

THE PLANNING BOARD
Town of Francestown
Francestown, New Hampshire 03043

November 17, 2009
PROPOSED MINUTES

Planning Board Members Present: Bob Lindgren (Chairman), Sarah Pyle, Mike Tartalis (alt.), Larry Johnson, Linda Kunhardt, Bill McNeil (alt.), Ben Watson.

Members of the Public: John Lefebvre, Raisa Lawrence Marshall, Betsy Hardwick, Polly Freese.

Ben Watson is taking the minutes in the absence of Minutes Clerk Melissa Stewart.

Chairman Lindgren brought the meeting to order at 7:00 pm.

Completeness Review Committee Report: Case No. 09-SD-1 (Marshall)

In the absence of CRC Chair Lisa Stewart, Watson gives the CRC report from the meeting of October 24, 2009.

Deficiencies reported to applicant:

- A-17 consecutive numbering of lots corrected on revised plat
- A-26 draft sight distance easement received
- A-27 drive location added on revised plat
- B-2 new waiver requested for this requirement (see below)
- C-2 check received from R. Marshall in the amount of \$314.64 for administrative and public notice fees
- C-7 draft sight distance easement received
- C-8 new waiver requested for this requirement (see below)
- C-10 letter received from Francestown Fire Chief

Waivers requested by applicant:

A-21 applicant asks for waiver for showing 2 contiguous buildable acres on proposed Lot 1 because there is an existing house and barn, and sufficient acreage on a proposed 22-acre site.

Pyle moves to grant waiver, with an instruction to the CRC that, in future, the CRC should not support waiving this plan requirement. Tartalis seconds. Waiver approved 5-1 (Kunhardt opposed); Lindgren (Chair) did not vote.

A-25 applicant asks for waiver for showing setback lines on proposed Lot 1 because there is already a residence on the lot; also for a waiver of setback lines at the rear of proposed Lot 2, outside the designated building envelope.

Pyles moves to grant waiver; Johnson seconds. Waiver approved 5-1 (Kunhardt opposed); Lindgren DNV.

B-2 applicant asks for waiver for a high-intensity soil survey (HIS mapping).

Pyle moves to grant waiver; Tartalis seconds. Waiver approved 6-0; Lindgren DNV.

B-3 applicant originally asked for waiver for showing a 4000 sq. ft. septic reserve area on proposed Lot 1. Since this lot has an existing residence with a state-approved septic system, CRC advised applicant that a waiver is not required.

B-4 applicant asks for waiver for showing "all open water, intermittent and perennial streams, wetland areas, well, and all existing and proposed drainage structures within 100 feet" Lefebvre explains that applicant is showing this information for the roughly 7 acre building envelope on proposed Lot 2, and has had a certified wetlands scientist ensure that all land within the envelope satisfies the town's 100-foot building setback for wetlands.

Pyle moves to grant waiver; Johnson seconds. Waiver approved 5-1 (Kunhardt opposed); Lindgren DNV.

B-5 applicant originally asked for waiver for showing test pit location and data for proposed Lot 1 because there is an existing residence with state-approved septic system. CRC advised applicant that a waiver is not required.

C-8 applicant asks for a waiver for including the statement that site is ready for board inspection. Lefebvre asserts that this is now unnecessary, since a site inspection has already been conducted on October 31, 2009.

Lindgren moves to grant waiver; Pyle seconds. Waiver approved 5-1 (Kunhardt opposed); Lindgren DNV.

Pyle moves to accept the application as complete. Johnson seconds. All in favor (6-0); Lindgren DNV.

PUBLIC HEARING: Case No. 09-SD-1 (Peter and Raisa Marshall)

Lindgren opens the public hearing by describing the property, which is identified as Map 1, Lot 1 on the Frankestown tax map and is located at 1207 Greenfield Road (NH Route 136) in the Rural zoning district. The applicants, Peter Marshall and Raisa Lawrence Marshall, are proposing a two-lot subdivision, with a 22.3-acre front lot, containing an existing residence and barn, and a 49.8-acre backland lot.

John Lefebvre of Meridian Land Services, representing the applicant, presents the revised subdivision plat to the Board

A driveway locator has been added to the plat showing an approximately 750 feet of driveway access back to the roughly 7-acre proposed building envelope. The ultimate driveway may be 850 feet in length, and a hammerhead turnaround has been added to the drive at approximately 500 feet from the road, for emergency vehicle access, as per town requirements. Watson asks if location for turnaround was selected to avoid areas of slope. Lefebvre says it was.

Pyle inquires about the line of sight easement that would have to be executed between the two proposed lots, and further asks about the proposed blasting and removal of ledge to achieve safe sight distance, as required by NH Dept. of Transportation in their preliminary approval for a curb cut.

Lefebvre says that the draft easement submitted to the Board will be executed at the time of title transfer. The easement is on the area designated on proposed Lot 1 and involves future removal of vegetation as necessary to maintain a 400-foot sight distance.

Pyle says that there is no reference note on the plat explaining how the ledge and existing vegetation will be modified. She wonders if such a note should be added, since blasting will be needed to ensure a safe sight distance.

Betsy Hardwick, Selectman and Chair, Conservation Commission, says that the town must be notified in advance as to when blasting will occur. Typically, the Fire Department receives this notice, but she suggests that the Board require a note on the plat or in the notice of decision stating that the applicant or their agent will notify the town's Code Enforcement Officer 7 days in advance of planned blasting.

Kunhardt asks to see identified on the plat the area of ledge to be removed. She also wants the plan to show the proposed grade changes and the proposed contour details in the area that will be altered.

Watson says that in his opinion it would be sufficient to graphically designate what portion of the ledge will be removed on Sheet 2, along with the approximate square footage of this area.

Lindgren asks the applicant, Raisa Lawrence Marshall, if she understands the implications of making the proposed Lot 2 a backland lot - particularly the provision in the Frankestown Zoning Ordinance that the backlot cannot be further subdivided in the future. Marshall says she understands this, and further states that there are no plans to further subdivide proposed Lot 1 (the front lot).

Tartalis examines the letter from Frankestown Fire Chief Lawrence Kullgren and asks if the Chief needs to either approve or reject the plan, or merely offer his opinion. Pyle says the letter from the Chief is a recommendation to the Board and not an approval. Lefebvre says that some of the general fire safety and driveway access guidelines cited in the letter is not necessary for a residential development, e.g., an access road around the entire perimeter of the building.

Betsy Hardwick gives the opinion of the Conservation Commission. The FCC was initially concerned by the lack of detailed wetlands mapping for the whole lot, but that they feel this has been addressed by specifying a building envelope that a certified wetland scientist has certified lies 100 feet or more outside any jurisdictional wetlands.

The Board goes on to discuss proposed Conditions of Approval:

1. Note #10 will be revised to include the phrase "designated building envelope" on proposed Lot 2.

2. Note #7 will be expanded to reflect that applicant or their agent must notify the town's Code Enforcement Officer at least 7 days prior to any planned blasting of ledge.
3. Note will be added to plat indicating area of ledge to be removed.
4. Note #7 will be expanded to say that issuance of a building permit for Lot 2 shall be conditional to final approval by the state DOT of the driveway curb cut following construction.
5. Receipt of Mylar and 4 paper copies of the final plat, as revised above.
6. Payment of recording fees: \$90 to Town of Francestown; \$25 to HCRD-LCHIP. Raisa Marshall gives checks to Watson, so this condition has been satisfied.

Watson asks if final bounds have been set on the property. Lefebvre says this has been done.

Johnson moves to approve the subdivision, subject to the preceding conditions. Pyle seconds. All in favor (6-0); Lindgren DNV.

Announcements and Communications

Kunhardt attended a recent Piscataquog Watershed meeting and reports that a new plan is being drafted for submission to the various towns within the district. She will provide the council with any relevant wetlands/shorelands regulations from Francestown.

Lindgren discusses the 2010 Planning and Zoning budget. He has proposed to the Selectmen that it largely stay the same as the 2009 budget, although he suggests that the town might save more than \$1,700 if we were to stop paying regional dues to Southwest Region Planning Commission (SWRPC).

Betsy Hardwick says that someone from the Board needs to call SWRPC and ask what benefits the town as a whole (not just the Planning Board) gets from them, and what the town would stand to lose if it ceases to be a member of SWRPC. She brings up the issue of FEMA maps, and that this is something the town received through SWRPC.

Several members of the Board and Hardwick express frustration with SWRPC, especially as related to ongoing Master Plan assistance and updated mapping. Hardwick suggests that it would be better for Francestown to belong to the Southern NH Regional Planning Commission, but that this has been explored, and Francestown is not eligible to join this region, despite the town's proximity to their member area. Pyle recommends that the town approach our district's state representatives and explore legislative redress that would allow the town to join the Southern NH Planning Commission.

Pyle volunteers to contact SWRPC and research the services/benefits we are receiving (or could be receiving) as a member. Lindgren reads the state RSA covering regional planning commissions and says that each

town is supposed to have voting representation; to the Board's knowledge, though, we have never had a representative to SWRPC nor the opportunity to vote on any issue or policy decision.

Lindgren will order fewer copies of the 2010 edition of the NH Planning and Zoning RSA book through SWRPC, since we don't need so many.

The Master Plan budget item will remain \$2,000 for 2010, with the expectation that the Board will be actively working to update the Plan.

Pyle distributes copies to the Board of a letter/report (dated October 26, 2009) from Vic Reno of Reno Engineering in Marlow, a lighting consultant hired by the town to inspect the lighting at Crotched Mountain Ski Area.

Hardwick expresses her surprise at Reno's report because, in a preliminary meeting with Selectmen, Reno had indicated that he felt, upon a cursory inspection, that the lighting at Crotched Mountain was not in compliance with the town's lighting ordinance.

In his letter of October 26, Reno's conclusion is that the lighting plan is acceptable for a ski area, and recommends that the town show lenience in enforcing its lighting ordinance. The implication seems to be that the ordinance itself is creating the problem.

Hardwick again expresses puzzlement and asks the Board if they would take a position on supporting the Board of Selectmen in what they feel should be the next step: sending a letter to Crotched Mountain Ski Area advising them that they need to obtain a variance from the Zoning Board for their lighting. Kunhardt makes a motion supporting this action by the Selectmen. Without exception, all members vote in favor.

Lindgren reschedules the Comley preliminary consultation (originally scheduled for this evening) for Tuesday, December 15 at 7 pm.

The next meeting will be Thursday, December 3. The Planning Board will meet at 7 pm to hold a Scenic Road Hearing; the town proposes to cut 5-6 dead trees on Pleasant Pond Road. At 7:30 pm the Planning Board and Zoning Board will resume their joint public hearing pursuant to applications by New Cingular/AT&T for wireless facilities on Route 136 and Dennison Pond Road and hear from consultant Ivan Pagacik.

The meeting is adjourned at 9:40 pm.

Respectfully submitted,

*Benjamin A. Watson, Secretary
November 19, 2009*