

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

Wednesday, July 31st, 2013 at 7:00 p.m.

Call to Order: Vice Chair Giunta called the meeting to order at 7:02 p.m.

- Pledge of Allegiance
- Roll Call

Present: Mayor Ken Merrifield, Brian Sullivan, Anthony Giunta, Ted Starkweather, Michael Freeman, Powell Glenn, Tim Stangroom, Kirk Johnston and Planning and Zoning Administrator, Richard Lewis.

Absent: David Veysey, Brian Colburn, and Tony Daniel.

Member Stangroom was seated in place of absent voting member Tony Daniel.

- Approval of Minutes:

❖ June 26th, 2013 Minutes

MOTION: Mayor Merrifield moved and Member Starkweather seconded to approve the minutes of the June 26th, 2013 Planning Board Regular Meeting. All were in favor of approving the minutes as submitted.

New Business:

- **P13-03:** Marsha Foden, Owner; Pennoni Associates Inc., Consulting Engineers, Agent, requests Site Plan Approval to add a small parking area to increase the available parking for the existing building, at 821 Central Street, identified as Tax Map/Lot # 147-052-00, B-1 Zone (Low- Density Business and Commercial District). The applicant is requesting a waiver from having to submit a professionally prepared plan, as is allowed through the waiver process of the Site Plan Review Regulations, Section 402-5(A).3.

MOTION: Mayor Merrifield moved and Member Sullivan seconded that the Franklin Planning Board accept the application P13-03 for certain site improvements at 821 Central Street. All were in favor and the motion passed.

Ben Osgood, of Pennoni Associates, was present to speak for the application. He stated the property is located on Central Street and is being converted from a house to a business. The lot is 11,000 square feet. He stated they are looking at adding nine additional parking spaces, for a 2,100 square foot space. He indicated the barn would be removed to create the parking. The impervious surface to be added is small and consists of 3,000 sq. ft.

Mr. Osgood stated the property slopes from the front to the back. He stated he was asked to provide drainage and stated they would build a 400 sq. ft. depression to capture water. The area will retain the water and the water will be infiltrated. The soils are sand and gravel. They can reduce runoff of storms, rates change but can be controlled as far as volume by infiltration and retention.

Member Stangroom asked if they would be adding lighting or just staying with what exists and Mr. Osgood stated they would be using the existing lighting, that most of the business will take place during daytime hours, and that the lighting would be at the doorways which should cover them when it gets darker earlier.

Member Stangroom asked if they would be utilizing city recycling and trash or if they would have a dumpster and Mr. Osgood stated they would like to utilize city recycling and trash pickup.

Member Starkweather asked what direction the water would drain out of the retention pond. Mr. Osgood stated that it currently drains to the land area between the sidewalk and the adjacent property, that there is a berm so no water would drain onto the adjacent property from theirs or vice versa.

Member Sullivan stated that a site visit will be needed to determine the curb cut increase.

Richard Lewis indicated he has two concerns to address, being:

- 1) Need to slightly modify the draft decision, item #5 that addresses the handicap space. He stated they can prepare construction drawings and present to Richard and Brian Sullivan the handicap space to make sure it meets the requirements.
- 2) That Condition #3 and finding #2 addressed the Franklin Police Department having the right to make the exit right turn only due to the curb cuts, trees on the side of the road hindering site distance and other hazards. He stated this may be able to be revisited, and the engineering can evaluate traffic studies and see if the site distance is adequate and it can then be reviewed by the police department.

Mr. Osgood stated the site distance is blocked by trees and brush and he stated trimming may increase the line of site. He stated they will look and see if the trees are in the ROW or if they are on private property and will ask for permission from the owner to cut trees to increase the line of site. He stated he would like to see the board leave it open for review and to be fixed.

Richard Lewis stated he will put wording into the draft approval that the board reserves the right to modify the conditions of the approval document based on review by the professional engineer and the Police Chief.

MOTION: Mayor Merrifield moved and Member Sullivan seconded to allow the changes to condition #3 as previously indicated by Richard Lewis. All were in favor.

Public Comment

Marsha Foden introduced herself as the new owner of this property. She stated she has been a realtor in the area for a long time and is looking at bringing a good business to the area.

Board Discussion

Member Stangroom asked about if they are only allowed right hand turn traffic, if this would increase traffic into the CVS parking lot and utilization of that light. Richard Lewis stated that there is nothing in the approval that would prohibit this and that when there was the discussion of CVS it was brought up that the residents of Damy Drive would be able to use the light which would make exiting the area easier for them. He stated he is not sure if CVS welcomes it or not, but that it does already happen. Mr. Lewis added that when the new building in the CVS lot is added that traffic will increase then too and that the traffic with this type of business is so minimal that it wouldn't affect CVS.

MOTION: Member Sullivan moved and Mayor Merrifield seconded to approve the Site Plan, referenced as P13-03, for Marsha Foden, application and owner, for work involving the construction of a parking area and related site improvements on the property at 821 Central Street, identified as Tax Map and Lot # 147-052-00 in the B-1 Zone, with the conditions listed in the draft approval document reviewed and amended by the Board. All were in favor and the motion passed.

□ AT&T Wireless Flag Discussion

Richard Lewis stated that in the packet he had summarized the ongoing discussions and attached the last communication that he received from Eastern Property. They have proposed putting in a separate and normal flag pole, which would be more easily maintained and managed. He spoke with Paul Fitzgerald about this and the previous planner did not handle this item as he would have handled it. There is some latitude and flexibility allowed in the permitting and management of cell towers, that the board is able to restrict. If they eliminated the flag, this is just a big white tower and the requirements in the original approval stated that a flag would be placed on the pole and in the attempt to eliminate this condition the board should do something, whether it be put money into a fund for future city improvements or if they should put another pole on the site. He stated the board may have the potential to strike a deal with Eastern Properties and he would like feedback from the board.

Member Freeman asked for some background on why there is this stipulation. Member Giunta stated that a tower was applied for at CN Brown and the abutters were in an uproar and were concerned about the pole falling, hitting the oil tanks and so a group of owners of properties in Franklin opposed the tower. He stated this request was in at the same time as that one. In an attempt to avoid any further opposition, ATTWS came before the board with the idea of having the cell tower hidden and disguised as a flagpole. There was a lot of attention on the board at the time, so in order to make it more acceptable they were asked to fly a flag on the pole in order to call it a flagpole. He stated the board should've set the size as ATTWS would have done anything to get the approval.

Member Freeman asked if they make a motion that they don't have to fly the flag if this would correct the issue. Member Giunta stated that things change. Member Starkweather indicated there was a light there as well, but it was vandalized. Member Starkweather stated that the board should talk to the church about whether they want a new pole or a flag flown or what they would like to see done.

Member Starkweather stated that the Department of Interior has regulations on flag etiquette. Member Giunta asked about screen printing and making the pole itself have a flag printed on it so the entire pole is a flag.

Angie Carey stated that the board might want to check with the church before make a motion or decision on this matter.

Member Stangroom asked about the wording about other carriers ability to collocate on the pole and the possible additions of antennas. Richard Lewis stated that every tower has to be built with the ability for collocation. He stated the collocation is interior. He stated that he has let them know that the consideration of the flag does not waive their need for Site Plan approval for any type of expansion collocation. He stated they can collocate, but if they need to expand or add cabinets or anything like that they would need site plan approval.

Richard Lewis stated that he has reached out to the church and received no response. He stated one question was if there is a formal agreement on the flag lighting.

Member Giunta stated that the lease agreement is that they pay the church and the church is taking care of the land. If the board were to remove conditions of the flag the church may be happy.

Member Sullivan stated that a meeting with a representative of the Church should be held, to see if they are still in agreement and where the board goes from here. Richard Lewis stated that they could go back and talk to the Church. The board has given some good viable options and if the consensus is to modify and to remove the flag, maybe a meeting is necessary and the issue for the church is the lease and if the church wants a separate flagpole. He stated if the consensus of the board is to approach ATTWS with an agreement for cash dedicated to an account for long term patriotic improvements to replace materials or supplies.

Member Starkweather stated that the owner of the pole is liable if anyone is in the cage and he also stated he would feel better if the Church was asked what their opinions are. The mayor stated he likes the idea of having a meeting and that maybe this could be a public hearing meeting so that the groups he is getting the complaints about the flag from may be able to be in attendance so that they can see how the board comes to an agreement with ATTWS and they can have a say in the agreement.

Member Freeman asked what the motivation is behind asking them for money. He stated the board made the right decision at the time, but now it is proving problematic. He stated the board should make the change and he doesn't see that there is any reason the board needs to get anything from them.

Member Giunta stated that it is proquo, that there are other groups involved here, and asked what the resolution is, that the board just says its okay for them not to fly a flag and that's it, the other groups won't be happy and it would be a lost opportunity by the board. Member Starkweather stated that by relieving them of this burden the board needs to make it seem like it was there idea to do something for the city.

Member Giunta stated that if you disguise a tower as a flagpole then you need a flag. Member Johnston stated that if a deal was made with ATTWS that they supply a flag on a pole, the obligation to the City is to maintain it. He stated he thinks it is a viable option for their obligation to be financial. Richard stated the option could be a capital fund for five years to replace all city flags and that the board could get a number from Finance on how often flags are replaced and how much it costs. Member Stangroom stated it should be a lump sum so that the board is done with this.

Richard Lewis stated that he will contact the Church and Eastern Properties with a couple of dates that they can meet and if the church comes to the meeting that is good and if not that is fine too. Member Giunta stated the fund should be set up that the 7-8 flags in the City of Franklin get replaced by ATTWS for a period of 5 years, and that this money is collected in one lump sum.

Member Sullivan stated that the board granted the condition, and that someone needs to speak with the Church directly and see how they feel. He stated that having a public meeting that ideas can be batted around is a good idea, as we have received complaints regarding the existing flag and ATTWS needs to be held accountable.

It was indicated the meeting should be held first before a number is put out, but the number should be available at the meeting.

Richard Lewis stated that maybe Brian Sullivan and him can meet with Eastern Properties, where information can be laid out, they can gauge Eastern Properties feelings and bring back to the board for further discussion.

Old Business: None.

Public Comment: None.

Other Business

Member Stangroom stated that there is state legislation that the governor has signed into law in reference to medicinal marijuana use and that the board may want to set up some guidelines regarding the dispensaries or the growing of the marijuana. The Mayor indicated this is forward thinking and the board should review it now and have regulations in hand before something comes before the board.

The Mayor indicated he has spoken with Richard Lewis about the thrift store across from City Hall that has lingerie in the window. He stated there are no ordinances to enforce the removal of these items and the board should review having this type of regulation. Richard Lewis stated there are two avenues that could be taken by either putting something in to the zoning or modifying the Sexually Oriented Businesses code. Angie Carey stated that some towns or cities may have regulations in play for what can be put into the windows of the businesses in the downtown areas.

It was indicated that the Mayor would speak with them about the removal of the lingerie and that we would see where that goes and how to appropriately take care of any future issues via the code or ordinance.

Planner's Update: None.

Adjournment

MOTION: Mayor Merrifield moved and Member Starkweather seconded to adjourn the meeting of July 31st, 2013, at 8:07 p.m. All were in favor and the meeting was adjourned.

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