

Approved July 25, 2018

**FRANKLIN PLANNING BOARD  
PUBLIC HEARING MEETING**

**June 27, 2018**

**7:00 p.m.**

**Minutes**

**Call to Order:** 7:00 PM

☐ Pledge of Allegiance.

☐ Roll Call—Present: Jo Brown, Christine Dzujna, Tim Flaherty, Michael Freeman, David Liberatore, Timothy Stangroom, Ted Starkweather, Donna Tully, and Planning Director Richard Lewis.

Absent: Scott Clarenbach, Mayor Anthony Giunta, MSD Director Brian Sullivan, and David Testerman

☐ Approval of March 28, 2018 Planning Board Minutes. Motion to approve made by Member Brown and seconded by Member Dzujna. Member Dzujna asked for clarification at the mention of 'Finding C' on page two and 'Condition 3 and Finding C' on page three. Director Lewis agreed to add a note about the original conditions for approval. With that amendment the minutes were approved by a vote of 8-0-0.

**Old Business:** None

**New Business:** General Discussion on Zoning and Planning Regulations

Director Lewis announced to the Board that Brian Sullivan will be taking medical leave for the next two to three months. Everyone is thinking about him and wishing him well.

Director Lewis referred to item one in the memo he sent out about the Stevens Mill Project and a couple of existing sections of the zoning ordinance, specifically the Downtown Revitalization District, Section 305-22.1(4), which was adopted by the City in 2007, that outlined provisions regarding the size of individual units and the number of units that could be a certain size or smaller. For the Stevens Mill Project (item 4.a.) they are creating more than ten multi-family dwelling units. They haven't finalized their numbers, but they are looking at 100-120 market rate units.

Member Flaherty asked about the Downtown Revitalization zoning restriction that 'no more than 33% of the units shall be less than 720 square feet in size, and no more than 5% of the units shall be three bedrooms or larger in size'. What about the remaining 62%?

Director Lewis answered that the remainder would be somewhere between those two size restrictions. The 33% set the cap on the number of small units that could be created. The CATCH project was 45 total units and there were 24 two-bedrooms and the rest were single bedrooms. The existing language was approved in 2007 before smaller apartments became popular. He added that in discussions with the Downtown Development Coordinator, they thought it wise to address what is in vogue right now. If

the Board thought it was a good idea to look at changing the size restrictions, Director Lewis could draft up some language and the Board could schedule a public hearing for a Zoning amendment on July 25<sup>th</sup>.

Member Stangroom asked if there was anything in the RSAs that could restrict the City from limiting the size of these apartments. Director Lewis answered that there was nothing in the RSAs that could restrict the City.

Member Brown asked if they were looking at upping the 720 square foot size. Director Lewis referenced the memo that proposed some language that allowed the Board to waive the thresholds for the percentages. That waiver would be carried out by the applicant through the site plan and the special use permit process.

Member Stangroom asked if the Zoning Board would get involved with this project, and if ADU's came into play. Director Lewis answered 'no' to these two questions.

Member Brown brought up the size of some of the units in the CATCH project, saying that the 690 sq. ft. units are extremely small. She added that a unit should be about 850 square feet at least. Chairman Liberatore added that a single wide mobile home is over 800 square feet. Member Brown said that she would be in favor of bringing it up to 850 square feet and if Chinburg wanted to come in at 900 square feet, the city would have a base that it could go up from.

Director Lewis clarified that Chinburg may have more units at least more than 720 square feet. Chinburg is looking for a lower number not a higher number. The language that Director Lewis is proposing will allow the Board greater flexibility. He would be surprised if Chinburg created any three bedroom units, except perhaps on the upper floors. Member Freeman asked if the original caps on the number of bedrooms had anything to do with safety. Director Lewis answered that it was really more to do with available parking in the downtown. Chinburg, along with anyone else thinking of doing residential development in the downtown, is restricted by the amount of overnight parking available in downtown. Member Freeman said that was his concern with allowing more small apartments.

Chairman Liberatore said that smaller apartments are usually housing single people or couples without children which lessens the impact on the schools. He added that the Stevens Mill building is large enough to have first floor underground parking.

Member Flaherty asked if Chinburg could assume they could use municipal parking. Director Lewis said that the City is working on the TIF plans to add more parking which could be for general use or could be leased. Member Stangroom asked if there was still some thought of allowing overnight parking in Odell Park. The answer was no, but there is the thought of taking down Stanley Mill and creating parking and walkways to join up with the Odell Park walkways.

Member Stangroom asked if the current Cumberland Farms and the Episcopal Church were vacated, could parking be put in there. Director Lewis said that would be up to Cumberland Farms and the Church, but that there is the possibility of putting parking on Church Street next to the post office where the house burned last year. There is also some discussion of using the under-utilized skate board park.

Member Tully said that she thought the burden of parking should be put on the developer, instead of tearing down buildings and removing them from the tax map. Director Lewis reminded the Board that

Chinburg is contributing an estimated \$30 million in developing the site. Member Brown added that some of the buildings suggested for demolition are empty and not generating taxes. Chairman Liberatore said that no developer would rehab those buildings because the cost would be exorbitant.

Director Lewis suggested that he get some new or revised language out to the Board for the July meeting and if the Board is comfortable with it a public hearing could be scheduled in August. Chairman Liberatore wanted to make sure that the proposed changes wouldn't hold up the Chinburg project and was informed that Chinburg is still in the surveying aspect of the project and hasn't filed any applications to date.

Member Freeman liked the idea of giving the Board some flexibility with the numbers and sizes, but he feels they should limit how much can be adjusted. He wouldn't want 33% of the Stevens Mill building to be 200 to 300 square feet micro apartments, especially when there's talk about giving them some parking. He expressed concern about the type of individuals the city would be attracting if Chinburg was allowed to have micro apartments in 33% of the building. Right now the trend may be for micro apartments, but trends change. Member Brown suggested that the parking could be the way to control that. Director Lewis was asked if he could come up with language to address that and answered that he would soon be meeting with the Chinburg people and would get a better idea of what and where they are heading.

Member Freeman asked who negotiates these issues. Director Lewis referred to the TIF plan approved by the City Council in January 2017 which contains language and provisions about a developer's agreement. The developer participates in the funding of a five or ten year bond.

Chairman Liberatore said he doesn't want to give the developer the impression that the city will allow a 200-300 square foot project; he'd rather hear what Chinburg has to say before making a decision on changes.

The second item at the bottom of page two on the memo relates to the language of Section 305-22.1(3) which reads for buildings located on Tax Map 117, Lots 142, 143, 153 and 365, no less than 40,000 total square feet of floor space between all the above referenced lots shall be dedicated to commercial, business or retail use. Two of the lots mentioned are the Stevens Mill property, the other the CATCH project and the last the Stanley Mill property which will never have any development so that should be taken out of the equation. During discussions with Chinburg, it doesn't sound as if the 40,000 square feet will be a problem for them. They'll be working with the architects and planners for the overall project. The historic issues will be addressed through the design criteria needed for the tax credit program. Approval by the City Heritage Commission will also be required.

Regarding signage, new signs in the downtown have to be approved by the Heritage Commission. The Commission either approves the design or asks the applicant to go back to the drawing board. As more development occurs in the downtown, the City and the Heritage Commission needs to be a little more aware of the historic element of downtown in their approval of signs. Director Lewis felt that the blade style sign similar to the Franklin Studio is possibly the best design for the downtown. Member Flaherty countered that it was small and difficult to read when driving by. Director Lewis also mentioned the decal signage similar to Outdoor New England or the Hope for NH Recovery. There are however a number of signs that have never been approved, and these will have to be addressed

Member Flaherty asked what the Planning Board should do about signage. Director Lewis mentioned federal court decisions making it necessary to revise some of the existing language. He will review this in more detail and present some proposals to the Board. The regulations of the Heritage Commission will also need to be reviewed and possibly modified. He feels there should be more emphasis at the zoning level and the Heritage Commission level about historic signs in the downtown.

Member Tully asked about those signs that haven't been approved. Director Lewis said the Commission needs to get tough on the replacement of temporary signs with permanent signs.

Member Starkweather mentioned electronic signs with changeable messages and the controversy over that. Originally the signs in the downtown area were to be of historic design. Recently approved signs have left him wondering if there would be a way to rein in some of the building owners with multiple store fronts. Director Lewis said that the plan for the remaining section of the Syndicate Block would be for a sports bar which would require both a site plan and a special use permit. Hopefully the Heritage Commission will be taking a stronger look at what will be allowed.

Member Freeman asked if the plan was to review other historical cities signage. Director Lewis mentioned the state planning office has some model ordinances that can be reviewed. The City planning office will also undertake some research to see what other communities are doing in this area.

Director Lewis moved the discussion forward to site plans. There haven't been too many in the downtown area. In the future there will be some for Toad Hall and the Buell Block and Chinburg. Mr. Lewis wanted to impress upon the Board the importance of site plan applications. There is some thought that any time you request a developer for engineered site plans you run the risk of discouraging development, however most people who are serious about establishing a qualified and reputable business recognize that renovating a core building in downtown will necessitate some checks and balances. A site plan is sometimes the only way to avoid adverse impacts on the historic district.

Member Stangroom asked about parking problems with increased numbers of downtown restaurants or events like the Winni River Days. Director Lewis said this is something to look at along with how other communities are dealing with this. Member Stangroom asked about the possibility of using the Franklin Savings Bank's parking lot after hours and Mr. Lewis said that Franklin Savings Bank has done a significant job of contributing to the White Water Park and this may be a discussion to have with them.

Member Flaherty expressed concerns with issues such as kitchen venting and grease contaminate fixtures. Director Lewis indicated that some of these issues would be addressed with a site plan.

The last item of discussion is the coming attractions. Toad Hall has been working for several months on condo'zing the building. They have a possible P & S on the third floor space. The second floor would remain a business co-working office space, and the first floor would be the restaurant with a small performing arts space. Currently Buell Block is owned by PermaCityLife, but it is under contract with a new buyer. There will be some forthcoming site plans for both of those projects along with Chinburg's property. Fifteen Tannery Street also has a new owner, Rob Pearlman who is planning a mixed commercial use (automotive related activities and light industrial use) necessitating a site plan and a special use permit. This will be coming to the Planning Board possibly in July. The property just north of Roberts Market has been purchased with the proposed use of an auto body shop.

Member Dzujna asked how making condos in a building like Toad Hall work for the purchasers of each floor. Do they form an association, who maintains that? Chairman Liberatore explained that an association must be formed and the condo fees would go toward maintenance and utilities. Mr. Lewis added that that is some of the engineering and survey work that PermaCityLife has been doing, to establish boundary lines and floor plans to identify common space areas, hallways, and bathrooms.

Dominos has finally closed on the property on Central Street and is doing some tweaking to the design. The original plan called for pervious pavement, but they discovered a lot of ledge so they are switching to impervious pavement with catch basins connected to subsurface infiltration system, somewhat like a large septic system. The overflow from that would connect to the existing city system on Central Street. Discussions about this have been held with Brian Sullivan and he had no problem with the change. While Brian is off, Brian Barry, Assistant Director of Municipal Services will be overseeing this aspect of the project.

Member Flaherty asked if the digging near Hannafords had anything to do with the Dominos project. Director Lewis answered that the work there was for the replacement of the 1927 culvert under the road, and the project is nearing completion. The paving work will be carried out in the next few weeks.

The last item to address is the proposed youth center at Central and North Main across from Benson's. Twin Rivers Interfaith Food Pantry is on the lower level. Kevin Leonard from North Point Engineering contacted Director Lewis about putting in a circular driveway using the same entrance point so that there is a safe, quick drop off point for the children. Member Stangroom asked about the impact on the lights and the traffic flow on Central Street. And Member Tully asked if there would be a right turn only at the exit. Mr. Lewis said that there were some details that haven't been fully explored by the engineering company, but he will be having a discussion with them next week. They aren't creating any more parking; they are just looking at putting in a driveway so they probably don't need a site plan. Mr. Leonard was made aware that because of the site's proximity to the Pemigewasset River some of their activity might be subject to the required permits from the Department of Environmental Services. Any time there is work adding new impervious surfaces near the water, they may have to do some work to mitigate the impact such as the removal of some of the old driveway and landscaping. They will have to cross city property to put in the circular driveway.

Member Freeman asked if there was a plan to control traffic. Director Lewis indicated that whoever undertakes the project will need to address this issue. Member Stangroom added that Benson uses some of the back lot for their employee parking. Member Freeman expressed the concern about the number of signs that would be installed for traffic flow through that driveway. The consensus is that it should be one way.

Member Starkweather asked about the status of the solar projects approved by the board in Spring 2015. The first to go into construction phase is the one of Weglarz property at the end of Industrial Park Drive. A building permit was issued. An inspection last fall highlighted some concerns with the lack of care and workmanlike conditions. The panels were out of alignment so a Cease and Desist Order was issued. There have been multiple communications with the developer. In February, under certain conditions, the Cease and Desist Order was lifted. At the end of April, the developer went back out to the site with the task of identifying all the problems and coming up with solutions to fix those issues. Their report came through the second or third week of June. This Friday, Steve Reale from the Code Office will be walking the site with the owners of the development team.

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Member Flaherty asked about the sites on municipal property. Director Lewis said that one of those projects won't happen due to the proximity to wells. The two separate sites on River Road near the Sewage Treatment Plant and the excess land that the City got from the Regional Solid Waste Cooperative are still in the works. Mr. Lewis added that how fast some of these get built may hinge on the political issues in that the Governor just recently vetoed some legislation that limited the amount of net metering, which could put a crimp into the solar energy field. There may not be enough incentive to build.

**Public Comment:** George Dzujna said that this is a really exciting time for the City. A lot of great things are happening and he thanked the Board for the work it is doing. As more buildings are revitalized there will be a greater need for the Planning Board to get together with the Heritage Commission to see that there is some uniform signage in the downtown area.

**Other Business:** None

**Planner's Update:** None

**Adjournment:** Member Brown / Member Starkweather motioned / seconded to adjourn the meeting at 8:24 pm.

- The next Planning Board regular meeting is scheduled for July 25, 2018 at 7:00 p.m. and the application dead line date is July 3, 2018.

Recorded by Cheryl Y. Fisher