

**NEW LONDON PLANNING BOARD  
REGULAR MEETING & PUBLIC HEARING  
NOVEMBER 28, 2006**

MEMBERS PRESENT: Karen Ebel (Chairman), Sue Ellen Andrews, Celeste Cook, Dale Conly, Jeff Hollinger, Ken McWilliams (Planner). Tom Cottrill joined the Planning Board at 9:15 PM during discussion of the Snow application.

MEMBER ABSENT: Sue Clough (Selectmen's Representative)

Chair Ebel called the **MEETING TO ORDER** at 7:00 PM.

**I. PLANNING BOARD MEETING SCHEDULE FOR JANUARY 2007**

Ken McWilliams advised that January 2007 contained five Tuesdays and that the meeting dates would depend upon the requisite two public hearings for proposed amendments to the New London Zoning Ordinance. He said that the Planning Board (PB) could meet either on the second Tuesday, January 9, and Tuesday, January 30, or on Tuesday, January 2, and either Tuesday, January 23, or Tuesday, January 30. He stated that the schedule adopted would determine the dates for publishing notices of the public hearings regarding zoning amendments.

Chair Ebel advised that the PB also needed to determine whether to have separate meetings for the public hearings on the proposed zoning amendments or whether to combine the public hearings with the regular business meeting. PB member Andrews advised that she would not be available for a January 9, 2007 PB meeting. Consensus of the PB was to schedule the public hearings on January 9, 2007 and January 30, 2007. Chair Ebel opined that the proposed zoning amendments were not complicated and, therefore, the public hearings and the regular business meetings could be combined. It was agreed that the January 9, 2007 meeting would start at 7:00 PM.

**II. JONATHAN FEINS– Public Hearing on Final Plans for Stonehouse Road Access to the Harborview Subdivision in Sutton**

Chair Ebel advised that the PB subcommittee re Stonehouse Road access to the Harborview subdivision in Sutton had met on November 27 and that she and PB member Conly had been present. She opined that good progress had been made regarding the intersection of Stonehouse Road and King Hill Road.

G. Dana Bisbee (Pierce Atwood), attorney for the applicant, provided an update on the status of the subdivision application. He stated that the subdivision application in Sutton had been a long process with some surprises, like the scenic road designation of Stonehouse Road in Sutton. He said that the application had been submitted a year ago and had been deemed completed by the Sutton PB in January 2006. Mr. Bisbee said that New London could respond to the proposal as an abutter; however, the New London PB has claimed authority under the sole-access RSA. He said that the NLPB really comes into play over the issue of the outside access, i.e., the approximately 1000 feet of Stonehouse Road that is in New London and the intersection of Stonehouse Road and King Hill Road.

Mr. Bisbee advised that the applicant and his advisors had studied the intersection with regard to sight distances and slope and had resubmitted the application on November 13 with a whole new plan and additional material, including a memorandum from the New Hampshire Department of Transportation (NH DOT) Headquarters. He referred to the two-page letter addressed to NH DOT regarding the possibility of a three-way stop at the intersection and he advised that it would not be submitted as NH DOT had not welcomed the suggestion. He said that it was submitted only for the PB's information. Mr. Bisbee noted that there were still drainage and pavement issues that were unresolved.

Mr. Bisbee stated that the applicant still disagreed with NLPB's position on the sole-access statute, but assuming the NLPB does have jurisdiction, it could only rule on the adequacy of the access road in regard to stopping sight distances (SSD) and safety at the intersection of Stonehouse Road and King Hill Road.

David Eckman (Eckman Engineering), the applicant's engineer, displayed a plan showing the sight distances at the existing "Y" intersection and then those for a proposed "T" intersection. He said that he had had very productive meetings with the NH DOT and with Louis Caron (L.C. Engineering Company, LLC), engineer for the town of New London. Mr. Eckman advised that the parties had also looked at the extreme approach – the Intersection Stopping Distance (ISD) and the requirements under New London's regulations. He said those would have required the complete reconstruction of King Hill Road. He stated that the proposed approach grades would be 4% up off the road. He noted that there were some drainage issues to resolve with New London Road Agent Richard Lee. He said that Mr. Lee had suggested placing a pipe underneath the road and additional catch basins.

Chair Ebel asked if there would be any encroachment on private property. Mr. Eckman responded in the negative. Chair Ebel said that she had received letters from two abutters. She read into the record the letter from Joseph Messer: "Please read into the minutes of the meeting of November 28, 2006 at 7:00 PM and place this letter on file. I will not allow anyone to encroach on my land. I also object to any change to the now scenic road in Sutton." Chair Ebel also read in to the record a letter from Jean DesBarres Platte: "I am the owner of land at the intersection of King Hill Road and Stonehouse Road. As I stated in my August 7, 2006 letter to Mr. Feins, I have no intention of granting him an easement across my property, now or in the future. I strongly object to his plans, especially for the construction of a wall on my land." Chair Ebel confirmed that the letters would be placed on file.

Mr. Bisbee confirmed that Mr. Feins had approached abutters at an earlier point in time in regard to possible land for road improvements. Ken McWilliams advised the applicant's representatives that Joseph Messer had requested a set of the most recent plans. He asked Mr. Eckman to provide Mr. Messer with a set of the most recent plans, and Mr. Eckman agreed to do so.

PB member Andrews asked about the letter from NH DOT to which Mr. Eckman had referred. Chair Ebel replied that the letter had only been received the previous day and apologized that copies had not yet been distributed. Ms Andrews asked if the letter stated that NH DOT was in agreement with the proposal presented. Chair Ebel replied affirmatively.

Abutter Ben Dulac advised that he lived in the white house near the intersection. He asked about the 4% grade proposed. Mr. Eckman responded that there would be a 4% grade going up, and advised that the proposed grade was less than what currently existed. He added that the last 100 feet had become lower on the plan. He said that there would be a 100-foot fieldstone retaining wall slightly below grade to accommodate snow storage. Mr. Dulac asked if the drainage would go through a culvert. Mr. Eckman replied affirmatively, and he said that additional catch basins would also be constructed. Chair Ebel added that Mr. Eckman was working with Town Road Agent Richard Lee. Ken McWilliams stated that the goal was to prevent black ice in winter by eliminating drainage flowing over the road.

PB member Cook asked if the road in New London would be paved or dirt. Chair Ebel said that based upon discussions the subcommittee had had with Town Road Agent Richard Lee, the PB subcommittee would recommend paving the road. Mr. Eckman responded the applicant would prefer to leave the road as gravel due to the expense of paving. Mr. McWilliams advised that leaving the New London portion of Stonehouse Road as gravel would present the problem of a road going from pavement to gravel to pavement. He advised that Road Agent Lee had many issues with that type of scenario, including the possibility of being called out by residents of another town to maintain/repair a road located in New London and the costs of maintenance of a road used primarily by residents of neighboring towns.

Chair Ebel asked Louis Caron for his comments. Mr. Caron strongly recommended that the road be paved. He said that he was concerned about road conditions for public safety reasons, especially for first responders. He recommended moving the catch basins down to prevent water from sheeting across the road.

Abutter Kate Messer Dulac said that she assumed that Stonehouse Road would be widened and wanted to know what would happen to the stone walls. She said that she would prefer that the road not be paved and that she would like it to remain unchanged. Mr. Eckman replied that the travel way would be 18 feet wide with two-foot shoulders. He said there would be no impact on the stone walls. Chair Ebel asked if other abutters preferred gravel. Abutters Kate and Ben Dulac confirmed that this was the case and opined that well-maintained dirt roads could accommodate safety apparatus. They urged that the character of the road be maintained.

Mr. Eckman said that there were a couple of spots where the proposed grade was a little greater than he would like. He said that he would be working with Road Agent Lee on the outstanding issues of drainage and grade.

Kim Hazarvartian (TEPP LLC), transportation engineer, referred the PB to his November 10, 2006 memorandum regarding sight distances at the intersection and the recommendation that advisory speed plates be employed. He opined that advisory speed plates were used frequently. He advised that TEPP had conducted an analysis for the "T" intersection using AASHTO "green book" guidelines and found that sight distances actually improved. He advised that the Preliminary Design Section of NH DOT had reviewed the October 25, 2006 supplemental report and plans prepared by Eckman and had forwarded its comments in a letter dated November 17, 2006. He opined that the intersection would be safe and adequate with a "T" design, and he advised that the letter from NH DOT supported that opinion.

Chair Ebel asked about the two-page Eckman Engineering handout comparing existing and proposed sight distances in Figures 3 and 5. Louis Caron recapped from the letter the results of the comparison between existing and proposed sight distances using AASHTO guidelines. Chair Ebel asked Mr. Hazarvartian to explain the difference between Stopping Sight Distance and Intersection Sight Distance and which would be used when. She also asked if Mr. Hazarvartian and Mr. Caron had revised the numbers presented to the subcommittee to take the grade into account, as the subcommittee had requested. Chair Ebel said she understood that the recalculation would provide even better SSD numbers. Mr. Hazarvartian deferred to Mr. Caron, who said that upon further review of the AASHTO standards, the recalculation would not have the effect that he had thought, so the numbers were not recalculated. Mr. Hazarvartian then said that he was trying to meet the Stopping Sight Distance (SSD) guidelines since the intersection was an existing situation. He said that SSD guidelines were designed for safety. He explained that Intersection Sight Distance (ISD) guidelines were used to achieve smoother operation and would be utilized when constructing an intersection from scratch. Mr. Hazarvartian walked the PB through the values at speed limits of 30 mph and 35 mph as well as the differences for different turning directions. He opined that Stopping Sight Distances (SSD) were the guidelines that should be followed and all SSD standards would be met for 35 mph with the "T" design for the intersection. He advised that the letter from NH DOT concurred.

Chair Ebel observed that except for one instance, all sight distances would be within, or lower than, AASHTO guidelines, although they would not be in agreement with New London's regulations. Chair Ebel asked Louis Caron to comment on the proposed sight distances. Mr. Caron advised that all sight distances would be improved. He said there would be a very significant improvement in the sight distance for left turns out of Stonehouse Road onto King Hill Road. He advised that with the existing "Y" intersection the sight distance for a left turn was 178 feet and with the proposed "T" intersection, the sight distance for a left turn onto King Hill Road would increase to 253 feet.

PB member Conly pointed out that even with the newly created traffic from the proposed subdivision, Stonehouse Road would continue to be categorized as a "low volume" road. Chair Ebel asked if AASHTO guidelines applied regardless of traffic volume. She said she'd noted that comment in the TEPP report. Mr. Caron replied that she was correct. He said that Intersection Sight Distance (ISD) pertained to operational improvement and convenience and Stopping Sight Distance (SSD) was used for safety. He said that the requirement should be reasonable and adequate. He opined that for low volume roads, SSD guidelines were the ones to follow. PB member Cook asked what "low volume" meant and what an arterial road was. Mr. Caron replied that an arterial road was one used to get cars from one demand area to another demand area, e.g., from New London to Newbury. He said that a road with 1000 cars per day would be considered a low volume road.

Ms Cook opined that 1000 cars per day would be high volume. Mr. Caron reiterated that it was considered low volume.

PB member Hollinger asked if the subcommittee was recommending that the PB approve the proposal. Chair Ebel responded that there were still drainage issues that needed to be addressed, but she thought that they were on the right track.

PB member Andrews said that she understood the goal of eliminating any sheet flow with catch basins. She wondered if gravel would absorb more than pavement. Mr. Caron replied that catch basins on gravel roads became filled with sand; therefore, catch basins and curbing were not usually installed on gravel road. He added that gravel roads develop ruts which make them very dangerous when cars slam on the brakes. Ken McWilliams advised that steeper grades resulted in "washouts" on gravel roads.

Chair Ebel asked if there were any instances where the intersection was paved, but the road was not. Mr. Caron said that a 100-foot apron could be paved, while leaving the road gravel, if that was desired. PB member Andrews asked if the Town of New London wouldn't end up paving the road if the developer was not required to do so. PB member Cook advised that she lives on a dirt road used by a subdivision in Wilmot and that she's perfectly happy with it. Ken McWilliams asked if the road had a closed drainage system. Ms Cook replied that it did not. Mr. McWilliams said that the PB needed to determine whether paving the road would be necessary in order to make the access adequate and safe. Chair Ebel asked Jason Lyon of the New London Fire Department if gravel or pavement was better for emergency vehicles. Captain Lyon replied that there were very few roads where the apparatus had left the road; however, it had happened on the unimproved Stonehouse Road. Chair Ebel asked if the department had any preference. Captain Lyon replied that he preferred asphalt under the equipment.

Ken McWilliams summarized the outstanding items that needed to be addressed by the applicant. The road design and drainage design needed to be completed and copies provided to Louis Caron, the engineer on the project for the Town of New London, and to the PB. Then, cost estimates must be provided and the type of security determined. Chair Ebel sought the opinion of the PB, and the consensus was that Stonehouse Road should be paved and Stonehouse Road should intersect with King Hill Road in a "T" design, rather than the existing "Y" design. She reiterated that drainage and pavement issues were still open.

It was **MOVED** (Conly) and **SECONDED** (Hollinger) **THAT THE PUBLIC HEARING ON FINAL PLANS FOR STONEHOUSE ROAD ACCESS TO THE HARBORVIEW SUBDIVISION IN SUTTON BE CONTINUED TO JANUARY 9, 2007 AT 7:00 PM. THE MOTION WAS APPROVED UNANIMOUSLY.**

Chair Ebel asked to be kept apprised of the Sutton Planning Board's decisions regarding paving vs. gravel for the portion of Stonehouse Road that lies in Sutton. Mr. Bisbee said that safety was always important, and he reminded the PB that Stonehouse Road had a "scenic road" designation in Sutton. Chair Ebel asked what the status of the road in Sutton was. Mr. Bisbee responded that he hadn't been back to the Sutton PB for a consensus.

**III. CATE FAMILY NH REALTY TRUST & D. AND J. CATE –Final Lot Line Adjustment  
(Tax Map 103, Lots 2-1 & 2-2)**

Delavan and Janet Cate were accompanied by Erin Darrow (Darrow Civil Engineering). Ms Darrow stated that the intent of the lot line adjustment was to allow adequate land for members of the Cate family to each own a land parcel in the town of New London. She advised that the proposal was to take 8.6 acres from Tax Map 103, Lot 2-2 and add it to Tax Map 103, Lot 2-1 by means of a lot line adjustment.

Chair Ebel asked if there were any questions about the proposed lot line adjustment from the abutters who were present. There were none. Ms Darrow described the orientation of the plan on display and demonstrated the intent of the proposed lot line adjustment.

It was **MOVED** (Hollinger) and **SECONDED** (Conly) **THAT THE FINAL LOT LINE ADJUSTMENT FOR TAX MAP 103, LOTS 2-1 & 2-2 BE APPROVED AS PROPOSED BY THE CATE FAMILY NH REALTY TRUST AND D. & J. CATE. THE MOTION WAS APPROVED UNANIMOUSLY.**

The mylar was presented for signing by the Planning Board and forwarding to the Merrimack County Registry of Deeds by the Town of New London.

**IV. CATE FAMILY TRUST – Preliminary Major Subdivision & Annexation (Tax Map 103, Lots 2-1 & 2-2)**

Erin Darrow (Darrow Civil Engineering) advised that there had been a meeting with Fire Chief Peter Stanley and Captain Jason Lyon of the New London Fire Department. She said that it looked as if a dry hydrant could be placed at the Herrick Cove location discussed at the November 14, 2006 PB meeting. Ms Darrow said that she was working with the New Hampshire Department of Transportation (NH DOT) to assure access to the dry hydrant.

Chair Ebel asked if there was a plan that could be displayed for the benefit of the abutters present. Ms Darrow displayed a plan and explained how the larger lot of 42.88 acres would be subdivided to allow lots for each of the Cate siblings. Abutters George and Phyllis Wolford (Tax Map 117, Lot 26), David Messier (Tax Map 103, Lot 4), and Carrie Harrison (Tax Map 103, Lot 3) viewed the plan. Ms Darrow reviewed the acreage in each of the proposed new lots and said that there no plans to build at this time. Delavan and Janet Cate also commented about the family's plans.

Abutter George Wolford asked about the location of the wetlands on the plan. Ms Darrow identified the location. She advised that she would return to a future meeting of the PB with a plan containing greater detail. She stated that the intent was to keep the land in the family.

Abutter Carrie Harrison asked how many homes would be built. Ms Darrow replied that the proposal was for five lots and she provided the acreage for each of the lots. She said that a possible house location had been identified on each lot. Chair Ebel advised that only the Grubbs were planning to build immediately and they were simply re-building the "yellow" house which burned down. Abutter Phyllis Wolford asked when building would begin. Ms Darrow advised that the only plan was to "re-build" the "yellow" house. Abutter Harrison expressed dismay at the potential loss of "wilderness" and natural habitat for wildlife of many and varied types. She said that the undeveloped state of the surrounding property was what had drawn her to establish her home in that area. Ms Darrow responded that the Cates were trying to minimize the impact on the environment. Abutter George Wolford said that he frequently hiked on the property, although he had not requested permission to do so from the owners. He hoped that he would be able to continue to do so. Delavan Cate replied that the property was not "posted".

Delavan Cate said that if the information regarding the dry hydrant were available by December 12, he would like to continue the hearing to that date. Ken McWilliams advised that the plan would have to be reviewed by municipal department heads, especially the Fire Department and the Highway Department, as well as the NH DOT before being it would be considered by the PB. Mr. Cate agreed that January 9, 2007 sounded like a more reasonable date.

It was **MOVED** (Cook) and **SECONDED** (Conly) **THAT THE CATE FAMILY TRUST PRELIMINARY MAJOR SUBDIVISION & ANNEXATION (TAX MAP 103, LOTS 2-1 & 2-2) BE CONTINUED TO JANUARY 9, 2007 AT 7:00 PM. THE MOTION WAS APPROVED UNANIMOUSLY.**

**V. HARRY SNOW – Continued Preliminary Major Subdivision: 7 Lots (Tax Map 106, Lot 13)**

Harry Snow was accompanied by Peter Blakeman (Blakeman Engineering, Inc.). Mr. Blakeman displayed a plan of the proposed subdivision of the 41-acre parcel. He advised that there would be seven lots and an 800-foot long road ending in a cul-de-sac. He said that all lots would have frontage on Messer Pond.

Mr. Blakeman stated that the PB subcommittee had taken a site walk and there had been discussion regarding the buffer, particularly on Lot 1. He advised that Peter Schauer, the wetlands scientist for the project, was present. Mr. Blakeman said that Sheet 3 in the plans presented contained the pertinent calculations.

He also advised that the last sheet in the plans showed the steep slopes and the 15% slopes. Mr. Blakeman said that the new maps did show driveways; however, those were put on the map before the 15% slope data was entered, so he'll work to reduce the slope of the drive. He noted that a permit to cross wetlands would be needed for drives to Lots 3 and 4. He said that the PB's recommendation for a common drive would not work as the drive passes right behind the house on Lot 3. He said that he had looked at an alternative drive in the upland of Lot 4 that appears to have a 3400 square foot impact; however, he thought that he could reduce the impact to less than 3000 square feet.

Mr. Snow said that some of the lot lines had been changed. Mr. Blakeman advised that the lot lines for Lots 5 and 6 had been changed to accommodate building sites, and the lot line for Lot 7 might also change. He advised that the subcommittee had looked at the Lot 1 building site and the site might change.

In regard to fire protections, Mr. Blakeman advised that they were working on the issue. He said that they were looking at the possibility of a pond at the entrance of the road. He opined that it might increase the impact on the wetlands. He said there would be a 100-foot buffer up the side of the wetland to the proposed road. He demonstrated on the plan the 100-foot buffer from the Wetlands Map and the associated wetland area. He advised that Mr. Snow proposed a 50-foot buffer along the stream and a 50-foot buffer off the nub as an alternative to the 100-foot buffer required by the regulations. Ken McWilliams stated that Mr. Snow intended to go through the Special Exception process with the Zoning Board of Adjustment in order to reduce the buffer requirement.

Chair Ebel said that on the site visit the subcommittee had discussed reducing the buffer on Lot 1; however, it appeared from the location of the indicated building envelope that Mr. Snow was now proposing to reduce the wetland buffer on Lot 2. She asked if that was to allow a different house placement. Chair Ebel noted that the deed conveying the property to Mr. Snow contained a 200-foot "no disturb" buffer, and she suggested that the mapping of the buffer from the wetland in the 200-foot "no-build" zone was unnecessary. She advised that the subcommittee suggested to Mr. Snow that he should present a proposal for Special Exception that the PB could support. Mr. Blakeman said that he had not really superimposed the "no-disturb" zone when proposing the buffers on the plan before the PB. PB member Hollinger opined that it looked as if only one area was below the regulatory requirements. Mr. Blakeman advised that he viewed 50 feet as a reasonable buffer for the area and that he had maintained uniformity.

Peter Schauer advised that he had mapped the wetlands which are at the same elevation as the pond level. He said that beyond the scrub shrub wetland, the land rises to forested wetlands and then to poorly drained soils. He opined that the scrub shrub wetlands were very significant and should have 100-foot buffer protection as the regulations recognize. He said that the forested wetland with a stream going through, sometimes underground, is a drainage wetland and flows into the pond and the 100-foot buffer was not as necessary.

Chair Ebel asked about the wetlands crossings on the lots. Mr. Schauer demonstrated the route of the intermittent stream through the forested wetlands. He said that all other drives would be over poorly drained soils. Mr. Snow advised that the road had been shortened in order to pull the cul-de-sac off the wetland. Mr. Blakeman advised that the High Intensity Soils Survey (HISS) map provided a general idea regarding the soils. He said the symbol "X" had been eliminated from the plan and "8" had been used to refer to bedrock. Mr. Schauer said that there was a combination of well-drained to moderately well-drained to hardpan (value of 3) that advised about slope and absorption. He opined that some wetland was exacerbated by road drainage.

Chair Ebel said that abutters had expressed concern about blasting and asked if there would be any. Mr. Schauer replied that there would probably be some, but very limited.

Abutter Eleanor Angoff (64 Surrey Lane) asked if a beautiful stand of trees that provide screening from neighboring development would remain. Mr. Blakeman pointed out where Woodland Trace might be visible and said that Mr. Snow would not be "clear cutting". He said that Mr. Snow would be building with a buffer; however, he couldn't guarantee that future property owners would not cut more trees.

Abutters John and Judy Brimmell (70 Surrey Lane) inquired about the stream and expressed concern regarding how close to their property/house there might be clearing. Chair Ebel responded that the PB had not made any recommendations, but had been considering cutting restrictions as had been required in other subdivisions.

Reporting on the meeting with municipal department heads, Ken McWilliams advised that fire protection had been discussed, whether it should be in the form of a pond or a cistern, and whether it should be publicly or privately maintained. He said that, historically, ponds or cisterns constructed for developers have been maintained by the developers; however, the Town of New London has developed some water supplies and maintains them. Mr. Snow opined that the fire protection could be used for other properties. He asked for the town to re-evaluate its policy to see if a change would be appropriate. Mr. Blakeman advised that installation of a dry hydrant would necessitate having a homeowners' association, which is something that Mr. Snow did not want. Mr. Snow stated that he preferred to have a pond. Chair Ebel asked Jason Lyon of the New London Fire Department for his comments. Mr. Lyon replied that he knew of only one pond that had been created for fire protection and he was not too sure, with only the past two years of experience, about the water supply in a dry year. He said that the department looked for a reliable water source over 30 minutes. He opined that it was something that needed to be discussed.

Chair Ebel addressed the issue of enforceability of deed covenants without a homeowner's association. She advised that the information could be put on the plan and in the deeds to the individual lots. PB member Conly asked about the differences between New London's regulatory 50-foot buffer and Mr. Snow's proposed 200-foot buffer. Chair Ebel said that she was not sure about the covenant regarding water access, but that the 50-foot buffer regulation overrode anything in the deeded buffer in the 50-foot zone. Mr. McWilliams advised that regulations permit walkways within the 50-foot buffer.

Robert Crane, Messer Pond Protective Association representative to the subcommittee, asked if there were any covenants regarding docks. Chair Ebel responded that docks would require approval by the State of New Hampshire; however, she said that a comment could be included in the individual lot deeds. Mr. Blakeman stated that Messer Pond was owned by the State, and he questioned the PB's right to limit its use and access. Mr. Snow advised that his discussions with the previous owners about reasonable use of the water had gone on for months. Chair Ebel opined that docks would not be in keeping with the spirit of the covenants.

Chair Ebel asked how many wetlands crossings would be required and would they all be requested at the same time. PB member Andrews opined that requesting them all at once would be a reasonable approach. PB member Hollinger noted that the applicant had adjusted the plan because of wetlands. Chair Ebel said that no one was crazy about the wetlands crossings, but she said the PB wouldn't object to the plan.

PB member Cottrill joined the PB at this point in the discussion.

Chair Ebel noted that the house on Lot 1 appeared to be in the buffer. PB member Andrews suggested following the 451 contour line as it follows the 100-foot line for a quite a way and seems to make sense. She said that it would probably push the house on Lot 2 back, but it would protect the wetland finger closest to the scrub shrub. Mr. Snow stated that the soils were no different from the soils on similar sites beyond the buffer area. Chair Ebel asked Mr. Snow if he would be willing to limit the size of the building envelope. Mr. Snow replied that on Lot 1 he would be willing to be more flexible as the site would be limited by features of the lot, i.e., only one place for septic, only one place for the house, etc. He said that typically .75 acre is taken up by the house and ancillaries. Chair Ebel discussed a limit on the square footage in the building envelope. Ken McWilliams recommended that Mr. Snow develop a plan for a building envelope showing the contiguous area, septic, etc., for Lot 1 and see if the PB could support the request for a Special Exception. Chair Ebel said that it would also impact on Lot 2 as well, so there may be a need for building envelopes for both Lots 1 and 2. Mr. Blakeman said that he might be able to move the lot line a bit. He said that he had been on the site when it was

actually wet out and had flagged the scrub shrub, so that Pierre Bedard (Pierre Bedard & Associates) could show it on future plans.

PB member Hollinger asked about the comment that elevation increased by 40 feet. Mr. Snow stated that he would not want to limit the location of the building envelope on Lot 2. Chair Ebel responded that if he wanted to build in a spot that would result in disturbance in the “no-build” buffer, he should show a building envelope and indicate the distance from the wetland finger. The PB would like to see the maximum amount of buffer possible. She said he would still be able to build elsewhere on the lot, if he preferred. PB member Andrews stated that he could also simply comply with the 100-foot buffer on Lot 2 and not show a building envelope at all. PB members agreed that this would be the very best solution. Chair Ebel said that her greatest concerns were related to Lot 1 and Lot 2. Mr. Snow emphasized how heavily protected the property was. He opined that the level of protection was unprecedented in New London. He said that he was vehemently opposed to the PB’s interpretation of the zoning ordinance and that he believed that his position would prevail if issues were to go to the maximum review. PB member Andrews agreed that the property was very well protected, more so than any other. Mr. Snow maintained that the soils in the buffer were no different from the soils further up on the property.

Mr. Blakeman opined that the Zoning Board of Adjustment would want to see an alternate buffer plan. Mr. McWilliams opined that the presentation of a plan with building envelopes, etc., that he recommended Mr. Snow develop would describe an alternative to the buffer. Chair Ebel advised that it was the reason that a Special Exception was being sought. Mr. Blakeman said that he had mentioned the 100-foot buffer of the finger because it was in the “no-build” zone.

Ken McWilliams advised that the PB had given Mr. Snow and Mr. Blakeman some ideas, and now they should work up a proposal to be considered by the PB. Mr. Snow opined that the suggested changes in the plan and a meeting of the PB subcommittee could be accomplished in time for the January 9, 2007 PB meeting. Chair Ebel recommended that he present a plan for fire protection as well. Mr. Snow recapped the recommendation for a building envelope or specific setback on Lot 1 and a building envelope near the wetland on Lot 2 and no building envelope requirements elsewhere on the lot.

PB member Hollinger departed the meeting.

## **VI. REVIEW THE REVISED DRAFT OF THE DRIVEWAY REGULATIONS INCORPORATING COMMENTS FROM TOWN COUNSEL**

Ken McWilliams advised the PB that he had forwarded a copy of the draft driveway regulations to Town Counsel Bart Mayer for review of the “purpose” and “authority” sections. He said that Town Counsel’s recommendations had been incorporated in draft before the PB.

PB member Cottrill asked how much input the Zoning Administrator had had. Mr. McWilliams replied that the staff had reviewed the proposed regulations two or three times and Town Counsel had also reviewed the final draft.

PB member Cottrill asked about Section III – Standards, Item E. Width. He opined that a 20-foot minimum width of pavement was too much. He asked about reducing the minimum to 10-12 feet. Mr. Cottrill also asked about Section III – Standards, Item G. Horizontal Curves. He suggested that the minimum turn-around of 22.5 feet should apply only to the primary access. Chair Ebel asked if the 12-foot width in Item E. was standard. Mr. McWilliams replied that he thought the 12-foot figure had come from the Fire Department. Chair Ebel opined that safety was needed, but the PB also wanted to minimize the impact on the environment. Mr. Cottrill opined that the proposed regulations seemed to be encouraging much more paving. Mr. McWilliams clarified that paving driveways was not required. Mr. Cottrill acknowledged the clarification. He said that he had used the term to refer to driveways generally.

Chair Ebel asked for clarification of Section III – Standards, Item L. Steep Slopes. Ken McWilliams advised that slopes of 15% or less were in the “no-build” category, slopes in excess of 15% up to and including 25% were in the “no disturbance” category.

Chair Ebel noted that Section VI – Administration, Item 1. Planning Board Appeal clarified the appeal process. She stated that she would clarify the additional language Mr. McWilliams had adapted from Town Counsel Bart Mayer’s letter.

PB member Andrews asked about the suggestions made by PB member Cottrill. Mr. McWilliams replied that he would discuss them with Zoning Administrator Stanley. Chair Ebel said that the consensus of the PB was for smaller minimums, if possible.

## **VII. CONTINUED DISCUSSION OF POSSIBLE AMENDMENTS TO THE NEW LONDON ZONING ORDINANCE**

Ken McWilliams reviewed the timetable for drafting the minutes, posting notices of the proposed amendments, holding two public hearings, and adoption of proposed amendments. He advised that the December 12, 2006 meeting of the PB would be the last work session for proposed amendments.

- A. PROPOSED AMENDMENT TO ARTICLE XXV ENFORCEMENT, SECTION A. AUTHORITY. Chair Ebel asked if the proposed amendment was required by the State of New Hampshire. Mr. McWilliams replied that it was not.

PB member Cottrill opined that the Board of Selectmen already could do what the proposed amendment would permit. Mr. McWilliams replied that the Board of Selectmen (BOS) did not currently have the authority to delegate any enforcement responsibility to anyone else.

PB member Andrews asked if the authority would be delegated case-by-case. Mr. McWilliams replied that the BOS would be able to rescind the delegation of enforcement authority. He opined that there would need to be good communication between the Town Administrator, the Zoning Administrator, and the Board of Selectmen. PB member Cottrill noted that the need to communicate with the BOS was not stated in the proposed amendment. He asked if weekly reports or some other limiting means should be required. Chair Ebel stated that the key is the oversight requirement and timely reporting; the authority delegated could not be “carte blanche”. Mr. Cottrill said that the proposed amendment should also include a statement that the authority could be rescinded.

Chair Ebel recommended review of the proposed amendment by town counsel. Mr. McWilliams agreed to send him a copy of the draft for review.

- B. PROPOSED AMENDMENT TO ARTICLE III DEFINITIONS - OCCUPY

PB member Cottrill asked what Black’s Law Dictionary cited in the proposed amendment was. He also asked if the term should apply to the “*primary* domicile”, not simply the “domicile”.

PB consensus was to eliminate the reference to a specific dictionary, i.e., Black’s Law Dictionary, and to define all terms used, e.g., domicile. Ken McWilliams said that he would review the definition and propose an alternative.

- C. PROPOSED AMENDMENT TO ARTICLE III DEFINITIONS – BEDROOM

Consensus of the PB was that the definition proposed was too broad; it would not work as too many rooms would meet the requirements set forth in the definition. Ken McWilliams said that he would check some planning books for definitions. Chair Ebel opined that Zoning Administrator Stanley simply needed to have a definition.

**D. PROPOSED AMENDMENT TO ARTICLE III DEFINITIONS, SECTION 123 – STRUCTURE EXCLUSIONS**

Ken McWilliams advised that he had discussed the issue of internal hot tubs with Town Administrator Jessie Levine and that no building permits were needed. Chair Ebel said that proposed amendment would exclude free-standing hot tubs, but the concrete pads would be structures.

Chair Ebel and Ken McWilliams both opined that the exclusions should be listed at the beginning of the proposed amendment. It was agreed that the exclusions should be listed at the beginning.

**E. PROPOSED AMENDMENT TO ARTICLE II, SECTION 14. TEMPORARY ANCILLARY SALES**  
PB approved the proposed amendment by consensus.

**F. PROPOSED AMENDMENT TO ARTICLE II, SECTION 5** The PB approved by consensus the proposed amendment that would permit chimneys to exceed the residential height limitation of 35 feet.

**VIII. CONTINUED DISCUSSION OF THE CAPITAL IMPROVEMENTS PROGRAM**

Ken McWilliams advised that he had asked Town Administrator Jessie Levine why items for which insufficient information had been provided had been included in the Capital Improvements Program (CIP) Report. He reported on the van that was requested by the Recreation Director and for which \$35,000 appeared in Table XII on page 39 of the Report. Town Administrator Levine told him that at the last CIP meeting, the decision had been made to spread the expense over three years and to require that the expenditure be justified before any funds could be expended. She opined that eliminating the dollar figure would remove all evidence that the item had been discussed. Chair Ebel asked about the sequence for CIP requests. Mr. McWilliams advised that a request would start with the PB, then go to the Budget Committee, then to the Board of Selectmen, and then to Town Meeting for consideration by the voters. He suggested eliminating the dollar figure from the CIP Report and including a comment regarding items that had been discussed, but for which additional information was needed.

Chair Ebel and PB member Cottrill both opined that it made no sense to allocate funds before a proposed expenditure had been justified. They both recommended eliminating the funds allocated and including a statement as suggested by Mr. McWilliams. The PB agreed by consensus.

PB member Cottrill recommended that the PB take the same approach for the Tracy Memorial Library request. He opined that there was no point in setting funds aside for a project that has not yet been justified. He said that the process should be to justify the need first and then set aside funds, not the reverse. The PB agreed by consensus.

Chair Ebel reminded PB members that PB members Hollinger and Cottrill had been members of the Capital Improvement Program (CIP) subcommittee.

**IX. OTHER BUSINESS**

**A. ROBERT GLAZIER: TREE CUTTING REQUEST** (Tax Map 30, Lot 8)

PB member Conly presented a request made by Joan Wallen, property manager for Robert Glazier, 1617 Little Sunapee Road, to remove one birch tree that leans over the dock within the 50-foot buffer. Mr. Conly recommended that the request be approved.

It was **MOVED** (Cottrill) and **SECONDED** (Andrews) **THAT THE REQUEST TO REMOVE ONE BIRCH TREE LOCATED WITHIN THE 50-FOOT BUFFER AT 1617 LITTLE SUNAPEE ROAD (TAX MAP 30, LOT 8) BE APPROVED AS PRESENTED.** The **MOTION** was **APPROVED UNANIMOUSLY.**

**B. EDNA MORDECAI TRUST: TREE CUTTING REQUEST**

(Tax Map 62, Lot 5)

PB member Conly presented a request made by the Edna Mordecai Trust to remove two “topped” birch trees located within the 50-foot buffer at 251 Lamson Lane. He advised that he had visited the site. He said that one of the birches was surrounded by vegetation and the property owner had agreed to plant four blueberry bushes to replace the other birch. Mr. Conly recommended approval of the request.

It was **MOVED** (Conly) and **SECONDED** (Andrews) **THAT THE REQUEST TO REMOVE TWO “TOPPED” BIRCH TREES LOCATED WITHIN THE 50-FOOT BUFFER AT 251 LAMSON LANE (TAX MAP 62, LOT 5) BE APPROVED, CONTINGENT UPON THE AGREEMENT THAT THE BIRCH LOCATED WITHIN 10 FEET OF THE LAKE WILL BE REPLACED WITH FOUR (4) BLUEBERRY BUSHES.** The **MOTION** was **APPROVED UNANIMOUSLY.**

**C. WILLIAM J. WILSON: TREE CUTTING REQUEST**

(Tax Map 103, Lot 25)

PB member Conly presented a request made by William J. Wilson to cut five (5) tall pine trees located within the 50-foot buffer at 89 Sunset Shores. Mr. Conly advised that the request was accompanied by a site plan prepared by Pellettieri showing the trees to be removed. Mr. Wilson stated in his letter that he planned to replace each tree with a minimum of three high-bush blueberry plants. PB member Conly advised that he had visited the site, and the five dead pines are huge. He opined that they were killed by the disturbance created by construction of a huge house and a huge deck immediately adjoining the 50-foot shore land buffer. Chair Ebel opined that removal of the trees would be a very significant change and that the PB needed to give the request further consideration. She opined that replacing huge trees with blueberry bushes seemed insufficient. PB member Andrews said that planting large trees would disturb the area more than planting something smaller. She asked if any erosion control plan had been submitted with the request. PB members agreed by consensus that additional information would be needed before a decision could be made.

**D. MINUTES of the SNOW SUBDIVISION SUBCOMMITTEE**

PB members of the Snow subdivision subcommittee **MOVED** (Ebel) and **SECONDED** (Conly) **THAT THE MINUTES OF THE NOVEMBER 7, 2006 MEETING OF THE PLANNING BOARD SUBCOMMITTEE FOR THE PROPOSED SNOW SUBDIVISION (TAX MAP 106, LOT 13) BE APPROVED AS DISTRIBUTED.** The **MOTION** was **APPROVED UNANIMOUSLY.**

**E. MINUTES of the NOVEMBER 14, 2006 MEETING of the PLANNING BOARD were APPROVED, as amended.**

**F. ROBERT EWING - MAJOR SUBDIVISION:SIGN MYLAR**

(Tax Map 96, Lots 15 & 15-4)

Ken McWilliams presented the mylar of the Ewing major subdivision for signing by PB members and forwarding to the Merrimack County Registry of Deeds by the Town of New London.

The **MEETING** was **ADJOURNED** at **10:30 PM.**

Respectfully submitted,  
Judith P. Condict, Recording Secretary  
New London Planning Board

DATE APPROVED \_\_\_\_\_

CHAIRMAN \_\_\_\_\_

