

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

MINUTES OF 7/1/2015



Town of Hebron
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Hebron Planning Board Minutes of Meeting 7/1/2015

Planning Board Members Present: Roger Larochelle (Chair), Chuck Beno (Member), Karl Braconier (Member), Mitch Manseau (Member), Arthur Cummings (Alternate), Ivan Quinchia (Alternate), Dan Merritt (Alternate), John Dunklee (Select Board Representative)

Others Present: Alan Barnard, Arthur D. Jaques (abutter), Don Franklin (abutter), Barbara Spike (Secretary)

Time Convened: 7:00 p.m. **Time Adjourned:** 8:13 p.m.

Next Meeting: August 5, 2015

Agenda:

- 1) Administrative Matters and Announcements and approval of June 3 minutes
- 2) Withdrawal of Sughrue Conditionally Approved Subdivision, Tax Map 7, Lot 46-3, North Shore Road, Hebron
Boundary Line Adjustment: Map 7, Lots 46.1, 46-1-2, 46-2-2, 46-3, George Road and North Shore Roads, Hebron
- 3) Any other matters that come before the Board

Chair Roger Larochelle called the meeting to order at 7:00 p.m. The first order of business was to approve the June minutes as submitted; Chuck Beno so moved, Mitch Manseau seconded. Two minor corrections were brought up by Chuck Beno and so noted. Chair Roger Larochelle then asked for any discussion or review. Hearing nothing further, **Chuck Beno moved to accept the minutes and Mitch Manseau seconded. Approved unanimously at 7:05 p.m.**

Chair Roger invited Alan Barnard, representing Paul Sughrue, to join the Board at the table and present the applicant's plans for review. Alan Barnard explained that the owner was relinquishing the **conditional approval on lot 3-4.**

Alan Barnard then presented the proposed BLA and pointed out the resulting acreages of the action. He showed the board that two present lots would be joined, resulting in one

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lot which would be 5+ acres total. Alan also brought the State approvals for the house currently sitting there and the septic plan approval. Alan summarized his presentation for the relinquishment of the conditional approval and the three BLAs.

Chuck Beno asked for clarification of the conditional approval, and there was a short discussion of the history of the original subdivision approval.

Chair Roger then ascertained that the abutters were notified by certified mail, the application was complete, and then he asked for a motion to accept the application as complete. Karl Braconier so moved, and Chuck Beno seconded. All in favor, the application was approved as complete.

Chair Roger then opened up discussion and questions from the Board. Ivan Quinchia asked if there were now any restrictions on the property because of the slope, regarding access to the newly-formed lot. The existing road now becomes a driveway. Roger Larochelle asked Alan Barnard to explain access to the lots, which were former Armstrong lots. Alan Barnard answered that Lot 2-2, back in the '90s had a possible driveway that was approved, but never built. There was discussion of the existing 50 foot right-of-way. Alan Barnard said ownership of the right-of-way is Sughrue/Blinn's, and that Sughrue has all rights to accrue.

Chair Roger said the intent of the right-of-way no longer exists due to the newly configured lots. Then the question of Arthur Jaques being imposed upon was discussed. Alan Barnard said the right-of-way was owned in fee and will go with the lot. Chair Roger asked if Mr. Sughrue would entertain relinquishing the right-of-way. Arthur Jaques said he never signed an agreement on the easement, only signed an agreement to agree. Alan Barnard said the right-of-way was completely off the property being discussed.

Chair Roger opened discussion to abutters. Arthur D. Jaques said the original right-of-way was to reach back property, which is not being blocked by the new lot being formed. He went on to say "If the right-of-way isn't mine, can I use it to access my property?" Alan Barnard said "Yes, you can use it. You have the right to access your property." Chair Roger asked Don Franklin about runoff concerns and blind driveway, based on the 250 foot requirement for the DES. Alan Barnard said that as it stands, it's a legal access. State had conditional approval, and it's been maintained yearly. The BLA doesn't address the George Road relocation.

Chuck Beno asked how many BLAs are being submitted; three BLAs was the response. Chuck Beno then asked if each one has to be separate. Chair Roger said that no, as no new lots are being created. Alan Barnard added that no lots are less conforming; they're actually more conforming.

Chair Roger asked for further questions and discussion. Hearing none, he asked for a motion for approval of BLA for lots 46-1, 46-1-2 and 46.2-2 and compliance of 46-3.

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Alan Barnard said it should include tax map for 46-3.

Chuck Beno moved to accept the BLAs, and Karl Braconier seconded. The motion was approved unanimously at 7:44 p.m.

Chair Roger signed the recording copy. The matter now concluded, Don Franklin left the meeting.

John Dunklee said that if the Town chose to force the easement, it could be done in court; however, the cost would be expensive. Chuck Beno said the negotiated agreement is in place. Karl Braconier said it is summarized, but there still needs to be something memorialized to state where the Planning Board stands. Arthur Jaques said it becomes a road to nowhere. John Dunklee said it's a safety issue and we have the agreement to agree on file. Chair Roger said the Town can take it by eminent domain. The discussion now ended, Arthur D. Jaques left the meeting.

Chair Roger opened the discussion on Hebron Country Estates. John Dunklee said in the last e-mail talking to current ownership, the Select Board voted to allow credit to be extended for more than one year. The bank (CGSB) is willing to extend to any time. The problem facing the Town is that there are no guard rails on the road, and it's dangerous. Larry Kill had agreed to put boulders on that road. Dan Merrit said he saw some boulders out there.

Chair Roger said on Kill Mountain Road there's a \$160,000 line of credit. Ownership changed to Radius, and no one's sure if they've been apprised of the line of credit issue. Chair Roger said Pat Moriarity said that Radius assumed the line of credit. The Town will call in line of credit to get the work done. John Dunklee talked about conditions needed for Town to accept the road. The Planning Board's responsibility is to have the surety to get the work done. Chair Roger questioned if \$160,000 was going to be enough to cover all the costs. Alan Barnard clarified that all conditions in the Letter of Credit must be met by the Town. John Dunklee said the Letter of Credit has been extended since 2007. Prices have increased since it was originally issued. Ivan Quinchia asked if the language was in the actual Letter of Credit, to which John Dunklee said it was. Chair Roger asked John Dunklee if the Board can get an update at the next Planning Board meeting.

Chair Roger asked if there was anything further to come before the Board. With nothing further, **motion to adjourn was made by Chuck Beno, seconded by John Dunklee. All in favor, meeting was adjourned at 7:38 p.m.**

Respectfully submitted:

Barbara A. Spike, Secretary