

**THE PLANNING BOARD  
TOWN OF FRANCESTOWN  
FRANCESTOWN, NH**

**NOTICE OF DECISION**

RE: Case No. 23-SD-01  
Tax Map 3, Lots 11, 11-7, and 41

Applicants: Native Construction, LLC, Philip S. & Sonja J. Way

At a meeting on Tuesday, March 21<sup>st</sup>, 2023, the Francestown Planning Board voted to **approve, with conditions**, an application for a subdivision of land and lot line adjustment on Woodward Hill Road, Tax Map 3, Lots 11 & 41, owned by Native Construction, LLC, and Lot 11-7, owned by Philip S. & Sonja J. Way.

**Findings of Fact:**

1. The lot line adjustment transfers 1.196 acres from Lot 3-11 to Lot 3-11-7.
2. The subdivision creates 4 large conventional residential lots, and 1 backland lot, from the remaining 71 +/- acres of lot 3-11, and
3. On the east side of Woodward Hill Road, the 33.5 +/- acres of lot 3-41 are subdivided into 2 residential lots plus a remainder lot.
4. The proposed plan was prepared by Fieldstone Land Consultants, PLLC.
5. The subdivision and lot line adjustment as proposed is not in conformity with the Francestown Zoning Ordinance section 3.10 (setback requirements). Condition #1 (Precedent) must be met in order to bring the proposal into conformity with the Francestown Zoning Ordinance.
6. The proposal is substantially in conformity with the Francestown Subdivision Regulations.
7. A waiver for relief from subdivision regulation section 8 C.2 f and C.2 h – requiring that the location of water and other structures be shown on the plat – was requested for the areas on the properties that are in conservation areas. The Board unanimously approved this waiver because there is no development permitted in those conservation areas, being subject as they are to a Conservation Easement, and thus the location of water and other structures is moot.
8. Specifically, the Board found that the applicant has provided or agreed to provide all necessary documents and plans, including but not limited to:
  - Letter from the fire chief (provided)
  - Letter from the highway department (provided)
  - Drainage easement (to be provided)
  - Erosion and Control Plan (to be provided)
  - Cistern plans and easement (to be provided)
  - Revised plan suitable for recording (to be provided)

**This approval is subject to the following Conditions Precedent:**

1. Barn to be removed (in compliance with Zoning Ordinance 3.10).
2. Planning Board approval & certification of a sedimentation and erosion control plan for:
  - Lot 3-41 (also referred to as Lot F) and for
  - any part of the driveway of lot 3.11 (back lot) greater than 15%, and
  - payment of fees incurred for independent review of the proposed plans.(in compliance with zoning ordinance 2-A.3.1 and Subdivision Regs: Section V-H.2 and -C.11).
3. Submission of final Mylar suitable for recording at HCRD, with statement on plat that all boundary markers and monuments have been set, plus one copy of the final approved plan sized 22" X 34", plus three copies sized 11" x 17" (in accordance with Subdivision Regs, Section VII-C.7).
4. Receipt of digital plan and payment of recording fees (both as specified in the Francestown Subdivision Regulations Appendix A - #9 - Recording Fees).
5. Revision of Note #17 on the plat to read: "All primary structures, accessory buildings, and systems will be located within the designated building envelopes."

Due to the nature of the above conditions, the Chairperson and Secretary shall sign the final plat when they receive evidence that all the conditions precedent have been met. This subdivision shall be deemed to be finally approved on the date the plat is signed.

**This approval is subject to the following Conditions Subsequent:**

6. Barn foundation area to be graded (in compliance with zoning ordinance 3.10).
7. Written approval of the engineered cistern plan by the Francestown Fire Department (in accordance with Subdivision Regulations Section, V-K).
8. An easement for the cistern shall be conveyed to the Town of Francestown in a form acceptable to Town Counsel (in accordance with Subdivision Regulations, Section V-K).
9. Drainage easements for two road culvert locations as determined by the Francestown Road Agent will be conveyed to the Town of Francestown (in accordance with Subdivision Regulations, Section V-B.13 and Driveway Regulations – Rules: V-5).
10. DES approval of all lots that are less than 5 acres (in accordance with Subdivision Regulations, Section V-N.1).
11. All deeds of conveyance for the approved lots shall reference the restrictions on the plan (Notes 16 & 17) and shall include the HCRD recording information for the plan; a draft of said deed language shall be provided to the Planning Board at a compliance hearing.
12. Driveways over 500 feet long will require additional planning board approval (in accordance with Subdivision Regulations, V-C.12).
13. Erosion Control plans are required for any driveways crossing land 15% or greater (in accordance with Subdivision Regulations, Section V H.2 and C.11).

**Compliance**

A Planning Board compliance hearing will be held at a later date to determine whether the applicant has met the requirements of conditions subsequent 6-10, and 11 as noted, listed above.

**No building or driveway permits** will be issued by the Town of Francestown until all conditions included in this Notice of Decision are deemed to have been met.

THE FRANCESTOWN PLANNING BOARD

By: Robert Lindgren, Chair

Date: March 21, 2023

cc: Planning Board Members  
Fieldstone Land Consultants, PLLC  
Tom Rosswaag  
Attorney John Cronin  
Town Clerk  
Board of Selectmen

Posted at: Town Offices  
Francestown Post Office