



Town of Hebron

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Hebron Planning Board

APPROVED Minutes of Hearing 11/1/06

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), David Wall and Sheila Oranch (secretary)

Others Present: Katherine Keon, Anne Hill, Patrick H. Wood (attorney), Richard Delaney, Barbara Delaney, Bill Nobles, Carmine Tomas (attorney), Brian Vincent, Betsy Twombly, Jeff Hillier, Alan Barnard, Arthur David Jaques, Polly Alexander, Lee Alexander, Nancy Bolin, George Bolin, and Roger LaFontaine.

Time Convened: 7:00 PM **Time Adjourned:** 9:45 PM

Next Meetings: 11/20/06 hearing on subdivision regulations, 12/6/06 monthly hearing

Agenda:

1. Administrative Matters
2. Approve minutes of 10/4/06
3. Continuance of Jaques ET AL subdivision and boundary adjustment applications
4. Continuance of Ridgewater Commons Cluster subdivision application
5. Announcement of 11/20/06 hearing to review Subdivision Regulations changes
6. Any other matters that come before the Board

Administrative Matters

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 and interests in a case when being recognized. He reviewed with the Board various publications that had been received. Minutes of 10/4/06 were reviewed and corrections were noted.

**Dick Cowern moved/Curtis Mooney seconded approval of the 10/4/06 minutes as amended.
PASSED**

Continuance of Jaques ET AL subdivision and boundary adjustment applications

Alan Barnard and Arthur David Jaques (Dave) represented the applications for Lots 7A and 7B. Alan requested and was granted a continuance on the other lots as the State official working on the driveway permits is on vacation until mid-November. Alan presented the Plan for the subdivision into two lots, using the requirements in the new zoning ordinance.

Chuck Beno and Roger Larochelle pointed out that the applications had been submitted under the prior zoning ordinance and should be seen through the lens of the regulations of that time.

Alan Barnard said the lots would pass either way but he had calculated the usable area by the current zoning ordinance as he thought the Board would find it easier to follow. He submitted a letter from Peter Cooperdock, the environmental engineer, delineating wetlands. The fieldstone pile was also delineated. The driveway permit to access Lot 7B across Lot 7A was submitted and Alan stated that the total road frontage fulfills the zoning for curb cuts on George Road. The 4:1 ratio on Lot 7B is acceptable. All the calculations are on file for usable areas, both of which exceed the 2 acre minimum.

There was considerable discussion of the differences in the quality or understandability of the representation in the topographical map of very steep slopes exceeding 25%. Chuck Beno questioned why the edges were so abrupt and areas had square corners rather than smoothed curves. He felt the map did not fairly show the actual shape of the ground. Alan explained how the map software works and that this is what the current zoning ordinance and subdivision regulations require. David Wall said if the regulations we are working with require ruling out slopes greater than 25%, this representation is adequate for the calculations. It is not required to be a model of the land.

Roger Larochelle asked the Board if there were other questions before he asked for public comment.

Alan Barnard pointed out that the utility lines are not run by the road but were planned in a better way for the power company. The barn already has underground lines so they are reserving the right to bring in power at a later date.

Ellie Lonske said she would like to see setbacks and right-of-ways on all future plans so the Board can see where a house might be built.

Roger Larochelle asked if there were any comments from the public. There were none.

Curtis Mooney asked to see the driveway permit.

Roger Larochelle reviewed the letter from Peter Cooperdock and noted that a bill had been enclosed, which was forwarded to the applicants. Roger asked again if there were any Board comments or issues.

Chuck Beno added a corollary to the map discussion stating that he really doesn't feel it represents reality. He went over the details of the map with Dick Cowern and Martha Twombly.

Alan Barnard showed another map of a different application with similar abrupt shadings and explained further how the software works.

Ellie Lonske and Alan Barnard discussed how differences in the old and new zoning ordinances might increase the need for two-foot contour lines on subdivision maps rather than the current five-foot. Perhaps they will need to show smaller gradations to make the representation easier to understand. Ellie asked Alan why he brought this plan in under the new rules after working so hard to get the applications in under the old rules. Alan said he thought it would be good to bring it in under the new rules to make it better for the Board and to find out what will work with a simple situation.

Roger Larochelle talked about consistency of representations in what is brought before the Board. He said you can have the shaded areas smoothed out.

Alan Barnard said there is no smoothing between contours of different slopes.

Roger Larochelle and Alan Barnard discussed how the measuring is done.

Ellie Lonske said she would like to see plans that look more like what the Board is used to seeing. She asked Alan if showing two-foot contours will make it easier to understand.

Roger Larochelle and Alan Barnard said if you use two-foot topographical contours, it would be more lines and it might be more saw-toothed rather than rounded. Alan said current subdivision regulations only require five-foot contours. Site plan maps require two-foot. If the Board requires two-foot contours on subdivision plans, Alan said he will do that.

Martha Twombly commented that if the lots meet the regulations, regardless of how the map looks, the Board should go ahead and vote on the application.

Roger Larochelle said they are looking for an approval and list of conditions for final approval.

Chuck Beno asked what will happen with the old George Road if the new George Road gets built.

Alan Barnard explained that as applied to the State, David Jaques will have access for his sawmill for his lifetime with three driveways in place for the three existing lots. The old George Road will be blocked off for public access if and when the new road is built. That section will be deeded back to the Jaques estate.

Roger Larochelle asked Alan Barnard how the scenic road designation would be affected. Alan explained that the scenic road is protected from the Town not from the land owner.

Roger Larochelle said the Selectmen will need to wrestle with that in due time.

Chuck Beno asked if this driveway situation needs some kind of waiver to avoid creating a precedent for three driveways.

Roger Larochelle said no, because they need to deal with current conditions. He would like to address the shared driveway aspect and the road frontage question.

Ellie Lonske said this does meet zoning although there is an assumption that a driveway would be within the road frontage being counted. The actual concern is with setting up a dangerous situation where the driveways enter. After the possible changes, if and when the new George Road is built, it may not be an issue. For now it could be a very dangerous situation. If there could be a stipulation that the driveways can't be built until the new George Road is built, that might be a solution.

Curtis Mooney said he is concerned with losing Dave Jaques' good will for the other part of the George Road solution.

Alan Barnard agreed and explained how a Class 5 road can go to a Class 6 road by Town vote.

Ellie Lonske described the elephant in the room if there is no agreement with the Town to put in the new road if all the subdivisions and new driveways go through.

Alan Barnard said he is not willing to agree to that. They could go ahead and build two houses there without subdividing, as the land would meet the zoning ordinances. It is better for all to subdivide it.

Roger Larochelle summarized the conditions and issues for a possible motion. Ellie said she still would like to see two-foot contours and updated calculations.

Roger Larochelle asked Alan Barnard and Dave Jaques if they would bring that to the Board.

Alan Barnard asked Dave Jaques if that was acceptable to him. Dave asked if that would cost more money and if so the Town should pay for it.

Curtis Mooney said he would like some assurances that the right of way will be forthcoming if the subdivision plans go through.

Alan Barnard said Dave Jaques is just saying if there would be more costs he will have to charge the Town for the right of way to compensate for that. The discussion went back and forth for a while.

David Wall said if this plan meets the current zoning ordinance, on what basis can it be rejected?

Ellie Lonske said she is not rejecting it, she just wants to see more information.

Sheila Oranch stepped down from her job as secretary to speak as a member of the public. She said you can't have it both ways, and you can't second-guess the subdivision requirements because the map doesn't look like what you are used to. The plan meets zoning requirements under either ordinance and should be voted on. Even if the line would be adjusted slightly by the different style of calculation under the old zoning ordinance, the usable areas of both lots far exceed that one-acre minimum.

Roger Larochelle said the plan meets requirements under either the one-acre of usable area with the old style maps or the two-acres of usable area with the new style map. He polled the Board for comments.

Ellie Lonske said she would still have liked to see it with two-foot contours.

David Wall said move it and approve or reject the application.

Dick Cowern said the change of contours might move the line slightly but won't change it much. The plan meets current zoning and the jabs are just because of the software. He doesn't consider this dangerous. Two more houses won't change traffic on George Road that much. It's the slopes that are dangerous. Cut some bushes and get better visibility.

Chuck Beno said he had no more comments.

Roger Larochelle said he feels similar to Dick Cowern. They established zoning regulations for good reasons. This application is right on the cusp of one or two acres. It is close enough and no danger to the Town. He wished the subdivision regulation required two-foot contours but it doesn't yet. He would also like to see setback lines on the final plan. This plan is the first under the new regulations and now we know what more we need to see for future applications.

Ellie Lonske said she has no interest in casting aspersions on Alan Barnard's professional services. Her concern was about being able to understand what is represented by the new style of map.

Alan Barnard said he did two-foot contours on the Convex LLC plan and can do that if it is required.

Ellie Lonske said, that was good, so you spoiled us!

Roger Larochelle asked if there was a motion.

David Wall moved/Dick Cowern seconded a motion to approve the Jaques ET AL subdivision plan for Lots 7A and 7B with the following conditions.

- 1. All setbacks and rights of way will be indicated on the final plan.**
- 2. State approval of the subdivision plan will be submitted to the Planning Board.**
- 3. Proper Monumentation of the corners will be installed in the field.**

The motion PASSED unanimously.

8:22 PM Break

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. Martha Twombly stepped up as a voting member.

Roger Larochelle acknowledged receipt of new materials. A letter from the abutters group's attorney dated 10/19/06 was not distributed electronically, only by paper, so Board members had not been able to review it. Roger had sent a note that it was available at the office, but some people were traveling or could not get to the office. In future, copies of paper correspondence will be mailed to Board members if enough copies are received (10). If possible, all correspondence should be sent by email. The Board also received new material from the Fire Chief, John Fisher, which will be made available. This was sent, Alan Barnard said, because he had asked the Fire Chief to respond to questions raised at the hearings. A letter from the Newfound Region School District was received 11/1/06 also in response to a conversation with Alan Barnard. There were new design details from the developer, as well. Also a letter from Paul Fluet acknowledging that he can talk to Corey Johnston. Roger called on the applicant team first and said he would hear from the abutters second.

Pat Wood said the Environmental Impact Study (EIS) is being completed and is due by mid-month. Gove Engineering agreed to do the review and it is up to Peter Cooperdock to provide that material. Issues in the letter from Attorney Tomas, representing the abutters group, are being addressed. RSA 236:13 governs driveways and accesses to the public way. West Shore Road is a State road and the RSA describes in detail what the State looks at for a permit. Sections 1-4 cover Town roads. In 2005 the Supreme Court dealt with a statute wherein the applicant must deal with safety concerns. The standards are not minimal, as was claimed by the abutters group. To review the status of the driveway, 1. There is a permit for this driveway, granted 8/30/06. No challenge has been presented to the State within the 30 days period. 2. It was indicated that the abutters group has concerns with the grade, turn radius and storm water runoff. On file is a letter to the State dated 9/8/06 from Leslie Boulton, the design engineer, addressing those issues along with the driveway plan. Therefore, it is apparent that the State had received Mr. Vincent's letter and Ms. Boulton's material and still granted the permit. 3. Submitted is a letter about school buses and an independent traffic study with a discussion for the details of the actual plans (on file) with the turn radii and overhangs for two common sizes of buses.

Carmine Tomas, attorney for the abutters group spoke next. He reviewed the 10/19/06 letter of concern and attachments. He said there is no question that the Planning Board has authority in its Subdivision regulations to consider points of safety in development plans. Municipalities can establish more stringent regulations than the State minimums. He will call on Brian Vincent for engineering points. As a general matter, Mr. Tomas feels there are safety issues related to the turn radii, particularly with buses and trucks. He questions the statement that the curve complies, as it seems sharp. Steep slopes are also a concern, as stated in the prior letter. There is a stretch for about 1800 feet at about 10% grade, which could be dangerous, especially in icy conditions (letter on file).

Brian Vincent, Nobis Engineering, said he requests a scale drawing of the road details. They assume a 15 mph speed limit on tight curves.

Roger Larochelle asked if there were any Board questions for the abutters team. There were none.

Pat Wood said they have not changed a thing since Leslie Boulton's plans were sent to the abutters team. They have all that. They showed the road turn radius at the center line and the outer line.

Roger Larochelle asked what degree of turn it was from West Shore Road at the center line.

Alan Barnard explained that G3 drawings of school buses can be downloaded by anyone and laid on the designs. The traffic study is all according to ASHTO standards.

Carmine Tomas said it seems that the turn radii being presented differ from Brian Vincent's analysis and they need to go back and understand why there is a difference.

Richard Delaney asked what plan was looked at for the analysis and why this plan was not shown to the school administration.

Bill Nobles said he took the whole plan and they looked at it all.

Roger Larochelle asked if there was any new information.

Pat Wood said they had not seen the new material and would request a continuance.

Betsy Twombly said she was confused about the radius business. Where is the right front wheel of the bus?

Roger Larochelle said that was a good question. He explained inside and outside radii.

Alan Barnard let Betsy look at the sketch and showed her that all the wheels stay in their own lanes.

Anne Hill, a West Shore Road abutter, asked about moving vans. A tractor trailer might jackknife on the slope. Is it safe? She was asking because a recent traffic situation on Route 128 in Massachusetts.

Roger Larochelle rephrased the question. Was there consideration of vehicles besides school buses?

Alan Barnard asked the Board to have Paul Fluet discuss that with Corey Johnston.

Chuck Beno asked if this plan is an extension of the other application, because there is a reference to this road as a Town Road and the Board should hold the developer to Town standards of safety. He suggests making it a condition that this road be built and accepted as a Town Road. As a Dad with concern about younger children, he wants to see safety being the highest concern. Small children cannot as easily get out of the way of sliding vehicles.

Bill Nobles said this is the first time any of us are seeing the detail drawings. They can take their word it is the same information but have not done the analysis.

Pat Wood assured them they have not changed the plan.

Roger Larochelle asked the Board if there were any other questions.

Curtis Mooney said be sure to forward the new drawings to Paul Fluet and the abutters team.

Pat Wood agreed to have them sent.

Roger Larochelle said he wanted to hear more about sidewalks and pedestrian traffic considerations.

Pat Wood said there are currently no plans for a sidewalk.

Alan Barnard said four foot shoulders are more than adequate for walking. All roads in Hebron are wider in winter because the plows flare them back. It was clarified that the plan has gravel shoulders.

Carmine Tomas said he is bothered by not having the applicant's expert present rather than referring to issues later and having engineers discussing them offline. It seems a little odd not to be able to have discussions about details in person.

Roger Larochelle said we refer to engineers but they don't make the decisions. We may go forward with the question of sidewalks in view of safety concerns. In any case, the standards for a private road are no less. Whether the Town accepts a road is up to being asked and a Town vote. It seems like there is editorializing—we are getting into details but are still waiting for the engineering review and the EIS review. Also, we have a new school district response to be reviewed. We can focus on details but really need to wait for larger issues.

Pat Wood asked for a continuance and assurance that the Planning Board is not considering Attorney Tomas's suggestion that the application be rejected now.

Ellie Lonske said she is glad to hear about the big picture. A major concern is about density on steep slopes. She would like to hear more about how density might change the road design.

Pat Wood said not at all. It would not change that.

Richard Delaney said they have not forgotten density questions, particularly with the first four lots.

Ellie Lonske said it is not just the first four lots; it is any and all of them.

Roger Larochelle said there are many other issues and questions but the road comes first. Until questions like super-elevations are settled, the others are not appropriate.

Richard Delaney said that Paul Fluet did not question the road access.

Pat Wood questioned if the State has granted a permit, said it is safe, what more do we need to do? The Town had an opportunity to challenge or question the permit and did not. What more do we need to do? We've presented the details and shown the safety considerations. What additional concerns about safety are there?

Curtis Mooney said you did a good job of addressing the questions. We need to have that reviewed by our engineer and see if there are any more concerns.

Pat Wood said with all due respect, the abutters have had a bite of the apple. The engineering is done. That is the design that we have. What other issues can there be if the State has reviewed and approved the design?

Roger Larochelle said we are asking the engineers to complete their review and report back.

Pat Wood said the State has reviewed access from a State Road. There is a process. Mr. Tomas's attempt to take another bite and go back again is just not fair.

Ellie Lonske said looking at a design the steeper the slopes, the closer to conventional lot sizes it should be.

Richard Delaney said the concern is now that our engineer is going to work out with the Town's engineer only those points in this report. They are not going to discuss anything else.

Jeff Hillier expressed his gratitude for concern about safety to the Board and others for expressing their concerns. As mentioned, the State allows municipalities to require greater safety in view of local experience and wisdom. His concern is the speed of traffic on West Shore Road, especially in wet or icy weather when there is always water over the road.

Alan Barnard said they have been hearing that the Town engineer is talking to the applicants' engineer but only within their instructions. If there are additional concerns, summarize them tonight and give them to the engineers, as that is only fair to all parties, so none are blind-sided.

Roger Larochelle said Paul Fluet has already given us a detailed report. We are asking him to review that and new material presented tonight.

Carmine Tomas spoke to address the bite of the apple question. The Planning Board has the right to address all concerns.

Roger Larochelle granted a continuance to the next monthly hearing, Wednesday December 6, 2006.

9:45 PM Curtis Mooney moved/Dick Cowern seconded a motion to adjourn. PASSED

SUMMARY OF MOTIONS:

Dick Cowern moved/Curtis Mooney seconded approval of the 10/4/06 minutes as amended. PASSED

David Wall moved/Dick Cowern seconded a motion to approve the Jaques ET AL subdivision plan for Lots 7A and 7B with the following conditions.

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