



Town of Hebron

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Hebron Planning Board APPROVED Minutes of Hearing 5/3/06

Members Present: Chuck Beno (alternate), Dick Cowern (Selectmen's rep), Roger Larochelle (chair), Curtis Mooney, Martha Twombly (alternate) and Sheila Oranch (secretary)

Others Present: Juli Pruden, Alan Barnard, Mike Ethier, Joe Wilson, Paul Sughrue, Stanley Jackson Jr.

Time Convened: 7:00 PM **Time Adjourned:** 10:35 PM

Next Meetings: 5/15/06 zoning updates final presentation, 6/7/06 monthly hearing

Agenda:

1. Approve minutes of 4/5/06
2. Administrative Matters
3. Continuance of Jaques ET AL subdivision and boundary adjustment applications
4. Informational on Six Chimneys property, Route 3A
5. Update on Hebron Country Estates III and road bonding
6. Update on Convex LLC and road bonding
7. Any other matters that come before the Board

Roger Larochelle asked alternates Chuck Beno and Martha Twombly to step up to voting members, as Ellie Lonske and David Wall were not present.

The Board deferred approving the minutes of 4/5/06 as some of the notes had gotten jumbled. Martha Twombly and Sheila Oranch volunteered to straighten them out for review 5/15/06.

Continuance of Jaques ET AL subdivision and boundary line adjustment applications

Alan Barnard continued with discussions of the remaining subdivision applications, as the first two lots had been conditionally approved at the 4/5/06 hearing. He requested continuance of the applications so the new Highway Supervisor, Roger Bedard, can get up to speed on the situation.

Chuck Beno moved/Dick Cowern seconded granting a continuance of Jaques ET AL subdivision and boundary adjustment applications to the 6/7/06 hearing. PASSED

Alan Barnard then said he would discuss the remaining four subdivision applications but would not request any approvals at this time. He had new information on these four lots because the profile of the new road's junction with North Shore Road has changed. He showed magenta lines

over the original green lines for the updated road designs. A grade of 12.9% had been proposed on the 1999 plan, about which the Board had expressed concern. If they make the new road go off North Shore Road and curve right, it would increase one lot and reduce another, and maybe create another lot. He showed a 150 foot radius road curve which reduces the grade overall to 10%. The curve will result in a road junction rather than a straight road, will create a negative slope at the junction and leave the rest of the road up at a 4.9% grade. He still has to confirm they can meet the rest of the requirements for all the lots. He had presented the new road plan to the Selectmen and said it was well received. He had met with the State representatives and they were also receptive, as long as the Town has the ability in the future to continue the new road. Both Town and State officials want the Right-of-Ways in place for the future and if/when the new road is built the old road junction with North Shore Road must be gated in some way. Also, the State wanted and Paul Sughrue agreed to do, a profile of his land from North Shore Road to George Road to demonstrate that the proposed new road would be buildable. Paul will continue the profile all the way but will not construct beyond his own road, only will grant the easement. There is no need for a temporary turn-around or a road turn radius waiver with the new design.

Chuck Beno asked for confirmation that the future road plan beyond Sughrue's has not changed.

Alan Barnard said that is correct. There may still need to be some blasting, depending on terrain.

Chuck Beno asked if the State is going to require blasting to create a 300 foot line of sight.

Alan Barnard said Paul Sughrue will be doing that as a condition of the State permit to build the road to his subdivision. The Selectmen will want a letter on file stating Paul's intent to build his road to Town standards.

Roger Larochelle asked for discussion and public comment.

Chuck Beno said it looks pretty good, especially with the junction and curve, which will slow drivers down coming out onto North Shore Road. He asked Mike Ethier how much it will cost the Town to build its part of the road.

Mike Ethier said it is about 1200 feet at about \$150 a foot with blasting. It depends on what we find, and how much blasting is actually required.

Chuck Beno said it seems the Town could get that on a warrant article a vote to start fund raising for the work at any time.

Roger Larochelle asked about the driveway for Lot 2-1. Although the property has frontage on North Shore Road and could have a driveway there, why not come off the high side of the lot and access it from the new road?

Alan Barnard said it is quite a drop there.

Roger Larochelle pointed out that it is only 100 feet from the proposed intersection. Is it safe?

Alan Barnard said you can even do that on a 50 mile per hour road. Usually, if you are near an intersection, traffic is slowing down anyway. He will have the engineers address the safety issue and ask them for a recommendation.

Roger Larochelle expressed concern about left turners when traffic is coming over the hill.

Alan Barnard said he will expect the Planning Board to require an engineering review overall and this would be included. He said he and Paul Sughrue were talking about maybe building on the high sides of the lots, which would take the development away from the main road.

Martha Twombly asked why George Road would have the intersection instead of the subdivision road.

Alan Barnard said it's a matter of slopes and safety engineering. You can still call the whole thing George Road.

Martha Twombly questioned if George Road is a scenic road, whether the new part will have restrictions on what can be done.

Alan Barnard explained that the scenic road designation only protects the owners from utility companies and the Town. It was instituted in the seventies to get Town Road Aid. Since then, the State has added stone walls, etc. to the protections. The owner can cut trees or do whatever, but the Town would need hearings to do anything.

Roger Larochelle said the new section would not be designated as scenic unless there was a Town vote to do it.

Curtis Mooney said the proposed design is a little odd but may be a good idea for safety purposes.

Alan Barnard said he will take a look at whether George Road can be a sharp curve and the subdivision road can have the stop sign.

Mike Ethier commented about having the stop sign on George Road. Being a contractor with a dump truck coming down, that stop and a sharp turn would be a real challenge. Consider the 18 wheelers also making that turn. He gave examples of other places where it is challenging.

Roger Larochelle asked about the slope at the junction proposed for George Road and the subdivision road.

Alan Barnard measured and gave a guess about how high the road will have to get. He asked what is the will of the Board.

Curtis Mooney said they need some input from George Road residents and information from the engineers. He has no opinion otherwise. The stop there may be a good thing.

There was some general discussion about other intersections in town, such as up Hobart Hill Road.

Roger Larochelle said part of the feedback for Paul Sughrue when a waiver was being requested was that the Planning Board could make it a condition that he build the road as far up the hill as possible. If there is no waiver, the Board has no leverage to ask that, but it would be a benefit.

Paul Sughrue said when we get the plans more developed we will do as much as we can without spending too much. Mike Ethier can certainly grade the beginning so the Town can get a good bid. With two lots up there to build on, it may make sense to take both driveways off up the new George Road and build up high away from North Shore Road.

Roger Larochelle and Alan Barnard discussed where Armstrong could put his driveway relative to the proposed new road.

Martha Twombly said it's nice to acknowledge Paul Sughrue's effort to accommodate the Board's concerns about the road.

Paul Sughrue asked for clarification of whether he would need Town approval to cut trees. The answer was no. The land owner only needs to have a logging permit if it is above a certain amount.

Alan Barnard said he is still looking into documentation of the easement for North Shore Road.

Roger Larochelle asked Paul Sughrue for clarification of where he wants to put the stone wall.

Paul Sughrue said he intends a big stone entrance to the new George Road at North Shore Road.

Roger Larochelle said he likes the intersection concept.

Alan Barnard said Paul Sughrue has lived in Hebron 25 years and doesn't want to get yelled at every time he goes into the store because someone gets hurt on his new road.

Roger Larochelle said he agrees with the State about closing off the old George Road to the public after the new road opens.

Alan Barnard talked about his talks with David Jaques on that subject, which are inconclusive.

Roger Larochelle asked Paul Sughrue if he will call the new subdivision some new name.

Paul Sughrue said yes, but he is not sure what yet.

8:25 PM

Informational on Six Chimneys property, Route 3A

Juli Pruden submitted a letter from the owner, Lee Fortescue, authorizing her to apply for approval of a site plan to have a bed and breakfast at the Six Chimneys property. (on file) Juli explained that she has engaged Alan Barnard to help with the process and they have a division of labor. She gave the Board members copies of a description of intended use of the property. Alan Barnard displayed a couple of photos of the house showing entrances/exits and elevations. The Board took a few minutes to read the description, and then Alan displayed the survey map. He asked if anyone on the Board knew if the little stream going down the southern boundary is a Designated Brook. Members of the Board said yes. Alan said he would check into it. It might be Stony Brook and it has a four foot stone culvert under Route 3A, so that is plausible. Alan confirmed that the two parts of the lot on the map were previously merged into one lot with a right-of-way for the road up the hill. He said where everything on the plan is existing and the place had functioned as intended for ten years, and there is no excavation needed, the Board should not need a 2 foot topographical map. The photos show the layout of the area around the house as fairly level. They will ask for a waiver of that item. The Board can accept the pictures because everything is existing and there are precedents. For parking, there are existing places for up to 18 vehicles, some on pavement and some on lawn. At least six can park on pavement. Is there any need for more paved places for only six rooms? The regulations only say parking should be adequate but do give any specifics.

Roger Larochelle said there is a concern where in the intended use description it includes functions of up to 200 people. Where would they go?

Juli Pruden said that's where the idea of a parking shuttle comes in. When there are functions, the invitations would specify that there will be a shuttle and the vehicles will be parked off-site.

Alan Barnard said if you have over 50 people you would need a Gathering Permit approved by the Selectmen who could then oversee where parking would be handled. There are other areas for some parking down by the barn and up behind the house where some cars could park.

Chuck Beno said if the use will be a traditional B&B there is no issue. If you are contemplating 200 people, we have to consider all aspects of handling the event. For example, his family had 200 guests at their daughter's wedding at Meadow Wind B&B and they had to deal with parking for it.

Juli Pruden said it is not often that any B&B has a 200-person event. Alan Barnard had suggested that she include anything she could imagine might occur.

Alan Barnard said it should not be an issue for an occasional event, just as the Board did not go back and pull the Meadow Wind B&B's license because they hosted a wedding. Juli is just being up front about her hopes and what may someday happen.

Chuck Beno said it would be helpful to have a site walk.

Juli and Alan said that can be arranged with Lee Fortescue. There was some discussion about the barn. Alan measured it at about 44x38. Alan said the plan for exterior lighting is that it will be the same. He will take pictures of the lighting fixtures. Same with the sign. He already has the spot elevations and grades.

Roger Larochelle said they will do a site walk after they accept the application.

Alan Barnard asked about timing for the application and site walk. Juli would like to get on the June 7th agenda and get an approval, as it is part of her contractual obligation for closing on the property to have specific dates.

Roger Larochelle explained the usual timing is to accept the application one month and hold the hearing the following month, although they can both be done at the same time if notices are sent.

Alan Barnard asked if all went well June 7th, could approval be granted at a session mid-month.

Juli Pruden asked if it could possibly be approved by July so she could open for the summer.

Dick Cowern said it is pretty simple, no construction or excavation, Lee and Peter had no problems and abutters never seemed to have a problem.

Curtis Mooney said he agreed that it doesn't seem problematic, although you never know what might happen.

Juli Pruden asked for clarification of the date by which all materials would need to be submitted in order for the Board to hear the case June 7th. Discussion rendered May 15th as a likely target.

Chuck Beno said most optimistically if they hear it June 7th, a final decision is possible in July.

Roger Larochelle said the Planning Board could consider approving the same day if no abutters or others have any objections.

Alan Barnard said technically if the application is accepted June 7th the Planning Board must give a decision within 65 days, although it could go faster. The Board could conditionally approve the application if the conditions were minor. Does the Board need feedback from the Fire and Police?

Roger Larochelle said from the Fire Chief at least, septic approval for sure, police can be later.

Martha Twombly asked about kitchen approval.

Juli Pruden said that is a State licensing issue.

Alan Barnard asked about the possibility of a site walk 5/15/06 before the next hearing.

Curtis Mooney said he doesn't need one, as he has been there many times.

Roger Larochelle said others may go individually, if any feel the need, rather than the Board going as a group, which would need to be posted as a hearing.

9:03 PM

Update on Hebron Country Estates III and road bonding

Alan Barnard asked the Board to change the order of the agenda to hear the Convex LLC update first. As there were no objections, Roger Larochelle agreed to the change.

Update on Convex LLC and road bonding

Stanley Jackson Jr was represented by Alan Barnard. Alan showed the updated road plan and said it was verbally approved by Bruce Barnard while he was still Highway Supervisor. He had a wetlands impact study for the file. He has all the State approvals in place. He showed the culvert and crossings of wetlands for proposed driveways. He walked the Board through all the license and approvals and reviewed the conditions of approval.

Roger Larochelle asked about bonding on paving the road.

Mike Ethier spoke out against paving a road before construction of all the houses is done, as that destroys the new road. Where the Convex subdivision is so flat, there is no danger or risk. The Board could take a bond that the road will be paved after the final lot is built.

Roger Larochelle led a discussion on the bond and how the value would be established.

Curtis Mooney said get a price on building the road and take a bond on that amount.

Alan Barnard suggested that the Board take a lien on the last lot.

Curtis Mooney said that previous Boards had not wanted to get involved with that.

Dick Cowern discussed some aspects of bonds and how they are set.

Mike Ethier said he gave Convex LLC a price of about \$55,000 plus the cost of paving. He does not do the paving.

Chuck Beno said let's just say hypothetically the Planning Board deviated from its usual process. Three or four lots are built and something happens to prevent the final lots being built. Would the owners have recourse to the Town to finish the road?

Dick Cowern said it is what the Board is comfortable with. A road doesn't become a Town Road until it is completed and accepted by the Town.

Curtis Mooney said he wants them to have recourse to the developer.

Alan Barnard said the regulations say the Planning Board can do it a variety of ways. What you need is a form of "surety" and it doesn't have to be a bond.

Martha Twombly suggested checking with legal counsel because Mike Ethier has some good points. What you do want is to have a road that holds up and protects the water ways. Bonds work.

Alan Barnard said you can determine the type and amount of surety and the Selectmen vote to release it after everything is done.

Roger Larochelle asked Mike Ethier for clarification of how bonding the road works.

Mike Ethier explained that when a developer doesn't have the money to build a road, the contractor is asked to put up a bond and then is stuck with the bond until all the other contractors finish their work and the road is accepted and the bond is released.

Chuck Beno described how the Board could accept the first two lots as surety and when Stan sells the lots he constructs the road and puts money in an escrow account for paving it later.

Stanley Jackson Jr. said he can see it could work better to release the first two rather than the last two lots. He has at least one buyer who would want to see more construction done before paving.

Chuck Beno reviewed the bonding process again.

Martha Twombly restated the discussion and asked if they could work from the inside out instead of from the road entrance first.

Roger Larochelle and Alan Barnard agreed that Stan couldn't sell the inside lots until the road is built but it doesn't need to be paved yet.

Mike Ethier said bonding companies are running scared since the hurricanes and all. The paving is always the big issue for the bond holders.

Chuck Beno said partial releases and letters of credit work, too.

The Board discussed precedents and a variety of ways the request could be handled.

Alan Barnard suggested that the Highway Supervisor should inspect the road periodically.

Roger Larochelle asked Curtis Mooney to discuss bonds versus other sureties.

Curtis Mooney said cash or bond is most certain and most prior Board members had particulars about it.

Stanley Jackson Jr. said he has wanted to be up front about his intention to build five lots, rather than say it will be three lots and not need a road.

Roger Larochelle said there has to be some Surety. The motivation to put the road in is clear but doesn't assure it will be built to Town standards.

Alan Barnard said SD-16 allows the Board to approve only two lots and not approve the remaining three lots until the road is completed.

Roger Larochelle said by bonding you are trying to avoid the road being half built.

Alan Barnard said he could sell the first two lots with just the road that is already in place.

Curtis Mooney said that is not in the spirit of the plan presented. He is disgusted to be hearing this.

Alan Barnard said he was just showing that there are options.

Roger Larochelle said what if one lot sold and cash could be put in an account for further development.

Dick Cowern said if there is no Surety and the rest of the subdivision is not built, the Town gets stuck with a piece of land that can't be used.

Alan Barnard and Mike Ethier said if he only sold the first two lots and one is released it is no risk.

Roger Larochelle said this is an area in which I do not have experience. What would make sense?

Stanley Jackson Jr. said what additional Surety would be needed if one lot is released? The front lots have road frontage.

Alan Barnard said you can't occupy a house until the road is completed if there is no frontage.

Curtis Mooney said the other item that came up in the past is that one contractor's quote might not be the same as another's.

Stanley Jackson Jr. said he got another quote and it was almost exactly the same. He thought the Board would want that.

Mike Ethier said the Board can hold the lots until the paving is done but not require a bond.

Alan Barnard said they could separate the part Mike Ethier does from paving and save out money from each sale toward paving. If Stan sells four lots and they want to move in, he has to come up

with the money for paving. Give Stan direction on what the Board wants, then we can come up with the paperwork.

Chuck Beno said the subdivision regulations require the Board to require the developer to provide Surety to protect the Town.

Roger Larochelle said it makes sense to separate the road construction from paving, release a couple of lots and have the cost of paving set aside from the first sale. Then they can release additional lots. It is only \$55,000 to build the whole road minus the paving.

Martha Twombly said it sounds like a reasonable alternative.

Curtis Mooney said it sounds reasonable.

Roger Larochelle asked for Surety from Mike Ethier for construction of the road, then release two lots and the money from the first sale goes into an account for the paving.

Curtis Mooney said it would be good to have written quotes on letterhead for the construction.

Martha Twombly said also get quotes for paving to have in the file.

Alan Barnard said you get better prices when you get both and try to combine with other jobs. The Board can require 10% above the bids for contingencies.

Roger Larochelle asked if it is appropriate to use Stan's quotes to set the Surety or does the Board have to get its own quotes.

Alan Barnard and Chuck Beno both said that wouldn't be appropriate for the Board to get quotes.

Stanley Jackson Jr. said he has quotes for both the building and the paving, although they are not detailed. Dennis Prescott wrote his on the back of his business card.

The Board discussed calculations for the Surety.

Chuck Beno said the developer should get two written quotes for paving.

Stanley Jackson Jr. said he went to 4 pavers and got 2 written quotes within a couple of thousand dollars of each other.

Roger Larochelle suggested \$60,500 Surety on the road construction.

Stanley Jackson Jr. said he will give the Board the quotes he received for the file.

Chuck Beno said to set a precedent, request three bids and accept two of them.

Roger Larochelle clarified that the Board will release two lots and after the first sale will release the other lots when Surety for paving is in place. He reviewed the process as follows.

1. Get the quotes from the developer
2. Get \$60,500 Surety for road construction (which Mike Ethier will put up)
3. Release the first two lots
4. When the first lot sells, Surety for the paving will be set aside
5. Release the rest of the lots once Surety is in the bank

The Board discussed the overall process with all involved.

Chuck Beno gave advice about how to get a line of credit from the banks.

Roger Larochelle called for someone to move the question. There was discussion about the wording of a possible motion.

Curtis Mooney asked if the road never gets built, if Lots 1 and 2 would be non-conforming.

Alan Barnard said the road will already be built except for paving so that wouldn't be a risk.

Curtis Mooney moved/ Chuck Beno seconded to table the discussion of Convex LLC road bonding and/or Surety until after the Board is given written quotes. PASSED

Roger Larochelle said the Board can take it up after the 5/15/06 zoning hearing.

10:38 PM

Update on Hebron Country Estates III and road bonding

Alan Barnard reported on the completion of the road and asked for Roger Larochelle to sign the maps after the other business of the Board was completed. The following night the Selectmen would review the Deed for Valley View Road. There is a small punch list, about \$5,000 worth, from Highway Supervisor inspections. Andrews Construction needs the first bond released to do the next phase. He will roll the punch list into that work. They will use the same procedures as previous phases. Two State agencies are contending about the remaining requirements for verges. Andrews has to put up the next bond to assure completion of the road. Alan just wanted permission to give the quote directly to the Board so it can set the amount of the Surety. Permission granted.

10:35 PM

Sensing the agreement of the majority, the chairman declared the meeting adjourned.

SUMMARY OF MOTIONS:

Chuck Beno moved/Dick Cowern seconded granting a continuance of David Jaques' subdivision application for Tax Map 7, Lot 49-7 to the 6/7/06 hearing. PASSED

Curtis Mooney moved/ Chuck Beno seconded to table the discussion of Convex LLC road bonding and/or Surety until after the Board is given written quotes. PASSED