

MINUTES
FRANCONIA ZONING BOARD of ADJUSTMENT
MEETING & PUBLIC HEARING
Wednesday, December 14, 2016

Board members present: Phil Krill, Frank Clulow, Bess Andrews, Susan Retz, Lydia Cumbee, and Peter Grote

Other present: Chris Harris, Phil Payette

A meeting and public hearing of the Franconia Zoning Board of Adjustment (ZBA) was held on December 14, 2016 at the Franconia Town Hall.

The meeting was called to order by Chairman Phil Krill at 6:00 PM.

Frank made a motion to accept the minutes of the November 2, 2016 hearing as submitted. Susan seconded the motion with all voting in favor.

PUBLIC HEARING:
Application for Area Variance Case 2016-02

Phil Krill opened the public hearing and asked members of the ZBA to be introduced. Six members were present and a quorum was declared.

Chris Harris represented John Holder and Mary Brubaker for an area variance.

Chairman Phil Krill noted that:

- The application was filled out adequately and the fee was paid.
- Notice in regard to the public hearing was published in The Caledonian Record
- Notice to abutting property owners was sent by certified mail.
- Notices were posted at the town hall, post office and the Village Store

Chris Harris presented the case explaining that there is a six-acre parcel on Map 3, Lot 10. The ownership of the parcel is shared by John Holder and Anne, Mary, Sarah and Katherine Brubaker. This parcel is already taxed as two three-acre lots. The owners would like to split the property into two lots. Since the minimum zoning in this area is five acres, they were referred to the ZBA for an Area Variance by the Planning Board.

The parcel in question has two houses with no electricity or septic system and is accessible from Hearthstone Road. This road is very narrow and maintained by Chris Harris. The parcel is also accessible by a road belonging to the Town of Bethlehem.

Board members pointed out that this process is not for creating two new buildable lots. The purpose is to “clean up” records and divide existing parcel into two lots to match how the lots are currently taxed.

It was also noted that Chris Harris provided authorization letters from Mary Brubaker and from Jonathan Holder to represent them in this matter but not from Anne, Sarah and Katherine Brubaker.

Phil Payette, the abutter present at the hearing, did not voice objections to the plan to divide the parcel.

Lydia made a motion to accept the application with a condition that an authorization letter from Anne, Sarah and Katherine Brubaker will be submitted to the Board. Peter seconded the motion with all voting in favor. This condition will be noted on the Notice of Decision.

The public hearing was closed and deliberative session began at 6:46 PM.

The Board members went through a fact finding exercise with the following results:

- Fact #1 (The proposed use would not diminish surrounding property values) Yes
- Fact #2 (Granting the variance would not be contrary to the public interest) Yes
- Fact #3 (Denial of the variance would result in unnecessary hardship to the owner) Yes
- Fact #4 (Granting the variance would do substantial justice)..... Yes
- Fact #5 (This is not contrary to the spirit of the ordinance) Yes

All five criteria for granting a variance were met.

Frank made a motion to **GRANT AREA VARIANCE** with the above mentioned condition. Peter seconded the motion with all voting in favor.

Meeting was adjourned at 6:48 PM.

Respectfully submitted,

Lydia Cumbee
Active ZBA Secretary