

**FRANKLIN PLANNING BOARD  
PUBLIC HEARING MEETING  
September 26, 2018  
7:00 p.m.**

**Minutes**

**Call to Order:**

☐ Pledge of Allegiance.

☐ Roll Call: Present—Chairman David Liberatore, Brian Barry, Christine Dzujna, David Testerman, Jo Brown, Tim Flaherty, Donna Tully, Mayor Tony Giunta, Tim Stangroom, Mike Freeman and Planning Director Richard Lewis.

Absent—Scott Clarenbach and Ted Starkweather. Donna Tully was seated in place of Ted Starkweather for voting purposes.

☐ Approval of July 25, 2018 Planning Board Minutes. Mayor Giunta motioned to approve the minutes and Jo Brown seconded the motion. No amendments were noted. The motion passed by a **vote of 9-0-1** with Christine Dzujna abstaining since she wasn't present at the July meeting.

**Old Business: Application Withdrawn**

☐ **P 18-05:** Dennis Day is seeking Site Plan approval to convert an auto service station to a take-out restaurant with outdoor seating. The property is at 150 South Main Street in the B-1 (Low density business and commercial) zoning district.

**New Business:**

☐ **P 18-08:** M & M Property Management LLC, applicant is seeking Site Plan and Special Use approvals to construct an Automotive Body Shop on Hill Road, Map/Lot 096-405-00 [Map Sheet L7] in the B-1 [Low density business & commercial] zoning district.

Mayor Giunta motioned to accept the application as complete. Member Jo Brown seconded the motion. **Motion carried by a vote of 10-0-0.**

Planning Director Richard Lewis mentioned that the memo and draft decision that he sent to the board addressed the fact that the application was a combination site plan and Special Use Permit [due to the proposed automotive-related activities]. He also included a list of questions that the board might wish to ask of the applicant.

Tim Bernier of T.F. Bernier, Inc. Land Surveyors prepared the plan for Mike Moses. He explained that Mike Moses was already operating an auto repair garage alongside Benson's on North Main Street and it is just a matter of relocating the business to the Hill Road property which has been vacant for a number of years. He is proposing a 5480 sq. foot building with a total of 14 parking spaces. They are requesting two waivers, one for an illumination plan and

the other for a stamped architectural landscape plan. There will be only 2 exposed, downward facing exterior light fixtures on the north side of the building which abuts city property. There will be 2 recessed lights under the entry roof and two more under the southside shed roof that will allow customers to inspect their cars out of the weather. Mr. Bernier called the board's attention to the landscaping plan included with their packets. Their design focuses on a residential use. The property is located just north of Robert's Market which is located at the corner of Route 11 and NH Route 3A. There is only one resident on Route 11 who abuts the Moses property. Several existing trees separating the properties have been saved and they intend to plant some evergreens and paper birches along the south lot line. There is a catch basin that the State put in, but it is just a leaching basin and doesn't go anywhere. The plan proposes rain gardens and the planting of red maples to give the lot some character. The only sign proposed is the wall-mounted sign used at Mr. Moses's current location. All of the work will be done inside, no cars will be for sale, and all cars will be brought inside at night to protect them from vandalism. The Special Use Permit is required since this is an automotive business in a business/commercial zone. A lot of the items aren't applicable since this is a relocation and all work will be done inside.

Member Flaherty questioned the one plan that shows 13 parking spaces (landscape plan) and the other 14. Mr. Bernier stated that there will be fourteen parking spaces. Member Flaherty asked about the parts that are removed from the cars and was informed that used/broken parts would be placed in a dumpster and picked up by a waste management firm.

Member Stangroom asked if the proposed lighting would be sufficient during the autumn and winter when it gets dark at five o'clock. The site designer felt that the lights planned would be sufficient. Planner Lewis added that if additional lighting was needed, the applicant would need to apply for a mechanical or building permit at that time.

Public: No one from the public rose to speak.

The discussion was brought back to the board: Planner Lewis asked if the shop would be open on Saturdays and Mr. Moses said that not generally.

Mayor Giunta thanked the applicant for choosing to keep his business in Franklin and then motioned to approve the application. Member Brown seconded after commending Mr. Bernier for submitting such detailed plans. Planner Lewis added that the motion to approve needed to be amended with a statement that the board grants the waivers as requested by the applicant.

**The amended motion to approve the application passed with a vote of 10-0-0.**

- ☐ **P 18-09:** PermaCityLife, owner & applicant requests Subdivision approval to create 3 individual Condominium Units for property located at 361 Central Street, in the B-2 [High density business & commercial] zoning district.
- ☐ **P18-10:** PermaCityLife, owner & applicant requests Subdivision approval to create 3 individual Condominium Units for property located at 355-359 Central Street, in the B-2 zoning district.
- ☐ **P18-11:** PermaCityLife, owner & applicant requests Subdivision approval to create 8 individual Condominium Units for property located at 366-378 Central Street, in the B-2 zoning district.

Motion to accept the application **P18-09** as complete was made by Member Brown and seconded by Mayor Giunta.

Planning Director Lewis informed the board that the last condo application came before the board in 2008-2009. Of the four condo creations only one remains; all the others have been rescinded. An overall memo deals with the general concerns with creating the condos. There are also individual memos for each site to deal with specific concerns regarding that property. Condoizing a building is outlined in a couple different RSAs and it is part of the subdivision process. A Board can't deny a condo request because in essence it is just a change in the type of ownership. However, as pointed out in the applications for the Buell Block and Toad Hall, there are some overlapping issues that will come into play with the site plan applications for the restaurant or the micro-brewery restaurant.

Member Tim Flaherty asked about the new owner of Buell Block since the application was submitted. Mr. Lewis said that he made an administrative decision to list new owner, but that the applicant is still PermaCityLife.

**Chair Liberatore called for a vote to accept the application as complete. The vote was 10-0-0 in favor.**

Todd Workman, applicant, said that they were not making changes to building, but a more vested interest in the property could be achieved by taking the larger property and dividing it between multiple owners. This arrangement also offers the possibility of bringing more small business owners into the downtown. Two of the identified uses are the restaurant and the micro-brewery that will put a higher burden on the water and sewer for those businesses. He proposes to sub-meter those utilities in those buildings.

Brian Barry, Acting Director of Municipal Services added that he had spoken with Mr. Workman about remaining with a single curb cut, and instead installing separate, secure meters inside the building for billing purposes. That way if one occupant is delinquent in their payments, the city won't have to shut off services to the rest of the building. Mr. Workman said the cost of that system would be borne by the property owners. He went on to mention a joint site plan along with the condo application and the intention to have a restaurant at 361 Central Street [Toad Hall]. That restaurant will need a place to keep a dumpster. He suggested that some space in the city parking lot behind Toad Hall be leased to the restaurant to place the dumpster.

Mayor Giunta recognized that there are many issues that need to be worked out with the City Council, and that instead of spending hours here those details should be worked out by the city. Mr. Workman asked if that would be an administrative motion instead of coming back to the Planning Board. He was told that was so. Member Jo Brown asked if each of the applications would be voted on individually since she would have to recuse herself from the Buell Block Property. Planner Lewis indicated that each application would need a separate vote.

Member Tim Stangroom noted an error on sheet two of three on the Condominium Conversion for 361 Central Street which incorrectly labeled the building to the east as 361 Central Street instead of 355. He asked that a change be made to the plan.

Member Michael Freeman asked if a new condo owner would need to come back to the Planning Board with their new business plan. Chair Liberatore said that the proposal that Mayor Giunta made would eliminate that need, that it would be handled administratively with the City Council and Director Lewis. Member Freeman asked if hereafter any proposed business or condo purchase, regardless of the business, would be handled administratively instead of coming before the Planning Board. Director Lewis answered that under the Zoning/Site Plan regulations, certain change in uses may trigger a need for a new site plan. That would be dealt with on a case by case basis. Mr. Workman acknowledged that putting in restaurants in the two buildings would require a change of use and stated that they had submitted a site plan for change of use to the board as well.

Planner Lewis said that the application he received was for the subdivision and didn't include any site plans. Based on the outstanding information there would still be a need for site plans for Buell and Toad Hall. The amount of additional information would be minimal in that a full survey plan was submitted. Mr. Workman stated that he submitted a site plan and asked if a site plan would require coming back to the Planning Board or would it be handled administratively. Planner Lewis stated that it would have to come back to the board. Mr. Workman said that would be fine, but for the record they did submit two site plan applications as well. The recording secretary said she had a recollection of seeing a site plan with the original package.

Member Brown asked if on the site plan for the new brewery, since it is under new ownership, would that requirement fall on Todd or the new owners. Planner Lewis said that since the applicant was the same on all three properties, there wouldn't need to be a change as far as who submits the site plan.

Mr. Workman said that the site plans he submitted dealt with both Toad Hall and the Buell Block. He added that the only outstanding issues on the site plan would be where dumpsters would be placed and an arrangement with the City to rent space in the parking lot. Member Brown remarked that they would also need to do that with the air conditioner units behind Toad Hall as well. Mr. Workman said that due to the number of ductless air conditioner units, the contractor opted for building wooden platforms instead of mounting them to the outside wall brickwork. There is a question if the legs of those platforms sit on city property.

Member Flaherty asked Planner Lewis about the requirement for a sprinkler system in one of the buildings. The Planner said that would be handled with a building permit that would need to be approved by the Fire Department.

Mayor Giunta asked Mr. Workman if time was of an essence with regard to the site plans, and Mr. Workman answered that it is, due to some possible real estate transactions. There are developers and investors looking into purchasing some of these spaces and it would be contingent upon having some of the approvals on hand.

In searching through the application submissions, Planner Lewis found a site plan application for 361 Central Street, but not one for 366 Central. Mr. Workman indicated that the 366 property has a buyer wishing to put in the restaurant and brewery and financing would be

conditional upon this. Member Brown asked if the Board could go ahead with that property since things are moving along.

Mr. Workman indicated that he was fine with the approval of the change of use to allow restaurants at 361 and 366 Central Street with the known variables being addressed administratively with things like dumpster location, and the separation of water and sewer.

A Board Member asked if such an action would trigger having abutters notified. Could there be some legal ramifications by taking the administrative route? Todd Workman stated that a restaurant in this zone is a permitted use. If the site plan could be referred to administrative approve, he would be happy with that.

Member Brown asked that given the conditions that Todd outline, could this be approved as amended. Could this be a conditional approval?

Planning Director Lewis requested a recess to find the paperwork for 366 Central Street. The Chairman called for a twenty-minute recess.

At approximately 8:15 PM the meeting reconvened.

Mr. Lewis announced that no site plan was found for the 366 Central property, but proposed that, upon study and reflection, the following finding be integrated into the decisions for 361 Central Street and 366 Central Street. "It is the determination and opinion of the Planning Board that the necessary approvals for the change of use for the subject property, can and should be handled administratively by city staff and, if necessary, the City Council. This position is supported by the fact that the proposed uses [restaurant and/or micro-brewery] are permitted uses in the B-2 zoning district.

Mayor Giunta motioned for the amendment to the decision be approved. That motion was seconded by Member Testerman. **By a vote of 9-0-1 the motion carried with Member Jo Brown abstaining.**

Planner Lewis asked if anyone had any questions regarding the issues outlined in the three separate memos. Finding none, he suggested that all three applications be handled separately.

Mayor Giunta move to accept the subdivisions/condo conversion applications for P18-09, P18-10 and P18-11 for properties on Central Street. Member Mike Freeman seconded the motion. Chairman Liberatore asked for any questions or discussion.

Member Stangroom asked if parking was going to be handled by the City Council administratively. He also asked if the condos included any residential units and what would be done about parking for those units.

Director Lewis referred to the points on the memo regarding Todd Hall [361 Central Street] that because the third-floor unit of that building is destined to be a residential unit, they would need to fulfill the parking requirements. The parking requirements is 1-1/3 cars, so basically, they'd need two spaces. PermaCityLife is seeking permission from City Council to get 7 spaces out of the Franklin Street parking lot. Whether the City approved two or seven parking spaces is a topic of discussion. As far as the parking behind Buell Block, when the City undertook parking improvements in 2011-12 utilizing the Federal funding, to create municipal parking lot we

integrated the paving and the curbing for the municipal parking lot with the privately held land directly behind Buell Block. That resulted in 6 or 7 clearly owned Buell parking spaces with two spaces divided by the lot line. One might be given to Buell for their residential units or both could be deeded or leased to Buell which will be dealt with by the City Council.

Member Stangroom asked about noise and time constraints for a restaurant/comedy venue on the lower floors of 361 Central Street if the third floor is a residential unit.

Planner Lewis answered that it is more of buyer beware. At one time an interested buyer was thinking about a restaurant on the ground and a function hall on the second floor. Right now, the second floor of Buell merges with the second-floor business office space at 355 Central. They use a common stairway. Hopefully there would be some sensitivity to times, hours of operations, etc. Mr. Workman noted that for a time he lived on the third floor and never experienced any noise problems.

Planner Lewis asked for clarification that the motion made covered all three buildings and the proposed condition would apply to all three although it doesn't directly impact 355 Central.

Mayor Giunta again asked for clarification that all three subdivision applications with the amendment be approved with one vote. He was told that it did. Member Brown asked if the motion made included the site plans. Planner Lewis said that was the case, so Member Brown recused herself.

By a **vote of 9-0-1** [Member Brown abstaining] the motion was approved.

**Public Comment:** none

**Other Business:** Member Testerman mentioned a recent issue with homeless camping on private property. Unless the owner posts or makes a complaint, the police indicate that there is nothing they can do. As Member Testerman understood it there was a zoning ordinance in 2016 to make some provision for camping on private property. Although he is loath to take away from private property owners, in some cases, it may be necessary. Planner Lewis said he would check with the Chief of Police regarding the issue.

Planner Lewis went on to mention that next Wednesday is deadline for Oct 24<sup>th</sup> meeting. So far there has only been one application filed proposing a restaurant in the Syndicate Block. Based on the determination and opinion issued for the properties discussed tonight, he would need to reconsider how to handle the site plans on this property. He added that we usually hold the November meeting on the second Wednesday of the month so as to avoid conflict with the Thanksgiving holiday. The 2<sup>nd</sup> Wednesday is reserved as a workshop day for Planning.

Member Stangroom inquired about two different properties, the Domino's Pizza on Central Street and Elks property and the possibility of contaminated gas hindering the purchase of that property by Cumberland Farms.

Mr. Lewis said that there was a title problem on the property for Domino's that has been resolved and that they closed on that property about two weeks ago. Brian Barry and Justin from the water division

held a preconstruction meeting with the people from Dominos a couple weeks ago to review scheduling and time frames for certain work. Dominos has already installed the gas line across Central Street approximately in front of the Soda Shoppe. They'll probably be in for a building permit in the next couple of weeks. The Elks property abuts the old Ciao Pasta property that was taken by the City by tax deed a couple years back. Various types of environmental monitoring and investigation have been performed utilizing funding from the Lakes Region Planning Commission. The Ciao Pasta site was archeological in nature where every time they dug they found more and more. They found two car lifts, various tanks, oil pits, etc. EPA had some additional available funding that we've been able to utilize working cooperatively with DES and Nobis Engineering. They put together a work plan that has been approved by DES and EPA. Work will start within a week to ten days. They will be installing a couple of test wells on the opposite side of Central Street behind Al's Pizza area. The contamination on Ciao site spills over onto old Elks site. Mr. Lewis's understanding is that all necessary extensions to P & Ss have been signed and Nobis has been in regular contact with the environmental firm for Cumberland Farms. Everything is moving on a positive track with clean up and they should be closing in late fall or early spring.

**Planner's Update:**

**Adjournment:** Member Stangroom made a motion to adjourn which was seconded by Member Brown. The motion passed with a vote of **10-0-0** at 8:36 pm.

Minutes recorded by Cheryl Y. Fisher, Administrative Assistant Planning & Zoning

- The next Planning Board regular meeting is scheduled for October 24, 2018 at 7:00 p.m. and the application dead line date is October 3, 2018.