

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

MINUTES OF 10/5/2016



Town of Hebron
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Hebron Planning Board
Minutes of Meeting 10/5/2016

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

Members Absent: Chuck Beno (Member), Arthur Cummings (Alternate)

Others Present: Alan Barnard, Justin Dockswell (Wicosuta Director), Bart (Wicosuta Staff), Lea Stewart, Colin Robinson, Tracy Tilson Laux, Chris Laux.

Time Convened: 7:00 p.m. **Time Adjourned:** 8:43 p.m.

Next Meeting: November 2, 2016

Agenda:

1. Approval of September 7, 2016 minutes
2. Site Plan for Camp Wicosuta (Map 19, Lot 1): New Fitness Center to replace Recreational Building, an addition to the "Taj" staff housing, and approval of the "As Built" of the enlarged barn.
3. Boundary Line Adjustment for Ehlers-Stewart and Baker (Tax Map 20 Insert, Lot BMR-1 and 2 on West Shore Road)
4. Minor Site Plan for Tracy Tilson Laux (Tax Map 7, Lot 14A -- Old East Hebron School House.
5. Driveway permit on Bear Mountain Road
6. Status of Secretary search
7. Administrative Matters and Announcements

Chair Roger Larochelle called the meeting to order at 7:00 p.m.

Roger appointed Dan Merritt as a voting member in Chuck Beno's absence.

Dan Merritt moved approval of the September 7, 2016 minutes with no changes, seconded by John Dunklee. Passed unanimously.

The team representing Camp Wicosuta, including Alan Barnard, Justin Dockswell (Camp Director), and Bart (Camp Staff) briefed the Board on plans to replace the existing Activity Center with a newly built "Fitness Center" (40' x 40' with porch not to exceed 20' from one face) and to add a 20' addition with 8' walkway to the "Taj". In addition, the submitted plan includes the "As Built" of the enlarged Barn, as approved in 2015. Roger noted that the Site Walk that

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took place today at 6 PM was very helpful.

The proposed Site Plan application was **accepted** as complete: Dan Merritt moved and John Dunklee seconded. Motion PASSED unanimously.

The application was **approved** for the proposed 40' x 40' Fitness Center with a porch not to exceed 20' from one face, a 20' addition to accommodate 5 staff with 8' walkway to the "Taj" staff quarters, and the "As Built" plan of the refurbished Barn, as approved and completed in 2015. Moved by Karl Braconier, seconded by Dan Merritt: Motion PASSED unanimously. Roger signed the plans.

Colin Robinson and Alan Barnard, representing Lea Stewart (present) and Nancy Ehlers and the Bakers regarding Tax Map 20 Insert, Lot BMR-1 and 2 and Common Area (West Shore Road) submitted a Boundary Line Adjustment application regarding the Common Area between the two lots (Limited Common Areas).

The proposed Boundary Line Adjustment application was **accepted** as complete: Dan Merritt moved and John Dunklee seconded. Motion PASSED unanimously. The applicants "Finding of Facts (1-20) and Rulings of Law (1-10)" were reviewed, which provided a complete overview of the proposal.

A. Findings of Fact

1. Applicants Ryan and Karen Baker own a certain limited common area of The West Shore Road Condominium ("Condominium") shown on Tax Map 20 insert as Lot BMR-1-1, and located at 496 West Shore Road ("Baker Unit").
2. Applicants Nancy Ehlers and Lea Stewart own a certain limited common area of the Condominium shown on Tax Map 20 insert as Lot BMR-1-2, and located at 516 West Shore Road ("Ehlers and Stewart Unit").
3. The applicants own joint interests in a certain common area of the Condominium shown on Tax Map 20 insert as Lot BMR-1-Com, located off West Shore Road between the two limited common areas ("Common Area").
4. The applicants' units were created by a certain Declaration of Condominium dated October 23, 1991, and recorded in the Grafton County Registry of Deeds ("Registry") at Book 1936, Pages 562-572.
5. The units and common area are shown on a plan by Barnard Survey Associates, Inc. titled "Plan For Edward J., III & Natalie Broderick, West Shore Road, A Condominium, Hebron, NH," revision date 9/3/91, recorded in the Registry as Plan #7305 ("Plan")– the applicants submitted a copy of the plan on September 7, see proposed finding #14, below.
6. As shown on the Plan, the Baker Unit contains 138,150 ft² or 3.171 acres of land, and has 315.35 feet of road frontage.

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7. As shown on the Plan, the Ehlers and Stewart Unit contains 48,717 ft² or 1.12 acres of land, not including the small area of lakefront land on the opposite side of the road that goes with it, and has 205.36 feet of road frontage, not including the frontage of the lakefront land.
8. As shown on the Plan, the Common Area contains 25,270 ft² or 0.58 acres of land.
9. By Notice of Decision dated May 26, 1987, the Hebron Zoning Board of Adjustment granted a special exception to the Declarant of the Condominium pursuant to provisions of Article IV, Section K of the Hebron Zoning Ordinance (“Ordinance”)– a copy of the Notice was submitted by the applicants, and placed in the file.
10. Both units contain single-family dwelling units, with their own on-site, state-approved wastewater disposal systems– copy of the permit for the Ehlers and Stewart Unit was submitted by the applicants, and placed in the file.
11. Both units are served by permitted driveways– copies of the permits were submitted by the applicants, and placed in the file.
12. The applicants wish to dissolve the Condominium, thereby creating two free-standing lots in which each party would own the fee interest free and clear of any interest of the other party.
13. The Applicants’ legal counsel, Colin Robinson, is of the opinion that in addition to a dissolution agreement, and deeds, in order to clear title, the Board must sanction in some fashion the creation of such free-standing lots.
14. As permitted by §V.A.1) of the Subdivision Regulations (“Regulations”), on September 7, 2016, the applicants consulted with the Board about whether the Board would entertain an application for a Boundary Line Adjustment whereby the Common Area would become part and parcel of the Ehlers and Stewart Unit, the combination of which would create a lot of 74,034 ft² or 1.70 acres in area, and the Baker Unit would remain as it is (“Consultation”).
15. The sense of the Board at the Consultation was that it would entertain an application for a boundary line adjustment by the applicants.
16. On September 21, 2016, the applicants’ agent, Alan Barnard, filed with the Board, a complete application for boundary line adjustment, including an abutters list for notice purposes (“Application”).
17. A public hearing on the Application was set for October 5, 2016.
18. The abutters were sent notices of the hearing on September 22, 2016, as required pursuant to the provisions of RSA 676:4, I(d)(1).
19. A public hearing on the Application was held at 7:15 p.m. on October 5, 2016, as permitted but not required pursuant to the provisions of RSA 676:4, III.

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20. At the public hearing the applicants submitted a lot line adjustment plan prepared by Alan Barnard.

B. Rulings of Law, and Mixed Questions of Law and Fact

1. The Regulations apply to the Application under §II thereof.
2. The applicants seek a lot line adjustment as defined by §III.M. of the Regulations.
3. The Application is complete and was accepted for review and action by the Board.
4. If the boundary is adjusted as requested, and two free-standing lots are created, neither lot could be further subdivided as the Zoning Ordinance now stands because neither will have sufficient land area.
5. If the boundary is adjusted as requested, and two free-standing lots are created, there would be no increase in building density.
6. If the boundary is adjusted as requested, and two free-standing lots are created, according to calculations made by Alan Barnard, neither lot will meet the minimum lot size of 2 acres of Usable Land set out in Art. IV.N.1. of the Ordinance.
7. If the boundary is adjusted as requested, and two free-standing lots are created, the Ehlers-Stewart lot would be less non-conforming area-wise than the current unit– 1.70 acres vs. 1.12 acres.
8. If the boundary is adjusted as requested, and two free-standing lots are created, both lots would have road frontage exceeding the minimum road frontage of 150 required by Art. IV.O.1. of the Ordinance.
9. State subdivision approval is required.
10. The application qualifies for a lot line adjustment as defined by the Regulations, and is approved by the Board.

After a brief discussion considering the merits of the proposal, the application was **approved** with conditions. Dan Merritt moved, and Karl Braconier seconded. Motion PASSED unanimously.

Conditions:

- a. Applicant will obtain State of NH Subdivision approval, if needed.
- b. Plan shall be revised to show abandoned Lot Lines and the addition of notes for clarification, noting all changes to the plan as reviewed by the Planning Board at this hearing.

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Next on the agenda was a proposal for a Minor Site Plan from Tracy Tilson Laux and Chris Laux regarding the former East Hebron school house located on Tax Map 7, Lot 14A. After hearing their plans for converting the building to office space, which was last used as a used book store, the Board reviewed the Minor Site Plan application. Since the fee for a Minor Site Plan was unclear, the chair set the application fee at \$50.

The proposed Minor Site Plan application was **accepted** as complete. Moved by Karl Braconier, seconded by Dan Merritt: Motion PASSED unanimously.

Following a brief discussion regarding parking, lights, etc. the Board felt they were ready to move on the matter. The application for the Minor Site Plan as submitted was **approved**. Moved by Karl Braconier, seconded by John Dunklee: Motion PASSED unanimously. Plan and application are on file.

Roger provided an update on the Secretary position, stating that no candidates have presented themselves yet. Roger requested that all keep their eyes open for potential candidates.

At 8:53 PM, Mitch moved and Karl seconded adjournment. Passed unanimously.

Respectfully submitted: Roger Larochelle, Chair