need for a stormwater management plan. However, there will be a small amount of living space within 50 feet of the water so the State asks that the designer propose a more nearly conforming plan. Ms. Roseberry's firm has proposed a stormwater management plan and blueberry shrubs to be planted within the waterfront buffer. Both of those were approved by DES. Member Cormier suggested additional ground cover of some type on the lake side. She then asked about the septic and Mr. Nawoj explained that it had been installed about 6 years ago. It is a clean solutions septic.

Member Testerman asked if the State approved the site plan. Ms. Roseberry stated that they did.

Planner Lewis referred to the memo he sent out regarding the issue of the rear setback. The porch on the existing house is 21.5 feet from the shoreline, but the proposed setback appears to be only 18.5 feet. He was surprised that DES approved that. Ms. Roseberry stated that the existing deck is the benchmark for the distance to the lake and it is 17 feet away. The living space in the house can't come any closer than the existing living space which is 25.8 feet, which is why there is a jog at the southwest corner of the house. They can't square that off and maintain the 25.8 feet distance to the lake. The proposed enclosed porch is not a heated or insulated space and it is not counted as living space. If a house is built prior to 1994, DES allows for a deck or porch to be just 12 feet from the lake. The towns may have oversight on that.

There was no public comment and no other discussion among the board. Member Testerman made a motion to approve the application, which was seconded by Member Cormier. Member Cormier asked for an amendment to include the condition for

groundcover to be planted over the ground near the lake. There was an additional request that a revised plan show the exact placement of the drip trenches once the drip line is determined after building. All were in favor of the amendments. **The vote to approve passed by a vote of 5-0-0.**

New Business: Member Cormier asked for copies of any shoreland permits to be forwarded to the Conservation Commission for their review and comments. Planner Lewis answered that he thought that the Conservation Commission is already receiving them. Member Cormier stated that her neighbor on the Commission only got notification after the fact, so she asked that they be kept in the loop. Mr. Lewis said he could send a copy.

Planner's Update: Nothing to report.

Other Business: Members Cormier/Fleckenstein made and seconded a motion to move the meeting time to 6:30 pm instead of 7:00 pm. All were in favor.

Public Comment: None

Adjournment: A motion to adjourn was made by Member Cormier and seconded by Member Fleckenstein at 7:35 pm. All were in favor.

The next scheduled meeting of the Zoning Board of Adjustments is Wednesday, June 5, 2019, at 6:30 p.m. The deadline date for submission of applications for this meeting is Wednesday, May 15, 2019.

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