



Town of Hebron

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Hebron Planning Board

APPROVED Minutes of Hearing 6/7/06

Members Present: Chuck Beno (alternate), Roger Larochelle (chair), Ellie Lonske (vice chair), Curtis Mooney, David Wall, John Matthews (standing in as Selectmen's rep) and Sheila Oranch (secretary)

Others Present: Alan Barnard, Richard Delaney, Barbara Delaney, Dick Humphrey, Lee Alexander, Polly Alexander, Betsy Twombly, Phillip Twombly, Jeff Hillier, Randy Pitts, Juli Pruden, Nadine Hession, Mark Hession, Barbara Pape.

Time Convened: 7:00 PM

Time Adjourned: 10:03 PM

Next Meetings: 6/19/06 work session, 7/5/06 monthly hearing

Agenda Items:

1. Administrative Matters
2. Approve minutes of 5/3/06
3. Continuance of Jaques ET AL subdivision and boundary line adjustment applications
4. Site Plan Review of Six Chimneys and a Dream property, Route 3A
5. Subdivision application for Ridgewater Commons Cluster Subdivision, West Shore Road.
6. Any other matters that come before the Board

Administrative Matters:

Roger Larochelle called the meeting to order and made the following announcements:

1. John Matthews would be standing in for Dick Cowern as Selectmen's representative.
2. He received notice that Douglas McQuilkin would be resigning his position as alternate.
3. The minutes of the 5/15/06 workshop will be taken up for approval at the next workshop.
4. There will be a Special Town Meeting on Tuesday, June 20th to take up proposed zoning changes which have been reviewed and recommended by the Planning Board, and posted according to law. Polling will be open from 11:00 AM to 7:00 PM. The public meeting will be convened at 7:00 PM. Also on the agenda will be Article XVIII regarding authority to sell a conservation easement on the Esty property.

5. Alan Barnard asked that the order of the agenda be changed to put the Jaques continuation at the end, as it appeared that none of the audience were present for that case. After confirming that this was correct, Roger Larochelle agreed to the change.

Approve minutes of 5/3/06:

The Board reviewed the minutes of 5/3/06 and made the following amendments: on page 1 delete the word Zoning from the title and BOLD at the bottom; add the word "line" after "boundary"; add the word "lots" after "as the first two"; page 2 change "12,000" to "1200" and "\$150,000 a foot" to "\$150 a foot"; page 4 scratch the phrase "None were entirely sure."; page 5 last sentence, change "Mike Ethier asked" to be "Alan Barnard asked"; page 6 first sentence change "shoed" to "showed" and add "updated" before "road plan."; add "he" before "showed the culvert."; page 7 near bottom change "Mike Ethier's quote" to "one contractor's quote might not be the same as another's."; page 8 top change "aid" to "said".

Curtis Mooney moved/Ellie Lonske seconded approval of the 5/3/06 minutes as amended. PASSED

Site Plan Review of Six Chimneys and a Dream property, Route 3A

Alan Barnard and Juli Pruden presented the Site Plan application and supporting materials, and confirmed that a check for the application fees had been submitted. Roger Larochelle reviewed the process for acceptance on an application and then the Board can take up the plan and review its merits. Curtis Mooney read the checklist for completion of an application and Roger Larochelle verified that each item was submitted or that a waiver might be requested. On item G. for a topographical map, Alan Barnard presented spot elevations, as the overall grade on the property is 0-8 percent and he had extensive photographs showing that. On item M. for the lighting plan, the existing lighting will be maintained and is proven adequate by past history as well as photographs of the placement. The septic system location is not shown on the plan, but calls have been put in to Bruce Barnard asking him to verify its placement and provide a certificate of adequacy, which will be forwarded to the Board for the file. The approximate location of the septic system is penciled in on the plan based on the real estate disclosures.

Curtis Mooney moved/David Wall seconded a motion to accept the Six Chimneys and a Dream Site Plan application with a waiver on item G for contours, given the spot elevations shown, and a waiver on item M. for a lighting plan, given photographs of existing lighting, plus the condition that verification of placement and certification of adequacy of the septic system are to follow, as part of the substance of the plan. PASSED

The Board took up the Site Plan for Six Chimneys and a Dream to discuss the merits of the plan. Alan Barnard presented the background and substance. The property is at the junction of Route 3A and North Shore Road. It is the old McClure Tavern and was operated by Peter and Lee Fortescue as a Bed and Breakfast for ten years. The two lots shown on the Tax Map were merged and are being treated as one lot. He described various features on the plan, including Pike Hill Road which goes through the right of way. The plan shows nine parking spaces for six rooms, which is 1.5 spaces per room. There are also five spaces on the north side of Pike Hill Road for employees or extra visitors, or for small functions. There are additional spaces accessible from Route 3A around by the barn. There is a covered parking space attached to the barn, as well. The

reason for a Site Plan review is that the property has not been used as a B&B for ten years, so this is a change of use. It was used for this purpose successfully and worked very well. The sign will be kept for the time being, and if it is changed will be similar. He submitted more photos of landscape, gardens, parking, views and abutting properties. He confirmed that the brook is Stony Brook, which is shown on the plan with 25 foot setbacks.

Juli Pruden said she would be happy to answer any questions. She had John Fisher, the Fire Chief, up to the house for a walk-through. He said he would like to come back after she is all set up to look for any possible hazards. He has not issued a letter yet. Juli said the smoke detectors will be wired in and then the Fire Chief will be ready to sign off. She put in a call to Bruce Barnard to review the septic situation and has had no reply to date. She called the Police Chief to review the property overall and has had no reply to date.

Roger Larochelle asked if there was any public comment from abutters.

Dick Humphrey was the only abutter present (of two). He asked about parking and said that during the winter when the foliage is off the trees, headlights will probably shine in his windows. He felt a fence or evergreen hedge would be appropriate to block out the headlights.

Alan Barnard suggested a screen fence at the top of the stream bank to block lights.

Dick Humphrey said he doesn't care how the lights are blocked, only that they should be. The solution will block his lights from shining in her windows also

Roger Larochelle led discussion of where Dick's house is relative to the stream and verified that the vegetation is primarily deciduous trees. He said Juli and Dick can work out how to solve the concern as neighbor to neighbor. Roger asked if there was other public comment and pointed out for the record that there is no letter from the Fire Chief yet and returned discussion to the Board.

Sheila Oranch excused herself from her duties as secretary to speak as a member of the public. She encouraged the Board to consider granting a conditional approval to the application so Juli won't lose income during the busy summer season. Although the financial situation of an applicant is not the Board's concern, delaying the approval could cause considerable harm. She pointed out that the Board had granted conditional approval to the Powers/Oranch application for Coppertoppe for the same reason that the Fire Chief had wanted to inspect the property after it was all set up before issuing a letter. As one cannot apply for a license and set up for business until there is an approval from the Board, it could be a circular problem. They lost a month to the fact that the check list in the Zoning/Subdivision book did not include septic design proof and a fire safety inspection letter as requirements, although the Board always wants those items.

Chuck Beno reiterated that although an applicant's financial situation is not the Board's concern, it would not be in the best interests of the Town to cause unnecessary delay to a business because the applicant is awaiting a certificate for the septic system and a letter from the Fire Chief.

Ellie Lonske said the Board is not the problem. They need to get back information from Bruce Barnard and the Fire Chief. It is the safety of the public that is a concern.

Alan Barnard said the Board has never required input from the Police Chief and asked if that is now a condition.

Roger Larochelle said the Board will allow the Police Chief to chime in if he pleases, but it is not necessary as long as he has been notified of a new establishment. At the next hearing 7/5/06 the Board can review any additional feedback.

Curtis Mooney said it is an existing place, there is no proposed excavation or construction, Juli has been before the Board four times already and only has two pieces of the puzzle to get in. He would be in favor of a conditional approval.

Ellie Lonske asked what conditional approval would mean.

Juli Pruden said that she would suppose that there would be things she must do within a specified timeframe or lose the approval. She is fine with that.

Ellie Lonske said her concern is about safety if the Fire Chief has not approved the place.

Curtis Mooney said it would mean that she can move forward with licensing but not take paying guests until the Fire Chief has approved it.

Roger Larochelle said this is the first notice to abutters and he likes to have abutters have a good span of time to respond. The members of the Board sometimes want to examine the property. He said he would go with the will of the Board.

John Matthews said there is a fine line between strictly following the rules and respecting people's rights.

Curtis Mooney moved/John Matthews seconded approval of the Six Chimneys and a Dream site plan application conditional on submission of: a letter of adequacy for the septic system, a letter from the Fire Chief and assurance that if there are any findings they will be rectified. PASSED

Subdivision application for Ridgewater Commons Cluster Subdivision, West Shore Road.

Roger Larochelle reminded the Board and the public that this is an entirely new application, which must be evaluated on its own merits without regard to any prior application which was denied. It was submitted with fees, abutters were notified (sent 5/26/06) and the decision before the Board at this time is whether to accept the application as complete. If it is accepted then the Board can move on to the merits of the case as the application requests.

Chuck Beno recused himself as an abutter.

Ellie Lonske pointed out that with a subdivision of this size there is usually an informational. It is not required but it would be helpful.

David Wall asked if there was any reason not to have an informational followed by a review of the application checklist.

Roger Larochelle said it is up to the applicant. The Board has an obligation to rule on acceptance of the application as complete.

David Wall said he felt it would be helpful to have a brief review of what this is like.

John Matthews said there is an application before the Board. It is not the Board's prerogative to request advance information.

Ellie Lonske asked about the status of the legal action regarding the prior application and whether there are grounds for an appeal.

Roger Larochelle said it is pending and the court date is in June.

John Matthews said any discussion of a prior application would prejudice this application. The Board has an application before it and must evaluate its completeness.

Curtis Mooney said, however, they are asking for a waiver of fees, so that brings the other case into the discussion.

Ellie Lonske said either it is related to the other application in waiving the fee, or it is an entirely new application, in which case it requires a new fee.

Phil Twombly pointed out that if this application is not a continuation, it is bound by the new proposed zoning changes. He asked if they have plans showing the lots.

Roger Larochelle said the application is subject to proposed zoning changes because it came after the public hearings.

Alan Barnard said the goal is to determine if the submitted application with its supporting information is sufficient to rule on acceptance of the application. There is a traditional subdivision plan showing that the land can support more than the number of proposed units. The plan has one less unit than a similar plan that he believed came close to approval. They will submit a request for an engineering review after the application is accepted. When the application was submitted it was with a check for the entire amount, although they are asking for a waiver of the application fee, not the abutters notice fee, in case a waiver is not granted.

Curtis Mooney read the check list for applications and Roger Larochelle verified that the material required was present.

Ellie Lonske asked about the State permit for road access.

Alan Barnard said they had reduced the number of planned units and do not need to reapply unless it is an increase or change of use.

Curtis Mooney said going back to not having prejudice; they should have a copy of the road permit in the current file as it is with the new application.

Alan Barnard requested that the permit be copied from the old file.

Roger Larochelle opened the hearing to the public for comment on whether the amount of information submitted was adequate to accept the application.

Barbara Pape said she is Trustee for Mary H. Waite, her aunt, and she didn't think she received the abutters notice.

Sheila Oranch showed Barbara the Post Office receipt for the certified mail sent 5/26/06.

Roger Larochelle said you are here and that is good. That would be the result of receiving an abutters notice.

Jeff Hillier, an abutter, asked what can be done tonight and why 2 rolls of plans were mentioned.

David Wall and Ellie Lonske explained why traditional plans are needed to prove the land can support the proposed number of units in a cluster development or subdivision.

Roger Larochelle read out a letter from Attorney John S. Sokul dated 5/31/06 stating that he is representing Bill Nobles, Dan LaVecchia and other neighbors in relation to a new development plan by Richard Delaney, a.k.a. Rogers Ledge West and he pointed out in the letter that the new application is subject to proposed zoning amendments. The letter is on file.

Alan Barnard pointed out that Rogers Ledge West is not the name of the new plan and has all new material.

Randy Pitts, an abutter across the street at the location of the road culvert, said he wants to know if the application materials contain enough information about erosion and drainage.

Roger Larochelle said the Board is not currently talking about the merits of the proposal, only the completeness of the application. The Board cannot hear public comment on the merits now. Any interested party is welcome to submit comments in writing for future consideration.

Randy Pitts asked if it is absolutely compliant with new zoning.

Roger Larochelle said it claims to be fully compliant with proposed zoning regulations.

Randy Pitts said another sample question is whether the cul de sac road would be compliant.

Roger Larochelle said yes, it would have to be.

Randy Pitts said he would request a copy of the final plans when they come out.

Roger Larochelle explained that they will be available and Randy could have someone make copies for him at the Town office.

Randy Pitts said he is very concerned about what comes out of that culvert now.

Roger Larochelle asked if there were any Board concerns about not having enough information. There were no concerns; members said they had enough. Roger asked about waiving the fee.

Ellie Lonske said one way to make it clear that this is an entirely new application is to accept the check.

John Matthews said accept the check and if the Town prevails in Court, keep it. If not, waive it.

Roger Larochelle said the purpose for charging fees is to cover operating costs—legal expenses, secretarial time, lights and utilities, etc. He asked for discussion.

David Wall said they should waive the fee.

Curtis Mooney said it is a new application, new fee.

Ellie Lonske agreed.

Roger Larochelle asked for a motion to waive the fee so the request could be granted or denied.

David Wall moved/Roger Larochelle seconded a motion to waive the application fee but not the abutters notice portion of the fee for the Subdivision application for Ridgewater Commons Cluster Subdivision, West Shore Road. FAILED

Ellie Lonske moved/Curtis Mooney seconded a motion to accept the Subdivision application for Ridgewater Commons Cluster Subdivision, West Shore Road as complete. PASSED

Alan Barnard asked if they can submit the plan package to Paul Fluet for an engineering review now so he can move forward and have answers in time for the next hearing date. They will also go to the police and fire department, knowing that those will be required to review as well.

Chuck Beno suggested that the Board should hear abutter questions before ordering an engineering review so that the engineer will know the questions.

Randy Pitts clarified his suggestion about peer review of the plans by a CPE certified engineer who is not a Town employee.

Roger Larochelle clarified that suggestion to keep the engineering review at arms length.

Randy Pitts said typically what Boards do with a project of this scope, considering impact on the lake, is that the review recalculates and checks everything in the plans.

Ellie Lonske said she wants to save the Delaneys money and not have to do a review twice because more questions will come up. Either it is new or not. If it is new, they should proceed methodically and in a timely manner, not pushing through hastily but in proper fashion.

Alan Barnard said it is the Board's obligation to submit to the applicant suggestions for engineers to do review so it can move forward. If there are more questions, they will be happy to provide more information.

Randy Pitts asked what criteria are being reviewed. Are erosion, water in and out and road design included?

Alan Barnard said he wanted the Board's permission to submit the plan to an engineer.

David Wall said he supported the concept, even if it is a new design, the issues are the same—erosion control and road design. They could have 80% of concerns addressed in a timely manner. They said they would be happy to answer more questions.

Roger Larochelle said that addresses Chuck and Randy's point that there may be more questions.

Ellie Lonske said the point is not to have to keep going back and also they will probably want an environmental impact study.

Roger Larochelle said at this point the Board needs to decide on an engineer and on what questions they want addressed.

Ellie Lonske said the Board has not asked for anything yet. How would an engineer know what to review?

Roger Larochelle asked if the Board felt an environmental impact study will be warranted.

Curtis Mooney said certainly it will.

David Wall agreed and said it should be separate from the engineering review.

Roger Larochelle asked the applicant's views on having an environmental impact study.

Alan Barnard said let the applicant submit the plans to the engineer and ask if he feels the application warrants a full environmental impact review. He is the professional and is qualified to recommend a study.

Curtis Mooney said it will certainly require an environmental impact study. This is what he does professionally and he believes it will.

Alan Barnard said he just heard two Board members speak out strongly for an environmental impact study, so vote on it.

Roger Larochelle read out the 9/15/06 cover letter from Paul Fluet in which he said an engineering review does not address environmental impact except in an evaluation of drainage. He asked at this point what the will of the Board was.

Ellie Lonske said it doesn't need a vote. The Board will request a design review and an environmental impact study.

David Wall said it doesn't need a vote if it is in the minutes that it will be requested. He said you can't dispense with the emotional contagion from the first application. You might as well get this information all up front. He would want two completely separate reports.

Alan Barnard said as long as it is in the minutes to make sure the engineer knows what his responsibilities are.

Curtis Mooney said he does not recommend doing the environmental impact study until the design has been accepted, because it might change.

Alan Barnard said at least he can do as much of it as possible and can say what he can't do yet, and see what concerns might exist.

Roger Larochelle said review at the highest level is to do both.

Ellie Lonske said she still felt there should be an engineering review first and then after the Board understands the design better, look at what environmental concerns might need to be addressed.

Roger Larochelle said you should get the highest level of information you can possibly get and if the plan changes you can go back and review again.

John Matthews asked why the Board was questioning this. The developer is willing to pay for it so why put up road blocks?

There was more discussion of why it would make sense to request both reviews at the same time.

Roger Larochelle said the applicant is requesting that materials be submitted to Paul Fluet, if he is the engineer of choice for the Board, for engineering review and environmental impact study. The letter from the Board requesting these reviews will state that the Board is requesting a copy to Alan Barnard and the Delaneys. It will make clear that plans have not been reviewed yet and there may be more questions.

Randy Pitts asked if Paul Fluet will be doing the peer review also.

Roger Larochelle said the Board will hire the engineer to do the review and study and Paul will advise the Board of what he can and will do. If the Board need to hire another engineer it will.

The case was continued to the regular monthly hearing 7/5/06 for review of the plan substance.

Alan Barnard thanked the Board for its input and willingness to move forward in a timely manner.

9:42 PM

Continuance of Jaques ET AL subdivision and boundary line adjustment applications

Alan Barnard presented an update of the road design and requested that all else be continued. He had two letters from Northpoint Engineering explaining the changes. The State required moving the junction as far west as possible (towards Hebron center). They got another 25 feet which increases the line of sight. It changes Paul Sughrue's lots—same number but different shapes.

Curtis Mooney said Alan Barnard is basing the request to the State on the belief that the Town of Hebron supports a new road.

Alan Barnard said he could get a development road without Town interest.

Curtis Mooney said when this gets farther along be on notice that there will be no final approval from the Planning Board until all agreements are in place.

Alan Barnard said absolutely. A question for the Board is that this is an easement-type highway, not in fee, and he would like to extend Lot 3-2 across the new proposed road all the way to North Shore Road so they can control the view. It would not be able to be subdivided further.

Chuck Beno asked why not request a view easement.

Alan Barnard said too many things can be done to it. They are willing to own it and leave a road easement, including slope and drainage easement.

Ellie Lonske asked John Matthews his opinion.

John Matthews said an easement is better. You don't need to go to Town meeting to do anything.

Roger Larochelle asked the Board if there was a consensus.

David Wall said no harm, no foul.

Roger Larochelle and Alan Barnard discussed the cut for the intersection and how that will improve visibility for the approach.

Roger Larochelle suggested encouraging Paul Sughrue to build the road all the way to the end of his property. He, Alan Barnard and John Matthews discussed options.

Alan Barnard said he will tell Paul it is in his best interests to build the road all the way to his property line. That concluded the discussion.

Any other matters that come before the Board

Regarding Convex LLC, the Cilly Brook development, Alan Barnard presented the Board with written bids for road work, a check for surety and asked the Board to review and sign quickly because they are hoping to start work next week.

Roger Larochelle accepted the material and said the Board would consider it.

The Board had a discussion about RSA and Planning Board procedures. RSA 155E says that jurisdiction for excavation regulation may be delegated to the Planning Board. The Board needs to discuss, verify and establish procedures, and will take it up at a work session.

Alan Barnard said that ZN-19 also relates to this topic.

Roger Larochelle said he received notice that there will be a workshop on June 19th with the Town of Bridgewater to look at road standards and issues of common concern. The meeting will be held in the Hebron town land use room and will be open to the public.

10:03 PM David Wall moved/Ellie Lonske seconded adjourning the meeting. PASSED

SUMMARY OF MOTIONS:

Curtis Mooney moved/Ellie Lonske seconded approval of the 5/3/06 minutes as amended. PASSED

Curtis Mooney moved/David Wall seconded a motion to accept the Six Chimneys and a Dream Site Plan application with a waiver on item G for contours, given the spot elevations shown, and a waiver on item M. for a lighting plan, given photographs of existing lighting, plus the condition that verification of placement and certification of adequacy of the septic system are to follow, as part of the substance of the plan. PASSED

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