

**FRANKLIN ZONING BOARD
REGULAR MEETING AND PUBLIC HEARING
Wednesday, July 7, 2021 at 6:30 p.m.
City Council Chambers**

Minutes

Call to Order Chairman Feener called the meeting to order at 6:30 p.m.

Attendance – Present: Chairman Glen Feener; David Testerman; Kathlene Fleckenstein; Alternate Cecile Cormier. **Absent:** Debbie Davis; Jeffrey Dickinson.

Chairman Feener sat Alternate Cormier for Member Davis for voting purposes.

Salute to the Flag was led by Dave Testerman

Approval of Minutes of the June 9, 2021 Public Meeting of the Board.

A motion was made by Dave Testerman to approve the minutes of the June 9, 2021 meeting. Motion was seconded by Kathlene Fleckenstein. Motion carried with a vote of 4-0-0.

New Business:

- ❑ **Z 21-10:** Dennis & Virginia Jenkins, owners, are requesting a variance from 305-14 Lot/Yard to construct a 16' x 5' deck on the back side of their house. The deck will be approximately 23 feet from the rear property line where the zoning requires 50 feet. The house is located at 11 Smiling Hill Road, Map/Lot 074-010-00, in the LP [Lake Protection] zoning district.

With no one present to speak to this application, Member Cormier suggested it be moved to the end of the meeting in case someone shows up late. Chairman Feener agreed to move it to the end of meeting.

- ❑ **Z 21-11:** Christopher Smith and Nicole Ireland, owners, are requesting a variance from 305-14 Lot/Yard to construct a 6' x 36' farmer's porch on the front of their house. The porch will be approximately 31 feet from the front property line where the zoning requires 40 feet. The house is located at 6 Pasture Drive, Map/Lot 100-062-00, in the R-1 [Low Density Residential] zoning district.

Christopher Smith presented his application citing the merits of a farmer's porch adding to the community feel of the neighborhood and increasing property values.

Member Cormier asked about the distance from the porch to where the ground slopes down. Mr. Smith responded that it would be about 10'-15'. Member Cormier asked of the Board if steps are included in the setback, to which Member Fleckenstein confirmed that they are. Since that would make the project further within the setback limit, the applicant was asked if the steps could be moved to the driveway side of the porch. Mr. Smith was willing to make that change to the design so Chairman Feener said it could be a conditional of approval.

The discussion was opened to the public but, with no one to speak about it, the hearing was closed and brought back to the Board. Member Cormier made a motion to approve the variance with the added condition of the steps being on the side.

"I move that the Franklin Zoning Board of Adjustment approve the request from Christopher Smith and Nicole Ireland, owners, to grant a variance from 305-14 Lot/Yard to construct a 6' x 36' farmer's porch on the front of their house. The porch will be approximately 31 feet from the front property line where the zoning requires 40 feet. The house is located at 6 Pasture Drive, Map/Lot 100-062-00, in the R-1 [Low Density Residential] zoning

district. The approval is consistent with the draft Decision prepared by the Planning Director, with any revisions noted in the minutes.”

Motion seconded by Member Fleckenstein. **Motion passed 4-0-0.**

- ❑ **Z 21-12:** William Vey, owner, is requesting a variance from Section 304-14 to allow the future subdivision to create two new lots which do not have frontage on an accepted public way, and to allow the construction of the future homes on these lots on the proposed private road. The property is located on Rowell Drive, Map/Lot 134-406-00 in the RS [Single Family Residential] zoning district.

Mr. Vey spoke on his application and explained that his plan is to create a shared driveway/private road for the two houses he proposes to build. He wants to split off 1 acre for a house lot for his daughter and build a second house for himself on the remaining lot.

Member Testerman asked about the street on the plan and whether it was currently in existence. Mr. Vey stated that it was not as the prior 6-lot subdivision plan had expired. Member Testerman also questioned if the neighbors were aware that the driveway would be going through their yards. Mr. Vey responded that they had been made aware through the abutter notices sent by certified mail.

Member Cormier asked about the frontage issue if there was no road. Mr. Vey explained the private road concept and 2 houses sharing it as a common driveway was for the purpose of satisfying that requirement.

Chairman Feener opened the discussion to the public. Robert Fietche owns one of the lots that will directly abut the proposed shared driveway. Mr. Fietche expressed concerns about the water and the amount of runoff from cutting the trees on Mr. Vey’s property, that it will potentially flood his basement and cause erosion as the slope of that property faces his back yard. Mr. Fietche also had concerns about utilities and who would be maintaining that private road.

Mr. Vey responded that his “tree guy” had told him that the sun would dry up the property once the trees are cut, the utilities would be underground so no wires running. He also said that given the likelihood of hitting ledge in this area, that would also alleviate the water. Mr. Fietche asked if he would be accessing city sewer or having a septic system and leach field. Mr. Vey described a system that would allow him to connect to City water and sewer by utilizing a holding tank for solids that would be pumped out occasionally and liquid would connect to the City sewer system.

Chairman Feener explained that the water/sewer question was a site-plan issue and would be taken up by the Planning Board. Mr. Fietche ended his comments by saying he was mainly concerned about the water table and runoff into his property, as well as the proximity of the driveway/private road to his garage.

Chairman Feener asked for any other public comments. There were none so the public hearing was closed and brought back to the Board for discussion. Member Testerman expressed that the concern about water was a legitimate one and felt that the NH Department of Environmental Services should be contacted for a water management study before anything is done to the property. The Board agreed that should be an additional condition of approval.

Member Testerman made a motion to approve the variance:

I move that the Franklin Zoning Board of Adjustment approve the request from William Vey, owner, for a variance from Section 304-14 to allow a future subdivision to create two new lots which do not have frontage on an accepted

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public way, and to allow the construction of the future home lots on the proposed private road. The property is located on Rowell Drive, Map/Lot 134-406-00 in the RS [Single Family Residential] zoning district. The approval is consistent with the draft Decision prepared by the Planning Director, with any revisions noted in the minutes including the water management study.

Motion was seconded by Member Cormier. Motion passed 4-0-0.

Chairman Feener readdressed application Z21-10, asking if anyone had shown up to present it. With nobody present to speak to the application, Member Cormier made a motion to continue it until the August 4th meeting. Member Fleckenstein seconded. Motion carried 4-0-0. Chairman Feener asked the Planning and Zoning Administrative Assistant to notify the applicants of the continuance and that it is the only continuance that will be allowed.

Planner's Update: None

Other Business: None

Public Comment: None

Adjournment: Motion to adjourn made by Member Cormier, seconded by Member Fleckstein. Motion carried 4-0-0. Meeting adjourned at 7:18 p.m.

The next scheduled meeting of the Zoning Board of Adjustments is Wednesday, August 4, 2021, at 6:30 p.m. The deadline date for submission of applications for this meeting is Wednesday, July 14, 2021.

Respectfully submitted,

Judy Bibbins
Planning and Zoning Administrative Assistant