**THE PLANNING BOARD**

**TOWN OF FRANCESTOWN, NEW HAMPSHIRE**

**October 20, 2020**

**MINUTES**

Planning Board Members - Present: K. Fitzgerald, S. Pyle, G. Bernstein; B. Hardwick, B. Howell, L. Kunhardt

- Absent: R. Lindgren

Alternates – Present: L. Heath, P. Behen; Absent – T. Anderson

Others Present: Please see attached attendance sheet

The meeting was brought to order at 6:38 pm.

**Public Hearing:**

L. Kunhardt recuses.

Sitting on case – K. Fitzgerald, S. Pyle, G. Bernstein, B. Hardwick, B. Howell, P. Behen, L. Heath

B. Hardwick explains she is a member of the Francestown Land Trust, an abutter, and is willing to recuse if there is an objection. No conflict of interest is assumed, no objections.

CASE #20-SD-03 A subdivision application received on 9/15/20 from Mellissa D. and Ronald A. Shattuck, Jr. owners of property identified on the Francestown Tax Map as Map 3 /Lot 18 &17 comprised of a total of 39.8 acres. Property is located at Stevens Road, 2nd NH Turnpike S. and Woodward Hill Rd. The property is a total of 39.8 acres; it is in the rural district and contains property in the wetlands and steep slope overlay districts. The applicant proposes a lot line adjustment between lots 17 and 18 and a subdivision on lot 18 consisting of 4 new residential lots and one remainder lot, the remainder lot to retain existing horse riding arena structure.

Public Notice was posted locally and mailed to abutters 10/06/2016 and published in the Monadnock-Ledger 10/08/2016. CRC review was conducted 9/30/2016 (See file). A site inspection was held 10/20/2020.

Site Inspection held prior to hearing at 5:15 10/20/20

Francestown Conservation Commission Chair B. Hardwick stated that the Commission has not had an opportunity to meet to review the application since receiving it.

CRC Chair S. Pyle States dates of committee meeting and public notices. discusses review. Items provided to the Board to date including: a letter from the Francestown Road Agent, a letter from the Francestown Fire Department, State DES Subdivision permits (application submitted but not yet approved), and application fees in the amount of $606.95 correct prior deficiencies.

Waiver request for HIS (High Intensity Soils) map, The soil test and borings show soils that are suitable.

**Motion:** S. Pyle. moves to accept the waiver request. **Second**: B. Hardwick

**Vote:** (favor) K. Fitzgerald, S. Pyle, G. Bernstein, B. Hardwick, B. Howell, P. Behen, L. Heath; None opposed, Motion carries.

**Motion:** S. Pyle. moves to accept application as complete for the purpose of hearing. **Second**: K. Fitzgerald

**Vote:** (favor) K. Fitzgerald S. Pyle, G. Bernstein; : B. Hardwick B. Howell, P. Behen, L. Heath; None opposed, Motion carries.

Agent for applicant, Jonathan Lefebvre, Survey Field Manager of Meridian Land Services Inc. presents project. Board Discussion ensues:

1. K. Fitzgerald: Alteration of Terrain Permit: The clearing of the property appears to be over the threshold for requiring an AoT permit (100,000 sf). The Regulations Env-Wq 1500 state that “normal agriculture” uses are exempt from the permit filing, however Env-Wq 1503.12 (d) implies that the subdivision of the disturbed land 10 years before or after the disturbance requires inclusion in the plans. Applicant is requested to address.
   * Applicant representative has no comment.
   * B. Hardwick: The topsoil has been stripped, where is the topsoil?
   * R. Shattuck, it has been screened and used on site.
2. S. Pyle:National Register of Historic Places neighborhood designation: Property is part of the historic district and warrants Open Space Development (OSD) consideration based on Town Zoning Article 5 criteria and Master Plan Land Use Section - Cultural and Historic Features. Site also contains soils of state-wide importance and prime agricultural soils and aquifer. Requests plan that would meet the Open Space Dev. model.
   * Applicant Representative: has not been made aware of the designation. Discussion on character and scenic quality of the area. Would vegetative buffer for the proposed lots satisfy the request? Must consider drainage, road costs. Believes it will be cost prohibitive to the client.
   * S. Pyle: OSD would allow for fewer driveways, more open space preserved, stone walls undisturbed. Possibly 5 units, road requirements are less restrictive for OSD.
   * B. Hardwick: OSD does not have to be clustered units, creative layout is allowed. 50% of the Open space must be preserved which can include wetlands and buffer areas.
3. Francestown Conservation Commission Chair B. Hardwick stated that the Commission has not had an opportunity to meet to review the application since receiving it. The CC will meet on 11/2 to discuss, would also like to walk the wetlands.
4. B. Howell: clarification of lot line adjustment.

K. Fitzgerald opens public comment.

Abutters: B. Tolman re: Where is there cluster in town? Is open space open to the public? Clarification on AoT regulations. Does not agree with an OSD for this

Abutters: L. Kunhardt – Is the lot line adjustment allow for more buildable lots, should be considered. J Lefebvre: because of setbacks and acreage it’s not possible to subdivide further.

Abutters: P. St Cyr: A seasonal brook exists along the property line. The tree removal that has been done will increase runoff and compromise the 2 culverts. This year has been a very dry year but under normal rainfall the culverts are 80-90% full, would like to ensure that the culverts will not be overloaded. J. Lefebvre: will look at the runoff conditions and treatment.

Woodward Hill Res H. Davidoff: Comment on respect for tradition, neighbors, nature and character of Francestown.

Abutter: Ann Chambers: thoughts on Francestown character preservation, poem ‘Trees’ read.

Resident: Greg Neilly: Represents a group of 30+ residents who have submitted a request for a continuance to have time to seek legal counsel, requests Board to consider request for continuance.

B. Howell: How long will be needed to consult legal counsel? K. Fitzgerald: next PB date is Nov. 17th.

B. Hardwick: asks for comments on Open Space Dev.

D. Jonas -Opposed to the proposal, changes to character and culture of the community, concerned about precedent setting development.

Abutter: John Chambers: Concerns for subdivision strongly negatively impact the neighborhood and go against the Master Plan.

B. Howell: The proposal will be decided within the regulations.

S. Pyle: suggest Board waive notice fee, because it was properly noticed with the Subdivision, if the Site Plan App. will also be heard. **Second**: G. Bernstein

**Motion:** S. Pyle. moves to continue hearing until November 17th, 6:30

Public Hearing continued to 6:30pm, November 17, 2020.

**Vote:** (favor) K. Fitzgerald, S. Pyle, G. Bernstein; : B. Hardwick, B. Howell, P. Behen, L. Heath; None opposed, Motion carries.

Public Hearing continued to 6:30pm, November 17, 2020.

**Public Hearing:**

CASE #20-SD-02 K. Fitzgerald Opens Hearing on Application for Site Plan Review filed by Mellissa D. and Ronald A. Shattuck, Jr. Map3, Lot 18.  
S. Pyle reports that the CRC found that the site plan application as submitted was not complete, and that a list of deficiencies has been sent to the applicant. The CRC recommends the board not accept the application as complete.

**Motion:** S. Pyle. moves to continue the hearing until November 17th, 6:30

**Vote:** (favor) K. Fitzgerald, S. Pyle, G. Bernstein, B. Hardwick, B. Howell, P. Behen, L. Heath; None opposed, Motion carries.

Public Hearing continued to 6:30pm, November 17, 2020.

Meeting adjourned at 8:15 pm.

Next meeting: November 17, 2016 at 6:30pm