

**FRANKLIN ZONING BOARD
REGULAR MEETING AND PUBLIC HEARING
CITY COUNCIL CHAMBERS- CITY HALL
Wednesday, October 7th, 2015, 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: Kathlene Fleckenstein, Michael Weatherbee, and David Testerman.

Absent: Donald Gagnon.

Member Testerman was seated as a voting member in a vacant voting member position.

- Approval of Minutes: September 2nd, 2015 Zoning Board Meeting**

MOTION: Member Testerman moved and Member Weatherbee seconded to approve the minutes of the September 2nd, 2015 Zoning Board regular meeting. All were in favor and the motion passed.

Old Business: None.

Chair Fleckenstein stated to the public that due to personal reasons, two members have had to resign from the zoning board. Tonight the board consists of three members, which is a quorum of the board, but is not a full board as a full board is 5 members. In order for an application to receive approval or denial this evening, all three members must vote the same way. Prior to the application, we will ask you if you would like to proceed this evening or wait until next month. This is your decision.

New Business

Z15-013: Carol S. Healey and Steven R. Miller, Owners; Carol S. Healey, Applicant, requests a Variance from Section 305-14, Lot and Yard Requirements, to enlarge an existing 53 square foot deck to 85 square feet, on property located at 285 Webster Lake Road, Tax Map/Lot # 035-030-00, LP Zone (Lake Protection District), New Map #K5. The deck would be located 43' from the lake at the closest point and would require State of NH, DES Approval if this application is approved.

Carol Healey stated that she will proceed this evening.

She indicated she is looking for a variance to enlarge a deck on the rear of her property. The current deck is oddly configured. She would like to expand one corner, and she then showed them via some pictures she had brought in to the meeting. The deck is currently 50' from the lake and would be 43' after the new deck was configured.

Richard Lewis asked if there is existing lawn between the lake and deck and Ms. Healey stated there is. Member Testerman asked if the odd shape is due to having to meet the setbacks and she indicated that she believed so but the previous owner built the deck. Member Fleckenstein asked if the enclosed porch was grandfathered and Ms. Healey stated she believes so. Richard Lewis asked if the new deck would be on footings and Ms. Healey stated yes and that one new footing would be added. The current deck takes on a lot of water from the house that has caused it to deteriorate.

Public Comment: None.

Board Discussion

MOTION: Member Testerman moved and Member Weatherbee seconded that the Zoning Board of Adjustment approve the Variance application requests, of Carol S. Healey and Steven R. Miller, Owners/Applicants, from Section 305-14, Lot and Yard Requirements, to enlarge an existing 53 square foot deck to 85 square feet, on property located at 285 Webster Lake Road, Tax Map/Lot # 035-030-00, LP Zone (Lake Protection District). The Board finds that the application request meets the tests and criteria necessary for the granting of a Variance in that:

1. The Variance will not be contrary to the Public Interest and the Spirit of the Ordinance is observed due to the facts that: as this is a very small addition to an existing deck.
2. Substantial Justice is done as: this will allow the applicant and owner a more versatile space as the existing deck is very small and oddly configured.
3. The values of the Surrounding Properties are not diminished due to the fact that the extension of an existing deck will not change the use of the property.
4. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

Unnecessary hardship mean that, owing to the special conditions of the property that distinguish it from other properties in the area, then: i) No fair and substantial relationship exists between the general purpose of the ordinance provision and the specific application of that provision to the property; and ii) the proposed use is a reasonable one. The applicant built a deck in 2014, and adhered to the zoning regulations; however, based on the size of the deck it has made it all but unusable. Allowing the addition would make the space usable and more versatile.

The Variance is subject to the following conditions:

1. The applicant must contact the State of New Hampshire, Department of Environmental Services, prior to applying for a building permit and shall obtain any approvals needed through their office.
2. The applicant or their designee shall obtain a building permit for the proposed work and a Certificate of Occupancy once the work is completed.

All were in favor and the motion passed.

Planner's Update: None.

Other Business:

Member Testerman asked if efforts have been made to find other members. Dick indicated he has spoken with a possible interested party. Angie Carey stated it has been put on the website and the Councilors are helping to try and find someone. Carol Healy asked what the position entailed and Angie Carey stated pretty much what she saw this evening, the board meets the first Wednesday of the Month. She stated she is retired and may be interested and indicated she would let us know. It was stated the Prospective Appointee Profile forms can be found on line.

Public Comment: None.

Adjournment

MOTION: Member Testerman moved and Member Weatherbee seconded to adjourn the October 7th, 2015 meeting of the Zoning Board of Adjustment, at 7:12 p.m. All were in favor and the motion passed.

Respectfully submitted,
Angela M. Carey
Planning and Zoning Assistant
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