

**FRANKLIN PLANNING BOARD
PUBLIC HEARING MEETING
March 24th, 2010**

Call to Order: 7:05 p.m.

- ❑ Pledge of Allegiance.
- ❑ Roll Call

Present: Brian Colburn, Kenneth Merrifield, Ted Starkweather, Robert Sharon (late 7:10 p.m.), David Veysey, Brian Sullivan and Planning and Zoning Administrator Richard Lewis.

Absent: Anthony Daniel, Anthony Giunta, Powell Glenn, and Michael Freeman.

- ❑ Seating of Alternates in place of absent regular voting members.

Chair Colburn sat Member Veysey for Member Glenn.

- ❑ Approval of Minutes
 - ❖ July 22, 2009 Regular Meeting

MOTION: Member Sullivan moved and Mayor Merrifield seconded to approve the Minutes of the July 22, 2009 Planning Board regular meeting as submitted. All were in favor and the motion passed.

- ❖ October 28, 2009 Regular Meeting

MOTION: Member Starkweather moved and Mayor Merrifield seconded to approve the Minutes of the October 28, 2009 Planning Board regular meeting as submitted. All were in favor and the motion passed.

Old Business

New Business

- ❑ Election of Officers:
 - Chair
 - Vice Chair
 - Secretary

MOTION: Member Starkweather moved and Mayor Merrifield second to keep the current officers as they are. All were in favor and the motion passed. Member Colburn to remain as Chair and Member Veysey to remain as Vice Chair.

- **P10-01:** Thomas A. Corey, Owner/Applicant; Lepene Engineering and Surveying, LLC, Agent, requests a Design Review phase for a Site Plan request to construct a restaurant/tavern type business on a piece of vacant land, identified as 443 North Main Street, Tax Map/Lot # 096-035-00, Map # L7, in the B-1 (Low- Density Business and Commercial District) Zone.

MOTION: Member Starkweather moved and Member Veysey seconded to accept the Design Review Phase for a site plan request to construct a restaurant/tavern type business at 443 North Main Street. All were in favor and the motion passed.

Paul Delaney, Lepene Engineering and Surveying, LLC, was present to speak. He stated this is a conceptual discussion. He stated the building they are proposing is 36' x 36', there will be 16 parking space, a dumpster in the rear corner of the lot, the existing vegetative buffer will remain and he then gave to the board some architectural designs.

Richard Lewis indicated the parking requirements are met. He stated he went to the site and could not find the southern property bound and asked that prior to the final application being submitted that the owner and engineer stake out where the property lines are, where the parking lot and building will be so that the board can get a better idea of the project. He stated the dumpster is very far from the building and asked that the owner take into account the residential lots when determining the location of the dumpster. He asked that the applicant also stake out where the fencing will be placed. Mr. Lewis stated that the owner is proposing infiltration on the lot and asked that test pits be done to verify the soils. He stated this looks like a workable project.

Member Starkweather asked what the proposed buffer is between the parking lot and the residential lots as the trees in the area look like they are dead. Mr. Delaney stated they will get a better idea of the trees and shrubs in the next few weeks. Member Starkweather asked about the dumpster and stated they need to make sure it is workable for pick-up.

Member Sullivan stated the owner should look into using the existing shrubbery in the area, being the Aphrovite that was planted by the state as the shrubbery for the rear lot line. He suggested that they use a berm with the planting of these shrubs on top of it. He stated he too is concerned about the dumpster and the maneuverability of the truck picking it up. He indicated the sewer line is adequate and the water line will accommodate for this building. He stated the lighting should be minimized and should be contained to the property.

Tom Corey indicated the building will be barn style, with only a sign on the building and not at the roadway, with track lighting, make for minimal interference. He wants to make the site attractive and be an asset to the area. He indicated that he would be bringing in a stone hearth oven from Italy.

Mayor Merrifield thanked the owner for locating in Franklin.

Mr. Delaney stated the specific plans will be coming before the board next month.

Chair Colburn asked if this lot is in the urban compact area and Member Sullivan stated he believes it is just outside. He indicated to the owner they may need state approval for the curb cut.

Chair Colburn asked about the lighting and Mr. Corey stated it would be minimal. He stated he is looking at one highway light, at the edge of the property to cover most of the parking lot. Mayor Merrifield stated there needs to be balance and the lighting should not be disruptive to the neighbors but the parking lot also should not be dark.

Richard Lewis asked about screening between the parking lot and the mobile home park. He stated that a stockade fence behind the curb line may be needed, but that they will look at what's growing in this area over the next few weeks.

It was indicated there would be a bar. It was indicated that snow plowing and snow storage needs to be taken into account.

It was indicated that the drainage calculations and the test pits can be dealt with by Brian Sullivan.

Public Comment: None.

Member Sharon was seated in place of Member Daniel.

Board Discussion:

MOTION: Member Sullivan moved and Member Veysey seconded to close the conceptual discussion on application P10-01. All were in favor and the motion passed.

- **P10-02:** Meri-Lynn Banton (30 Hampshire Drive, Tax Map/Lot # 131-004-00) and Annette Abbondanza (8 Hilary Drive, Tax Map/Lot # 131-404-01), Owners/Applicants; Lepene Engineering and Surveying, LLC, Agent, request a Boundary Line Adjustment for the aforementioned properties, located in the RR (Rural Residential District) Zone, Map J8. The Abbondanza property would relinquish one acre of land to the Banton property.

MOTION: Mayor Merrifield moved and Member Starkweather seconded that the Franklin Planning Board accept the Boundary Line Adjustment of Banton and Abbondanza referenced as P10-02. All were in favor and the motion passed.

Paul Delaney, of Lepene Engineering and Surveying, LLC, was present to speak for this application. Mr. Delaney stated it is a one acre of land transfer. The frontage is going to stay as is for both lots.

Member Sullivan stated he is in favor of this boundary line adjustment; however, he does have some concerns:

1. Drain at the corner of Hampshire and other side of the street runs along Hillary Drive to the area of the land transfer.
2. The old driveway shows a PSNH Easement that needs to be shown on the plans.
3. A drainage easement is necessary for the pipe running under the roadway and going through this lot.
4. The wetlands currently have been disturbed and he wants to see an easement to new line following the outfall of the pipe for maintaining the future flow and make sure it is always a continuous flow.
5. A driveway was put in without a formal driveway permit being applied for.
6. Need to meet at the lot to discuss improving the access and dealing with the disturbed wetland and erosion issues.

Member Veysey stated that if the ROW can be plotted it needs to be, or at least delineated the poles on the land. Richard Lewis asked if the Right of Way was indicated in the deed and it was indicated that it was, but Mr. Delaney stated he is not sure if measurements were given.

Member Starkweather asked about the area of frontage for Abbondanza with the 5' area of land with it. Mr. Delaney indicated they were continuing the minimal frontage that is existing, but keeping the lot symmetrical.

Member Sullivan stated that prior to the approval and transfer that Abbondanza needs to cleaned up their property by extending the easement. He also stated the Abbondanza's need to officially apply for a driveway permit and he can work out the issues of the driveway with them.

Richard Lewis asked Member Sullivan if the new easement for the drainage needs to go to the new lot line or to the west side. Member Sullivan stated to the west side, through the property, and it goes to the ravine. Mr. Delaney indicated the water disperses almost immediately upon entering this lot and spreads out.

Chair Colburn asked if they could do a right of access and Member Sullivan stated they need to show continuous water flow. He stated he can meet the applicant and the engineer at the property to work this out. He stated if the flow is eliminated then the water will drain over the road and cause issues with freezing and other things. Richard Lewis stated he will put in a new finding and condition into the Decision.

Public Comment: None.

Board Discussion

Richard Lewis stated the board may want to continue this application to the April 28th meeting to have these items cleaned up and for a site visit. Mr. Delaney asked that a conditional approval be issued due to mortgage constraints. Member Sullivan stated he is okay with this and that the addition of the approval being subject to the PSNH easement, site visit and water easements rectified.

Mayor Merrifield stated he would like to help the applicant. Member Colburn asked if the poles should at least be located on the plan and Member Sullivan stated that they should be and the entire easement should be plotted if possible.

Dick then read to the board the following new conditions to be set on the approval:

1. A finding, which will read: The hearing brought forward a discussion on the need to expand the drainage easement so that the drainage flow across the western portion of the Abbondanza lot and the Banton lot are more clearly defined. The Planning Administrator and the Municipal Services Director will work with the project engineer on determining the final locations for the easement, and the Board acknowledges that a new plan expanding the easement will be presented for signature and recording.
2. A finding, which will read: Clarification of the electric power line easement for the pole located on the Abbondanza lot is also required.
3. A condition, which will read: Per finding, the project engineer, The Director of Municipal Services Department and the Planning Administrator will work together on determining the area for the expanded drainage easement. The site inspection will determine the area that needs to be shown as the formal easement area on the final and revised plan that will be recorded at the Registry of Deeds.
4. A condition, which will read: The project engineer, on the plan submitted for signature and recording, shall either show the easement area across the Abbondanza property for the electric power line, or include a note referencing the easement area as described in the applicable deed document. The note should include the Registry's book and page reference numbers for the deed document.

MOTION: Member Sullivan moved and Member Starkweather seconded that the Franklin Planning Board approve the Boundary Line Adjustment/ Subdivision proposed by Banton and Abbondanza, file number P10-02, for the proposed shift in the lot lines between the two properties, in accordance with the draft decision and conditions to approve submitted to, and reviewed and revised by the Board. All were in favor and the motion passed.

Public Comment : None.

Other Business: None.

Planner's Update

1. OEP Conference. The board was okay with Richard Lewis setting up a presentation for the board.

2. Candlewood Subdivision Extension: Richard Lewis stated there were no changes to the ordinance. Member Starkweather asked if the board had already granted an extension and Richard Lewis indicated they had. He stated the RSA's do not say that there is only a certain number of years that the extension can be granted. Only if there are zoning changes would there be a problem.

MOTION: Member Starkweather moved and Member Sullivan seconded that the Franklin Planning Board grant a 1 year extension for the Candlewood Subdivision project to achieve "active and substantial" and "substantial completion" thresholds outlined in the March 27, 2007 approval as issued by the Board. This extension shall expire on March 27th, 2011. All were in favor and the motion passed.

3. R&F Subdivision Extension: Richard Lewis stated that due to changes, this has already been covered. No further discussion is necessary at this time.
4. Cell Tower/ Flag Issues: Mr. Lewis stated in the packet were copies of the memo's sent out regarding the flag issue at South Main Street, with the flag being too small. Richard stated the issue is that there are recommendations as to the size of the flag, but there are no rules governing the flag size.
5. Franklin In the news
6. Legislative Update

There was minimal discussion about 5 and 6 above, as this was spelled out in the memo and there were no questions from the board.

Member Colburn stated that the board received the letter from Jay Bowers about setting an ordinance not allowing plywood exposed in the downtown. Mr. Lewis stated this is more a City Council issue and the City Council would need to make changes to the Property Maintenance Code in the code book. The Mayor indicated he would have the legislative committee hash this out.

Mr. Lewis stated that Mr. Dick Edmunds would be before the board on April 28th, for a conceptual plan for South Main Street and Punch Brook Road, for an asphalt plant.

Member Sullivan asked if the board should be encouraging flea markets. He stated there is the one request for South Main Street and one in Lucky Lenny's. Richard Lewis stated there is a yard sale / flea market type issue with the Barbuto property on North Main Street. He stated he would be sending a letter regarding them not meeting the requirements of the Site Plan approval and the issues with traffic would be addressed. He stated it needs to be pulled back and limited.

Richard Lewis stated the new business owner is looking for an amendment to the Site Plan for Lenny's. The original plan showed a gate at the fence. The gate is no longer needed as no equipment rentals will be stored outside and outback, so they are asking to no longer need to put the gate in place.

MOTION: Mayor Merrifield moved and Member Starkweather seconded that the board has conferred that they have no issues with Richard Lewis issuing a modification to the Birke Site Plan, for Central Street (Lucky Lenny's) for not needing to put a gate in on the property, but the board reserves the right to require that the fence be put in at a later time.

Adjournment

MOTION: Member Starkweather moved and Member Veysey seconded to adjourn the March 24th, 2010 Regular Meeting of the Franklin Planning Board at 8:30 p.m. All were in favor and the motion passed. The meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

**Angela M. Carey
Planning and Zoning
Assistant to the Administrator**