



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

Planning and Zoning Department
316 Central Street
Franklin New Hampshire 03235

Tel: (603) 934-2341
Fax: (603) 934-7413
dlewis@franklinnh.org

November 30, 2015

Jim Joy
60 Depot Street
Franklin, NH 03235

Re: Response to Letter of 10/8/15 regarding Cease and Desist Issued by City on 10/1/15
60 Depot Street; tax map/lot 099-050-00

Dear Mr. Joy,

Thank you for the thorough response provided in your letter dated 10/8/15 [received on 10/14/15]. The letter has been reviewed by this office, the office of the Building Inspector, and the City's Legal Counsel. While you raise some interesting points in your letter, the City still believes that its position and determinations outlined in our 10/1/15 letter remain valid and applicable. A few specific items highlight that position.

1. The determination that this use, in relationship to the structure, is properly defined as a "rooming house" remains appropriate. You have not presented any information that either Building Inspector Bodien or I have misinterpreted or misapplied that use classification.
2. It is our opinion that we have not singled out your use in any type of discriminatory fashion. The zoning ordinance is quite clear that rooming houses are not an allowed use, and they can only be approved through the issuance of a variance from the Franklin Zoning Board of Adjustment. Similarly, the life safety codes that would apply to your use and structure would also be applied to any rooming house type of use anywhere in the City.
3. The determinations and findings in our 10/1/15 letter does not bar, contrary to your line-of-thinking it the bullet item at the top of page 5 of your letter, residency by persons engaged in recovery. The Cease and Desist Order was issued based on the determination that the structure is being used so that it meets the rooming house definition, thus there are violations of both zoning provisions and life safety codes.

I want to again inform you that the zoning issues relative to the rooming house determination can be brought, if you so choose, to the ZBA for an application for a variance and zoning relief. Regarding Life Safety codes, any discussion on the topic of appeals or variations from the applicable codes will need to be discussed with Captain Chuck Bodien, the Building Inspector.

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.

Sincerely,

Richard Lewis
Director of Planning and Zoning

Sent Via Email

cc: Mayor Ken Merrifield
Elizabeth Dragon, City Manager
Kevin LaChapelle, Fire Chief
Captain Chuck Bodien, Building Inspector
Paul Fitzgerald, City Attorney