

**FRANKLIN PLANNING BOARD
PUBLIC HEARING MEETING
September 22nd, 2010**

Call to Order: 7:01 p.m.

- ❑ Pledge of Allegiance.
- ❑ Roll Call

Present: Mayor Merrifield, Powell Glenn, Ted Starkweather, Marty Russo and Tim Stangroom.

Absent: Brian Colburn, Michael Freeman, Anthony Daniel, Anthony Giunta, Robert Sharon and David Veysey.

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

Mayor Merrifield sat Member Stangroom in place of absent voting member Anthony Giunta.

- ❑ Approval of Minutes
 - ❖ August 25th, 2010 Meeting Minutes

MOTION: Member Starkweather moved and Member Russo seconds to approve the minutes of the August 25th, 2010 meeting as submitted. All were in favor of approving the minutes as submitted.

Old Business: None.

New Business

- ❑ **Discussion:** With Tucker Noack, from DES, regarding the Upper Merrimack River Local Advisory Committee's Buffer Protection Study.

Tucker Noack was present to speak. He stated that he is present with other representatives from Franklin on the Upper Merrimack River Local Advisory Committee (UMRLAC). It was indicated that the committee is there to make suggestions to the Planning board regarding the Buffer Protection of the Rivers. A report summary was completed, in which they reviewed the current setbacks, the Zoning Ordinances and community ordinances in existence. He stated they are bringing forward, through this study, recommendation for the board to review to make the ordinances more comprehensive.

Mr. Noack then introduced Vanessa Gould, of Central NH Regional Planning Commission. Ms. Gould indicated they were called upon to perform the study as the study included six communities, four of which fall within the Central NH Regional Planning Commission and the other two falls under the Lakes Region Planning Commission. She stated the study was completed as a follow-up to the 2007 management plan and implementation plan. They studied the State DES files for natural features of the rivers. The goals were to study the river and

investigate the buffers. She then showed a map that showed the area that was reviewed by the Study.

She stated the buffers set by shoreland protection are 50' for principal buildings. The study focused on the river corridor and not just the river, which encompasses streams that feed the rivers. She stated they reviewed 300' from the River, looking at the regulatory audit. They looked at Zoning Ordinance, Subdivision Regulations and Site plan regulations for the communities included in the study. These ordinances and regulations were compared to Shoreland protection act to see which was more stringent. The chart, located on page 15, shows a comparison of the towns/cities and what needs implementing or strengthening. On page 23 was a recommendation list, not in priority order, of what needed implementing and strengthening.

In summary, the regulations for Franklin which need strengthening or revisions are:

1. Revise excavation regulations to add additional standards to protect a 300-foot setback from the Merrimack River, as well as associated tributaries and wetlands.
2. Establish a Surface Water Protection Ordinance that:
 - a. Creates setbacks from the Merrimack River between 100 and 300 feet depending on the use;
 - b. Creates setbacks from third order streams and lower between 50 and 200 feet depending on the use; and,
 - c. Prohibits hazardous material usage inside the setback, or when a use is justified in the setback, by requiring a Conditional Use Permit based on evidence of compliance with current Best Management.
3. The Conservation Commission should investigate the presence of bluffs and, if present, consider establishing a 50 foot setback from the top of the bluff.
4. Adopt a town-wide Special Exception permitting process for the disposal of industrial and commercial waste.
5. Adopt a post-construction stormwater management ordinance that requires infiltration of stormwater instead of redirecting it to existing storage areas.
6. Adopt and enhance flood hazard overlay district to replace existing floodplain ordinance. It is recommended that the ordinance require new structures and major additions to be built at least two feet above base flood elevation.

Mr. Noack stated these recommendations are part of the Upper Merrimack River Protection Plan. He stated the study is only a recommendation, and are guidelines for implementation to serve the river but not impede growth of the community. He added that the disposal of waste needs strong review.

Member Starkweather asked if they had given any input to State of NH Department of Transportation on their projects. Mr. Noack stated that they are an advisory committee and indicated that if the work is being completed within ¼ mile of the river, they would get a copy of the application from DES for review and recommendations. Member Starkweather stated that when DOT did the improvements to the lake they have drainage systems that are draining into the lake. DOT will be working on Route 3, in the area of the Industrial Park, and Mr. Starkweather indicated he does not want them to set up the drainage to run into the river.

Member Starkweather then asked what edition of the floodplain maps that they used for the data collection. Ms. Gould stated they used the April maps that are in digital form.

Member Starkweather asked if there were any other runoff issues that the board should be made aware of. Ms. Gould stated the hazardous sites have not been identified as of this time.

Mr. Noack stated that if the board members want a full report, it can be downloaded from their website, which is www.merrimackriver.org. Ms. Gould stated that a lot of cities/towns have preconstruction requirements but no post construction requirements. She stated that implementing these, it makes the engineering company pay more attention to doing things appropriately. It was indicated that that if you want to contact Ms. Gould, you can get her information from www.cnhrpc.org and that her name was Vanessa Gould.

Public Comment: None.

Other Business

There was discussion about the replacement of the Regal Marquee. Richard Lewis indicated that his determination about the replacement is considered in-kind. That all items that have been reviewed, including moving lights, are just replacement as is and that they haven't been used due to maintenance problems.

Member Starkweather indicated the sign has been a sore spot and that this is a good plan. The ordinance indicates that signs with flashing lights are not allowed; however, this sign is grandfathered and this is just much needed maintenance. Richard Lewis concurred that this proposal is within the vested rights category and that he would need the support of the board.

The board concurred with Richard Lewis and stated that the replacement is in-kind and no special approvals would be necessary.

MOTION: Member Starkweather moved and Member Glenn seconded that the board support Richard Lewis' determination that the proposal falls under the vested rights category and that the sign is grandfathered. All were in favor and the motion passed.

Planner's Update

Richard Lewis then brought the board's attention to the memo regarding Sky Meadows that he handed out this evening. He stated that things are taking a long time to complete due to the economic turmoil that the country has been in. He stated house sales are down and that they have been lucky to sell one house a year. No work has been completed on the roadway in two years.

Richard added that Brian Sullivan, Mike Vignale and he have been up to the property. The roadway is cracking, which is expected as it does not have a top coat as of yet. Also, the drainage is not yet complete. Mr. Lewis stated they are looking into whether the letter of credit will protect the city and cover the costs of completion of the roadway and drainage. He stated

inflation rates have not be added to the bonding, but also stated that for the city to complete it may not need this amount. Until the final review is completed the cost to finish the project is undetermined. He stated that pushing the developer too far could cause a revocation of the subdivision and he does not believe it is in the Citie's best interest to take on the completion as of this time. Richard indicated he would speak with Brian, Mike Vignale and Paul Fitzgerald about the development and to the bank regarding threshold dates, to find out a completion cost. He stated in his conversations with the Bank Vice President the developer makes their money when they complete the last 2-3 homes.

Richard Lewis then spoke about the Asphalt Plant. He stated that they have brought in Mike Vignale to work with Provan and Lorber and Edmunds. They are moving towards the final design. DES has received the Alteration of Terrain permit, and they are keeping Mike Vignale in the loop with PDF draft plans. It was indicated that the applicant could be ready to present for the November 17th meeting. The deadline date is the date of the October meeting, being the 27th.

Member Starkweather asked if the board had received the information that was brought forward by the public regarding the information they found on the internet. Richard indicated that he received one email, but that was it. Member Starkweather also asked about an entrance from Industrial Park Drive. Richard indicated that this would constitute disturbing wetlands and a stream and isn't in the best interest of the city.

There was a discussion about the visiting of the plant and whether this would be against the rules and regulations for the planning board. Richard Lewis stated he would check with Paul Fitzgerald and believes that if a quorum of the board is present, then it would constitute a meeting and a public notice would need to be published. He stated that the members that go would have to report back to the board.

It was indicated that the discussion on the master plan would be held at the October 27th meeting of the board. He asked that any board members who had information they would like discussed that they send it in an email to him. The Master Plans have a life span of 5-10 years, the one in place is good and some items of it are still being worked on.

Adjournment

MOTION: Member Starkweather moved and Member Russo seconded to adjourn the September 22nd, 2010 Regular Meeting of the Franklin Planning Board at 8:07 p.m. All were in favor and the motion passed. The meeting was adjourned at 8:07 p.m.

Respectfully Submitted,

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