

DRAFT MINUTES OF December 2, 2009



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Hebron Planning Board

Minutes of Public Hearing 12/2/09

Members Present: Roger Larochelle (chair), Bruce Barnard (selectman), David Wall (member), Chuck Beno (member), Martha Twombly (alternate), Mitch Manseau (alternate), Richard Cowern (alternate) and Sheila Oranch (secretary).

Others Present: Alan Barnard, Dan Merritt, Bill Robertie, Neil McIver, Attorney Bill Gannon, Ken Dearborn, Attorney Rod Dyer, Attorney Catherine Broderick, Brenda Mento, Rick Wendell, Neal DeLage, Mike Ethier, Roger LaFontaine, Phil Twombly, and Ken Lonske.

Time Convened: 7:00 PM **Time Adjourned:** 10:45 PM

Next Meetings: January 6, 2010 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) cluster subdivision.
5. Continuance of Site Plan Review for Change of Use by Bill Robertie for Hebron Boat Sales.
6. Site Plan Review Application for Change of Use by Barbara Mento to open a massage studio.
7. Application for a 3-lot subdivision by Roberto Redondo Wendt, Tax Map 7, Lot 5.
8. Informational Double E Land (Mike Either) Map 8 proposed subdivision George Rd.
9. Informational Parker Albee on Pike Hill Road and Wade Road to discuss a boundary line adjustment with his land in Plymouth to make the Hebron Lot conforming. Map 2, Lot 3.
10. Any other matters that come before the Board.

Administrative Matters/Announcements

Roger Larochelle noted that Ellie Lonske (vice chair) and Joe Hogan (alternate) had planned absences. Bruce Barnard replaced John Dunklee as Select Board representative. Martha Twombly was appointed as voting member. Mr. Larochelle welcomed everyone and reviewed the agenda and protocols for a hearing.

Review Minutes

Corrections to **Minutes of 11/4/09 hearing**: the date of minutes being approved was 10/7 not 11/4. Page 2, line 14 "many permits will need to be obtained." Line 27 change DET to DOT. Page 7, second line from bottom change "paves" to "paved." Page 8 change "Barbara" to "Brenda" Mento.

David Wall moved/ Chuck Beno seconded a motion to adopt the minutes of 11/4/09 with corrections noted. PASSED

Minutes of the 11/16/09 Site Walk of the Wendt property were not presented.

Continuance of Jaques ET AL subdivision and boundary adjustments

DRAFT MINUTES OF December 2, 2009

Alan Barnard requested and was granted continuance to 1/6/10. They are waiting for State approval for the Jaques Subdivision and the Sughrue road cut, but DOT staff has been cut so things are slow. The question of the Deed for the Right of Way for the North Shore roadway is also still in process.

Continuance of Limited Editions (Rogers Ledge West)

Mr. Larochelle noted continuance of the Rogers Ledge West application to 1/6/2010 while the Planning Board chairman consults with Town Counsel and develops a list of conditions to be able to discuss a conditional approval. A certified copy of the 11/4/09 transcript was received from Deb Mekula. Other letters regarding the application will be cited at the 1/6/10 hearing. Mr. Larochelle reminded the Board and interested parties that at the next hearing the Board will make a decision to: 1) deny, 2) set conditions for approval, or 3) grant continuance. Referencing one of the letters received, he pointed out that there is no such thing as “contingent” approval; there is approval with or without conditions. The Chairman is getting counsel on possible conditions and hoping for a meeting next week. He reminded Board members to send him individual suggestions but to have no discussions of the case outside of public hearings.

Site Plan Review Application for Change of Use by Bill Robertie for Hebron Boat Sales

Bill Robertie, Neil McIver, Attorney Bill Gannon and Alan Barnard were present to represent the application. Dick Cowern recused himself. Roger Larochelle reviewed that the application had been accepted as complete at the hearing October 7. A site walk October 22 was attended by Roger Larochelle, John Dunklee, Chuck Beno and Mitch Manseau. Bill Robertie and Neil McIver were present to host the site walk. Mr. Larochelle noted receipt of a letter dated 11/19/09 from Mr. Dyer on behalf of the DeVivo objecting to the Plan. Mr. Larochelle reminded the Applicant that the procedure is to submit materials at least ten days before the hearing so members have time to review them. Consequently, no final action would be possible at this hearing, but the team would again be permitted to present material to be considered for the next hearing. Alan Barnard submitted the Registration for Boat Launch Station from the State and said they had verbal assurance that the Driveway Permit was issued and being typed and should be sent in a few days. Mr. Larochelle asked for a quick overview of the plan. Alan Barnard showed the aerial photograph of the property with the overlay of boundaries and setbacks and explained it is a GIS type map with accuracies of 5-10 feet to enable the Board to see the river. He updated the location of the proposed building to be out of the WPOD (Wetlands Protection Overlay District), and the relocated snowmobile trail. He showed the distance to buildings and visibility from the road, parking area and tree buffer. The area proposed for use has more than four acres of good, high and dry land, and said the property could more properly be called a tract of parcels with a large percentage of open land. The updated map was submitted 12 days before the hearing as PDF which Mr. Larochelle acknowledged. Neil McIver presented the changes to Plan #1072009D dated 11/4/09. He said it addressed concerns expressed at the prior hearing, including: the maximum period for boat parking of 90 days; parking area delineated by wooden posts; types of trees for the vegetative screen are listed and diverse; added items under the Legend and extra plantings to further protect the view. It had been noted that Mr. Robertie had personal equipment and items so they added three spaces behind the house and four spaces by the equipment area. Bruce Barnard asked how far it is from the river to the personal equipment. Mr. McIver replied from the top of the river bank the closest point is about 43'. Attorney Rod Dyer arrived with colleague Attorney Catherine Broderick also of Wescott, Dyer, Fitzgerald & Nichols. Planning Board Alternate Mitch Manseau arrived (7:30 PM) and was seated. Attorney Bill Gannon introduced himself as speaking on behalf of Mr. Robertie. Alan Barnard continued the overview by describing the parking area which is designated by posts on a grassy area and is not to be plowed down or disturbed. Mr. Larochelle opened the hearing to Public Comment. Mr. Dyer, representing

DRAFT MINUTES OF December 2, 2009

Dr. and Mrs. DeVivo, introduced Catherine Broderick as not only a colleague but as chair of the Sandwich ZBA and said she would speak for him because of his sore throat. Ms. Broderick spoke to the objections stated in the letter of 11/4/09. Their position is that this is not a marina as the ordinance intends or in any sense in the spirit of a marina, so the Applicant should go before the ZBA before completing a Planning Board review. She cited as precedent the Gray Rock Land Trust marina case in which the Supreme Court delineates what is appropriate in the Lake District. Storage of toxic waste and/or equipment in the WPOD would require a variance. She said she understands because she sits on a board in a town where nothing conforms and there are a lot of wetlands. She handed out copies of a list of deficiencies (on file) they feel the Site Plan has and said there should be Geo-survey maps. There are technical issues with the material, no tax map, vicinity locations, WPOD, no boundary lines or abutters located. Alan Barnard show the big map with the details which Mr. Dyer had not previously seen. Ms. Broderick said a major concern is the hook/horseshoe wetland and that wetlands shown are not classified by category. There are two additional impoundments of water not shown (see filed list). Mr. Dyer added comments that in his experience impacts are not only to immediate neighbors but to the community as a whole. "The Plan as presented has so many elements lacking that it is not reasonable that anyone could make a reasoned judgment. This is not a marina, more a sales and repair facility." Also, there are two principal uses on the same lot if Mr. Robertie continues to live on the property; it will be a primary residence and a commercial property. Hebron Ordinance is exclusionary in that it states that anything not in zoning is not permitted without a variance. As the present Plan is presented it is impossible to determine exact boundaries and setbacks. He recommended the Applicant go back to square one and submit a plan that can be evaluated on its merits. Also, the Plan includes boat wash so it should have a gray water plan and a detailed toxic/hazardous waste plan. Mr. Larochelle asked if anyone else had input. Phil Twombly asked if Mr. Larochelle had discussed with Town Counsel the definition of marina in the Hebron Ordinance. Mr. Larochelle said yes, that the Board had consulted the Town's attorney and read her written interpretation that the use narrowly fits as defined. Mr. Twombly asked if navigability of the river was not a factor. Mr. Larochelle said the Board had considered whether the river front constituted a water front and it does. The property could be considered for marina use. He said that Town Counsel recommended that the Ordinance be refined to be less ambiguous. Mike Ethier asked where the Historic District ends. Alan Barnard answered that the DeVivo property is not in the Historic District and that is on the east side of the Applicant's property. Mr. Larochelle commented that there had been some substantive items brought forward. Attorney Gannon said he would respond for Mr. Robertie on legal dimensions, but first said hello to Mr. Dyer after a ten year lapse. He said his beginning point when interpreting any statute is that you need to look at the statute first. Regardless of the dictionary, what does the ordinance define a marina to be? The dual use argument is premised on a comment on page ZN10 about principal or primary structure. Ordinances usually address uses of land, not structures. "Any use not permitted is prohibited." Taking it as an exclusionary ordinance, per zoning law of 1972 regarding exclusionary or cubby-hole ordinance, if you could build the most offensive use, you could build anything less offensive. So go to the Lake District provision in which a marina is permitted, and then elsewhere it says a residence is permitted in any district. You have to read the whole ordinance, not just pieces. The Lake District permits marinas and single family residences. ZN4 is a portion of the overall ordinance. Start with the term "structure." In the house would be an office and bookkeeping, which are essential to the business. "Singular" does not mean single use. The house would be an accessory building incidental to the marina operation. There is no nexus, no way of getting from the text from "primary structure" to "single use." Carrying on analysis of the abutters' position that it is what you call it, it is what it is defined as being. Another argument is that it is a junkyard. A Junkyard as defined in Ordinance is not what is going to occur here, for the purpose and profit. As for storage of hazardous materials as a

DRAFT MINUTES OF December 2, 2009

business operation, that does not apply to ordinary materials that are incidental to operation, any more than excess paint stored by a homeowner. If materials are kept overly long or sold, then the Town can deal with that appropriately. What appears to be excess is incidental. Site Plan mapping issues can be dealt with by Mr. Barnard and Mr. McIver. Alan Barnard responded with the aerial map. Regarding comments mentioning the Supreme Court case, right after that, the definition of marina entered into Hebron Zoning, as noted in the footnotes. The driveway is an existing approved driveway and the only reason for a new permit is the Change of Use. When the Town added the WPOD any existing structure within it was grandfathered. Consider whether the new information submitted tonight is within the ten-day advance timeframe. The new map does define all the structures within 200 feet, property lines, the main channel of the river and top of the bank. Mr. McIver delineated setbacks for the Site Walk 11/16/09 and the DeVivo property lines are shown. The file for that property is present and available for the Board's review. In the Lake District both marina and residence are permitted uses. All prior cases have been mixed uses. Mr. Larochelle asked Mr. Barnard for examples. Alan cited camps Berea and Pasquaney, bed and breakfasts, an antique shop, the Post Office and store with upstairs apartments. Mr. Gannon asked to make a comment. He didn't realize until listening to Mr. Barnard that the property is on a state highway. They have the curb cut permit on the highway. He has seen other curb cut discussion in other towns and the State curb cut permit may pre-empt local driveway regulations. Mr. McIver rounded out the information, saying this is the first he has seen of these objections. The plan he did was intended to be joined with Alan Barnard's plan. He didn't prepare it as if for the State but as a supplement of the Board's information. He discussed soil types, a moat structure and river banks. He delineated where "poorly drained soils" met with "upland soils" by wetland scientist survey methods per RSA 483.B. There will be no disturbance of wetlands. There is no prohibition of parking vehicles within the 50 foot setback. The septic system plan is not development yet. There is plenty of room to move it if needed. It is already 100 feet back from the 100 foot line to hydric soils. There was discussion with Martha Twombly (Conservation Commission Chairperson) as to whether this may become a designated Prime Wetland with the State. Currently it is a designated wetland and needs the 100 foot buffer. They are already adhering to a 100 foot setback for the septic system and buildings. Mr. Larochelle asked Planning Board members for comments. David Wall said he heard both counsels representing Mr. Robertie and abutters give compelling arguments and he is not sure how to decide. Attorney Broderick's comments on the plans are well taken. It's confusing. Is this (Planning Board) the proper jurisdiction for the plan at this time? Bruce Barnard said if Zoning is updated later, it doesn't affect this application. Mr. Larochelle said the Board had gone down the checklist for the application and found sufficient information to vote it complete, although the format was unusual. Abutters can call into question the completeness of the plan, but the Board had reviewed the materials against the checklist. These details were addressed. Abutters may be feeling there are some items lacking and the Board may have to reconsider whether it can move forward on this application. Applicant's team can make up deficits, but for the time being, the focus is on the merits and the next steps. Martha Twombly said she tends to agree with David Wall. Discussion brings up more questions than answers. Present use is residential and historically it was agricultural. Does this relate to a case where a property owner wanted to have a second vacation home residence on one lot? The question of hazardous material in any commercial application brings up questions of handling and management. Also, any parking within the 100 foot buffer of the WPOD would be questionable. There are still questions of whether this fits the marina definition. Does the vagueness of the Ordinance written long before the Cockermouth was designated as a Fourth-order Stream mean it has waterfront? Isn't navigability of the stream relevant to "waterfront" use for recreation? Mr. Larochelle acknowledged the questions, but asked if it is central? They grappled with the definition and went to Town Counsel and got a positive opinion. Would this boat repair facility be permitted on

DRAFT MINUTES OF December 2, 2009

another property that doesn't have river front? The Planning Board is somewhat boxed in. Ms. Twombly asked if the Board has any flexibility. Mr. Larochelle said his personal opinion is he is ready to move on and discuss the merits of this application. The definition of marina in the Zoning Ordinance being accepted by the Town's attorney is a point. David Wall raised the issue of jurisdiction and the need to address that first. Should this use go to the ZBA first? Chuck Beno said he feels the same way. Bruce Barnard commented about Zoning being negative. He has to go along with the Town Attorney. Other points are about dual use. Each of the uses is allowed. A large tract could be comprised of parcels and lots. As discussed, if they have four usable acres the property, it could be subdivided, then this has the acreage required for dual use. We have multiple districts to consider, as this tract includes Lake, Rural and WPOD. Is a marina permitted in the Rural District? Is the river front in Rural or Lake? Alan Barnard said the whole section to be used is a waterfront parcel within the Lake District. Even the house is within the Lake District. Bruce Barnard said the next question is whether there are four usable acres to qualify for dual use. Roger Larochelle said using the example of a bed and breakfast, the Board does not look for four usable acres for commercial use within a residential property. Alan Barnard confirmed that the property has 21 acres of usable land. Chuck Beno commented that the Planning Board is being asked to make a clear decision based on information represented two maps. If presented in the usual form with everything together, we could get a better grasp of the data and objectively evaluate against zoning regulations. Mr. Larochelle said as chairman he heard what was being said and wished the Board had realized this sooner in the process rather than now when details are being brought to light by abutters. The Board has to be fair to the Applicant, as the application was accepted as complete and the team has brought back everything requested. Bruce Barnard asked why storage had a 90-day limit. Was that self-imposed? If it stands it will need to be monitored by the Code Enforcement Officer (Dan Merritt) and enforced by the Board of Selectmen. Also, you have 30% permeability on the lot and would like a statement that the proposed use is nowhere near that. Another note for Attorney Broderick is that the case precedent has a footnote that zoning was changed afterwards. Mr. Larochelle said as there were no other Board comments, Mr. Dyer should have an opportunity to carry on. Mr. Dyer said as Mr. Beno mentioned, he had never seen anything like the aerial photo submitted as a Site Plan. It certainly doesn't fit the guidelines. He said the Board had the opportunity to require a Site Plan that meets accepted standards. He urgently requested there be one Site Plan that contains all the customary details expected on a Site Plan. Then it will have a Site Plan we can understand and can move forward as far as this application is concerned. A major issue is dual use per ZN10 which relates to the definition of a lot, with one principal use for a property. Ms. Broderick agreed in principle as a precedent for future boards who may not know the lay of the land. As presented, this is not a "recordable" plan. Bruce Barnard said looking at ZN-10 it says "any use of land or buildings not specifically permitted is forbidden." What is the point? Mr. Dyer said some buzz words are the same as in other towns' zoning ordinances and imply single use. He cited the definition of a lot and said the language is quite clear. Phil Twombly said he wondered about a situation where you have waterfront (river front) and an application that is irrelevant to the business being planned. You have to worry about making a decision that sets a precedent in the town. You don't need water access for a boat repair facility. Mr. Larochelle asked if there were any other comments. Bruce Barnard said to Neil McIver to consult the Shoreland Protection Act and if any uses are within the setbacks, the parking areas must be outside the 50 foot buffer. Mr. Gannon said with respect to the permitted use issue, the debate as to dual use is a "red herring." Go down the page on ZN-10 to R. Single Family Residence, which is permitted. With respect to the more subtle lot issue, in the Ordinance you have tract, parcel and lot. The term lot is used synonymously to mean "buildable." If you had a 100 acre parcel all buildable, it's much bigger than a lot. Ordinance clearly supports multiple buildings within a principal use. Mr. McIver commented about the two-sheet Plan.

DRAFT MINUTES OF December 2, 2009

The Board wanted a 40 to 1 Plan showing buildings and wanted a map of the whole property, which in the same scale would cover the whole wall. Alan Barnard summed up as far as procedure is concerned with the following checklist:

- Applicant attended two informational sessions
- Abutters notices were sent in due time before the hearing for completeness
- The Planning Board held a hearing with the checklist and requested more information
- Applicant has now provided all those answers
- Many cases on file have multiple sheets and maps of various scales
- Previously, the Board has not required applicants to record or stamp Site Plans
- Only designated wetlands are listed in the WPOD
- The 50-foot setbacks to the Shoreland Protection Act boundaries are delineated
- Designated Brooks need 50 foot setback
- For personal use, this property has been historically used
- A Site Walk is better an all maps and the Board conducted a lengthy Site Walk
- As for the residential question, there can be two residences on a lot if it is subdividable
- Minimum usable area is not required for a commercial use

Mr. Larochelle asked if there were any questions. He asked Alan Barnard what is recordable. Mr. Barnard replied either one or neither one. Mr. Larochelle continued in reference to Mr. Merritt, the code enforcer, it behooves the Planning Board to approve a plan that is recordable. The Board needs to be attentive to abutters' concerns. What other permits are needed? Mr. McIver said they need a subsurface permit for a septic system. Mr. Larochelle asked if any "hazardous materials" plan had been developed. Bill Robertie answered that the batteries will be removed monthly and no gasoline will be sold on-site as per the Planning Board's prior instructions. Mr. Larochelle said the primary use is now residential and commercial will become the primary use with residence secondary to the business. He said he felt boxed in by legal counsels and needs Town Counsel's advice on the question of dual use. He will need to go into objective session with Town Counsel. Mr. Beno said he wanted a further refinement on questions as the property has been residential and there has been collection or accumulation of equipment and a yard full of junk was an enforcement issue. How does Change of Use alleviate the issue of junk? Martha Twombly said she concurs with Mr. Larochelle's suggestions. How can this go forward without causing unintended consequences to other properties and future applicants? She wanted to acknowledge that Mr. Robertie is trying to establish his business and trying to address things fairly. Mr. Larochelle went back to Mr. Beno's point and said that the only way it can be enforced is to have a baseline, a clean slate against which enforcement can be measured. Make clean-up a condition of Site Plan approval with designated areas and remediation plans specified. Mr. Beno said they need to run that by Town Counsel also. Bruce Barnard said the Planning Board can put conditions on approval just like the ZBA. No building permit will be issued until the Code Enforcement Officer signs off on it. He concurs with Ms. Twombly about precedents. This is the time to update zoning following on the conditions as a model. The Town may also need Surety. Mr. Larochelle asked for what. Mr. Barnard said an example would be paving the apron by the road because it's alluvial outwash and can erode very easily. DES permits and a copy of the plan, Subsurface Plan and Water Discharge Registration will be required. Mr. Beno read from the Board of Selectmen's enforcement issues letter.

Mr. Larochelle laid out the next steps and said he will endeavor to have answers before 1/6/10:

- Requiring a recordable Site Plan
- Need to develop conditions for approval
- Copies of permits

DRAFT MINUTES OF December 2, 2009

- Scope of Surety
- Guidance from Town Counsel for Principal and dual use and
- Whether they will need a Special Exception to improve the driveway within the WPOD

The Hebron Boat Sales Site Plan Review was continued to the next regular hearing 1/6/2010.

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

Ms. Mento was present to represent the application and Roger Larochelle extended an apology for the typo of her name being Barbara. Bruce Barnard, who designed her septic system, had provided a statement of adequacy for this use, which was submitted in due time. The application fee was paid and abutters were notified.

Chuck Beno moved/Martha Twombly seconded a motion to accept the Change of Use Site Plan application for 47 Panorama Lane by Brenda Mento as complete. PASSED

Bruce Barnard recused himself as he was the septic designer who had issued the statement of system adequacy for the applicant. It was noted that there would be only four members voting as an alternate could not replace a Board of Selectmen representative. Alan Barnard commented that the portion of Panorama Lane in front of the property was a designated fire truck pull-out but the easement had not been transferred to the Town yet, and the Board could make this a condition of approval. Bruce Barnard said that appeared in the original Subdivision Plan and that it was not relevant to this application. The easement to the Town probably has not been completed. He said he would take that issue back to the Select Board and asked for the question to be noted on the Notice of Decision, a copy of which would go to the Selectmen's Office. Chuck Beno commented that in an in-home business change of use the Board may not require a recordable plan. He wanted to note that the Board will consider that as part of the Site Plan regulations reform. Mr. Larochelle thanked Ms Mento for her patience and for working with the Planning Board to submit this Site Plan for approval, as many in-home businesses have not done.

David Wall moved/Chuck Beno seconded a motion to approve the Change of Use Site Plan for 47 Panorama Lane for an in-home therapeutic massage studio by Brenda Mento, LMT, with note to the Board of Selectmen of the status of a fire truck easement. PASSED

Alan Barnard asked Mr. Larochelle to change the order of the agenda to put the Ethier informational next, as there were no abutters or representatives besides him for the Wendt application.

Informational Double E Land (Mike Either) Map 8 proposed subdivision George Road

Alan Barnard and Mike Ethier were present to represent the application for a 3-lot subdivision off George Road. Martha Twombly recused herself as an abutter. Most discussion was about the reserved easement for a road between two lots. Bruce Barnard reported that the Select Board had met with Mr. Ethier to discuss a way to get a road through from George Road to Cooper Road, which is a dead end. They would like to see it at least possible for the future. Mr. Larochelle asked for other comments. Martha Twombly suggested a site visit. She is curious about a nice brook on the west side that she thinks runs year round. Mr. Ethier said it dries up. Bruce Barnard made a "brotherly love" suggestion that Alan update the wording on the map around the Town Shed.

Application for a 3-lot subdivision by Roberto Redondo Wendt, Tax Map 7, Lot 5.

Alan Barnard represented the application for a 3-lot subdivision with updates agreed upon during the Site Walk 11/16/09. Martha Twombly and Dick Cowern were re-seated. Alan Barnard showed the Authorization, Highway Permit, Septic Design Approval and Culvert Design approval in a wetlands

DRAFT MINUTES OF December 2, 2009

copy from the Conservation Commission, a copy of the ZBA decision and corrected square footage for a Right of Way through Lot 1 which was adjusted on the new Plan. He gave an overview:

- Lot 1 is 5.066 acres with 2.667 acres usable area and an existing house on the lot. The reduction in usable area is due to a Right of Way being deducted.
- Lot 2 is 5.52 acres with 4.126 acres usable area that could not be subdivided without another road. It has no road frontage, which necessitated applying for a ZBA variance (copy on file).
- Lot 3 is 5.121 acres with 2.144 acres usable area due to areas of steep slopes.

He explained that he pulled the edge of the Right of Way away from the barn and curved it to avoid impinging on the house access. He added setbacks lines on the map and marked lots. As requested by the Conservation Commission, a 50" diameter pine tree was noted plus presence of a variety of nice hardwood trees. For future reference, he noted that there is no Right of Way to the cemetery at the back. Youngman has a relative buried there and access is currently through Elsie Hill's lot. At the request of the Heritage Commission, they also reviewed the Revolutionary War soldier's grave there. Alan is hoping to get a Right of Way facilitated between the Hill and Kilpatrick properties.

David Wall moved/Chuck Beno seconded a motion to approve the Wendt Three-lot Subdivision Application for Tax Map 7, Lot 5. PASSED

Informational for Parker Albee on Pike Hill Road and Wade Road to discuss a boundary line adjustment with his land in Plymouth to make the Hebron Lot conforming. Map 2, Lot 3.

Alan Barnard presented a letter to be reviewed and signed by the Selectmen for Parker Albee to combine his 1.5 acre parcel at the intersection of Pike Hill Road and Wade Road in Hebron with an 11-acre portion of his 56-acre parcel in Plymouth to bring the Hebron property into conformance with the 2006 Zoning Ordinance's minimum building lot size requirement of two acres of usable area. The resulting lot straddling the town line would be conforming in either town. Alan Barnard has to submit the Voluntary Boundary Line Adjustment to Plymouth which may or may not notify the Town of Hebron, which is why he took care to inform the Hebron Planning Board for future reference. There is no need for a hearing in Hebron. As stated in the letter being reviewed by the Select Board, the 1.5 acres in Hebron was pre-existing before the town line was set. Parker Albee agreed to take land in Plymouth to make the Hebron lot conforming. The Planning Board made note of the letter of agreement and will keep a copy in the Albee file for this property.

David Wall moved/Bruce Barnard seconded a motion to adjourn at 10:45 PM. PASSED

SUMMARY OF MOTIONS

David Wall moved/ Chuck Beno seconded a motion to adopt the minutes of 11/4/09 with corrections noted. PASSED

David Wall moved/Chuck Beno seconded a motion to approve the Change of Use Site Plan for 47 Panorama Lane for an in-home therapeutic massage studio by Brenda Mento, LMT, with note to the Board of Selectmen of the status of a fire truck easement. PASSED

David Wall moved/Chuck Beno seconded a motion to approve the Wendt Three-lot Subdivision Application for Tax Map 7, Lot 5. PASSED

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