

**THE PLANNING BOARD**  
**Town of Frankestown**  
**Frankestown, NH 03043**

June 1, 2010

**PROPOSED MINUTES**

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

Members of the Public: Betsy and Lou Weiderhold, Tim Golde, Jim Bruss, Chris Danforth, Larry Kullgren, Betsy Hardwick, Polly Freese, BJ Carbee, Rick Kohler, Jack Curren, Kelly Marshall, Marla Jones, Mike Ricci.

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

Chairman Lindgren calls the meeting to order at 7:05 pm.

**Preliminary Consultation (Wiederhold)**

Betsy and Lou Wiederhold asked for this preliminary consultation in order to update the Board on their plans for a proposed major subdivision, to be submitted as an Open Space development plan. In 2008 the Board conducted a Conceptual Design Review on the initial plan, but due to the depressed real estate market, the subdivision was put on hold.

Tim Golde re-presents the original plan to the Board and discusses potential changes, in an effort to reorient everyone. The development would affect Lots 5-64 and 14-13, with a total land area of approximately 62 acres. The properties are bounded by Main Street (Route 47), Pleasant Pond Road, and Todd Road. Access by private road would be via Pleasant Pond Road. A walking path is proposed to connect with the Village center.

In the original density plan, 16 units were designated, based on limits of conventional zoning under the Open Space ordinance (Article V). Fifteen of the single-family houses would be organized into three nodes of five homes, and the development would be phased in.

Golde states that the thought is now, if possible, to apply for density bonuses as allowed in Article V. The goal would be to build 18 units, if two more units were allowed through density bonuses.

Golde asks the Board's opinion on the agricultural land bonus. There is a field bordering Main Street, about 2 acres in area, that is hayed, and the question is whether this would qualify for an agricultural density bonus. The consensus of the Board is that, based on Article V, this land is not large enough to qualify for a bonus.

Discussion ensues about other density bonuses, based on public access, forest management, and viewshed protection. The field near Main Street might qualify as a viewshed protection area, since it would preserve

the current visual character of the Village Center, with no homes visible and a large buffer area between the village and the development. Each of these density bonuses, if approved by the Board, would add 5% to the allowable density. Multiplying 16 lots times 15% equals 2.4 additional units (two houses) in density bonus, which would achieve the 18 units sought by the applicants (6 houses/pod as opposed to 5 as in the original plan).

Golde says that another major change to the plan involves the size and construction of the homes, which would be smaller and more efficient than originally proposed. Floor space would be reduced from 1,900 square feet to something closer to 1,500 to 1,600 sq. ft. per house.

In terms of energy efficiency, the applicants are exploring how they might integrate renewable energy, and how to design the houses to meet LEED certification standards. The original development plan called for community water and septic, but the thought is now to have a community heating plant that might use wood pellets.

Pyle suggests that the Board might consider adding a renewable energy bonus to the density bonus list in Article V and bring it to a vote of the town next March. Golde asks about timing for bringing this forward. Lindgren says the deadline is usually early December for submitting proposed zoning changes, because two public hearings are needed; however, he suggests that the earlier any proposed zoning changes can be submitted, the better.

Watson asks about the length of the proposed private road, which is a cul de sac, or dead-end road. Golde and Danforth say the road is 1,200 to 1,500 feet in length from the junction of Pleasant Pond Road. Watson suggests going back to review the minutes from the Conceptual Design Review in 2008, to see what the discussion was concerning the private road and how it related to Section V.B.8 of the town's Subdivision Regulations.

Kunhardt asks what would be the basis of the proposed viewshed protection bonus. Danforth replies that the development buffer along Main Street would maintain the existing village character and appearance, and that legal protection would be set in place keeping that land as open space.

Pyle asks about ownership arrangement of the houses. Golde says that home buyers would own their own unit, the land under that unit, and 1/18<sup>th</sup> of the overall acreage (the common land).

Pyle asks whether the development is still intended to be age-restricted, to persons 55 and over. Golde says that this isn't exclusive, but the homes will be marketed and designed for persons in this age group. Watson points out state RSA that designate 20% of units in such an age-restricted development must be made available to people outside the age group.

Lindgren asks whether the developers/applicants plan to apply for any federal or state grants, particularly those that apply to energy efficiency or workforce housing. Golde says that the units are not intended as workforce housing, as reflected in the price, but that the developers will explore renewable energy/efficiency grants.

**8:00 P.M. -- PUBLIC HEARING: Case No. 10-SD-3 (Jack & Nancy Curren)**

Lindgren introduces the proposed two-lot subdivision of Lot 5-25, which is approximately 7.094 acres in size and located on Perley Road. The Board's site walk was conducted on Saturday, May 22<sup>nd</sup>.

Pyle gives the report of the Completeness Review Committee, which met on May 12:

There were no waiver requests from the applicant.

There were two advisory notes (not rising to the level of deficiencies, but pointed out to the applicant):

1. A-20 type of existing or proposed monument not identified/keyed out on final plan for SE corner bound. Rick Kohler says this has been added to revised plat.
2. C-2 (fees). Fees received are \$294.00, which is in excess of application and public notice fees. If subdivision is approved, though, applicant will owe the Town an additional \$5.00 to cover registry fees, and will need to supply a check for \$25.00 made out to HCRD/LCHIP.

Two deficiencies were identified:

1. C-6 (opinion of the Road Agent). This has been received.
2. C-10 (letter from the Fire Dept). This has been received.

Pyle recuses herself from this case and steps down from the Board.

Johnson moves that the Board accept the application as complete. Tartalis seconds. All in favor (6-0).

Rick Kohler of Todd Land Use Consultants presents the subdivision plan to the Board.

The proposal is for a two-lot subdivision of a 7.1-acre lot on the west side of Perley Road. The plan is to divide the property roughly in half. The north lot (proposed Lot 1) would be 3.545 acres in area, with 368.99 feet of frontage. The south lot (proposed Lot 2) would be 3.549 acres in area, with 356.52 feet of frontage. Proposed drive locations would utilize existing gapways in the stonewall. All-season sight distance from the north lot drive would be 318 feet; sight distance as measure from the south lot drive is 302 feet. There are no steep slopes or jurisdictional wetlands on the property.

Lindgren asks Tartalis to read the letter from Fire Chief Lawrence Kullgren, dated June 1, 2010. The main requirements involve driveway access and access to the house location for fire equipment and personnel, especially a 50 ft. open buffer around the structure.

Tartalis says that the driveway would probably not be long enough to require a hammerhead turnaround in the middle, and that the sprinkler

system mentioned in the letter is advisory, but not required at this time.

Lindgren reads the opinion of Francestown Road Agent Gary Paige, dated May 25, 2010. Paige has flagged trees that he indicates need to be cut to achieve an adequate sight distance. He also stipulates that underbrush be removed inside the stone wall, again to achieve safe sight distance from the proposed drive locations. A 3% negative pitch to the driveway must be constructed and maintained, to avoid the necessity of a culvert.

Tartalis reports on the Board's site inspection on May 22. The land is fairly level and dry, with open woodland that was once open or in field/orchard land. He states that the Road Agent has flagged 11 trees for removal.

Mike Ricci lives nearby on Perley Road, and he states that the reason the stone wall is in good condition is because of the presence of the trees that the Road Agent wants to remove. He hopes that the present and future landowners will not down the trees. Ricci says that the Board inspected the property when it was relatively dry, but that during spring snow melt, the flow of water is very evident.

Abutter Marla Jones agrees that the trees should not be removed. She cites major erosion problems in front of other Perley Road homes that was caused, or exacerbated, by recent removal of roadside trees.

Kelly Marshall, who lives on Perley Road, agrees, stating that sand from the road washes off the road in spring, a considerable distance into the roadside woods.

Lindgren notes that the Planning Board has done multiple Scenic Road Hearings on this stretch of Perley Road in the past, where the town has wanted to cut trees that were damaged by plows and/or said to be impeding drainage. In some cases the Board has allowed some cutting; in other instances the Board has voted not to allow the town to cut trees.

Discussion ensues about the process and oversight/responsibility for driveway regulations. Ricci asks the Board who has the final say about tree cutting.

Sarah Pyle suggests that the Board should contact the Road Agent and express its opinion, if it differs from the recommendations in his letter.

Lindgren says that the Selectmen have the authority under Section 7 of the Driveway Regulations to grant relief where strict adherence to the driveway regs is not in the best interest of the town.

The Board also examines section V.B.10 (f) of the town's Subdivision Regulations. Kunhardt and some members of the public express concern that review of driveway permit applications are not generally noticed or even posted on the agenda of Selectmens' meetings, so if there is a lag time between subdivision approval and application for a driveway permit (as is common), there may not be adequate review of the Planning Board's notice of decision and its conditions, or sufficient notice given to abutters, neighbors, and other interested parties.

Watson cites Section V.C.3 of the Subdivision Regulations, which call for a 200-foot all-season sight distance from drive locations. He points out that the Board has the authority to waive this requirement if it deems it wise to do so. The Planning Board writes the Driveway Regulations, and so the Board is ultimately responsible for them; we generally delegate the review, permitting, and enforcement of the regulations to the Selectmen and their designees (the Road Agent, the Code Enforcement Officer, etc.). Watson believes that the Planning Board could issue a directed notice of decision in this case if we believe that a lesser sight distance is acceptable, and that this should be put in a letter sent to both the Selectmen and the Road Agent, along with the notice of decision.

Lindgren says that, for him, on the site walk, ensuring a safe and adequate sight distance was important on this stretch of Perley Road.

Kunhardt suggests that adequate sight distance might be achieved by cutting the sub-canopy brush, as specified by the Road Agent.

Rick Kohler explains that in pre-development of lots, you have to imagine the final grade of the curb cut being 2 feet higher than what it is now, and picture the bushes and other brush removed. He believes that a driveway built to specs, with a 25-foot width at the road, is very visible. Also, the sight distance is calculated from a depth of 10 feet back from the edge of the road.

Johnson proposes continuing the public hearing until the Board can hold another site inspection with Kohler and the Road Agent.

Lindgren continues the public hearing on this case to Tuesday, July 6 at 7 p.m. At 6:30 p.m. the Board will meet on Perley Road to examine the curb cut/sight distance and trees recommended for removal.

### **Minutes Review**

The Board defers consideration of the minutes for May 18 until the next meeting.

### **Announcements & Communications**

The public hearing for Cases No. 09-SP-2 and 09-SP-3 (New Cingular Wireless), previously continued to the meeting to June 15, will be continued at the applicant's request to Tuesday, July 20, 2010 at 7 p.m.

The Zoning Board has granted a rehearing for New Cingular Wireless, which was requested because the applicant wishes to move the approved facility location on Dennison Pond Road by some 30 feet. The ZBA will meet on Thursday, July 8.

The next meeting of the Planning Board will be Tuesday, June 15 at 7 p.m., at which time the Board will continue the public hearing for Case No. 10-SP-1 (SBA Properties/AT&T) for a wireless communications facility on Crotched Mountain.

The meeting is adjourned at 9:37 pm.

*Respectfully submitted,*

*Benjamin A. Watson, Secretary*  
*June 2, 2010*