

November 19, 2020, 4:30pm

**Franconia Zoning Board of Adjustment
Meeting Minutes**

ZBA Members Present: Peter Grote (Chair), Phil Krill (Vice-chair), Susan Retz, Brian Williams, Alicia Shambo, Keith Batchelder.

Others Present: Jenny Monahan, Allan Clark (Building Official), Melanie Jackson, Victoria Staunches, Jayne O'Connor (abutter), Tanya Spony (applicant's counsel), Edward Roosevelt, Thomas Allen (abutter).

A meeting and public hearing of the Franconia Zoning Board of Adjustment (ZBA) was held on Thursday, November 19, 2020, at the Franconia Town Hall.

The meeting was called to order at 4:31pm by Chair Peter Grote and the members introduced themselves to the attendees.

There was next a brief discussion about the minutes from October 15th, 2020. The Chair requested to waive the reading of the minutes and the members did not object. Brian Williams made a motion to accept the minutes as written. Susan Retz seconded the motion with all voting in favor. **Motion passes.**

The Chair then closed the meeting and opened the public hearing.

Public Hearing #1

Application for a variance from Article III, Section 3 of the Franconia Zoning Ordinance filed on November 5, 2020 by Fox Hill Cooperative, Inc. for Tax Map 14 Lot 43, Site 61, Fox Hill Lane, to allow for the installation of a mobile unit with a reduced setback on a vacant site within the park.

As requested by the Chair, the applicant's counsel, Tanya Spony of Smith-Weiss, Shepard & Spony, P.C., explained the applicant's proposed project to utilize an empty site by installing a new mobile unit on it. She explained that there are 39 sites at the park and 34 of them are currently vacant. As the park is a cooperative, the vacant sites cause rent to be increased for the other tenants of the park. Ms. Spony said the installation of a new manufactured housing unit on the site is a permitted use in the Franconia Zoning Ordinance and would provide more affordable housing in the community, allow the cooperative to fully utilize the property for its intended purpose, result in additional taxes being paid to the town and have no negative impact on abutting properties.

After Ms. Spony finished reviewing the application for the board, the Chair asked if any abutters wished to comment. The present abutters had no objection to the application. Secretary Jenny Monahan confirmed that all abutters were notified by Certified Mail and the hearing was properly posted in at least two public places and an ad run in a locally circulated news publication.

Responding to members questions, Building Official Allan Clark was recognized to speak and stated that the proposed unit would be greater than 20' from the surrounding units and that some of the existing units meet the setback requirement and some do not.

There was no further discussion from the board. The Chair made a motion to approve the

application for the variance. Vice-Chair Krill seconded the motion with all voting in favor. **Motion passes.**

The Chair closed the first hearing and opened the second hearing.

Public Hearing #2 (Continued hearing from August 20, 2020):

Applications for two variances from Article III, Sections 13 & 14 of the Franconia Zoning Ordinance filed on July 28, 2020 by Tim Clough for Tax Map 14 Lot 102, 115 Main Street to allow for the construction of a wireless internet tower with reduced setback and exceeding the height maximum.

Upon opening the hearing, the Chair initiated a discussion about whether this application should be reviewed under the town's Wireless Tower Ordinance or NH RSA 12-K. The board briefly discussed how the case should proceed; does the applicant need to instead go before the Planning Board? Building Official Allan Clark said the applicant has not submitted a site plan with measurements from the facility to the setbacks and other buildings on the property. Keith Batchelder wanted to make a motion to stop discussing the case but the other members felt that would not provide adequate service to the applicant. It was decided to send the applicant a letter informing him that his application is not complete.

Keith Batchelder made a motion to stop discussing the case and notify the applicant by letter that the application is incomplete. The Chair seconded the motion. All were in favor. **Motion passes.**

For the last order of business, a public hearing was opened to nominate officers and hold a vote for the nominations.

Vice-chair Krill made a motion to nominate Susan Retz for the position of Chair. Brian Williams seconded the motion. All were in favor. **Motion passes.**

Brian Williams nominated Phil Krill for the position of Vice-chair. Alicia Shambo seconded the motion. All were in favor. **Motion passes.**

With no further discussion, the meeting was adjourned at 5:18 pm.

Respectfully submitted,

Jenny Monahan
Secretary, Franconia Zoning Board Adjustment