

DRAFT MINUTES OF MARCH 4, 2009



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Hebron Planning Board Minutes of Public Hearing 3/4/09

Members Present: Roger Larochelle (chair), Ellie Lonske (vice chair), John Dunklee (selectman), Chuck Beno, Martha Twombly (alternate), Mitch Manseau (alternate), Joe Hogan (alternate), Richard Cowern (alternate) and Sheila Oranch (secretary).

Others Present: Alan Barnard, Ron Ward (Camp Berea), Attorney Roy McCandless (counsel for Camp Berea), Neil McIver (Wetland Scientist), Jim Ingram (Maranatha Construction), Jack Mudge (Camp Berea abutter), Valerie Nogelo Scarborough and Larry Kill (Hebron Country Estates).

Time Convened: 7 PM **Time Adjourned:** 9:25 PM

Next Meetings: 3/27/09 Site Walk at Camp Berea at 5:00 PM, 4/1/09 hearing

Agenda:

1. Administrative Matters and Announcements.
2. Review minutes of prior meetings for additions, corrections and adoption.
3. Continuance of Jaques ET AL subdivision and boundary adjustments.
4. Continuance of Limited Editions (Rogers Ledge West)
5. Site Plan Application for Camp Berea cabin replacement on Lots 19A-12, 13, LVP, LVP-1, LVP-142
6. Hebron Country Estates III amended plan for Phase A, addition of two driveways.
7. Any other matters that come before the Board.

Administrative Matters/Announcements

Roger Larochelle noted that David Wall had an excused absence and appointed Martha Twombly as a voting member for this hearing. He reminded Board members that registration is still open for the Office of Energy and Planning Annual Spring Planning and Zoning Conference on Saturday, May 2, 2009 at the Radisson Hotel in Manchester, New Hampshire. Also noted is 3/10/09 Elections with voting open from 11am to 7pm and Town Meeting convening at 7pm.

Review Minutes

Minutes of February 4 were approved with the corrections of mentioning Richard Cowern as a voting member for the Limited Editions hearing; on page 3 last paragraph, second sentence adding the wording "at Morrison's cottage and the rest of the site drains into the lake [at Hebron Bay]"; and the last sentence change "nitrogen, etc." to "phosphates and nitrogen"; on page 4 first line change "another lake" to "Lake Winnepesaukee." Also attached to the minutes in the public access binder and Planning office binder will be a 3/3/09 email from Richard Delaney with notes on his comments.

John Dunklee moved/Ellie Lonske seconded a motion to adopt the minutes of the February 4, 2009 hearing as corrected. PASSED

Continuance of Jaques ET AL subdivision and boundary adjustments

Alan Barnard said they are still awaiting one signature, from Mr. Jaques' son. He requested continuance to June, so he will have time after the ground is clear to do the additional field work that

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is needed. Chuck Beno asked why June. Mr. Barnard said he would refresh the picture that there are four parties involved. He would not do the fieldwork until the deal is signed and sealed. This is the tenth anniversary of his working on the current proposal. Mr. Larochelle said that the Planning Board will carry the item on the agenda month-to-month. Continuance was granted to April 1, 2009.

Continuance of Limited Editions (Rogers Ledge West)

Roger Larochelle granted continuance to April 1, 2009.

Camp Berea Site Plan Application for cabin replacement

Ron Ward, Roy McCandless, Jim Ingram (Maranatha Construction) and Neil McIver (CWS, CPESC) were present to represent the application involving Lots 19A-12, 13, LVP, LVP-1, LVP-142. Mr. Larochelle reviewed the materials submitted for completeness and acceptance. Abutters' notices were sent, the application, checks and abutters' list, cover letter, 12 copies of reduced plans and two full-size plans were received. On the checklist, items A to E, H, I, L, R and T were complete. Item J was waived as abutting properties are not within 200 feet of the site boundaries. Items O and P were waived as they do not apply. Items M, N and Q will be explained in a narrative and shown with the detailed materials after the application is accepted for review. The overview by Mr. McCandless explained that the cabins to be removed were built in 1910 and 1960 very close to the boundary line. They are all heated and insulated. The new building will be more "green" and economical. It will be a 46 bed swap, with no increase of capacity. The plans show shoreland setbacks, septic pumping station sending waste to the new septic system installed previously, and a side view with 2 foot contours. They will work with the State to get approval under the Shoreland Protection Act. There will be no additional parking. Lighting will be the same as on existing buildings (photographs included) and there will be no additional driveways, roads or off-site signage. Landscaping will be designed. There was discussion of handling water run-off in ways that are more environmentally friendly. Mr. Beno questioned the completeness of the application in light of the items checked as not included. Mr. Larochelle asked about the triangular geometry of the lot represented. Mr. Ward said it reflects a 2004 boundary adjustment with Camp Wicosuta and a 1980 adjacent lot owned by Camp Berea. There is also a 1987 lot inset (200x200' area) which is owned by Camp Berea. Mr. Barnard took out the tax map showing the "postage stamp" subdivision lots, 300 of 315 of which are now owned by Camp Berea. The 2004 application file has the septic system plan that was approved by the State and has been built as well as overall site plan maps. The 3/10/04 map has 2 foot topographical contours. The current plan page 2 shows every single tree and grades. Mr. Beno asked for specifics of drainage off the new roof. Ms. Twombly said the Planning Board will want an explanation of items not attached or on the plan and confirmation that the application is complete enough to move forward. Mr. Beno noted that the application went to the ZBA and was sent back to the Planning Board as premature. It was agreed that if this were a brand new site with no other material, they would want more with the application. Given that there is so much other information about the site, some items can be waived. When considering the merits of the plan after acceptance of the application, they can get specifics on landscaping and lighting plans. Ms. Lonske asked what had gone to the ZBA. Mr. McCandless explained that was only about possible expansion and the ZBA said there is no decision to request an exception for. This application is purposely designed only to replace old cabins. Mr. Larochelle asked if someone would move the question. Ms. Lonske said she would move it with the caveat that the Board will need a letter explaining when the remaining data will be provided. Mr. Larochelle said he will attach the 2004 application data, existing grades, and map of access roads as presented at the informational in December 2008. There is no new driveway, no new parking or other changes. Mr. Ward explained that visitors park in lots, unload and take their luggage to the cabins. If needed the Camp provides carts to assist. He showed

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photos of the existing building which will be duplicated for lighting. They will provide an elevation with lighting on the building sketch. Mr. Dunklee said the Board will want photometrics of the lighting. Landscaping photos will be provided, as it will be the same as other buildings. Ms. Lonske said the Board will also want to see a plan for reclamation of landscaping and vegetation where the old buildings are to be taken down. Zoning will be covered in the narrative. Item P on the checklist is technically waived, but the applicant team will share the Shoreland Protection Act application which must include drainage. Item Q, the timetable for construction, will be provided after the application has been accepted as complete.

**Ellie Lonske moved/John Dunklee seconded a motion to accept the Camp Berea Site Plan Review Application to remove cabins on Lots 19A-12, 13, LVP, LVP-1, LVP-142 and replace them with one 46-bed, modern cabin, with waiver of Checklist Items J, O and P, and the condition that documentation or data for Checklist Items M, N and Q will be provided.
PASSED**

Camp Berea Site Plan Review for replacement of seven cabins

Mr. Larochelle explained that the application having been accepted as complete, it can be reviewed on merits. After the ZBA review, as long as there is no increase of beds or change of substance of the site, no special exception or variance is required. Mr. McCandless explained that the 1910 Ruby and Onyx cabins are obsolete. The other cabins built in 1960 by volunteers are not up to code. For the sake of safety and liability, they wish to replace them with a modern, heated, insulated, and “green” building the same as the 2004 Carnelian cabin with in-floor radiant heating. The ministry to be served will not change. They will also be moving occupancy away from the property lines and any boundaries. They will be dealing with the State on Shoreland Protection Act approval. Eliminating 7 roofed structures and replacing them with one new surface will be equivalent to about two of the old cabins, so surface area will be reduced. It will be a benefit to the lake and the environment. No parking will be added as the Camp provides carts for luggage or handicap access. There will be no change for zoning or expansion. Ms. Lonske asked if all 7 cabins will be razed before the new cabin is used. The Board would not want simultaneous use of old and new cabins. They could make that a condition. Mr. Ward would like use of the new building to pre-date demolition of the old cabins. Approval of occupancy of the new building should trigger removal of the old cabins. Mr. Ward offered a \$5,000 bond to honor no dual occupancy. Mr. Larochelle asked if any of the buildings to be removed had basements. Mr. McCandless said one has a full basement and one has a partial. They will need to be filled in. Mr. Dunklee asked how the new building can be exited in an emergency. Mr. McCandless explained that it will meet all State safety codes. They had the Fire Chief walk through the plan. They showed the fire suppression equipment and fire hydrant, and explained the flow as approved by the Fire Chief. Mr. Beno asked if they are planning a sprinkler system. Mr. McCandless said not unless it is required. The building falls under hotel design, subclass camps, and meets national codes. It has smoke and heat detectors, and full fire pull stations, as required. They will submit those plans. The walls are plywood over dry wall, which improves fire safety, sound control and durability.

Public Comments

Mr. Larochelle noted a letter from Eileen Thunstrum, an abutter. Jack Mudge, abutter, asked several questions. He asked if buildings 1-5, which are to be razed, are currently being used this winter. Have they been used in the past? Are they swapping seasonal use for year-round? If so, they will be increasing winter use of roads. He said he has been an abutter all his life. It was a summer camp and now it is year-round and he hears activities all year. Mr. Larochelle responded that they have a use

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that is grandfathered because there was never zoning for seasonal use, so there are no bounds for that use. The Planning Board cannot address the question of seasonal use. Instructions are that as long as it is a bed for bed exchange, there is no issue. Mr. Mudge asked if he were putting a building like this on his land, would it change his taxes. Will it change their PILOT program contract? Mr. Dunklee said yes, it will change their assessed value.

Planning Board Comments

Mr. Beno said he remained particularly concerned about drainage from the roof. There is new pervious technology and filtration designs in the new State guidelines. Newfound Lake is a Class A body of water. The proposed building is 70 feet off the lake and 20 feet above the lake with steep slopes. Especially with sudden downpours, they will have to do something about all that water. Environmental and child safety concerns should be addressed. Jim Ingram said they will provide a plan that makes everyone happy. Ms. Lonske said it seemed like a no-brainer until Mr. Mudge spoke and now it seems like a change of use to lodging 46 year-round. Where not all cabins have been used in winter, it could be an expansion of use. Mr. Larochelle said the Board will be asking for Fire and Police Chief reviews of the building plans and the Board will want a Site Walk before approval. Mr. Ingram said all the cabins have use beyond summer. This year they have not needed to use some of them. All are insulated and heated and have been used in the past. Ms. Lonske asked when they were last used in winter. Mr. Ward said the last time they were used year-round was probably 1999-2000. They are used up to November routinely. Ms. Lonske asked when they resume use in the spring. Mr. Ward said it is based on demand, but generally the beginning of May. Mr. McCandless said the Supreme Court heard a case that was decided January 9, 2009 about change of use. He handed out copies and asked the Board to please review this with Town Counsel. Mr. Beno said that in the Site Plan Review Regulations, parking is required to be documented for: 1) off the street, 2) change of use for loading and parking, and 3) parking and loading. These must be addressed in the record. Mr. Larochelle said it is appropriate to indicate parking on the plan, so that will need to be addressed. Mr. Larochelle said as a Planning Board member it is his opinion that it's really difficult to draw a bright line about seasonal use to November or January. The proposal looks better located, more centrally on the lot and more condensed. Cabins are to be removed from closer to the boundary. Set a date for the Site Walk and he will make the requests to the Fire and Police Chiefs. Ms. Lonske asked about timing for the start, shoreland review and site walk. The Board and Mr. Ward agreed to a Site Walk of the Camp Berea property on Friday, 3/27/09 at 5:00 PM. Mr. Ward volunteered that they will also get an asbestos review as a matter of their standards, although it is not required. Mr. Larochelle granted continuance of the hearing of the application to the regular meeting on 4/1/09.

Hebron Country Estates III amended plan for Phase A, addition of two driveways.

Larry Kill and Alan Barnard represented the application. Mr. Dunklee confirmed that the fee was received by the Selectmen's office. Mr. Barnard explained that this is a subdivision modification. Phase III-A did not include lots 12 and 22. Mr. Kill would like to move them from III-B to III-A since the road has been constructed, the fire pond and dry hydrant installed and money set aside in escrow. The letter of credit has been extended (confirmed by Mr. Larochelle). Mr. Kill answered questions about conditions for lots 12 and 22. Mr. Larochelle said they can make it a condition that lots sold will have a driveway access as they are released. These are not driveway permits yet. It is a condition of sale to have driveways staked, lots surveyed and septic design approved by the State.

Ellie Lonske moved/Chuck Beno seconded a motion to amend Hebron Country Estates III Phase A subdivision to include lots 12 and 22, with the condition that the driveways to serve those lots will fall within the right-of-way for Skyline Drive. PASSED

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John Dunklee moved/Ellie Lonske seconded a motion to adjourn at 9:25 PM. PASSED

Respectfully submitted,
Sheila Oranch, secretary

SUMMARY OF MOTIONS

John Dunklee moved/Ellie Lonske seconded a motion to adopt the minutes of the February 4, 2009 hearing as corrected. PASSED

Ellie Lonske moved/John Dunklee seconded a motion to accept the Camp Berea Site Plan Review Application to remove cabins on Lots 19A-12, 13, LVP, LVP-1, LVP-142 and replace them with one 46-bed, modern cabin, with waiver of Checklist Items J, O and P, and the condition that documentation or data for Checklist Items M, N and Q will be provided. PASSED

Ellie Lonske moved/Chuck Beno seconded a motion to amend Hebron Country Estates III Phase A subdivision to include lots 12 and 22, with the condition that the driveways to serve those lots will fall within the right of way for Skyline Drive. PASSED

John Dunklee moved/Ellie Lonske seconded a motion to adjourn at 9:25 PM. PASSED