

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

Wednesday, March 26, 2014 at 7:00 p.m.

Call to Order: Chair Colburn called the meeting to order at 7:03 p.m.

- Pledge of Allegiance
- Roll Call

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

Absent: David Veysey, Jo Brown and Ted Starkweather.

Member Giunta was seated in place of absent voting member Ted Starkweather. Member Flaherty was seated in place of absent voting member Jo Brown.

- Approval of Minutes:

❖ February 26, 2014

MOTION: Mayor Merrifield moved and Member Giunta seconded to approve the minutes of the February 26, 2014 Planning Board Regular Meeting. All were in favor of approving the minutes as submitted.

New Business:

- P14-03:** Industrial Park Investors, LLC, Owner/Applicant; James Aberg, Agent; Brian D. Crockett, Surveyor, request Subdivision approval to convert the existing property into a condominium form of ownership, on the property located at 55 Industrial Park Drive, Tax Map/Lot # 101-009-00, I-1 Zone (Industrial District).

MOTION: Mayor Merrifield moved and Member Sullivan seconded to accept the Site Plan application for the proposed Condo Conversion at 55 Industrial Park Drive. All were in favor and the motion passed.

Jim Aberg was present to speak for this application, as a representative for Industrial Park Investors, LLC. He stated the property is located at 55 Industrial Park Drive. He was in last November for a 2000 square feet addition for the Solar Composites Company to expand their space. Since then, Fastenal, who had the middle unit, has closed and this space has become available. Solar Composites is moving into the space and the addition is now unnecessary.

There are three condo's being created, one for each unit within the building and a fourth for the cell tower. The three units will be the 3,000 square feet units and the cell tower will just be a land lease and will not have any condo fees or association fees.

Member Stangroom asked where the cell tower was going and it was indicated it is already there and has been there for five years. Member Flaherty asked if they would be meeting state guidelines for condo's and Mr. Aberg stated that attorney Sessler was doing the declaration per RSA 356-B; but as it is below 10 units they do not have to file an application with the AG's office.

Mr. Lewis asked if a new door would be put in for Solar Composites and Mr. Aberg stated that there would be, that they would have the 8' x 8' door for the fork lift and then 1 passage door.

Public Comment: None.

Board Discussion

MOTION: Mayor Merrifield moved and Member Sullivan seconded to approve the Site Plan, referenced as P14-03, for Industrial Park Investors, LLC, for the subdivision/ Condo Conversion for the property located at 55 Industrial Park Drive, Tax Map/Lot # 101-009-00, in the I-1 (Industrial) Zoning District, with the conditions listed in the draft approval reviewed by the Board. All were in favor and the motion passed.

□ **P14-04:** McDonald's Corporation, Owner; McDonald's USA, LLC, Applicant; Eric Dubrulle, Bohler Engineering, Agent, request Site Plan approval to raze the existing 3,925 square foot McDonald's Restaurant and construct a new 4,750 square foot restaurant on property located at 822 Central Street, identified as Tax Map/Lot # 147-002-00 and 147-003-00, B-1 (Low-Density Business and Commercial District) and RS (Single Family Residential District) Zones. The existing site driveways and freestanding sign will remain. New utilities, parking, landscaping and wall and directional signage are proposed. The application came before the board in February for a Design Review Phase Hearing.

MOTION: Mayor Merrifield moved and Member Sullivan seconded to accept the Site Plan application for the proposed McDonald's Restaurant at 822 Central Street. All were in favor and the motion passed.

John Kucich, of Bohler Engineering, was present to speak. He stated the plans are similar to the last hearing. The building would be razed and reconstructed on the site. They would like to keep the existing restaurant as long as possible. Due to the size of the lot, they can build on the west side of the lot while maintaining the building on the east side of the lot. The driveway will remain, perimeter is the same, and they are just flipping the parking on the west side to the east side of the lot. There will be a significant reduction to the parking, as more of the business is drive-thru then eat in. The parking lot will be decreased by 4400 sq. ft. that will become green space. The project is being phased to help keep the restaurant open. The back portion of the lot just behind the parking lot, which is currently green space, will be utilized for construction equipment so that traffic can still circulate around the building. Parking will be reduced while the building is being built as well.

There will be a staging area for construction equipment during the construction phase on the back of the lot, just beyond the pavement. This area has been reduced to 150' deep x 158' wide. During the construction, materials will be stored in this area, and they will plant new trees and meadow to make the area look undisturbed after the work is done.

Utilities are available. New utilities will be cut from the street to the west side of the lot and then the old lines will be capped off. The work schedule is an aggressive 7 day work schedule.

Richard Lewis stated that item #3 in the memo was added based on his site visit with the owner and landscaper. The area being used for construction equipment is a rough area, with bamboo, bittersweet and sumac. He has proposed to the board a different plan than straight maples, to include oaks, maples and arborvitae. There are currently arborvitae there now. This is a different approach then originally put forth. The owner mentioned that also on the easterly side, as you turn around the back side of the building, there are some old white pine trees that are dropping branches into the parking lot that the owner would like to remove. He stated he has spoken with Bohler Engineering and they have covered the different issues well. New grading of the area will take place to fix the current problems with the standing water on the site and the new grading of the surface area of the parking will be good for everyone. Mr. Lewis met with Marceau construction, and they were talking about three months from beginning to end to complete the project.

John Kucich stated they wanted to start the utility work as soon as possible, but the winter hasn't allowed that. He stated the target time frame to put up the new building is 45 days. The Demolition and final site work will be last and will take about 30 days, beyond the 45 days of the construction.

Member Stangroom asked about signage for the outer lane on the drive thru. It was explained that as they already spoke about at the last meeting, that most customers are familiar with this type of double drive thru as there are over 100 McDonald's in the state who already utilize this. The orders are released at different times so the cars shouldn't be coming in at the same time; however, if they do there is signage and a camera that will take pictures of the cars so that the employees know which car belongs with each order. There will also be lot striping and a sign at the island to direct the vehicles.

Member Stangroom asked if the arch out front would be replaced. Mr. Kucich stated there are no changes proposed to the sign, except maybe a replacement of the existing face but they are not sure at this time. All the lighting is being replaced, but no additional lighting is being added.

Public Comment: None.

Board Discussion

Member Giunta stated he feels that the concerns of one board member at the last meeting were not the general tone of the entire board. He stated he thinks that the board put added stress on the applicant to provide a second landscaping plan that was unnecessary. He stated he is not criticizing anyone, that the board members speak for themselves and it is the entire boards fault for not speaking up, but that the changes were made and the options are that they do what they proposed originally or they go ahead with the recommendations of the administrator.

MOTION: Member Giunta moved and Member Freeman seconded to approve the Site Plan, referenced as P14-04, for McDonald's Corporation for work involving the demolition of the existing restaurant and the construction of a new facility on property identified as Lots 147-002-00 and 147-003-00, at 822 Central Street in the B-1 (Low Density Business) and RS (Single Family Residential) zoning districts, with the conditions listed in the draft approval reviewed by the Board and with the Decisions and Condition #4 to read as follows:

4. Pursuant to Finding "h", the construction staging area will be re-vegetated and landscaped in conformance with the approved Landscape Plan as proposed in the 2/3/14 plan package and reviewed by the Board on February 26, 2014, or per the recommendation made at the 3/26/14 hearing to plant a total of 6 maple and/or oak trees, 2.5 inches in caliber, and 4 arborvitaes. Once the landscape work is complete, this staging area will not be used for any other use or activity, and no business related activity can occur on this area without a variance from the Zoning Board of Adjustment.

All were in favor and the motion passed.

- **P14-05:** DD&T Investment Group, Inc., Owner; Hunt Real Estate Co, Applicant; Douglas Murray, Agent, request Site Plan Approval to demolition the existing structures on the lot and construct an 8,320 square foot, single story retail structure with new parking, entries and driveways, proposed to be a Family Dollar Store, on property located at 785 Central Street, Tax Map/Lot # 147-401-00, B-1 Zone (Low- Density Business and Commercial District). The application came before the board in December for a Design Review Phase Hearing.

MOTION: Member Sullivan moved and Member Giunta seconded to accept the Site Plan application for the proposed Family Dollar retail store at 785 Central Street. All were in favor and the motion passed.

Doug Murray was present to speak for Family Dollar. He stated the building is a pre-engineered manufactured building. There will be a peak on the front, vinyl siding on the front and metal siding on the sides, with an awning. Mr. Murray then turned the podium over to Mr. Reynolds.

Mr. Doug Reynolds stated the building will be a Family Dollar Store, located at 785 Central Street, where the car wash and Scooter's Mechanic Shop were located. The zone is B-1, it is a retail facility and the building will be 8,320

square feet. There will be 25 parking spaces, where 42 are required, but they will have the area reserved for the additional 17 spots in case they are needed. At the last meeting, the consensus of the board was to allow the 25 spots. Access is off of Central Street, with the parking in front and the allotted area for the 17 spots on the eastern side. Loading and parking on the eastern side. There will be loading and a dumpster in the rear of the building. They have contacted Brian Sullivan regarding water and sewer hookups.

A waiver has been requested from section 102-5.E.6 for the slope. The slope is at 3.7 and to decrease it to 3.0 would get it below the surrounding properties, so allowing this waiver to match the existing properties is appropriate.

At the last meeting, concerns of the abutters were brought up for stormwater. The lot has an existing 31,000 square feet of non-vegetative surface and none of the current surface is attenuated or treated. They are proposing to treat the water. A full storm water analysis has been done. There were three discharge points of interest. Two points were reduced to negligible flow. The third point of interest had the runoff of a 100 year storm reduced by 60%, the runoff for a 10 year storm has been reduced by 80% and the run off from a 5 year storm has been reduced by 90%. The unbuilt 17 spaces have been added into these calculations for the pond as if they were built. The lot will be reduced by 2700 square feet of impervious surface.

Richard Lewis asked if they could explain the storm water system and highlight how this will be managed. Mr. Reynolds stated they will drop the water into a catch basin in the corners of the lot and there will be a storm drain pipe and outlet into the basin, with a four bay configuration. The sediment settles and is then cleaned out. There is also a grass storage filter, found under the surface of the grass, which is an under drain pipe, controlled by a valve to the outlet. The design is based on NH Alteration of Terrain standards. The water percolates through the grass to the pipes. For larger storms, water limits are based on peak flows with an emergency overflow. Of the three points, two points were reduced to nothing and the third point to the numbers given earlier, being a 50 year storm was reduced by 60%, a 10 year storm is reduced by 80% and a 5 year storm is reduced by 90%.

At this time, there was discussion on where the lot line is shown and how the property actually continues for approximately 190' from this point. It was indicated that there will not be a subdivision.

Member Stangroom asked what the lines of sight were in both directions, determined by the traffic study. Mr. Dutton stated the recommended lines of sight, based on the speed limit of 30 miles per hour, are 200' in all directions. He stated the line of sight to the west is 270' and the line of sight to the east is 370'.

Member Freeman asked if the front of the store will be where the existing car wash is and Mr. Murray stated that was correct. Member Freeman asked if the building would be removed and the site re-graded and Mr. Murray stated that the building will be 1' higher than the existing building, to balance the site, which will help with the water flow. Member Freeman stated he is worried about the slope of the lot, as the water currently drains to the back and collects where the car wash is now.

Public Comment

Mr. George Nadon, of 42 Lancaster Street, was present to speak. His concerns were that the back of his lot is currently very wet all the time. The water runs off this lot and into his property. His neighbor has a pond that is always full. He indicated he doesn't think the proposed pond will collect all the water and that there will still be overflow. He stated he would like a guarantee, something in writing that states there won't be any further runoff, or he is against this project. He then showed a picture from google, taken off the internet today, but the picture was taken in 2011, that shows the pond filled.

Member Flaherty stated that based on the drainage calculations it appears the concerns of the drainage issues will be improved. Mr. Nadon stated that he would like to see the water taken care of as it is bad enough now.

There was no further public comment.

Board Discussion

Chair Colburn asked the applicant to go further into the stormwater and drainage. Mr. Reynolds stated again that they looked at 3 points of interest, and then showed on the map the locations of those points. He stated there is no attenuation now. Mr. Reynolds stated the regulations state they have to either match or reduce the peak flows at all points of interest. He stated that the water shed off their lot is calculated at being next to nothing at 2 out of the 3 points and reduced at the third point, as he has already indicated. The impervious area is being treated from the adjacent lot as well, and neither lot is currently treated. He stated at the first two points the amount is being decreased to nothing, while at Point of interest 3, the cfs is currently 2.27 and is being reduced to .89 cfs, which is a reduction of a 100 year storm of 60%. Again the lower storms are being reduced by more. Per the ordinance, the amount could be 2.27 cfs as it has to be at the current or reduced and they are reducing the amounts.

Mr. Reynolds stated the abutting property has quite a bit of impervious surface and the runoff could be from that property.

Chair Colburn stated an additional 1000 square feet of non-vegetative surface is being added, there is no treatment now, and they are going to be treating the water and reducing the runoff drastically.

Member Giunta wanted to make sure that the abutters knew that there isn't going to be more pavement added, and that the water runoff is going to be reduced by 60%.

Chair Colburn indicated that some areas that are currently grass are going to be changed to black top; but, also some areas that are currently black top are going to be changed to grass. Mr. Nadon stated that all the water runs off the lot, through his lot that is always wet, and into his neighbors pond that is always filled because of this. Chair Colburn stated the calculations show that it won't make the situation worse and should make it better, and that is the requirement. Mr. Murray stated by law they can't make the situation worse. Chair Colburn stated the bottom line is the runoff will be reduced by 60% and Mr. Murray stated that is for the 100 year storm and the smaller storms would be reduced by 80-90%.

MOTION: **Member Sullivan moved and Member Giunta seconded to approve the Site Plan, reference as P14-05, for Hunt Real Estate Company for work involving the demolition of the car wash and garage and the construction of a proposed Family Dollar Store on property identified as Lot 147-401-00, at 785 Central Street in the B-1 (Low- Density Business) zoning district, with the conditions listed in the draft approval reviewed by the Board.**

Mr. Lewis stated that he added a finding and condition for the waiver and asked if the motion is understood to include this addition that was on the desks this evening and Member Sullivan stated that it does include that addition to the decision. All members indicated that yes the motion does include the addition of that condition and finding.

All were in favor and the motion passed.

Old Business: None.

Public Comment: None.

Other Business

- Rescheduling of Master Plan Vision meeting.

Member Colburn stated that the meeting was cancelled due to weather. Richard Lewis stated the meeting has been rescheduled for April 9th at 7:00 p.m. in City Council Chambers.

□ Survey Discussion.

It was asked of the board if they believe a survey should be placed on the city website. Richard Lewis stated he believes with the meeting on the 9th and the information that has been received through the survey FBIDC did that there is enough information. The consensus of the board was to not do the survey at this time and to utilize the information received on the 9th, as well as the FBIDC survey information.

Planner's Update

Richard Lewis stated that it is his understanding that Cumberland pulled out of the Lucky Lenny and Ciao Pasta site due to ground water contamination and soil contamination. The Mayor indicated that the Ciao Pasta site has a high water table and contamination so the expense to Cumberland Farms was going to very high. It was indicated that while the property is privately owned the City cannot apply for Brownsfield. The board asked Richard Lewis to check with the State of NH to see if a formal report has been filed. Mayor Merrifield stated a Mobile station use to be on the lot of Ciao Pasta, and he is not sure if the tanks were all removed.

There was also some discussion on a right of way or easement from Hamel's to Central Street through this property. It was indicated that nothing was on the plan, and deeds were referenced in the plan notes, so Richard Lewis stated he is not sure.

Richard Lewis stated that in reference to the Guay property on South Main Street they have convinced EPA to remove the siding and trim that is contaminated with lead paint. Nobis has removed and is testing to see how "hot" the contamination is and depending on if it isn't too hot then the City can remove it, but if it is "hot" then it would have to be removed and sent to Western New York at a higher cost. Mr. Lewis has contacted the demolition company to get ready for the removal and fine grooming of the site.

Adjournment

MOTION: Mayor Merrifield moved and Member Sullivan seconded to adjourn the meeting of March 26th, 2014 at 8:32 p.m. All were in favor and the meeting was adjourned.

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