



Town of Hebron

PO Box 188

Hebron, NH 03241

Phone: 603-744-2631

hebronnh@metrocast.net

Hebron Planning Board

APPROVED Minutes of Hearing 2/7/07

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: John Matthews, Katherine Keon, Anne Hill, Patrick H. Wood (attorney), Richard Delaney, Barbara Delaney, Bill Nobles, Phil Twombly, Betsy Twombly, Jeff Hillier, Alan Barnard, Lee Alexander, Ken Lonske, Mark Coulson, George Bolln and Nancy Bolln.

Time Convened: 7:00 PM **Time Adjourned:** 10:25 PM

Next Meetings: 2/19/07 hearing on subdivision regulations, 3/7/07 monthly hearing

Agenda:

1. Administrative Matters
2. Approve minutes of 12/6/06
3. Continuance of Jaques ET AL subdivision and boundary adjustment applications
4. Continuance of Ridgewater Commons Cluster subdivision application
5. Informational for Nancy Bolln boundary line adjustment on West Shore & Indian Point Roads (Tax Map is 18A lot 14 & 18A IP Lot 1)
6. Any other matters that come before the Board

Administrative Matters

Roger Larochelle noted that David Wall had an excused absence. Chuck Beno stepped down as he is an abutter on the Ridgewater Commons case and Martha Twombly was appointed as a voting member. Roger reviewed various materials that had been received.

Richard Delaney requested that his email comments on the draft minutes of 12/6/06 be included in the record, and Roger said they would be added to the application file.

Minutes of 12/6/06 were reviewed and corrections were noted. **Curtis Mooney moved/ Dick Cowern seconded approval of the 12/6/06 minutes as amended. PASSED**

Curtis Mooney reported that a Site Walk of the Ridgewater Commons lot took place as planned on 12/21/06 and comments would be shared in the appropriate part the meeting. No discussion was conducted at that time and there were no motions. Paul Fluet was present, as requested.

Continuance of Jaques ET AL subdivision and boundary adjustment applications

Alan Barnard asked that the order of cases be changed so interested parties who came for the Ridgewater Commons application could leave earlier. The Chairman granted the change.

Continuance of Ridgewater Commons Cluster subdivision application

Richard Delaney, Barbara Delaney, Alan Barnard and Pat Wood were present to represent the project. Roger Larochelle reviewed the materials received prior to the hearing.

1. Minutes of the 12/21/06 Site Walk consisting of the list of attendees, date and time of the visit to the property. **Dick Cowern moved/Curtis Mooney seconded approving the minutes of the 12/21/06 Site Walk of the Ridgewater Commons lot. PASSED**
2. Printed copy of an email from Paul Fluet to Corey Johnston.
3. EIS report from Peter Cooperdock.
4. EIS report review from Luke Hurley of Gove Environmental Services.
5. Plan of the areas proposed for clearing on the development as currently planned.
6. Printed copy of a letter expressing abutters' concerns from Katherine Keon and Anne Hill.

Curtis Mooney reported on the 12/21/06 Site Walk. Alan Barnard handed out maps showing the stations he had staked. He said they entered from West Shore Road near the proposed new entrance. There will have to be a substantial amount of material removed to create the entrance. This area will require blasting. The board has been given estimated cut and fills in the center line of the proposed road but a full profile of the cut/fill the entire width of the proposed road would be helpful. As they went up they stayed to the left of the original logging road because it would be easier to walk down the proposed road where it crosses the gully and traverses the hillside. Curtis said that this proposed road has been compared to Panorama Lane and Valley View Road (Hebron Country Estates) but Curtis cannot visualize how this road can attach itself to a steep hillside. A copy of Curtis's notes will be on file.

Dick Cowern said he was glad he had attended the Site Walk and the terrain is very challenging.

Martha Twombly said she is also concerned with the steepness of the gully the road has to cross. It will require extensive cutting and filling. There was some discussion that a bridge might make more sense. It will take a massive stone wall to hold back that hill for a road. She asked how much fill would be needed.

Roger Larochelle asked if there were any more Board comments.

Martha Twombly said there is very significant ledge habitat up there that you cannot see from the road. The idea of cluster development is to preserve habitat but the amount of blasting that will be required here seems to obviate the intent of clustering.

Roger Larochelle reviewed the email from Paul Fluet to Corey Johnston, in which he said the developer should show clearing limits to show the amount of clearing on West Shore Road. The roadway should be shown with 1" to 10" vertical and horizontal at 50'. There is a possible vernal pool which will need to be confirmed. He asked if the road could be moved left at Station 18.

Richard Delaney said items 1-3 have already been addressed by the plan shown at this hearing.

Roger Larochelle asked if there were any more comments on the Site Walk. There is no substitute for getting out on the land for understanding a plan. Moving forward, there is the EIS and review. Curtis Mooney had provided a matrix to Peter Cooperdock. The question is how well those points

were addressed in the EIS. He handed out a spreadsheet that contained quotes from various pages of the EIS and corresponding questions/comments (spreadsheet on file). He gave some comments and observations about the EIS report. It refers to “two proposals before us” several times, but to clarify for the Board and the Public, the hypothetical conventional proposal is not relevant. What is of interest are stone walls and foundations first mentioned in the report. There appears to be a wood turtle breeding habitat. No deer yards, deer habitats or wildlife corridors are indicated. He asked for discussion from the Board about the completeness and utility of the EIS report.

Curtis Mooney shared his notes, which are extensive and will be kept on file.

Roger Larochelle thanked Curtis for taking the time to write notes.

Martha Twombly referenced page 5 discussing soil types and asked for explanation.

Alan Barnard deferred to Pat Wood who explained that the terminology is defined farther down on the page and is basically a technical explanation.

Roger Larochelle further explained that it refers to the precision with which areas are mapped and is a generalization on how the county maps soil types.

Richard Delaney commented that the report mentioned that the soil types are suitable for development, as demonstrated by the durability of the old road.

Martha Twombly asked about page 30 where there is a discussion of vernal pools and buffers to the pools. It would be good to determine if those actually are vernal pools as they are significant habitats if so. Also, about detention ponds and erosion control, there are low impact development techniques available from the State website and it would be wise to use them in addition to engineering techniques.

Roger Larochelle said if and when we get to that stage, it is possible to include those as conditions.

Curtis Mooney asked about page 14 where the wetlands location is mapped and Ross Brook is outlined and the text says wetlands on the top of the bank are not mapped.

Alan Barnard said streams are not wetlands but are under the jurisdiction of the Wetlands Board. Their jurisdiction ends at the top of the bank and therefore the ground is not indicated on the map.

Curtis Mooney said but the wetland area has an ID (in the EIS report) and presumably includes the Brook. But then the EIS says there is no wildlife corridor along the edges of the Brook.

Alan Barnard said he can't conjecture and it is best that the Planning Board ask for an explanation.

Curtis Mooney said he agreed with Gove Environmental Services that Peter Cooperdock did a great job of depicting and delineating for the EIS. He asked if on the page 14 wetland location the shaded blocks are the ledge that was mentioned.

Alan Barnard said no, those are just numerical elevations labels shaded for easier reading.

Ellie Lonske said she did learn a lot and it was already mentioned that there is only one proposal. Mention should also be made that comments within the report about septic system rules around the lake and opinions about them seem irrelevant to the EIS report and weaken it. They are beyond the scope the Planning Board required, although they may be interesting. Reference to subdivision

design standards is interesting and one would hope you would follow those best practices and document them. Your obligation (as a developer) is to prove to the Board that the proposed subdivision preserves the environment better than a conventional development.

Pat Wood said the reference to “draconian” rules would be if the Town went back and required all the old septic systems around the lake to be replaced.

Richard Delaney said he had discussed it with Pat Wood and agreed they wanted to give the Board the big picture. That is that if this development is done properly, it doesn't threaten the lake as much as old existing systems right across the street already do. The report does comment several times how this cluster development is better.

Roger Larochelle described literature from Randall Errance on cluster subdivisions designed around conservation areas. Guidelines are provided step by step. This proposal does not appear to have followed those guidelines. The EIS was intended to identify conservation areas. Now we can see the site in total with all of its attributes. For the first time, all interested have a better understanding of the overall site. We commend Peter Cooperdock for including that because that is what we need, as we all want to protect wildlife habitat and the quality of life we all enjoy.

Alan Barnard commented for the record that wood turtle is not a protected or endangered species. There was some discussion about that.

Pat Wood addressed the four steps of the Errance guidelines. He said they did follow those steps, although they did not present it that way. There already was a road there (Step 3) so there is an existing impact rather than new impact. Lot lines are part of the process which is what we are doing now. Old foundations are already mostly in the set aside area.

Richard Delaney added that not only did they try to site away from conservation areas, when Leslie Boulton originally laid out the home sites, they deliberately put them on a slope significantly less than the 25% of Very Steep Slopes.

Chuck Beno said there are no contour lines on the lot layout currently displayed. It is misleading if they don't show topographical contours. Reference Page 14 (of the EIS) and find out what the contour intervals are. Although our regulations only require 5' intervals, 2' would be more useful. Look at the cut layout as smoke and mirrors—they will not show the potential impact on the land at all. When we get to actual house layouts, we will need much more detail. Ross Brook is a wildlife corridor. Every year we see deer, moose and coyote coming through to our pond, and that wood turtle has been back to our pond the last three years. We invite everyone to come and see.

Pat Wood said we are not trying to deceive or delude anyone. This layout is just to give an idea of possible lot layouts. The plan from 5/13/06 with details is still available and shows contours.

Richard Delaney said this layout was in response to Paul Fluet's request to show cutting.

Jeff Hillier said his focus is only on a couple of points: impact on the lake and the well on his parents' property. In the report on Wetland H there is no mention of well locations, and their well is visible from there. It is a failing of the impact statement and what the cut layout shows that in the section where it is steepest, most of the trees and brush will have to be cleared. People being people, living on a hill overlooking a lake, they will want the view and will clear in a fan shape. Even with detention areas in steep areas, they will fail on occasion. Salt used on roads and driveways will wash down and leave a sluice of dead vegetation down to the lake. He said he did become less than

reasonable when he read in this report about the crummy old cottages across the road on the lake. He would request that be expunged from the report if it is published on the Web. The lake is ringed with camps and cottages, ours included and we love it. We can almost see this as a red herring thrown before the Board as a distraction. Look at those and not up the hill. It is insulting when we bought our place five years ago, we asked Bruce Barnard to evaluate the septic system and he said it was okay. We still intend to upgrade the system to newer standards when we can afford it. The inclusion of all that stuff takes away from the credibility of the entire otherwise excellent report. The conclusion on page 36, second line takes away from my faith that this report was done in good faith.

Roger Larochelle said the intent of this EIS was not to measure the impact of this development but to assess the state of the land as it is.

Curtis Mooney said it was not only to create a baseline inventory but also to estimate the impact.

Pat Wood said it is to set a baseline and get some idea of impact.

Bill Nobles said we expected to see a comparison of the cluster development versus no development. That would measure impact. Instead we got gobs of pages on an irrelevant hypothetical conventional development.

Anne Hill said the whole thing is about oversight, monitoring and future maintenance, as discussed and emphasized on page 28, third paragraph, after road access.

Roger Larochelle said the question of maintenance is part of the overall picture, thank you.

Anne Hill said on page 29 it says bedrock may be better than soils to build on but blasting may affect nearby wells. How near is relevant?

Roger Larochelle said that's why we are planning on getting more information.

Kathy Keon asked for verification that future owners will build their own houses.

Roger Larochelle said yes. He also thanked Luke Hurley for being willing to visit the site. Roger referred to the 1/23/07 response and asked Curtis Mooney to lead the review (on file). Curtis read the letter and explained things as he went.

Richard Delaney said item 8 discussion referenced plans on file that do show possible house sites and driveways but to do any detailed plans before there is fundamental agreement about house lots would be wasted effort and money.

Pat Wood said what was understood to be requested was wetlands and habitats. He did not believe inventories of animal species and trees were required.

Curtis Mooney went back to his notes and said Peter Cooperdock had agreed to inventory plant communities and habitats. Wording may have been misunderstood. Some clarification may be further required such as actual mapping of species.

Roger Larochelle said we will tie back to a management plan for conservation areas.

Curtis Mooney said animal inventories can be done when there is fresh snow on the ground. Vernal pools can be examined in spring. Definite areas of driveway and house locations will be needed to assess the impact of blasting. There is concern about cracks in ledge draining perched wetlands.

Roger Larochelle asked for Board comments. He picked up on cultural resources (stone walls, bridge foundation, etc.). These should all be included on future maps. Ditto on vernal pools, animal trails, aquatic resources and classification of wetlands.

Pat Wood said they are talking about function of wetlands—what purpose they fulfill, such as retention, disbursement, holding ground water, aquatic habitat (vernal pools are seasonal and may be amphibian breeding areas).

Curtis Mooney said it would be helpful on maps to color key for wetlands values (functions).

Roger Larochelle said it would be helpful to have larger maps with all these features.

Richard Delaney asked if the Board could summarize the additional items to request from Peter Cooperdock and Corey Johnston. They need to have something in writing.

Roger Larochelle said he will do a memo. He asked if there was any comment on the Gove analysis.

Chuck Beno said it was a basic confirmation on the third page to the top of the fourth page of what he had been trying to convey earlier about the true impacts not being known without seeing lot layouts and building envelopes, septic system locations, well sites and protective zones. Looking at the proposed clearing areas on the displayed map you can't see how you get drilling rigs and excavation equipment up onto the lots. A possible consideration which has worked well at the Ledges condominium development is that the building envelopes are all laid out (100 x100') and no additional cutting is allowed. That works and the house fills just about the whole area with a small lawn. This is not condo ownership but it is an idea to consider.

Roger Larochelle acknowledged some of the neighbors' concerns.

Pat Wood responded to Gove's concerns. They got a response from Peter Cooperdock but have not submitted it yet because it is not signed. They are most pleased with Peter's report that he did focus on the functions of those wetlands, for example the potential vernal pool. Another area he focused on that preserves an area that deserves protection is Wetland C2. They have designed in a way that almost entirely avoids that road area, which is a concern. They will ask Peter to go into more detail on the function of each wetland area. In Luke Hurley's review comments, there are some specifics and when you weave them in, Peter did pretty much what he was asked to do. A few items may not be relevant such as that there is no aquatic ecology (fish) in the property. Inventory maps were a misunderstanding on my part and we need to know how those should be indicated. As a general comment, the land has been occupied, farmed and logged over for 150 years, all of those had impact. Fortunately, Mother Earth has been able to recover from all of that.

Phil Twombly asked if Peter Cooperdock had received Gove's review.

Richard Delaney said yes but Peter had not signed his response so they don't want to present it yet.

Anne Hill asked for a clarification on page 7. The picture of the watershed 3 is not accurate. The outlet is actually on the left side next to the brown house, not the clump of trees. Also, EIS page 24 mentions Wetlands J and H are likely to be dry over the summer. Their family has owned the property for 70 years and it never dried up. It actually appears to feed their well, which is probably why it has never dried up.

Roger Larochelle said we have covered a lot of ground tonight. We have to focus on the big things and on the things we requested. There will be no end of details but we need to start making decisions soon. Is there any summary?

Curtis Mooney referenced Paul Fluet's email to Corey Johnson with five points after the site walk.

Richard Delaney said they have already addressed points 1-3. They need discussion of 4 and 5. Item 4, if we move the road, if that water turns out to be a vernal pool, it would compromise that water.

Roger Larochelle said we are between a rock and a hard place: vernal pool versus deep fill. We need a response with more information.

Ellie Lonske and Alan Barnard discussed vernal pools and that probably observation in May would prove it is there. If it is not this year, that doesn't prove it is not a vernal pool area and it could take two years to determine that. Alan said on H5 there is conflict between requests and specification that needs to be resolved. Different scales for vertical and horizontal would be confusing. Paul Fluet and Core Johnston will need to work it out. There was discussion of regulations, contours and plans.

Curtis Mooney said the 7/31/06 letter mentioned 2' contours and explained the advantages. Curtis's matrix comparing Fluet's and Johnston's comments mentions contours again.

Pat Wood said there is a difference between design for construction and plans for Board review. The construction plans would be much more detailed and specific.

Alan Barnard said cross sections for cut and fill plans portray uniformly with infinite contours.

Roger Larochelle said there are recommendations for engineers but the regulations only require plans with 5' intervals. What is the will of the Board? If we are asking for 2' contours, where?

Curtis Mooney said he thinks it is okay to use cross sections for now but when it gets to house lots we might like to have 2' intervals for just the lot areas.

Richard Delaney said we can look at that. Pat Wood said on the practical side of it, Alan Barnard or someone has to generate that. We can get basically what is there with 5' contours unless a site is unusual. He would ask the Board to settle for 5' contours for now and see what might be needed.

Roger Larochelle said the Board will reserve the right to ask for more detail if indicated as we go along. There are still larger issues to resolve.

Ellie Lonske said I find it more informative to see things in color shaded areas rather than trying to read numbers on lines.

Curtis Mooney said that rather than go through Gove's response letter, just go through point by point with a brief statement for agree or respond.

Roger Larochelle said he would find it helpful to have responses to points in Gove's response.

Pat Wood asked if we can focus on the areas of impact. Do we have to do a detailed inventory of conservation areas? That is very expensive.

Curtis Mooney replied that you can say that in your response. He would like to see responses to the questions about blasting and wells from an expert.

Roger Larochelle and Pat Wood discussed whether the Board would find an expert for this area.

Anne Hill asked about Alan Barnard's statement that they don't actually have to show the house lots.

Roger Larochelle explained that in a Subdivision proposal the Board is only regulating to the boundaries and not the use. To your point, they are showing potential house sites.

Anne Hill said so possibly they could build a house that fills that entire house lot. So what you are saying is that no-one controls that.

Roger Larochelle said that is regulated by building permits and other agencies. We don't control the dimensions of the house, the color of the roofs or the lighting. We can only govern the overall boundaries and usages.

Ellie Lonske said the lots may not be built on for ten years. Whatever zoning is in effect then will apply.

Alan Barnard said there is a 4-year exemption from the time of subdivision approval as long as there is substantial improvement of the property.

Chuck Beno said on maps can we also have Ross Brook clearly delineated?

Alan Barnard said it doesn't come near house lots.

Roger Larochelle said we are requesting depiction of more details so we can have a clearer vision.

Chuck Beno said Ross Brook does cut across house lots and it is a designated Brook.

Richard Delaney explained that it is the green line seen on several maps, so it is depicted.

Roger Larochelle said because it is a designated brook, setbacks apply. He mentioned that also received this week was a 3-page letter from Anne Hill and Katherine Keon broken up into three areas of concern. This will be circulated to Board members for consideration.

Pat Wood said chemicals, pesticides, etc. will be covered in language in the covenants.

Roger Larochelle said governance is the usual challenge. He commented that of the plans submitted it seems somewhat incomplete. We don't see features to be accommodated such as drainage, power lines, cut and fill, etc. What is shown by the light green areas is what will need to be cleared up front. What is actually being depicted? Would this be all the cutting needed in usable area?

Ellie Lonske questioned if the lots shown here are exactly the same as the ones shown in the prior lot plan with some of them the very small lots that were questioned by Board members.

Richard Delaney commented that they have not modified the lot plans pending EIS and discussion of impact on steep slopes.

Pat Wood requested a continuance to the next monthly hearing on 3/7/07 and it was granted.

9:45 PM Break

Informational for Nancy Bolln boundary line adjustment

Nancy Bolln, owner, and George Bolln were present and represented by Alan Barnard. They would like to adjust boundary lines on two non-conforming lots and make one conforming lot. They showed and discussed the maps and plans and will ask to be on the agenda for the 3/7/07 hearing.

Continuance of Jaques ET AL subdivision and boundary adjustment applications

Alan Barnard presented the road plan and drafts of the agreements between the three parties. These were done in cooperation with the Selectmen. None are signed yet because the Selectmen have to agree and sign, pretty much all at the same time. The agreements don't go into effect until the plans are approved. For clarity Alan made all the maps with 2' contours. The plan incorporates safety features in the road design such as super-elevation and additional 2' of paving on the sharp curve. Now the road is only 10% for 470 feet. He requested continuance to 3/7/07. Granted.

Other Matters

Roger Larochelle said he will pick up land use books tomorrow. Any Board member who will not be available for the 2/19/07 workshop should send him a note as they will be reviewing proposed changes to the Subdivision Regulations for the public.

10:25 PM Ellie Lonske moved/Curtis Mooney seconded a motion to adjourn. PASSED

SUMMARY OF MOTIONS:

Curtis Mooney moved/ Dick Cowern seconded approval of the 12/6/06 minutes as amended. PASSED

Dick Cowern moved/Curtis Mooney seconded approving the minutes of the 12/21/06 Site Walk of the Ridgewater Commons lot. PASSED

10:25 PM Ellie Lonske moved/Curtis Mooney seconded a motion to adjourn. PASSED