

**FRANKLIN PLANNING BOARD  
REGULAR MEETING AND PUBLIC HEARING –  
COUNCIL CHAMBERS  
Wednesday, February 25<sup>th</sup>, 2015 at 7:00 p.m.**

**Call to Order:** Vice Chair David Veysey called the meeting to order at 7:00 p.m.

- Pledge of Allegiance
- Roll Call

Present: Mayor Ken Merrifield, Anthony Giunta, Timothy Stangroom, David Veysey, Ted Starkweather, Jo Brown, Michael Freeman and Planning and Zoning Administrator, Richard Lewis.

Absent: Brian Colburn, Tim Flaherty, Brian Sullivan, and Powell Glenn.

Member Veysey was seated in place of absent voting member Brian Sullivan and Member Giunta were seated in place of absent voting member Powell Glenn.

❖ Approval of Minutes: January 28<sup>th</sup>, 2015.

**MOTION: Mayor Merrifield moved and Member Starkweather seconded to approve the minutes of the January 28<sup>th</sup>, 2015 Planning Board Meeting. All were in favor of approving the minutes as submitted.**

**Old Business:** None.

**New Business:**

- Proposed Zoning Amendment to section 305-22. Downtown Revitalization District. This proposal includes allowing restaurants in the Downtown Revitalization District. Creating of wording defining a sit down restaurant versus a fast food restaurant with drive-thru.

Richard Lewis stated that he put on the table this evening a memo. After reviewing the ordinance the changes are more complicated than originally thought. The Special Use Permit is permitted through the Planning Board process. The Site Plan approval for new construction is also permitted through the Planning Board. The Site Plan regulations talk about change in uses for businesses, for the use table. He explained that changing from retail to a restaurant is a use that triggers Site Plan, so this area will also have to be looked at. Even if the use is made Permitted in the downtown, it would need Site Plan approval. This hasn't happened often, as most uses change from retail to retail, which does not trigger site plan.

Mr. Lewis stated that comments were received from Brian Colburn, and he thought that a Special Use Permit is not a burden and that requiring SUP is appropriate. He stated as he got deeper and deeper into the changes, he thought that this needed further workshop meetings and discussions, as it connects and intersects with Zoning, Site Plan and the Downtown Revitalization District. He stated he doesn't foresee any problems with direct abutters and the proposed uses, and some kind of process for the changes in activities is appropriate.

He explained that the RSA's for Zoning changes indicate that the Planning Board can set up a Technical Review Committee, comprised of staff, members of the Planning Board and members of the general public.

Once an applicant goes through the minor Site Plan process, there would be abutter notifications and a public hearing. They can appeal the decision through the Site Plan process.

He stated that some communities have the public hearing during the day, and he thinks that is unfair due to the general public's work schedules and having to get time off of work to attend a hearing.

Mr. Lewis stated he would like some more time to kick this around a bit.

**MOTION: Member Starkweather moved and Member Giunta seconded to table the proposed Zoning Amendment to section 305-22. Downtown Revitalization District.**

Member Freeman stated he is in favor of leaving it as is for now. He stated the changes could be tied into the downtown revitalization district, and the board can decide what the changes will be and the goal for the area. Richard Lewis stated this may be a better discussion for the Master Plan level. One of the changes could be some modifications for Special Use Permit to make the process easier. He stated the changes are not going to be as simple as he originally thought.

**All were in favor and the motion passed.**

- ❑ Proposed Zoning Amendment to section 305-14 to add side yard setbacks distances, where there is currently none, in the B-1 Zoning District (Low-Density Business and Commercial District).

Richard Lewis stated the current ordinance has no side yard setback requirements in the B-1 Zone. This issue has arisen based on the issues with the Family Dollar and their abutter. He stated his recommendation is that the board change it to 15', but allow the Planning Board to reduce this through the Site Plan process to 10'.

Member Starkweather stated that he agrees with this change. The original changes didn't expect the development that has occurred in this zone. He stated when the board spoke with the original developer, the building wasn't going to be so close to the property lines and then when the final application came in, it was proposed to be closer, but met the current zone requirements.

Richard stated the issues with Family Dollar stemmed from them thinking they could do something with the back portion of the lot. The lot has been offered to a Lancaster Street abutter, who is interested in acquiring the land and merging it with their land.

Member Veysey asked about the board reducing the distance to 10' and if this would be an issue for fire safety. Richard indicated he has spoken with Chuck minimally on this, and with Family Dollar they just had to put in fire protection in the walls due to the closeness to the abutters garage. If the building is solid brick then the building can be built closer to surrounding buildings. He stated he would check with Chuck for verification on this and to get some specifics.

Member Starkweather stated that another issue is snow removal and snow falling off the buildings roof. Member Veysey stated that storm storage management is a concern as the snow could cascade onto the neighbor's properties.

Member Freeman stated that an applicant could apply to the zoning board for a variance from setback requirements. Richard Lewis stated the proposed lot and yard dimensions chart would have a footnote giving the board leverage to allow leniency without the need for a variance. Richard stated by nature variances should be hard to get, but that is not always the case. Member Freeman stated it should be 15' and

if they want to go closer they should have to apply for a variance. Richard Lewis stated that if an applicant has to go for a variance, they have to prove their case. Angie Carey stated she would not leave the approval in the hands on the ZBA because past practice has shown that the Zoning Board will approve a variance if there are no abutters present that are against the variance. If it is at the Planning Board level, then the plans would be sent to the Fire Department for review, approval and feedback and they can weigh in on if further distances are needed.

Member Freeman asked if the applicant would have to start at the Planning Board level and Angie Carey stated that the application would go for the variance first and the Planning Board cannot approve a plan that doesn't meet the required setbacks unless the variance has been granted. Dick indicated that plans for variances for this type of project could be sent to Chuck for his review and comments prior to approval.

Member Veysey asked the board for a consensus on whether they think the change should be that the distance is 15' with leniency to 10' or if the distance should be 15' and a variance would be required to go less than 15'. **Four out of 7 present members were for the 15' setbacks with the need for a variance to go any closer.**

Member Veysey stated that even if the board had leniency and was allowed to lessen the distance to 10' an applicant could go to the Zoning Board to be even closer than that.

Member Starkweather wanted clarification that the downtown area is in a separate zone. Mr. Lewis stated the downtown is in the B-2 Zone and Downtown Revitalization Overlay District. If a building was being built downtown it could be built right up to the abutting property. One piece of land, by the Frost Building and the Buell Block, could be subdivided and a building could be built right up to the two abutting properties.

Member Veysey stated the consensus is to leave it at 15' and to move forward with a public hearing.

- Proposed Amendment to section 305-24. Signs, allowing electronic signage to display gas prices for fueling stations. This is due to the constant changes to gas prices.

Richard Lewis stated that Brian Colburn is not in favor of these changes. He stated that he also has not sent the revisions to the City Attorney for review.

Richard stated that he put a memo with the package, and attached to the memo was a picture from the variance for Cumberland Farms. He stated he doesn't have the size of the pump toppers that were approved at Cumberland Farms but would estimate them to be 24" long x 16" high. Both the ZBA and the Heritage Commission approved the sign for Cumberland Farms. The representative from Cumberland Farms brought a mock sign, and had different illumination levels. The ZBA approved the sign with one of the lowest brightness's possible as far as the illumination. Also, a film was to be placed over the face of the pump topper signage to help with the reduction of the illumination.

Richard Lewis stated a variance was also granted at the Citgo on North Main Street. The Mobil on Upper Central Street has a digital sign that went in prior to the most recent zoning changes. Also, Garneau's has a digital sign that has moving characters, that was put in prior to the zoning amendment not allowing digital signs.

Vice Chair Veysey stated that he thinks that if the employees do not have to fiddle with the letters and the signs are electronic, this makes more sense. He stated his problem is with moving or flashing characters. He believes digital characters are okay as long as they are not changing, moving or flashing. He stated that the

last discussion was after Tilton Ford in Tilton got their new sign and Franklin did not want these types of signs. Vice Chair Veysey stated that the Cumberland's in Boscawen has a sign at the roadway that changes from the smart pay to regular pay and this sign is a distraction.

Member Starkweather stated another issue when this was previously discussed was Joey Garneau's sign. He stated he doesn't want a constantly changing sign, as this is a distraction to drivers.

Member Giunta stated the signs are not as much of a distraction as people's cell phones are. He stated he is okay with the change, as long as the letters cannot be changing, scrolling or blinking.

Member Starkweather stated that he is concerned with the pumps having speakers that can be annoying to neighbors.

Richard Lewis stated that he will clarify that the digital signs would only be allowed for pump toppers or the pylon sign, but not for other signage on the lots and they can be digital but not changing, moving, or flashing or any other type of distraction for the public. Richard stated he will also get feedback from the City Attorney on this. He stated the board could put in restrictions as far as lighting requirements and the brightness of the illumination. There was a discussion about allowing changing characters, but that they cannot change rapidly and it was indicated everyone's interpretation of rapidly is different.

Angie Carey stated the Boscawen Cumberland Farms has significantly slowed traffic, as in order to see both payment prices a car has to slow down to about 20 miles per hour, and then if they like the price they hard break to turn in which causes a hazardous condition for traffic.

Mr. Lewis stated there is no great urgency to change the regulations for the side yard setbacks and his recommendation would be that when we get an application for the board, that at that meeting we will bring forward those changes; however, if no application is submitted for March, then the board would not meet just for this change and the change would be pushed back to April. Everyone was in agreement.

Angie Carey stated maybe, due to signage issues with the Historic Downtown that the changes could be for only the B-1 Zoning District. There are three other gas stations in Franklin, who may want this change, all being in the B-1 Zone.

**Public Comment:** None.

**Other Business:** None.

**Planner's Update:**

Angie Carey stated the board may see a Special Use permit for the conversion of a 1 family to a two family for Sarah Stanley. Nothing further has been brought to Richard's attention for future projects.

**Adjournment**

**MOTION: Member Giunta moved and Member Starkweather seconded to adjourn the meeting of February 25<sup>th</sup>, 2015 at 8:12 p.m. All were in favor and the meeting was adjourned.**

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