

**FRANKLIN PLANNING BOARD
PUBLIC HEARING MEETING
April 28th, 2010**

Call to Order: 7:03 p.m.

- Pledge of Allegiance.
- Roll Call

Present: Brian Colburn, Michael Freeman, Mayor Kenneth Merrifield, Anthony Daniel, Anthony Giunta, Ted Starkweather, Martin Russo, Robert Sharon, David Veysey, and Planning and Zoning Administrator Richard Lewis.

Absent: Powell Glenn, and Brian Sullivan.

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

Chair Colburn sat Member Veysey for Member Glenn; and, Member Sharon for Member Sullivan.

- Approval of Minutes
 - ❖ March 24th, 2010 Regular Meeting

MOTION: Member Sharon moved and Member Giunta seconded to approve the Minutes of the April 28th, 2010 Planning Board regular meeting, with the change that on Page 7 of 7, in the motion, Mayor Starkweather be changed to Member Starkweather. All were in favor and the motion passed.

Old Business: None.

New Business

- P10-03:** Thomas A. Corey, Owner/Applicant; Lepene Engineering and Surveying, LLC, Agent, requests Site Plan approval 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 Mayor Merrifield seconded to accept the Site Plan application of Thomas A. Corey for a proposed restaurant to be located at 443 North Main Street; the application is referenced as P10-03. All were in favor and the motion passed.

Sam Drye, of Lepene Engineering and Surveying, was present to speak for the application.

Mr. Drye stated the lot is located in the B-1 Zone, and is served by water and sewer. There is an existing curb cut. The proposal is for a fifty-two (52) seat Pizza restaurant, with parking for six (6) employees and one (1) parking spot for every four (4) seats, for a total of sixteen (16) spaces. The existing vegetation in the back of the lot will remain, would like a more substantial conditional approval prior to coming back with a new plan for drainage and other issues.

The sign is currently being designed. Lighting is only proposed as porch lighting, so as to not affect the neighbors and to give the restaurant an intimate feel. There are two existing street lights that provide enough lighting to the area.

The proposed landscaping in the front is miscellaneous low growing shrubbery. There is a drainage plan, which will be revised to include the comments from Member Brian Colburn. Also, the handicap parking space will be widened for van access.

Board Questions

Member Colburn asked if there would be outdoor seating and Mr. Drye stated there would be on the porch and it would be café style. Member Colburn asked if these seats were included in the total seat count and parking count, to which Mr. Drye stated they were.

Member Starkweather stated the existing buffer of vegetation is not adequate. Mr. Drye stated they were waiting to see how the vegetation was, but that it isn't doing much now. He stated they could plant spruces in the back. It was indicated by the board that trees only have leaves for four months a year and that better buffer should be put into place, to possibly be a stockade fence.

Richard Lewis stated in the draft decision he has language on the buffer. He stated he also has thought about the vegetation that could be damaged during the site work and adjustments for landscaping and hard fencing needs to be considered.

Mr. Drye stated the buffer is easy to amend. He stated technical items are not being changed and they would like conditional approval so that they can move forward.

Member Sharon stated that he is concerned about having 6 employees and only three spots for them to park. He stated they typically will not drive to work together. It was explained that the regulations only call for 1 spot for every two employees.

It was indicated that the driveway permit from NHDOT does not allow any spill over into the street and that the owner must not allow any patrons to park along the street.

Richard Lewis stated that he gave handouts to the board this evening, to include Brian Colburn's email, a memo of concerns from a neighbor concerning parking and overflow and noise. He stated also attached to the handouts was a new set of conditions for approval and the driveway permit from NHDOT which stated no parking on North Main Street.

Richard Lewis addressed a concern in Brian Colburn's email regarding the catch basin by the basement delivery door. He asked if the location or the height of the building would change if this basin needs to be raised and Mr. Drye stated the building would not change, but the basins would be changed. It was indicated that on the basement level there are the men's and women's bathrooms and food storage. The handicap bathroom is located on the main floor.

Member Colburn stated that he is concerned about the pitch of the roof. He stated that in the winter, snow will melt and drain into the parking lot where it will freeze. Sam Drye said this was easy to fix and they would look into other areas of pitching the roof. It was however stated the roof is pitched this way to keep water from draining off the roof towards the roadway.

Member Colburn stated that he is concerned about looking into the infiltration system after construction. He stated the entire infiltration system relies on soils, which cannot be verified presently. If the soils are found to now be sandy, then the entire system will have to be reworked. Member Colburn indicated he is not sure the board should grant a conditional approval without knowing more about the lot and the drainage. Mr. Drye stated new plans will be submitted in the next week or so. Member Colburn stated that the infiltration rate might be found to be less during construction and then another new plan will be necessary, he stated the test pit should be done now so that the plan is only drawn up once.

Member Russo asked how the porch is accessed and it was indicated it is accessed through the restaurant. It was asked if drinking would be allowed on the porch and it was stated that it would be. Member Sharon stated he is concerned about drinking on the porch and the noise this could generate.

Member Colburn stated the board had asked them to look at the placement of the dumpster for ease of dumping. Mr. Drye stated that no matter where the dumpster is located, the truck will have to back up to pick it up.

Richard Lewis asked how the leaching basin will be connected to the oil separation area. Mr. Drye stated there are two solid containers to be used as catch basins, and the pipe may need to be increased in size between them, but modification will be made as needed.

Public Comment: None.

Board Discussion

Member Freeman stated the effects on the neighborhood need to be addressed. He stated stockade fencing should be put in place, for lighting and noise, and that the existing vegetation should not be examined. His reason for this was that there would only be vegetation on the trees 4 months out of the season and the restaurant will run year round.

Brian Colburn asked the board if they were comfortable with issuing a conditional approval or if they wanted to wait and continue the hearing based on the revised plan. The consensus of the board was that all issues are addressed and additional conditions will be added to cover the concerns brought up this evening and they were okay with the conditional approval.

Additional conditions to be added included: a clause for stockade fencing, lighting, and drainage. It was indicated that the lighting would be looked at again in nine months, and that there will be power to the sign located at the street level, so this could be reviewed for lighting at the roadway. It was also indicated that if the back corner of the lot is dark, lighting would be reviewed for this area as this is a safety concern. It was stated that in condition #7, spread would be replaced with cover.

MOTION: Member Giunta moved and Mayor Merrifield seconded to approve the Site Plan, referenced as P10-03, for Thomas A. Corey, owner/applicant, for work involving the site work improvements and construction associated with a proposed restaurant located at 443 North Main Street, Tax Map/Lot # 096-035-00 and located in the B-1 [Low Density Business and Commercial District]. The findings and conditions approved are

consistent with the draft approval document reviewed and revised, dated April 28th, 2010, by the board.

Member Sharon stated that he is still concerned about allowing drinking on the porch. He stated that in the spring and summer months this could be an issue. He stated he does not believe it is good planning to allow outdoor drinking. Richard Lewis stated that the State of NH permits drinking and that they are very strict on liquor licenses. He stated that if there are any issues, then their permit could be pulled. Mayor Merrifield added that there is a disorderly building ordinance and if enough calls are made to the Police Department then the City would address the issue.

All were in favor and the motion passed.

Public Comment: None.

Other Business

- Conceptual Plan and discussion regarding property located on South Main Street, Punch Brook Road, for the creation of an Asphalt Plant.

Richard Edmunds was present to speak. He indicated he is only before the board with a conceptual drawing. He stated the lot is zoned industrial and this is an allowed use for an asphalt plant in the zone. It will be a batch plant, there is 18 acres, and the biggest question is regarding night use for night paving. He stated the plan will change and the plan submitted is a generic plan.

Member Starkweather asked about the elevation. Mr. Edmunds stated the elevation is the same as the state road. Mr. Lewis asked how much the bank would be pushed back and Mr. Edmunds stated they would use 8-10 acres; they will have a graded driveway to get in and out from the roadway. Member Colburn asked about noise and the smell. Mr. Edmunds stated they will need state and DES approvals. The plant will be a state of the art plant, and will be able to handle environmental issues and concerns. Mr. Edmunds stated the plant will be pretty quiet, and the biggest noise will be trucks coming and going. He stated it is a batch plant and not a drum plant. It was asked if the plant would run all night and Mr. Edmunds stated it would be on demand, and if there is no night paving, then the plant would not run at night. It was indicated the Tilton Pikes Plant is the same type of plant, but that this plant would have silos for pre-mixed asphalt for pickup.

It was asked if the plant would run year round and Mr. Edmunds stated it would run from April 15th to approximately Thanksgiving. Member Giunta asked where the supplies/soils would come from and Mr. Edmunds stated they would come from the facility in Boscawen.

Richard Lewis asked what the time frame was for starting construction. Mr. Edmunds stated they would come back to the board for July and that he would expect approval from the State to take approximately 4-5 months. Member Sharon asked if they expected to start running next spring and Mr. Edmunds stated they do.

Richard Edmunds stated Astec will work on the plot and engineering of the plant.

Brian Colburn stated that DOT would be issuing the driveway permit for the lot. He stated that as far as the night running of the facility, this may depend on the abutters concerns at the time

of the hearing. Mr. Edmunds stated that he has spoken with the abutters, and they will not have any concerns.

Member Russo asked if this would be a dump site. Mr. Edmunds stated that a portion of the old roadway, that was removed, would go back into the mix.

Planner's Update

Copies of letters from DES for participation in the River Corridor board were given to the board. They are looking for volunteers.

Mr. Lewis stated that Paul Morrissette will be in for the May meeting to raise some ideas about several properties in the downtown area. The idea is that the zoning be modified so that business owners can set up a small apartment within the business area. A letter has been prepared and will be sent to the board.

At the next meeting, some verbiage on signage will be brought to the board for possible modifications.

The Downtown Transportation project has received approval from NHDOT for the preliminary plans. Moving into the more detailed plans, they are a little behind but are on track. The plans should be sent out for bid by late spring or early summer for the street and parking lot area.

Mayor Merrifield asked what kind of dislocation would take place during construction. Member Colburn stated they will close down Canal Street first and do the widening of the roadway. Then Smith Street will be closed down, for the entry way and lighting. Memorial Street will be closed for the water line to be put in and then the parking lot will be done. Member Colburn stated there should be two way traffic all the time during the construction.

Adjournment

MOTION: Mayor Merrifield moved and Member Veysey seconded to adjourn the April 28th, 2010 Regular Meeting of the Franklin Planning Board at 8:12 p.m. All were in favor and the motion passed. The meeting was adjourned at 8:12 p.m.

Respectfully Submitted,

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