

ZONING BOARD OF ADJUSTMENT

Francestown, NH 03043

NOTICE OF DECISION

On Thursday, February 18, 2010, the Francestown Zoning Board of Adjustment met at 7:30 p.m. in the Town Offices, lower level, to deliberate on a requested rehearing concerning the Board's previous denial of an application for variance under Article II-A, Sections 2-A.3.3 of the Francestown Zoning Ordinance to permit the construction of a road over slopes greater than 25%.

The Board upon review found that the five criteria for a Variance were met and by a vote of 5-0 granted a Variance under Article II-A, Section 2-A.3.3 of the Francestown Zoning Ordinance to permit the construction of an access road by SBA Network Properties, Inc and AT&T Wireless Services, Inc. on property located on Crotched Mountain, Francestown, NH (Tax Map 71 Lot #1) over slopes greater than 25%. Request shown graphically on a set of plans filed February 18, 2010 with the Board and titled "SBA CROTCHED MOUNTAIN: 226 East Road, Francestown, NH 03043; Site Number NH07345, revised 2/12/10, sheets T-1, C-1, C-2, Z-1, Z-2, ES-1, ES-1 and P-1

The Board granted approval subject to the following conditions

1. Access road shall be considered a maintenance vehicle and pedestrian access trail and shall hereafter be referred to as an "access trail".
2. Width of the access trail shall be no wider than eight (8) feet, except for two corners with a width of 12' or less as identified on Sheet C-2 of the above referenced plan dated 2/12/10.
3. Construction equipment will be permitted for a period of sixty (60) consecutive days for construction of the access trail. Applicant shall notify the Building Inspector within five (5) business days of the start of construction. Extension of the construction period may be granted by the Board of Selectmen. Only construction equipment as shown on Exhibit 1 (see attached) shall be permitted.
4. Following completion of the access trail only small utility vehicles such as skid steer, small excavators, ATV's and snowmobiles as shown in Exhibit 1 (see attached) shall be permitted.
5. Following completion of the access trail, the applicant shall reclaim the access trail subject to review and approval by the Conservation Commission and Planning Board.
6. The applicant is to maintain public access to and to preserve the integrity of USGS monuments located on the site and shown on sheets C-1 and C-2 of the above referenced plans.
7. Applicant is reminded to prepare a plan showing public access across the parcel for the trail to the former fire tower and to construct the same, to be approved by the Conservation Commission, Planning Board and Board of Selectmen (see condition #2 of the Notice of Decision, dated October 29, 2009)
8. Use of the access trail shall be limited to pedestrian travel by the public and small off-road vehicles for maintenance purposes only by applicant and co-locators as shown in Exhibit 1 (see attached).
9. A sediment and erosion control plan will be implemented as shown on the plans dated September 28, 2008 (sheets ES-1 and ES-2), subject to review and approval by the Francestown Conservation Commission and Planning Board (see condition #3 Notice of Decision dated October 30, 2009).
10. A gate shall be constructed at the beginning of the access to the applicant's property.
11. The applicant shall post a bond in the form and amount acceptable to the Planning Board to ensure removal of the access trail and any bridges (mats) when the facility's use is terminated. See condition #4 of Board's Notice of Decision dated October 30, 2009.
12. The applicant is reminded to obtain site plan approval from the Planning Board.

The Findings of Fact are set forth in the Board Minutes of the meeting.

Charles M. Pyle
Vice Chairman for the Board
February 18, 2010