



CITY OF FRANKLIN, NEW HAMPSHIRE
"The Three Rivers City"

Planning and Zoning Department
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October 1, 2015

Jim Joy
60 Depot Street
Franklin, NH 03235

Re: Determinations from Site Inspection
Cease and Desist Order; 60 Depot Street; tax map/lot 099-050-00

Dear Mr. Joy,

First, thank you for taking the time to meet Chuck Bodien, the City's Building Inspector and Fire Safety Code Officer, and I for the Site Inspection on Monday the 21st. After we walked through the building, and discussed some issues, we indicated that we would review the issues in greater detail and then get back to you with our findings and conclusions. Since there are two separate issues to be considered [zoning and fire and safety codes] I will address them individually. Given the type of use of the building, the use would be classified as a rooming house; this use classification is applicable for both Zoning and Fire / Life Safety Code purposes

Zoning Issues

Under the City of Franklin's Zoning Ordinance, Rooming Houses are not an allowed use. As I indicated, this use was removed from the Zoning Ordinance Table of Uses several years ago. You could file an appeal for a variance from the Zoning Board of Adjustment, but if you were successful, the fire and life safety code issues discussed below would continue to be a requirement for keeping this building as a rooming house.

I do want to let you know that this property is located in the B-1 [Business] zoning district, where, under the Table of Uses, a Two-family dwelling is allowed by right. Since, though, the property does not meet the required land area, you would need a variance from the Zoning Board of Adjustment. Obviously, several improvements [second kitchen, new bathroom(s), electrical work, fire and safety codes, etc.], all carried out under a building permit, would be required for the creation of a second dwelling unit.

Fire and Life Safety Code Issues

As mentioned above, the applicable fire and life safety codes classify this building as a rooming house. A rooming house designation carries with it significant code requirements, including, but not limited to, the following: a sprinkler system; the hard wired detectors mentioned above; appropriate fire separations; and, enclosed stairways for fire protection purposes. The design plans for all of the improvements that would be required for a rooming house could be prepared by a component contractor, but you should communicate with Captain Bodien to see if a licensed design professional may be required.

Cease and Desist Order

Based on the current use of the building, the number of residents living there, and the outstanding code issues, this letter is intended to serve as a Cease and Desist Order issued jointly by my office and the office of the Building Inspector and Fire & Life Safety Officer. By and through this letter, you are ordered to cease all rooming house uses of the property within 30-days from the date of issuance. As soon as the number of residents is below the allowed 3

unrelated persons, please contact my office so we can schedule a second inspection to verify that you have brought the property into compliance.

If you wish to set-up another meeting to discuss any issues or proposed schedules for a variance application to the ZBA, please contact me as soon as possible.

While I appreciate the support you were providing to certain members of our community, the Zoning Ordinance and the Fire and Life Safety Codes are critical to protecting the interests of the residents of the City and all of our neighborhoods. Thank you and I look forward to your cooperation and assistance in resolving these issues within the 30-day timeframe mentioned above.

Sincerely,



Richard Lewis
Director of Planning and Zoning



Captain Charles Bodien
Building Inspector and Fire & Life Safety Officer
Franklin Fire Department

cc: Mayor Ken Merrifield
Elizabeth Dragon, City Manager
Kevin LaChapelle, Fire Chief
Paul Fitzgerald, City Attorney