

Hebron Historic District Commission

Minutes

October 15, 2007

Joint Meeting with Hebron Planning Board

DRAFT

The joint meeting of the Hebron Historic District Commission and the Hebron Planning Board was called to order at 7:05 p.m. by Planning Board Chair, Roger LaRochelle. Present were Historic District Commission members, Alan Barnard, Andrea Goldthwaite, John Dunklee and alternate Betsy Towmbly. Absent from the Commission were Anne Bryan and Nancy Sycamore. Also present were Planning Board members, Roger LaRochelle, Ellie Lonske, Tom Gumpp, Charles Beno, Dick Cowern, David Wall, and Martha Twombly. Present in the audience were David Goldthwaite, Roger LaFontaine, Suzanne Smith, Elaine Crandall, and Jane Ramsay, secretary to the Hebron Historic District Commission.

The joint Boards continued the hearing (from October 2, 2007) and site plan review for Elaine Crandall (24 North Shore Road, Map#17 Lot #17) who proposes to have a seasonal (July 1 to Oct. 31) retail business (antiques/vintage) part time (Thursday, Friday, Saturday from 11 to 5 or by chance) in her barn. Alan Barnard stepped down from the Historic District Commission because he has recently done some work with Ms Crandall on her map and proposal. Vice Chair Andrea Goldthwaite took his place. Alternate member, Betsy Twombly, was made a voting member of the commission. There was a quorum of voting members present. Alan Barnard and Elaine Crandall explained the proposed entrance and exit to the parking area on the left side facing the barn. There will be 9' by 18' spaces for 5 cars. It was explained that Ms Crandall will park her car in one of the spaces when the shop is open. To neaten the edge of the shoulder by North Shore Road, ledge patch of a similar color to what is there now will be put down by a company named "The Gravel Doctor." The Gravel Doctor will be responsible for drainage, DOT permits and any other permits necessary. The field will be kept a field and the well, as shown in the map, is away from the parking area. Signs designating the entrance, parking, and exit will be placed when the shop is open. There will also be a 30 by

40 inch "OPEN" flag which will be flown during business hours. Ms Crandall presented the 8 ½ " by 14" parking signs and a sketch of the 16" by 24" oval, green and white "The Old Parsonage Circa 1840" sign which will be located on the barn to the side of the barn door. She also presented letters of approval from the Fire Chief, John Fischer and Health Officer, Dan Merritt. For safety reasons, the stairs to the loft in the barn will be blocked off when the shop is open. It was asked if Ms Crandall expected to do business over the internet, which would lead to increased shipping and delivery vehicles. She said she had not considered doing more than a hobby type business and would only be using the internet in rare cases, if at all.

Ms. Crandall asked if she could get approval for a future roof re-shingling project. She hoped to match the existing color of the shingles, but due to their age, had not been able to do so. She hopes to do the work sometime in the spring of 2008. She also asked for permission to paint the gingerbread trim under the eaves on the front of the barn (the trim is presently white) dark green to match the barn doors so the intricate "C" design will stand out. The Commission felt a public hearing should be held before any decision could be made. Ms Crandall will have to make a new application, with the appropriate fees included, to address the shingle color and trim issue.

Andrea Goldthwaite reviewed the issues Ms Crandall had to address before approval could be given to her proposal and said she had answered the requests to: 1. Present an updated site map showing the parking and well. 2. Show the location of the sign on the barn.

3. Show the temporary parking signs and 4. Give the flag size.

A motion was made by John Dunklee and seconded by Betsy Twombly to accept the proposal as complete and to approve the proposal as presented by Ms Crandall. The vote was unanimous in the affirmative. The decision of the Commission stated, "The following motion was approved by the Hebron Historic Commission: To allow Elaine Crandall to have a seasonal (July 1 to October 31) part time (Thursday, Friday, Saturday from 11 to 5 or by chance) retail business (antiques/ vintage shop) in her barn at 24 North Shore Road in the Historic District. The entrance, parking for 5 cars, and exit, as shown on the site plan and approved by the Department of Transportation will be designated by signs which will be displayed when the shop is open. There will also be an Open flag (30" by 40" displayed during business hours. The green and white oval sign placed to the side of the barn door will say, "The Old Parsonage Circa

184o." There will be no other changes made to the outside of her building unless approved by the Hebron Historic District Commission after another application is presented."

John Dunklee moved and Betsy Twombly seconded the motion to adjourn. The vote was in the affirmative. The meeting ended at 7:45 p.m.

Jane H Ramsay, HDC Secretary

Ridgewater Commons

Roger said the appeal is still pending. He stated that the appeal will go before the ZBA so they can make a determination of their jurisdiction, then it will proceed to Superior Court.

Ellie Lonske asked about the status of the first case. Roger Larochelle stated that while the Superior Court heard arguments about a month ago, there was no decision yet. Roger said he would send copies of the arguments to the Planning Board members. Jane Ramsey said that the ZBA would take up the appeal at their October 16 meeting. David Wall asked if the ZBA decision was contrary to the Planning Board's, would it obviate the decision. Ellie suggested asking legal counsel when the time came. Roger suggested waiting for the ZBA to make a determination regarding jurisdiction. Martha Twombly reported that her husband Mark was working with an attorney with the firm who is representing the Delaney's project. Mark had informed his attorney of this, and received an opinion that there is no conflict of interest. Roger also said he had worked with attorneys in the firm on business, and didn't see a problem.

Draft Wetlands Protection Overlay District Ordinance Review

Roger welcomed members of the Conservation Commission: Roger LaFontaine, David Goldthwaite, Martha Twombly (Chair), and Suzanne Smith (Alternate) to the meeting.

Ellie Lonske congratulated the CC on a job well done, with the creation of an ordinance that was well organized and clear. Other PB members concurred.

Martha, Chair of the CC, began with a short overview of the process the CC took to arrive at this draft. She commended the CC members with their hard work in reading numerous publications, including the NH Guidelines for Wetlands, summaries of NH town ordinances, other state's model regulations, and approximately 12 other town wetlands bylaws. Martha also highlighted passages in the Hebron Master Plan directing the CC, and declaring, "that wetlands are a critical resource in the town (p. 3-10)... [and that] in order to preserve wetlands, we recommend the town support zoning changes that would limit development in areas of steep slopes *and* in or near wetlands and floodplains (p. 3-13)."

She explained four major considerations in the draft.

1. The definitions broke wetlands down into four categories: Prime, Designated, Non-designated, and Exempt. She explained the definitions of each: the town of Hebron currently has no Prime Wetlands, but the CC was considering nominating the Georges Brook and the Cockermouth River complexes as Prime Wetlands in the future. “Designated Wetlands” are those 18 delineated/designated in the 1997 Report by Amanda Stone. “Non-designated” wetlands are those fitting the definition of a wetland, but not yet inventoried or evaluated by the town. “Exempt” wetlands are those small wetlands under 3000 square feet.
2. Martha noted the Use Table was based on the Tilton, NH example, and included in Hebron’s text to make the information more understandable.
3. The Wetland Buffer/Setback Table was based on the Meredith, NH format, following the CC review and discussion of an October, 2006 report comparing numerous NH town buffer regulations. (Copy attached to this draft)
4. Martha explained that the Conservation Commission wrote this ordinance to be consistent with the Master Plan, which states that “wetlands are significant resources that should be protected”, and that is why the CC recommended calling the regulation a “wetland protection overlay district” rather than a bylaw. She further explained that the WPOD advises that wetlands AND their buffers remain in their natural state with exceptions for some existing uses as stated in the Use Table.

Chuck Beno asked if the non-designated wetland setback was too strict to site a house. Martha and Roger LaFontaine answered that there is an exempt category for wetlands of less than 3000 square feet, which would include small wetlands or vernal pools.

Dick Cowern asked if the draft WPOD had been compared to the Comprehensive Shoreline Protection Act (CSPA). Martha said **the CC would make sure it was consistent.**

(Section E 4 c/d) Chuck Beno asked for clarification of the 3000 square foot threshold in the definition of 4d, so the Non-designated Wetlands definition was amended to add the phrase: “and which are greater than 3000 square feet” at the end of the sentence.

(Section E 4 e) David Goldthwaite discussed vernal pools, and the need to identify and protect them. Martha noted that CCs are charged with inventorying natural resource in their towns, including locating vernal pools. She displayed the State protocol for this process, and said the CC would learn more and begin this activity in the future. Martha said the CC had some discussion, but she wanted to also ask the PB, for more protections for vernal pools. There was discussion about considering vernal pools important enough to fall under “non-designated wetland” status for some protection, but no consensus. Suzanne Smith asked if this could be addressed later, and Ellie said it could, particularly after an educational initiative for both the townspeople and the PB about vernal pools. Martha said this would be discussed at the CC meeting.

(Section E 5) David Goldthwaite raised a question about the term “upland” in the Wetland Buffer definition. A circuitous discussion ensued, **with general agreement that the term is difficult to define, and may also be unnecessary for the purposes of applying the regulation, and thus could be removed from the definition, or could be replaced with the descriptor: “transition zone”**. It was decided this suggestion will be reviewed and voted by the CC at their next meeting.

Ellie suggested **changing the word “creating” in section three of the use Table regarding walking trails, to “maintaining.”**

There was a suggestion for Section G under Applications for Special Excpetion to direct them to the ZBA. Section G, number 2, line one would read: “Applications to the ZBA”...

Roger Lafontaine asked about enforcement of the WPOD. Roger LaFontaine said a meeting with the Selectboard and Code Enforcement Officer would be warranted when the WPOD was adopted.

A discussion of the time table for final review, public hearing, **and drafting of the warrant article**. It was determined that the CC would meet again on Nov. 14, to review and vote on the four items in bold above, then would hold a joint public hearing with the Planning Board at their workshop on Nov. 19 with a final draft of the WPOD. It was suggested that the draft warrant article should be ready for December. Ellie also noted that it would be a good idea to draft an informational brochure, and hold an informational meeting, for the public well in advance of the 2008 town meeting.

Lee Knight Informational – Lot Merger

Lee Knight brought plans for a discussion of a plan to merge two lots he owns on Panorama Drive, for the purposes of tax relief. He indicated that Lot 10 contained 7 acres and included their primary home. He noted that Lot 8 contained 6.75 acres and included a guest house.

Roger asked if they were legal lots, Lee noted that they were, and they also complied with the 2-acre minimum useable land/lot size for Hebron.

David Wall noted that these lots could be re-subdivided in the future if ownership changed hands.

Ellie asked about the ability of having two “dwellings” on one lot, that the merger would cause. David said the PB can’t change zoning, so that question would have to be referred to the ZBA, ie, zoning links “lot” with one dwelling. Roger Larochelle concurred that Lee would need a “variance” from the ZBA.

Tom Gump asked if there was a bathroom in the guest house, Lee said yes.

Lee said he believed there should be possibilities for an accessory building or guest house, as he has seen similar instances in town.

Further discussion led to the consensus that Lee would have to go to the ZBA for a determination.

Dick Cowern made a motion to adjourn, Chuck Beno seconded, and the motion passed.

Respectfully submitted, Martha Twombly