

HEBRON Historic District Commission
Meeting Minutes
March 26, 2013
Land Use Room

Board Members Present: Andrea Goldthwaite (Chair), Tripp Swartz, Pat Moriarty (Selectman Representative), David Brittelli, alternate

Board members Absent: John Black, Nancy Sycamore

Time Convened: 7:06 PM

Time Adjourned: 7:35 PM

Next Meeting: April 8, 2013 at 7 PM Joint with Planning and Zoning

AGENDA:

1. **Organizational Meeting to elect officers**
2. **Approval of minutes of prior meeting and other administrative matters**
3. **Discuss other business that may come before the board.**

1. Organizational meeting:

Select board representative Patrick Moriarty called the meeting to order at 7:06 PM. David Brittelli was elevated to a voting member for this meeting. Patrick asked for nominations for chair and Trip Swartz nominated Andrea Goldthwaite, David Brittelli seconded. A vote was taken and members unanimously appointed A. Goldthwaite as Chair of the Hebron Historic District Commission. Mr. Moriarty then asked for nominations for Vice Chair of the Commission. Andrea Goldthwaite nominated Alfred "Tripp" Swartz and David Brittelli seconded the nomination. A vote was taken and members voted unanimously to appoint Tripp Swartz as Vice Chair of the Commission. Mr. Moriarty then turned the meeting over to newly elected Chair Goldthwaite.

Chair Goldthwaite thanked the Commission members for being elected Chair. Mr. Moriarty relayed a concern of Selectman Gump who had expressed a need for clarification of parliamentary rule. Mr. Gump was concerned that the new Chair should be sworn-in. It was determined that each member of the Commission is sworn in at the inception of his/her term of three years. Selectman Gump wanted this ruling noted in the minutes.

2. Minutes Approval and other Administrative Matters

The minutes of the May 1, 2012 meeting were reviewed. There being no corrections or additions, Tripp Swartz moved and David Brittelli seconded a motion to approve the minutes as submitted. The motion passed unanimously. There being no other administrative matters, the Board moved to the next topic on the agenda.

3. DISCUSS other business that comes before the board:

Selectman Moriarty called attention to a letter that Chair Goldthwaite wrote to the selectmen. In that communication she brought several potential problems to the attention of the Board: 1. The Hebron Store sign was potentially dangerous and in the state of disrepair. Pat stated that the Board contacted the store owners. Trip stated that he would deal with this issue with the Brooks family. 2. The Church office workers (and others) are using the Hebron Common as a parking lot. Pat stated that the Board addressed this issue and the area is no longer being plowed. 3. The Town Clerk's stairs and rail need to be painted. Pat stated that come warm weather that issue will be addressed.

Chair Goldthwaite reviewed Phase II of sign development on the three public buildings on the Common. After due discussion Trip Swartz moved and David Brittelli seconded a motion to have Commission members research colonial type metal placards for placement on three historic Common buildings: Grange Hall C. 1883, Memorial Chapel C. 1909, and Hebron Academy C. 1839. Phase III of sign development would be placards for personally owned buildings if desired in the future by Common property owners.

There being no other business Pat Moriarty made a motion, seconded by David Brittelli to adjourn the meeting. The motion passed unanimously and the meeting was adjourned at 7:35 PM.

Respectfully submitted,
Andrea Goldthwaite



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Public Hearing
Hebron Planning Board, Zoning Board of Adjustment
& Historic District Commission
Monday, April 8, 2013

Time: 7:00 p.m.

Location: Town Hall Land Use Room, Second Floor

Board Members Present: Hebron Planning Board (PB) Members Roger Larochelle (Chair), regular member Mitch Manseau, and alternate members Joe Hogan, Arthur Cummings and Karl Braconier; Hebron Historic District Commission (HHDC) Members Andrea Goldthwaite (Chair), Alfred "Trip" Swartz (Vice Chair), and alternate member David Brittelli; and Hebron Zoning Board of Adjustment Members (ZBA) Peter Carey (Chair), regular member Derry Riddle, and alternate members Earl LaFlamme, William Lucarelli, and Alison York.

Others Present: Applicant Mark Braley, Conservation Commission Members Suzanne Smith and Mavis Brittelli, Alan Barnard (Barnard Survey Associates), Gordon Matthews (Braley abutter), Kathy Kearns (serving as Acting Secretary).

Agenda:

1. Planning Board Site Plan Application Review of Mark Braley's greenhouse business located at his 23 Braley Road residence; Tax Map #17, Lot #32
2. Application for Special Exception from the Zoning Board of Adjustment for a home occupation as provided in Article V, Section E, of the Hebron Zoning Ordinance and a Certificate of Approval from the Hebron Historic District Commission. Mark Braley proposes to expand his greenhouse business, located at his 23 Braley Road residence, in the Common Historic District of Hebron (Tax Map 17, Lot 32), from its current wholesale business into a combined wholesale and retail business.
3. Any other matters that come before the Board

Call to Order: At 7:01 p.m., Roger Larochelle (Planning Board Chair) called the three-way joint board meeting to order. Larochelle then appointed PB alternate members Joe Hogan and Arthur Cummings as full voting members for the meeting.

Larochelle outlined meeting procedures, stating that for the sake of time efficiency and convenience, all three boards would review the merits of Mark Braley's application concurrently.

The Planning Board would begin with a review of the Site Plan Application submitted by Mark Braley for his greenhouse business located at his 23 Braley Road residence; Tax Map #17, Lot #32. The Planning Board would review the application for its completeness; and if complete and approved by the Planning Board, such approval would be conditional on the approval of the HHDC and ZBA.

Larochelle asked Mr. Braley for an overview of the project to explain Braley's anticipated future use of the greenhouse. Mr. Braley stated that he had gone through the permitting process to build a greenhouse at his residence back in November of 2011. At that time, he had appeared at a joint public hearing of the Zoning Board of Adjustment and the Hebron Historic District Commission. He had been granted the necessary permits and the greenhouse has been operated as a part-time wholesale business since its construction.

Braley stated that the cost of heating the greenhouse has recently skyrocketed, and in order to keep his enterprise a viable business, he is seeking approval to make the change from strictly wholesale to wholesale and limited retail. Braley believes the additional sales will help to cover his cost for fuel/heat. Braley was questioned about the scope of the project and he said he was planning to operate the business on a part-time basis for two to two and a half months each spring, with limited retail sales to customers on Fridays, Saturdays and Sundays.

Larochelle invited members of the other boards to speak and question Braley as "members of the general public" until such time as their own board's review of the application.

Alan Barnard stated that he thinks the ZBA needs to act on the application first, considering its proposed change of use. Barnard also stated that Braley's property poses concerns regarding protection of the Flood Plain; that it is in the Historic District; and that as the Planning Board reviews the Flood Plain and Buffer Overlay for conservation purposes, the greenhouse proximity to Designated Brooks needs to be considered. Additionally, Barnard mentioned the Shoreland Water Quality Protection Act and the fact that it requires that protected shoreland extend 250 feet landward from protected water bodies. Barnard is of the opinion that Braley's greenhouse is partially located in a "fringe area" and that the 250 foot demarcation requires a State permit by notification. He stated that it is partially located in Zone A which means a variance is needed for the location of propane tanks. He stated that the greenhouse is within 500 feet of the river which could require DES notification as it is near a designated brook which requires a protected buffer. Barnard cited the Hebron Zoning Ordinance Article II definition of "lot" and stated his opinion that Braley's residential use of the property and proposed retail business use would violate the "one principal structure or use" requirement of the Ordinance. Barnard felt that the structure was sited wrong in the original site plan review, and that a special investigative study should analyze fertilizer and pesticides run-off, parking and lighting concerns and other conditions to be met within the Flood Plain Overlay and the Historic District.

Mavis Brittelli asked if Mr. Braley planned to expand or add an addition to the greenhouse and Braley said no, he had no plans to change the structure.

Peter Carey reiterated that Braley was given a Variance from shore setback requirements with his initial application to build the greenhouse, in addition to a Special Exception to conduct his greenhouse home occupation in the Common Historic District.

Alan Barnard replied that the Flood Plain issues need to be addressed and related his concerns that the gas tanks and greenhouse structure violate the Flood Plain provisions of the Zoning Ordinance.

Roger Larochelle asked the members of the Planning Board to proceed through the Planning Board checklist to see if Braley's application is complete. Larochelle read through the checklist and the Planning Board determined that the conditions of the Site Plan Review had been met, while waiving the following items D, F, G, J and L as not relevant to the current application:

(D) Certification of the boundary survey by a land surveyor licensed to practice in New Hampshire;

(F) The perimeter boundaries of the lot or lots of the proposed site, including compass bearings, distances, lot areas and bounds.

(G) Existing and proposed grades, including topographic contours at intervals not exceeding two (2) feet.

(J) The plan of abutting properties with location of all structures and access roads thereon within two hundred (200) feet of the site boundaries.

(L) The size and location of all existing and proposed public and private utilities.

Mitch Manseau moved to accept the Site Plan application as complete.

Arthur Cummings seconded the motion. **PASSED.**

Larochelle then turned the meeting over to Andrea Goldthwaite, Chair of the Hebron Historic District Commission, and Peter Carey, Chair of the Zoning Board of Adjustment, for their review of the application for Special Exception and a Variance for change of use in the Flood Plain Overlay.

Carey noted at the outset that notices of the joint hearing had been sent to all property abutters, published in the Plymouth Record Enterprise, and posted in at least two public locations in town.

He confirmed with Mark Braley that Braley had submitted his various applications with the full knowledge and consent of his landlord, the owner of the 23 Braley Road property. Braley added that his landlord had actually encouraged him to pursue his greenhouse operation. Carey asked if the principal use of the property continues to be residential and whether the greenhouse remains an ancillary use. Braley replied in the affirmative.

Carey stated that the Board of Adjustment may make Special Exceptions to the terms of the Zoning Ordinance (as per Article X) if the Board finds:

1. That the granting of such special Exception is not contrary to promoting the public interest and convenience of the citizens of Hebron;
2. That the granting of such Special Exception will not result in diminution of the values of surrounding properties;
3. That for any uses involving vehicles, the Special Exception will be granted only if adequate provisions for off-street parking is provided; and
4. That the granting of such Special Exception will not be contrary to the spirit of this Ordinance.

Carey stated that a Special Exception was granted to Mark Braley when he came before the Hebron Historic District Commission and the Zoning Board of Adjustment on November 29, 2011, but now

another is required before Braley can expand his current greenhouse business into both a wholesale and a retail business.

Carey asked Braley if he had anything else to add to the discussion. Braley said he had nothing else to add.

Carey opened the meeting up to the general public for discussion and questions.

Alan Barnard quoted Article V, Section E of the Hebron Zoning Ordinance which states that permitted uses by Special Exception of the Board of Adjustment include Retail Stores, Home Occupation, Renting of Rooms, and Post Office. He asked if the greenhouse qualifies as Home Occupation or Retail Store. The ZBA members agreed the proposed greenhouse retail business would no longer fit the definition of Home Occupation and would be considered as a Retail Store.

Andrea Goldthwaite said signage, though permitted, is an issue in the Historic District as it must be within the guidelines of both the District Guidelines and the Zoning regulations. Braley said there would be no signs added, and that parking would be in his driveway. Ms. Goldthwaite asked if the side walls of the greenhouse would be painted white as per the agreement on November 29, 2011. Mr. Braley agreed to the white paint and added that the greenhouse has neither grow nor exterior lighting.

Derry Riddle asked about use of pesticides. Braley said he grows everything organically and free of pesticides. He uses fish emulsion as the only fertilizer, and no pesticides or fertilizers are stored at the property.

Peter Carey asked about the propane tanks, and Mr. Braley said that as soon as the snow melts, they will be bolted to the slab.

Andrea Goldthwaite reminded the HHDC members that propane tanks had been previously approved. Ms. Goldthwaite asked for a motion for the HHDC to accept the application.

Trip Swartz moved to accept the application with the condition that the greenhouse be painted white to conform with the Historic District regulations.

David Brittelli seconded the motion. PASSED.

Trip Swartz moved to adjourn the Hebron Historic District Commission portion of the meeting.

David Brittelli seconded the motion. PASSED.

Peter Carey asked if there were any other comments from the general public.

Alan Barnard said that the greenhouse is partially located in Flood Zone A, an “Area of Special Flood Hazard” and that a variance should be granted “as a housekeeping matter” and to “correct the mistake of the past.”

Gordon Matthews, in response to Carey’s question, indicated that, as an abutting property owner, he has no objection to Mark Braley’s greenhouse operation and proposed expansion into a retail business.

There being no further public comments, Peter Carey proposed that the ZBA first take up and deliberate on the floodplain variance issue raised by Mr. Barnard. He reminded the ZBA members

that, in accordance with Article VIII, Item IX of the Hebron Zoning Ordinance, they have the authority to grant such a variance under RSA 674:33, I(b), after favorable consideration of all of the five statutory variance criteria, as well as the three criteria spelled out in Article VIII, Item IX of the Hebron Zoning Ordinance:

RSA 674-33, I(b) criteria:

- (1) The variance will not be contrary to the public interest;
- (2) The spirit of the ordinance is observed;
- (3) Substantial justice is done;
- (4) The values of surrounding properties are not diminished; and
- (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

Hebron Zoning Ordinance, Article VIII, Item IX criteria:

- (1) The variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;
- (2) If the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result; and
- (3) The variance is the minimum necessary, considering the flood hazard, to afford relief.

The ZBA members discussed all of the statutory and ordinance variance criteria. Since the greenhouse is not located within a designated regulatory floodway—a point earlier confirmed by Mr. Barnard—the Board members agreed that the second of the three Zoning Ordinance criteria is not applicable to this case. The Board members unanimously agreed that all other statutory and ordinance criteria were satisfied.

William Lucarelli moved, in accordance with RSA 674:33, I(b) and Hebron Zoning Ordinance Article VIII, Item IX, to approve the variance from floodplain building requirements and to allow Mark Braley to keep his greenhouse at its current location, subject to the following conditions being met:

- (1) That the structure be painted white to conform to the rules of the Hebron Historic District;
- (2) That the propane tanks be secured;
- (3) That the property be kept in a reasonable state of repair;
- (4) That the wooded buffer be maintained to shield its view from the abutting properties;
- (5) That no additional signage or exterior lighting be added to the greenhouse; and
- (6) That no pesticides or fertilizers be stored at the greenhouse.

Earl LaFlamme seconded the motion. PASSED

Peter Carey then initiated discussion of the four criteria required to grant a Special Exception under Article X of the Hebron Zoning Ordinance:

- (1) That the granting of such special exception is not contrary to promoting the public interest and convenience of the citizens of Hebron;
- (2) That the granting of such special exception will not result in diminution of the values of surrounding properties;
- (3) That for any uses involving vehicles, the special exception will be granted only if adequate provisions for off-street parking is provided; and
- (4) That the granting of such special exception will not be contrary to the spirit of this Ordinance.

The Board members discussed each of the Special Exception criteria and unanimously agreed that all four criteria were satisfied in this case.

Derry Riddle moved, in accordance with Article V, Section E, and Article X of the Hebron Zoning Ordinance, to grant Mark Braley a Special Exception to expand his current greenhouse wholesale business into a wholesale and retail business at 23 Braley Road (Tax Map #17, Lot #32), in the Common Historic District, subject to the same conditions specified in the approved variance motion.

Alison York seconded the motion. PASSED

Alison York moved to adjourn the Hebron ZBA portion of the meeting.

Earl LaFlamme seconded the motion. PASSED.

Peter Carey turned the meeting back to Roger Larochelle. Larochelle returned the discussion to the Planning Board to consider the approval of the Site Plan Application, already accepted as complete, while noting the Variance and Special Exception approved by the Zoning Board of Adjustment dated as of April 8, 2013.

Arthur Cummings moved to accept the Site Plan as submitted subject to the following condition:

That retail operation of the greenhouse be strictly limited to Fridays, Saturdays, Sundays and holidays and during daylight hours only.

Joe Hogan seconded the motion. PASSED

There being no further business on the agenda, Larochelle asked for a motion to adjourn the meeting.

Mitch Manseau moved to adjourn.

Arthur Cummings seconded the motion. PASSED

The meeting was adjourned at 8:20 p.m.

Respectfully submitted by Kathleen Kearns, Acting Secretary,

Substituting for Secretary Barbara Spike.

MINUTES OF 10/8/2013



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Hebron Historic District Commission
Minutes of Meeting 10/8/2013

Historic District Commission Members Present: Andrea Goldthwaite (Chair), Tripp Swartz (Member), Ellie Lonske, John Black, David Brittelli (Alternate)

Historic District Commission Members Absent: Pat Moriarty (Select Board Representative), Alan Barnard

Others Present: Jocelyn R. Kaye, Andrew B. Comendul, Barbara Spike (Secretary)

Time Convened: 7:00 p.m. **Time Adjourned:** 7:41 p.m.

Next Meeting: TBD

Agenda:

- 1) Andrew Comendul's application for a fence at 5 Cross St. in the Historic District
- 2) Review of previous minutes
- 3) Review of old business
- 4) Other business that may come before the Commission

Chair Andrea Goldthwaite called the meeting to order at 7:00 p.m.

Andrew Comendul's application for a fence at 5 Cross St. in the Historic District

Noting that the roll call was done and the notice of the meeting was posted everywhere, there was quorum present. All the papers were in order, including the drawings. The application was determined to be complete and the check was there, too.

Chair Andrea asked the applicants to restate the case. Andrew came forward and explained the diagram of the property, which showed the respective distances of the proposed fence to the abutting properties. He further said they were planning to be in complete compliance with the location of the 40 foot by 75 foot fence attached to the

back of the house, and that it would be a white-painted, wooden picket fence, three and a half feet in height. The fence is necessary to contain the dogs; and it is 108 feet from Cross Road. Chair Andrea asked if there were any questions from the Board.

Hearing none, Ellie Lonske made a motion to accept the application of Andrew and Jocelyn Comendul for erecting the white, wooden picket fence at 5 Cross Road. Trip seconded the motion. Passed unanimously at 7:05 p.m.

Chair Andrea told them to go downstairs to the office to get the permit signed. Now that Dan Merritt, the former Compliance Office, has retired, the Town has hired Al Defeo, from the Uncle Steve Band. Jocelyn said they were planning to put the fence in this coming weekend.

Ellie Lonske asked them, since they were new to town, if they would like Cross Road paved. If so, she told them to talk to their neighbors, the Nortons, and then write a letter to the Board of Selectmen requesting this. The Select Board would then take the matter up with the Capital Funding Campaign to get the process started.

Review of Previous Minutes

The application thus approved, Chair Andrea moved on to reviewing minutes from the June 11th joint meeting with the Zoning Board on the application submitted by the Union Congregational Church for the shed and signs. Chair Andrea noted corrections on page two, from the second sentence on, to read as follows: "The size of the signs will be similar to the existing one, with the same curve motif at the top. Some commission members were looking at metal signs for the three buildings. Chair Goldthwaite read the guidelines and needed to do more research about the materials." Chair Andrea asked for a motion to accept the minutes as corrected. Ellie so moved, John Black seconded.

Motion passed unanimously at 6:18 p.m.

Review of old business

Chair Andrea then brought up discussion about the signs for the town hall building, Memorial Chapel and the Grange Hall, as this fiscal year is running out. Andrea wanted a wooden sign for this building and metal signs for the other two. The wooden sign for the town hall building would cost about \$200. It could either be placed above the front door

or to the side.

Ellie Lonske said the Commission might want to wait before getting the signs because of the Town's plans for renovating the building. Ellie then gave a brief history of the Town's progress on renovating the building, the charrette that has been done, and the financial considerations on the renovation over the next few years. The building was once the Hebron Academy. Three years ago, the Town had a structural assessment done, and it was determined much work was needed. The townspeople want to keep the center of town the center hub. Christopher P. Williams estimates it will cost about \$600,000 to restore the building, complete with a new foundation and vault storage underneath. This was preferred by the Town over the other option of building a new building near the safety complex. Ellie said the Selectmen would like to seek out help from members of the Historic Commission, due to their specialty knowledge. Ellie suggested they move forward on the signs for the Chapel and Grange, as nothing is going to be done to these buildings for years to come.

Dave Brittelli said he couldn't locate the resources for where the signs came from. Trip Schwartz, whose mother is on the board in Rowley, MA, said he may be able to find out where to order reasonably priced signs. Chair Andrea said she checked with Duffy's and another sign manufacturer to find they were really expensive. As money is still in the budget, Chair Andrea will go ahead and order the wooden sign for the Hebron Academy building. Trip Schwartz will research the metal signs and report back to the Board.

Chair Andrea brought up that the steps on the Town Clerk's office were going to be painted white. Ellie stated that the Merrills have been hired to do it, but that they had to wait a year because the wood was pressure treated.

Chair Andrea said she was going to work with Tilton sign maker, Stacy Jones, who did the realty signs in the area.

With no further business to come before the Commission, a motion to adjourn was made by David Brittelli, seconded by Trip Schwartz. Passed unanimously at 7:41 p.m.

Respectfully submitted:

Barbara A. Spike, Secretary

J. Black
-seconded
Unanimous