

**THE PLANNING BOARD  
TOWN OF FRANCESTOWN, NEW HAMPSHIRE**

**September 23, 2014**

**APPROVED MINUTES**

The meeting was called to order at 7:10 PM.

Members present or alternates already seated: Lisa Bourbeau, Lisa Wilshire, Linda Kunhardt, Bill McNeill, Larry Ames, Guy Tolman, and Sarah Pyle

Pyle stated that this was a meeting to hold a Public Hearing on case # 14-SD(a) -1: a proposed revision to a previously approved subdivision plan. The hearing was properly noticed by registered mail to abutters and in the Mondanock Ledger of 9/11. Pyle presented an overview of case, explaining that in 2008, Planning Board approved 3-lot subdivision of land on Scobie Road. The Board has received an application to amend the previous approval in respect to a building envelope on one of the lots: Map 6. Lot 72.

**CRC Report:**

Larry Ames presented the report of the Completeness Review Committee: He explained that the committee initially received an application for site development rather than the subdivision application but was able to review the application for completeness as if it was a subdivision application, based on the materials provided. Mr. Todd has subsequently provided the correct application, which Ames reviewed based on the CRC findings.

Deficiencies: Ames reported that, based on his review, the following items were still deficient:

C.3: 2 copies of all federal and state permits

C.6: Opinion of Road Agent

C.7: Copies of Legal Documents

C.10: Statement from the Fire Department

C.12: Erosion and Sediment Control Plan

Waiver Requests: Ames reported that we have received written request for waiver on B1, Topographical Information, and B2, Soils Data. Ames read the request for waiver.

Linda Kunhardt stated that a state approved septic plan was also required in order for a plan to be approved: not that it needs to be submitted in order to hear the case, but that it needs to be submitted prior to recording the plan. Pyle disagreed, she said that test pits are required, but that in her experience, the septic plan was something that was prepared/approved at the time the house was built, as part of the building approval process. Lisa Stewart stated that she did not believe that an approved septic plan was required for subdivision approval. Kunhardt asked that the issue be placed on an agenda for discussion at a future meeting.

The board also noted there may be other legal documents that they will need during the course of the hearing: a driveway maintenance agreement, erosion control plan, other state permits.

Pyle suggested that, for the items on the application that were still deficient, Mr. Todd might request a waiver for the purposes of hearing.

Ames asked Todd if he would like to request waivers for the purposes of hearing for items C.3,6,7,10, and 12. Todd made the request for waivers.

The Board began a discussion and review of waiver requests. There was a discussion of a waiver of contour lines for parts of the map outside the buildable acreage. Pyle made a motion to grant the waiver request for B1. Kunhardt questioned the contour lines on the map, asking if there was a typo on one of the contour line. She expressed concern that only requiring contour lines in specific areas made it confusing.

Ames read the waiver request for B2.

John Kendall, member of the public, asked for a point of order: asked if we had already accepted the application as complete and, citing the OEP guidelines for procedures, noted that we could not vote on waivers until we had done so. Pyle noted the procedural error.

Kendall also stated that in his experience in Antrim, no site walk should be conducted until we had accepted the application as complete and had opened the public hearing. Pyle said the board had been holding site walks prior to the public hearing for years and were always advised not to discuss any of the merits of the case.

Ames moved to accept the application as complete.

The board voted 7-0 to accept the application as complete.

Pyle opened the Public Hearing

In light of the point of order, Pyle suggested that the board re-visit and revote the requests for waivers and waivers-for-the-purposes-of-hearing. She moved that we grant waivers for B1 and B2 and waivers for the purposes of hearing for C.3, C.6, C.7, C.10, and C.12. Ames seconded. The motion passed 6-1. Kunhardt opposed.

Robert Todd presented the proposal to revise a previously approved plat. Specifically, to re-locate the previously approved building envelope. He explained that the applicant was hoping to build in an area that was closer to the shore than the originally approved envelope but that the new site was in compliance with both the town's and the state's shoreland rules. The other change proposed was to bring the driveway in from the existing seasonal drive rather than from the road as was previously approved. Todd outlined the limitations of the 22-acre lot and the sections of it that are virtually unbuildable. Todd reviewed the newly proposed driveway stating that it would need to have drainage added and would cross a section of 15-25% slope. Todd noted that Shoreland Water Quality Protection Act boundaries, wetland buffers, and woodland buffers are shown on the plat. He stated that the applicant is interested in keeping the area natural but will be doing specific limbing to open up views according to the SWQPA.

John Kendall, the builder who has been engaged to work on this project, was asked how much space around the building he would need in order to bring in equipment. He stated that, because he would need a crane, approximately 30'.

The board discussed what activity could occur in a building envelope. There is no definition of a building envelope in the ordinance or in the regulations and some members had interpreted the

envelope to limit all site disturbance to within the envelope. Other members believed that the building envelope designated the area where structures could be placed and did not prohibit the disturbance of land outside the building envelope. Betsy Hardwick, Conservation Chair said that her understanding was that a building envelope indicated where the buildings could go. The board discussed the need for clarification of this issue.

Ames asked if the building envelope could be re-positioned to where the proposed structures would be. Kunhardt stated that at least 50% of the structures and a portion of the driveway on the preliminary plan submitted to CRC were on slopes over 15%. She said that the original plan had no slopes in the approved building envelope. Brad Howell asked about the slope issue, stating that there was a process for building on those slopes.

Pyle noted that the new driveway proposal over-doubled the length of the proposed driveway and stated that for a driveway of that length, the Fire Department would require a substantial turn-around. Kunhardt added that the turn from the existing driveway to the proposed driveway might also create problems. Howell asked the board to respect the rights of the property owner for reasonable use of the land.

Ames asked if the new building envelope could exclude, as much as possible, areas of slopes greater than 15%. Howell asked: must you only approve a plan that has all of these issues resolved? Otherwise this committee subsumes the authority of every other regulatory board in town. Pyle said she believed there may be a compromise building envelope that this board could approve but it would, in her opinion, be stronger if it didn't include any steep slopes or the proposed over-400' driveway. Howell asked that, unless there is a regulation that says you can't approve this for some reason, he would like an indication of what the board really needs here or some indication of what it would approve other than just to say what it can't do. Kunhardt said that if there was an envelope proposed that has steep slopes, we would need to have an erosion and control plan – and, given the amount of slopes affected, it might need to be an extensive erosion and control plan.

Bob Todd drew a new proposed building envelope on the plan that reflected the building site that the buyer has flagged and repositioned the driveway to a location similar to the originally approved driveway location. Todd also noted that there would have to be a new location for the septic but he didn't think it would be a problem to move it to a location with less impact on slopes.

Betsy Hardwick stated that three members of the conservation commission had been at the site walk and, although this was not an opinion of the board, each of the members were okay with a building envelope that was no closer to the shoreland than the flags for the proposed building site.

Pyle asked for a sense of the board: if they felt this modified proposal as discussed is approvable and if the board wanted input from the Conservation Commission or any other input – like road agent, fire department. McNeill suggested that the building envelope be made larger and encompass more of the land near the road, which has only a small area of slope and is less environmentally sensitive. He stated that, as a builder, he felt that added flexibility would be

helpful in staging the project. Ames asked if the board supported McNeill's proposal. Kunhardt asked if McNeill was proposing two building envelopes, McNeill said no, he was suggesting adding an area to the existing approved building envelope that incorporated the proposed building site..

Pyle asked if Bob Todd was comfortable that he understood what the board was indicating. Todd stated he would never presume that

Ames restated that he thought that extending the existing building envelope to encompass the flagged building site, according to McNeill's suggestion, would be acceptable to the board. Kunhardt moved to continue the public hearing Map 6 lot 72 until October 7<sup>th</sup> at which time a new plan will be submitted showing a new proposed building envelope that will not include any slopes greater than 14-25% or that if it does that an erosion and control plan would be submitted and that, depending on the proposed building envelope and the driveway, according to what the applicant was proposing. There was no second.

Wilshire moved that we continue the hearing until October 7<sup>th</sup>, Pyle seconded.

Buddy Pope asked if Bob Todd was clear about what was expected. There was a discussion about the original motion. Guy Tolman suggested that there was a redundancy in asking for an erosion control plan while asking for an envelope that includes no slopes.

Pyle called for a vote on Wilshire's motion. The motion passed unanimously.

Kendall asked if the board would need another site walk. Kunhardt stated that site walks only were done in order to approve waivers. If there would be no waiver requests, she would not need another site walk. No additional site walk was scheduled

The meeting was adjourned at 9:45

Respectfully submitted,  
Sarah Pyle, chair  
Larry Ames, secretary