

**FRANKLIN PLANNING BOARD
PUBLIC HEARING MEETING
August 24, 2016
7:00 p.m.**

Minutes

Call to Order:

- Pledge of Allegiance.
- Roll Call
Present: Michael Freeman, Mayor Ken Merrifield, Jo Brown, Brian Sullivan, Tim Stangroom, Ted Starkweather, David Testerman, David Veysey and Tim Flaherty
Absent: Brian Colburn, Powell Glenn, and Anthony Giunta
For Voting Purposes: Tim Flaherty is seated for Brian Colburn and David Veysey for Powell Glenn. David Veysey is acting as Chairman.
- Approval of Minutes from the June 22, 2016 meeting of the Planning Board. Member Starkweather noted an error on Page 2 (wised to be changed to wished) and Member Brown noted error on Page 3 (Hannah to be changed to Hannaford). Members Flaherty/Testerman moved and seconded approval of minutes with those changes. Approved unanimously.

Old Business: None

New Business:

- Informal Site Plan Discussion—reuse of the former Crowley Construction Company properties (Tax Map/Lot # 135-144-00 & 135-143-00) to park, store and maintain approximately 30 school buses.

Deb Hinds (Parker) representing owner Richard Crowley: Passes out proposed site plan drawings (small & large renderings). She asks the board if they need a formal site plan since there is no real change in use. Formally, Crowley construction vehicles, equipment, and materials were stored and maintained on the properties and they are now requesting a similar use for approximately 31 school buses. She notes that the only changes in the current space would be the removal of the loading dock and the construction of an 8' X 14' office building in its place thereby reducing the concrete area by over sixty percent. The proposed plan allows parking for 45 employees, approximately 31 school buses, 6 vans, and 2 shop trucks. She mentions that the properties were established in the 1920s, with the six-bay garage being constructed in 1958, all pre-dating zoning. At the height of its use there were about 25 – 33 tractor trailers, cranes and trucks stored on the property. Now they want to put it to the same use with buses. The basic point is the older uses and buildings pre-dated zoning, and the proposed use for this bus facility is not really any different than what was there for many years.

Member Stangroom asks if anything of the proposed employee parking is currently being used. Ms. Hinds says that Porter Paving has some equipment there now, but that they will be moving that equipment next to the building or across Munroe Street. Members Stangroom and Freeman ask about

the new office building and any problems with setbacks. Ms. Hinds feels that the area should be grandfathered since the building will be built within the old loading dock area. Member Flaherty asks about the need for additional lighting, especially in the area where the bus drivers will need to park. Allison Jones, location manager for First Student, the bus company, answers that if additional lighting is necessary it will all be downcast.

Member Sullivan asks whether First Student plans on moving their entire business from Tilton and what the hours of operation would be. Ms. Jones states that they will be relocating and that the business operates 24 hours a day, seven days a week with peak times around 5-5:30 a.m., with a return around 8-9 a.m., then out again at 1:30 p.m. and another return around five in the evening. Member Sullivan also brings up the issue of traffic. There is a "suicide lane" on Central Street, but the question is the stacking of buses leaving or entering the site. This is something that a traffic engineer should review. Ms. Jones states that they stagger the buses and that eighty percent of the buses will be making a right-hand turn out of Green Street onto Central.

Member Sullivan says that due to the magnitude of the project the Board should request engineered site plans. Ms. Hinds reminds the board that essentially nothing is changing and that they would just be parking buses instead of construction vehicles. Member Brown asks if an engineer could just review Ms. Hinds' plans and make the call as to whether a full-blown site plan is necessary especially since there doesn't seem to be any significant changes to the properties. Planner Lewis indicates, and is supported by Member Sullivan, that an outside engineer would probably not want to review plans of this sort since they are not survey based and not prepared by a licensed engineer; there would be too many information voids for our engineer to be able to provide any substantive comments. Mayor Merrifield also asks what would be learned from a full site plan review. Member Sullivan states that we can learn about the impact to the neighborhood, the affect on abutting properties, whether sufficient room has been allowed for the parking and moving of buses. Both Member Testerman and Member Freeman feel that an engineered site plan is unnecessary.

Planner Lewis and Member Sullivan both note that in the past there have been problems with projects that weren't properly surveyed or engineered. The boundary lines in Ms. Hinds plan are approximate and grandfathering doesn't apply when replacing a loading dock with a small building. Additionally, the location of the building would require a variance. Mayor Merrifield cautions the Board against considering issues with past projects, stating that those issues are not pertinent in this case.

Member Sullivan and Planner Lewis both indicate that their position is that a formal site plan review and approval is required due to the magnitude of the project and the intensification of the use occurring on the site. Member Sullivan is also concerned with the more frequent traffic leaving and entering the site and the potential for mud and other materials getting out onto Green Street. The City cannot afford to spend time cleaning these problems up on Green Street.

Members Starkweather and Freeman add that the applicant shouldn't be required to have a surveyed site plan, while Planner Lewis reiterates that it is better to address potential problems in advance.

Member Freeman states that while there may be a bit more traffic than before, the use is basically the same as that which has taken place for over 2 decades.

Vice Chairman Veysey asks about the proposed number of buses, the possibility of increasing that number and the difficulties of maneuvering large vehicles in a limited space. Ms. Jones answers that 31 buses are all they are proposing and that they would not be increasing that number. She also adds that Ms. Hinds has included extra space around all the buses to allow for easily moving the buses in and out of the property. Member Testerman asks about employees' vehicles being parked on side streets and Ms. Jones states that there will be assigned parking for all employees and there won't be any parking other than on the property.

Vice Chairman Veysey brings up concerns about the increase in traffic in and out of Green Street, the impact of 31 buses cranking their engines at five in the morning, and the fact that Porter Paving will still be operating in the same area. He reiterates that a formal site plan is the best solution for dealing with all these issues.

Member Stangroom asks about hazardous waste disposal on site. Guy Balasonne, service manager for First Student, describes how they burn the waste oil and transmission fluid in their waste oil heater to heat the building and that all other toxic materials are hauled away. As regards tires, those come from Sullivan Tires and are delivered on an as-need basis, with only 6 tires at most kept on site.

Member Sullivan asks the Board if they are going to require a surveyed plan or not. Member Brown asks Planner Lewis again about the possibility of having an engineer look at these plans and noting any issues. As discussed earlier, Planner Lewis and Vice Chairman Veysey answer that a licensed engineer would probably not want to review a plan that wasn't professionally engineered.

Members Brown and Flaherty feel that it is an undue burden to ask the applicants to have a formal site plan done, that the property is basically being used in the same way as in the past and that as long as they stay within the property's boundary lines there isn't an issue. Mr. Crowley states that in all the years they have owned the property there has never been a problem with an abutter. Heather Stanley, representing Porter Paving, adds that Porter Paving and Richard Crowley, Jr. have gone together to form C & S Realty in order to purchase the property involved and that they did that to see the site developed.

Member Sullivan asks about putting up outside toilet facilities for the drivers' use. Ms. Jones says that there will be inside and outside facilities. Member Sullivan suggests that Ms. Hinds include that location on her plans.

The meeting is opened to the public: Gary Brassard, 731 Central Street, lives next to the employee parking for Porter Paving and has no issue with this use. Thomas Therrien, 57 Lancaster Street, adds that his house abuts the property and he too has no issues, except that he hopes the buses don't use Lancaster Street to get in and out of the site. There is no further public comment.

A question about the setback of the business office is brought up with Planner Lewis stating that it would be a new structure in need of a variance.

Approved 9/28/16

Mayor Merrifield asks that one of the advocates of having a full site plan done make a motion to that effect. When no one does, he asks what else is needed from the applicant so that they can go ahead with the project. Both Planner Lewis and Member Sullivan again suggest that a full site plan will help define the boundaries. Ms. Hinds mentions that she has based her plan on a city survey that was done years ago, that she overlaid those boundaries with her plan.

Member Flaherty makes a motion that “we accept the plan that they submitted and authorize them to continue to use the property to park vehicles, in this case school buses. That we assume that the owners will stay within their own property lines for parking and that they won’t do any extra paving or gravel unless they come back for approval for that since it could affect drainage. And that they stay the appropriate distances from abutters of the properties that are already in existence. Member Brown seconds.

Member Sullivan asks if we accept the site plan at the next meeting after abutters have been notified and Deb Hinds has added more information on her plan. Member Brown argues that she understood the motion to be to accept the plan as it is with the addition of a couple of things and then go forward with a formal application. Planner Lewis states that there is a three step process with a submission of a site plan. First, an informal discussion without notification to the abutters. Second, a more formal design review with notice to abutters and third, a formal application for site plan approval, again with the public and abutters notified. Member Brown asks if the process can’t be shortened with Ms. Hinds’ plan serving as the site plan.

A further discussion ensues with Vice Chairman Veysey, Member Sullivan and Planner Lewis recommending a formal site plan application with public notice being given. Member Brown asks that since it isn’t essentially a change in use, can’t all this be waived by the Board. Planner Lewis states that the Board has the right to waive these things, but questions whether site plan regulations can be waived outside of the formal hearing process.

Member Brown amends the former motion so as to now read, “To accept the plan presented by Deb Hinds, with the Board acknowledging that the plan was appropriate for the proposed use, and that the proposed use did not constitute a change in use, and therefore no formal site plan application was required; a revised plan would be submitted to reflect the information requests of the Board.” Member Flaherty seconds the motion. Chairman Veysey asks if there is any discussion on the motion, then calls for a vote. The motion carries 9/0.

- Seasonal Camping Discussion—possible changes in zoning and clarification of language of 305-29.6

Planner Lewis summarizes the discussions held by the Zoning Board regarding camping in the River View Drive area, and he also mentions that camping has also been an item of discussion in the Gile Pond Road area. He indicates that at the ZBA hearings numerous members of the public stated they would like to see the current ordinances reworded, expanded, or changed to allow camping on private property which does not have a permanent residence. During those Zoning Board discussions he mentioned that the Planning Board didn’t feel comfortable about changing the camping ordinances back in 2010.

Approved 9/28/16

Member Freeman asks about tiny houses and Planner Lewis agrees with him that these too are campers since they are registered ; they have no foundation, associated well, septic or hookups to municipal utilities. He also mentions the safety issues with getting emergency services to these remote, unmanaged units. Member Starkweather suggests that Board members drive down River View Drive to see the issues involved with allowing camping.

Mayor Merrifield says that he understands about the sanitation and safety issues but also feels that there are legitimate recreational activities, including camping that shouldn't be dismissed. Member Brown asks how you monitor camping and Planner Lewis notes that other communities have provisions for that. Planner Lewis reviews the current camping provision as stated in 305-29.6 which is limited camping on property with an existing residence for not more than 15 days. For those wanting to camp in areas such as River View Drive, they would need to apply for a variance. A question arises about those 40-50 year old, abandoned campers and what is to be done about those. Member Testerman says that the city has to step up and spend the time and money necessary to take care of this and the problems of fire damaged properties that have not been torn down by the owners.

Chairman Veysey asks about issuing some sort of permit that covers the fact that you are camping at your own risk and you can't hold the city responsible if emergency services are unable to respond in time. Member Testerman suggest that we might want to talk to the city attorney about the wording and legality of such a document.

Planner Lewis asks again if the Board wants to change the camping ordinances in the city, stating that certain conditions, restrictions and parameters would need to be established, that those changes wouldn't be an amendment to 305-29.6 but a new camping regulation, city-wide or in specific zones. There is a consensus of the Board that camping is not allowed except as stated under 305-29.6.

- Reviews and comments on a building permit on a private road

Regarding the issuance of a building permit for the property on Gile Pond Road (an un-maintained road), Member Sullivan 'moves that the Franklin Planning Board send a positive recommendation to the city council for the issuance of a building permit for the proposed shed for the property owner Edison Chae.' The motion is seconded by Member Flaherty. Member Stangroom asks if there are other such structures already in the area; Planner Lewis states that there is a year-round residence directly abutting the property where the shed is proposed. Chair Veysey asks for all in favor to say 'aye'. The motion carries unanimously.

Chair Veysey again states his objections to the waiving of licensed, surveyed site plans from applicants.

Public Comment; Other Business; Planners Update: None

Adjournment: The August 24th meeting of the Planning Board was adjourned at 9:30 p.m. The next Planning Board meeting is September 28, 2016 with the deadline for submissions being September 7, 2016.