



# Town of Hebron

PO Box 188

Hebron, NH 03241

Phone: 603-744-2631

[hebronnh@metrocast.net](mailto:hebronnh@metrocast.net)

## Hebron Planning Board

APPROVED Minutes of Hearing 10/4/06

**Members Present:** Chuck Beno (alternate), Dick Cowern (Selectmen's rep), Tom Gump (alternate), Roger Larochelle (chair), Ellie Lonske (vice chair), Curtis Mooney, Martha Twombly (alternate), and Sheila Oranch (secretary)

**Others Present:** Katherine Keon, Anne Hill, Patrick H. Wood (attorney), Jane Wood, Richard Delaney, Bill Nobles, Carmine Tomas (attorney), Brian Vincent, Betsy Twombly, Phil Twombly, Jeff Hillier, Alan Barnard, John Robertson, Lynne Robertson, Paula Cummings, Bill Cummings, Bruce Barnard, Dennis Dodge.

**Time Convened:** 7:03 PM **Time Adjourned:** 9:53 PM

**Next Meetings:** 10/16/06 workshop, 11/1/06 regular monthly hearing

### Agenda:

1. Administrative Matters
2. Approve minutes of 9/6/06
3. Continuance of Jaques ET AL subdivision and boundary adjustment applications
4. Continuance of Ridgewater Commons Cluster subdivision application
5. Informational for Jane Ramsay property Tax Map 8 Lot 1 = 8.9 acres, 54 Cooper Road. This is an informational for a proposed subdivision of the property into two lots
6. Informational for the Ledges Condominium Association property Tax Map 20-7 to update the approved site plan in order to add parking spaces and modify the driveway.
7. Any other matters that come before the Board
  1. Lynne and John Robertson requested time for an informational about subdividing their 11 acre lot in the Valley View Area to sell a 3-acre portion to their sister.

Roger Larochelle introduced the members of the Board and explained hearing protocol. He reminded members of the public to sign in and to state their names when being recognized. Chuck Beno was asked to step up to voting status, in place of David Wall. Minutes of 9/6/06 were reviewed and suggested corrections were noted.

**Dick Cowern moved/Curtis Mooney seconded approval of the 9/6/06 minutes as amended. PASSED**

### Continuance of Jaques ET AL subdivision and boundary adjustment applications

Alan Barnard represented the applicants. He said they are still waiting on the State to respond or approve the driveway permit. Roger Larochelle asked if there are driveway permits for the new proposed lots. Alan said they are not submitted yet. The Board granted a continuance to November 1<sup>st</sup>.

## **Continuance of Ridgewater Commons Cluster subdivision application**

Richard Delaney, Alan Barnard and Pat Wood were present to represent the project.

Chuck Beno recused himself, as he is an abutter. Tom Gumpp stepped up as a voting member.

Roger Larochelle acknowledged receipt of new materials. He said Richard Delaney had sent an email with clarifications to the draft minutes from his perspective and they will be added to the file. On 9/28/06 he had received an e-mail copy of comments on the engineering review from Corey Johnston of Northpoint Engineering. He forwarded the document to the Planning Board members for review. It was helpful and the Board wants to encourage e-mailing as well as paper mailing materials. Although it was not prior to the 10-day limit before a hearing, he asked the Board if everyone felt the amount of time they had to digest the material was adequate. They said it was and they would agree to make it part of the record of this hearing. The information received at the last hearing from Peter Cooperdock, an environmental reviewer, could also be discussed now.

Pat Wood asked for clarification of a couple of points. Their team had received a letter with three names of experts who could do an environmental review. He asked if they could select any one of them to perform the service. Roger Larochelle said that was correct. He said at the last hearing it was his impression that the Planning Board agreed that the hypothetical plan proved 23 lots could have been built and so that was accepted as proof of concept.

There was discussion and reference to Page 6 of the minutes of 9/6/06 where Ellie Lonske had said she was happy to move on. Pat Wood asked if there could be a vote to validate that impression.

Roger Larochelle said he was not comfortable voting to approve a conceptual plan as he does not want to imply that this specific plan would be approved.

Pat Wood said he just wanted to make sure they were all on the same page.

Carmine Tomas, representing the abutters group, spoke with his clarification that it was their impression not that 21 lots could have been built, but that the conceptual plan establishes that they could move forward with 19 lots.

Ellie Lonske said she didn't want a vote.

Roger Larochelle asked the Board if there was consensus that the conventional subdivision plan does support 21 units.

Ellie Lonske said she would rather phrase it that having seen the hypothetical standard subdivision layout with 21 lots that the plan for 19 lots could meet current zoning ordinances.

Roger Larochelle stated that the Board feels the applicant has established that the 19-lot cluster subdivision plan meets zoning because it does not exceed the 21 lots supported in the standard plan.

Phil Twombly asked for further clarification.

Roger Larochelle said the land will support at least 19 lots based on current zoning.

Ellie Lonske explained that if an application brings a conventional subdivision plan that meets zoning, there is not much the Board can say. If it is a cluster development, the Board has more authority.

Roger Larochelle asked the representatives if they were ready to move along.

Pat Wood asked which of the two new pieces of information the Board wanted to discuss first.

Roger Larochelle said to do Peter Cooperdock's environmental review first.

Alan Barnard asked if they can choose any one of the three reviewers, they would declare it tonight. Pat Wood agreed and said they will use Jim Gove of Gove Environmental.

Roger Larochelle said that Gove Environmental was also the one recommended by Paul Fluet.

Pat Wood said the first topic was the scope of the EIS (environmental impact study). He read their letter regarding watersheds, drainage patterns, soil types, ledge outcroppings, currently disturbed areas, vernal pools, inventory of plant communities and wildlife habitats both in and outside of wetlands, greenway corridors (areas through which wildlife generally travels between properties) are part of the preparatory report. We have a better understanding now of the functions, values and purposes of wetlands: they detain flood waters, treat water (settle sediment), support animal life and need to be protected. 20 years ago we wouldn't have thought of it but now we understand the functions of wetlands and need an analysis of the impact of the proposed development. If there is an impact, we need mitigation and management.

Roger Larochelle asked Curtis Mooney how well that meshes with his outline.

Curtis Mooney handed out a matrix of what the Planning Board had asked for and what was proposed by Peter Cooperdock. He said he would not read through them all but would state whether the proposal fulfills each item. He noted on the matrix where there were additional questions. (On file.)

Pat Wood and Roger Larochelle thanked Curtis for his detailed review as this was really helpful. Roger asked Curtis to forward an electronic version for distribution to the Board and agreed to Pat Wood's request for a copy as well.

Richard Delaney said they had also reached out to the New Hampshire Office of Historic Preservation (letter on file) to make sure that nothing of historic value was recorded on the property.

Roger Larochelle asked if there was any public comment on the EIS (environmental impact study).

Jeff Hillier said he is a West Shore Road abutter. His neighbor was at the Audubon preserve talking with the raptor expert. They were quite excited to learn that Bear Mountain may have a peregrine falcon nest and they'll want to secure the area. It might be anywhere in the area, so be alert to that.

Alan Barnard said it is up on the ledges on Bear Mountain. They don't build their nests on top but on the face of the ledge where it is very inaccessible. Hebron Country Estates III was alerted to it also.

Kathy Keon thanked Curtis Mooney for doing an excellent job!

Roger Larochelle said the next item was Corey Johnston's comments about Paul Fluet's engineering review.

Pat Wood said he agreed on many of the observations but in some cases disagreed with conclusions.

Curtis Mooney had done a matrix comparing the review and the comments, which he handed out.

Alan Barnard said he may want to comment on the comparisons with his own observations.

It was noted that Pat Wood and Carmine Tomas are colorblind to red, so Curtis's remarks and questions on the matrix would not stand out for them. Italics or bold would work for them.

Curtis Mooney went through the comparison point by point.

Ellie Lonske asked on #1 if it would have to be completely redone to get less than 5-foot contours.

Alan Barnard explained how it is done—it won't change the difference in elevation.

Point #4 was concerned about how earth on top of ledge would be handled.

Alan Barnard responded that he doesn't think there would be a lot of places like that. Once the preliminary plans are approved, they can dig test pits.

Curtis Mooney said he was curious which parts of the road design are assuming ledge.

Richard Delaney said of all the holes they dug the only one that found ledge is at the entrance. All other ledge seems to be visible.

Point #5 generated a discussion by Pat Wood, Richard Delaney and Alan Barnard explaining that detention ponds would be part of phasing. The State will specify it and they need to have engineering plans and site specifics before they can plan where each will be. No way can they open up the entire road and do it all at once. A SWPPP has to be in place for each site (lot) in the development.

Curtis Mooney said the Board needs to see more of a beefed up erosion plan moving forward.

Alan Barnard said they will keep going back and forth as the plan evolves.

Martha Twombly asked which way phasing would go, from outside in or inside out.

Alan Barnard said that is putting the cart before the horse until the plan settles down.

Point #7 was discussed by Alan Barnard as that part of the development was in his conversation with Corey Johnston. The plans have traditionally included a typical cross section. One case he handled had three. He would ask the Planning Board to ask Paul Fluet if he thinks it is important to his review whether they should do typical or specific cross sections.

Roger Larochelle said if it was a steady slope they could use typical cross sections.

Ellie Lonske said she likes seeing specific cross sections.

Pat Wood asked if that meant the Planning Board needs cross sections of roads for all cuts and fills.

Roger Larochelle said he will work out with Paul Fluet if it should be every 50 feet or 100 feet or what and where.

Pat Wood suggested that Paul Fluet and Corey Johnston communicate and agree on what works.

Roger Larochelle said the Board appreciates how Pat Wood and Carmine Tomas are cooperating.

Martha Twombly asked about having another site walk for new members and to refresh the others. Is there any value to having a rough 3-D plan also?

Alan Barnard said a site visit would be appropriate once the engineers agree on a road design and the EIS has been reviewed.

Point #8 on erosion control emphasizes that the plan needs to be upgraded and done in detail.

Alan Barnard said that is another task that can't be done until the road is planned.

Point #9 elicited some grave concerns about the drainage report and drainage design.

The review moved on to the next section.

Point #1 is there a written report validating the engineer's observations?

Alan Barnard said yes, he gave history and details of the culvert the State replaced.

Richard Delaney added that he thinks the pre-development flow based on calculations should be topping West Shore Road and it is not apparently doing so. The post-development flow is not allowed to be increased, so it should not be a problem.

Martha Twombly pointed out to Richard Delaney that it would be a benefit of the project if far less water comes off.

Alan Barnard said you cannot decrease it too much or it impacts the ecology downstream.

The Board reviewed new drawings. Curtis Mooney asked where retaining walls are proposed, are they stones or structurally designed wall units? Are the retaining walls and headwalls the same materials? The engineers need to get together.

Alan Barnard said the structurally designed walls are engineered by the manufacturers' professionals. If Richard Delaney decides on segmented block walls, they will design them.

Curtis Mooney said all these items are being well addressed.

Roger Larochelle asked Curtis Mooney to forward both of his matrices so they can be forwarded to the applicant's team and to the engineers. Curtis said he would send PDF copies.

Roger Larochelle said the next subject is super-elevation of roads.

Alan Barnard said as far as the road curve is concerned, Corey Johnston and Paul Fluet have to come to some agreement about what meets zoning and meets State standards. Paul Fluet needs to respond to Corey Johnston's response.

Pat Wood said Paul Fluet was copied and only needs to be instructed by the Planning Board.

Roger Larochelle said he will ask Paul Fluet for a response on this.

Pat Wood asked to what standard this development will be held. Will it be AASHTO?

Ellie Lonske said it is quite technical but in plain language it is quite alarming. Regulations are minimum standards and say clearly that the Planning Board can require higher standards. That much length of continuous slope could result, in icy conditions, in cars sliding down and bouncing off guard rails. (There was referencing of the prior plan on both sides.) She read from Paul Fluet's recommendations (On file.) and said regardless of technical standards, is this a safe road?

Alan Barnard said we have a good track record in Hebron of building safe roads. In icy conditions, cars will slide into guard rails on flat roads. Look at several roads in town for examples. The engineers need to iron out what they can agree is a safe road proposal. It is common sense, too.

Ellie Lonske said it is the Planning Board's responsibility to look at safety, not to default to the engineers. Paul Fluet did make recommendations and Corey Johnston disagreed.

Roger Larochelle said the Planning Board does have to understand and agree with the engineers.

Pat Wood said the engineers disagree so maybe it is time to have them talk, and present it to the Planning Board to decide.

Richard Delaney offered the observation that the road is not fundamentally unsafe. 345 days of the year, on average, the roads are safe. 5% of the year there is inclement weather. Panorama Road is 10% grade for much longer, and has two or three curves, not just one. It is considered safe. Hebron does a really good job of maintenance and will probably continue to do so. The bottom line, as Alan Barnard said, is that all of us have an obligation to drive responsibly and observe normal safety considerations.

Roger Larochelle asked if there were any comments from the public.

Bill Nobles reiterated concern about the road entrance from West Shore Road. He had expressed that to the DOT and they approved the permit anyway. He shared the proposed plan with Charles Stuart, the transportation administrator for the Newfound School District and asked if the school buses could make that turn. Mr. Stuart said absolutely not. He would not permit his buses to go in that road.

Jeff Hillier asked about the Shoreline Protection Act and if any of the tract is within that area.

Roger Larochelle said none of the land is within the 250 foot limit.

Jeff Hillier said his main concern is about drainage into Hebron Bay but he will reserve more about that for the next hearing. He is very concerned about subsurface run-off. There has been talk about 100-year and 500-year storm reviews but he has not been able to contact the correct person at the State to ask about it. He will keep trying.

Chuck Beno asked if this road will be built to be a Town Road from the start.

Roger Larochelle said it is required to be built to Town standards regardless of ownership.

Chuck Beno said he asked because in the declaration by the applicant in Section 5 about maintenance of private roads, the roads referenced by the applicant are all public roads. The Town does a really good job. (He described this in detail.) However, in his experience when owners engage contractors to maintain their private roads, the contractors don't do as much. (He gave examples.) Chuck said he recommends that the road be required to be a Town Road.

Roger Larochelle said we are not making any assumptions at this point.

Bill Nobles said one other point Mr. Stuart made is that with a half-mile dead-end road, the school buses don't go up for less than a half mile. Therefore, the students will need to walk down or parents to drive them down and park at the bottom waiting for the buses.

Bruce Barnard said just as a point of information, the school bus goes all around George Road, even the 18% grades on the tight curve. School children may be required to walk up to one mile, so that may be Mr. Stuart's reference. Also, school buses don't go on private roads.

Brian Vincent asked for clarification. What is the design speed of the proposed road? What will the posted speed limit be? Roadway curvature design is highly related to overall road design. DOT requires road design to the standard of least capable drivers.

Roger Larochelle asked Richard Delaney if he could respond to the posited questions.

Richard Delaney said he will consult with Corey Johnston.

Roger Larochelle said we are still working on road design questions. The Board will take the engineers' comments and consider everything.

Curtis Mooney asked if the question of lot size has been addressed. The response was that it has not, as that depends on road design.

Pat Wood requested continuance to the 11/1/06 hearing and it was granted.

Chuck Beno resumed his seat as a voting member of the Board and Tom Gump stepped down.

### **Informational for Jane Ramsay property Tax Map 8 Lot 1, 54 Cooper Road**

Alan Barnard was present to represent Jane Ramsay. He showed the lot plan and the proposed line of subdivision. The deed has some covenants that stipulate the lot can only be subdivided once. He has not seen the deed yet. He asked if the Planning Board will waive the requirement for a topographical map with 5 foot contours on Jane's portion, given that the house is already occupied, no construction is required and there are no steep slopes. It would cause undue expense if he has to resurvey the lot.

Chuck Beno asked if there are any steep slopes on the back lot.

Alan Barnard said there are none he noticed. The three acres should be more than adequate to meet zoning requirements. Bruce Barnard had inspected the property and did a test pit for septic design last fall. There were no issues. There is a little cabin up there, which has no value in itself but creates a precedent for building a residence

Chuck Beno said he recommends that the Planning Board keep this as simple as possible.

Roger Larochelle said for the record we need to confirm that both lots meet zoning on the plans.

Alan Barnard said as long as setbacks are okay and obviously there are no steep slopes and no wetlands, will the Board agree that he can inspect the lot but not do a 5 foot topo?

Ellie Lonske said she knows the property well. It is practically flat. Just make sure the house and barn are sited appropriately and there are no safety issues, and it should be simple.

Bruce Barnard said as chairman of the conservation commission he recommends some additional documentation in order to have it in the Town records. On the 5 acre portion, there is a manmade pond adjacent to the barn that drains toward Route 3A. Please make sure to show that and where it drains. It should be discounted from the usable area.

### **Informational for the Ledges Condominium Association property Tax Map 20-7**

Dennis Dodge and Bruce Barnard represented the proposal. Dennis explained that the association board discussed the necessity of creating a storage area where residents can park their boats, trailers, snowmobiles, cars and other equipment while they are away for the winter. They want to create an unobtrusive level area where it will be out of sight of existing and future residences. For the last 20 years, residents have been instructed to park boats and trailers by the side of the road. Now residences have been built and this area is visible. Aside from the fire pond area, the rest is densely wooded. In summer, the dumpsters are up there, but in winter they are brought down to allow access to the dry hydrant in the fire pond. There is an existing gravel road going into the proposed area, so there is no need to build a whole new road. A brook and a couple of culverts are near the road. They are asking the Planning Board for advice about what to consider.

Bruce Barnard said the culverts will be replaced with smooth bore plastic, which is an improvement. The area has less than 5% grade with only about a 15 foot drop overall. It is mostly hard pan soil type.

Dennis Dodge said they will use Bruce Barnard and other appropriate resources to design the area.

Bruce Barnard said they will have a surveyor locate and update the map which is about 10 years old. An area of road needs to be turned and lengthened to make it easier to get up there and turn around. By updating the area, they can improve some other features in the process. They will file a new As-built plan which will also include recently built residences, and therefore improve 911 service information.

Roger Larochelle said the question before the Board is to give feedback about the proposal.

Chuck Beno said if the condo association wants to store private property, it is really their business. However, seeing the stream going through and the proposed storage area paralleling it, if all those gasoline powered vehicles are being stored, there is potential for leakage and pollution.

Bruce Barnard said he addressed this by making the area dirt and not paving. They can remove the dirt and burn off the pollutants. They can also make a landscaping berm to protect the brook.

Roger Larochelle asked if there is a name for the brook.

Bruce Barnard said it is intermittent and doesn't have a name. They could also create catch basins but they don't want to have maintenance. He will make sure to keep 50 foot setbacks.

Curtis Mooney asked why they want the road to go all the way through.

Dennis Dodge said it is so people would just go in at the bottom and parallel park then exit at the other end. It is on the other side of the brook.

Roger Larochelle asked how many vehicles or pieces of equipment will be stored and if they are sure this is a designated common area.

Dennis Dodge said they estimate 29 items will be stored.

Bruce Barnard said by clustering storage they will improve oversight and increase the likelihood of someone noticing a leak. This is not designated as a recreation area.

Dick Cowern asked for clarification of property lines, as parts of the association land are in other towns. There was some discussion about boundaries and covenants and the development history.

Ellie Lonske asked if the area will be visible when there is no foliage.

Dennis Dodge said they don't know yet. They had hoped to be done for this year but decided to conduct and experiment this winter by parking big blue-wrapped boats, green-tarped boats and white covered equipment and then see if or how much they are visible.

Bruce Barnard said they are hoping this can be done as an updated as-built. In spring they will have electricity to the new house site and can file a comprehensive update including everything, with the new houses, conduits, etc. which will be useful for emergency services, too.

Martha Twombly asked about environmental protection considerations.

Roger Larochelle said this is private property. Our concern is safety and to protect the environment.

Dennis Dodge asked what they will need to bring when they seek approval next spring.

Curtis Mooney reviewed the process. That includes a detailed plan showing the proposal, a butter notification including the Town of Alexandria for a public hearing and all materials submitted at least ten days in advance of the requested hearing date.

**Lynne and John Robertson informational about subdividing their 11 acre lot in the Valley View Area to sell a 3-acre portion to their sister.**

Ellie Lonske reviewed the pertinent zoning ordinances and explained the terminology. After some brief discussion among the Planning Board members, she explained that they will need to include a survey, driveway permit approval, septic location and State approval and well protection areas.

Bruce Barnard said they need a refined plan, septic concept, Planning Board acceptance of the application and then to get State approval of the design.

**Administrative Matters**

Roger Larochelle reminded everyone of the next workshop on 10/16/06. Ellie wants final subdivision regulation draft updates by the weekend before, so she can integrate them. The next regular monthly hearing will be Wednesday, November 1, 2006.

**Dick Cowern moved/Chuck Beno seconded adjourning the meeting at 10:53 PM. PASSED**

**SUMMARY OF MOTIONS:**

**Dick Cowern moved/Curtis Mooney seconded approval of the 9/6/06 minutes as amended. PASSED**

**Dick Cowern moved/Chuck Beno seconded adjourning the meeting at 10:53 PM. PASSED**