

CITY OF FRANKLIN

HERITAGE COMMISSION

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FRANKLIN HERITAGE COMMISSION

Wednesday January 23, 2019 at 6:00 p.m.

City Hall

City Council Chambers

MINUTES

- ❑ **Call to Order**
- ❑ **Salute to the Flag**
- ❑ **Roll Call: Present—Chairman Glen Feener, Bob Lucas, Paul Trudel, Leigh Webb, Mike Mullavey and Planning Director Richard Lewis. Late- Jeff Whitney**
- ❖ **Seat Alternates**
- ❑ **Approval of Minutes of the 12/19/18 Public Hearing Meeting of the Board.**

A motion to approve the minutes was made by Member Webb and seconded by Member Mullavey. Member Lucas suggested two changes, a typo on the 2nd page, 3rd line down and a name change on page 3, 4th line. All were in favor of the changes and **the motion passed by a 5-0-0 vote.** [Chairman Feener voting in place of Member Whitney]

New Business:

1. Discussion of signage issues and initial consideration of the establishment of guidelines or policies for signage in the historic district.

Chairman Feener opened the discussion regarding signage in the historic district. Jeff Whitney took up his position as a voting member upon arrival.

Planning Director Richard Lewis mentioned that signage issues have been considered by the commission on multiple occasions and that he felt the commission made two mistakes—the Grevior's sign and the Brother's Doughnuts sign. He blamed himself for not following up on signs that have been put up without permits. For example, the

“Cash for Gold” banner at 419 Central Street. He recently sent a letter regarding the sign and the owner came in today with both a sign application and an application for review by the Heritage Commission. Basically, there are six major components of signage: location, materials, type of sign, lighting, enforcement, and future challenges. Heritage Commission regulations along with the zoning ordinances reference signs with regard to color and size. Size in the downtown area is based on the frontage of the building. Proportionality is important. Planner Lewis said he is looking for feedback from members of the commission on the materials that were sent out [Cities of Portsmouth & Claremont guidelines, in addition to the document from Annette Andreozzi about the historical regulations for the town of Gilmanton]. One issue that the pawn/resale shop owner brought up was the hanging the vinyl Cash for Gold sign on the inside of the windows so that the public can see it from outside. This type of display needs to be considered by the commission. There already exists a couple good examples of using vinyl application on downtown windows but we should consider just how much of the window should be covered by such signs. There are several good examples of the white vinyl window application signs, but the amount of window coverage should be considered. He thinks it is a good idea to encourage a mixture of sign types. We can’t force anyone to have a certain type of sign. Mainly he is seeking feedback so that a draft could be presented to the commission to consider at the next meeting.

Member Whitney was concerned that the commission made a mistake with lighted signs, Brothers and Greviors. How do we handle any future requested for internally lighted signs? Now that the door has been open a bit, is the commission planning on closing that door?

Member Lucas felt that if the commission was going to be in the process of rewriting the guidelines and having that written into the ordinances, then it is kind of a clean slate, the door can be either shut or opened on this, but there is no walking back on those that exist. He is concerned that some small businesses might not know what the process is and they spend money on sign and ultimately isn’t approved. Is there a process where a new business owner could register with the city with what their intent is? And then at that point they could be given a packet outlining what is acceptable and what isn’t? What about a business permit as a first step?

Planner Lewis answered that the City Council had discussed business permits several years ago, but didn’t want to go that far at that time. The City is currently using the services of LEAN consultant Richard Ellert to define and implement city goals regarding economic development. In line with that the Planning Department is drafting a letter to be sent out to downtown property owners providing them and their shop owners with the procedures and protocols regarding the historic district. This could either be a packet or links to the website, or both. The thought is to start with those properties between the two bridges as the first stage.

Member Lucas was in agreement about establishing some type of formal business registration/application, whereas Member Mullavey didn’t want to discourage businesses from coming to Franklin by imposing too many hoops for them to jump

through. He felt it is best to let the landlords know and they can pass along the information to the tenants.

Member Trudel brought up the idea of a Welcome to Franklin packet as suggested by Jo Brown and Richard Ellert, which would include a listing of required permits and where to get those permits, contact information, etc., but the problem is that you would have to know who is coming in and what they want to do. He felt that the onus lies on the business owner. With regard to internally lighted signs, he was not in favor of them feeling that they don't meet the fabric of what the Heritage Commission is trying to maintain. He said that the most important thing right now is how to communicate to the business owners. Will people know that there are limitations to the modifications a business owner can make?

Member Webb addressed the issue of lighted signs and any precedents the existing ones might present, saying that protection comes from the clause about taking future proposals on a case-by-case basis. In terms of Brother's Doughnuts, nothing ever happened with that sign. He would like to change the ordinance to stipulate a time limit on approved proposals. If too much time elapses between the approval and the completion of the project, the applicant would need to reapply. He then asked, are there any types of businesses that are disallowed in Franklin? He would not be in favor of a 'permitting' process where a fee is involved, but added that it would behoove the city to know what type of business is coming in, regarding any safety issues related to the processes or products [chemicals] of that business. And it behooves the business owner to know this in advance so they don't pay for a sign that isn't allowed.

Chairman Feener said that the city hasn't had any disallowed businesses since zoning restricts where certain business can operate. He too acknowledged that he didn't favor lighted signs. He felt it is necessary that some sort of notification be sent to businesses letting them know what is permissible in the downtown. He asked if this would be done at the council level. Chair Feener added that we have to get the building owner to cooperate, so that when a new business plans to open, they know to come to the city before they make a big investment in a sign that won't be approved. He also said that there are plenty of options without including vinyl banners. He felt that only 1-3 months should be allowed for temporary signs and added that if a business owner wants to make an investment in their business, they need to choose an attractive sign. He ended by saying that even a vinyl sign would need to comply with the approved colors.

Member Lucas thought 45 days should be sufficient for a temporary sign, but Jeff Whitney noted that in some cases that is too restrictive because some signs take longer than that to make. He then asked what would be done about existing banner signs.

Planner Lewis said they would need to take some caution or care with applying a new regulation retroactively, however the shop owner [pawn] has had a vinyl sign up there for a long time. When she moved from one side of the street to the other, she moved

the sign. She had some responsibility for finding out about any regulations for signage and she didn't follow those regulations. In fact, she admits she didn't follow the regulation. There are a number of fried chicken signs on the express mart building, none of which were put up with permits. Individually or collectively, there should be a bunch of letters from my office detailing all the signs that are out of compliance and informing the shop owner that they need to get a permit. There are zoning limits on the square footage for signs. Unless they can present a good case to the commission, they may end up being told that the sign needs to be taken down. We need to get something out either through the Welcome to Franklin or from my office, alerting people to the regulations. Here are the guidelines that the Heritage Commission has put its stamp of approval on.

Member Trudel likes the idea about alerting property owners. He wants to talk to Jo Brown and see what direction she plans on going. He feels strongly that new businesses need to be informed prior to making an investment in something they can't use.

Chair Feener had a question about future enforcement. Where does the city go if, after sending out letters and cease and desist, the business owner doesn't comply?

Planner Lewis answered that the next step would be taking legal action that takes time and money, but perhaps it only needs to be done once or twice which might curtail other offenders.

Member Webb felt that enforcement depends on the business owners themselves. You can't enforce an ordinance that doesn't exist. We need to have an ordinance that you can enforce and hope that there is some voluntary compliance when confronted.

Chair Feener said that it appeared that the commission members were against any new internally illuminated signs. Member Webb brought up the problem that the Commission has already approved one, so that has to be dealt with. Planner Lewis said that similar to zoning ordinances, that is the purpose of a variance application. The regulation says no internally illuminated signs, but someone can ask for a waiver. The question is whether or not to grant the waiver. For future challenges this commission is going to face, from both a signage perspective and a building façade perspective, is Cumberland Farms. They might be able to put up a good case for continuing to use their current sign at the new location. The displaying of gas prices might be an issue and the style of the building might be an issue. There are ways of designing a building to make it look quaint. Cumberland submitted a drawing 3-1/2 years ago that might just need to be tweaked.

Member Lucas asked if the Grevior's lighted sign was put up because of the mattresses and Member Mullavey confirmed that was the case. Member Lucas then asked if there could be a provision that when business changes hands, that the new owner would have to reapply for the sign. For example, the HairDoctors sign could be modified for any business. Member Webb said that a legal argument could be made that whether or not it was the existing business owner or a new business owner,

they would have to apply for a permit to change an existing sign, saying that the original permit was granted for that specific sign.

Planner Lewis used Brothers Doughnuts approved lighted sign as an example. If Brothers Doughnuts moved ahead and put up the sign and six months later moved out after expending a good amount of money on the sign, there might be a good case for the new business owner objecting to having to take that sign down and go through the process of obtaining a new sign permit and all the additional expenses of constructing a new sign. Once an internally illuminated sign is installed on a building, if the business owner wanted to change the face of the sign in any way, they would need to come back to the commission for approval.

Member Mullavey remarked that the internally lit Cumberland's gas sign looks nice.

Chairman Feener said that he felt that 60-90 days should be long enough for any temporary signs like vinyl banners.

Member Lucas asked if the commission shouldn't have a list of all types of signs so that the commission could weigh in on each one individually as to the conditions that apply to each type. That should be the meat of the ordinance.

Member Feener thought that sounded like a good idea and tasked Dick with coming up with that list.

Member Trudel asked who would be responsible for the maintenance or the removal of signs advertising stores that have closed. Should the onus be on the property owner to remove that sign. Member Feener suggested that maybe a deposit should be collected at the time a sign is approved and that money could be used to take down the sign later. Member Mullavey questioned the removal of signs when the shop is vacated saying that for people driving through it becomes obvious just how many vacant store fronts we have.

Planner Lewis said he can take some of the language from Portsmouth, Claremont and Gilmanton and create some guidelines and policies. He'll use an intersection of the zoning ordinance and the Heritage Commission guidelines. We can take some photographs of some of the nice signs in Franklin and use those as examples.

Member Lucas brought forward the idea of limiting the amount of glass space that can be covered by signage so that when law enforcement drives by their view isn't obstructed.

2. Discussion related to the approved paint colors for the historic district and the possible revision to the approved color palette.

Member Webb said that from his perspective the color chart of approved colors was compiled by historic New England with a lot of research backing it. If the

commission wanted to change from that, what would be the authority that would supersede the historic New England?

Planner Lewis said he wondered why out of the 100 or so color chips, only 25 or 30 are approved. He asked how restrictive do we want to be. If some business comes in and wants to create a brand for themselves, but the color they want is on the list but not approved. How complicated do we want to make it for business to come to Franklin and settle in?

Member Trudel is all in favor with sticking with the historic colors but there are so many maybe it is best to whittle it down a bit. In Marblehead, MA you can't paint anything purple. He suggested just allowing two or three shades in any color choice. If somebody wants to go with a different shade that what is approved, they can come before the Heritage Commission.

Member Whitney said as far as the color pallet goes, he doesn't see whittling it down. Meanwhile Member Mullavey thinks it should be expanded. Member Lucas agreed with Member Mullavey; those colors exclude any garish colors, so one shade of blue or another, shouldn't matter. If those are all historic colors, don't have a problem. We don't want to stifle business growth by putting up too many restrictions on colors. Member Feener felt the same, saying it should be opened up a bit. Member Whitney asked how the original color pallet was chosen. Member Webb said he thought those were chosen because they were historically accurate for New England.

Annette Andreozzi was recognized and explained that she was on the Heritage Commission when it was formed and when the color charts were approved. Historic New England did colors for all of history for all of New England, but our district is around 1900 and those colors selected were those in existence in those time. It is easier to say that this is the color that existed in our time period, but if you want something a bit grayer, or bluer they can request that.

Chairman Feener suggested keeping those that are approved and asking for a waiver if a color choice is not one of the approved. Planner Lewis asked if the restrictions to colors was just for façade colors or for signage too. Member Webb felt that it should apply to all those, but he did ask if someone wants to take two of the approved colors and paint the trim with poke-a-dots for example. Wouldn't that have to be stated on the application to the Heritage Commission? How they are going to apply them?

Planner Lewis mentioned that he met with the new owners of Nannou-Nannou pizza. They are hoping to open in spring. They've started to stabilize the stucco on outside and they'd like to put a stone façade on the lower part of the exterior wall below the windows to protect it from weather. They will be closing their Tewkesbury, MA shop and relocating up here. When they are ready, they will be coming before the commission regarding colors and design issues. There will also need to be a meeting on the Cash for Gold banner application within the next 4-8 weeks. Chairman Feener suggested a possible meeting at the end of February.

Approved March 20, 2019

Other Business: None

Public Comment: None

Adjournment: Member Webb motioned for adjournment and Member Trudel seconded. By a vote of 5-0-0 the motion passed and the meeting adjourned at 7:12 p.m.

Minutes recorded by Cheryl Fisher, Administrative Assistant, Planning and Zoning.