

**BOARD OF SELECTMEN
MEETING MINUTES**

May 2, 2005

PRESENT:

Mark Kaplan, Chair, Board of Selectmen
Ruth I. Clough, Selectman
Douglas W. Lyon, Selectman
Jessie Levine, Town Administrator

OTHERS PRESENT:

Richard Lee, Road Agent
Louis Caron, LC Engineering, Inc.
Lawrence Rupp, New London resident
Gary and Judith Gibson, New London residents
DJ and Bob Lavoie, New London residents
Mark Wendling, New London property owner
Debbie Cross, Intertown Record
Carolyn Dube, Argus Champion

Chair Kaplan called the meeting to order at 8:05 AM.

Meeting Minutes: Mr. Lyon moved to approve the minutes of April 25, 2005. Seconded Ms. Clough and approved 3-0.

Zoning Ordinance: Ms. Levine said that two years ago, the Selectmen approved an increase in the price of the Zoning Ordinance from \$5 to \$6 to recover the cost of adding the color zoning map at the back of the book. The newly-revised Zoning Ordinance, which is longer due to formatting changes to make it easier to read, cost \$8.50 per copy. Ms. Levine asked the Selectmen if they wanted to increase the price of selling the ordinance to cover the cost. This would not end up covering the cost of ordinances that are given to department heads, board members, etc. In addition, Ms. Levine said that the ordinance is available on the website for free, and people are welcome to copy only those sections that they need at the town Offices.

Chair Kaplan said that if it costs \$8.50 to produce an ordinance, it seems reasonable to recover that cost. He moved to approve an increase to \$8.50, seconded by Ms. Clough and approved 3-0.

Sunapee's Proposed Secession from Sullivan County: Ms. Levine said that she has received two calls from reporters asking for New London's position on Sunapee's proposed secession from Sullivan County. After some discussion, the Selectmen decided that they would not comment until they saw the proposed legislation. Chair Kaplan said that there is always the chance that the county will renegotiate its fee structure, giving Sunapee some relief without going through the legislature. Mr. Lyon said that this brings up the question of the relevance of county government overall. The state pushes its obligations and expenses on to the county, which in turn pushes the costs on to the towns. He questioned whether this would turn into a forum to discuss the relevance of county government.

Chair Kaplan reiterated that the Selectmen will not take a position on Sunapee's action at least until the legislation has been proposed.

Planning Board Report: Ms. Clough said that the bulk of the April 26th Planning Board meeting dealt with the Granger Ridge subdivision application. She said that the Planning Board subcommittee had presented its report to the room full of people, most expressing great concern over the amount of water and flow of water in Granger Ridge. Several people had walked the property, and there is no question that there is an enormous amount of water on the land, although it dries up as one walks into the property. She said that the subcommittee is working with the developers and Lou Caron, engineer, to look at all of the water issues. The Planning Board seems to be focused on the appropriateness of the number of lots on the site.

Mr. Lyon asked if the Steep Slope Overlay applies to this property. Ms. Clough said that the property itself is rather flat; the issues relate to the amount of ledge and water that leaves the property. The focus is on whether the water can be contained and allowed to gradually be released, and how the reduction in forested land will affect the water flow. She said that the abutters are skeptical about the plan, and the clustered subdivision intensifies the use because it is not spread out around the property.

Ms. Clough asked Richard Lee if the sight distance at the entrance to Granger Ridge was marginal at best. Mr. Lee said that question was reviewed when the Grangers subdivided off a smaller piece of land, and even though the entrance was not ideal it was preferable to sending more people out through Bunker Road.

Ms. Clough said that a lot of attention is being paid to the developers' past issues with water and drainage. The subcommittee consists of members of the Planning Board, abutters, and representatives from the Pleasant Lake Protective Association.

The Jesseman Engineering property has been referred for Site Plan Review, to address questions about adequate parking.

Balsam Acres: At 8:20 AM, Chair Kaplan opened the discussion on the Balsam Acres water flow, welcoming Lawrence Rupp, Judy and Gary Gibson, Richard Lee, Road Agent, and Lou Caron, of LC Engineering, to the meeting. He said that the Town had asked Lou Caron to look at the water and drainage in the neighborhood and determine the case and flow of water. He gave the floor to Mr. Caron to explain his findings.

Mr. Caron said that when he was asked to review the situation, he walked the road and the site with Ms. Levine, Mr. Lee, and Mr. Rupp. Mr. Caron said that he understood that construction occurred uphill 15 years ago, so they walked the woods behind Squires Lane and found a diversion swale, running diagonally, about 500-600 feet uphill from Mr. Rupp's house. He pointed to the area of the swale on a map projected by Mr. Rupp, showing how the water would have been diverted after it passed through culverts on Squires Lane. The natural swale, which had been there for a very long time, collected the downhill flow and flowed southeast. He said that he essentially found that Mr. Rupp had been correct about the amount of water going through the culvert near his property; the surface water from about twice as much area was being diverted into this system. Mr. Caron performed a calculation of the water coming downhill beginning with the culverts on Main Street, and found that more than 15 acres of land ultimately drained into the culvert by Mr. Rupp's house, more than half of which used to flow under Squires Lane.

Mr. Caron explained that the impact of this water on the road long-term would be on the roadside ditch that the Town maintains. It would also impact the property behind the Rupp and Gibson homes, where there is a large flat area where the water collected. Over 15 years, the additional flow has increased the amount of water to that area; although the water eventually drains out, it takes longer and longer to do so. In talking to other people who live in the neighborhood, he heard that over the past ten years, it has been later and later in the season that they have been able to use their land, although it eventually drains out.

Mr. Caron said that he does not have an answer for the cause of the water in Mr. Rupp's basement. The increased water over land would not have an impact on the basement because it does not impact the groundwater table. The water draining through the three cross-culverts in 1989 would have created a higher groundwater table in 1989 than today; the diversion through the culvert between the Rupp and Gibson properties probably helped reduce the height of the groundwater table, but not by much.

Mr. Caron said that he and Richard Lee had spoken about possible solutions, and he turned the floor over to Richard Lee. Richard Lee said that the first solution would be to tie into the existing catch basin in front of the Giles's property, which receives the pipe coming out of the College property, and there is grade enough to put a culvert back under Squires Lane that would discharge on to the Deming property, as it had prior to 1989. This would put better than 50% of the water back into the pre-1989 drainage system. Mr. Caron explained that the water would flow down the property line to a soggy area down hill, and would flow away from the Rupp and Gibson properties. This would intercept the water coming down from Main Street and the upper neighborhood on Squires Lane. In addition, the terrain drops significantly behind the Deming house, which means that Richard Lee could coordinate with the property owner as to where the pipe should daylight.

Chair Kaplan asked what would happen to the water behind Mr. Rupp's house. Mr. Caron replied that it would be cut in half. Mr. Rupp said that this appears to be the proposal that he would hope for. Ms. Clough said that it would be wonderful to reduce the water flow. She said that she has been sitting on the Planning Board during discussion of the Granger Ridge subdivision, and asked whether returning the water flow to the old stream behind the Deming's house would cause any erosion. Richard Lee said that there may be a need for some trap rock, but primarily it will go into the natural rock line that has carried water before. Mr. Caron said that it would still need to be inspected every so often, but that even the swale has been underutilized lately, it has seen the flow before. Ms. Levine said that there would need to be a discussion with the property owners before returning the water to this older system.

Mr. Lyon reviewed the former and current locations of the culverts on the overhead map, and asked Mr. Caron to point out the areas that would benefit from having an enclosed drainage system. Mr. Caron said that Richard Lee had also mentioned his preference to enclose the drainage on the remainder of Squires Lane and in Balsam Acres. Mr. Caron said that his experience with enclosed drainage has always been positive for the right-of-way and for the landowner around the road. An open ditch with one or two feet of water compromises the road; an enclosed system allows landscaping up to the edge of the road. The water would collect in a catch basin and go underground, where it would discharge in its current locations. It also prevents ice dams from forming on the edge of the roads, which erode the edge of pavement and prevent water from reaching the ditch. The enclosure would eliminate the ditches, reduce the amount of water in the road bed, and lower the groundwater table in the immediate area.

Mr. Lyon said that Mr. Rupp had been concerned about the water in his basement, and asked Mr. Caron whether these proposals would help that situation. Mr. Rupp said that when Mr. Caron visited his home last week, they noted that no water was coming out of the foundation drain. He said that he found a blockage in one of his foundation drains, and has cleared it out.

Mr. Rupp asked if it would be possible for the water flowing underground to resurface in another location. Mr. Caron said that it would not because of the slope behind Squires Lane. In fact, the fact that less water was ponding above over the past 15 years may have lowered the amount of groundwater reaching Balsam Acres. The proposed underdrain in Balsam Acres may provide some relief. This may be most noticeable in the front yards, which may be less mushy.

Mr. Lyon said that when he walked the property with Mr. Rupp, he noticed that the water passing through the culvert appeared to turn towards the Gibsons' property, taking water closer to their foundation. He

asked if these proposals would solve the problem of water in the Gibsons' basement. Mr. Caron said that with the grades of the ditch, the normal flow was confined to a narrow place. Under heavier flow, it may spread out a little, but would then flow back out. He stated that with the re-diversion of water, the area behind the Gibsons' house would not be as wet for as long, but it will still be wet because the hillside will flow to the low spot. In the long run, the Gibsons will notice the ability to use the property earlier.

Mr. Rupp said that he built his house in 1967 and moved in in 1968, and experienced 21 years of modest water flow from uphill. Suddenly, his driveway started to washout, his back yard flooded, and in 1995 Richard Lee told him that the work that the Town performed in 1989 may have caused these problems. Then, in October 2004, he saw Andrews Construction replacing the pipes at the Giles property, and he realized that all of the water above his home was flowing down. In November, he met with Ken McWilliams, Town Planner, who gave him estimates on the potential buildout of the property uphill, and he became increasingly concerned about the future. Chair Kaplan summarized the proposal is to capture the water from uphill and put it back where it had gone before.

Ms. Levine said that Michael Work, on Squires Lane, had asked for permission to re-install a culvert under his driveway. She said that the Board of Selectmen had postponed the decision until this meeting, and asked if everyone felt comfortable with approving the culvert, given what we now know about the drainage. The consensus was that the Works should be allowed to install their culvert as requested.

Chair Kaplan asked Richard Lee about the time frame for the work. Richard Lee said that the first thing would be to meet with the property owner on Squires Lane. The work would probably best be done in late July or August, once the water table has gone down. Right now, there is standing water in the ditches in Balsam Acres, and he expects that even when it's dry, there will be water six feet down. He said that they will not remove the cross culverts in Balsam Acres, but will send water in the same place it had gone before. He said that he would either shim or grind and pave Balsam Acres during the fall paving schedule.

Chair Kaplan asked the Gibsons if they would like to comment. Gary Gibson said that he appreciates the time spent and the proposal sound okay. He said that he would not agree to everything until he has spoken to Mr. Rupp, but he sees an effort to correct the excessive water. Mr. Rupp said that he'll see what it's like when the water is taken away.

The Board of Selectmen agreed to Richard Lee's proposed solutions. Mr. Lyon asked Mr. Rupp if he was comfortable, and Mr. Rupp said that it sounds like what he had asked for. Mr. Lyon said that he is delighted with the solutions, and thanked Mr. Caron for his assistance.

Mr. Rupp, the Gibsons, Richard Lee, and Mr. Caron departed at 9:10, at which time Chair Kaplan called for a five-minute break.

Copy Costs: Ms. Clough said that someone had voiced a concern about the cost of photocopying at the Town Offices, which was \$0.25. After some discussion, the Board of Selectmen took no action about the cost of photocopies.

Citizen's Advisory Committee Recap: Chair Kaplan said that Bruce King, CEO of New London Hospital, and Bill Helm, Chair of the Board of Trustees, led a wonderful discussion on the turnaround of the hospital and its plan to join the Dartmouth Hitchcock Alliance. Although New London Hospital would still be independent, any major changes that it would make would be considered by the alliance. Other benefits include purchasing power, insurance costs, and exchange of knowledge and information. Mr. Lyon said that a hidden advantage is quality control. Ms. Clough said that she is in favor of the action, that would strengthen the vitality of the small hospital. Chair Kaplan said that there has been some

concern that the hospital is not the same as it was 20 or 30 years ago, and he noted that the services and regulations have certainly changed over the preceding 30 years as well.

Joint Assessing Agreement: Ms. Levine said that the agreement for Joint Assessing Services with the Towns of Newbury and Sunapee has been finalized and is ready for the Board of Selectmen's signature. After the Selectmen sign, the agreement will go to the Newbury Selectmen tonight and the Sunapee Selectmen next week. She said that this draft incorporates suggestions from the Attorney General's Office, a former employee of the Department of Revenue Administration who now works for the Local Government Center, and legal counsel for all three towns. The Board of Selectmen signed the agreement. Ms. Levine said that New London needs to appoint a resident to serve on the Joint Board for a one-year term. The Board of Selectmen discussed names for the possible appointment.

OTHER BUSINESS:

Zoning Violation: Chair Kaplan noted Ms. Levine's letter to residents of Stoney Brook Road who have a sign for their business on King Hill Road. They are asked to respond to the Town by May 13, 2005.

Cross Letter: Chair Kaplan referred to a letter from Richard Cross asking for consideration for allowing residents to leave metal at the Transfer Station to be taken to the Brush & Metal Disposal Center ("Stump Dump") by Transfer Station staff. Ms. Levine said that she would talk to Richard Lee about the suggestion, but that she would be concerned about where to draw the line. She said that the Brush & Metal Disposal is open on Sundays for the benefit of residents who wanted weekend access; employees are currently paid overtime to staff the Brush & Metal Disposal on Sundays. Chair Kaplan said that it is unlikely that the two places could be open at the same time, due to staffing concerns. Ms. Levine agreed. The Selectmen asked her to talk to Richard Lee about the suggestion.

Sewer Lagoons: Ms. Levine said that the Water Precinct is about to start the project to install an underground water tank at Colby-Sawyer College. There will be a tremendous amount of fill leaving the project, and Peter Stanley had suggested using the fill to fill in the sewer lagoons on the Sewer Department property. Ms. Levine met with Peter Stanley and Richard Lee last week to discuss the project; Richard Lee is willing to accept the fill and have his staff move the fill into the sewer lagoons on a gradual basis. There is a concern about the trucking on Main Street during the month of June; Police Chief Seastrand is aware of it. Peter Stanley will contact the Department of Environmental Services to inquire about permitting; the Highway Department will take no action to fill until permits are in place.

SIGNATURES:

Building Permits:

- Colby-Sawyer College, 541 Main Street (Map 085, Lot 033), permit to construct interior 4' x 9' enclosure for storage at Ware Campus Center – Approved (Permit 05-040)
- Joseph W. Coleburn, 63 Barton's Row (Map 064, Lot 005), application for extension of building permit #04-013 due to weather conditions – Approved
- James Hanrahan, 197 Burnt Hill Road (Map 030, Lot 013), after-the-fact permit to construct new home and detached garage – Approved (Permit 05-039)
- Tod Schweizer, 115 Old Main Street (Map 107, Lot 3), permit to build new detached garage/barn – Approved (Permit 05-041)

Sign Permits:

- NONE

Other Items for Signature:

- Disbursement & Payroll Voucher for the week of May 2, 2005
- Raffle Permit for New London Hospital Auxiliary, for Hospital Days raffle – Approved
- Application for Use of Whipple Memorial Town Hall by NL Local Citizens regarding middle school, for Wednesday, May 4 from 6:30-9:30 PM – Approved

There being no further business, the Board of Selectmen voted to adjourn the meeting at 9:50 AM.

Respectfully submitted,

Jessie Levine
Town Administrator