

**FRANKLIN ZONING BOARD**  
**REGULAR MEETING AND PUBLIC HEARING**  
**Wednesday, September 1, 2021 at 6:30 p.m.**  
**City Council Chambers**  
**Minutes**

**Call to Order:** Chairman Feener called the meeting to order at 6:32 p.m.

**Attendance – Present:** Chairman Glen Feener; Debbie Davis; David Testerman; Kathlene Fleckenstein; Alternate Cecile Cormier; Director Creighton

**Salute to the Flag** was led by Debbie Davis

**☐ Approval of Minutes of the August 4, 2021 Public Meeting of the Board.**

A motion was made by Member Davis to approve the minutes of the August 4, 2021 meeting. Motion was seconded by Member Fleckenstein. Motion carried with a vote of 4-0-0.

**Old Business: None**

**New Business:** Application read by Judy Bibbins:

- ☐ **Z 21-14:** Cumberland Farms, Inc. is seeking a variance from 305.14 Lot/Yard, to construct a canopy/fueling island over the shared side/rear property line of three lots. The structures will be zero (0) feet from the property line where the zoning requires 15'/20'. The lots are located on the northwest corner of the signalized intersection of West Bow Street and Central Street. The subject parcels are identified by the City of Franklin's Assessor's Map 117 Lots 130, 131, and 135. The property addresses are 192, 196, and 202 Central Street in the B-1 (Low-density Business and Commercial) zoning district.

Member Fleckenstein recused herself from the discussion as she is a member of the abutting church. Member Cormier was seated in her place. Chairman Feener gave a brief overview that this project has already been approved by the Planning Board and the design has been approved by the Heritage Commission. The only thing up for discussion by the Zoning Board of Adjustment is the zoning variance/setback from the property lines.

Attorney for the applicant, FX Bruton, gave an introduction to the project. They have been working with the City for about 5 years, have met many people in the City government and have been pleased with the process. Cumberland Farms will own one parcel of land, the City will own the other two and lease them to Cumberland Farms while the clean-up of the soil is done. Once the soil remediation is complete, Cumberland Farms will purchase those two parcels and merge all three lots into one. They have heard many suggestions and requests and have met everything possible and this is the last piece to move forward.

Attorney Bruton went through each of the criteria for a variance:

1. Public Interest – redevelopment of the area and clean-up of the soil contamination, reduction of impervious surface will all be beneficial to the abutting properties.
2. Spirit of the ordinance – they are within the business district and will be a necessary business and have a fire suppression system. It will incorporate a safer traffic pattern and remediation of the soil.
3. Substantial justice – they are within the business district
4. Property values – will be increased by improving the property, not decreased.
5. Hardship - The only way to use the lots for this business is by merging them together.

Member Davis questioned the ownership of the parcels. Attorney Bruton explained how it will be easier for the City to get the grants to do the soil remediation so the lease is only temporary until the clean-up is done.

Member Cormier asked for confirmation that the Planning Board site-plan approval has already been approved. Attorney Bruton confirmed that it had. Member Cormier also asked if a traffic study had been done, and acknowledged

that it isn't a zoning issue, just curiosity. Attorney Bruton confirmed that the traffic study had been done and was presented at the Planning Board meeting.

Chairman Feener opened the meeting up to the public for questions. Paul Duncanson from the Unitarian Universalist Church asked for clarification about the soil remediation and ownership. Director Creighton explained that the City owns one lot currently and will be purchasing a second lot, currently owned by Lenard Birke, and will do the clean-up. Once completed, the City will sell both parcels to Cumberland Farms. Along with the Elks' property that Cumberland Farms will be purchasing, they will then own all three and merge them into one lot. Mr. Duncanson then asked about stormwater runoff during the clean-up. Director Creighton explained that was not a Zoning Board issue and he would be happy to speak to him after the meeting.

With no further public comment, Chairman Feener brought it back to the Board. Member Testerman made a motion to approve the application with conditions:

*"I move that the Zoning Board of Adjustment approves the variance request, by Cumberland Farms, Inc., applicant, for a variance from '305-14 Setbacks' to construct a fueling station and canopy over the shared side/rear property line of three lots. The structures will be zero (0) feet from the property line where the zoning requires 15'/20'. The application is referenced as **Z21-14**. The Board finds that the application request meets the tests and criteria necessary for the granting of a Variance for the reasons the applicant has stated in their application.*

*This approval is subject to the following conditions:*

- 1. The applicant or their designee shall obtain a building permit for the proposed work and a Certificate of Occupancy once the work is completed.*
- 2. An as-built survey be submitted once complete so that exact location of improvements are known, in relation to property lines."*

Member Cormier seconded the motion. **Motion carried 4-0-0.**

**Planner's Update:** Director Creighton shared that he had received a request to update the sign ordinance in regards to the Historic District so he will be working on that. We have also received several inquiries about campgrounds. Currently, campgrounds are not permitted within the City limits but with the water park coming in, we will be looking into it again. Member Testerman voiced support of revisiting the campground issue. Chairman Feener explained how camping used to be a problem but would be supportive of revisiting the idea if properly zoned and regulated.

#### **Other Business:**

**Public Comment:** Lisa Donahue of 29 West Bow Street voiced support for the idea of reopening campgrounds in the city. Her sentiments were echoed by Tim Alberts, owner of Lucky's Garage on Duphinette Street.

**Adjournment:** Motion to adjourn made by Member Davis, seconded by Member Cormier. Motion passed 4-0-0. Meeting adjourned at 6:58 p.m.

The next scheduled meeting of the Zoning Board of Adjustments is Wednesday, October 6, 2021, at 6:30 p.m. The deadline date for submission of applications for this meeting is Wednesday, September 15, 2021.

Respectfully submitted,  
Judy Bibbins, Planning and Zoning Administrative Assistant