

**FRANKLIN PLANNING BOARD  
PUBLIC HEARING  
March 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, Christine Dzujna, Rob Sargent, Tim Flaherty. (Absent: Christine Sheedy, Kathy Lauer-Rago, Ernesto Gonzalez, Alternate Councilor Ted Starkweather, Alternate Donna Tully, Alternate James DeBernardo). Staff present: Planning Director Seth Creighton; Planning and Zoning Administrative Assistant Judy Bibbins

☐ **Pledge of Allegiance**

☐ **Approval of Minutes from 2/22/2023.**

Member Dzujna made a motion to approve the minutes, seconded by Mayor Brown. **Motion carried 5-0-1, with Rob Sargent abstaining due to absence from that meeting.**

☐ **Other Business:**

Chairman Liberatore requested to move the order of business and hear the presentation on the proposed amendment regarding the establishment of a Groundwater Protection Overlay District. There were no objections to the change of order.

- Amendment to Chapter 305 "Zoning" of the General Ordinances of the City of Franklin regarding the establishment of "Ground water protection regulations and boundaries"

Steve Whitman and Crystal Kidd from Resilience Planning & Design spoke to the proposed ordinance change. As this project impacts Franklin and Sanbornton, Mr. Whitman shared that Sanbornton voted to approve the ordinance at their Town Meeting last week. He gave a presentation of the background of what protecting the aquifer means and the purpose of having an ordinance to do so. Ms. Kidd gave a quick overview of the project and the results of the survey that had been sent to residents. There were 55 responses to the survey. Mr. Whitman explained that the ordinance change will not impact the majority of Franklin residents and that the map is on the website to assist residents in determining the impact.

Director Creighton shared that he had attended the Public Hearing in Sanbornton and that the questions that had come up at that meeting had been addressed. He explained what will be impacted and what won't be, how prohibited uses would be impacted and that new businesses or expansion of existing businesses would need to comply with the ordinance.

Chairman Liberatore asked for questions from Board. Mayor Brown asked if there had been any surprises in looking at the aquifer in Franklin. Mr. Whitman said there had not been but the ordinance was a little more complex here so additional levels apply.

Chairman Liberatore opened the hearing to the public. Councilor George Dzujna asked who would be monitoring this. Director Creighton explained that the City would monitor it. Any uses would have to come before the Planning Board so this body would be reviewing the plans as well as going before the Building Inspector to verify construction. Anything that would be dangerous to the aquifer would not be permitted.

Paul Duncanson from the Unitarian Universalist Church asked about existing gas stations and if there are any periodic reviews. If so, how does this new ordinance apply? He also asked if expansions of existing properties would

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apply. Director Creighton explained that the State of NH oversees the design and safety of fueling stations and that will not change. Expansion of existing fueling stations would also fall under that jurisdiction.

Chairman Liberatore closed the public hearing and brought it back to the Board. Member Flaherty asked how this would apply to previously approved projects. Director Creighton explained that they have four (4) years to implement and would be considered grandfathered. He also explained that he would be looking for a vote tonight on sending the proposed ordinance change to City Council for approval. Mr. Whitman said they had noticed a couple of small typos in the draft and would make the corrections and send to Director Creighton.

Mayor Brown made a motion to approve the draft ordinance with the anticipated corrections and send to City Council for approval. Motion was seconded by Councilor Blake. **Motion carried 6-0-0.**

☐ **New Business:**

**P23-01: Cumberland Farms, leasee, and City of Franklin, owner, are requesting a Lot Line Revision between Tax Map 117-135 (202 Central St) and Tax Map 117-296 (59 West Bow St).** The revision will annex 1562 Sq. feet from the Central Street property to the West Bow Street property. The properties are located in the B1 [Low-Density Business & Commercial] zoning district.

Member Dzujna made a motion to accept the application as complete; seconded by Councilor Blake. **Motion carried 6-0-0.** Director Creighton explained the request is basically to transfer a small piece of land to the West Bow Street property and square it off before it becomes part of the Cumberland Farms Development. Municipal Services Director, Justin Hanscom spoke to the request explaining that the purpose would be to enable a small expansion to the Municipal Services Garage. Currently they have to keep parts in the small room that doubles as a break room for staff. The plan is to be able to add a small addition to the back of the building to store parts and have a dedicated lunch room space for staff. Currently, the lot does not allow for that.

Chairman Liberatore asked for questions from the Board. With none, he opened it up to the public. Mr. Duncanson from the Unitarian Universalist Church asked about the setback in that district as they are an abutter. Director Creighton explained the setback in the B1 zoning district is 15' from the side and 20' from the rear, but since it is City property, the setbacks do not apply. Director Hanscom showed Mr. Duncanson the map and confirmed that they should be able to meet the setback with a small addition. With no further questions, the public hearing was closed and brought back to the Board. Member Flaherty made a motion to approve the Lot Line Adjustment as presented, seconded by Councilor Blake. **Motion carried 6-0-0.**

**Weglarz Solar Farm, Industrial Park Dr, Map-Lot 082-408-00** Extension request to meet precedent conditions to an approved site plan. Case # P22-10

Director Creighton explained that the developer of this property has had difficulty securing a landscape architect to meet the precedent condition of a landscape plan. By right, they can request one extension so that is what they are looking for. He explained they felt confident they could meet the condition by April 22, 2023.

Chairman Liberatore opened the application to public comment but with no comments made, it was closed and brought back to the Board. Member Dzujna made a motion to approve the extension request until April 22, 2023, seconded by Mayor Brown. **Motion carried 6-0-0.**

**P23-02: Riverview Drive, Map-Lot 115-022-00,** is seeking Planning Board review and recommendation on their request to build a new home on a private road, Riverview Drive. NH RSA 674:41 requires the Planning Board to offer a recommendation to the City Council on this matter.

Mayor Brown made a motion to accept the application as complete; seconded by Member Flaherty. **Motion carried 6-0-0.** Kathy Capron, daughter of the applicant, spoke to the application. She gave an overview of the failed subdivision

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on that road and that there has been a lot of work done to clean up the trailers and campers in the area. Her father is looking to build a single-family residence on the lot.

Director Creighton explained the purpose of the Municipal Release of Liability as the road is not maintained by the City so the City cannot be held liable if emergency services vehicles are unable to get down it. He also explained that there is a hydrant at the corner of this lot and the road to this point is flat and better maintained than further down the road. Mayor Brown asked if it would still need the Release of Liability with the hydrant present. Director Creighton confirmed that it would.

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. Dumont's request to construct a new home for year-round occupancy at Riverview Drive (private road), Map-Lot 115-022-00, 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 6-0-0.**

☐ **Planner's Update:** None

☐ **Adjournment:**

Mayor Brown made a motion to adjourn the meeting, seconded by Councilor Blake. **Motion carried 8-0-0. Meeting adjourned at 6:42 p.m.**

- The next Planning Board regular meeting is scheduled for April 26, 2023 at 6:00 p.m. and the application dead line date is April 5, 2023.

Respectfully submitted,

Judy Bibbins  
Planning and Zoning Administrative Assistant.