

**FRANKLIN ZONING BOARD
REGULAR MEETING AND PUBLIC HEARING
CITY COUNCIL CHAMBERS- CITY HALL
Wednesday, December 7th, 2011 at 7:00 p.m.**

MINUTES

Call to Order: The meeting was called to order at 7:04 p.m.

- **Salute to the Flag**
- **Roll Call**

Present: Chuck Farmer, Don Gagnon, Kathlene Fleckenstein, Marty Russo and Planning and Zoning Administrator Richard Lewis.

Absent: Floyd Sargent and Donna Tully.

Chair Farmer sat Member Gagnon for absent voting member Donna Tully.

- **Approval of Minutes: November 2nd, 2011 Zoning Board Meeting**

MOTION: Member Russo moved and Member Fleckenstein seconded to approve the minutes of the November 2nd, 2011 Zoning Board regular meeting. Chair Farmer indicated that on page 11, the fifth paragraph should be removed. All were in favor and the motion passed.

Old Business: None.

New Business

- **Z11-11:** Kevin D. Robbins and Debrah M. Robbins, Owners/Applicants; Seufert Law Offices, PA, Agent, request an Equitable Waiver of Dimensional Requirements (RSA 674:33-a) regarding a house that was constructed within the setbacks on property located at 22 Davis Street, Tax Map/Lot # 135-041-00, R-3 Zone (One-, Two- and Three- Family Residential District). *An Abutter, Patrick Speikers has filed a Request for a Rehearing of the Zoning Board of Adjustment November 2nd, 2011 decision to grant the Equitable Waiver of Dimensional Requirements.*

Chair Farmer indicated that the rehearing process is an internal review process by the board, with no public input. He stated that if the board votes to rehear this item, then the rehearing will take place on January 4, 2011, and full public notice to abutters will be sent.

At this time, there was a discussion by the board. Chair Farmer asked why the email of October 7th, 2008 was in the packet and Mr. Lewis stated that it was submitted by Mr. Speikers.

MOTION: Member Russo moved and Member Fleckenstein seconded that in the matter of Z11-11, the Franklin Zoning Board of Adjustment moves to deny the request for a rehearing as filed by Patrick Speikers regarding the Board's decision of November 2, 2011 to issue an Equitable Waiver of Dimensional Requirements to Kevin D. Robbins and Debrah M. Robbins, for a house that was constructed within the setbacks on property located at 22 Davis Street, Tax Map/Lot # 135-041-00, R-3 Zone (One-, Two- and Three- Family Residential District). The Board finds that the applicant has failed to document or demonstrate any unlawful or unreasonable actions by

the Board that would support a rehearing. All were in favor and the motion passed.

Planner's Update:

Richard Lewis stated that the office received a filing from Attorney Mueller, on behalf of the Nawoj's, for an appeal to Superior Court.

Other Business: None.

Public Comment: None.

Adjournment

MOTION: Member Russo moved and Member Gagnon seconded to adjourn the December 7th, 2011 meeting of the Zoning Board of Adjustment, at 7:17 p.m. All were in favor and the motion passed.

Respectfully submitted,

Angela M. Carey
Planning and Zoning Assistant