

**FRANKLIN PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING –
COUNCIL CHAMBERS
Wednesday, January 28th, 2015 at 7:00 p.m.**

Call to Order: Chair Colburn called the meeting to order at 7:00 p.m.

- Pledge of Allegiance
- Roll Call

Present: Brian Colburn, Timothy Stangroom, David Veysey, Ted Starkweather, Powell Glenn, Michael Freeman and Planning and Zoning Administrator, Richard Lewis.

Absent: Mayor Ken Merrifield, Anthony Giunta, Tim Flaherty, Brian Sullivan, and Jo Brown.

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

❖ Approval of Minutes: December 10, 2014.

MOTION: Member Starkweather moved and Member Veysey seconded to approve the minutes of the December 10th, 2014 Planning Board Meeting. All were in favor of approving the minutes as submitted.

Old Business

- P14-011: HRES Franklin, LLC, Applicant/Owner; Doug Murray, Hunt Real Estate, Agent; Titcomb Associates, Engineer, request Subdivision approval to subdivide off a portion of land in order to create a nonbuildable, non-conforming lot without frontage on a city maintained roadway, the lot is identified as Tax Map/Lot # 147-401-00, 785 Central Street, B-1 Zone (Low-Density Business and Commercial District) and RS Zone (Single- Family Residential District).

Chair Colburn stated a public hearing was held at the December meeting and the application was tabled. Richard Lewis stated it needed to be removed from the table and opened for a public hearing.

MOTION: Member Starkweather moved and Member Veysey seconded to remove the application of Hunt Real Estate Services from the table and re-open the public hearing on their proposed subdivision on Central Street, Application file P14-11. All were in favor and the motion passed.

Chair Colburn stated the board was given some newer draft decisions.

Mr. Lewis stated the revisions were based on a further review with the Franklin City Attorney, regarding back lots and subdivisions. The conditional approval of the final Mylar recording would be contingent on the merger with an abutting property. A meeting would be scheduled at Merrimack county Registry of Deeds so that the subdivision plan could be signed, recorded and then deeds and the lot merger document all at the same time. Brian Colburn asked the applicant if they had seen the conditions. Mac Simpson stated he had not. Richard Lewis stated the document was sent out to Doug Murray. Richard then gave a copy to Mr. Simpson.

Richard Lewis stated condition #7 states that the approval is good for six months, and if they are going to do the merger with an abutter they should be able to do so within six months. Mr. Simpson stated they are speaking with three abutters and he is comfortable with this condition.

Richard Lewis stated that in speaking with the City Attorney, there has been discussion on back lots in a broad sense. This typically deals with lots in the middle of nowhere. This is a lot in a highly urbanized portion of the city and absent these conditions the only other way to get this approved without these conditions they would need to go to the ZBA for approval of a variance and having to satisfy the conditions of the variance which may not be possible.

Public Comment: There was no one present to speak from the public; the public hearing was closed.

Board Discussion

MOTION: Member Starkweather moved and Member Veysey seconded to approve the conditional subdivision approval, referenced as P14-11, of Hunt Real Estate Services, Inc. which will create a new lot, non-conforming for frontage and non-buildable, from the rear portion of tax map and lot 147-401-00, with the conditions as drafted and discussed by the Board. All were in favor and the motion passed.

New Business:

- Informational discussion on the revisions to the site plan of Edmunds Asphalt Plant on Punch Brook Road, Tax Map/lot # 103-406-00, I-1 Zone (Industrial District).

Member Freeman recused himself.

Gerry Myers, of NG Advantages, was present to speak for this application. They provide the natural gas facilities for industrial purposes. He stated they have not had any safety incidents at any of their facilities in the two years they have been in business. He gave a handout to the board members.

All components are manufactured off site. Safety is the number one priority. The trailers used to transport are approved for federal motor vehicle safety standards. All facilities and equipment will be approved by the State Division of Fire Safety and they work closely with the local fire departments. All operators and handlers will be certified for hazardous materials and trained specifically on our fueling stations, trailers and decanters.

Natural gas comes into their fueling facility [they have one in Pembroke] through the pipe line, and it is compressed into the tanks that go on the trailer units for transport to the individual sites. For the Edmunds plant, they will probably make 3-5 trips per week, depending on the operational needs of the plant. The traffic impacts are very limited.

Slide 6 was a slide for an asphalt plant in Vermont. The only moving part is the trailers driving back and forth. They have a variety of customers, 15 in VT, 4 in New Hampshire, 1 in New York and 1 in Massachusetts, two of which are asphalt plants. There is little to no noise. The footprint of the area where the gas will be is very small. The gas is safe and reliable and will save the owner 10-40% savings on their fuel bill. Environmentally, CO2 is reduced by 26% by using natural gas, the SO2 and NOX are also reduced and natural gas virtually eliminates particulates.

Board Questions

Member Starkweather asked if this is the type of structure set up in the dormitories at Plymouth State College and Mr. Myers stated it is, but that equipment is different, and comes from a different provider.

Member Stangroom asked about a Plume Study. Mr. Myers stated the NH Fire Marshall's office does require this study. Engineers will evaluate plans of the surrounding area. Any leaking materials would have to get about 150' in the air before it would be ignitable. The Plume study would evaluate safety issues. The gas is non toxic. The Plume Study will figure out the safety issues. Member Stangroom asked if it goes up if it would come down as the river is close and Mr. Myers stated it will not come down. It is a pollutant, but less than any other fuel sources. NFPA regulates the entire process.

Member Stangroom asked if the roadways were wide enough to not impact traffic. Mr. Myers stated the roadway is already looking at being widened by the State and the trucks do not have any problems with turn radiuses so this won't be a problem, as they are only 40' trailers.

Want to start site work as soon as possible the site work is just leveling the area for the trailers and concrete for the equipment area that was shown in the pictures. Mr. Edmunds will be getting a power source to the area.

All the material that was sent to the board was sent to the abutters as well.

Public Comment: None.

Board Discussion

Director Lewis did provide members of the board with an email from Brian Sullivan, the MSD Director. He voiced his support for the project as an energy source is necessary and extending the gas line was already discussed. This will decrease the amount of diesel fuel that will be stored on the site.

Brian Colburn stated his thought is to add condition D that the City receives a copy of the Plume study when completed, either to the Planning Office or the Fire Department. The board members stated they were comfortable with this condition.

MOTION: Member Starkweather moved and Member Veysey seconded that the Franklin Planning Board approve the proposal to allow the installation of a compressed natural gas fuel system for the asphalt plant as a minor modification to the original Site Plan approval issued March 23, 2011. The new conditions to address this modification are as outlined in the draft approval reviewed and approved by the Planning Board.

The installation of this fuel system should be subject to the following conditions:

- a. The applicant shall submit a modification to the Planning Department for the existing building permit for the project. This can be accomplished through a Mechanical Permit with the names and license numbers for the certified gas fitters.**
- b. The proposed compressed natural gas system shall be subject to any and all conditions and requirement put forward by the Franklin Fire Department and/or the NH State Fire Marshall.**
- c. Prior to the start-up of the fuel system, the project engineer shall certify to the Planning Department and the Fire Department that all required conditions and installation requirements have been satisfied.**
- d. The applicant, or the appropriate representative, shall provide the Planning Office and the Fire Department with a copy of the "Plume Study" prepared in conformance with requirements of the State Fire Marshall.**

All were in favor and the motion passed.

- P15-001: Vernie H. Bladecki and Beth A. Bladecki, Applicants/Owners; Fluet Engineering, Agent/Engineer, request Site Plan approval to extend the paved vehicle parking and display area, on property located at 835 Central Street, Tax Map/Lot # 147-403-00, B-1 Zone (Low-Density Business and Commercial District) and RS Zone (Single- Family Residential District).

MOTION: Member Starkweather moved and Member Veysey seconded to accept the Site Plan application for the proposed expansion of the vehicle parking and display area at the Certified Motor Cars facility at 835 Central Street. All were in favor and the motion passed.

Mr. Bladecki was present to speak. Business is doing so well that they are looking at increasing the display parking. A variance was received from the Zoning Board.

Chair Colburn asked if this was just to space out cars more or for more cars and Mr. Bladecki stated it is for both. He stated the number of customer parking spaces is increasing from four spaces to five. They will also be adding two employees parking.

Dick Lewis stated the project engineer was present and might want to review the drainage. Nicholas Sceggell, PE, of Dubois and King, was present to speak on the drainage. He stated that a wetlands application has been submitted to DES. A wetland assessment was done and the wildlife habitat value in the area is very low. A stormwater basin will be put in to collect significant stormwater from the existing and proposed pavement and the building area, as well as some flow from the abutting properties. DES is looking at the basin for the wetland filling and compensation benefits. The trees used in the landscaping buffer would be about 3-5 feet wide and 15' tall.

Member Stangroom asked if the test pits have been done. Mr. Sceggell stated as the plan indicates, they have not been, and will be done during the initial construction phases. It was indicated that if the infiltration rates could not be achieved then an underdrain would be installed. Member Starkweather indicated that the maintenance of the basin needs to be carried out by the owner. Mr. Sceggell stated that is indicated in the plan and a condition that puts the burden on the owner is appropriate.

Member Stangroom asked about the lighting impacts for the five additional lights and asked if they would be operational 24 hours a day. It was indicated there will be dark sky lighting with a shield to keep light from projecting off site and keeping the light on the parking area. It was indicated there would be a timer shutting the lights off at 11 p.m. and turning them on at 5:00 a.m. this time of year and later when it is daytime longer. It was indicated the lights would not be on during the course of the day, as they would be unnecessary.

Public Comment: None.

Board Discussion

MOTION: Member Starkweather moved and Member Veysey seconded to approve the Site Plan, referenced as P15-01, for Vernie H. Bladecki for work involving the expansion of the vehicle parking and display area at the existing Certified Motor Cars sale facility located at 835 Central Street, identified as tax map/lot 147-403-00 and located within 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. All were in favor and the motion passed.

Public Comment: None.

Other Business: None.

Planner's Update

Richard Lewis stated a long topic of discussion has been medical marijuana at numerous levels.

He stated is also working with Todd Workman on some downtown issues. The students from Colby Sawyer have prepared a mid-term report on their project. They have asked about how to integrate their material with the Master Plan. He indicated that some of the conclusions in the report might conflict with some of the master Plan material so how to integrate or reference the final report will be worked out in the future. The Workman project and some other downtown issues have taken up significant amounts of time. He is hoping to get back on the Master Plan in the near future. Finishing the public infrastructure and capital plan chapter is next; in a few months he can draft this to the board and get on the website.

The city took a property on Chance Pond Road for back taxes; it is an old foundry and the building is in sad shape and there were hazardous materials and fluids used on the site and they were scattered around the building. The condition of the building and the hazardous materials creates a concern for the adjacent waterway. There was a site visit with DES Brownfields staff and their recommendation to EPA is to come in and do some testing on the materials and move

into a containment and packaging and removal of materials at possibly no cost to the city. The city will be applying for some additional Brownfields clean up money for hazardous material and lead paint, as some testing was done through funds of LRPC, and there maybe material buried around the site. If we receive the EPA funding there would be building removal and soil remediation. It is a small piece of land; it could be turned into greenspace.

There are two zoning issues the board needs to look at; one being space for a restaurant in downtown and right now the Permitted Uses in the downtown do not include a restaurant, as a SUP is needed. It was wondered if this was due to parking. Richard stated there is enough parking in the municipal lot and on the roadway. The board may want to change the permitted use table to make restaurants permitted downtown.

The second Zoning issue is the lot and yard requirements not requiring side setbacks in the B-1 and B-2 Zoning Districts. The Family Dollar is approximately 7' off the lot line. This is not a good idea and a setback of 15' may be appropriate, or wording that indicates that Planning Board can increase the setback to 10-15 feet. No side yard setbacks make it so that there is a lot of overcrowding and not enough clearance between buildings. The board may want to take a look at this in the next month or two.

Member Starkweather stated that when the downtown area was updated they didn't want a fast food restaurant in the area. Is there a way to distinguish between fast food and a restaurant? Mr. Lewis stated he can distinguish between a fast food with drive up and a restaurant with just tables and chairs. He stated he will incorporate that in.

Member Starkweather asked about the removal of the barn on South Main Street. Mr. Lewis stated the company in VT that is removing was going to try and get by Thanksgiving, but due to scheduling it will be on their worksheet for early spring as soon as the weather breaks a bit.

Mr. Lewis stated someone is looking at the property who may want to keep the barn. We may have to compensate the people that were going to take the barn for some work they have already done there. If they keep the barn, what is the structural analysis for securing the building? They may want to put an addition where the old building was. It would be a good re-use of the building. The company that is interested is very taken with the barn and would work well for them and keeping it on site may be good.

Member Freeman asked about Lucky Lenny's and Packers. Richard Lewis stated he submitted an application to DES for some Brownfields planning grant money. When Cumberland's was looking at the Lucky Lenny and Ciao lot, they did phase 1 and 2 environmental analysis, which was done just over a year ago and the lifespan of this analysis will run out soon. Grant submitted, but we received word we were not selected. Revolving the problems ultimately will be up to the owner, but since these are key parcels in the downtown area, any help we can lend to the owners is a good idea.

Member Freeman asked about Packers. Mr. Lewis stated sometimes getting through the insurance process can be time consuming. He stated he would ask the Fire Department if there is any further information. The building had maybe reached the end of its lifespan and the owner may try and sell the lot. It may be a good benefit to the city for parking or stormwater management, which could help with the revitalization of the lots across the street.

Member Starkweather asked about the Industrial Drive road project. Mr. Lewis stated that the engineering plans had been received, along with their opinion of probable cost. Minimal reconstruction of the roadway is needed at the top and lower level, with deeper reconstruction in the middle of the roadway. Geotextile fabric may be needed in the middle of the roadway due to the clay and to keep the road from shifting and sinking. The cost was around \$135,000. There is funding for this coming out of the City Municipal Transportation fund, and this money comes from the \$5 extra fee for motor vehicle registrations.

A grant application was submitted to the NH Dept. of Safety and FEMA for the replacement of the Haynes Brook Culvert by Hannaford's. We were not successful on the first review, but the City did a site visit late last year with DOS and they were pretty confident that we would be successful this time. There were some questions from FEMA on the cost benefits, so Brian Sullivan and Judie Milner calculated the costs of the road closures from the 2006 and 2006 storm events. This information has been provided to FEMA and DOS. Mr. Lewis has the sense that once they receive this information they may approve this. The money (match) for this on the city side would also come from the

City Municipal Transportation Fund. There is enough money that hopefully we can take care of both projects. Hopefully the City Council will be on board.

Adjournment

MOTION: Member Starkweather moved and Member Veysey seconded to adjourn the meeting of January 28th, 2015 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