

MINUTES OF October 5, 2009 ADOPTED WITH CORRECTIONS (in red) 11/4/09



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Hebron Planning Board
Minutes of Public Hearing 10/5/09

Members Present: Roger Larochelle (chair), John Dunklee (selectman), **Chuck Beno (member)**, Mitch Manseau (alternate), Joe Hogan (alternate), Richard Cowern (alternate) and Sheila Oranch (secretary).

Planned absences: Ms. Lonske, Mr. Wall and Ms. Twombly. Ms. Lonske will be absent November 4.

Others Present: Richard P. Keller, John Matthews, Don Franklin, Barbara and Rich Delaney, Lu Delisle, Arthur David Jaques, Russ Karlberg, Jack and Dana Armstrong, Deb Mekula, Bud Martin, Jeff Hillier, Dan Merritt, Richard Sanborn, Steve Gunn, David Settele, Betsy and Phil Twombly, Bill Nobles, Steve Tippett, Mary Nell Allen, Katherine Keon, Anne Hill, Evelyn Miller Neil McIver, Bill Robertie, Alan Barnard, Ken Dearborn, Bruce A. Barnard, Corey Johnston and J. Robert Bengtson.

Time Convened: 7:07 PM **Time Adjourned:** **11:30 PM**

Next Meetings: 10/22/09 Hebron Boat Sales Site Walk, 11/4/09 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 Review Application for Change of Use by Bill Robertie on Tax Map 17, Lot 3.
6. Informational on Camp Mowglis for the addition of one unit for staff housing.
7. Site Plan Review Application for Change of Use by Barbara Mento to open a massage studio.
8. Any other matters that come before the Board.

Administrative Matters/Announcements

Roger Larochelle noted that Ellie Lonske (vice chair), David Wall (member), and Martha Twombly (alternate), had excused absences. Dick Cowern and Joe Hogan were appointed as voting members. Mr. Larochelle welcomed the public and reviewed the agenda and protocols for a hearing.

Review Minutes of 9/2/09 Hearing

It was noted that the 1935 surveyor on the Robertie property was Keniston, which was corrected before the minutes were submitted for review.

Dick Cowern moved/John Dunklee seconded a motion to adopt the minutes of 9/2/09 as submitted. PASSED

Continuance of Jaques ET AL subdivision and boundary adjustments

Arthur David Jaques (Dave) and Alan A. Barnard were present to represent the applications. Mr. Barnard explained that subdivision reviews will begin with the Jaques property. An updated notice was sent to all abutters and applicants. Mr. Barnard gave an overview of the subdivisions and road relocation plans. The first in the sequence is the Jaques two-lot subdivision into B and B1; then the

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Right of Way can be granted to the Town when final State approvals are received. Chuck Beno asked if all easements are in place with the Armstrong and Sughrue properties. Mr. Barnard said they cannot give the easements until the plans are approved. Because everything is contingent on everything else, the lawyers had all parties sign Agreement to Agree documents in which all the easements and commitments are stated. Mr. Larochelle asked whether Planning Board members wanted copies of all the materials to take home to study. He reminded everyone that the applications are being reviewed under the old Subdivision Regulations in place at the time of application. Mr. Barnard noted that the proposed road will count as frontage for the new lots when approved. Mr. Larochelle opened the floor to public comments. Dave Jaques asked how long the rest of the process will take. Mr. Larochelle said the Board is ready to move along and that's why notices were sent to abutters (some of whom may be new). Don Franklin, a new abutter on Sanborn Road, asked who will pay for the road. Mr. Larochelle said Paul Sughrue will pay for the road through the first lot and the Town will pay to connect that to the rest of George Road. Mr. Larochelle asked Mitch Manseau if the George Road relocation project is part of the CIP (Capital Improvement Plan). Mr. Manseau said it is not yet, but if approved they will recommend that money be set aside. Mr. Franklin said he is in general agreement with the plan. Phil Twombly asked about the grade on the road. Mr. Larochelle said the new road design conforms to current zoning with no grade greater than 10%. Dick Sanborn, president of the Sleepy Hollow Association, had two questions. First he asked where the proposed road comes out in relation to the little building near the current road access. Mr. Larochelle authorized Alan Barnard to respond to questions that affected public understanding of the plan. Mr. Barnard said the entrance will go in at the west edge of the existing entry to the lot with the building, then will swing east around the other side of the building. Mr. Sanborn then said there is a brook that goes down under the road and out by the Sleepy Hollow beach. Due to disturbed land uphill from there, the beach is filling in with sand and gravel and becoming cluttered with forest litter and debris. The more that work is done up there without proper care of drainage, the more it messes up Newfound lake. He invited Town officials to visit and see the problem. Alan Barnard said the proposed road is nowhere near the brook. Bruce Barnard, former Hebron Highway Supervisor, gave a history of why the Town approached Jaques about relocating the road for safety and plowing purposes. He said the Selectmen will propose a Warrant Article for a set-aside fund to be submitted for Town Meeting in March 2010. Steve Gunn, Sleepy Hollow Association, asked where the water will go from the proposed road. Alan Barnard said the area on top of the hill will be designed so water will infiltrate and go back into the ground before any drainage goes down the hill. According to current State regulations, there must be zero new out-flow from the lot. Water must be caught and treated. Dick Sanborn said he has more concerns about draining. Mr. Larochelle said that is duly noted. This hearing is only addressing the Jaques subdivision. All drainage will be reviewed after a Site Walk for Paul Sughrue's subdivision application when the process comes to it. He summarized the outstanding items: State subdivision approval is required because the lot is less than five acres; and setting of final monuments (which Alan Barnard said must be semi-permanent control points because the road is to be built). Mr. Larochelle said the Board does not yet have a final plan with monuments, etc. to review for approval. Mr. Barnard said the Town's fees to the State will be \$300 per lot. Mr. Larochelle asked and obtained consensus from the Board on the layout and said the Board will need to see a final Subdivision Plan and Boundary Line Adjustment Plan to review for approval at the next hearing. Chuck Beno asked if grades or slopes would not meet current regulations. The Board would not want to set a precedent. Alan Barnard said there will be more than sufficient usable land for the subdivision. Dick Cowern asked if the access permit is still good and Mr. Barnard said it is being renewed as they are only good for one year. Mr. Cowern asked whether Mr. Sughrue has confirmed his commitments and Mr. Barnard said yes, everyone signed the Agreement to Agree. Mr. Larochelle concluded that if the plans are submitted in a timely manner,

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the application will be taken up at the next hearing. Mr. Manseau verified that they would only be taking up the Jaques two-lot subdivision. Mr. Beno asked when Paul Sughrue would submit his subdivision application. Mr. Barnard said when they figure out the monumenting. He will try to bring in all the additional information in November. Continuance was granted to 11/4/09.

Continuance of Limited Editions (Rogers Ledge West)

Chuck Beno and Joe Hogan recused themselves. Mitch Manseau was appointed voting member. Richard and Barbara Delaney, Bud Martin (attorney), Corey Johnston (engineer) and Alan A. Barnard (surveyor) were present to represent the application. Mr. Larochelle asked Mr. Johnston to give a summary for new board members and members of the public. He explained the current plan is for a 112.5 acre lot to be divided into a 20-lot cluster-style subdivision. At the 7/1/09 hearing, the Board moved that if a lot has greater than 50% steep slopes (25% or more) it needs to meet the current zoning ordinance. As the first four lots had been at issue, the updated plan moves three of them up to more level areas (with the smallest at .88 acre) and increases the one remaining close to North Shore Road to 7.07 acres (Exhibit I). There were also issues with lots having driveways through steep slopes. Exhibit II shows slopes and soils on all lots, which meet the criteria in place at the time of the application. Exhibit III has statistics on the lots with size, slopes, and percentage in wetlands. Exhibit IV shows that open space is down slightly from 72.84 to 68 acres. Disturbed area for the roadway is 8.78 acres, or 7.7%. Total of all disturbed area based on this version of the plan is 19.32 acres, or 17%. He handed out calculations on each lot's disturbed area and slopes. He pointed out that house lots projected are idealistic and could be built differently, as described in RSA 676. The subdivision plan needs conditional approval of the lot layout so they can go ahead with State permit applications. The Applicant acknowledges that anything that is changed through the permit process would be subject to additional engineering review. Anything previously reviewed should not be reviewed again. State permits will include Alteration of Terrain, Wetlands, Dig and Fill, Subdivision and Septic Systems. Mr. Larochelle asked for Board members' comments. After brief discussion he summarized that the material has been scrutinized, the Board appreciates Applicant's response to concerns about steep slopes and it seems there is progress in the right direction. Nineteen lots are smaller and the one still on an area with steep slopes meets current zoning. He asked for public comments and said Applicant's team might be permitted to respond to specific questions. Phil Twombly asked for a refresher on regulations for a site plan application, the list of ingredients that go into it, and the real procedure. Mr. Larochelle said a site plan is only required if there are multiple dwelling units (duplex or multiplex) or a commercial development. A single-lot subdivision or cluster subdivision, such as this now is, does not require a site plan. A site plan would show lighting, landscaping, etc., which are not required for a subdivision. The Board can only hope to get a sense of those things from what is in the Covenants, since new owners will make design choices for their homes. Evelyn Miller asked if there is a storm water management plan for the road. Mr. Larochelle said the subdivision engineering cannot be finalized until the lot plan is approved. Ms. Miller asked about the definition of a cluster development, with open space, etc. Mr. Larochelle said the Board would not get anything like the Covenants because they can't be addressed until after the subdivision is approved. Ms. Miller said she is thinking of this as an informational hearing and asked if what was presented is considered a complete plan to comment on. Other boards she has sat on and observed have required complete plans with all the details before considering them for approval. It seems this board is always dealing with a conceptual plan. It is not all down on paper, so it is hard to deal with it. Chuck Beno said he echoed Ms. Miller's comments in entirety, especially the part about drainage off this site. The half-mile road is basically a sluiceway. State laws changed in January and are much more stringent about catching and treating water on-site. It is in the best interests of everyone to become familiar with those new standards. Don Franklin asked if there is a minimum lot

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size for a cluster. Mr. Larochelle explained the concept of cluster development. The idea is to minimize impact by design, to concentrate improvements and leave more open space undisturbed. Minimum lot size is what the Board judges to be practical. Mr. Franklin asked why the applicant decided to go with a .88 acre lot. Anne Hill asked if the map shows the new lot. Corey Johnston answered yes, that it is on the existing logging road because they removed the three lots below (downhill and closer to West Shore Road). Katherine Keon asked if there is still going to be a twenty-foot retaining wall. Mr. Larochelle said yes, the road is the same. That is the road that is **being considered**. Jeff Hillier said there are still many unanswered questions about the road. The applicant has reduced lots and disturbed areas. He asked whether the disturbed area includes cutting of trees and whether there might be more tree cutting than is shown. You've got trees on hills and a pristine lake. Cut trees and that changes drainage. How does that translate to later development when land owners want to see more of the lake? Bill Nobles said if he understands cluster development, how do those five lots (16, 17, 18, 19 and 20) relate to the concept of cluster? Ms. Miller said she is treating this as conceptual. If this is a cluster development, she is seeing they have taken away all the access to open space and it's an essential component that residents have access to open space. Mr. Johnston said there is a right-of-way access easement through Lot 10 that is 20 feet wide (1.22 acres). Steve Tippett said he has been reading up on the topic of cluster development. The concept is to concentrate development to benefit residents and the community. Open area is to serve as a reservoir for accumulation of fluids and as a means of addressing the flow. In this situation, the free space is uphill of everything. Drainage will go down to the land of abutters. Mr. Larochelle read the definition of Cluster from the Regulations. Cluster subdivisions are created for more than treatment of water. Some fields or deer fields or whatever natural resources are most important in this place are to be protected. Mr. Hillier said the lake is the most important resource we have that it is thought this will impact. Ms. Miller commented that in reading the definition of Cluster developments the first concern is with topography and that is everyone's first and greatest concern. The developer has shared that concern, moved lots up, and is still disturbing a lot of area. Mr. Larochelle said the Board appreciates the concerns and guidance abutters and interested parties shared. Mr. Hillier said access to the property is the big problem and asked whether the applicant considered other access points. He closed the comment period and gave the Applicant team a chance to respond to concerns about completeness, alternative access and lot sizes. --- Mr. Johnston explained that this is the only access the State would approve. A complete set of plans with all the driveways, etc. was submitted in 2006 by Leslie Boulton. When North Point Engineering took over, we redesigned the application and got review letters, and addressed their concerns. We spent two years trying to get a lot configuration acceptable to the Hebron Planning Board. Now the regulations have all changed. At Applicant's expense, the lot layout has been redesigned. The prior plan was denied based on lot configuration and now we need to get conditional approval before going forward with other permit applications. Richard Delaney gave a further response. He said there has been detailed engineering on this project over and over, over these years. Here is an entire book of drainage plans. The reviewing engineer said this is the most complete drainage plan he'd ever seen. He concluded that no additional water would go over West Shore Road. The road design has not changed. Mr. Johnston said Paul Fluet has reviewed the road and the drainage twice. Mr. Delaney said they will not review drainage again until after the DES study of Alteration of Terrain. Mr. Johnston responded to comments about alternative access to the road, that DOT determined that this location is the best for sight distance. Mr. Larochelle clarified the question and asked if there were any other property locations besides West Shore Road considered for access. Mr. Johnston said they would have had to go to abutters to seek other access. On the plan the disturbed area shows tree cutting. Darker green is where trees are left, lighter green is lawn. Green areas outside the road indicated grading as per Town Regulation 2.1. We did not want to apply for a waiver, so what is shown is worst-case scenario. If we find ledge we

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would have to reduce the area. Mr. Larochelle clarified that the area shown is where trees would be cut. Bud Martin said by Covenant there could be restrictions on tree cutting if it's important. Mr. Johnston said the idea of cluster development is trying to preserve areas. This plan has 68.5 acres as open space, 61% as wetlands and provides continuity of open space with abutters, allowing a corridor for wildlife. The back half of the property does not drain into the lake. Now we must meet more stringent regulations from the State to protect more drainage. There is far more protection. As far as the five lots are concerned, set apart from the road because the Planning Board doesn't want buildings on steep slopes. Driveway lengths are to get to flatter areas. Lot 16 has no road frontage. Chuck Beno said the back half of the property drains into Ross Brook, back to Pickering Lane. Mr. Larochelle clarified that Ross Brook is a designated waterway. Mr. Johnston mentioned that the town set a maximum of 2,600 feet on a cul-de-sac. Mr. Larochelle opened to Board comments. Mitch Manseau had no comments. Dick Cowern said most everything has been covered. John Dunklee said he is most concerned about coverage by the road. Getting the four lots up improves things considerably. He wondered if Applicant considered buy abutting land to get less expensive road access. He feels he needs guidance to understand the plan. Mr. Larochelle listed some items to be covered: phasing of the proposal, monitoring the property, right-of-way to access existing space no longer on the road. As Paul Fluet commented in his review, the property is steep and expensive to develop. The job of the Planning Board is not to test how expensive, only to assure run-off is properly addressed so there is no impact. Referencing Mr. Fluet's letter of September 2005 about the road, he agreed with Mr. Dunklee that the Board needs current engineering advice and the whole package put together with access and monitoring. The real spirit of a cluster development is missing. The nature of this application is difficult because it didn't start with a survey of natural resources. He is still concerned about shared driveways. This lot layout is more like a cluster, although some lots are larger. Dick Cowern said he is not sure what they are expecting an engineer to do. He could understand needing advice if the road had changed, but what do you want an engineer to do? John Dunklee said in the process of constructing this road, a lot of things could go wrong. How can the Planning Board monitor and if something goes wrong, could we fix it? We will need a Letter of Credit, but for how much? What about shared driveways? Will owners share repairs or will that need to be arbitrated? If someone fails to fulfill their obligations, what do we do? I'm just an electrician and I need guidance. Mr. Larochelle said he believes Mr. Delaney as a matter of right has the right to develop his property. The whole process has been incremental and drawn out. He believes in terms of engineering review that asking to take the Paul Fluet review and put it together in a form we can understand would be helpful. We need guidance on how to set a bond and what questions to ask. Dick Cowern said there is no question the Town has to have a bond to protect all the people downhill. It must be prepaid ~~to the Town~~. Engineering monitoring should be twice a week at least, especially when doing blasting. Recent cases elsewhere prove the need. Not sure we need to review that road again, although if there are changes we should review drainage again. Covenants can influence if not control individual owners behaviors. The Town cannot enforce them but owners can. Bud Martin responded that he didn't think he heard anything from the Board tonight that isn't reasonable. The Board has proposed what engineer to consult, why and how it would be done and for what purpose. There will be a Best Practice agreement and oversight plan. Certainly there will be changes due to new laws; then there can be a review of changes. Mr. Johnston said it's all a question of timing. They can't set bond until plans are updated, permits are issued and there is a new engineering review. He noted for the record that the last exchange with Paul Fluet was 11/26/07. Richard Delaney noted that the third and last letter from Paul Fluet was 3/26/07. The cover letter said 10% road slope and curvature issues are still there but if it is meeting Town regulations, he didn't know what else we could do. Alan Barnard said the DOT permit specifies the only access point the developer can use. John Dunklee clarified his point that his thought was the expense of

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building it here is greater perhaps than purchasing another property. Richard Delaney said the only way to reduce disturbance is to get a road curve radius waiver from 150' to 100' with safety adaptations. Mr. Larochelle said Mr. Barnard's point about the DOT permit was well taken. Bruce Barnard said in his two years of being a Selectman, he has learned some things. If there is an appeal, the Wetlands council would set a bond. The Planning Board has to get engineering estimates from at least three engineers, get total cost and build in for inflation. The Selectmen become the policing agent. Town staff can observe some things, but the plan needs to specify how to monitor the development in the more technical aspects. Mr. Larochelle recapped that this is a question we need to address, but the Board has a pretty full agenda tonight. It is good to understand the process. Applicant has requested conditional approval so the Planning Board should take it up. What is the Board's sense? Dick Cowern said he thinks the Applicant has addressed the Board's concerns about lot configuration and the lower lots. It is certainly an improvement. Long driveways are still a concern but he is not sure what can be done. Applicant has addressed it. The concept appears to be good. Mitch Manseau said the configuration addresses all the concerns expressed. John Dunklee said he concurs but is not comfortable voting tonight and would like to talk to an engineer and see what he thinks. Mr. Larochelle agreed with Mr. Dunklee that this is a major step forward in lot configuration. This is our first look at this configuration. He is concerned about the process. Also would like to submit this plan to an engineer. The scope of engineering review is to express what the Planning Board is looking for at this stage of the game. We want to have the right questions to address. We have made significant strides. There are no houses in the Lake District anymore. Later we will need fuller review after changes. Certainly we can trust the State to do a thorough review. What is the will of the Board? Mr. Manseau had no objection to obtaining expertise. Mr. Johnston asked what an engineer would review. The lots are theoretical. Would someone look at just one part? How can anyone look at lots without the road and everything else? Mr. Larochelle said if we approve this lot configuration, the train has left the station and the rest is details. We are not comfortable yet. Will someone move the question? John Dunklee moved to continue the application another month subject to review after consulting with an engineer. Dick Cowern seconded. The floor opened to discussion. Mitch Manseau said he would like a copy of the layout to study. Roger Larochelle said the items to address are phasing and monitoring. Dick Cowern asked a question about road development phases. Richard Delaney said they need to revisit how far the first phase would have to go. Roger Larochelle asked how the Board could approve one piece. Corey Johnston said if you could give conditional approval tonight it would take a year to get all the State approvals. Mr. Larochelle said we are certainly moving forward. He called the question and the motion passed unanimously.

John Dunklee/Dick Cowern seconded a motion to continue the Rogers Ledge West application another month to enable review of the materials after consulting with an engineer. PASSED

Applicant requested continuation. Continuance was granted to 11/4/09. Mr. Johnston will provide more information on phasing. Mr. Delaney recapped that the only new information is how phasing might change things. What will the Board do? Mr. Larochelle said just study the information. He declared a brief break at 9:35 PM.

Site Plan Review Application for Change of Use by Bill Robertie on Tax Map 17, Lot 3

Bill Robertie, Neil McIver and Alan Barnard were present. Dick Cowern recused himself. Joe Hogan was appointed as voting. John Dunklee and Roger Larochelle remained as voting members. Mr. Larochelle said the Board had accepted the application's completeness with the application, check, abutters having been noticed and a driveway permit. The Board had consulted Town Counsel, and the legal opinion of Jae Whitelaw, dated 9/17/09 (on file) was that the proposed use does qualify as a

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marina under Hebron zoning and does not conflict with State law. Mr. Barnard reviewed the materials that had been submitted, noting the overall survey plan was an overlay on a 2008 aerial photo correlated by GPS on-site. They showed boundaries, the river, setbacks, flood plain, house barn and road. Bill Robertie submitted a narrative, construction timetable, lighting plan, sales plan, a reduced number of boats to be on-site at any time (22-24), showed that they moved the storage area to a more obscure site. The building is to be sided with white clapboard so it blends with the neighborhood. He showed photos of the driveway access coming into and going out of town, showing where vegetation would hide the boats more. There is ten foot rise from the edge of pavement to the existing buildings; about 3.5%; and as for the shared driveway, there is no access for large vehicles. Neil McIver said he used the benchmark of DOT on the bridge and the difference was that the prior calculation was 15" lower. So all elevations are now 15" higher than previously pegged. The building is 275' back from the edge of North Shore Road, and Mr. Robertie wants to use the existing access road but move part of it in the field to a less visible area. This will also take it farther from the well protection area (in response to a prior question about flow rate). They want to run power from Pole #344 with a conduit underground. The existing well is 357' from the building and they will run water from a pump house. Soils are predominantly Adams Soils, loamy and less than 2 minutes per inch. Down by the road is Podunk soils, moderately drained. Down in wetlands it's Rumney Soils, poorly drained. The plan shows a 250' line to the Shore Lands reference line; all construction will be outside that zone. They will be no trees cut, so there will be no excavating in that zone. They will keep alteration of grade to a minimum. There is an imperceptible grade. Gravel and crushed stone will be used for the road, with no paving. They will use a portable toilet until the septic system is approved. There is a place for a dumpster with a fence around it. The area for boat washing is around the end of the building; it is almost level, mostly crushed stone and has good drainage. They will try to keep the surface of the field mostly grass. To minimize visibility, all activities will be conducted around the back side of the building. Mr. Larochelle noted that the plan has scale, a key, and signature space. They had to go 40:1 to get it all on one sheet. Buildings, driveways, and landscaping plan (in narrative) are described. There is no subsurface drainage. The Timetable is separate. They have applied for a building permit. He noted a letter from abutter Darryl DeVivo (on file). Is the application complete? Mitch Manseau asked if the Board needs septic system approval before the application is complete. Mr. Larochelle said the Board can make approval conditional on that in the motion. Chuck Beno asked about parking regulations and if there are specifics for square footage for a commercial enterprise. Alan Barnard said there is no requirement except for boat slips. John Dunklee had questions about the narrative. Mr. Larochelle said if the Board accepts the application as complete, they can discuss it. Mr. Beno asked if it would be setting a precedent for accepting separate documents to cover points. Mr. Barnard and Mr. Larochelle agreed that the Board got what it had specified last month.

Joe Hogan moved/Mitch Manseau seconded a motion to accept the Hebron Boat Sales Site Plan Review Application for Change of Use by Bill Robertie on Tax Map 17, Lot 3 application as complete. PASSED

Mr. Larochelle asked if there were any Board comments. Chuck Beno had two questions. First, if going by zoning regulations, how much usable area does the lot have? Alan Barnard said just for information, in the field there are more than 3 acres, but that is not required for Site Plans. Mr. Beno asked second about the story about the former development's garage dry well drain. He is concerned about spillage, fluid accidents, and soil off the boats. Could there be some kind of catchment device? Mr. Robertie responded that the State doesn't have a requirement for treatment of boat wash water; it can drain on ground. There are no drains in the floor of the building. They have to catch all fluids. They will use tar for the floor with plywood over it so that can be changed if it gets soiled. Bruce

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Barnard said he would respond to that later during the time for public comments. John Dunklee said the written portion states “no excess accumulation of junk.” There should be no accumulation of junk, unused parts, batteries, etc. The old marina was kind of a mess. Now Applicant is ignoring a Cease and Desist order. Mr. Robertie responded that batteries are exchanged one-to-one by the State. This location does not have issues the other did. Waste Management picks up by contract ever two weeks to a month depending on season. Scrap metal is sold to dealers. Mr. Dunklee asked why he had not complied with the Cease and Desist order. Mr. Robertie responded that he had a choice of paying the mortgage or losing his house. He chose to pay the mortgage. Mr. Larochelle read Mr. DeVivo’s letter enumerating objections to the development (on file). He opened the floor to public comments. David Settele asked whose letter and was informed. He asked whether the river is going to be used in any way for this project. Lu Delisle, an abutter, said she agrees with Mr. DeVivo plus gave opinions about Newfound Marina’s condition as proof of lack of management skills. She believes “Hebron Junk Yard’ will just move from one site to the other. Mr. Larochelle thanked everyone for their participation, but explained the Board cannot act on hearsay. Bruce Barnard asked about the plan being in 1:40 scale (which Mr. Larochelle said exceeded the requirement). There are 6-7 things that will be needed. The plan is probably feasible but these concerns need to be addressed:

1. A boat wash requires a Ground Water Discharge Permit from DES. Mitch Locker is in charge of that area. It is similar to the Town Shed for truck wash, and the Safety Building where they wash fire trucks. It involves an EDA leach field and Envirofoam. There are no floor drains on the plan.
2. Site Plan Review opens the whole site. You have to show existing septic systems on the plan, the number of bedrooms in the house and water flow. DES might require an upgrade.
3. You need a lighting plan, downward pointed lights, according to new Dark Skies law. They can be added to the plan after the fact and made a condition of approval.
4. WPOD (Wetlands Protection Overlay District) should be shown on Neil McIver’s plan.
5. Boats must be stored outside the Shore Land Protection Zone.
6. We have the Wetlands Inventory from 1997 and should reference the page.
7. Parking area for boats appears to be in and out of the protection area.
8. What is the well are for increased usage?

Mr. Larochelle said they need to add data to the Site Plan, arrange a Site Walk and then the Board can review for approval. He enumerated several more questions:

1. Add all lines and areas to the Plan
2. Define parking areas specifically, which can be done with wooden stakes/posts.
3. There must be parking stops on the gravel area.
4. You need clear monumenting.
5. Get the dimensions of the building on the Plan.
6. Areas for waste must be delineated on the Plan and fenced
7. There was brief discussion of whether to keep scrap metal inside the building.
8. There should be notes on the Plan specifying handling of waste.
9. Battery recycling every 2-3 weeks or monthly should be stored inside.
10. Specify that no gasoline will be kept on-site to sell.

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The Board and Mr. Robertie set Thursday, 10/22/09 at 4:30 PM for a Site Walk. Board members will meet at the office and go together. The application was continued to 10/22/09 and then to 11/4/09.

Informational on Camp Mowglis for the addition of one unit for staff housing.

Bob Bengtson and Bruce Barnard presented information. The Camp wants to build a small residence (a 24 x 44' or polygonal cottage) for a couple or small family of professional teachers to enhance the educational quality of the camp program. They have a good donor to fund the building. It could also be used to house alumnae or donor visitors. They will have to do a compilation plan to fulfill Shore Land Protection Act permit requirements. Mr. Larochelle said the central question is the state of the Plan, not the exact building. They need a Site Plan with locations of all features, roads, buildings, wells, septic systems, etc. Bruce Barnard said he may be able to copy the 1967 aerial photos.

Site Plan Review Application for Change of Use by Barbara Mento to open a massage studio.

Ms. Mento submitted an application with a letter requesting that review for completeness and, if complete, the review for approval be taken up at the same hearing. As there was no representative for the application present, the Board agreed to review the application at the next hearing 11/4/09.

Other Matters

Mr. Larochelle reminded members that the NH Office of Energy and Planning (OEP) Annual Fall Conference being held Saturday, October 17, 2009 at the Mountain Club on Loon, Lincoln, NH. Registration is available at www.nh.gov/oep or by phone from Michele Zydel at 271-2155.

Chuck Beno moved/Mitch Manseau seconded a motion to adjourn at 11:30 PM. PASSED

SUMMARY OF MOTIONS

John Dunklee/Dick Cowern seconded a motion to continue the Rogers Ledge West application another month to enable review of the materials after consulting with an engineer. PASSED

Joe Hogan moved/Mitch Manseau seconded a motion to accept the Hebron Boat Sales Site Plan Review Application for Change of Use by Bill Robertie on Tax Map 17, Lot 3 application as complete. PASSED

Chuck Beno moved/Mitch Manseau seconded a motion to adjourn at 11:30 PM. PASSED