

**FRANKLIN PLANNING BOARD
PUBLIC HEARING MEETING
April 27th, 2011**

Call to Order: 7:04 p.m.

- ❑ Pledge of Allegiance.
- ❑ Roll Call

Present: David Veysey, Mayor Merrifield, Michael Freeman, Ted Starkweather, Anthony Giunta, Powell Glenn, Marty Russo, and Planning and Zoning Administrator, Richard Lewis.
Absent: Brian Colburn, Brian Sullivan, Anthony Daniel and Bob Sharon.

- ❑ Approval of Minutes: March 23rd, 2011 Meeting

MOTION: Member Giunta moved and member Russo seconded to approve the minutes of the March 23rd, 2011 meeting as submitted. All were in favor of approving the minutes as submitted.

New Business

1) Planning Board Rules of Procedure

Richard Lewis stated that the changes fit with the RSA and remove any duplicates between section 401 and Chapter 77. He stated that if the board was okay with the changes that they could make a motion to hold a formal public meeting on the changes.

Member Russo asked if the City Council needed to hold a public hearing on these changes. Richard Lewis stated that section 401 is the Planning Board rules of Procedures and the RSA's indicated that the Planning Board and Zoning Board need the rules of procedures, but that these are amended by the boards. He stated that the board can either opt to keep it within the code book or it can be removed and be available on the website under the Planning Page. He stated the Planning Board adopted the rules of procedure and it was placed in the General Code.

There were a few other questions regarding the procedure that were discussed by the board for clarification.

MOTION: Mayor Merrifield moved and Member Russo seconded that the Planning Board place this item on their next Planning Board meeting agenda for approval and a public hearing. All were in favor and the motion passed.

2) Criteria for Acceptance of an application

Richard Lewis indicated that these changes are based on the discussion that took place with Attorney Callen regarding the acceptance of the Asphalt Plant application. Mr. Lewis stated this gives the board the mechanics to create a simpler acceptance process, so that the applicant can meet with the board and get some feedback. The applicant would meet with Richard and if Richard indicates the packet is thorough then the application would be able to be submitted and the applicant could request waivers. The OEP handbook discusses the issue of the application process being too strict and this would give the board some leeway.

There was a brief discussion by the board regarding the process being less burdensome on the applicant, that the board would have the right to request further information if necessary, that there is a waiver process that is available, that an application could be accepted without every piece of information being submitted and that the board would have leeway. There was also discussion on the plan sizes. Richard Lewis stated that when he gets the copies of the plans he will make a suggestion to the applicant on the plan size and if the board requires the larger plans they can ask the applicant for larger copies. The mayor indicated the wording on the plans should be that the size is at the discretion of the administrator and that the board could request larger sets if needed.

Richard Lewis stated that he will make the changes and send this to Attorney Fitzgerald to review the wording and make sure that it is legal.

3) Potential Zoning Amendments

d) Industrial Zone and Allowed Uses

Richard Lewis stated that the issues is how to deal with uses in the Industrial Park where no building would be built but an applicant is requesting outside storage. He stated his concern is that land in the Industrial Park without a building does nothing for the tax base. He stated there should be some flexibility though.

Jim Aberg, FBIDC, was present to speak. He stated he has a client that is looking to purchase 3 acres in the Industrial Park. He is an Attorney from Boston who is looking at storing some trucks and other items on the site. There are existing businesses in the industrial park with outside storage, which must be a non-conforming preexisting use, but as a housekeeping matter some changes are needed.

The consensus of the board was that they do not want to allow outdoor storage in this zone, and that it should also not be allowed in the B-2 zone as this area is the downtown area and the use is inappropriate. The board stated that as an ancillary use or in addition to a building and a business running off the site, outdoor storage would be appropriate, but not as a use by itself.

There was some discussion regarding allowing outside storage contingent on a building being put on the lot within 36 months.

There was discussion about R&D Paving and Beck and Belucci. It was indicated that Beck and Belucci store vehicles on their lot, but it is secondary to a business use. R&D paving would have a small building with some outside storage of vehicles for the business.

Jim Aberg stated that to sell the property and for it to go undeveloped is contrary to what FBIDC and the City are looking at doing with the Industrial Properties. He stated in an attempt to not lose the sale of the property they would like to be able to sell the property for storage and put a condition in the sale and a covenant in the deed that the property must be developed within 36 months of the sale or else the sale is void.

Mr. Aberg stated that the regulations should not be changed for one business that could ill-effect the entire area.

Richard Lewis stated that he has a sense of what the board would like to see for changes and that he will work on the language and bring it back to the board for review. He stated that if a lot has no pavement with storage this is worst then just being a vacant property. He stated that industrial uses are about jobs and getting people in to the community. He stated the best way to cover this may be to modify the definition of Industrial Uses to include allowing outside storage as an accessory use for a current business.

a. Range Road Industrial Land

Richard Lewis stated that this recommendation was based on a realtor coming in and asking for the property to be rezoned. Today the owner of the property called and stated that they do not want any changes at the current time, as they are still weighing their options for the lot and that it might be something that they want to do in the future.

b. Agricultural Uses Part 1: Setbacks for Buildings to House Animals

c. Agricultural Uses Part 2: Chickens

Richard said that he doesn't know what, if anything, the board wants to do with the above two items. Richard indicated that there is an Agricultural Waiver process, set by the RSA's, which has been utilized recent to approve a horse barn within the 200' setback requirement on A Street. With this waiver process the applicants need to prove that they will not impact the neighbors.

Member Starkweather indicated that the board went through the ordinance 3-4 years ago and there was a lengthy discussion on livestock versus pets and what zones they should be allowed in, and the setback requirements. It was determined by the board to allow agriculture on the outside regions of the city where the lots are larger.

The consensus of the board was that they were in favor of the waiver process so that each case will be reviewed on their own merits. Richard Lewis stated that he will kick it around a little bit and get back to the board.

4. Noise Ordinance

Richard Lewis stated that he is looking for feedback on whether they board wants to send a recommendation to the City Council to review the regulations. The Mayor stated that he has asked the legislative committee to take a look at the noise ordinance as there is conflicting and uncertain information and they opted not to do anything.

Member Freeman asked if there were statistics on noise complaints. It was indicated that these would have to be requested from the Police Department. There was a lengthy discussion on this. The Mayor indicated that changes to the Code are typically done by the City Council. It was indicated that Manchester has a good noise ordinance based on decibel levels and that the City should review their code and see if the information is pertinent to the City of Franklin. Member Starkweather stated that the City Council used to receive the monthly complaints to the Police Department, which did have Noise Complaints on them, but the council has not received them lately.

It was indicated that the Noise Ordinance is not a land use ordinance and the board needs to find out from the council if they object to the Planning Board working on this item or if they would like to take this on. It was indicated that a land use section of the noise ordinance should be developed. The Mayor indicated that when developing a noise ordinance, whoever does the review should think as globally as they can.

Member Starkweather stated that if there is going to be a land use section and a law enforcement section, that they need to mesh well so that there is no conflict between the two.

Member Giunta stated that there should be a permit process, for relief from the ordinance, for concert, political gatherings and other such events.

Old Business: None.

Public Comment: None.

Other Business:

The Mayor indicated that he was approached regarding either a zoning change or the rezoning of a lot line. He asked if it was a better use to change the permitted use table or to change the zoning of a lot. Angie Carey stated that in the past, if a permitted use was not necessarily a good idea, however, it was a good idea for a lot to be allowed the use, then the change has been a zoning change for the lot and not a permitted use table change.

Richard Lewis stated that he and Angie have looked into the Zoning District Lines and they are not horrible but they are not good. He stated that some zoning lines cross through properties where the zoning district line should be property lines or the roadway.

The Mayor stated that he would have the person that was speaking with him come into the office to discuss a possible lot zoning change or other options.

Planner's Update: None.

Adjournment

MOTION: Member Sharon moved and Member Giunta seconded to adjourn the April 27th, 2011 Regular Meeting of the Franklin Planning Board at 8:42 p.m. All were in favor and the motion passed. The meeting was adjourned at 8:42 p.m.

Respectfully Submitted,

Angela M. Carey,
Planning and Zoning Office
Assistant to the Administrator