

**FRANKLIN PLANNING BOARD
PUBLIC MEETING
August 25, 2021 6:00 p.m.
City Hall, Council chambers**

Minutes

Call to Order: Chairman Libertore called the meeting to order at 6:00 p.m. EDT

Attendance - Present: Chairman David Libertore; Councilor Jo Brown; Mayor Olivia Zink; Ted Starkweather; Christine Dzujna; Rob Sargent; Christine Sheedy; David Testerman; Donna Tully; Tim Flaherty; James DeBernardo
Planning Director Seth Creighton. **Absent:** Kathy Lauer-Rago
Chairman Libertore seated Alternate Member Tully to vote in place of Member Lauer-Rago.

Pledge of Allegiance

Approval of Minutes from 7/28/2021. Member Dzujna made a motion to accept the minutes from 7/28/2021, seconded by Councilor Brown. **Motion passed 6-0-4**, with Members Sheedy, Testerman, Tully and Flaherty abstaining due to being absent from that meeting.

☐ New Business:

- ☐ **P 21-10:** Cumberland Farms, Inc. is seeking site-plan approval, with Special Use Permit, to develop three parcels with a new convenience store and gas station. The site is located on the northwest corner of the signalized intersection West Bow Street and Central Street. The proposed Cumberland Farms would be located on three parcels identified by the City of Franklin's Assessor's Map 117 Lots 130, 131, and 135. The property addresses are 192, 196, and 202 Central Street in the B-1 (Low-density Business and Commercial) zoning district. The use proposed is permitted within the B-1 District upon issuance of a Special Use Permit from the Planning Board, the use is classified as "motor vehicle-oriented businesses."

Councilor Brown made a motion to accept the application, seconded by Member Dzujna. Motion carried 9-0-0.

FX Bruton, attorney for the applicant, gave a brief introduction to the project. He thanked everyone for entertaining the application as it has been a long project and they are excited to be expanding their operations in Franklin. They are looking to invest approximately \$4 million in the City of Franklin. He gave an overview of how the look and style of the building evolved with the work of the Heritage Commission. He explained that the parcels of land involved are in disrepair and their proposal will greatly improve the area. They will be building a 4650 sq. ft. convenience store and 8-dispenser fueling station. He explained that the cannon that is currently near the subject property belongs to the City, but is on a separate City-owned lot and the City will determine what happens with it. He explained that due to the nature of the properties and type of business, a Special Use Permit and Site-Plan Approval are required. He introduced Chris Tymula and Heather Monticup from Greenman-Pedersen, Inc., the engineering firm on the project. He also said that they would have some questions about the potential conditions of approval they had been sent.

Mr. Tymula gave a very detailed overview of the entire project including the demolition of existing structures, the layout and design of the building, the driveways, size of the store, number of pumps/dispensers, and parking. He explained the Fire Department had asked about removing four parking spaces to allow for easier access/maneuvering of fire trucks but they felt those spaces would be ideal for employee parking. He explained the reduction in impervious surface would actually improve drainage on the site and gave a detailed overview of the entire drainage/stormwater mitigation design which would direct water towards the street into stormwater drains and away from neighboring properties. All of the utility connections would be new and landscaping would include low-growth greenery and grass. Finally, he highlighted

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the unique features that were approved by the Heritage Commission including the brick and clapboard siding, brick on the signs, square pillars and gooseneck lighting fixtures to add to the industrial look of the area.

Chairman Liberatore mentioned that the church had concerns about drainage because they had experienced some problems with the Peabody Home on the other side of them. Mr. Tymula clarified how the drainage pattern would flow specifically to not go towards the church or Municipal Services Garage.

Mayor Zink asked about the diesel pumps and what is the accessibility for large diesel trucks. Mr. Tymula explained that tractor-trailer trucks are not their customer as those vehicles require high-speed pumps to fill up and, thus will go to special fueling stations.

Member Dzujna asked about fencing and light trespass from the store and canopy. Mr. Tymula explained there will be a 6-foot stockade fence to protect the church and all lighting will have shields so it will not disturb the neighboring properties. Chairman Liberatore asked if it was a 24-hour store; Mr. Tymula confirmed that it will be. Member Dzujna followed up with concerns about the noise factor of a 24-hour business. Mr. Tymula confirmed that they are not typically busy throughout the night, their business model is usually for quick-trips so noise is minimal.

Member Starkweather asked for clarification of the “jellyfish” system for stormwater management. Mr. Tymula gave a detailed explanation of how it functions and that it is a NHDES approved system. Member Sargent asked about the specific locations of driveways and curb cuts. Mr. Tymula explained that those were determined by accessibility for the tanker trucks to safely fill the underground tanks. Member Dzujna asked about snow removal and where it will go. Mr. Tymula explained that once the grassy areas reach capacity, it will be trucked off-site.

Director Creighton brought up some of the proposed conditions of approval based on the concerns of the Fire Department (FD) and Municipal Services Department (MSD). First, the four parking spaces being considered for removal could either be removed, or left and add an earthen berm to prevent headlights from shining into the neighbor’s property. Second was a concern for access to the MSD garage for maintenance, could be done with an easement, Right-of-Way or lot line adjustment. Last was the need for a site-merger once the remediation clean-up was complete. Cumberland Farms explained that the parking space removal would wait for the turning radius template from the FD. If that determined it would be necessary to remove, they would be happy to do the berm. For the ROW/easement, they would agree to allow MSD access as either an easement or ROW but did not want traffic along that line. Last, Attorney Bruton explained the need for a Zoning Board of Adjustment variance due to the unusual nature of the lots.

The meeting was then opened to public comments.

Paul Duncanson, representing the Unitarian Universalist Church (abutter) spoke about several concerns/questions they had. They are happy to have the property developed as it has become an eye-sore. Concerns were:

- Emergency management planning
- Location of dumpster – concerned about rodents
- Electric charging station provisions
- Would the proposed fencing continue to the boundary line – they have had a problem with break-ins by homeless people
- They are happy with the stormwater management system but would like grass areas to maintain same elevation as church property to prevent run-off towards church
- Snow removal – storage/snowmelt concerns
- Noise level from advertising screens at pumps – would not want it to occur on Sundays during their services.

Mr. Tymula addressed the concerns:

- All employees are trained in emergency procedures. There are drains to manage any spills.
- They do not use standard dumpsters, there are no doors for rodents to get into. They have secure lids on top and are sealed all around so rodents cannot get in.

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- Electric charging stations are not in the plan as they are cost prohibitive at this time.
- The fencing will abut the existing fence but they can extend it to the back property line. They will extend it out 20 feet towards the road but can not go any further as it will block the site-line of traffic.
- Drainage – there will be no change in elevation so no change in drainage
- Snow will melt towards the road as part of the stormwater management plan away from the church
- They have no general music playing from the store at any hours.

Cheryl Fisher of 213 Pleasant Street asked about hours of deliveries to the store, commented on EV charging stations and inquired about a landscape maintenance plan. Mr. Tymula confirmed that deliveries are done during off-peak hours and they take pride in the appearance of their properties so they will always maintain the landscaping. Attorney Bruton also spoke to the interest in EV charging stations and said the Cumberland Farms is committed to improving and being state-of-the-art stores so if EV becomes desirable and cost-effective, they will adapt. Chairman Liberatore spoke to the history of convenience stores adapting to the needs of their customers.

Member Flaherty added that charging stations require more time than the average convenience store customer spends at a location. Member Starkweather asked Director Creighton about the parking space concerns. Director Creighton explained they had concerns about the turning radius. Member Starkweather expressed that limiting them to compact cars would be another compromise. Mr. Tymula said they will make a decision based on the turning radius template from the Fire Department.

Tim Alberts – owner of 1 Dufenette St (abutter) expressed concerns and questions about a concrete wall that abuts his property. Mr. Tymula explained the wall will be staying but they will be adding a 4-foot chain-link fence on top of it to minimize on trespassing.

Dennis Donahue – 29 West Bow Street – expressed concerns about light-trespass into his yard and the fencing. Mr. Tymula suggested adding privacy slats to the fence to cut down on lighting. Director Creighton suggested planting evergreen bushes instead as the plastic slats tend to break and look unkempt quickly. Mr. Tymula agreed to that compromise.

Mr. Duncanson came back to the podium to clarify what was being done with the fence. It will be continued to the back property line and add 20 feet towards the front. Mr. Tymula agreed it would go to the back pin and they will add to the front as much as they can without affecting the site-line. Mr. Duncanson also was concerned about a drainage basin that exists currently and whether it will stay. He also thanked the team for their accommodations and willingness to work with them. Mr. Tymula confirmed that the original plan was to remove that basin but if the church wants it left there, they will leave it.

Director Creighton also confirmed that one of the conditions of approval is that maintenance be done on a regular basis.

George Dzujna – 158 Sterling Drive – commended the Board and the public for the questions and the work being done by everyone.

Chairman Liberatore brought it back to the Board for discussion.

Mayor Zink asked about the ADA compliance of the sidewalk tipdowns. Director Creighton confirmed that they would be ADA compliant. He also suggested they remove that basin that the church asked about so it does not disperse the contaminated soil. Mr. Tymula said he had been asked to propose a manhole structure on West Bow Street but they are planning to use the current access point. Director Creighton explained that if a blockage occurs, it would be better to have the access on West Bow Street so as to not block Central Street.

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Member Sargent spoke regarding the concerns of the abutters. He felt that the concerns of the church had all been addressed but wanted to confirm with the other abutters that their concerns had been addressed and were they satisfied with the answers. Mr. Albert wants to review the manhole plan as it could impact access to his business. Mr. Donahue confirmed the fencing should provide adequate protection for his backyard. Director Creighton confirmed that the location of the proposed manhole structure should not impact Mr. Albert's business.

Councilor Brown made a motion to approve the site-plan with Special Use Permit with the conditions discussed. Motion was seconded by Member Starkweather. Director Creighton summarized the changes in conditions that had been discussed as follows:

- Parking spaces – either compact cars or removal depending on FD turning radius requirement
- Dumpster would not have doors, only secure lids to mitigate any rodent issues
- Fencing/evergreens to mitigate security concerns and light-trespass issues
- Fencing will extend to rear lot line and 20 feet towards the front
- Noise level of speakers at fueling pumps will be controlled
- 4-foot fence at back corner to mitigate trespassing/security concerns.

Attorney Bruton also added the change in the merger clause that they had requested. With no further discussion, a role-call vote was taken. Motion carried unanimously 9-0-0.

☐ **Old Business:** None

Public Comment: None

Other Business:

Planner's Update:

Adjournment: Mayor Zink made a motion to adjourn the meeting; seconded by Councilor Brown. **Motion passed 9-0-0. Meeting adjourned at 7:38 p.m.**

- The next Planning Board regular meeting is scheduled for September 22, 2021 at 6:00 p.m. and the application dead line date is September 1, 2021.

Respectfully submitted,

Judy Bibbins
Planning & Zoning Administrative Assistant