

**FRANKLIN PLANNING BOARD  
REGULAR MEETING AND PUBLIC HEARING –  
COUNCIL CHAMBERS**

**Wednesday, June 27<sup>th</sup>, 2012 at 7:00 p.m.**

**Call to Order:** 7:03 p.m.

- Pledge of Allegiance.
- Roll Call

Present: Brian Colburn, Mayor Ken Merrifield, Tony Giunta, Michael Freeman, Marty Russo, Bob Sharon, Tim Stangroom, David Veysey, and Planning and Zoning Administrator, Richard Lewis.

Absent: Powell Glenn, Anthony Daniel, Ted Starkweather and Brian Sullivan.

Member Stangroom was seated in place of absent Voting Member Anthony Daniel. Councilor Sharon was seated in place of absent Voting Member Councilor Starkweather.

- Approval of Minutes:

❖ May 9<sup>th</sup>, 2012 Minutes

MOTION: Mayor Merrifield moved and Member Sharon seconded to approve the minutes of the May 9<sup>th</sup>, 2012 Planning Board Regular Meeting. All were in favor of approving the minutes.

**New Business:**

- P12-07:** Bronwyn L. Asplund-Walsh, Owner/Applicant, requests a Special Use Permit for a Bed and Breakfast, with no more than four bedrooms. The business will be conducted in the existing attached carriage house. The property is identified as 296 Webster Lake Road, Tax Map/Lot # 035-402-00, New Map # K4, LP Zone (Lake Protection District).

At this time, the Mayor recused himself.

Richard Lewis stated that he gave the board a memo this evening. He stated there is confusion as to how certain rooms are classified. He stated the applicant stated in her email of last week that her game plan is to utilize existing bedrooms and not to create anything new. Richard indicated that his thought is to open the hearing, except the application, take comments from the applicant and the public and the board and then continue the application to the July 25<sup>th</sup> meeting to resolve the outstanding issues on the septic.

MOTION: Member Giunta moved and Member Russo seconded that the Franklin Planning Board accept the application of Bronwyn Asplund-Walsh requesting a Special Use Permit for a proposed Bed and Breakfast at the property located at 296 Webster Lake Road. All were in favor and the motion passed.

Bronwyn Asplund-Walsh was present to speak. She stated that if the board has any questions she will answer them. She stated this has been a long process. There are two bedrooms in the attached

carriage house, which currently have the in-law apartment, on the second floor above the law office that she would like to utilize for the bed and breakfast. She stated she is not sure when the septic was done and if it was when she applied for the rooms in the ell. She stated that she submitted a letter from Deb Hinds.

Ms. Asplund-Walsh indicated that there are 2 bedrooms in the guest house, 3 bedrooms in the main house. She stated that tax assessing was there a few weeks ago and that it was a fill in and not then normal assessor. She stated there are two rooms on the third floor, with twin beds in them. She stated that Deb Hinds indicated those would not be considered bedrooms because they don't have closets and in order to be called a bedroom they would need to be able to accommodate at least a double bed.

Ms. Asplund-Walsh stated she would like to be able to start the process of applying to the state now and would like approval for at least two bedrooms now, as she isn't adding anything new and then she wouldn't lose the whole summer having to wait until the end of July to start the process at the State.

Member Colburn asked what permits she needed from the State. Bronwyn indicated she does not know and stated that Angie has indicated that she would help her find out what is needed.

Member Russo stated that he is confused at the impact, as she is not adding anything new and is utilizing existing space. Ms. Asplund-Walsh stated that she wants to utilize the two bedrooms in the in-law apartment.

Richard Lewis stated that he has the breakdown from Deb Hinds and the system that was designed in 2009, but never installed, breaks down things differently. The 2009 plan 2 bed guest house, the 5 bed main house and the 2 bedroom family apartment, for a total of 9 bedrooms. Mr. Lewis indicated that is not why Rick Lepene classified it this way, but how he classified the home. He stated checking with Rick could help resolve the issue and a site inspection to make sure that everyone is on the same page.

Member Freeman asked what this would accomplish. Mr. Lewis stated that in the Zoning Ordinance the criteria for a bed and breakfast is spelt out and one of the criteria is having adequate septic for the primary structure and the bed and breakfast. He stated that if there are 7 bedrooms, then this meets the capacity; however, if there are actually 9 bedrooms then the current septic won't be able to handle the flow. Member Freeman stated that the septic is for 7 bedrooms, there are 5 in the main house and 2 in the guest house. Richard Lewis stated that the assessor did an inspection and stated that there were five in the main house, 2 in the guest house, 2 in the carriage house and the law office.

Ms. Asplund-Walsh stated that the assessor called the rooms on the third floor bedrooms; however, Deb Hinds and Rick Lepene have indicated they are not bedrooms. Richard Lewis stated that this needs to be worked out with Deb Hinds, Rick Lepene and Janis Carruth. Ms. Asplund-Walsh stated that the two rooms on the third floor are not used and will not be used. It was indicated that whether they are used are not is not what is the determining factor and the determining factor is if they exist or not.

Chair Colburn stated that in Deb Hinds letter she states that the Septic is designed for 7 bedrooms, with a load capacity of 1,050 gallons per day. He stated that in figuring in the main house, the bed and breakfast, and the guest house, Deb Hinds has indicated the total proposed gallons per day is 1,010. He stated that the load for bed and breakfast bedrooms are lower than the load for regular bedrooms and Deb Hinds has estimated 5 bed and breakfast bedrooms, 2 house bedrooms and 2 guest house bedrooms, for a total of nine bedrooms. He stated the regulation only allows for 4 bed and breakfast bedrooms, so adding one addition regular residential bedroom brings the total proposed gallons per

day over the approved gallons per day. The applicant has talked about possibly using space in the main house and ell and continuing the use of the family apartment, which would definitely bring the gallons per day over the approved gallons per day set by DES.

Member Russo stated that he doesn't agree with the numbers. He stated it is a fallacy that there are nine bedrooms. He stated that she should be allowed the four bedrooms.

Chair Colburn stated that the plan is a stamped plan and it says nine bedrooms, the septic assessment done by the Septic Designer Deb Hinds says 9 bedrooms and assessing says 9 bedrooms.

Member Giunta asked what the two bedrooms would be that she would start off with and Ms. Asplund-Walsh indicated it would be the two bedrooms in the carriage house, above the law office that are part of the in-law apartment. Member Giunta stated she is looking at getting approval for these two bedrooms so that she can start the permitting process at the state level.

Chair Colburn stated that the ordinance states that the septic has to be sized accordingly and indicated that based on the existing 9 bedrooms the septic is undersized.

Richard Lewis stated that a conditional approval could be done for the two bedrooms in the carriage house, with the other two bedrooms being continued to the July 25<sup>th</sup> meeting of the board. He stated that a condition of the conditional approval could be that there are no more than 7 bedrooms to be utilized in total between the guest house, main house and 2 bedrooms for the bed and breakfast. Bronwyn indicated this would allow her to proceed with her state approvals.

Chair Colburn stated that the only way that the septic becomes the adequate size is if all the tallies, by assessing and the septic designers changes from 9 bedrooms to 7 bedrooms.

Richard Lewis stated based on the language in the zoning, Ms. Asplund-Walsh will only be allowed the two bedrooms in the guest house, 3 bedrooms in the main house and the 2 bedrooms for the bed and breakfast. She would then prohibit from utilizing the rooms on the third floor or in the ell as bedrooms.

Member Sharon asked if the in-law apartment had a full kitchen. Bronwyn indicated that it does and stated that a lot of hotel rooms have kitchenettes now. Member Sharon stated that he is concerned if there was a future owner, if the owner sold the property, and then the new owner rented out this space. Ms. Asplund-Walsh stated that once it receives approval it would be listed as a bed and breakfast.

Public Comment: There was no one present from the public to speak for or against this application.

#### Board Discussion

Member Colburn asked about the note in the letter from Deb Hinds that indicates as this property is changing from a residential use to a commercial use that a grease trap should be installed for the kitchen waste.

**MOTION: Member Giunta moved and Member Russo seconded that the Franklin Planning Board grant conditional approval the establishment of a two bedroom bed and breakfast to be located on the second floor of the carriage house. This approval is**

**conditioned on the total number of utilized bedrooms in the guest house, the main house and the carriage house shall not exceed seven bedrooms. The approval is further subject to the applicant operating the Bed and Breakfast in compliance with all the provisions of section 305-23 of the Zoning Ordinance. The remaining discussion on the two other requested bed and breakfast bedrooms is continued to the July 25<sup>th</sup>, 2012 meeting of the board. All were in favor, motion passed.**

At this time, the Mayor returned as a voting member to the board.

- **P12-08:** Victor L. and Pauline M. Swensen, Owners of 20 Russell Street (Tax Map/Lot # 118-110-00); Mark Chiarenza and Jean Chiarenza, Owners of 22 Russell Street (Tax Map/lot # 118-111-00; and, Jean M. Chiarenza, Victor and Pauline Swensen Sr., Owners of 14 Russell Street (Tax Map/Lot # 118-109-00, and which contains an old foundation), request Subdivision approval for a Boundary Line adjustment between the three aforementioned properties. The three lots would be realigned into two lots. All of the lots are located in the R-3 Zone (One-, Two- and Three- Family Residential District).

**MOTION: Member Sharon moved and Mayor Merrifield seconded that the Franklin Planning Board accept the application for a hearing on the proposed boundary line adjustment and subdivision for File number P12-08. All were in favor and the motion passed.**

Brian Crockett, engineer for the applicants, was present to speak. He stated that the Chiarenza's are not present tonight; however the Swensen's are. He stated there are two pre-existing lots that have been owned by Chiarenza and Swensen for some time and go along with their homes. He stated the third lot, use to have a house on it; the lot was taken for taxes by the city and sold to the abutters. This lot has the stipulation on it that it not be built on and they are looking at splitting this lot between the other two existing lots to make them more conforming. He stated it is a pretty straight forward application.

#### Public Comment

Don Gray, an abutter, asked if the lot could be subdivided in the future. Mr. Crockett stated that as there would not be enough lot area that they would not be able to resubdivided in the future. Member Colburn stated that based on the lot sizes of the two lots being too small, a third lot would not be able to be recreated.

Mr. Gray stated that he is not against the combination of the lots; however, his lot is on this existing lot and wanted to know what would happen with that. Mr. Swensen stated that the driveway has been used for years and would still be used. Mr. Swensen stated they would sell that portion of the land to Mr. Gray. Mr. Crockett stated that the best option might just be an easement on the deed.

Mr. Lewis asked if they wanted to continue to the application to review the driveway further and the Swensen's indicated that they did not. Richard Lewis stated that if there was a futher subdivision, they may need a variance to do a boundary line adjustment as the board would not be able to allow them to create a lot that was more non-conforming then what is existing; currently the lots are becoming more conforming rather than less. The Swensen's stated they did not want this application continued.

**MOTION: Mayor Merrifield moved and Member Russo seconded that the Franklin Planning Board approve the application for a boundary line adjustment and subdivision for Swensen and Chiarenza for their properties on Russell Street, referenced as P12-08; the Board issues this approval consistent with the draft approval decision prepared by the**

**Planning and Zoning Administrator and submitted to the Board for review. Any modifications to this draft are duly noted by the Board. All were in favor and the motion passed.**

**Old Business:** None.

**Public Comment:** None.

**Other Business:** None.

### **Planner's Update**

Richard Lewis stated that he had a meeting today with VHB regarding the PSNH property on Webster Lake Road, a minor addition to the substation. He stated they would be coming before the board for the July 25<sup>th</sup> hearing.

Richard Lewis stated that the downtown project is pretty much completed, besides the landscaping and grass. He stated that the landscaping will be done later in the summer and the lawn area will be seeded, fertilized, and scratched in the fall. He stated that money will be held for any needed stabilization.

Richard stated that he has not been able to spend time on revisions to the Master Plan due to DES permits and applying for the Brownfield grants. He stated the city received a \$200,000 Brownfield Cleanup grant for 599-601 South Main Street, that recently had a fire on Wednesday. He stated issues are being taken care of.

He stated that Webster Valve received their building permit and should be breaking ground shortly.

Member Freeman asked about the light downtown. Richard Lewis stated that the kinks are being worked out and this will be on an ongoing process; however, people are getting accustomed to it and there haven't been many further complaints. He stated that MSD has a line item for management of the lights and signals. He stated a loop will be put in for the trigger of the light change when there is no traffic on Central street and someone is at the Canal Street lights.

### **Adjournment**

**MOTION: Mayor Merrifield moved and Member Giunta seconded to adjourn the meeting of June 27<sup>th</sup>, 2012, at 8:00 p.m. All were in favor and the meeting was adjourned.**

Respectfully submitted,

Angela M. Carey  
Planning and Zoning  
Assistant to the Administrator