

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

**Wednesday, November 14<sup>th</sup>, 2012 at 7:00 p.m.**

**Call to Order:** 7:02 p.m.

- Pledge of Allegiance
- Roll Call

Present: Mayor Ken Merrifield, Brian Colburn, Anthony Giunta, Ted Starkweather, Marty Russo, Bob Sharon, Tim Stangroom, Powell Glenn, David Veysey and Planning and Zoning Administrator, Richard Lewis.

Absent: Michael Freeman, Brian Sullivan, Bob Sharon and Tony Daniel.

Member Veysey was seated in place of absent voting member Daniel; and, Member Stangroom was seated for absent voting member Sullivan.

- Approval of Minutes:

❖ September 26<sup>th</sup>, 2012 Minutes

MOTION: Member Starkweather moved and Mayor Merrifield seconded to approve the minutes of the September 26<sup>th</sup>, 2012 Planning Board Regular Meeting. All were in favor of approving the minutes.

**New Business:**

- **P12-14:** 213 South Main LLC, Owner; Louis Pichette, Applicant; Amoskeag Architectural Group, Agent; Duval Survey Inc., Surveyor; requests Site Plan Review and a Special Use Permit approval to remove the existing buildings and build a six unit apartment building and a building with a professional office and laundry area for tenants on property located at 213 South Main Street, Tax Map/Lot #'s 099-043-00 and 099-044-00, Map # O7, B-1 Zone (Low-Density Business and Commercial District). The applicant has received a Variance from Lot area requirements. Waivers are requested.

**MOTION: Member Merrifield moved and Member Giunta seconded that the Franklin Planning Board accept the application of 213 South Main Street, LLC and Louis Pichette for a public hearing. All were in favor and the motion passed.**

Alan Yeaton, Architect and Planner from Manchester, was present to speak on the application. He stated that he owns Amoskeag Architectural Group, which is here this evening representing Louis Pichette in the development of this project on South Main Street.

Mr. Yeaton stated they received Zoning Board approval and they have been to the planning board for conceptual prior to getting into the engineering of the project and to have the sight physically surveyed. The site has recently been surveyed by Duval Engineering of Hooksett, with lot lines, topography and the existing utilities on the street and on the site.

The existing site is basically two existing buildings. There was a question prior to the survey, regarding the 20' by the railroad, and there was a subdivision that granted the 20' to this parcel. He stated there used to be an

existing building on this area and that is why the subdivision was done, there is currently a slab there, but it will be removed. The land area is a little more than was originally indicated, due to this addition of land.

The existing conditions were noted and the exact locations of the adjacent buildings. The six unit building and 2 unit building with parking have been laid out. Mr. Pichette owns an adjacent building. Snow removal will be done and if any modifications were needed for this it would be done as required.

In the package, there was a rendering of the building in black and white. He then passed around a colored copy for review of what the building colors would be and what the buildings would look like.

There would be one six unit building towards the rear of the property and a building in the front, with the office in the front of the front building and the laundry in the back. The laundry is set up for the use of the tenants of this project and the tenants of the buildings that are an overall part of this process. The laundry would be for the resident's and not a laundry mat.

The site development includes the new buildings. The site itself allows the two parking spaces for the existing buildings on the adjacent site and the new apartment building. There are also four spaces, including a handicap, for the front office building and laundry area. The office will be open normal business hours during the day and possibly on weekends. For parking in the evenings, when everyone is home, this area near the office can be used for overflow parking or guests. He stated there is more parking than needed.

The topography from the site goes up from the street, to the rear property. From the street, to a point in the middle of the lot is about a 5' elevation height difference. The elevation raises a couple of feet from this point to the back of the lot, where there is a steep wall going up the embankment presently (which is stone, rubble, trees, etc.) and will not be removed during the development.

They have mapped out the locations of gas, which is available on South Main Street, and also on Anderson Avenue; the sewer connection is to South Main Street; and, water access is shown on the plan, with very little interference and very little cross lapping. There is a landscaping plan, with trees being put on the site as the two major ones on the site will have to be removed for development.

### Board Questions

Questions from the board were as follows:

1. If the office space was for these six new units or another business and it was indicated it is for another business. It was asked what the other business was and it was indicated it would be a real estate office that may handle the rental of these units, but the only thing he has heard of is a small real estate office. He stated it would be a residential scale real estate office or some kind of professional office.
2. If there is enough room where the dumpster is going to be located once the apartment complex is put in and it was indicated that initially they spoke with Municipal Services department. He stated they wanted to utilize the recycling and trash pick-up from the Municipality. If the board is looking for a place for storage of the containers, they were looking in the back where the laundry is so it's not within the apartments. It was asked who would be responsible to take the barrels from the back of the laundry to the street corner and it was indicated that Mr. Yeaton did not know the answer to this question. It is a concern that the trash doesn't just pile up and needs to get out to the street corner and be picked up. Mr. Yeaton stated that it would most likely be up to the tenants but ultimately it would be up to the manager to make sure it is done.
3. It was asked if written and legal agreements are in place for the parking that is bisecting lot lines. Mr. Yeaton stated that they have been agreed upon and he believes that the original survey plan was signed

by the abutters agreeing with the location of the lines and the parking. The board indicated they wanted to be proactive and make sure in the case that one of the lots was to be sold that this agreement would go with the property. He stated the notes will be added to the plan and will be in the deed for recording.

4. If a dumpster was required, where would it be located and it was indicated they have looked into this, but Mr. Yeaton stated he doesn't like where it is located and that they would have to rearrange some parking to give them the right location for access for the removal company. Nothing has been finalized as far as the location as of this time. Mr. Yeaton stated that if it became a problem from a municipal stand point, as far as not getting the trash out, the owner would work with the Municipality on the location and make sure the situation is rectified.
5. It was indicated that currently on the plan the only spot that shows a designation for snow storage is on the very front edge of the property near the street. Mr. Yeaton stated that this is true; they have spoken about other areas on the site. He stated if the amount of snow is greater than the ability to store on site, it would be removed. The board indicated that there is the potential for some of the storage areas to get filled up and create a problem on the site. Mr. Yeaton stated it is a concern and that on the property he owns in Manchester there has been two occurrences where snow had to be removed from the site, it doesn't happen often, but it needs to be planned for. The board indicated this is a concern as the primary location for snow storage is at the primary entrance and exit to the property which will make navigation for traffic harder if there is a great deal of snow stored in this location. The concern is the line of site entering and exiting the lot. Mr. Yeaton stated they do not want to create a visual hazard on the street at any time.
6. Mr. Lewis stated that in regards to the discussion and comments on the trash containers, the standard operating procedure of the Municipal Services Department is to work with the property owners to make sure that they get their containers out there on a weekly basis. He stated containers being used by some multi-families are a concern for Municipal Services Director and in the next couple of months they will be starting meetings with property owners to help educate them and orient them in the proper direction to deal with these issues. The solid waste ordinance, which the city council adopted, does contain provisions that if it gets to be a recurring problem, then the City maintains the right to remove the containers and then they would be obligated to get a dumpster service. So if the dumpster service required some modifications to parking, then they would have to work with this office to determine the best location. Mr. Yeaton stated they are not sure which street would be best for Municipal Services department to pick up the containers on, being either South Main or Anderson Avenue.
7. It was indicated that the trash receptacles on this lot would only be for this building and not the adjoining lots. It was asked when there is snow on the lot, where will the recycling barrels be located. Mr. Yeaton stated there would be an area under the exterior stairs, for trash and recycling, for this building. He stated that there would be one of each by the laundry and the apartments would have 3 or 4. He stated it depends on the size of the barrels. Mr. Yeaton stated that usually approvals have a clause that protects the city.
8. Chair Colburn requested adding a condition #12 that would state something to the effect of prior to the issuance of the certificate of occupancy, the owner shall submit to the City a trash management plan. In this plan, they should designate container storage, and after having a discussion with Municipal Services this should all be figured out. Rather than the board speculating tonight a quick meeting with Mr. Sullivan and his department would be able to work this all out. Mr. Yeaton stated this is not an insurmountable task. Member Starkweather stated that the owners on Anderson Avenue have theirs under control with their tenants and they put them out every Monday morning. He stated the tenants of this building will need to be educated on this.

Donna Tully was present to speak. She stated she currently manages the property and her company is Tully Real Estate Solutions. She's been managing all the abutting properties since 2008. She stated they work with the tenants and manage the trash, she knows this is a big concern and she stated she has been working with

Brian Sullivan with the existing six unit building. They have four (4) trash bins and four (4) recycling containers. There are two (2) recycling and two (2) trash for the 2 unit building and the tenants are responsible for garbage and it is written in their lease to bring them to the curb and management makes sure this is enforced. She indicated they would be looking for four (4) additional trash and four (4) additional recycling containers for the new building.

Mrs. Tully stated that she knows the city is having problems with some units and their trash; however, she manages about 130 units and the City doesn't have problems with her buildings. She stated they will work with the city on the management of the trash.

Public Comment: None.

### Board Discussion

Chair Colburn stated that he wants to make sure that Brian Sullivan has reviewed the plan with respect to the pavement cuts on South Main Street that look "off". He stated it is necessary to have separate trenches for the utilities, so that the gas is not in the same trench as sewer. Mr. Lewis indicated any of the cuts for utilities would be covered under a separate permit through Municipal Services Department and they would have their own conditions as far as placement, restoration of any excavated areas, patching and other items.

Richard Lewis stated that the proposed condition on the trash will read as follows: "The applicant shall submit a trash management plan prior to the issuance of a certificate of occupancy. The City Staff shall review the plan and Staff is authorized to modify the plan based on interaction with the owner." There was no objection to adding this condition.

Richard Lewis asked the board if they wanted a requirement for the recording of the plan. He stated that the registry is trying to minimize the number of plans that come into the office for recording, but if the board felt it was appropriate to record the plan than a condition could be added regarding this.

He stated that on the last page of the plan notes, on the boundary line agreement plan, note number 6 talks about the easements for ingress and egress for the various properties and the recordings on that. Richard Lewis stated that the boundary agreement plan would be recorded. Donna Tully indicated she has one of the deeds with her tonight, but can make sure to get those to the office. Richard then read the easement, which states: "A right of ingress and egress over a portion of the premises located in the City of Franklin... defined as and limited to the right to pass and re-pass over the driveway running between parcel 045 and 043. Said Right of use shall include the right to plow and/or remove snow from the premises in a manner so as to not interfere with each other's rights of use and enjoyment of the grantors premises." He stated there is a reference to the deeds recorded. Mr. Lewis stated the language is pretty general but does cover what we would be looking for.

**MOTION: Mayor Merrifield moved and Member Giunta seconded that the Franklin Planning Board grant approval for application P12-14, with the conditions as discussed and amended this evening. All were in favor and the motion passed.**

Old Business: None.

Public Comment: None.

Other Business: None.

### **Planner's Update**

Richard Lewis mentioned that in his memo dated the 7<sup>th</sup> that went out with the package; he addressed the work on the stormwater wetlands application on Lake Shore Drive and the Brownfield's project. He stated they probably won't get too much into the Brownfield's project until after Thanksgiving, but there was a positive meeting with EPA and DES last week and they are continuing to move forward. He stated there will be various components to that, including community relations plan and some other work from his office, working with the Engineering consultant. This project will be a good benefit for the City.

Member Colburn stated that there is a meeting scheduled for December 12<sup>th</sup>. Richard Lewis stated he is not aware of any other applications coming in, as no one has come in for any preliminary discussions or any reviews or questions, so unless the board wants a meeting, they may get a notice via email indicating that the meeting is cancelled.

### **Adjournment**

**MOTION: Mayor Merrifield moved and Member Giunta seconded to adjourn the meeting of November 14<sup>th</sup>, 2012, at 7:45 p.m. All were in favor and the meeting was adjourned.**

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