

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

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

- ❑ Pledge of Allegiance
- ❑ Roll Call

Present: Brian Colburn, Jo Brown, Mayor Ken Merrifield, Ted Starkweather, Tim Flaherty, David Testerman, Michael Freeman, Timothy Stangroom, David Veysey, Planning and Zoning Director, Richard Lewis, and Planning and Zoning Assistant, Angela Carey.

Absent: Brian Sullivan, Anthony Giunta, and Powell Glenn.

Member Tim Flaherty was seated in place of absent voting Member Powell Glenn; and, Member David Veysey was seated in place of absent voting Member Brian Sullivan.

- ❖ Approval of Minutes: September 23rd, 2015.

MOTION: Member Starkweather moved and Mayor Merrifield seconded to approve the minutes of the September 23rd, 2015 Planning Board Meeting. All were in favor of approving the minutes as submitted.

Old Business

- ❑ **Based on new information received, the board will discuss revisions to the approval for: *P15-013*:** Discount Price, LLC, Owner; Shafiq Chaudhry, Agent, requests a Special Use Permit for the Robert's Market site, located at 2 Hill Road, regarding the addition of a used car dealership on the lot, identified as Tax Map/Lot # 096-104-00, B-1 Zone (Low-Density Business and Commercial District), New Map # L7.

Richard Lewis stated that new information from an abutter was presented to the office a day or so after the hearing took place. This information indicated the abutter has an easement across the property and that parking was proposed in this easement area. This information has been supplied to the board in the draft letter that was sent out with the packet. Mr. Lewis has spoken with the applicant in the field, and was informed that a new utility pole was also being proposed as well that would affect parking. There is uncertainty as to how all the parking will be laid out, and how everything will fit. Mr. Lewis indicated he has proposed an amended approval for the SUP; he gave Mr. Chaudhry a copy of this and a copy of the packet. Mr. Chaudhry then called the office yesterday and indicated that he would call back, but did not.

Richard Lewis stated he is not proposing any significant changes at this time; as Mr. Chaudhry appears to be taking his time on the rehab to the apartment units and they won't be done for 4-14 months. The amended approval allows the applicant to move forward and once the apartments are done then a better plan will need to be submitted to the board for approval.

Member Flaherty asked how the utility company will be informed of the easement so that they do not put the pole up in the easement. Mr. Lewis stated the owner would need to make sure the utility company is aware. Member Flaherty indicated it appears the owner is losing four spots and that is the number of spots they planned on utilizing. Mr. Lewis stated after pulling tape, some spots are 10' wide and some are 9' wide. By improving the layout and design he may be able to add 3-4 more spots. He indicated that on

second look at the parking by the door, no spots will be added there as the maneuverability for the pumps would be affected.

Member Stangroom asked if lighting would be placed on the pole and Mr. Lewis indicated he believes it is for the placement of the utility wiring for the apartments.

Member Stangroom indicated there are 31 spots for the market, laundry, apartments and asked if any other spots for patrons of the car dealership would be needed. Mr. Lewis stated most patrons of the market are only in the building for 5-7 minutes and the spots for the market could be utilized for those coming to look at cars.

Member Veysey stated the spots to be created in the easement area should be utilized for the patrons to the store, as these spots would not be permanently filled and the other spots should be used for car sales, as the vehicles would remain parked in the spots for longer periods of time, and the apartments.

It was indicated that Mr. Lewis is proposing the amendments in the new draft decision and conditions as spelled out and given to the board. These conditions included:

1. The Planning Board will approve the establishment of a motor vehicle sales operation for no more than six vehicles;
2. The vehicles may be parked in the southerly parking area adjacent to the curved curb line along Route 11.
3. This approval is valid until such time as the owner is seeking Occupancy for the 6-unit apartment area on the second floor of the existing building.
4. Prior to the issuance of a CO for the apartments, the owner will need to provide the Planning Department with a scaled and accurate plan laying out a revised parking plan. If the owner can demonstrate that there is enough parking to accommodate the gas station, the market, the laundry, 6 apartments, and 4 or 6 motor vehicles sale spaces, then the sales operation will be permitted to remain in place. The parking spaces on this plan must be properly sized and must be located so vehicles can enter and exit the property in a safe manner without conflicts between parked vehicles and vehicles using the gas pumps.
5. The owner shall provide and shall demonstrate on the plan referenced above, the following number of spaces for the specific uses: 17 spaces for the market and laundry; 9 spaces for the apartment; and, 4 [or 6] spaces for the motor vehicle sales operation. If the owner cannot accommodate the required number of parking spaces on the plan, then the Board will reduce the number of allowed sale vehicles accordingly.

MOTION: Member Starkweather moved and Member Freeman seconded that the Franklin Planning Board vote to issue an Amended Decision of Approval for a Special Use Permit for auto sales at the property identified as 2 Hill Road, Tax Map/Lot 096-104-00. This Amended decision is necessary due to the new information not available at the September 23, 2015 hearing and is subject to the Findings and Conditions outlined in the draft prepared by the Planning Director and as may be modified by the Planning Board. Mayor Merrifield abstained; all others were in favor and the motion passed.

New Business

- Board to consider a zoning amendment regarding a change to “Section 305-13. Permitted Uses, Special Exceptions and Special Use Permits”. This proposed change is to change the category of

Restaurant/Eating Drinking Establishment in the Downtown Revitalization District from Special Use Permitted (SUP) needed, to a Permitted Use (P).

Richard Lewis stated that, as he mentioned in the memo, the changes were brought forward as a result of Todd Workman's work on the downtown. He is looking at possibly putting in a microbrewery and restaurant. Mr. Workman mentioned that SUP brings uncertainty to future businessman and this is a fairly common use. A restaurant would have a positive impact to the downtown. He has spoken with the Planner in Portsmouth as to how they approach Microbrewery's and it is a permitted use and falls under the category of Products Created on site and they have several of them.

There was a lengthy discussion by the board, which included:

1. Parking – could utilize the spots in front of the buildings and the municipal parking lots.
2. Would still need a Site Plan approval, for a change of use. After a lengthy discussion the board thought it was good to keep this process, as most new business owners understand there will be some sort of approval process; however having to get approval for the use is sometimes disconcerting.
3. It was indicated the use needs to be encouraged and businesses need to be encouraged.

MOTION: Mayor Merrifield moved and Member Starkweather seconded that the Franklin Planning Board schedule a public hearing for Wednesday, November 18, 2015 at 7:00 p.m. in the City Council Chambers, City Hall, to consider an amendment to the Zoning Ordinance to allow restaurants in the Downtown Revitalization District as a permitted use instead of the current requirement for a Special Use Permit, per section 305-22.F, Permitted Use Table of the Franklin Zoning Ordinance. *(After the meeting, and due to no new applications being submitted for the November 18th, 2015 meeting, an email vote was taken by the Planning Board in regards to moving the public hearing to the December 9th, 2015 meeting of the Board. The quorum of the board was in agreement with moving the hearing.)*

Richard Lewis stated that business owners sometimes get more nervous then they need to. For the SUP there are 11 components that spell out different requirements that need to be met. The city does not want to create an undue hardship for a new business.

4. It was indicated when the regulations were changed it was to keep fast food chains from being located in the downtown.
5. That there are three definitions for restaurants and the different types are broken down.
6. By allowing restaurants as a right, with the need for site plan approval for the change of use, the board would have no say on whether it is allowed and could only set conditions as spelt out in the Site Plan Review regulations.
7. That there is not one building in the downtown that the board would not want to see a restaurant within.

All were in favor and the motion passed.

Public Comment: None.

Other Business: None.

Planner's Update

Richard Lewis stated the city took a property on Chance Pond Road, which used to be an old foundry, and was able to get EPA to come in and do some Brownfield clean up. EPA spent approximately \$150,000 for this cleanup/site remediation. There are still materials on site that need to be removed; however the building

needs to be removed first. He has spoken with the EPA project engineer, in the hopes of keeping the door open, so that after the building is removed they could come back in for some more removal and soil cleanup.

He also indicated that there have been some articles in the Concord Monitor as of late about the asphalt plant. He indicated that Brian Sullivan and he have met with Mr. Edmunds. A letter is being sent to him regarding his need to apply for a Modification to the Site Plan Conditions in December or January.

Mayor Merrifield asked if he is operating currently. Mr. Lewis stated that he is, as he has gotten ahead of himself and had to get the site up and running to have some of the tests done. The main concern was the entrance to Punch Brook Road, at South Main Street, which is done, but was done after the plant was up and running. A section of South Main Street is State Highway, so he had to modify his plans to meet DOT regulations. He stated he hopes they will be able to provide the board with a timeframe for the completion of the project and a project of this size normally has some phasing, but this was not done at the time of the original approval.

It was indicated that if a cease and desist order was issued, that Edmunds would have challenged the order at the court level and the city would be tied up in court with them for some time. He indicated if the board can work with them with proposed modifications and a time frame for completion, this is a better option.

Member Freeman asked about the building on School Street, the Packer's Building and the Lucky Lenny's building that have had fires and nothing or little has been done. He stated he doesn't believe the buildings will make it through the winter and the houses on School Street are right on the street. Mr. Lewis stated that the concern is that when dealing with Insurance Companies this takes time, and repairs and payouts do not always go quickly. He stated that maybe post fire, there could be a time frame set that plans need to be submitted for repair or zoning is lost. Mr. Lewis stated that he would contact Chief Lachapelle about this, as this is a fire department issue and he is not sure if there is anything the Planning Board or Planning Department could do about this.

Adjournment

MOTION: Mayor Merrifield moved and Member Starkweather seconded to adjourn the meeting of October 28, 2015 at 7:47 p.m. All were in favor and the meeting was adjourned.

Respectfully submitted,

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