

**FRANKLIN PLANNING BOARD
PUBLIC HEARING
February 22, 2023 6:00 p.m.
Franklin City Hall, Council Chambers**

Minutes

Call to Order: 6:00 p.m.

Attendance: Chairman Dave Liberatore, Mayor Jo Brown, Councilor Valerie Blake, Kathy Lauer-Rago, Christine Dzujna, Alternate Councilor Ted Starkweather – seated for Rob Sargent, Alternate Donna Tully – seated for Tim Flaherty, Alternate James DeBernardo – seated for Christine Sheedy. (Absent: Rob Sargent, Tim Flaherty, Christine Sheedy). Staff present: Planning Director Seth Creighton; Planning and Zoning Administrative Assistant Judy Bibbins

☐ Approval of Minutes from 12/14/2022.

Member Dzujna made a motion to approve the minutes, seconded by Mayor Brown. **Motion carried 8-0-0.**

☐ New Business:

3 Kenwood Avenue, Map-Lot 128-404-01, is seeking Planning Board review and recommendation on their request to build/occupy a new home on a private road, Kenwood Avenue. NH RSA 674:41 requires the Planning Board to offer a recommendation to the City Council on this matter.

Keith McLeod, contractor for the applicant, spoke on the project. He explained that the driveway was actually already existing and that the property owner had secured a building permit previously but was unable to get the project started and the permit expired. They are seeking approval to build on a private road as was previously approved.

Director Creighton explained that the alternative is putting a driveway on a state road and the State has requested that the driveway not be on Rt. 127 as they prefer to limit the number of driveway cuts on state roads. He explained the purpose of the Municipal Release of Liability and that the Municipal Services Director and Franklin Fire Chief had already reviewed the application and had no concerns.

Chairman Liberatore opened the application to public comment but with no comments made, it was closed and brought back to the Board. Mayor Brown made a motion:

“I move to support Mr. Parenteau’s request to construct a new home for year-round occupancy at 3 Kenwood Ave (private road), Map-Lot 128-404-01, with the condition that the City’s standard Release of Liability be signed by both parties and recorded at the Merrimack County Registry of Deed, prior to issuance of a building permit.” Motion was seconded by Councilor Blake.

Motion carried 8-0-0.

☐ Other Business:

- Amendment to sections 305-19, 305-20, and 305-22 of Chapter 305 “Zoning”, of the General Ordinances of the City of Franklin regarding parking requirements
Director Creighton gave an overview of the proposed changes and the reasoning behind moving them from the Zoning Ordinances to the Site Plan Regulations. He explained that in his experience, when parking requirements are part of the zoning ordinance they are a hindrance to developers because if they cannot meet the requirement exactly and are forced to go to the Zoning Board for a Variance, they will just find another

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community. By moving it to the Site Plan Regulations, the requests come before the Planning Board and there is more flexibility in approvals. The parking changes are primarily focused on the downtown area where parking is very limited.

Chairman Liberatore spoke in favor of the changes, he believes it makes more sense for these requests to come before the Planning Board. Director Creighton continued that flexibility is needed with these requirements and gave the example of a church that is required to have a certain number of parking spaces but they are primarily only used on Sundays. Those spaces could be utilized by other businesses/residents during the rest of the week.

Mayor Brown asked about the clause that disallows first floor residential in the Downtown area and expressed concerns for potential impact to the CATCH housing project. Director Creighton explained the clause is existing and no change is proposed, CATCH IS existing-non-conforming and grandfathered. Mayor Brown asked about the clause requiring screening for dumpsters and if that should be part of the conversation given that City Council has been working on a new Trash Ordinance. Director Creighton agreed that it should be part of that discussion, but the clause is existing and not part of tonight's discussion.

Chairman Liberatore opened the discussion to public comment. City Councilor Leigh Webb asked if these changes would be business-friendly, residential-friendly or both and would there be sufficient spaces available for businesses that operate at night. Director Creighton explained that, yes, the intent was to be beneficial to both. He explained the current calculation and that the City has leased spaces to some property owners such as the Stevens Mill project. The Planning Board and City Council will still have that ability, but may need to limit those agreements in the future. Councilor Webb said he understood the purpose, just wanted to be sure that it is balanced. Chairman Liberatore explained that all of that is considered in a site-plan review. Councilor Webb then asked about the new IFA condos at 400 Central Street and where they are parking. Director Creighton explained the parking lot across the street is leased to the condo association.

Chairman Liberatore closed the Public Comment and brought it back to the Board. Mayor Brown made a motion to support the suggested changes from Zoning to Site Plan Regulations and bring to the City Council for approval. Motion was seconded by Member Dzujna. **Motion carried 8-0-0.**

- Discussion regarding Planning Elections

Director Creighton explained that while staff was doing the minutes from the December meeting, it was brought to his attention that a motion was made by an Alternate member to nominate Dave Liberatore as Chairman and that member had not been seated so the vote was not permitted. He explained that we need to have another vote for all positions.

Mayor Brown made a motion to nominate Dave Liberatore as Chairman, seconded by Member Dzujna. **Motion carried 8-0-0.**

Chairman Liberatore made a motion to nominate Christine Dzujna as Vice-Chairman, seconded by Mayor Brown. **Motion carried 8-0-0.**

Chairman Liberatore made a motion to nominate Kathy Lauer-Rago as Secretary, seconded by Mayor Brown. **Motion carried 8-0-0.**

- Roles and Responsibilities of Alternate Board Members

Director Creighton explained that to avoid missteps in motions and voting, he wanted to review the roles of Alternates. There are two ways that are acceptable. Alternate members can be at the table and participate in discussions but, unless seated, they are not permitted to make motions or vote. This is how Franklin has done it in

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the past and is acceptable to him. The other option is to not have them at the table unless seated. There was general agreement to continue as has been done in the past with attention paid to who is permitted to make motions and vote.

☐ **Planner's Update:**

Director Creighton gave a quick update on Cumberland Farms and a land swap agreement that is in process to allow the Municipal Services Department garage to add a small addition to their building for a breakroom.

The Irving station at 901 Central Street is moving forward, they have just been making some small cost-saving adjustments but expect the building to come down in March. Member Dzujna asked about a rumor that Irving had purchased the Citizens Bank property and that she had noticed a sign that the Tetal station at 221 South Main St was under new management. Director Creighton confirmed that Irving had not purchased the Citizens Bank property and the Tetal station is a family business and he understands that it is a different family member managing it now.

Chairman Liberatore asked about a property owned by DuBois on Cross Mill Road that has equipment in the yard of the property but the site plan approval specifically prohibited that. Director Creighton said he would look in to it.

☐ **Adjournment:**

Mayor Brown made a motion to adjourn the meeting, seconded by Councilor Blake. **Motion carried 8-0-0. Meeting adjourned at 6:51 p.m.**

- The next Planning Board regular meeting is scheduled for March 22, 2023 at 6:00 p.m. and the application dead line date is March 1, 2023.

Respectfully submitted,

Judy Bibbins
Planning and Zoning Administrative Assistant.