

**FRANKLIN ZONING BOARD
REGULAR MEETING AND PUBLIC HEARING
CITY COUNCIL CHAMBERS- CITY HALL
Wednesday, December 5th, 2012 at 7:00 p.m.**

MINUTES

Call to Order: The meeting was called to order at 7:00 p.m.

□ **Salute to the Flag**

□ **Roll Call**

Present: Marty Russo, Kathlene Fleckenstein, Sandra Hodgdon and Planning and Zoning Administrator Richard Lewis.

Absent: Chuck Farmer, Don Gagnon, Floyd Sargent and Donna Tully.

Alternates: Alternate Member Sandra Hodgdon was seated in place of absent voting Member Floyd Sargent to be a voting member at tonight's meeting.

□ **Approval of Minutes: November 7th, 2012 Zoning Board Meeting**

MOTION: Member Russo moved and Member Hodgdon seconded to approve the minutes of the November 7th, 2012 Zoning Board regular meeting. All were in favor and the motion passed.

Old Business: None.

New Business

- **Rehearing Request regarding application Z12-10; which was denied on November 7th, 2012:** Robert F. French and Sylvia A. French, Owner; Shawn D. Glover, Applicant, request a Variance to run a general machine shop in the garage located on property at 559 Hill Road, Tax Map/Lot #'s 090-401-00, New Map # E6, C Zone (Conservation District).

Richard Lewis asked the board if there were any questions on the memo or the draft motion. The board members indicated that they had no questions and had no further comments to add.

MOTION: Member Russo moved and Member Hodgdon seconded to deny the Request for the Rehearing in the matter of hearing Z12-10, and the initial request by Robert F. French and Sylvia A. French, Owner; Shawn D. Glover, Applicant, for a variance to run a general machine shop in the garage located on property at 559 Hill Road, Tax Map/Lot #'s 090-401-00, New Map # E6, C Zone (Conservation District). The Board voted to deny this variance on 11/7/12. In denying this request for a rehearing, the Board finds the following:

- a. The Board made a proper and reasoned decision based upon the issues in the case, and the Board properly considered the individual variance criteria in denying the variance request at the November 7, 2012 hearing.

- b. The Board did not make their initial decision based “substantially” on the fact that no building permit was found.
- c. The manner in which the commercial use of the property for a construction truck leasing business did not legally establish it as a “non-conforming use”. The only way that such a non-conforming use would have been legal and proper is if the property had obtained a variance at the point in time when the garage was constructed. To consider the leasing business now as a non-conforming use would be a back-door approach towards a Special Exception.
- d. The only legal and proper way to permit the establishment of the machine shop operation is through the issuance of a variance.
- e. The owner and his attorney have not brought forward any sufficient grounds to support the granting of a rehearing.

All were in favor and the motion passed.

Planner’s Update: None.

Other Business: None.

Public Comment: None.

Adjournment

MOTION: Member Hodgdon moved and Member Russo seconded to adjourn the December 5th, 2012 meeting of the Zoning Board of Adjustment, at 7:05 p.m. All were in favor and the motion passed.

Respectfully submitted,

Angela M. Carey
Planning and Zoning Assistant