

The Planning Board
Town of Franconia, NH
August 21, 2018

Minutes

Members Present: Karen Fitzgerald, Betsy Hardwick, Linda Kunhardt, Robert Lindgren, Lisa Stewart, Alternate Tom Anderson (sitting for S. Pyle),

Members Absent: Abigail Arnold (ex. off.), Sarah Pyle, Alternate Ruth Behrsing, Alternate Gerri Bernstein

In attendance: Polly Freeze, Buddy Pope, Al Bell, John Perry, Mr. and Mrs. Bob Holden, Paul Silvernail, Kevin Pobst, Robin Haubrich, Betty Behrsing, Joe and Shirley Ludwig, Jan Hicks, others.
L. Kunhardt and R. Lindgren are taking the minutes.

The meeting was brought to order at 6:30 pm

Review of Minutes: 7/17/2018 – Amend: remove “Looking to get an approval from” and “to move ahead” from paragraph re: South New Boston Bridge and replace with “Purposes of the discussion was to provide information to”

Scenic Road Public Hearing: Town Request for Tree Cutting on Scenic Roads

In response to a written request from Road Agent Gary Paige, the Planning Board scheduled a public hearing on a request for scenic road tree cutting. The Public Hearing Notice was properly posted in town and on the town web site, and was published in the Monadnock Ledger-Transcript on 8/9/18 and 8/14/18. Linda Kunhardt recused herself from the board for this Public Hearing.

Road Agent Paige described the request, which involves tree thinning and brush removal within the town right-of-way on a portion of Old County Road South and all of Journey’s End Road. No whole trees with diameters greater than (4 ½ inches? Or more than 14 feet high?) will be removed, just limbs and branches of trees whose bases are within the right-of-way. The proposed clearing would take place over the course of the next 12 months. Hand tools and chain saws would be used to do the clearing. Property owners will be notified of the clearing more than 30 days before the work begins, to allow for an appeal process.

Old County Road North resident Jan Hicks said that last year, the trimming was done using a mower, and the needed follow-up to remove the residue that was left did not happen. Road Agent Paige apologized that the residue removal had not yet happened, but he said that they are planning to get to that presently. He said that they used a mower in some areas where the brush was very thick, but in the other areas they used hand tools, and they hope to avoid having to use a mower this year.

Discussion ensued re: difficulty of complying with 2 or more conflicting statutes that control the cutting of trees and brush on town road right-of-ways. One statute was said to mandate the town to clear all trees and brush in the right-of-way that constitute a safety hazard, and another was said to prevent the

town from clearing branches or limbs of trees whose bases are outside of the right-of-way, even though the branches may be in the right-of-way. The Road Agent was concerned about his own personal liability for damages, and looks to the Board of Selectmen to provide the Highway Department with a clear policy on what to cut.

Motion: Lindgren made a motion to approve the request. Second: Hardwick. Vote: (favor) Lindgren, Hardwick, Stewart, Anderson, Fitzgerald. Unanimous. Motion carries.

Kunhardt returned to the board.

New Business: Re: Mountain Maintenance Corporation, East Rd. Septic Plan. B. Hardwick recuses herself from the board for this portion of the public meeting. Paul Silvernail of Sanford Survey presents for the corporation. Discussion ensues. The corporation's existing septic system is located on one of two lots owned by another – a lot with no frontage and steep slopes. Work with abutters resulted in a preliminary proposal for a lot line adjustment that would allow the corporation to install a new septic system on land that would then be owned themselves. Guidance sought from the board: 1) how best to design an approvable plan that would retain a buildable lot for an abutter? 2) is the existing lot considered a front lot or a back lot? if it is considered a backlot, then the 450 foot building setback from road center precludes use of most of the area suitable for a home. 3) what is really required to provide one lot to the corporation for a septic system, retain one buildable lot for an abutter, encourage the town to swap land from a portion of a lot in exchange for a portion of desirable corporation land? 4) must the steep slopes requirements be met in any proposed lot line adjustment.

Continued discussion. Do you need to meet the steep slope ordinance because no new lot is being created? It is a lot line adjustment. There are two lots existing already and you would only be adjusting the line between them. Can the board approve a lot line adjustment where such adjustment will make a non-conforming lot more conforming?

MMCorporation seeks board consensus on best approach. Consensus: board prefers option #2 with traveled way being the frontage location.

Board agrees to review zoning ordinance and regulations and to publicly meet September 4, 2018 at 6:30 pm

Communications: 1) Received confirmation of HCRD recording for Peters subdivision. 2) Received email August 14, 2018 re: Hoey M9 / L 17-2 - Fieldstone's responses to third party review. Chair informs applicant response package must be reviewed prior to board action. 3) Buddy Pope requests board provide a written assurance to a potential property buyer re: farming and opening of a sales room for product sale. Discussion. Board declines to provide same. Directs B. Pope to NH RSA's re: farming and to TOF ZO and REGS. 4) Received from BOS a copy of traffic counts re: Gregory property on Bible Hill. 5) Received SNHPC info: a) certain traffic count locations will be redone. b) info re: NH OSI planning related legislative updates.

Next Meeting: September 4, 2018

Meeting adjourned 7:52 pm