

MINUTES OF January 6, 2010 ADOPTED WITH CORRECTIONS 2/3/10



Town of Hebron
PO Box 188
Hebron, NH 03241
Phone: 603-744-2631
hebronnh@metrocast.net

Hebron Planning Board

Minutes of Public Hearing 01/06/2010

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

Others Present: Katherine Keon, Anne Hill, Bill Nobles, Steve Tippett, John Matthews, Bruce Barnard, Dick Keller, Willa and Bill Lucarelli, Steven Smith Sr., Alan Barnard, Bill Robertie, Neil McIver, Attorney Bill Gannon, Ken Dearborn, Greg Melton, Jeff Hillier, Lee and Polly Alexander, Mark Coulson, Roger LaFontaine, Marcia Morris, Enid and David Reed, Attorney Rod Dyer, Attorney Bud Martin, Attorney Catherine Broderick, Deb Mekula (recorder), Mike Ethier, Phil and Betsy Twombly, George Bolln, Steve Derochea, Randy Pitts and Ken Lonske.

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

Next Meetings: January 18, 2010 work session, February 3, 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. Informational Double E Land (Mike Either) Map 8 proposed subdivision George Rd
7. Camp Berea discussion of five decommissioned buildings being removed in spring.
8. Any other matters that come before the Board.

Administrative Matters/Announcements

Roger Larochelle noted that all five voting members were present. He welcomed everyone, asked Board members to introduce themselves, and reviewed the agenda and protocols for a hearing.

Review Minutes

Corrections to **Minutes of 12/2/09 hearing:** pg 2, line 6 of Hebron Boat Sales, add "family" after "DeVivo", pg 3, line 11 change "show" to "showed", line 18 from bottom, change "east" to "west."

Chuck Beno moved/David Wall seconded a motion to adopt the minutes of 12/2/09 with corrections noted. PASSED

Continuance of Jaques ET AL subdivision and boundary adjustments

Alan Barnard requested and was granted continuance to 2/3/10.

Continuance of Limited Editions (Rogers Ledge West)

Mr. Larochelle noted this would be Board deliberations only with no new input. Chuck Beno, Martha Twombly and Joe Hogan recused themselves. Dick Covern was appointed as a voting member. Attorney Bud Martin, Deb Mekula (recorder), and Alan Barnard were present. Mr.

MINUTES OF January 6, 2010 ADOPTED WITH CORRECTIONS 2/3/10

Larochelle noted a list of letters received from the public (on file) and that the Board appreciated the amount of public interest. The Board had consulted Town Counsel, reviewed the materials and had plenty of time to think. David Wall said to his recollection, the charge for the meeting with Counsel was to consider conditions that would be important. What would be acceptable conditions and if something was a deal breaker, what would change that. John Dunklee said he was not at the 12/2/09 hearing or the attorney consultation. Based on what he feels is good for the Town, this is not a good development for the Town. David Wall said he concurs that the best interest of the Town outweighs the interest of a developer, but still the board has to be guided by the Subdivision Regulations in place at the time of the application. A number of questions were not yet addressed, particularly concerning impacts of blasting. A probable condition would be a significant blasting impact study covering wells, aquifers, drainage and water quality.

Ellie Lonske said she had a few months off but read the minutes. She read from a written statement (on file) describing her approach and reviewing possible conditions that would allow the application to move on to the State permits process. Conversely, if there aren't any, the Board should move to approve or deny the application. She discussed whether this is a Cluster Development, the character of the land is a danger, future owners would be able to obtain driveway permits, illustrations for driveways and suggested building locations should be accepted without engineering proof that they would be permissible. In relation to Zoning, what might the Board tell the Applicant before they moved on to the State? Even with conditions, would this application be consistent with the Zoning preamble and the purpose of Zoning in the Lake District?

Hebron Zoning Ordinance:

ARTICLE I: PREAMBLE AND TITLE

A. Preamble. In order to preserve the environment, to prevent undue or dangerous concentration of population, to insure good civic design and facilitate adequate provisions for public utilities, to promote safety, health and general welfare of the residents of and visitors to the Town of Hebron, to encourage the most appropriate use of land, and for all other purposes as set forth in Chapter 674, Sections 16 to 23, New Hampshire Planning and Land Use Regulations, as amended, and pursuant to the authority conferred by said Chapter, the following ordinance is hereby adopted by the voters of the Town of Hebron.

ARTICLE VI: LAKE DISTRICT

A. Purpose. In keeping with the general purposes of this Ordinance, and more particularly in light of the scenic, recreational and environmental values naturally inherent in this district, the specific purposes of this Article are to limit the uses of this district so as to protect those values and encourage only such further developments as will not harm the environment or destroy this district or any part thereof as a natural and scenic resource of the Town.

She described issues in conflict with the purpose of Zoning: to protect the environment, specifically Hebron Bay; to protect the houses and properties downhill; and the retaining wall which at some point is 200 feet long, 80 feet of which is up to 24 feet high with a chain link fence at the top. Despite claims that this will not be visible from North Shore Road there is no data about visibility from the lake, the beach, or across the lake. This is clearly not in line with the purpose to preserve the area as "natural and scenic" of Zoning. She discussed the extensive concerns expressed by owners down-slope; quoted from the EIS (Environmental Impact Study); Paul Fluet's 7/31/06 engineering review; Luke Hurley's review of Peter Cooperdock's EIS highlighting entrance road salt and possible major erosion problems during construction; from Steep Slopes studies and Ridge Line Protection and Environmental Protection studies (all in her document). She concluded that the Board could tinker around with conditions and if the application goes to the State and comes back without real risk analysis, the Board would be back with the need for a blasting impact study and every other concern. Why put the Applicant through the expense of State permits rather than ask those questions now? Issues of the wall, zoning purpose, dimensions, environment and all will not go away.

MINUTES OF January 6, 2010 ADOPTED WITH CORRECTIONS 2/3/10

Dick Cowern said he was very concerned about blasting, steep slopes, neighbors' properties and protecting the lake. He submitted his written notes (on file). Due to the nature of this steep hillside development, he would like the following conditions to be a part of that approval.

1. The Rogers Ledge West road would remain private forever. The lot owners would be required to maintain the road.
2. The Town of Hebron would not be held liable for emergency personnel (fire, police, or ambulance) unable to travel up or down the road during or immediately after an ice or snowstorm.
3. A \$13,000,000 **prepaid** liability policy (or suitable surety) for property damage due to construction payable to the abutters (listed on the attachment), the Town of Hebron, and the State of New Hampshire for the **entire** period of construction. This policy is required for the blasting and construction of the road, retaining walls, drainage ditches and swales etc.
4. An approved Town of Hebron engineer will inspect the project during construction at least weekly during blasting, construction of the road, associated retaining walls, water mitigation drainage ditches, swales etc. He will also inspect after any 25 year or greater storm. All costs shall be paid by the developer.
5. Maintenance of the retaining walls, drainage ditches, swales and associated water mitigation areas will be the responsibility of the lot owners association. At least a yearly inspection shall be made by a approved Town of Hebron engineer. The said engineer will inspect after any 25 year or more storm. The costs will be paid by the lot owners. Should the lot owners fail to maintain the walls, water mitigation ditches, swales etc. the town will bill the lot owners for the required maintenance.
6. The developer will include items 1, 2 and 5 in the lot owner covenants.
7. All driveways over 300 feet must be designed by an engineer.

Mitch Manseau said his concerns had been addressed.

Roger Larochelle said as a member, not chairman, his sense of the application is that it has been a long time and there have been lots of details, but crucial details are still lacking. You can't ask for all the details until the permitting process is completed, as that's where some of the details will come from. Last autumn the Applicant took lots out of the Lake District and all the lots are now reduced from what the Subdivision Regulations of the time would have required. The normal cluster process was not followed because the road can only be in one place. The proposed road can meet Zoning specifications, whether the wall is desirable or not. The Board cannot take up design issues until the road is further designed. The whole thing could change in the permitting process. Generally the road conforms but you can't know the final design requirements. This application has generated the most interest ever, mostly expressions of concern. Applicant has put forward a Developers Agreement and asked for conditional approval so they can move forward with State permits. In his view, the Board should consider approving the location of the road and the lots in relation to the road and reserve the right to require additional changes. This is either a "premature scattered development" and someone should move to deny the application, or someone should move to allow the developer to go forward to the State with conditions of approval. Applicant has tried in good faith to meet Planning Board concerns. The Board can't address others concerns without further engineering. What is the will of the Board?

Dick Cowern said it is unfair to the Applicant to hold back all these questions and hit **them** with them after permits are issued. They might meet all the conditions and still be rejected. Roger Larochelle asked if anyone had more concrete conditions. Dick Cowern said yes, abutters should include everyone on the lake. Everyone is concerned about degradation of the lake; for example, there is more moss in the water by Onaway Point. Is this from chemicals used on lawns, brought down in the rivers, caused by fertilizers from the back country or what?

MINUTES OF January 6, 2010 ADOPTED WITH CORRECTIONS 2/3/10

Roger Larochelle said a Blasting Plan would come as a result of a detailed road design after State approval. The Developers Agreement includes reviews and inspections.

David Wall said there are choices. We can reject the application for all the reasons in our hearts and regulations, but we don't know what we don't know. What if we allow this to proceed to the State permitting process without conditions based on issues that are not yet raised?

Dick Cowern said he is concerned about risk to the Applicant but the interests of abutters and the Town outweigh that. He would vote to approve the location of the road with the condition that they may require unforeseen studies, engineering, etc. as in his suggested conditions.

Roger Larochelle read the list of permits and conditions already required and asked Dick Cowern how he came up with the figure of \$13 million of property values at risk. Mr. Cowern said he added up the values of all the properties immediately down-slope.

John Dunklee said he is not in favor of this development. A subdivision should be on flat land, accessible by a reasonable road. All agreements aside, the Town could not enforce the condition that this will remain a private road with lack of liability for residents' safety, access for emergency vehicles, maintenance of the wall, etc.

David Wall agreed with John Dunklee. He said he thinks it is a bad project for the Town, the property is undevelopable, but in the face of the Subdivision Regulations in force at the time doesn't see justification to legally deny the application.

John Dunklee said it's all in Ellie Lonske's summary. It's just too risky.

Ellie Lonske said it's the old saying, "For lack of a shoe..." They have to have the road; to have the road they must have the wall. We could vote to deny the application or say go ahead to the State keep to reservations. Do I believe it will pass? There are issues with the wall, drainage, and blasting will still be a problem. Approve or deny; we will still have the same reservations.

David Wall agreed with the concerns and said he didn't think the State will assuage these. He said he thought the Board would have to go ahead with all these reservations on hold.

Ellie Lonske summarized that these are real issues but the data submitted is too preliminary to address in detail. She would want to see what the State says.

David Wall said he had no conditions to add but go ahead to the State.

Dick Cowern said we all share the same concerns; blasting, steep slopes, driveways, etc.

David Wall said if the State doesn't address these issues to the Planning Board's satisfaction, the board has the right to continue to address them.

Roger Larochelle said owners have the right to develop land but not if it prevents others from enjoying their land. Until the State comes back with requirements or approvals, we can't do further studies.

Ellie Lonske said the Applicants could go forward to the State at their own risk but the Planning Board would still have the same concerns.

MINUTES OF January 6, 2010 ADOPTED WITH CORRECTIONS 2/3/10

John Dunklee moved to deny the application. Ellie Lonske seconded the motion in order to enable discussion of the rationale for denial. **Mr. Dunklee stated**, “for the following reasons **such as**: that the Board members do not believe it is a developable lot while maintaining the dirt where it’s supposed to be and not in the lake, on the road and in the neighbors’ yards.”

David Wall said until we get proper engineering we don’t have a basis to deny the application, even though our gut feeling agrees.

Dick Cowern said the safety of people and property, esthetics, and clearing of trees are big concerns.

Ellie Lonske said she supported the motion to deny. The most clear violation is esthetics of the wall and Zoning has teeth, although this is minor compared to the probability of damage to neighbors, Hebron Bay and the lake.

Roger Larochelle asked for a restatement of the motion.

John Dunklee moved/Ellie Lonske seconded a motion to deny the Rogers Ledge West Cluster Subdivision application (Map 18, Lot 32) of Limited Editions, Richard and Barbara Delaney. On a roll-call vote, John Dunklee, Ellie Lonske, Dick Cowern voted aye; David Wall and Roger Larochelle voted no.

David Wall said for the record that he voted not to deny because moving on to the permitting process would have provided more specifics.

8:30 PM

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

Bill Robertie, Neil McIver, Attorney Bill Gannon, Attorney Catherine Broderick and Alan Barnard were present. Dick Cowern recused himself. Chuck Beno, Martha Twombly and Joe Hogan resumed their positions. Mr. Larochelle noted receipt of additional materials and permits and reviewed where the discussion left off at the last meeting in a discussion of requirements. He said the Board had consulted Town Counsel about Principle and Dual Use. To paraphrase Counsel, a Lot is defined as having one principle structure or use. To convert to commercial use from residential, making the residential use accessory to the business is not permitted. Examples of accessory use or in-home use are specified in Zoning. On a Lot within the Town of Hebron, only one principle use is permitted, so choices for the Applicant are to subdivide into conforming lots, each of which has one primary use, or to choose a single primary use.

David Wall commented that Applicant’s intention to continue to reside in the current home violates Zoning. Roger Larochelle said primary residential use is far more than an accessory to a business. Chuck Beno observed that it would have to go to the ZBA or a Subdivision Application. Mr. Larochelle said the Board was remiss in not addressing the primary use because it got so tied up in the definition of a marina. Ellie Lonske expressed gratitude to the people who bring up points of information. David Wall restated the choices. Ms. Lonske observed that only the Historic District has mixed use in Zoning. Mr. Larochelle said there is no precedent for conversion of a primary use to another primary use with the existing use becoming accessory.

Alan Barnard was reviewing Zoning and said on page ZN 9, Section m. accessory buildings related to the primary use shall be permitted. If the Planning Board denies the application, it should go to the

MINUTES OF January 6, 2010 ADOPTED WITH CORRECTIONS 2/3/10

ZBA. There was recent approval of an antique shop, which is not specified as permitted. Under General Provisions, residence is permitted so not specified in all districts.

Attorney Gannon said it is a small town and everybody knows the difficulties Mr. Robertie has experienced over the past several years. We are dealing with the need for a person to earn a living on property where he has resided for a long time. The question is whether conversion of primary use excludes original use as accessory use. For example the residence being used for accounting, security, kenneling for watchdogs, and a room for lodging a watchman would be permitted. An option is to subdivide. The only reason not to do it is cost, given that engineering, etc. is expensive. The other option is appeal to the ZBA. It is better to approve subject to types of conditions discussed at previous hearings plus Mr. Robertie's suspended use of the existing structure as a residence until that restriction is changed or proven wrong. He could rent an apartment or stay with friends while making a living and keeping the property.

John Dunklee asked Mr. Gannon if he was aware that Mr. Robertie is under a Cease & Desist order and is ignoring it. Roger Larochelle said that is not a Planning Board consideration, and the Board is only considering the Application on its merits.

Chuck Beno asked about the scheduling of ZBA meetings. If Town Counsel has directed the Planning Board to send the applicant to the ZBA, it seems that's what the Board should do.

Mr. Gannon said from the Applicant's standpoint if the difficulty of dual use is the only impediment to the approval of this application and he has the choice to solve the problem by removing residential use, he can settle things with the Selectmen by being properly permitted.

Ms. Lonske said she appreciates the third alternative but is not comfortable with it. The reason is it seems complicated and seems unenforceable. Mr. Robertie can go to the ZBA and if granted a variance can move forward with the application.

Mr. Larochelle said Town Counsel said if it is no longer a residence he can move ahead with the application for Change of Use to a commercial use.

Mr. Dunklee said Applicant has shown bad faith in conforming to other rules, what reason is there to believe he will abide by these rules?

Mr. Wall said enforceability is important. To accommodate Mr. Gannon's suggestion would set a precedent. Although we may be sympathetic to Mr. Robertie's situation, we have been advised by Town Counsel and should abide by the advice.

Public Comments

Attorney Dyer, representing the DeVivo family, said he raised this issue as a "bright line" issue. They had asked Mr. Robertie if he intended to live there and he said he would. There is no reason to abandon his home. The Board has gotten advice from Town Counsel that you can't make an existing home accessory to a business use. It is clear.

Bruce Barnard said from a Selectman's point of view, they have had issues with this applicant. However, he personally disagrees with Town Counsel that you can't have two uses on the same property if you can demonstrate sufficient land to subdivide. There is no prohibition in Zoning. You can have two principal residences if you have land enough that could be subdivided. There are established precedents with the Barnard family and others since October 1973. East Hebron has in-home businesses with advertising and everything.

Ms. Lonske said she agreed with Bruce Barnard's assumption, but the Planning Board is not comfortable interpreting Zoning and that belongs with the ZBA.

MINUTES OF January 6, 2010 ADOPTED WITH CORRECTIONS 2/3/10

Mr. Gannon said it was just an observation but if the Planning Board denies the application, it has interpreted Zoning.

Mr. Dyer agreed with Ms. Lonske that this is not an issue for the Planning Board. Town Counsel has given advice and they should take it. This really needs to go to the ZBA.

Bill Robertie asked for clarification that if he agrees to vacate the residence, would the application be approved and he be able to go forward with the business?

Mr. Larochelle said if he vacated then it would be open to the Planning Board to discuss conditions of enforceability for approval. First he would allow Board discussion.

Mr. Wall said he concurred with Bruce Barnard's comments as an individual about sufficient land for dual purposes. That having been said, it's a mistake to go against Town Counsel.

Martha Twombly agreed that the Board should heed Town Counsel, go through the direct process and not set a precedent. In good faith, the Board should follow advice of Town Counsel. If it goes to the ZBA, then be as expeditious as possible if Applicant is granted a variance.

Ms. Lonske said just refer the case to the ZBA. We don't have to deny; just continue pending a ZBA decision.

Mr. Larochelle asked the Board to consider what role the ZBA has if Applicant says he agrees to only one use.

Ms. Lonske said that's not the application we have before us today. If he says that, he has to resubmit. It seems clear it has to go to the ZBA.

Joe Hogan agreed it should go to the ZBA to have them interpret Zoning.

Mitch Manseau said he shared the sentiment to have a solution that is simple.

Mr. Larochelle questioned the Board about allowing potentially two residences or a residence and business on a lot that could be subdivided, as they do in Holderness. Bruce Barnard cited precedents in Hebron for two properties.

Mr. Dunklee said the only recent case was so close, four acres, that they sent it on to the ZBA. There was some discussion. Mr. Dunklee said you also have to look at the kind of use, amount of traffic, and kind of traffic.

Chuck Beno said the concept of "subdivide-able" would have to be proved by a subdivision plan with setbacks and all requirements indicated. He called for a motion to continue the application. He agreed to move to continue the application.

Mr. Wall said guidance is clear from Town Counsel; the Board should continue it. He offered a friendly amendment to say "continue while referred to the ZBA."

Mr. Dunklee said the Planning Board must deny the application and get a new application.

Ms. Lonske said with the camps it was similar situations. They just continued and referred to ZBA.

Mr. Gannon said he would concur with reference to the ZBA.

David Wall moved/Ellie Lonske seconded a motion to continue the Hebron Boat Sales Site Plan Review Application for a Change of Use to the next hearing and refer it to the Zoning Board of Adjustment to rule on a variance for dual use.

Mr. Larochelle asked Mr. Robertie if he agreed to continue. Alan Barnard suggested that Mr. Robertie take all Zoning issues raised about this application to the ZBA rather than to bounce back

MINUTES OF January 6, 2010 ADOPTED WITH CORRECTIONS 2/3/10

and forth. Mr. Beno asked what other issues. Alan Barnard said the driveway for example. Mr. Dyer said if the Planning Board decision is to continue and refer the application to the ZBA, the Planning Board should reserve all rights to address all issues to bring back to the Planning Board and raise if a variance is granted, or if the applicant comes back and re-applies with a single use. Mr. Dyer, on behalf of his clients would reserve the right to go back to the ZBA as abutters. He would request a re-notice of abutters when coming back to the Planning Board.

Mr. Larochelle reviewed the Zoning issues: improvement of the driveway and primary vs. dual use. If the application comes back as Single Use with abandonment of residence, there are concerns.

Alan Barnard said with respect to Mr. Dyer and being non-confrontational, the Planning Board must continue to the next hearing after the ZBA decision. Mr. Gannon agreed and said they would also need consent to re-notification of abutters and providing an updated abutters list.

David Wall re-stated the motion.

David Wall moved/Ellie Lonske seconded a motion to refer the Hebron Boat Sales Site Plan Review application for a Change of Use to the Zoning Board of Adjustment to rule on all zoning matters and continue the application until after a ZBA decision. PASSED

9:37 PM

Informational Double E Land (Mike Ethier) 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. Mr. Larochelle noted that he and Ms. Lonske had conducted a Site Walk the previous week guided by Alan Barnard. The application fee was not submitted after the informational presentation in December because Mr. Ethier was not clear on the amount, and the plan was changed slightly. The notices to abutters had not been sent yet and the updated plan was not submitted ten days in advance, so no decision could be rendered at this hearing or motion on the completeness of the application considered. Alan Barnard explained the topographical reasons for the changes. Mr. Larochelle asked Mr. Ethier if he wanted to address the Right of Way. He said not at this time. Mr. Dunklee explained that the Selectmen want passage for emergency vehicles and Mr. Ethier created a division between lots reserved for at least Town use or a possible future road if further development on Cooper Road warrants it. Joe Hogan asked if the Town had offered to buy the property. Mr. Larochelle said nothing has been deeded to the Town. Mr. Dunklee said Mr. Ethier agreed to do it based on future development. Ms. Lonske said the Planning Board has to rule on such a thing. She explained that Jane Ramsay (former Planning Board secretary) had called to let the Board know that when Davis owned the farm, a condition of development was to continue Cooper Road to George Road. Ms. Lonske said as a Planning Board member and resident of Hebron, it seems this is a golden moment to have the Town get a Right of Way and have it surveyed for possible future use if there is more development. The Board would be missing a golden opportunity as planners if it didn't at least examine how this could be. She has heard some concerns from people on George Road about increased traffic. She doesn't see it as a likely problem, but the Board members should think about and talk about it at the hearing. Chuck Beno asked for clarification whether she was suggesting the prospective road might be surveyed and bought. Ms. Lonske said not bought but at least defined. Mr. Wall asked if it is legal to have the Developer give the Town a Right of Way for a road that has not been surveyed. Mr. Beno said he felt that would be an onerous burden on a land owner at this time. If he ever wants to subdivide Lot 3 he will have to plan a road that meets Subdivision and Zoning standards at that time. Ms. Lonske agreed but would like to see a collaborative effort to at least lay out where this road might be and make sure future development would allow for that. Not a formal survey so much as a concept.

MINUTES OF January 6, 2010 ADOPTED WITH CORRECTIONS 2/3/10

Mr. Larochelle said he would like to hear from abutters. Greg Melton, an interested party, said he is concerned that a possible Lot 3 road should not connect to Hickon Road. Mr. Dunklee responded about where the road would fork off to the left and from there they would have several choices. Mr. Larochelle asked Mr. Melton if he had a primary concern. Mr. Melton said not as described. Mike Ethier said he is not in favor of a road where the Selectmen had wanted it because you can't get the lots there. He would be putting a road all around and it would be very expensive. Three lots would not pay for that. Mr. Dunklee asked if they could write out a possible road through. Mr. Larochelle said to leave that all for when the Board enters deliberations. The plan is for Lots 1 and 2, with Lot 3 being the remainder of Tax Map 8, Lot 6, including a 50-foot wide strip that goes to George Road from Cooper Road. Alan Barnard asked if there could be a notice on the plan to look for proper instruments for the sake of future development. Mr. Larochelle said it will be heard on 2/3/2010.

Camp Berea discussion of five decommissioned buildings being removed in spring.

An email request was received from Ron Ward, Executive Director. "The request is to occupy the new building this winter and WAIT until the spring to tear down the NOW UNINHABITABLE Staff buildings 1-5. Rationale: Safety of equipment on snow and icy hillside, safety of human life, your knowledge that the beds in those old cabins are not usable for humans, and the \$5000 you hold to insure that they are removed as soon as is safely possible. I am thinking of the workmen but I am also sensitive to the legitimate concerns of the board. As always, we will abide by your decision." After brief discussion, the Board consensus was to agree with this request. Mr. Larochelle will send a letter to Mr. Ward granting permission to use the new building and reiterating the requirement to remove the old buildings and remediate the disturbance at the earliest safe and reasonable time in the spring of 2010, and that at no time should the old buildings be used for any purpose.

David Wall moved/Chuck Beno seconded a motion to adjourn at 10:10 PM. PASSED

SUMMARY OF MOTIONS

Chuck Beno moved/David Wall seconded a motion to adopt the minutes of 12/2/09 with corrections noted. PASSED

John Dunklee moved/Ellie Lonske seconded a motion to deny the Rogers Ledge West Cluster Subdivision application (Map 18, Lot 32) of Limited Editions, Richard and Barbara Delaney. On a roll-call vote, John Dunklee, Ellie Lonske, Dick Cowern voted aye. David Wall and Roger Larochelle voted no.

David Wall moved/Ellie Lonske seconded a motion to refer the Hebron Boat Sales Site Plan Review application for a Change of Use to the Zoning Board of Adjustment to rule on all zoning matters and continue the application until after a ZBA decision. PASSED

David Wall moved/Chuck Beno seconded a motion to adjourn at 10:10 PM. PASSED