



ACCEPTED AS WRITTEN 2/6/08

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Hebron Planning Board
Minutes of Hearing 1/28/08

Members Present: Dick Cowern (Selectmen's representative), Tom Gump (alternate), Roger Larochelle (chair), Ellie Lonske (vice chair), David Wall and Sheila Oranch (secretary).

Others Present: Bruce A. Barnard, John W. Dunklee, John Matthews, Ron Collins, Jan Collins, Suzanne Smith, Ed Gempka, Dan Merritt, Lee Alexander and Polly Alexander.

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

Next Meetings: 2/6/08 monthly hearing, 2/18/08 work session

Agenda:

1. Administrative Matters
2. Proposed Zoning Ordinance changes
3. Any other matters that come before the Board

Administrative Matters/Announcements

Roger Larochelle welcomed the public, which included members of the Conservation Commission and all three Selectmen. He asked the Planning Board members to introduce themselves. As Chuck Beno and Martha Twombly had planned absences, Tom Gump was asked to step up as a voting member.

Mr. Larochelle commended Ellie Lonske for her work on preparing the text of the proposed zoning ordinance changes. He explained that this third hearing would be to review the final text and no further substantive changes could be made before Town Meeting. He asked her to conduct the discussion, in respect of her familiarity with the document. Ms. Lonske thanked the Conservation Commission members for their hard work on researching, drafting and editing the WPOD. She stated that proposed changes from the Board of Selectmen would also be reviewed.

Proposed Zoning Ordinance changes:

In each case where a proposed change was suggested by a body other than the Planning Board, both the final wording and the decision to approve the change as recommended by the Planning Board must be voted on separately. All changes being reviewed were published and posted in the text named "Zoning Changes Proposed 2008 v4."

ARTICLE II: DEFINITIONS: "Dwelling Unit" from the Selectmen.

"Dwelling Unit" means one room, or rooms, which constitute a separate independent residence physically separate from any other dwelling unit that may exist in the same structure, which contains independent cooking, sanitary, and sleeping facilities. It shall include sectional homes, rental cottages, and modular units provided these units meet the standards of the local and state of New Hampshire building or structure codes, but shall not include camper or recreational vehicles, motels, hotels, bed and breakfasts, lodging houses or similar structures.

Ellie Lonske moved/Dick Cowern seconded a motion to accept the proposed definition of “Dwelling Unit” as written. PASSED UNANIMOUSLY

Tom Gump moved/Dick Cowern seconded a motion to approve the proposed definition of “Dwelling Unit” for recommendation on the Town Warrant. PASSED UNANIMOUSLY

ARTICLE III: DISTRICTS: E. Wetlands Protection Overlay District (WPOD)

Lee Alexander asked what provisions were made for implementation. The answer was that this is covered in ARTICLE IX.

E. Wetlands Protection Overlay District (WPOD). The purpose of this overlay district is to protect the health, safety, and general welfare of the community by controlling and guiding the use of wetland areas and wetland buffers within the town.

David Wall moved/Dick Cowern seconded a motion to approve the proposed wording of ARTICLE III: DISTRICTS: E. Wetlands Protection Overlay District (WPOD) as written. PASSED UNANIMOUSLY

ARTICLE IV: GENERAL PROVISIONS: N. Areas of Lots. 2.

N. 2. All Dwellings shall be outside of any Protective Buffer.

Dick Cowern moved/ David Wall seconded a motion to approve the proposed wording of the changes to ARTICLE IV: GENERAL PROVISIONS: N. Areas of Lots. 2. as written. PASSED UNANIMOUSLY PASSED

ARTICLE IV: GENERAL PROVISIONS: N. Areas of Lots. 3.

Dan Merritt asked for clarification of the meaning of disturbance. If a driveway is being constructed that will be ten feet wide, there will be more area disturbed along its verges. Does that count in the 10,000 square feet? There was discussion about judgment and feedback from building permits. Bruce Barnard, Ron Collins, Ed Gempka and Jan Collins commented on various scenarios and possible wording. Mr. Larochelle polled the Planning Board members for their interpretations. The consensus was that a change of punctuation from the semi-colon after “Land” to a period and capital A in “An” was not substantive and did not require another hearing.

3. All Dwellings shall be sited within the Usable Land; an area of Very Steep Slope totaling no more than 10,000 square feet may be altered for construction purposes (e.g. Structures, driveways, wells, septic systems) using best management practices for erosion control.

Tom Gump moved/Dick Cowern seconded a motion to approve the proposed wording of ARTICLE IV: GENERAL PROVISIONS: N. Areas of Lots. 3. PASSED UNANIMOUSLY

ARTICLE IV: GENERAL PROVISIONS: R. Building Permit. From the Selectmen

There was discussion about specific applications. Lee Alexander asked if someone had dug their foundation but did not continue and the permit lapsed, whether that meant neighbors had to look at the mess indefinitely. Dan Merritt gave some feedback. Ron Collins questioned the wording of

septic systems and how that could apply to barns and other non-dwelling buildings. Consensus was that some judgment would have to be exercised by the Building Inspector and Selectmen. Time will tell whether this wording will be sufficient to avoid problems experienced in the area.

The Board of Selectmen will act on the application for a Building Permit within twenty-one (21) days of acceptance of a complete application.

A Building Permit shall automatically lapse and be null and void one (1) year from the date of issuance, unless the foundation and septic system are completed and accepted by the compliance officer, and two (2) years from date of issue unless the framing and exterior are completed and accepted by the compliance officer.

Dick Covern moved/ David Wall seconded a motion to approve the proposed wording of ARTICLE IV: GENERAL PROVISIONS: R. Building Permit. PASSED UNANIMOUSLY

David Wall moved/ Dick Covern seconded a motion to approve the proposed wording of ARTICLE IV: GENERAL PROVISIONS: R. Building Permit for recommendation on the Town Warrant. PASSED UNANIMOUSLY

Items S. and T. are administrative and did not require a motion.

ARTICLE IV: GENERAL PROVISIONS: U. Septic System Replacement. From the Selectmen

Bruce Barnard explained the circumstances in which State law would permit and require septic system work which would otherwise not be permitted within the Shoreland Protection District.

Existing non-conforming septic systems in failure may be replaced or repaired per NHDES Subsurface Rules as per RSA 485-A; 29-44, as amended.

Tom Gumpp moved/Ellie Lonske seconded a motion to approve the proposed wording of ARTICLE IV: GENERAL PROVISIONS: U. Septic System Replacement. PASSED UNANIMOUSLY

Dick Covern moved/Tom Gumpp seconded a motion to approve the proposed wording of ARTICLE IV: GENERAL PROVISIONS: U. Septic System Replacement for recommendation on the Town Warrant. PASSED UNANIMOUSLY

ARTICLE IV: GENERAL PROVISIONS: V. Hotel, Motel, and Bed and Breakfast – Lodging Usage. From the Selectmen

John Dunklee explained the intent of the provision. After some discussion, it was agreed that changing the capital “U” in usages to a lower case “u” and changing the phrase “long-term lodging” to “residency” were not substantive and would not require another hearing.

Permitted usages are for transient lodging for guests, and for residency for owners, managers, and staff.

Dick Cowern moved/ David Wall seconded a motion to approve the proposed wording of ARTICLE IV: GENERAL PROVISIONS: V. Hotel, Motel, and Bed and Breakfast – Lodging Usage. PASSED UNANIMOUSLY

Dick Cowern moved/Tom Gump seconded a motion to approve the proposed wording of ARTICLE IV: GENERAL PROVISIONS: V. Hotel, Motel, and Bed and Breakfast – Lodging Usage for recommendation on the Town Warrant. PASSED UNANIMOUSLY

ARTICLE VI: LAKE DISTRICT: B. 5.

Jan Collins asked clarifying questions and commented on the need for environmental sensitivity. Ed Gempka described some situations he had seen.

c) The extent of alteration of areas of Very Steep Slope in a Cluster Development shall be determined by the Planning Board based on the character of the land involved, the type of housing proposed, and other pertinent factors.

Dick Cowern moved/ David Wall seconded a motion to approve the proposed wording of ARTICLE VI: LAKE DISTRICT: B. 5. PASSED UNANIMOUSLY

ARTICLE VII: RURAL DISTRICT: B. 9.

c) The extent of alteration of areas of Very Steep Slope in a Cluster Development shall be determined by the Planning Board based on the character of the land involved, the type of housing proposed, and other pertinent factors.

David Wall moved/Dick Cowern seconded a motion to approve the proposed wording of ARTICLE VI: RURAL DISTRICT: B. 9. PASSED UNANIMOUSLY

ARTICLE VIII: FLOODPLAIN DISTRICT

(Move entire section IV.S here.)

This is an administrative action that does not require a vote.

ARTICLE IX: WETLANDS PROTECTION OVERLAY DISTRICT

Insert Hebron Conservation Committee document, “Hebron WPOD”, dated January 11, 2008.

Ellie Lonske again complimented the Conservation Commission on the research, drafting and editing of the WPOD document. Ed Gempka acknowledged the appreciation for the Cons Com. Lee Alexander asked whether there was provision for treatment of wetlands because of mosquito-borne diseases. Dan Merritt explained that such treatments would be done by the State and under their jurisdiction which overrides local ordinances. Ron and Jan Collins commented that some landscaping companies and individuals apply lawn care products that would not be permitted

under this ordinance and are already forbidden under the Shoreland Protection Act and asked about enforcement. Dan Merritt replied that some procedures and public education will be needed.

Ellie Lonske moved/ David Wall seconded a motion to approve the January 11, 2008 proposed wording of ARTICLE IX: WETLANDS PROTECTION OVERLAY DISTRICT. PASSED UNANIMOUSLY

(Renumber successive articles in Zoning Ordinance.)

This is an administrative action that does not require a vote.

Other Matters

Roger Larochelle announced that the Zoning Board of Adjustment would hear an appeal regarding the Ridgewater Commons development on March 12, 2008. He and Ellie Lonske will be available to attend and represent the Planning Board.

David Wall moved/Dick Cowern seconded a motion to authorize Roger Larochelle and Ellie Lonske to represent the Planning Board at the 3/12/08 ZBA hearing of the Ridgewater Commons appeal. PASSED UNANIMOUSLY

9:00 PM Dick Cowern moved/Ellie Lonske seconded a motion to adjourn. PASSED