

The Planning Board

Town of Francestown
Francestown, NH 03043

NOTICE OF DECISION

At a meeting on January 5, 2021 the Francestown Planning Board voted to deny the application for Subdivision and Lot Line Adjustment, property located on Stevens Road, The Second NH Turnpike South, and Woodward Hill Road (Tax Map 3, Lots 17 and 18), from Ronald and Melissa Shattuck for the following reasons:

The Board finds the overall plan as presented by the Applicant does not conform to the Francestown's Subdivision Regulations as expressed in Section I. PURPOSE and is not consistent with the general intent and spirit of the Town's Zoning Ordinance and as expressed in Article 1. PREAMBLE. In addition, the Board finds that:

1. The proposal fails to provide adequate remediation for the removal, prior to subdivision approval, of a previously extensive natural vegetative buffer on the Stevens Road frontage as well as within portions of the 100-foot wetlands setback as per:
 - a. Subdivision Regulation Section V (A) (A.4) Preservation of Existing Features: "The subdivider shall identify and give due regard to the preservation and protection of existing features such as trees, scenic points, brooks, stone walls, streams, rock outcroppings, water bodies, aquifers, public areas, historic landmarks and other natural resources. See also the definition of "buffer" in the Town's Zoning Ordinance: "A strip of land at least ten-feet wide, densely planted or having equivalent natural growth, with shrubs or trees at least four (4) feet high at the time of planning, of a type that will form a year-round dense screen at least six (6) feet high within three years," and the impact of the clear cutting in the Wetlands and Vernal Pool Conservation Overlay District, Zoning Ordinance Article II-A (2-A.2)
2. The proposal does not Provide Building envelopes as requested by the Board as per Subdivision Regulations Section V (A) (5) (j) Lots
3. The proposal does not provide a sufficient sediment and erosion control as per Subdivision Regulations Section V (H) (H.1) thru (H.8) Sedimentation and Erosion Control: "Land shall be subdivided and improved in a reasonable conformity to the topography in order to minimize grading as well as cut and fill areas, to retain, insofar a possible, the natural contours to limit stormwater runoff and to conserve the natural cover and soil..."
4. Subdivision Regulations Section V(A)(A.1) Compliance with Regulations. "The proposed subdivision shall conform to the Zoning Ordinance of the Town of Francestown.

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Notwithstanding this condition, conformance to zoning requirements is but one consideration in the approval of a subdivision and the Board may look beyond the issue of zoning compliance and consider other issues, including, but not limited to: the community's future needs and the current and future fitness of the land for development purposes... Subdivisions must also conform with any pertinent federal, state or local laws, ordinance or regulations and with the Town's Master Plan..." RSA 674:36(b) Subdivision Regulations. "Provide for the harmonious development of the municipality and its environs", and (d) "Provide for open space of adequate Proportions". The subdivision is inconsistent with the current and future needs of the Town as it fails to protect the viewshed and maintain the character of neighborhood.

5. No substantial public benefit would result if the Board were to grant a waiver or exception to the above regulations and concerns.

THE FRANCESTOWN PLANNING BOARD



By: Karen Fitzgerald - Chair

Date: 1/11/21

cc: Applicant
Planning Board Members
Town Clerk
Board of Selectmen
post: Town Offices
Post Office
www.frankestownnh.org