



Town of Hebron
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Hebron Planning Board

Minutes of Public Hearing

September 7, 2011

These minutes may be amended at a future meeting. Any changes will be included in the minutes of that meeting.

Board Members Present: Ellie Lonske (Chair), Roger Larochelle (Vice-Chair), Chuck Beno (Member), Mitch Manseau (Member), Curtis Mooney (Selectmen's Representative), Kathleen Kearns (Alternate)

Others Present: Ronald Ward, Stephen Derochea, Don George, Alan Barnard, Bruce Barnard, Martha Twombly, Steve Whitman, Boyd Smith, Dan Sundquist, Diane Burbank (Secretary Pro-Tem)

Time Convened: 7:00 PM

Time Adjourned: 9:15 PM

Next meeting: October 5, 2011

Agenda:

1. Administrative Matters and Announcements.
2. Review Minutes of Prior Meetings for Additions, Corrections and Adoption.
3. Site Plan Review for Camp Wicosuta to build a new dance hall, relocate and convert present dance studio to an activities building, and construct a tennis wall with an enclosed fence.
4. Scheduling of Site Walk in matter of Sughrue/Blinn Subdivision and George Road Relocation.
5. Any Other Matters That Come Before the Board.

Administrative Matters and Announcements: Ellie Lonske, Chair, called the meeting to order at 7:00 PM and introduced members of the Board.

Chuck Beno moved and Curtis Mooney seconded a motion to adopt the minutes of August 3, 2011. Motion passed unanimously.

Site Plan Review for Camp Wicosuta: The public hearing had been noticed and abutters were notified. Alan Barnard presented the application materials and photos of the proposed site, and the Board confirmed that all necessary items were included. A waiver was granted for Item G regarding existing and proposed grades as Mr. Barnard stated that the ground is prepared and the site is less than a 2' grade requiring no major excavation. A building permit will be applied for upon approval of the application. **Chuck Beno made a motion to accept the application subject to the waiver of Item G, and Curtis Mooney seconded the motion. The motion passed unanimously.**

Mr. Barnard then explained that the original planned footprint of the new dance hall was 32' x 64' and 22' tall. He is requesting approval for same although it may be modified to a smaller 30' x 60' structure. There will be no restrooms or utilities in the building. Lighting will be downcast at ingress and egress of the building. Landscaping will be grass and mulch as currently used at the camp. The existing dance studio will be converted

to an activity building and moved 10' away from the water tank building. Although this is less than the 25' usual requirement for fire safety, Hebron Fire Chief John Fischer has approved the construction since the water tank building is unoccupied. Mr. Beno asked Mr. Barnard about the number of entrances, fire suppression and parking considerations. Mr. Barnard stated that there would be two points of ingress and egress, front and back. The fire pond and swimming pool are close by, and no sprinklers or smoke detectors are required in the small building. No additional parking is needed. Stephen Derochea, an abutter, asked whether the new building would be on sonotubes or footings. Mr. Barnard replied that the existing building will be moved to sonotubes and the new one built on frost walls. There being no further questions and no objections from abutters, **Chuck Beno made a motion seconded by Roger LaRoche to approve the application as submitted. The motion passed unanimously.**

Sughrue/Blinn Subdivision and George Road Relocation: The matter will be continued at the site walk scheduled for Tuesday, September 13, 2011 at 4:30 PM.

Any Other Matters That Come Before the Board: Chair Lonske addressed a matter of illegal excavation by Michael Ethier of Double E Land, LLC, recently referred to the Planning Board by the Select board. Curtis Mooney, selectmen's representative, explained that Mr. Ethier has repeatedly ignored a 2008 cease and desist order regarding excavation without a permit at his 157 Cooper Road and Hickin Road properties. On August 19, 2011, when a permit application was finally submitted, he was advised that the excavation would require additional wetlands permits from the State. Mr. Ethier contends that the excavation is grandfathered due to the existence of a prior gravel pit and is only incidental to a subdivision not an active pit, facts disputed by the Town. Town Counsel has drafted motions allowing the Planning Board to enforce the ordinance through legal recourse. Discussion ensued. Mr. LaRoche proposed that Chair Lonske be authorized to proceed with the first two motions, but return to the Board for approval of future action if necessary. Mr. Mooney proposed the following:

Motion 1. The Hebron Planning Board will issue a cease and desist order, as drafted by Town Counsel, regarding non-permitted excavation activities ongoing at properties owned by Double E Land and/or Mike Ethier at 157 Cooper Road, Tax Map 8, Lot 6, and at Hickin Road, Tax Map 8, Lot 5. The motion was moved by Curtis Mooney, seconded by Mitch Manseau and unanimously approved.

Motion 2. If the cease and desist issued by the Board pursuant to the previous motion is not fully complied with, the Planning Board is authorized to file a Petition for Preliminary and Permanent Injunctive Relief and Damages against Double E Land and/or Mike Ethier, as drafted by Town Counsel. The motion was moved by Curtis Mooney, seconded by Ellie Lonske and unanimously approved.

Chair Lonske will send the letter by certified, return receipt mail and also have it hand delivered to Mr. Ethier. Penalties will begin upon Mr. Ethier's receipt of this cease and desist order if Mr. Ethier does not comply.

7:45 PM: Work Session regarding Zoning Ordinance changes: Steve Whitman of Jeffrey H. Taylor Associates, Dan Sundquist of the Forest Society and Boyd Smith of the Newfound Lakes Regional Association presented information as a follow up to the June 20, 2011 Joint Work Session with the Conservation Commission. In regard to "Highly Erodible Soils", Mr. Whitman presented a town wide map showing multiple zoned areas of highly erodible soils in Hebron. He suggested that if a subdivision permit were applied for within one of these areas, a more extensive "Order 1 Soil Survey" could be required to determine restrictions on the land use. Currently town ordinances prohibit construction on slopes over 25%. Discussion ensued regarding the necessity of limiting disturbances on 15%-25% grade slopes. A distinction must be made between what area qualifies as usable area vs. what regulations are required on highly erodible soils within that area. Mr. Sundquist noted that there are variations within the identified zones and that there could be inclusions of other soils of up to 2 ½ acres in an Order 1 Soil Survey. Bruce Barnard spoke about other factors such as soil content, permeability, water velocity, and cumulative development that affect erosion. Mr. LaRoche pointed out that if we require a soil survey in site plan reviews and subdivision regulations, it could always be waived

during the review process. Mr. Beno said that the cost of such a survey could be substantial and might only be a consideration for major (more than 3 lots) subdivisions and not minor ones.

Discussion then turned to riparian buffers based on the actual topography of land adjacent to streams. Boyd Smith explained that riparian buffers are zones designed to protect surface water from contamination. Dan Sundquist presented a CWP (Centers for Watershed Protection) map which would determine land usage allowance and buffer requirements according to a designated stream order. Variables such as stream order number, wetlands, steep slopes and highly erodible soils can be used to determine the required size of the riparian buffer. He suggested riparian buffers of 75' to 125'. Current town ordinances specify buffer zones of 50' feet for all named streams. Mr. Sundquist noted that requiring riparian buffers based on variable factors is a feasible, economic approach for small towns. The focus is on what you cannot do, rather than on what you must do. Mr. Sundquist noted that there are some limited uses within each buffer zone, such as recreational and forest management use, i.e. all use is not strictly prohibited. Chair Lonske stressed that riparian buffers are most essential in areas most likely to be developed. She added that the Board must be able to defend its recommendations. Is there enough development in these areas for the Conservation Committee and Planning Board to justify the tiered plan as a zoning change? At a minimum, the group agreed to add to the number of protected streams by extending the current 50' requirement to streams named in the CWP map. Ms. Lonske thanked the experts for the valuable information presented.

A motion to adjourn was then made by Roger LaRochelle and seconded by Mitch Manseau. The motion passed unanimously and the meeting was adjourned at 9:15 PM.

Respectfully submitted,

Diane Burbank, Secretary