

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

**Wednesday, February 26, 2014 at 7:00 p.m.**

**Call to Order:** Chair Colburn called the meeting to order at 7:01 p.m.

- Pledge of Allegiance
- Roll Call

Present: Brian Colburn, Mayor Ken Merrifield, Ted Starkweather, Michael Freeman, Jo Brown, Kirk Johnston, Powell Glenn, Anthony Giunta, David Veysey and Planning and Zoning Administrator, Richard Lewis.

Absent: Brian Sullivan, Timothy Stangroom and Tim Flaherty.

Member Giunta was seated in place of absent voting member Brian Sullivan. Member Veysey was seated in place of absent voting member Timothy Stangroom.

- Approval of Minutes:

❖ December 11<sup>th</sup>, 2013 and February 12, 2014

**MOTION: Member Starkweather moved and Mayor Merrifield seconded to approve the minutes of the December 11<sup>th</sup>, 2013 and February 12, 2014 Planning Board Regular Meetings. All were in favor of approving the minutes as submitted.**

At this time, Chair Colburn stated to the public that if anyone was present for the Cumberland Farms presentation, they have withdrawn and will not be presenting this evening.

**New Business:**

- P14-01:** McDonald's Corporation, Owner; McDonald's USA, LLC, Applicant; Eric Dubrule, Bohler Engineering, Agent, request a discussion and public hearing for the Design Review Phase 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.

Chair Colburn stated this is a design review phase hearing, which means nothing is binding and it is a discussion between the board, the applicant and the public to attempt to make the actual Site Plan process easier by getting all information on the table ahead of time.

William Goebel was present to speak for the Design Review Phase. Mr. Goebel stated the plans show the existing and the proposed. There are currently two driveways, one for ingress and one for egress that will be maintained. McDonalds is going through and updating their buildings by rebuilding them. He stated the play place will be removed and will not be rebuilt.

Mr. Goebel stated the lot is pretty well developed. It is a 3.8 acre lot, which goes back over a hundred feet past the existing edge of pavement. There are two parcels that will be merged. Development will be on 1.3 acres and the curbing and parking will be within the existing paved area. The residential zone begins approximately 230' back from the Right of Way, inside the back edge of development. There are public utilities on the lot. The lot drains to the front and ties into the drainage at the roadway.

Mr. Goebel indicated they will demolish the building and rebuild on the western portion of the lot. The existing building is approximately 4000 square feet and the new building will be 4800 square feet and will have 90 seats. They are increasing the green space and reducing the parking. The new green space will be 400 square feet approximately. Driveway will remain the same with one entrance and one exit, but the building will be moved to the west as it is currently on the eastern portion of the lot. Parking will go from 89 spaces to 66 spaces, which meets the regulations. There will be a double drive thru to expedite cuing and ordering to keep cars from backing up on the lot. There will be three windows, first one will be a pay window and the second two will be pick up windows.

Utilities will come in from Central Street. Runoff will be reduced as the green space is being increased. New inlets for drainage will be provided and the lot will be complete re-graded and paved so the current problems with standing water on the lot will not continue. Landscaping will remain on the front of the lot. There will be new, updated, energy efficient lighting.

The current green space on the back of the lot, behind the parking area, will be utilized during construction so that the existing building can remain open while the new building is being built. There will be a construction fence put in, and 23 spaces will remain during the rebuild, which the applicant stated is almost within the requirements. There will be a separate construction area with fencing. This will create the least amount of disturbance to the customers and employees. When the existing building is demolished the restaurant will close, for approximately 30 days, for the demolition and the repaving of the driveway.

Member Veysey asked about site security and safety while building is taking place and coordinating schedules to avoid deliveries and construction traffic at the same time, while also keeping in mind the busy times of Central Street so there isn't a traffic backup. Tim Doyle, who stated he owns and operates the McDonalds, indicated he did the Laconia building and they stayed open. He stated he agrees that there should be scheduling and they will keep that in mind. He stated in Franklin the business is 70% drive thru. Deliveries will be done during the off time, but when the demolition takes place the business will be closed. He stated in this scenario the business will only be closed for 30 days at the most. Mr. Goebel stated they will work the schedule out.

Member Starkweather asked about the distance between the landscaping and the exiting of the drive thru incase of big trucks exiting. Mr. Goebel stated that it is 20-30' wide and that they have done the turning schemes and this will suffice. It was indicated that trucks that would be delivering would deliver on the east side of the lot, and would not exit the lot utilizing the west side of the lot. There was a question about trucks that might be on the lot as patrons, and it was indicated they would park and enter the building to get food and still exit on the east side of the lot; however, the west side of the lot would be plenty wide enough for them to exit there as well.

There was a question from the chair about the amount of trees that would be removed on the back of the lot for the construction phasing area and what would be replanted. Mr. Tim Doyle asked what the definition of a tree was. Chair Colburn stated DOT defines a tree and he is not sure if it is 3" in diameter or larger. Mr. Doyle stated he wanted to know how Franklin defines a tree and not DOT. Mr. Colburn stated that Franklin does not have a definition and that the DOT definition would suffice. He stated he is not trying to be stickler. Mr. Doyle stated this area is not needed and they can close the restaurant during the entirety of the

construction. Chair Colburn stated he is just looking for some information and a comparison of what is there vs. what will be there afterwards. Richard Lewis stated he has not had the opportunity to walk the lot and will try and get out there and maybe walk the lot with Mr. Doyle.

Mayor Merrifield stated he is not familiar with the two lane ordering and asked for some explanation. Mr. Doyle stated that taking orders is the longest part of the process and being able to take two orders at a time makes things run more smoothly. Mayor Merrifield asked what the safe guards are to prevent two cars from having an accident. Mr. Doyle stated he hasn't had any accidents at any of his McDonalds with the dual drive thru. He stated typically they do not enter at the same time and they need to use common sense.

Member Freeman asked about exiting of the property, if the dual drive thru makes things more efficient in the ordering and getting people's orders completed and if there would then be a back up of exiting the lot. Mr. Goebel stated that the exit area will have enough room for right and left turn exits, that the exit will be more in the front of the building and that it shouldn't change any more than it is today.

Chair Colburn asked how they arrived at 66 spaces. Mr. Goebel stated that it was 89 spaces, so it is less than the existing but way more than is the minimum for a restaurant of this size.

Chair Colburn asked about possibly getting rid of the first two spots as you enter the lot, as it would be hard to back out of these. Mr. Goebel stated that as they exist, they are closer to the building; however, when the building is rebuilt they will be the spots furthest from the building and probably will not be utilized very often.

Public Comment: None.

#### Board Discussion

Richard Lewis stated that in speaking with Eric Dubrule of Bohler, the applicant will be applying for the March 26<sup>th</sup> meeting. He stated he put on the tables tonight a motion to close. On the main memo there is information about the construction manager wanting to begin the utility work and doing so at his own risk as there would not be final approval issued at the time. The board indicated they did not have any problems with this. The board asked if a safety fence would be put in during this work and Mr. Doyle stated one would be, but the work would be done in the western most portion of the lot so it will be a small area.

There was a question from the board on the reasoning for the removal of the play area. Mr. Doyle stated the play area is only utilized approximately 30 days a year due to weather and so the usage did not warrant the expenditure.

Member Starkweather stated he likes the plans, that the building resembles the building in Concord and traffic shouldn't be as bad here as in Concord, so he doesn't foresee any problems. Mr. Doyle stated that this lot is also much larger than the Concord site.

Member Colburn asked about the need for an independent reviewer. Richard Lewis stated that as the impervious surface is not changing and the business is not changing he doesn't foresee this being necessary. The board concurred.

Member Colburn asked if any waivers would be requested and Mr. Goebel stated that the one waiver they asked for at this time is no longer an issue as the water line in the right of way has been located.

**MOTION:** Mayor Merrifield moved and Member Giunta seconded to close the Design Review hearing for the Site Plan application, referenced as P14-01, for the proposed McDonald's restaurant at 822 Central Street. The Board finds that the site issues have been appropriately discussed, and the formal and final site application can be submitted. The Board further finds that the applicant can proceed with the installation of underground utilities, at their own risk, prior to the submission of the final site plan application. The staging fence, along the west side of the existing facility, can also be installed to facilitate the utility work and future construction activity. All were in favor and the motion passed.

*The following application is being withdrawn by the Agent and Applicant, thus it will not be heard this evening:*

- **P14-02:** M. Lenard Birke, Trust, M. Lenard Birke- Trustee, Owner; Diane L. Hanley, Owner; Cumberland Farms, Inc., Applicant; John H. Sokul, Jr., Hinckley Allen and Synder, , LLP, Agent; MHF Design Consultants, Inc., Engineer, request a discussion and public hearing for the Design Review Phase to raze the existing buildings located at 196 Central Street [Tax Map/Lot #'s 117-131-00 (Hanley)] and 202 Central Street [Tax Map/Lot # 117-135-00] and build a new Cumberland Farms convenience store with self-service gas station and fast food facility on the properties, in the B-1 Zone (Low- Density Business and Commercial District).

This application was withdrawn by the applicant.

**Old Business:** None.

**Public Comment:** None.

**Other Business**

- Discussion on permit renewal for Edmunds Subdivision off of Lake Avenue.

Member Freeman did not vote on this matter.

**MOTION:** Mayor Merrifield moved and Member Starkweather seconded that the Franklin Planning Board approve a 2-year extension for the R & F Land Development subdivision project to allow the developer to satisfy the "Active and Substantial development or building" provisions of Condition #28 of the Conditional Approval issued January 23, 2008. Extension shall be valid until January 26, 2015, and is subject to the following conditions:

1. The developer shall review the status of all of the state and/or federal permits for this project. IF any of these permits have expired, prior to the state of any construction work, the developer shall provide the Planning Office with a copy of the new permit or the appropriate extension from the applicable state or federal agency.
2. Prior to the start of any construction work for this project, the developer shall prepare a new cost of construction estimate and post, at the appropriate time, the required bonding for the costs related to the work necessary to complete the construction work.

All were in favor and the motion passed.

### Planner's Update

Richard Lewis stated a formal withdrawal was asked for by the applicant for Cumberland Farms. He stated we are not sure what the problem was and are hoping to get some further information from the applicant. There may have been some subsurface or contamination. The more information the applicant can provide, the more helpful the city could be with Brownfields grants or help with mediation of the lot.

Richard Lewis indicated Angie received a phone call from Family Dollar and they may be ready to come in to the board for March. Angie stated they were looking for updated abutter's information, so it is possible they will be ready for March 26<sup>th</sup>.

Richard Lewis stated recently the board approved an addition to the building on Industrial Park Drive; however, Fastenal is moving out so the business that needed to expand will expand into Fastenal's areas and will not need an addition. Jim Aberg will be coming into the board for a condo approval in March for these units within the building so that he can sell the units individually.

Richard Lewis stated the board had a good meeting on February 12<sup>th</sup> with Todd Workman and Jim Aberg. He stated the Vision meeting will be held on March 12<sup>th</sup>. The public notice has been put in the paper and some information for the website will be looked at, as well as some further advertising in other papers and locations. He stated he will be working on the PowerPoint presentation for the workshop meeting. If anyone has any feedback on the packet that was sent out for the last workshop meeting on the Infrastructure information put together by him and Brian Sullivan please submit it to him for review.

### Adjournment

**MOTION: Mayor Merrifield moved and Member Starkweather seconded to adjourn the meeting of February 26<sup>th</sup>, 2014 at 7:59 p.m. All were in favor and the meeting was adjourned.**

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