

HEBRON PLANNING BOARD

Minutes of Public Hearing

April 1, 2009

Planning Board Members Present:

Roger Larochelle (chair), Ellie Lonske (vice chair), John Dunklee (selectmen's representative), David Wall, Chuck Beno, Joe Hogan (alternate), Mitch Manseau (alternate), Martha Twombly (alternate, arrived at 8:10 p.m.)

Others Present:

Alan Barnard, Doug Connor, Mark Coulson, Dick Cowern, Barbara Delaney, Richard Delaney, Tom Gump, Jack Henn, Jeff Hillier, Corey Johnston, Jim Ingram, Larry Kill, Bud Martin, Roy McCandless, Neil McIver, Evelyn Miller, Bill Nobles, Tim Peloquin, David Settelle, Boyd Smith, Steve Tippet, Betsy Twombly, Phil Twombly, and Ronald Ward.

Time Convened: 7:00 p.m. **Time Adjourned:** 10:50 p.m.

Agenda:

1. Administrative matters and announcements
2. Review minutes of prior meetings for additions, corrections and adoption
3. Hebron Country Estates III boundary line adjustment, lot 6
4. Continuance of Jaques ET Al subdivision and boundary adjustments
5. Continuance and new information of Limited Editions (Rogers Ledge West)
6. Site plan application for Camp Berea cabin replacement on lots 19A-12, 13, LVP, LVP-1, LVP-142
7. Any other matters that come before the Board

1. Administrative Matters/Announcements:

The meeting was called to order by Selectman John Dunklee. Selectman Dunklee introduced the board members. The selectmen reappointed Roger Larochelle and Martha Twombly to the Planning Board. Selectman Dunklee then asked board members for nominations for the position of board chair. **Chuck Beno nominated and David Wall seconded the motion to nominate Roger Larochelle as board chair. The motion passed.**

Chairman Larochelle then asked board members for nominations for the position of vice chair. **Chuck Beno nominated and David Wall seconded the motion to nominate Ellie Lonske as vice chair. The motion passed.**

2. Review of Prior Meeting Minutes

The minutes of March 4, 2009 were reviewed and corrected as follows:

- Page 1, agenda item #6, deletion of lots LVP, LVP-1, LVP-142
- Page 2, section Camp Berea Site Plan Application for cabin replacement, line 2, deletion of lots LVP, LVP-1, LVP-142
- Page 3, second paragraph, second line, deletion of lots LVP, LVP-1, LVP-142
- Page 3, section Camp Berea Site Plan Review for replacement of seven cabins, last line of

section, change “plywood over dry wall” to “plywood under dry wall”

Ellie Lonske moved and Chuck Beno seconded the motion to approve the minutes of March 4, 2009 as corrected. The motion passed.

The minutes of the March 27, 2009 site walk at Camp Berea were reviewed. **Chuck Beno moved and David Wall seconded the motion to approve the minutes of the March 27, 2009 site walk as written. The motion passed.**

3. Hebron Country Estates III Boundary Line Adjustment, Lot 6

Larry Kill and his surveyor, Alan Barnard, approached the board to discuss the boundary line adjustment for Lot 6 and the driveway situation discussed at the March 4, 2009 meeting. The applicants are Mr. Kill and Kill Mountain Realty, LLC which are requesting a boundary line adjustment for Lots 5, 6 and 7. Roger Larochelle asked the board to accept the application as complete; a check was submitted with the application and the abutters were notified. **David Wall moved and Chuck Beno seconded the motion to accept the application as complete. The motion passed.**

Mr. Barnard submitted a Grafton County Registry of Deeds recorded copy of the Hebron Country Estates plan approved at the March 4, 2009 meeting.

This application is to adjust the lines between Lots 5 and 6, and Lots 6 and 7 to enhance the accessibility and availability of the lots. The adjusted acreages are Lot 5-3.773 acres, Lot 6-5.906 acres, Lot 7-3.37 acres. Reference the plan for road frontages. Two new box culverts have been shown on the plan.

Planning Board Comments

Chuck Beno expressed that adjusting the boundary lines between Lots 6 and 7 will create a much more limited area. Mr. Barnard stated the boundary lines between Lots 7 and 8 will be adjusted in the future.

Public Comments

Richard Delaney asked Mr. Barnard to show where this property abuts the Limited Editions property. The Limited Editions property abuts this parcel the full length of Lot 5. Mr. Barnard also pointed out the property lines to Lots 5, 6 and 7 in response to a question from Phil Twombly. There is no adjustment to the common area. Richard Delaney asked the Board if Hebron Country Estates III is considered a cluster development. Roger Larochelle answered yes.

Chuck Beno moved and Ellie Lonske seconded the motion to approve the application. The motion passed.

Roger Larochelle read aloud a draft letter to Richard Burgess of the Community Guaranty Savings Bank (CGSB), which has an interest in Lots 14, 15 and 16. The Board is willing to grant priority for driveway permits to access Lots 14, 15, and 16, if the Phase B road is not completed. The Board is not willing to grant driveway permits for any other Phase B lots that would compromise access. **Ellie Lonske moved and John Dunklee seconded the motion to send the letter to CGSB. The motion passed.**

4. Continuance of Jaques ET Al Subdivision and Boundary Adjustments

John Dunklee read aloud an email from Attorney Luke Glavey that the fully executed agreement from David Jacques was received by Attorney McCormack's office. Mr. Dunklee stated the process to
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relocate George Road from its current location to the top of Sanborn Hill is progressing.

Alan Barnard asked the Board for a continuance to the May Planning Board meeting. The continuance was granted.

5. Continuance and New Information of Limited Editions (Rogers Ledge West)

Applicant's Request for Action Relating to Planning Board Member: Chuck Beno and Joe Hogan recused themselves. Roger Larochelle appointed Mitch Manseau as a voting member. Roger Larochelle discussed the motion filed on behalf of the applicant by Martin, Lord and Osmond for action relating to a Planning Board member. The applicant requests the Planning Board to take appropriate action relating to Ellie Lonske for improper communication outside the Planning Board process. Mrs. Lonske read aloud her response to the applicant's request and stated, "I cannot in good faith remove myself of my own volition because I do not believe that I am disqualified." Mrs. Lonske further stated she does not feel she should be disqualified and is impartial. Ellie Lonske then departed for health reasons. Board members discussed the applicant's request for action. David Wall, John Dunklee and Mitch Manseau stated the Board should not take any action. **No further action was taken in the applicant's request.**

The Planning Board discussed if a special exception is necessary. John Dunklee provided the following background information.

- The Board finds no added-value in having the Zoning Board of Adjustment consider a Special Exception
- Current zoning does not require a special exception for a Cluster Subdivision
- The Board desires to remove any ambiguity in regards to the applicability of the 2006 Zoning Ordinance
- The town's legal counsel advises the less strict application of zoning should be applied

John Dunklee moved and David Wall seconded the motion that a Special Exception is not required for consideration of the Roger's Ledge West Cluster Subdivision application. The motion passed.

Attorney Martin addressed the Board. David Wall was asked if he has ever shown prejudice regarding this application. Mr. Wall stated to the best of his knowledge he has not expressed publicly his feelings concerning this application. Mr. Wall signed a Certification of Panel for Roger's Ledge West stating that he has not rendered a public opinion in this matter and pledges to be fair, impartial and open minded in the matter.

Engineer Corey Johnston presented the application. Review of this application will be treated as if it was being presented for the first time. The application is for a 20 lot residential cluster development on Tax Map 18, Lot 31 and located on the western side of West Shore Road. This property is split zoned between the Lake District and the Rural District. The property has been mapped for wetlands. Per the 2006 zoning regulations, the soils/slope formula will be utilized. There are four lots that meet the soils/slope formula; the remaining 16 lots do not meet the formula. The 2,600' cul-de-sac access road was designed to meet or exceed the town's subdivision regulations. Roger Larochelle asked Mr. Johnston how similar this proposal is to the plan submitted in February 2007. Mr. Johnston stated this plan has the same layout and lot configurations. The road entrance was widened per request of the state of NH Department of Transportation. Most of the development has been concentrated towards the

front of the lot and the open space area abuts Hebron Country Estates and Audubon properties.

Planning Board Comments

Roger Larochelle noted there are four lots that meet the 2006 zoning regulations soils/slope formula criteria of viable lots, the remaining lots are of reduced dimensions. David Wall asked if this road would be built to Hebron Town standards or if it would be maintained as private; he also asked why retaining walls were not shown on the plan. Mr. Johnston stated the road was designed to 2006 zoning regulations town standards. The three retaining walls were not shown on the plan due to a computer program upgrade problem, but are based on a 2:1 slope and meet town regulations. John Dunklee asked how the 20 lots were determined. Mr. Johnston explained that 21 lots could be supported, but only 20 lots were being requested. Per the 2006 zoning regulations, the property could yield up to 30 lots.

Public Questions/Comments

Evelyn Miller – Ms. Miller remarked that it was difficult to determine the disturbed areas on the map and inquired if there was more disturbance. There is a steep section in the lake area and the stream is important to the watershed area.

Bill Nobles – Mr. Nobles mentioned that in a prior review, the retaining wall(s) had six-foot tall fences. Do the fences still exist and what is the culvert size?

Doug Connor – Mr. Connor asked if the applicant was requesting a variance on 16 of the lots. Mr. Larochelle stated no, this is considered a cluster subdivision so lots are of reduced dimension. This allows for protection of a larger area of the property which then can serve some other purpose such as conservation while minimizing impact.

Jeff Hillier – Mr. Hillier's family owns property which abuts the project and has a dug well near the property line. He mentioned that when their dug well was cleaned, the neighbor's well across the street went dry. Would this project affect other properties' wells and is it better to have a cluster development to protect other parts of the property?

Chuck Beno – Mr. Beno remarked the applicant has asked for conditional acceptance of the plan. Full detail has only recently been presented to the board. Mr. Beno asked the Board to consider the environmental impact of the plan and is concerned about eutrophication of Hebron Bay and the shallowness of the bay and the town beach. He also asked the board to carefully consider the application over the course of several meetings.

Boyd Smith, Executive Director of the Newfound Lake Region Association – Mr. Smith informed the Board that Newfound Lake is a Class A lake and there are various rules and regulations that govern water quality. He mentioned that Alteration of Terrain Rules may be applicable to this application. Also, predevelopment ground water levels must be maintained. There is a lot of ledge removal and Mr. Smith is concerned about nitrates. Mr. Larochelle informed the audience that Mr. Johnston had submitted a storm water management study.

Phil Twombly – Mr. Twombly asked if the 8.8 acres of disturbed area include the driveways. Mr. Larochelle informed him it did not include the driveways.

Mark Coulson – Mr. Coulson asked if the plan shown is brand new or is it a revised plan and has the plan been accepted by the Board as complete? Mr. Larochelle stated the plan is the same plan submitted to the Board in February 2006. The board denied that application, but was ordered by the Court to continue the application. The current plan represents where the Board left off in February 2006.

Evelyn Miller – Ms. Miller mentioned there is a large treatment swale next to the fire pond and another next to the wetlands area. She also inquired what length of time the storm water management

plan was for.

Bill Nobles – Mr. Nobles asked if the intersection of the road had changed; Mr. Larochelle stated the entrance had been widened.

Chuck Beno – Mr. Beno asked if the retaining walls were all “ready rock” or some comparable construction materials akin to the Plymouth Wal-Mart wall or if the walls were some other type of construction?

Corey Johnston addressed the Board and the audience to answer their questions. The grading plan depicted does show more disturbance area which amounts to approximately ½ acre change at the most. Only the minimum amount of clearing will be done to accommodate the road, etc; a landowner could clear more. At this time, the retaining wall has not been designed by a structural engineer, but will be designed as the plan develops. The wall will require a fence and will be incorporated into the design. The culverts are currently 36” in diameter, but the wetlands application may require a larger diameter culvert so as not to restrict flow, based on a 25 year storm event; a 50 year storm event is also studied. State water quality regulations have changed since the 2006 zoning regulations. Water quality comments will be addressed during the state permitting process. The EPA now requires a storm water plan which will extend to the individual lots. A wetlands permit, subdivision, septic and alteration of terrain permit will be required. Driveway disturbance is 8.3 acres. Currently, there is 18.8 acres of total disturbance. After the designs are finalized, the disturbance could be more or less than the 18.8 acres. A good portion of the uphill area is ledge and will probably need to be blasted. There is some ledge at the entrance. The challenge with the property is the entrance.

Mr. Larochelle asked if the environmental impact study done by Peter Cooperdock applies to this application. Attorney Martin mentioned the environmental impact study and Mr. Cooperdock’s response can be a part of this application. Attorney Martin stated the applicant is seeking preliminary approval so the applicant can begin the state permitting process.

Evelyn Miller – Ms. Miller stated there is a potential dam from debris to the large retaining wall and there is a hazard with plowing.

Mr. Johnston mentioned the project will have 36” culverts, there will be a guard rail, and the safety fence will be approximately six feet away from the guard rail.

Planning Board Comments

David Wall would like to see the retaining wall more clearly identified on the next set of plans. He would also like time to read the storm water management plan and study the plan more thoroughly before any decisions are made. John Dunklee would like to read the storm water management study and Peter Cooperdock’s information as well. Mitch Manseau and John Dunklee also mentioned they are not familiar with the property. **A site walk is scheduled for Monday, April 27 at 4:00 p.m. The Board will meet at the Selectmen’s office to carpool.**

Mr. Johnston informed the Board that the storm water management report is the same as previously submitted. The applicant expects the project will be presented in 2-3 phases.

Mr. Larochelle stated the road conforms to town regulations and the lots are clustered around the road. Mr. Johnston mentioned the first section of the road (800-1,000 feet) is fixed due to topography. By clustering the lots, the road is 2,600 feet long.

The Board asked the applicant to submit a revised drain plan, construction phasing information, and a plan depicting the retaining walls.

The applicant requested a continuance to the May 6th meeting; continuance granted by the Board.

6. Site plan application for Camp Berea cabin replacement on lots 19A-12, 13

Mitch Manseau was excused for health reasons. Joe Hogan, Chuck Beno and Martha Twombly rejoined the Board.

Attorney McCandless represented the applicant and presented an updated plan. This application is a continuation from last month. Attorney McCandless stated there are 152 parking spaces throughout various areas of the camp. The main parking lot next to the Welcome Center has 81 spaces and the soccer area behind the Welcome Center is used for overflow parking. The winter programming demand is for weekend use by approximately 300 campers and chaperones who usually carpool. Attorney McCandless presented a chart depicting parking usage. The proposed new cabin will have no permanent parking. Parking will be in the main lot by the Welcome Center. There will be a service road to the proposed new cabin. Lighting locations are marked on the plan and each door entrance will have a light. John Dunklee pointed out the state Legislature is working on a “dark skies” rule. He suggested the Camp may want to incorporate the potential “dark skies” rule into the plan. Currently, the town does not have regulations governing lighting.

The plan shows landscaping. Mature trees between the proposed new cabin and the shoreline will be preserved. The area disturbed by construction will be restored with indigenous plants and shrubs and runoff will be controlled with grass swales. Camp representatives have informally met with state personnel about surface and subsurface water drainage issues, and 99 percent of the application is completed. A 100’ long by 3’ wide by 2’ deep trench will help control the surface water. Attorney McCandless mentioned that 3,300’ of impervious roofing surface will be replaced with approximately 2,400’ of new roofing. The applicant anticipates a fourteen week construction process after state and town building permits are approved. The new cabin will not be used until the old buildings are razed. The applicant would like to start and complete the project in 2009. There is a zoning setback problem as the building will be 19.5’ from an internal lot line.

Planning Board Comments

David Wall found the site walk informative and did not see any major problems with the presentation. The addition of the storm water trench should mitigate water runoff from the impervious surfaces. Chuck Beno stated he was glad to see the smaller cabin eliminated in exchange for a safer building and this is a good improvement over the current conditions. Mr. Beno was also glad improvements were made in handling of the water runoff. John Dunklee suggested a bond be posted to secure the razing of the existing cabins. There is a problem with the lot line setback, but both properties are owned by the same group. The log cabin is approximately 100’ from the proposed building. Joe Hogan stated the proposed cabin is a nice improvement. Chuck Beno suggested a “no parking” sign be erected at the service access road. Ron Ward stated a fire lane sign will be erected.

No public comment.

Roger Larochele stated all requirements have been fulfilled on the application and that the setback

problem is a zoning board of adjustment issue. The Board cannot waive a setback issue. To address the setback problem, Ron Ward stated the building will be moved west to fall outside the zoning setbacks.

Chuck Beno moved and David Wall seconded the motion to approve Camp Berea's site plan application subject to the following conditions:

- 1. Receipt of a revised plan showing the proposed building located at least 25' from the sideline**
- 2. A cross section of the water interceptor swale**
- 3. Receipt of a \$5,000 bond to cover the removal of staff buildings 1-5**
- 4. Approval of the police and fire chiefs**
- 5. Approval of the shoreland protection act**

The motion passed

7. Any other matters that come before the Board

No other matters were discussed by the Board.

David Wall moved and Chuck Beno seconded the motion to adjourn the meeting at 10:50 p.m. The motion passed.

Respectfully submitted,

Tracey Steenberg
Secretary Pro-tem

Summary of Motions

Roger Larochelle was elected chair and Ellie Lonske was elected vice chair (agenda item 1).

The Hebron Country Estates III boundary line application was accepted as complete (agenda item 3).

The Jacques ET AL subdivision and boundary was granted a continuance to the May 6th meeting (agenda item 4).

A site plan walk is scheduled for the Limited Editions (Rogers Ledge West) property on Monday, April 27 at 4:00 p.m. The applicant was granted a continuance to the May 6th meeting (agenda item 5).

The Camp Berea site plan application was approved subject to conditions specified (agenda item 6).