



Town of Hebron
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Hebron Planning Board
Minutes of Public Hearing 8/5/09

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

Others Present: Bill Robertie

Time Convened: 7:04 PM **Time Adjourned:** 9:04 PM

Next Meetings: 9/2/09 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. Any other matters that come before the Board.

Administrative Matters/Announcements

Roger Larochelle noted that John Matthews was representing the Board of Selectmen in John Dunklee's absence and Mitch Manseau had an excused absence. He had the Board members introduce themselves and reviewed the agenda. The applicants for Jaques ET AL and Rogers Ledge West had both requested continuance to 9/2/09 and both were granted. Bill Robertie was present for an informational conceptual review of a possible Site Plan Application.

Review Minutes of 7/1/09 Hearing

It was noted that Anne Hill was present and signed in. Ms. Lonske noted: on page 1 change "Sate" to "State"; page 2 eighth line up from the bottom change the sentence "They could not discuss this because..." to "They could not discuss this *at the June meeting* because..."; page 2 fifth line up from the bottom change "1.49" acres to "1.29" acres and third line up from the bottom change "All" to "Most"; page 4 tenth line up from the bottom change "o" to "no"; page 5 ninth line up from the bottom change "u s" to "us"; page 6 second paragraph change "average grade" to "minimum standards." It was also noted for the record that Phil Twombly telephoned the secretary to say on page 4 he was incompletely quoted in his remarks on RSA 674.16 and he will write a statement.

Chuck Beno moved/John Matthews seconded a motion to adopt the corrected minutes of 7/1/09. PASSED

Continuance of Jaques ET AL subdivision and boundary adjustments

Mr. Barnard wrote that he will inform the Board as to receipt of necessary materials in time to re-notice abutters for the 9/2/09 hearing if appropriate. There was discussion of the subdivision application for the Jaques property and what version of the Hebron Zoning Ordinance would apply, as well as concern about Paul Sugrue being out of contact. Continuance was granted to 9/2/09.

APPROVED AS WRITTEN 9/2/09

Continuance of Limited Editions (Rogers Ledge West)

Continuance was requested by email and postal mail and granted to 9/2/09.

Bill Robertie informational conceptual review

Bill Robertie stated that in addition to the 22 acres of land on which his house and barn are sited, he owns the property to the mid-line of the old bridge abutment. The Bean property is on the other side. He displayed an old survey map to document the property line and engaged Neal McIver, a Licensed Soil Scientist, to locate the markers. Mr. Robertie owns 1239 feet of road frontage and east of his existing buildings is an entrance to his field (the Field) where the snowmobile trail crosses North Shore Road. This is a DOT approved entrance that he has verbal approval to expand to fifty feet. He showed on the map where the setback is delineated 250 feet from the high point of the river bank, from the top of the embankment to the feature called the Moat. He proposes to build a 30x50 foot building in the Field, using the existing driveway for access and rerouting the snowmobile trail. The proposed site is appropriately distant from his barn. No long-term boat storage is currently planned, just maintenance and marina stuff, seasonal service, a small office and three employees. According to his research, the fields already cleared in the Shoreland setback can be maintained. Eventually he might want to offer small boat rentals and launching from the river bank. His main storage facility will be located on his property in Groton. He came to ask what is needed for a Site Plan Review. Mr. Larochelle led a discussion of the following items. Is this a marina? Is it a permitted use in the Lake District? Is the old survey acceptable? The site plan review would be for a change of use from residential to large commercial, so what else would be needed? Would there be toilets for the employees and customers? What about oil spills and other possible pollutants? Would the building need a concrete floor and catch basin? Is the location in a flood zone? Would there be any docks? Does anyone else store a boat upstream that might be blocked by this operation? Who would have liability for trees leaning over the river and drifting downstream? As this is a fourth-order stream it is the property of the State so will this operation gain State approval? Mr. Robertie answered some of the questions. The building would have a tar floor and they use catch pans to drain fluids. Most sludge and oils are burned off legally, but if there is too much they put it in barrels and call Clean Harbors to haul it away. There is no antifreeze because boats are drained and stored for the winter. There would be no docks, just tie-ups on the riverbank, but there would have to be parking for employees and customers. Only boats on trailers awaiting service would be stored on-site. Launching boats is an allowed usage as Mr. Robertie has permitted public launching of small boats on his property all along so it is a historical use. Canoes, kayaks, small powerboats and pontoon boats are able to launch there without a launch ramp. There are no other boats stored upstream because of the sand bar. The Field has plenty of room for a septic system and Mr. Robertie had previously received approval. There was a robust discussion of the Zoning wording regarding permitted use in the Lake District and whether the proposal fits within the definition of a Marina. Because the list of activities includes the word "or" a strict reading would imply that this qualifies as a Marina and would be a permitted use. Mr. Robertie asserted that he can do dry dock storage and valet service, if any, from Groton and would only perform maintenance, sales and service in Hebron. He plans on a conventional steel building with sloped roof and siding on the sides facing the road and his house. He might call it a Marine Servicing Facility and have a very small sign at the entrance that just says "service." It was strongly suggested that the building and all related equipment, materials, parking areas, etc. be located out of sight from North Shore Road. Mr. Larochelle led a review of the check list for a Site Plan Application. Board consensus was that a survey would be required of the entire 22-acre property showing all buildings, structures, wells, septic systems, roads, waterways and setbacks, with topographical contours to somewhat beyond the proposed area to be disturbed and the Shoreland setback, including the Field along back to the river. The Board would

APPROVED AS WRITTEN 9/2/09

also require a Vicinity sketch showing abutting properties and natural features. Also required would be the driveway permit, exterior lighting and landscaping plans, an updated abutters list and arrangements for a Site Walk after the survey is submitted and proposed construction sites staked. A plan for Best Management Practices would be necessary before construction could begin and an As-built plan would be conditional for final approval. Mr. Robertie thanked the Board for helping him understand what will be required to have a Site Plan Review application accepted as complete. Mr. Larochelle explained that acceptance of the application is only a first step in the review process. Other questions and requirements could emerge in the course of discussions and abutters' feedback.

Other Matters

Martha Twombly, as a Hebron Conservation Commission member, mentioned that the Davis Farm between George Road and Cooper Road is for sale. The Board discussed the Town's responsibilities in regards to this property. The Planning Board is the authority for excavation permits but no permit has been applied for. This information was communicated in writing and in person to the owner, Mike Ethier, Double E Excavations in a letter dated September 11, 2006. In the absence of a permit, this must be considered an abandoned site and State law requires that a reclamation plan be filed and implemented for an abandoned excavation operation. The Town is obligated to enforce the law and can put a lien on the property. The plan should be developed with a reclamation expert to prevent damage to nearby wetlands. There is considerable liability in any excavation, and ample precedents of injury and death in such sites, even if the property is marked for no trespassing. Mr. Larochelle will draft a letter to the owner, Mike Ethier, informing him that within 60 days he must either file an abandoned excavation site reclamation plan or an excavation permit application.

Next meeting will be 9/2/09 as by consensus there is no need for a work session this month.

John Matthews moved/ Chuck Beno seconded a motion to adjourn at 9:04 PM. PASSED

SUMMARY OF MOTIONS

Chuck Beno moved/John Matthews seconded a motion to adopt the corrected minutes of 7/1/09. PASSED

John Matthews moved/ Chuck Beno seconded a motion to adjourn at 9:04 PM. PASSED