

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

Wednesday, April 23, 2014 at 7:00 p.m.

Call to Order: Chair Colburn called the meeting to order at 7:06 p.m.

- Pledge of Allegiance
- Roll Call

Present: Brian Colburn, Mayor Ken Merrifield, Tim Flaherty, Michael Freeman, Timothy Stangroom, Ted Starkweather, Powell Glenn, Anthony Giunta, Jo Brown and Planning and Zoning Administrator, Richard Lewis.

Absent: David Veysey, Brian Sullivan and Kirk Johnston.

Member Giunta was seated in place of absent voting member Brian Sullivan. Member Flaherty was seated in place of absent voting member Kirk Johnston.

- Approval of Minutes:

❖ March 26, 2014 and April 9, 2014

MOTION: Mayor Merrifield moved and Member Starkweather seconded to approve the minutes of the March 26, 2014 and April 9th, 2014 Planning Board Meetings. All were in favor of approving the minutes as submitted.

New Business:

- Procedure / Policy for Site Plan Approval

Chair Colburn stated that at the last meeting there were some comments made about the landscaping for McDonalds, due to changes between the preliminary and final plan. In the past, the preliminary discussion is informal, where all members ask questions and it was left up to Richard and the chair as to whether a head nod vote was okay or if a formal vote was needed. If the changes were abnormal or could result in significant expenses to the applicant then a formal vote was always taken; however, if it was something already spelt out by RSA's or Ordinances then a head nod vote of the board was done. Chair Colburn stated tonight the discussion would revolve around if the board wants to continue this way or make a list during the meeting and vote on each item at the end of each preliminary meeting discussion.

Richard Lewis stated that it is up to the board how they would like to proceed and he stated that in his memos he addressed some key issues. He had numerous conversations with the applicant and visited the site and then the modifications were done. He stated he tries to get key issues to the board and then address the issues for the final submission.

Member Giunta stated he doesn't remember who was there for the first meeting, but his concern was that the board not be regulatory creepers. He stated Richard did a good job outlining what happened. He stated what he witnessed was that the engineer took the lead and explained the project, and then the chair asked about the staging area and about the number of trees that would be removed. He stated he witnessed a physical reaction from the owner and then a back and forth exchange between him and the chair. The owner was upset and then threatened to not use the staging area, to shut down the McDonalds during the work and lay people off during the construction process. Member Giunta stated each member brings something different to the board, their own expertise, and his is that he judges on emotions. He wants the interaction with the board to be a pleasurable experience for the applicant dealing with the City. He stated that a friend of his owns a restaurant in Concord and working with the Concord Planning Board is horrific. He stated

that what convinced him to make the motion was that he walked the site with the Mayor, after they had cleared the staging area, and you cannot see an abutter. He stated since then himself, the Mayor and Tim Stangroom also walked the site together. Member Giunta apologized if the board thought he was out of line by bringing forward the motion without a discussion. He stated the board has no regulatory power singularly and only in a majority vote.

Member Giunta stated that from his experience as Mayor and being on the Planning Board, typically a motion is made and then the discussion on the motion is held and not a discussion prior to the motion being made. He thought there would be a discussion after the motion was made and nothing was said and the decision to approve was unanimous.

Mayor Merrifield stated that he likes that the board is not rule driven and that there is a free flowing conversation and he doesn't like dramatic conversations. The reason for land use boards are to give applicants direction, and if one person says they want 5 spots when the applicant proposed three, the applicant doesn't know if they need to do it or not if there isn't a vote of the board. A vote of the board brings clarity, without being too formal maybe the chair could just ask if anyone objects.

Member Giunta added that maybe a consensus vote is appropriate.

Richard Lewis stated the discussion highlights the reasons for the design review hearings. This is an opportunity to make life easier for the engineers. If the engineers get conflicting information they are confused as to what they need to do. This board tries to approve applications in an expedited fashion and thus the need for the design review phase to get ideas out to the applicant. If a list is generated then the formal plan is a quicker and easier process.

Mike Freeman asked what the process currently is and if after the design review phase Brian is asked to give his opinion. He stated Brian Colburn brings to the table something no one else can and he thinks of things that normal members of the board wouldn't think about, and it is good that Richard Lewis has him as a resource. Chair Colburn stated that all his comments are given at a meeting, except for on the rare occasion that he is given a drainage study or traffic study to review prior to the meeting.

Richard Lewis stated that during the process of the McDonald's applying, numerous emails were sent back and forth between him and the project engineer, but the project engineer was never present at any of the meetings. He stated he appreciates Brian Colburn's perspective on things.

Mr. Lewis stated he does not get into a discussion with the applicants or engineers to hide things from the board, but instead to make sure that all ground is covered and that the City and abutters are protected. He stated the board allowed a site plan from Mike Elkins that was incomplete and mediocre and it caused many problems in the future. He stated it is good for the board to be flexible; however, they also need to have a balance. The things the board has recommended are typical of a site plan review process.

Mayor Merrifield stated the board granted Richard Lewis permission and authority to stop a project if things are not going well.

Richard Lewis added that the property Elkins had was the old Wind Mill restaurant recently purchased by R&D Paving and the building has been demolished. However, Mr. Elkins has purchased a property down the street, and Code Enforcement has been trying to get Mr. Elkins into compliance on this property.

Member Starkweather stated the board needs to find a midway point. He stated he likes the flexibility, but he likes getting Chair Colburn's expert opinion. This is not the official word of the board and a nod of the head is hard to place in the minutes, but you need to be able to look at the minutes down the road and know exactly what the board was looking for. He stated he also wants the board to communicate so that the wishes of the board are not misunderstood, and find a midway point between the formal and informal.

Richard Lewis stated that Angie does an excellent job with the minutes and the minutes reflect what information was brought forward during the meetings and the memo with the minutes creates a good record. Member Starkweather stated he agrees.

Chair Colburn stated that Mr. Lewis does a good job, which ultimately allows the board to be user friendly and he is able to streamline issues, which makes the board process smoother than having to explain all the technical issues at a meeting that Members of the board may not necessarily understand.

Member Giunta stated the council has been having their budget committee meetings and the money is coming down to the highest priorities, as the money is getting shorter and shorter. Economic growth is the only way the city can offer services. He added that Richard Lewis is the City's hope for future growth.

Mayor Merrifield stated to Chair Colburn that he sits in his spot on the council and he appreciates what Chair Colburn does for the Planning Board.

Richard Lewis stated that McDonalds and Family Dollar have had qualified engineers with their projects, but that is not always the case and thus having Chair Colburn's insight is a good thing for the board. Member Starkweather stated that working with CVS was a pleasure, as they presented a well thought out plan that the board doesn't always get.

Member Giunta thanked the Chair for putting this item on the agenda for discussion this evening.

Richard Lewis stated that he has walked the site with the owner and the landscaper. He stated that when he rebuilt the McDonalds in Laconia they made him plant approximately 40 blueberry bushes and they are all dead. Chair Colburn stated this is probably what caused him to respond as he did to the questions about the trees.

At this time, the Mayor stated he has heard some bad news about the Family Dollar Corporation lately. Angie Carey stated they came in with their building permit earlier this week, so they are going forward.

□ The Vision: Chapter 4 of the Master Plan and Accomplishments since the 2005 Master Plan

Richard Lewis stated that draft materials were put together that included the information from the Boards discussion and comments, the public, and the high priority information identified by the FBIDC survey. A draft was put together for the board to review. Once the board is comfortable with the vision, it will be placed on the website with the accomplishments achieved since the 2005 Master Plan. The vision is the public input component of the Master Plan. At the next public hearing meeting the public can comment on the version of the Vision that will be placed on line.

Member Freeman stated that the Vision was a homerun and that his only real comment is that he would like more emphasis to be placed on the connection to I-93. He added that the downtown will react to economic growth in other areas of the City. He stated if we don't begin the battle then it will never happen. The Mayor stated this has been talked about for at least 25 years. Member Freeman stated that the Northern Pass is a way to re-energize the connector, as the traffic in Franklin is already a problem. He stated he would like to see this get underway so that all these things can happen together. There will be no economic growth until the traffic issues are addressed.

Member Starkweather stated the Vision is good. He indicated there are only four small lots of land left for development in the Industrial Park and this needs to be addressed. He stated businesses in the Industrial Park bring in a large tax base, but there is not added stress to the schools.

Member Brown stated Richard did a great job on the Vision. She stated the only thing she would like to see is the Northern Pass information, and it doesn't need to be changed, moved up front in the Vision. Taking the entire paragraph and moving it up a few paragraphs. The Northern Pass could be the salvation for Franklin. She indicated that the Vision should make it clear that the plan is not based on the Northern Pass. She stated that more than the Industrial Park can be utilized for economic growth. The citizen's need Pride in the City to get the downtown moving forward.

Mayor Merrifield stated he has not given up on the I-93 Connector. He stated that every two years the Executive Council meets, the last 6-8 years they have met at Franklin City Hall, and talks about transportation and he always brings it up. It is not on the 10 year plan. He stated he would like to see the value of the Northern Pass changed as

the value is more like \$390 million. Angie Carey asked if the value of the transmission lines was in this value and the Mayor stated it is not and would be an added value, which could be a few million per mile of transmission lines.

Richard Lewis stated the I-93 Extension should be in the Economic Development portion of the plan. He stated it can be placed in the vision, but the Vision is in very broad terms.

Member Freeman stated the Vision talks about limitations of transportation and it is hard for industrial vehicles to get to the Industrial Park. He also stated there are some huge tracts of land up by the Industrial Park, if rezoned could be used for Industrial development.

Member Giunta stated he has had conversation with Jim Presher. He stated they are not going to be using all of the land for the land fill and the rest of the land will be deeded to the City and could be utilized for Industrial. He stated that when he was the Mayor he also pushed hard for the connection to I-93; however, in order for the State to put it on the 10 year plan the City has to have the means for the 80/20 match, and the Cities 20% would be in the millions. Member Freeman stated that if Northern Pass came in the money would be achievable. The Mayor indicated that when Northern Pass or Hydro-Quebec are ready to come to Franklin, it could be discussed as to whether they would or could fund the City portion of the connection.

Member Starkweather stated that he likes the broad brush approach and hopes that Northern Pass comes to Franklin; however, a plan B is needed in case they don't come, so that items on the list can be done and the City can fund these things themselves. The downtown has a bad reputation, there is no good news in the newspapers and no local newspaper, but the Schools are in good shape and the downtown needs to be a destination and not a drive thru. Businesses leave if no one shows up.

Chair Colburn stated the papers do not print the best things about Franklin. He stated he would like to see potential revenue set aside so that the City can better invest in itself, as this is needed for change to happen. Owners of businesses need assistant from the City as far as tax abatements or some form of relief for doing improvements.

Chair Colburn stated that the 93 connector would be good, but currently no state roads are being constructed. If the City wants this, then they need to do the feasibility study, just like Concord Hospital and St. Paul's school did for the hospital connector. As far as grants, the process is very competitive and without a feasibility study and City funding of their own, they will not be approved. The biggest score, when looking at getting grants is city ability of funding.

The Northern Pass would allow for city funding, but the City needs to be able to fund themselves without it. Landowners cannot make more money by bettering their building and only be utilizing what is currently there. In order to move forward the City needs to be able to invest in themselves.

Member Starkweather indicated that when Claremont was in the middle of their downhill spiral, they bought the downtown buildings or took them by adverse possession or by tax deed. The city then tore the rental buildings down, and recouped their money by the decrease in the number of children in the school district.

Changes were explained as the moving of the Northern Pass and reworking this information; adding an addition of the 93 extension; and put in verbage that no matter what happens with the Northern Pass that the City needs to be able to invest in itself. The consensus of the board was the make the changes as Richard had indicated and to get the Master Plan Vision on the website, as well as the accomplishments from the 2005 Master Plan, with the addition of Paul Smith School's addition.

Richard Lewis stated that he would work with Krystal Alpers and the school on the Capitol Improvments and buildings and grounds information and put together a draft for the June workshop meeting of the board.

Member Giunta stated that he has been appointed to the Council on the LRPC and when the sections are completed with drafts to send them off to him and he would make sure that LRPC gets copies.

Old Business: None.

Public Comment: None.

Other Business

- Scheduling of Next Master Plan Discussion workshop meeting.

Richard Lewis stated he has nothing for the May ^{meeting} and will have the Capitol Projects, Infrastructure and Economic Development information for the June 11th meeting of the board.

Angie Carey stated that Jule Finley has asked for some days in May for drama for the use of the chambers and due to days being used for the budget there isn't a lot left. There was a discussion on whether the Board wanted to meet in May if there were no applications, or just wait till June 11th. The consensus was to wait for June 11th.

Planner's Update

Richard Lewis stated that regarding the Brownsfield project, a contract with Spear Brothers has been signed for the removal of the heavily contaminated siding on the barn. There was money left over and EPA has indicated they will pay for the removal of the lead paint. Spear Brothers will do the removal, and have taken soil samples. The money is being used for the removal of the siding, and the deeper that Spear Brother's has to dig to get to clean soils, the more expensive the project will be. The material on the hill behind the building has been cleaned up and the debris piles have been removed. Hopefully Spear Brothers will be on site the first week of May. A company out of Vermont is interested in the Barn, but discussions are still taking place between them and the town of Belmont.

The items being removed from the Site have to be transported to New York for disposal due to the high contamination level.

Adjournment

MOTION: Mayor Merrifield moved and Member Sullivan seconded to adjourn the meeting of April 23rd, 2014 at 8:20 p.m. All were in favor and the meeting was adjourned.

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