

**FRANKLIN ZONING BOARD of ADJUSTMENT**  
Wednesday, November 6, 2013

**Minutes**

**Call to Order**

Acting Chair Donna Tully called the meeting to order at 7:05 p.m.

□ **Roll Call**

Present: Donna Tully, Kathlene Fleckenstein, Donald Gagnon, Kirk Johnson, Sandra Hodgdon, Floyd Sargent; Planning and Zoning Director, Richard Lewis.  
Absent: Charles Farmer

□ **Approval of Minutes of the October 2<sup>nd</sup>, 2013 Zoning Board Meeting.**

MOTION: Member Sargent moved and Member Johnson seconded to approve the minutes of the October 2<sup>nd</sup>, 2013 regular Public Hearing Meeting of the Zoning Board as submitted. All were in favor and the motion passed.

Alternative member Johnson was seated in place of Member Farmer.

**New Business**

- **Z13-06: Roy D. Emery Sr. and Tina Marie Emery, Owners; Robert Prentice, applicant, request a Variance from Zoning Ordinance Section 305-17. Number of Structures Per Lot, as they have already begun building a secondary structure on the lot. They indicated the structure is a small 8' x 16' building to be used as a storm shelter and summer camp and 95% of which will be located underground. The property is identified as 84 Smith Hill Road, Tax Map/Lot # 084-001-00, C Zone (Conservation District). The lot is 1.510 acres and the minimum lot size for the zone is 5.17 acres.**

Planner Lewis reminded the members of the Board that this is an internal discussion to determine whether or not the Board finds there is evidence that there should be rehearing of the 10/2/13 decision made on the Emery & Prentice matter. This is not a formal public hearing with input from the applicant of the general public. It was noted that the Board received a memo from the Planner outlining his thoughts on the request for a rehearing.

Member Gagnon stated that he does not see anything new in the rehearing request that would support a new hearing.

Member Sargent indicated that the request again talks about the proposed structure and that it “will not be lived in full time”, which means that it will be used as some sort of seasonal or occasional residential unit. Therefore is it a second unit on the property, the variance was needed, and the lot area is smaller than the minimum lot size for the conservation zoning district.

Several members mentioned the proposal to bury most of the structure and the relationship to the building and safety codes.

Member Johnson stated that he also did not see anything new on which to base a rehearing. All other members were in agreement.

**MOTION: Member Fleckenstein moved and Member Gagnon seconded that the Franklin Zoning Board of Adjustment deny the request for a rehearing by Roy Emery and Robert Prentice on the matter of application Z13-06 which dealt with the original variance request to construct a second residential structure on the property located at 84 Smith Hill Road, tax map & lot 084-001-00. In the opinion of the Board, the owner & applicant have failed to demonstrate that the original decision was unlawful or unreasonable, or that the Board made a mistake, that needs to be corrected to be corrected through a rehearing of the issues. All were in favor and the motion passed to deny the request for a rehearing.**

No other business or public comment was brought forward. Planner Lewis mentioned that the Planning Board is in early discussions about an update to the 2005 Master Plan. He will keep the Board posted on meetings and the overall process.

### **Adjournment**

MOTION: Member Gagnon moved and Member Fleckenstein seconded to adjourn the November 6, 2013 Zoning Board regular meeting at 7:21. All were in favor, meeting adjourned.

Respectfully Submitted,

Richard Lewis  
Planning and Zoning Director