



Town of Hebron

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Hebron Planning Board

APPROVED Minutes of Hearing 5/2/07

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

Others Present: Richard Delaney, Barbara Delaney, Pat Wood, Betsy Twombly, Phil Twombly, Lee Alexander, Katherine Keon, Anne Hill, Roger LaFontaine, Marcia Morris, Ken Lonske, Mark Coulson, Larry Kill, Donald Kintz, Evelyn Miller, Michael Miller, Greg Melton, Jackie Melton, Jeff Hiller, Bill Nobles, Randy Pitts, Nathan Parks, George Bolln.

Time Convened: 7:02 PM **Time Adjourned:** 10:25 PM

Next Meetings: 5/21/07 workshop on Site Plan Review, 6/6/07 monthly hearing

Agenda:

1. Administrative Matters
2. Approve minutes of 4/4/07
3. Continuance of Jaques ET AL subdivision and boundary adjustment applications
4. Continuance of Ridgewater Commons Cluster subdivision application
5. Application for subdivision by Jane Ramsay at 54 Cooper Rd, Tax Map 8 Lot 1
6. Boundary line adjustment of limited common areas in Hebron Country Estates III
7. Any other matters that come before the Board

Administrative Matters

Roger Larochelle stated that this will be Curtis Mooney's final meeting as a Board member. Roger and Ellie Lonske expressed the Board's deep appreciation for Curtis's contribution to the Town by his long-term participation as a member of the Planning Board. They sited his strategically placed comments, integrity and common sense. He provided a bridge for the Board which had almost all new members. Members of the public expressed their appreciation of Curtis's detailed analysis, dedication and fine wit.

Minutes of 4/4/06 were reviewed. **Ellie Lonske moved/Dick Cowern seconded approving the minutes of April 4, 2007 as written. PASSED**

Jacques ET AL: Alan Barnard requested continuance to 6/6/07. Granted.

Roger Larochelle reordered the agenda to give Corey Johnston an opportunity to arrive in time to participate in the Ridgewater Commons application discussion.

Ramsay Subdivision

Alan Barnard and Jane Ramsay were present to represent the application. The lot is at the Junction of Cooper Rd & Sarah Lane. Subdivision into two lots, both above zoning requirements. New lot

access from Sarah Lane. Abutters list provided, certified notices sent in due time, notice posted in four public places. Application is complete; check is correct, Alan Barnard and JR present to represent the plan. First order of business is to vote to accept the application as complete. **Curtis Mooney moved/Dick Cowern seconded to accept Jane Ramsay's application for a subdivision as complete. PASSED** The Board then agreed to review the application. Alan Barnard presented the Plan, explained current zoning, showed delineated areas of poorly drained soils, wetlands, etc. as surveyed by Peter Cooperdock. The new lot yields 2.14 acres of Usable Area. The tree line is labeled, sewerage drainage area, well protection area shown as per DES requirements. Used 5' topo lines on Lot 2 but 10' topo on Lot 1 because it is relatively flat. The have not received State approval of the subdivision application, so tonight will ask for conditional approval pending State approval. No driveway permit is needed because visibility on Sarah Lane is more than adequate. The Plan shows all setbacks as the Planning Board has previously mentioned they would like to see. The shed will be relocated to meet the zoning setbacks or removed entirely. Jane would like to have the condition that it can be done within a year. There was some discussion about whether the Planning Board can give final approval if shed removal is a condition with a term up to a year. There is no mechanism for the Planning Board to go back and inspect the site. Roger Larochelle polled the members of the Board for additional questions or comments. All agreed that the Plan provided adequate information.

Public Comments

Evelyn Miller on West Shore Drive asked about driveways going through setbacks. Roger Larochelle explained that setbacks apply to buildings, not driveways.

Greg Melton, who lives opposite Sarah Lane asked more about setbacks and common land terminology. Alan Barnard explained that the common land label on his tax map refers to the Lochmont association. Greg asked again because the original tax map shows common land between Sarah Lane and Jane's property. Alan Barnard explained that the area was deeded to the Town, 17.16 Page 237 in the Grafton County registry of deeds. The tax map has not been updated. Greg said his concern is that they were relying on the tax map for their real estate planning. Alan Barnard explained that a tax map is not a survey and should not be relied on for real estate conveyance. Jane Ramsay explained that the original plan would have left that strip of land but the road was actually built closer and they did not have to leave that space. There was some clarification of the map differences. Greg says he really enjoys having Jane as a neighbor, but they are going to register their objection to this application. He read from his deed about the Lochmont subdivision. Alan Barnard explained that Jane's lot is not part of the Lochmont subdivision so those covenants are not relevant. Alan Barnard went on to explain the history of the area. Greg expressed his concern about increasing density and overdevelopment as has happened in other communities in NH.

Nathan Park, who lives just north of the property on Sarah Lane, asked for clarification of the plan for the driveway. Alan Barnard showed the most likely access point that would avoid wetlands entirely. Nathan asked about where a house could be sited. Alan explained that the most likely location would be in the field where the shed currently sits.

Roger Larochelle asked if there was more Planning Board input. Curtis Mooney said we have seen two informational presentations on the plan and all points of information have been covered (Alan said except the shed). Ellie Lonske said her concern is about putting any conditions into approvals that the Board would have to follow up on a year later or some other time in the future. David Wall asked what the problem would be. Roger responded that the Board would not sign a final approval until all conditions were met. The approval will already be conditional on State approval. Roger said it would also need completion of Alan Barnard setting the monuments and removal of the shed.

Curtis Mooney moved/Dick Cowern seconded a motion to grant conditional approval on the following three conditions: State approval, monuments set, and shed removed. PASSED

Roger Larochelle stated for the public that this is the first subdivision application to come before the Board since updated zoning ordinances. In fact, lots will be larger than previously would have been required. This should somewhat allay concerns about density.

7:47 pm

Ridgewater Commons application

Richard and Barbara Delaney, Pat Wood and Alan Barnard were present to represent the application. Roger Larochelle reviewed the letters and petitions that had been received prior to the hearing. In March a letter from Paul Fluet was received that was not taken up because it arrived too close to the hearing. There were other items not addressed because the Board ran out of time at the March hearing and all the April meeting cases were continued to May 2, 2007 due to inclement weather. Chuck Beno recused himself from the Board as he is an abutter. Reduced copies of the updated plans that had been submitted April 19th were distributed and the display copy hung up. The cover sheet and pages 1-6 were replaced. Pages 7-34 remain the same. Alan Barnard said Mr. Delaney wanted to start with finishing the EIR and hoped Mr. Johnston would arrive meanwhile. Roger asked Mr. Delaney to proceed. Mr. Delaney said in order to discuss revised lot sizes and locations they would need Mr. Johnston. Roger said they had not finished with the EIR or taken up Paul Fluet's letter ...but then Mr. Johnston arrived.

Richard Delaney explained that in response to the Board's concerns they had reduced the number of lots near West Shore Road from three to two. Fully protected wetlands, including Ross Brook. All lots have at least .5 acre of buildable space. In response to Mr. Cooperdock's suggestion that there are better areas of recreational space, they relocated some areas.

Corey Johnston explained that since the meeting in March they had reconfigured some areas and shown more features on the plan, such as snowmobile trails, old foundations, and major rock outcroppings. Looked at taking wetlands with highest functions out of individual lots, this includes the potential vernal pool, Ross Brook and all wetlands. They created a green belt between the brook and house lots to encourage wildlife to travel beyond the house areas. There is an easement for a culvert but it is not currently in the Plan. Took one lot out of the lower part of the road and inserted a lot in the higher area, lot sizes range from 1.20 to 4.7 acres. All the lots have at least .5 acres of usable land. Also removed the fire pond and located a 30,000 cistern across the road with a turn-out for fire trucks. The new plan shows potential house sites, driveways, septic systems and wells. Then they went into some of Mr. Fluet's suggestions. Plan must now relocated significant drainage and grading and they would like to have some indication that they are moving in the right direction with these changes.

Ellie Lonske stated that she did not see the progress. She said in previous discussions the Board had objected to very small lots and to lots on very steep slopes that have a small amount of usable area. She reviewed specific lot numbers and related them to the topographical features such as steep slopes and wetlands. She explained the intent of the Master Plan to protect the character and environment in Hebron. She acknowledged that Mr. Delaney had previously explained that they try to develop lots on steep slopes because that's where the best views are so they bring the highest prices. But the Planning Board is not driven by an applicant's financial situation, only by adhering to zoning ordinance and trying to carry out the values and intentions of the Town as expressed in the Master Plan. Again this year the citizens of Hebron voted to make the zoning more stringent. The piles of petitions and letters that have come to the Board from Hebron residents are further evidence

that this development is not consistent with the character and spirit of the Town. This is not a board of dictators, but volunteers in service to the will of the Town. The Board keeps telling the applicant's team that "this is the problem." The applicants don't seem to be hearing or understanding us. Now you are coming in trying to pack in three homes on a lot that would not qualify to support even one home. Ms. Lonske read sections from the Master Plan. She spoke about recent big storms and the damage to all the roads and drainage areas around the lake. She read further sections from the Master Plan about the obvious conflict of this plan with the stated values of the residents of the Town. She was shocked at the March hearing when Mr. Johnston had answered Curtis Mooney's questions about the length and height of the retaining wall. She drove over to Plymouth to look at the large retaining wall at Wal-Mart that had been referenced by many speakers and was genuinely shocked to think that something like that might be built in Hebron.

Mr. Johnston asked if he would be permitted to complete his presentation. Roger Larochelle asked him to proceed. Mr. Johnston showed where recreational area had been moved away from protected areas. The driveways have been shortened. The longest one is now 660'. The grading has been reduced to a 1:2 slope in the lower road part, and in the curve area that disturbs less steep slope and leaves more trees. They also looked at using 1:1 slopes. Roger Larochelle asked him to explain the slope terminology so everyone understands. The higher the first number, the flatter the area. A 1:1 grade would be about 45 degrees. The review engineer had suggested making steeper grades in order to disturb less area. In order to do that, they would need a waiver. He had an exhibit that illustrated what that would do in terms of area disturbed. If they redesigned the road with that steeper grade at the curve, it would reduce the length of the retaining wall to 80'. The worst case scenario would be 23' height at the culvert. Not only would impact be reduced, but so many more trees could be left that this portion of the road would hardly be able to be seen from West Shore Road. Perhaps plan changes are not as fast as the Board would prefer, but they are trying to find compromises. Sheet 3 with houses, septic systems and wells indicated makes the slopes and areas more obvious. As far as drainage is concerned, the State permitting process requires checking 50-year events to see what happens. Like Ellie said, statistics are not reality. They can run the calculations for a 100-year event to make sure their sizing would be appropriate. This mostly affects detention basins, culvert pipes and being able to predict what might happen if there is a larger event. The culverts for the two road crossings would only require an 18" pipe but they planned for a 36" pipe to allow for animal migrations and extra large storms. With detention strategies up hill they should not be increasing the runoff to the culverts and detention basin at the bottom. You have Mr. Fluet looking out for the Town's interests and he will be reviewing the specifics as they develop.

Martha Twombly said. Ellie's comments really resonate with her because there is such a contrast between the Master Plan and zoning changes that have gone over through the last year and it is frustrating to see the contrast between what the Town wants and this development. The proposed hydrologic studies would yield useful information although we know they would be expensive and there has already been a lot of investment. She said she gets frustrated when the public or the Board says it would be helpful to get more information and that is not forthcoming. It seems like this development plans was done backwards. The ideal is to exclude all the sensitive and functional areas and then consider what could be developed. Who would hold the conservation easement on the set aside property? We don't know what would happen to the ground water and the watershed as a result of all the excavation and possible blasting. As the recent NLRA workshop made clear, we have a very steep and sensitive watershed. This plan does not seem to take into account all the environmental considerations.

Curtis Mooney asked Mr. Johnston if he has been up in the property. Mr. Johnston said he has walked it along the proposed road area up through the steepest parts. Curtis asked him on a scale of one to ten how difficult he feels the road would be to build. Mr. Johnston said it would be a

challenging road to build—not the most difficult he has seen but certainly a challenge. This is certainly one of the more difficult lots to develop. As there is less land that is easy to develop, you will see more development of the difficult lots and they will be more and more valuable. Alan Barnard followed up on some of the discussion. He said they certainly did look at the environmental concerns. They protected the big wetlands first and designed the proposed road to completely avoid the sensitive areas. The present design creates a large buffer between this development and the neighboring development. There will be no conservation easement to be held. The preserved area will be held in common by the landowners and the deed will have restrictions against further development. The biggest thing he can see from Ms. Lonske's perspective is that the subdivision design would meet State requirements and the Town requirements far exceed those requirements. The team has finally come up with a plan that allows for lot sizes that would work and avoid the most difficult areas. There has been a lot of hydrological data and more can't really be done until the plan is more final.

Public Comment

Evelyn Miller on West Shore Road spoke about choosing to live in Hebron because it is like their former residence in Goffstown. She was on the planning board there and went through much the same changes. They have had three major storms with great damage to roads and very steep slopes. Her major area of concern is the entry road and culverts.

Randy Pitts, who lives next to Evelyn, and is also a builder spoke. The discharge culvert goes through between their properties. It roars and goes down into a 10" plastic pipe that then goes over onto the Keon property. Looking at the proposed road, it will have to be done in chunks. The construction plan has to control the runoff during the process, there have to be catch areas and settle areas and it will be very difficult to engineer the construction.

Phil Twombly had a couple of questions. It doesn't seem that the retaining road will be perpendicular to the road so why wouldn't it be seen? The height is 23' and that is the height of our house. Where is the road frontage for each of the lots? Roger Larochelle asked Mr. Johnston to explain the frontage and easement situation. Mr. Larochelle said the length and grade of driveways will be evaluated at that stage of planning.

Katherine Keon said she can now see the plan and her concern is about the culverts that come down and under West Shore Road. Looking at it today, the State has installed a plastic fence and all kinds of sand and debris has built up behind the fence. Another concern is what the retaining wall will be made of. Mr. Johnston said it will be concrete block like the Wal-Mart retaining wall.

Anne Hill said at the last hearing someone had asked Mr. Delaney what the maximum square footage of a house would be on each lot. He had responded that there was no maximum but there will be a minimum. What would that be? Mr. Delaney said it will be 1500 or 2000 sq. ft. Anne asked whether electricity will be below ground or above ground. Mr. Delaney said the piping will be laid along with the road as it was for Rogers Ledge Road. Anne asked if there would be street lights. Alan Barnard said not unless the Board required it. Everyone said "dark skies" is the Town value.

Jeff Hillier said in Mr. Delaney's opening comments he referred to the "green" of the project and mentioned two small wetlands. Where are those? Mr. Delaney showed them and said they are not considered to have a function. They won't be disturbed but they won't have buffers. Mr. Hillier's concern is protection of the dry well on his property. He also referred to the letter which he had put together for the Board which addressed the issue of climate change. Regardless of the cause, the climate is changing. He referenced information from the Society for the Protection of New

Hampshire forests predicting that there may be times of less rainfall, creating dry conditions but when it does rain it may be more violent. Plant life is changing and may be less vigorous. If you look at the map, the most vulnerable area down near West Shore Road is where the most trees will be lost. You would basically be creating a sluiceway into Newfound Lake and the very valuable area of Hebron Bay which is unique in its stillness and marshland features. In spite of the fine people working hard on this plan, that part of the development (closest to West Shore Road access) is not something that can be safely and reasonably developed.

Chuck Beno expressed his concerns about wall construction as referenced on Sheet 7, note 11, licensed NH structural engineer, head wall details and specifications prior to starting any construction. His concern is that after the plan is approved the further engineering would be turned over to a separate company not in the direct supervision of the Planning Board. Would also encourage a fence along the top of the wall like the one at Wal-Mart.

Evelyn Murray spoke about her disappointment to hear that the proposal is to have artificial block rather than natural stone, with the loss of trees and lack of natural materials. The Town will have to maintain that and it will be more difficult. She asked if the police and fire departments have given opinions about the road proposal.

Corey Johnston explained that the road design has not changed since the police and fire chief reviewed it. Their only concerns were with the length of the road and driveways. There are guidelines and they have referenced them.

Evelyn's further questions addressed how drainage would be handled.

Randy Pitts said he thinks it is very important that someone thoroughly go through the review comments from Mr. Fluet. He makes a lot of good points and he is very specific about volumes in his letter of March 26th. Someone will have to go very deeply into this.

Roger LaFontaine said since the inception of this project there has not been any voter support of this project. If this application were to go forward it would seem that we would be winking at the Master Plan and going against the community's desire to maintain the rural character of the Town. He can't imagine that this plan would not go against what the Master Plans said the Town wants.

Alan Barnard said he wanted to note that the Master Plan is not a regulation. It is a document to help develop zoning. The zoning ordinance has been updated as a result. Regardless of whether anyone likes the vision or doesn't want to look at it, that is not the regulation.

Corey Johnston said that in all his years of working in planning he has rarely seen anyone appear to support a proposal. They show up to object. He responded to Mr. Pitts' remark about stamps on the plans. All the plans have stamps on them but the updated displays showing new views. He explained about common misconceptions about rainwater and runoff. He went on to show where existing drainage goes and where it would go in the post-developed condition. He went on to explain the culverts and volume calculations. Now that the lots have changed they have to change the drainage plan, which will go back to Mr. Fluet for further review. There is a natural wetland in that area and it will not be touched. Whatever it is currently retaining it will continue to retain. 84.2% of the property will remain untouched. A very small percentage of impervious area will be affected. With the changed plan that may change by a point. Curtis Mooney asked for clarification of how the square footage of a home might affect the amount of impervious area. Mr. Johnston said that some of that area would be upstairs and not impact the area. He went on to talk about various retention and water treatment strategies. The natural areas are superior for water detention and treatment and they

are keeping as much of those as possible. He showed the rip rap areas, ditches and treatment swales and explained how they work. He showed the various strategies, how they work, what kinds of documentation would have to be submitted to the State, how road grades affect the area to be disturbed. There was some discussion about retaining walls to protect wetlands areas.

Roger Larochelle turned discussion back to the Board. He asked the Board members to be specific about what more they would like to get about the plan. Ellie Lonske asked to see Page 3 again. She spoke to the question of the Master Plan and zoning ordinance about cluster plan subdivision guidelines. She doesn't think the Planning Board even has the right to approve three lots on an area of such steep slopes. Regardless of the fine engineering, it is like just rearranging things and not at all in the spirit of the Master Plan. David Wall said his silence this evening has nothing to do with his opinion about this plan. He comes to absorb as much information as possible and leaves with a headache. He struggles with the concept of the owner's right to develop his land, and the neighbors' concerns about appearance and possible damage. He finds himself feeling in agreement with Ms. Lonske's viewpoint that those first few lots are just not buildable. If you took those away you might have a chance of developing something on this property. Curtis Mooney said that even without those first few lots, it is a very steep area. He did a rough map and you can see the topography of the lot. So far we have not seen any data about how much soil and gravel would be removed. It may be early in the process but there is not a clear picture about how this project could move forward.

Dick Cowern said that at the March hearing the Planning Board asked for certain specifications, suggested getting the lot sizes up to half an acre of usable area. The developer seems to have responded to all the requests. Regardless of lot size, when the leaves are off the trees, you will see that retaining wall. Certainly there is strong opinion about the road being so steep and although putting chains on the fire trucks might get them up there, they won't help with getting them down. As a Selectman he is concerned about rain damage from extreme storms, and the Town having to deal with failures of engineering during and after construction.

Martha Twombly reiterated her concerns about damage to the environment and aesthetics of the development. After apologies for any lack of background or history, she still is strongly concerned.

Roger Larochelle said he is also very conflicted about many aspects of this project. The Board has spent a great deal of time on details. When you look at the preamble of the zoning ordinance, it states clearly what the values of the Town are. If we had to vote on this plan this evening in terms of approval, it does not seem that those front lots work at all in the spirit of the zoning about innovative land use. If you look at those lots it's not about usable area within each area but about contiguous cleared area among all the lots. The development team has made some progress in the direction the Town wanted development to go. Overall though, those front lots will create the most impervious area in the area that will create the most runoff for the areas down slope. We certainly could vote this proposal up or down this evening, but seems that there has been some progress and could do more.

David Wall said he feels it is premature to consider voting this evening and it would be unfair to the development team that has worked so hard.

Ellie Lonske said that she was surprised that the impression at the prior meeting was that it would be adequate to design for a half acre of usable area in total. That was discussed as a possible minimum not an ideal.

Roger Larochelle commented that this is the first application of its nature and that the Board has never had this much detail on a development.

Ellie Lonske reiterated that it is premature to vote unless the applicant is stating that this is the final version of the plan and it won't be modified.

Pat Wood said that this evening is the first time we have had specific comments on particular lots and that may be very helpful. He requested a continuance to June 6, 2007. The second question would be whether the Board would consider a waiver on the road in line with what was suggested in Paul Fluet's review letter. Before the Delaneys invest in having Mr. Johnston engineer a road that would require a waiver, it would be impossible to judge whether it could be approved.

Martha Twombly asked if anyone else wanted to see elevations of the area with the modified road design. She also said the Paul Fluet had suggested that it might be possible to build a bridge rather than a road fill to bridge the distance. Is that possible and would it work?

Corey Johnston said he can develop a more illustrative drawing of what the elevation might look like from below. He would not be in a position to do an artist's rendering of the view from the lake. It would be possible to build a bridge but that would have its own issues. Alan Barnard added that a bridge with that span would freeze faster and have additional maintenance issues.

Pat Wood added his appreciation for Curtis Mooney's contributions to the planning process, his matrices and organization of the data. He reiterated his request for a continuance to the June hearing.

Richard Delaney said he wanted to make a few observations. It seems like issues come down to those three lots down front. The Board has worked with the team and we are all frustrated and tired of the process. We could rearrange the lots and provide a different percent of usable area. We went from nine or ten to four and now to two lots. We don't know if anything we do will make a difference and make the plan acceptable to the Board.

Roger Larochelle acknowledged the comments and granted a continuance to June 6, 2007.

Chuck Beno resumed his position on the Board.

10:10 pm BREAK

10:15 Curtis Mooney retired; Chuck Beno stepped up to voting member.

Hebron Country Estates Phase III

Alan Barnard and Larry Kill presented the Plan for boundary adjustment of limited common areas for sites 2, 3, 4, 5 & 26. Alan Barnard showed specifics based on the prior informational meeting. He submitted a letter from Larry Kill's attorney explaining the legal technicalities as the Board requested. The reason for the change is the actual geography of the land and making the driveways more efficient, and therefore disturbing less area.

David Wall moved/Chuck Beno seconded approval of the request for boundary adjustment of limited common areas for sites 2, 3, 4, 5 & 26 of Hebron Country Estates Phase III. PASSED

10:25 pm

Dick Cowern moved/Ellie Lonske seconded adjourning. PASSED

SUMMARY OF MOTIONS:

Ellie Lonske moved/Dick Cowern seconded approving the minutes of April 4, 2007 as written. PASSED

Curtis Mooney moved/Dick Cowern seconded to accept Jane Ramsay's application for a subdivision as complete. PASSED

Curtis Mooney moved/Dick Cowern seconded a motion to grant conditional approval on the following three conditions: State approval, monuments set, and shed removed. PASSED

David Wall moved/Chuck Beno seconded approval of the request for boundary adjustment of limited common areas for sites 2, 3, 4, 5 & 26 of Hebron Country Estates Phase III. PASSED

Dick Cowern moved/Ellie Lonske seconded adjourning. PASSED