

MINUTES OF December 1, 2010



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Hebron Planning Board Minutes of Public Hearing 12/01/2010

Members Present: Ellie Lonske (chair), Roger Larochelle (member), John Dunklee (Selectman), Chuck Beno (member), Mitch Manseau (member), Joe Hogan (alternate), Arthur Cummings (alternate) and Sheila Oranch (secretary).

Others Present: Don Franklin, Don George, Steve Derochea, Mike Ethier, Arthur David Jaques, Michelle Matthews, Jeff Gaudet, Alan Barnard, Nancy Howard, Bob Martens, and Sue Martens.

Time Convened: 7:00 PM **Time Adjourned:** 9:43 PM

Next Meetings:

Agenda:

1. Administrative Matters and Announcements.
2. Review minutes of prior meeting for additions, corrections and adoption.
3. Continuance of Jaques ET AL subdivision.
4. Subdivision Application for Sughrue portion of George Road relocation.
5. Continuance of George Road proposed Utility Line Corridor.
6. Site Plan Review for Camp Wicosuta to add a director's cabin with access on Bear Mt. Road.
7. Informational for proposed acupuncture and wellness center in the Whip-O-Will motel.
8. Master Plan Vision Statement
9. Any other matters that come before the Board.

Administrative Matters/Announcements

Ms. Lonske asked for introductions and noted that Martha Twombly's resignation was accepted. As there was a quorum of voting members, no alternates were appointed to vote. Ms. Lonske noted that the authorization letters and documentation for the Jackson-McLane boundary line settlement had been presented to her by Alan Barnard and the Plan was signed and sealed. Also noted was her meeting with the new Highway Supervisor, Casey Kuplin, to sign off on multiple driveway permits. Minutes of Nov. 3, 2010 hearing, and Nov. 8 Site Walk of George Rd were reviewed.

Roger Larochelle moved/John Dunklee seconded a motion to adopt the minutes of 11/3/10 as written. It was noted that Alan Barnard had been present early in the hearing but had not signed in. PASSED

Chuck Beno moved/Roger Larochelle seconded a motion to adopt the minutes of the 11/8/10 Site Walk of George Road as written. PASSED

Continuance of Jaques ET AL

Arthur David Jaques declared that he is more than ready for an approved subdivision. He has fulfilled all his obligations for the agreement with the Town and approval of his application should have nothing to do with the Sughrue subdivision. Ms. Lonske and Mr. Beno asked Alan Barnard if all the agreements related to the Jaques application had been signed and if not, what is pending. Mr. Barnard replied that the Barn Lot has been approved but subdivision of the Mill Lot is conditional on the Sughrue approval.

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Mr. Jaques said his subdivision has nothing to do with Sughrue. Ms. Lonske explained that the relocation of George Road was the point of all the waivers and subdivision regulation continuances. Mr. Jaques said the Town agreement with him is settled and he is ready to have the whole thing settled. Ms. Lonske explained that the Planning board has done nothing to slow things down. The Board has been keeping track of applications in relation to three versions of subdivision regulations. She asked Mr. Jaques to please be patient another month or two. Mr. Barnard agreed that everything should be settled by January or February of 2011. Continuance was granted to January 5, 2011.

Subdivision Application for Sughrue portion of George Road relocation.

Alan Barnard showed a new map with boundary line adjustments, the entrance from North Shore Road, the new plan with one less lot, the easement for the road, and possible driveway access from upper George Road for some of the lots, particularly the Armstrong property. He said if all goes well, they will seek conditional approval at the January 5, 2011 hearing. Ms. Lonske noted that all the lots were calculated with the soils and slopes formula from the older subdivision regulations. Mr. Beno asked if Mr. Barnard had the details and was told not until January. Mr. Larochelle asked about Lot 3-1 on North Shore Road and the possibility of entering through the north side rather than so close to the North Shore Road junction. Mr. Barnard said it was possible and could be made a condition of approval. Mr. Larochelle said for practical purposes it would be better to get it away from the road junction. Mr. Beno agreed. Mr. Larochelle said another consideration is for Lot 3-4, the large Sughrue lot (about 11 acres); if access would be through the Armstrong lot with a right-of-way from George Road there could be a question of process. What is the sequence of boundary line adjustment between Sughrue and Armstrong and granting the right-of-way? Mr. Barnard said both would be done simultaneously. Ms. Lonske opened the floor to public comments. Mike Ethier asked if the new road automatically becomes a scenic road. Mr. Barnard said only if the Town holds a hearing to designate it. Don Franklin asked about runoff to North Shore Road from the new road. Mr. Barnard said it should not be different and noted it will be a gravel road initially. Much of the drainage goes over the slope west of the road. Discussion continued about culverts and storm water volume. Ms. Lonske noted that the drainage plan would be part of the Plan presented in January. Don Franklin asked about streams and wetlands. Mr. Jaques said the area is wet after a rain but dries out completely. Mr. Barnard explained that drainage to Sleepy Hollow that raised concerns came from upper Range Road where Poulos had been cutting. Mr. Larochelle said he was unsure about how the road would get developed. Typically with a subdivision approval there would be a surety on the road, especially Lot 3-3 which will need access. Mr. Dunklee said the agreement is to have a Class V-ready road through the Sughrue property. Mr. Barnard said that is not in the agreement. Mr. Dunklee said Mr. Sughrue had agreed to build a Class V road to the property line and the Town would build the rest. Mr. Barnard said Mr. Sughrue has paid for the engineering of the whole road but that they had changed the Plan to have a driveway instead of a road. Ms. Lonske said to tell Mr. Sughrue this is a strong concern. The Planning Board's understanding was that the developer would pay for a significant portion of the road. Mr. Larochelle said he could appreciate the developer wanting a different subdivision plan with better lots and it needs to be made clear what the Town's position is for the agreement. Mr. Dunklee said the impression that the Select Board has is that the road will be built by Mr. Sughrue up to the agreed boundary line. The Select Board meets tomorrow (12/2/10) and will discuss it. However, the agreement with Mr. Sughrue should not slow down the Jaques subdivision. Mr. Barnard explained that it does complicate the Jaques subdivision because the lots will not be complying if the Sughrue plan is not approved. Ms. Lonske said the topic will go to the Select Board the next evening and they will get back to Mr. Barnard. Continuance was granted to January 5, 2011.

Continuance of George Road proposed Utility Line Corridor.

Ms. Lonske asked Mr. Larochelle to report on the Site Walk 11/8/10.

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Mr. Larochelle noted that it is the purview of the Planning Board to protect trees and stone walls. There were stakes for proposed utility poles. The biggest issue appears to be at the north end by the Oedel property. Art Cummings said there didn't seem to be a need to disturb any trees or stone walls. There are about 12 poles total and he didn't see any issues except where Oedel would connect. Mr. Beno said he observed at the south end where poles 1-2-3 would require significant cutting or trimming. There was not PSNH representative on the Site Walk to answer questions. Mitch Manseau agreed with the others. Mr. Beno commented about prior cutting. Ms. Lonske said the Planning Board role is to hold a public hearing to allow issues to be raised. She questioned whether a vote is needed. The utility company deals with the Select Board. Mr. Larochelle agreed the Board's responsibility is to hold the hearing and the Board can make a recommendation to the Select Board. He asked Mike Ethier about the poles. Mr. Ethier said the pole was going to fly across the field, but the Oedel family doesn't want to see the wires. Solutions are to go underground through the field or take the wires to the other side. The request goes to the Select Board to grant permits for poles. Mr. Dunklee said the Select Board would need permissions from land owners to site poles or cut trees. They will post notice again for their discussion. He asked if the Planning Board approved the request. Ms. Lonske said no issues were raised. Mr. Dunklee requested a vote to approve. Ms. Lonske said the record would show the Planning Board has no objection by consensus. Mr. Barnard pointed out that they can't do any work without written consent. Ms. Lonske said the Board would need to see an actual Plan to approve. She asked whether it is only Oedel's consent that is needed. Discussion of the Town's responsibilities and powers ensued. Mr. Barnard explained about distribution of wood if trees are cut or trimmed. The utility company is required to notify owners when trimming trees and ask if they want the wood. Ms. Lonske called for a vote.

Roger Larochelle moved/Chuck Beno seconded a motion that seeing no unavoidable negative effects of the proposed Utility Line Corridor on George Road, the Planning Board recommends that the Select Board proceed with the permitting process. PASSED

Camp Wicosuta Site Plan Review

Alan Barnard presented a letter authorizing him to represent the application to add a director's cabin with access on Bear Mt. Road. As a condition of a previous approval for a minor update, he presented a completely updated site plan including more than two dozen improvements or replacements such as steps on several Bunks, playground and swing set, change of space in the Main House to a lounge area for counselors, storage shed relocations and similar features. A list was submitted for the file to supplement the labels on the Plan. The Board conducted a review of the checklist for the Application including the items discussed at the 11/3/10 hearing. Mr. Barnard had requested that if the application were accepted as complete it would also be considered for approval at this hearing. The Board agreed.

Roger Larochelle moved/Chuck Beno seconded a motion to accept the Camp Wicosuta Site Plan Review Application to add a director's cabin with access on Bear Mountain Road as complete. PASSED

Ms. Lonske opened discussion of the Site Plan for approval. Mr. Beno asked the location of the snowmobile trail. Mr. Barnard answered that it goes through the Bogart property now. As previously agreed, the new Plan includes all upgrades and installations since the 5/13/2008 playground installation which was not a big enough area to trigger a Site Plan Review. The Plan shows all buildings, storage units, gas tanks, etc. (see list on file). The current residence building will become staff housing. The proposed new cabin will be a 28 x 48 foot ranch-style building with a gravel driveway off Bear Mountain Road (permit on file). A pathway will connect the cabin with the Taj (staff housing building). Exterior lights at the cabin entrance will point away from the road. A letter from the camp director, Justin Dockswell, addressed Board concerns about potential issues raised at the 11/3/10 hearing. The

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vacated space in the current director's residence suite will be used by other staff. No increases in staff or the number of campers served or the season of the camp are planned. There will be no change of use. Ms. Lonske asked the Board for comments. John Dunklee said Camp Wicosuta has been a good neighbor and there is no reason to suppose otherwise. Mr. Larochelle said the motion to approve would need language to prevent any year-round residence or permanent residence. Ms. Lonske asked for public comments. Abutter Steve Derochea said he saw no problems. After some discussion about wording, Ms. Lonske asked for a motion.

Roger Larochelle moved/John Dunklee seconded a motion to approve the Camp Wicosuta Site Plan including a new director's cabin with access on Bear Mountain Road with the following conditions attached to the Building Permit.

- 1. An As-Built Plan must be submitted within one year of the Approval date of 12/1/2010.**
- 2. Use of the proposed building must be limited to that as permitted by zoning for the purposes of a Summer Seasonal Camp operation.**

PASSED

Informational for proposed acupuncture and wellness center in the Whip-O-Will Motel.

Jeff Gaudet presented the information that his wife is a doctor from China who is now a licensed massage therapist and acupuncturist who has been renting space at Lakes Region Chiropractic in Bristol. They would like to purchase the Whip-O-Will Motel and use one or two of the units for her practice. The Whip-O-Will has been in operation as a motel since 1957 and they would continue to operate the motel in the remaining rooms. There would be only a partial change of use with no land development or structural changes. One of the kitchenettes might be used to prepare herbal or nutritional foods for her patients. Mr. Beno asked if they will continue to operate as a seasonal motel if the massage/acupuncture office is open year-round. Ms. Lonske commented that for a Site Plan Review in the Lake District as per ZN-12 uses permitted include hotels with no more than ten rooms and small office buildings of no more than 3,000 square foot area. The question is whether the Planning Board can rule or whether this is a ZBA issue. If they do not see a zoning issue or the applicant does not go to the ZBA, can the Planning Board do a Site Plan Review for a change of use from a motel to a hybrid motel-office building? Ms. Lonske asked for Board comments. Mr. Manseau asked if the Purchase and Sale Agreement requires that they continue motel operations until the transaction is paid off and Mr. Gaudet said it does. Mr. Dunklee said it sounds as though both uses are allowed in Zoning, so it's just a change of use with no zoning implications. Mr. Beno asked if they are clear what exactly they want to do and with how many rooms. Is one room for acupuncture and one for massage? How much food will be prepared? Mr. Gaudet said they are not planning a restaurant or feeding many people, just herbal preparations or special meals. Mr. Beno asked how many rooms the motel has, and it is eleven. Mr. Gaudet said they would probably take one of the bigger motel rooms for therapies and maybe use one more. Mr. Dunklee said an application would need to be specific. Mr. Gaudet said they would state two rooms for acupuncture and massage and if anything else came up they would come back to the Planning Board. Ms. Lonske returned to the question of zoning and asked if there were other Board comments. Mr. Beno said if it is a change from an approved use to an approved use it would seem to be okay as long as the use is clearly defined and it is for acupuncture and massage, not a hardware store or other facility. Mr. Larochelle said they are still renting space but for shorter times. The Planning Board concerns are traffic, frequency, parking and whether the changes will affect volume. Mr. Gaudet said he doesn't foresee an increase of traffic. Mr. Manseau said he didn't feel he knew enough about whether there are zoning implications. Ms. Lonske suggested that Mr. Gaudet approach the ZBA for concerns. She opened the floor to public comment. Nancy Howard, an abutter, asked if the Gaudets plan to live on site. Mr.

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Gaudet said he is not planning to. If they buy the property they might want to build a house on the hill. He has two other properties that are very nice. Bob Martens asked if they would operate the motel year-round. Mr. Gaudet said they would prefer to keep it seasonal from May to October but they would have to comply with the Purchase and Sale agreement. Sue Martens asked about signage for the new use. How many things could be added to the sign? Mr. Barnard noted you can't have multiple uses on a property without a variance, but they must have a negative decision from the Planning Board to appeal to the ZBA. Steve Derochea commented that massage is within the normal operations of a hotel, like spa services. Looked at that way, there is no change of use and therefore no issue. Mr. Barnard said you can let them make it part of the operation of the motel, as Steve said. It's just a benefit of the motel, like a spa. According to zoning, they could not build a separate residence on the same lot, as that would be two primary uses. Recent precedent and legal opinion has made that very clear. However, they could maybe add on to the motel for manager's quarters. He also observed that massage and acupuncture are services provided to individuals and each motel unit has two parking places, so they would probably use less parking for treatments. Ms. Lonske asked for abutters' opinions. Nancy Howard said a spa goes along with a motel but she is not sure about acupuncture. Steve Derochea said it is a great idea to add something to your business to draw people in. Ms. Howard asked how long an acupuncture appointment takes. Mr. Gaudet said his wife takes an hour to an hour and a half for her intake interview and diagnosis, then an hour or less for treatment. She is still only doing it part time as she is recovering from a bad car accident. Mr. Derochea said he agrees wholeheartedly that as a part of a motel it's not a change of use; it's not like a strip mall. Mr. Dunklee said in all the hotels and motels when he travels, there are hair salons, gift shops, and spas as amenities. Mr. Larochelle said it is important not to get hung up on dual use as in a prior case of two primary uses. This application would merit Site Plan Review for parking, signs, lighting, landscaping, etc. Mr. Manseau said he had no opinion. Mr. Beno agreed with Mr. Larochelle that it's a change of use that could grow and develop to renting space for services rather than operating as a motel. Look at it from a Site Plan Review perspective. Ms. Lonske told Mr. Gaudet that to get on the agenda for January 5, 2011 hearing they will need to submit the application, which he already has, abutters list, check, vicinity sketch, parking, office location, signage, lighting, written authorization from the current owners to discuss the property, statements of no structural or construction requirements, and anything else on the Site Plan Application checklist. She granted permission for Mr. Gaudet to request an inspection and letter from the Fire Chief. Mr. Gaudet thanked the Board and left.

Master Plan Vision Statement

Ms. Lonske reviewed the statement and asked every Board member and member of the public present to read the statement one more time. Mr. Larochelle had one question about wording, which Ms. Lonske said was how the sentence was phrased in the prior statement so she kept it. Nothing was changed.

Chuck Beno moved/Mitch Manseau seconded a motion to adopt the updated Master Plan Vision Statement as presented. PASSED

Other Matters

Ms. Lonske talked about the timing of zoning changes and noted that only the Conservation Commission had responded to the request for suggestions of possible zoning changes to include a definition of vernal pools. The Planning Board wants to change the definition of a marina to clarify it and make it a better sentence. The Board consensus was to use the State version as the suggested definition and propose that as a change.

Alan Barnard and Mike Ethier showed the Board additional maps of Hickin Road and Mr. Barnard showed the secretary where minutes of the pertinent Planning Board hearings were filed.

9:43 PM John Dunklee moved/ Chuck Beno seconded a motion to adjourn. PASSED

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SUMMARY OF MOTIONS

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