

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

**Wednesday, June 5, 2019 at 6:30 p.m.; City Council Chambers**

**Minutes**

**Call to Order**

**☐ Salute to the Flag**

**☐ Roll Call:** **Present** - Chairman Glen Feener, Vice-Chair Kathlene Fleckenstein, Debbie Davis, Jeffrey Dickinson, Cecil Cormier, and Planning/Zoning Director Richard Lewis **Absent** - Robert Hubble and David Testerman. Cecile Cormier will sit for David Testerman for voting purposes.

**☐ Approval of Minutes of the May 1, 2019 Public Meetings of the Board.** Member Cormier made a motion to accept the minutes as written. Member Dickinson seconded the motion. There was no further discussion and no corrections. **By a vote of 4-0-1 the motion passed.** Member Davis abstained from voting since she was absent from the previous meeting.

**Old Business:** None

**New Business:**

**Z19-04:** Mark & Amy Field, owners, are seeking a variance from Zoning section 305.14 Lot/Yard & 305-18.C [non-conforming structures] to add a lakeside deck and a second story over a southside bump out. The existing house is being demolished and a new house, maintaining the same footprint, will be built at 156 Webster Ave [Map/Lot 075-034-00, Map Sheet K6] in the LP [Lake Protection] zoning district. The proposed 6 ft. deep deck will be closer to the rear lot line than the existing house.

Mark & Amy Field, applicants, spoke about the application. They bought the house in November 2018 as secondary home; their primary residence is in Reading, Massachusetts. They'd been searching for a lakeside house for five plus years and were very excited with the purchase of the house at 156 Webster Avenue. While investigating what improvements they wished to make, it was decided that rebuilding was the best option. As part of that rebuild, they wish to add a lakeside deck and a third bedroom over the first-floor kitchen bump-out. Member Cormier asked if they had all their approvals from the State and the applicant answered that they had, including the Shoreland Permit. Member Cormier then asked about the septic and the applicant responded that a new system that could support three bedrooms was installed in 2016. With no more questions from the Board, public comment was accepted. Janet Flag, 148 Webster Avenue, said that she was in favor of the project.

The discussion was brought back to the Board and Member Cormier commented that it was time to rewrite the zoning regarding the LP zone so they weren't hearing so many applications for setback variances. Planner Lewis responded by saying that there are many LP properties that are far from the lake where the zoning is problematic, but that in this case the property is lake front. Chairman Feener asked for a motion and Member Cormier made a motion to grant the variance. This was seconded by Member Davis. Planner Lewis interjected that a shoreland permit has been obtained and as a condition

it can be deleted from the Board's decision. Member Cormier requested that a completion date of two years be included in the conditions and Member Davis said that she was in favor of that additional condition. **By a vote of 5-0-0, the application was approved.**

**Neither the Virgins, owners, nor their representative were not present to speak on Z19-06.** Member Cormier made a motion to postpone the application until the end of the meeting. This was seconded by Vice Chairman Fleckenstein. All were in favor.

**Z19-07:** Karl & Raquel Miller, owners, are requesting a Special Exception, per Zoning section 305-18 C.(6)(b) to construct a 16 ft. by 20 ft. single-story addition to their house at 5 Pasture Drive [Map/Lot 100-045-00, Map Sheet Q7] in the R1 [low density residential] zoning district.

Mr. and Mrs. Miller were present. They explained how they wished to put a one-story addition onto the existing house. Their youngest daughter will be getting married and she and her husband will be moving in with them. Additionally, Mr. Miller finds climbing the stairs more difficult and the addition would allow for living entirely on the ground floor. The addition would contain a bedroom and living room. The need for the Special Exception arose because the builder constructed the house too close to the road years ago. The Millers only moved in about a year ago and they want to do everything according to the zoning requirements, therefore they have decided to move the addition back further than originally planned, which was to be at the front edge of the existing porch. Now it will be located seven feet back from that line and the roof line will be in line with the roof of the 2-story house. They want to make this their forever house.

Planner Lewis explained that it was possible that the developer erroneously measured off the edge of the road instead of the surveyed lot line. The change in the alignment of the new addition came in after the abutters were notified, but it is an improvement and neither the recommendation nor the criteria changes. No one from the public chose to speak and the discussion was brought back to the Board. Member Cormier motioned/Vice Chair Fleckenstein seconded the decision to approve. **The vote was 5-0-0 in favor.**

**Z19-08:** Cassandra and Jordan Powers, owners, are seeking an agricultural waiver, per RSA 674:32-c. to build a 10 ft. by 10 ft. coop to house 10-12 chickens on their property at 142 Ward Hill Road [Map/Lot 131-015-00, Map Sheet J9] in the RR [Rural Residential] zoning district.

The Powers want to build chicken coop enclosed by a fence; no free-range chickens and no rooster. They just want the chickens for eggs.

Member Cormier asked about the location of the septic and the well. Mr. Powers said that the septic is in the front of the house. The well is an artesian well about 50 feet from the coop location. Member Cormier asked about the floor of the coop and the Powers said it would be plywood and that the waste would be put in a compost pile farther from the well. Member Cormier asked if they intended to sell the eggs, but the owners said they just wanted them for family and friends. Member Davis asked if all the abutters were notified and that was confirmed. There was no public comment. When brought back to the board, Member Cormier requested that the decision include the condition that the coop would be 10' x 10'. Member Dickinson motioned for approval. Vice-Chair Fleckenstein seconded the motion. **By a vote of 5-0-0, the agricultural waiver was granted.**

**Z19-06:** Victor Virgin & Bernadette Duguay-Virgin, owners, are requesting a variance from Zoning section 305.14 Lot/Yard to construct a 24 ft. by 24 ft. garage, with living space above, attached to the existing house that will not meet the side yard setback [39 ft proposed vs. 50 ft required]. The house is located at 346 Lake Shore Drive [Map/Lot 072-004-00, Map Sheet H5] in the LP [Lake Protection] zoning district.

The applicants still hadn't appeared by this point and Planner Lewis said that the abutters received notification of tonight's meeting and, since no one has shown up, the Board has the authority to continue this to the next meeting. However, the Board can vote on the application tonight if they so choose.

Member Cormier asked if the addition impinged on their neighbor. Planner Lewis said the addition would be quite a distance from both the neighbor and Webster Lake, which is across the street. Member Davis asked about living space above the garage on the submitted plan. Would this structure be taller than the existing house? Planner Lewis said there were no detailed drawings at this time, but that this house and proposed addition backs up to a large piece of property so no one will have their view blocked. Member Cormier asked about the age of the existing home and if the septic system was sufficient for this addition if the living space turned out to be for a bedroom. Planner Lewis said that once we had the building plans, if it was discovered that the septic wasn't sized for this, they wouldn't get a permit. Member Davis said that since the Board can't answer these questions without the owner present, she was uncomfortable with making a decision tonight. Other Board members agreed and it was decided to postpone the application to the next meeting. Vice Chair Fleckenstein made a motion to postpone the application to July 3<sup>rd</sup> meeting. Member Davis seconded that motion. **The motion passed by a 5-0-0 vote.**

#### **Planner's Update:**

**Other Business:** Chairman Feener asked if the Board would like to move the July 3<sup>rd</sup> meeting to July 10<sup>th</sup>. Member Fleckenstein stated she wouldn't be able to attend on the 10<sup>th</sup>, but the rest of the Board agreed to the switch in the meeting date. Members Cormier/Davis motioned/seconded a proposal to meet on July 10<sup>th</sup>. **By a vote of 5-0-0 the motion passed.**

#### **Public Comment: None**

**Adjournment:** Member Cormier made a motion to adjourn, which was seconded by Vice Chair Fleckenstein. All were in agreement and the meeting ended at 7:10pm.

The next scheduled meeting of the Zoning Board of Adjustments is Wednesday, July 10, 2019, at 6:30 p.m. The deadline date for submission of applications for this meeting is Wednesday, June 12, 2019.

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