

**FRANKLIN PLANNING BOARD
PUBLIC HEARING MEETING
February 27, 2019
7:00 p.m.**

Minutes

Call to Order:

☐ Pledge of Allegiance

☐ Roll Call: Present—Brian Barry, Jo Brown, Christine Dzujna, Kathy Lauer-Rago, Tim Stangroom, Ted Starkweather, & Planning Director Richard Lewis
Absent—Mayor Tony Giunta, Chairman Dave Liberatore, Tim Flaherty, Donna Tully and David Testerman. Michael Freeman turned in his resignation on Monday, February 25th.
City Council Representative Jo Brown will act as Chairman in the absence of Chairman Liberatore. For voting purposes, Kathy Rago is seated for David Liberatore.

☐ Approval of December 19, 2018 Planning Board Minutes. Members Starkweather/Barry motioned/seconded approval of the minutes. Member Stangroom pointed out two typos. **By a vote of 5-0-1**, the minutes were approved with corrections [Member Dzujna abstained – not present for that meeting].

Old Business: None

New Business:

P 19-01: Vulgar Brewing Company LLC, applicant & Buell Block Properties LLC, owner, are seeking site plan approval for interior renovations to develop a restaurant/brewery at 378 Central Street [Map/Lot 117-151-00, Map Sheet N8] in the B-2 [High Density Business & Commercial] zoning district.

Members Starkweather/Dzujna motioned/seconded that the application be accepted as complete. **By a vote of 6-0-0 that motion passed.**

Mr. Damon Lewis from Vulgar Brewing told the Board that his company has been working with Buell Block LLC, who will be doing the build out for the restaurant space. The main entrance will be off the park near Central Street. He walked the members through the plan, mentioning that there are two handicap accessible bathrooms to the left of that entrance and in front of that, on the Southeast corner of the building, is the brewing area where they will actually be making the beer. This location allows for pedestrians to have a great view of the operation. The two doors that currently lead into Outdoor NE will be sealed off, eliminating access to the brewery/restaurant. Continuing toward the rear of the building is the seating area and bar which will have 48 seats and two exterior doors to access the patio dining area. There will be a handicap

accessible ramp to a back door and back parking lot. This interior ramp leads down to the lower section of the building where tanks and kegs of beer for serving will be stored in a walk-in cooler. The cooler will only be accessible to employees and locked when not in use. There is another bathroom in this back section which is also handicap accessible. There may be additional seating in this section depending on how everything works once they are up and running. This area may just be used for additional storage. Finally, in the back is the kitchen area. They are looking at doing a pizza oven installation, no fryers or griddle tops, but still have a fire rated ventilation system. There will also be a dishwashing section and a prep section.

Member Stangroom asked about the ramp within the park. Damon answered that the ramp is necessary to manage the height difference between the doors and the ground. Member Stangroom wondered about the impact of the patio and walkway on the tree in the center of the park. For example, for the Christmas tree lighting. Marty Parichand said that when the new owners inherited the building, they also inherited the easement from City Council regarding the patio space. The restaurant, or whoever, would have primary use of the patio space except during those events like the tree lighting. He added that the measurements on the plan are the same as those recorded on the plan with the Merrimack County Registry of Deeds. Mr. Stangroom then asked about outdoor lighting for the patio and Mr. Parichand said that the patio and walkway portion that is depicted on the plan is not part of this site plan application for the interior renovation. They are working with the City to include lighting and the renovation of the fence and signage. There is not a set schedule for that yet. Obviously, the interior restaurant and exterior patio/walkways and ramps must align, but in a worst-case scenario a temporary ramp could be installed in the park with a permit to allow Damon to get going with the brewery.

Member Stangroom was also concerned about the noise generated with outdoor dining and asked about the hours of operation. Mr. Parichand said that personally he felt that the noise would be a good thing; showing people having a good time in outdoor spaces helps to market Franklin in a positive light. The areas themselves would comply with state requirements with serving alcohol or food in a public space. There will be a clear definition of space. Customers won't be allowed, in any capacity, to take a beer outside the premises. There will be a few gated walkways that are depicted by stairs which have a chain that complies with state law. Noise could be an ongoing conversation with the brewery, for example no live music outside in the park without compliance with the city ordinances already in place.

Damon Lewis told the board that right now they are thinking of Thursday, Friday, Saturday and Sunday with the possibility of adding Wednesday if there is a demand. Wednesday and Thursday hours would probably be 4-9 or 10 pm. They are not a bar, they're a brewery so they don't intend having any parties. They don't plan on having any live music at this time, but if there are special events, they'd acquire approval as needed. Ten is the latest they are planning on being open. They are looking at building a sense of community around the place. They would primarily be serving dinner except for Friday, Saturday and Sunday, when they would be open for lunch as well.

Member Starkweather asked if all the deliveries would be going through the dining area. Damon said yes, but that the deliveries would be scheduled before opening or after closing on those days. Acting Chair Brown inquired about tenants' parking. Mr. Parichand answered that the apartment tenants have dedicated parking. Patron parking will be in the city lot. The nook or end field area will only be open for short term commercial parking or for deliveries. Member Stangroom asked if there would be additional signage to keep patrons from parking in the tenants' spots. Mr. Parichand said that he has been working with Planner Lewis on marking those spaces with a sign for each space centered on the space. It will be marked as Tenant Parking Only or Private Parking. There are seven spaces closest to the building set aside for the tenants. Member Stangroom also asked about the dumpster situation. Mr. Parichand said that from an ownership perspective the dumpster responsibility will fall on the tenant. The restaurant will have a commercial dumpster, not the two-barrel system being used by the apartment tenants. The apartment tenants place their trash in the nook area.

Planner Lewis said that in other discussions between Marty and himself, they've worked on the design of the park. Mr. Parichand added that the park project is a bigger project that will necessitate collaboration with the city. The principals for the easement that PermaCityLife went for will be maintained. This includes the ADA accesses as well.

Member Dzujna asked about the existing shed and the fact that in its current location it blocks the view of the park. Mr. Parichand said that this is a work in progress, the shed still serves a function. The shed contains electrical hookups. The shed was originally a Lakes Region tourism booth with brochures. That use is no longer required. One plan would remove the shed entirely. Another plan would move it to the back and re-sided to match the building or the theme of the fence or lighting. Member Starkweather mentioned that the electronical components were originally outside and could possibly be placed outside again with plantings to hide them.

With no further comments from the applicants, Chair Brown opened the meeting to the public. Councilor George Dzujna said that he is very excited about this and that the city has been waiting a long time for this to come. It looks like the applicant has done their due diligence. That shed was turned over to the city about four years ago and the electrical system is only for the timer for the Christmas tree, it doesn't affect the downtown lighting. Brian Barry, MSD, confirmed that the power comes from the pedestal over on Canal Street and runs underground. Councilor Dzujna mentioned that the only other function of the shed is the storage of the Christmas tree lighting and star, but those items could be moved to another location.

Chair Brown closed the public comment session. Member Stangroom asked about item #4 in the stipulations which states that the waivers aren't necessary. Planner Lewis said that the waiver regulations pertain more to undeveloped lots than to solely interior renovations. Planner Lewis also suggested adding one additional finding: that the final plans for Marceau Park will need to be approved by both the City Council and the Heritage Commission. Chairman Brown asked for a motion to approve the application with the additional condition. That motion was made by Member Starkweather and seconded by Member Dzujna. **The motion passed with a vote of 6-0-0.**

Public Comment: Maureen Farmer, 25 Duffy Street, wanted to follow up on the December 19th meeting. She asked if the application to change the end of Duffy Street to commercial was voted on. Planner Lewis explained that the discussion at that meeting was just a conceptual discussion. Before they would be able to work on that site, they would need to come back to the Planning Board for a formal hearing on the site plan, which would include detailed plans, lighting, landscaping, access, etc. There would be another notice and mailings to abutters. Ms. Farmer told the board that several houses have sold since that time. Of the four abutters, one died last winter, a second house was just bought by a new young couple and the third property owner was upset at seeing more trees cut and put her house up for sale. It sold within two weeks. Ms. Farmer is not an immediate abutter but, she has concerns about the access and wondered if that would be part of the discussion. She mentioned the damage done by the logging trucks to the road. Her second concern was the type of fencing being used: wood versus chain-link. And lastly, the Proctor Street extension. She added that if the access is from the foundry, there is no need to work on Proctor Street extension, but if the access will be off Duffy Street, that is another matter.

Planner Lewis assured Ms. Farmer that she could contact him at any time and mentioned that all public hearing notices are posted online, at the City Hall and at the Proulx Center. So far, the developer hasn't made further contact regarding plans or schedules. They heard all the comments raised and hopefully they will take those comments into consideration and build them into their plans. He assured her that the Planning Board does have some control as to where they access the property. Ms. Farmer stated that after the December meeting more trees have been marked and that was one of the reasons her neighbor put her house up for sale because if more trees are coming down it is the whole logging truck problem all over again. Planner Lewis clarified that the original logging was undertaken by the previous property owners. The development firm closed on the Little Trust property about 2-3 weeks ago. Site designers are probably working on something now, but the filing for the March meeting is next Wednesday, so whether they'll be ready for the March meeting is unsure. However, in any case, the Planning Office will see that Ms. Farmer gets notification of any meetings regarding that project.

Other Business: None

Planner's Update: There were two items included in the meeting packet. One was an email from DES regarding recruitment for new members for the Pemigewasset River Advisory Committee. Appointment is made by the commissioner of DES for a three-year term, so if anyone is interested please contact Director Lewis. The second item regards a review of the zoning ordinances. He has highlighted three sections that could use some revision: ADUs [Accessory Dwelling Units], cell towers, and signs. And perhaps the setbacks in the Lake Protection zone. At this time, he hasn't received any plans on the solar project on Commerce Drive, but a meeting with Cumberland Farms is scheduled for mid-March.

Member Stangroom asked about signage changes from the Supreme Court and Planner Lewis said that the two Planning Language attorneys were preparing a model ordinance but he wasn't sure if that has been completed yet. Chairman Brown mentioned the ongoing LEAN project and its consideration of signage.

Member Stangroom then asked about the Cumberland Farms' move to the new location. Planner Lewis said there would obviously be a transition period between the closing of the one site and the opening of the other. He is not completely versed with DES to know what all that involves, presumably Cumberland Farms will move the fuel tanks from the old location to the new location. Once the old site is cleared, there has been some suggestion of using the property for a small mostly take out restaurant, but nothing is settled yet.

Planner Lewis mention one last item, that of Michael Freeman resigning his position on the board. That opens up the opportunity of meeting at six o'clock instead of seven o'clock. The Board can consider that change.

Adjournment: Members Starkweather/Stangroom motioned/seconded for adjournment. All were in favor and the meeting closed at 7:45 pm.

These minutes were recorded by Cheryl Y. Fisher, Administrative Assistant Planning & Zoning.

- The next Planning Board regular meeting is scheduled for March 27, 2019 at 7:00 p.m. and the application dead line date is March 6, 2019.