

**TOWN OF NEW LONDON
CONSERVATION COMMISSION
SEPTEMBER 21, 2005**

PRESENT: Laura Alexander, Dan Allen, Dale Conly, Terry Dancy, Les Norman, Ruth White

Les Norman, Chair, opened the meeting at 1 p.m.

Minutes – August 17, 2005

Les Norman moved to approve last month's minutes, Dale Conly seconded. No further discussion took place and the motion unanimously approved.

Ross Stevens-Stream Setbacks on McLeod Property-Hayfield Lane (Map 128, :Lot 016)

Ross Stevens and Bo Quackenbos representing owner, introduced two copies of the site plan for the members to review. The two issues needing to be addressed involve cutting trees in the proximity of a stream and placing a leach field within the prescribed wetlands buffer.

Terry Dancy asked if this is the same property located opposite the Round house and Ross said it was. Terry made it known it's the one he walked on with Bo. The stream shown on the plan is properly located. Ross stated the stream has a steep bank which drops straight down onto the stream. He said the stream according to Peter Stanley is mapped on the town stream map, however, it's on the adjacent lot to right of the one they are looking at. Ross explained the stream is probably located 500 or 600 feet away from where it is shown on the town map. Terry said, "in other words we buffered the stream because it is not a seasonal stream, but we took the buffering map which is approved from the USGS maps which discharges 300 feet into the lake from where it is marked on the map."

Committee members were shown an area that was surveyed on the site plan by Ross showing where Bo would like to do the clearing. Ross also measured in another segment showing a spot along Bunker Road with a break in the stone wall, the stream actually goes through it. Terry stated he walked this area with a GPS and mapped it out on a USGS background showing the corner lot in the back and marked it where it should be on the map. He then checked it with a GPS and stated the stream is correctly placed. Terry is actually confirming what Ross is saying is absolutely correct. The stream is actually mapped on the other lot which was identified by their wetland scientist. Ross concluded the stream is of lesser importance than perhaps what is actually perceived on the town map. It is of intermittent nature and does not connect any major bodies of water with Pleasant Lake or other substantial wetlands. Ross stated Peter Stanley recommended he visit, as a first step, with the Conservation Commission about this issue to see if this area is acceptable for a house site. It is a lot of record noted by Ross, it's about 3.8 acres and shows signs of development on it. It has a driveway and a leach field that belongs to the occupied house across the street. There has been clearing on it, approximately 6 feet away from the stream bank along the lower left side of the driveway. Bo is proposing to clear a knoll directly above the driveway for the purposes of a future house site. The reason that particular location was chosen is because it's readily accessible without crossing any wetland area from the existing driveway. Esthetically, the most important reason is it has a view of Pleasant Lake from that knoll because of the clearing of a house site directly across the street from it on Pleasant Lake.

The second topic is the placement of the leach field. Ross has proposed a location for the leach field on the right side of the site for the following reasons: 1) farthest away from any water course either intermittent or otherwise, 2) the closest thing to it is a poorly drained soil area which is identified as a jurisdiction of a wetland. What he has tried to do in placement of septic system is to place it topographically so it will have the least impact on poorly drained soil areas. It's located over the top of the knoll area and down towards Bunker Road. That particular issue would require a variance; they would request a variance from a 50 ft. wetland setback to a 75 ft. wetland setback for a leach field down to something in excess of 50 feet. He noted a 75 ft. set back can not be done and still keep the leach field set back from the property line in conformance with state requirements. The state requirement for a leach field set back for poorly drained soil is 50 ft. So he would at least meet or exceed the state requirement. The 75 ft. set back is a New London Ordinance requirement. Terry stated that is permitted. The wetlands scientist who was contacted by Ross feels this particular poorly drained soil is a result of runoff from surrounding areas only. It is surface water on top of ledge. It's not a connected wetland, it's not submerged soil, or fully-saturated soil any time of year. Ross stated this soil is very conducive for a leach field. Ross thought what they would propose in this location is a clean solutions type of septic system which involves pretreatment almost to drinking water quality. The septic tank will be placed somewhere by the driveway and they would not have to cross any wetland areas.

Ruth asked Ross exactly what the Conservation is approving today, everything or only the initial phase. Ross said they would have to go to the Zoning Board for a variance for the initial clearing within stream buffer and to place a leach field with the 75 ft. wetland set back. Les asked Terry if the Commission was straight on exactly where this stream is or do we have to do more work on it. Terry stated they have documented in Peter Stanley records the stream located by the GPS based on the background of the tax map showing where it is impending and viewed on the USGS map. Peter will be talking to Ken McWilliams about relocating the stream on the town maps. Terry confirmed the stream has not been reclassified and no decision has been made and is "up in the air" at this time.

Les stated the Conservation Commission has a good understanding of what needs to be done using this parcel for a future home site but he did not think they can come to a decision on this today because certain rules and regulations are vague at this point in time. All the members decided it would be best to speak with Peter Stanley on this issue and asked the applicant if this issue can be postponed for a month to be able to discuss it further.

Pierre and Ann Bedard-Pleasant Lake Shoreline Property (Map 077, Lot 042)

Pierre and Ann Bedard stated they are here to discuss their dock situation on Bunker Road. Pierre discussed the following: It has a wooden ramp and a set of stairs that goes out to the dock. The location of the dock receives the prevailing winds from across the whole lake. The dock was built back in 1986; it's been used only as a seasonal dock. In order to be able to tie a boat to it, there are two concrete anchors at the bottom with steel brackets the dock sits in between and a set of stairs that goes down to the dock. The stairs are exactly 19 feet long and the dock is 4 x 20 foot and it was placed out in the water in order to allow enough water depth to tie a boat to it. It's difficult right now because it is a seasonal dock and has to be removed at the end of each season and then put back. The only way to do this is to have Jim Alexander come with a crane and haul it out

The other thing that has happened at the lake is it has eroded along the bank right up to the edge of the pavement by the road. Pierre indicated he spoke with Richard Lee who has plans to place a retaining wall on the bank running approximately several hundred feet. He hoped to do any replacement of the dock and any changes needed in conjunction with this work. Terry commented this work was to be done last year by Richard. Pierre thought the work is scheduled for 2007.

Pierre said the most urgent part of this situation is the stairs that must be replaced now. He said they looked at aluminum stairs, but it is so costly to replace because of the stairs length. Since work is required on the shore, Pierre was hoping they could replace everything now instead of having to do it again when the work was scheduled for completion to the shoreline in the near future. Pierre introduced sketches to the members showing the work he plans to do. Terry asked what your proposing is putting in new anchor pads. Pierre said what he plans to do is placing something on the shore side. He plans to work with Richard Lee in conjunction with the concrete retaining wall that will be placed along the shore line in 2007. Terry asked Pierre if he is looking for a permanent anchor to which you can attach a floating dock or a windup dock? Pierre said it might be a windup dock providing he can get enough support due to the fact they are so close to the road. Pierre said if he had enough mass of concrete, and if they could place it back further from the shoreline that might be a possibility. The pad is 6 ft. x 20 ft. and it would be possible to put in a 6 ft x 30 ft pad. Pierre believes if you can keep the dock out in the lake where it resides now and come back to shore 10 ft., then the stairs would not have be so long. He could put in a lighter aluminum stairs and where the wooden ramp is, he could replace it with some type of concrete or blocks which would act as a retaining wall and Richard Lee could tie into it when he does his part of the job

Terry asked Pierre what you're looking for is the fact you don't want the Conservation Commission to oppose the idea of putting in a permanent anchor. Pierre showed Terry the proposed sketch for the work he would like to complete. Pierre stated he would cut the braces off and anchor a seasonal dock with legs on it, anchor that to the concrete pad to stabilize it and not disturb anything in the lake. The concrete blocks can be placed on the shore without going into the lake. Pierre still needs a permit from the Wetlands Bureau to complete this work. Terry said sometime ago the Commission looked into the permitting process for a cantilever dock and determined this is approvable by the Wetlands Bureau. Terry also stated the entire work Pierre wants to do is officially in the right-of-way of the road. The right of way is also out in the lake, so Terry noted what Pierre is paying taxes on is out in the water. Pierre said if he can come in 10 ft from shore, the steps will be small enough he can remove them by hand even though the dock has no ramp to pull the dock out or for dismantling it. Terry commented from an environmental point of view, what you are doing is exactly what Richard Lee will have to do to stop erosion right along the shore. He also stated as one member of the Commission, he does not see anything in the proposed work plan he can oppose. Laura commented on what you are trying to do here is place a big concrete pad along the shoreline which most of her neighbors have already.

Ann told the Commission she spoke with Richard Lee about this situation and Richard said to just do it. As more time goes by, they are losing more and more of the bank. Pierre also commented when the crane is there on the pavement and puts it outriggers out to remove the dock, the outriggers start pushing out on the pavement.

Ann asked the Commission if they would bless this proposal, plus the change to a bigger dock. It will not be a bigger ramp going down to the dock, it will stay as 4 ft wide and the dock will be 6 ft. wide. Terry said if you increase the size of the dock you will have to get a wetlands permit. Pierre said he has to get a wetland permit anyway because his dimensions have changed. Ann stated they would like to put the pad in this fall. Terry asked Ann what are they planning on doing with the old dock, the Conservation Commission has used old docks in the past as bridges. Ann told Terry he is welcome to look at the dock and see if the Commission can use it. Terry stated to Ann if they come back with the same proposal as presented, the Commission has no problem with what has been proposed.

Major Subdivision and Cluster Development Plan (Map 61, Lot 14)

Les asked Terry if he would like to discuss the other subdivision. Terry commented he did not know if he should because he was not at the last meeting. He also stated the Conservation Commission seems to be put in the middle even though they shouldn't be. The Pleasant Lake Protective Association has said the Conservation Commission should be absolutely thinking like we are because they are interested in protecting the environment. Terry made it known the position we have always taken on this is: "The people coming into the subdivision are meeting every requirement that the town has in its written regulations and we cannot prove they are not going to, even though we might have doubts about confidence in the contractor, we have no basis on to which we can oppose it and pass their opposition onto the Planning Board". Ruth asked Terry if the Pleasant Lake Protective Association received that message at the last meeting. Terry said he talked at length with John Wilson about this as recently as last night. Terry thinks he has gotten through to him. He said there is absolutely no way if these people, the developer, does all that is asked of him in relation to erosion control, which is the prime question in what happens to the disturbance of the drainage, then there is no basis on which the Planning Board can refuse it. We certainly have already persuaded them to remove houses from the wettest location. There is still one house which is still on this location and we should try to persuade them not to place a house there. One other serious concern is about the extent of blasting that is necessary for building 8 ft. basements. The sewage system will be a district system for the entire subdivision. A lot of concern has come up about disturbance with the blasting to downstream wells and the liability to soil and erosion. So we should engage a hydrologist engineer to look at it. Terry said this is of course is being done and they will come up with a review of this situation in which they will have a detailed proposal ready for the next Planning Board meeting. This work is paid for by the developer and if the review comes back as approvable--essentially the Planning Board will approve it. But still there is the question of the one house which is on relatively wet soil, it's not a wetland but has surface water on top of ledge.

Les asked if there is anything else the Conservation Commission should comment on about this subdivision. Ruth said it's important the Pleasant Lake Protective Association gets this message.

She also said the Conservation Commission of New London has had a relatively good reputation about everybody and this is really the very first big glitch we have had. We have some very outspoken people that are saying things that are not necessarily true, but everybody does not know that. Somehow we have to get them to see it the other way. Les commented a special meeting should be held to discuss this matter along with steep slopes and soil erosion. Terry said this message should get into the minutes that the position of the Commission is: "they are not encouraging development into inappropriate development sites, but we do have a role in making people keep to what they agreed to.

Laura said maybe it time for a "letter to the editor" stating: "in light of recent developments in the town, it has becomes more apparent as land gets scarcer, and as we start building on more questionable lots, some of these issues are really important and people have a strong feeling about them. They have to do with steep slopes and drainage. We are about to embark on a Master Planning Process and we need your input. Our position right now is we need to follow the regulations that are now in place, but if you feel these regulations are not suitable it's time to step up to the plate." Terry stated that is a wonderful idea and asked Laura if she could write something stating that position. Ruth said she could not agree more, the time has come to do something. Laura said she would draft something together that Dale can look at within the next few days.

Davis Property, Lighthouse View Road, House Upgrade (Map 115, Lot 001)

Harry Seidel of Alae Design, George Pellettieri of Pellettieri Associates Landscape & Architecture & Construction, Ross Stevens/Engineer and Howard Davis, Owner, has designed plans for 143 Lighthouse View Road.

Harry stated the project is a small cottage on the lake and is non- conforming and straddles a 50 ft. setback. It's a beautiful home built in the old cottage style with isolated piers and there is some derogation of the piers overtime which are beginning to kick out on the lake side. The project is basically renovation of the house bringing it up to modern standards with the current codes, replacing the foundation, which is out of the required 50 ft setback. There is one questionable area that we are asking for, it is placing the foundation which is 7'6" into the 50 ft. line. The very front of the house has a porch that we are proposing to install isolated piers which is what they have right now. Another part of the project is small addition which is away from the lake on the rear of the house that will be a new entryway. It will also contain a Spanish kitchen, improved stairway. Harry showed copies of the plans to the members.

The rest of the project will consist of new doors, wiring, insulation, plumbing and in the bathroom we will replace the old fixtures. Terry asked about the piers on the open porch. He wanted to know if it's a screened in porch or open porch. Harry stated it's a screened in porch on the first floor without the screens, it has a ceiling with bedrooms above it. Terry also commented about another case of a deck on another lake shore property which was supposed to be an open deck but now has been renovated into an enclosed and centrally heated room placed approximately 10 ft. away from the lake. Terry said there is a cease and desist order now in place for this property. Howard stated it would not be enclosed; he loves the porch and would not change it. The second floor is a shed dormer and does hang out over the porch.

Harry is now going over the second floor plans with the members. The second floor plan expands over the footprint of the first floor. The windows on the second floor will be replaced, surfaces will be upgraded but there is no architectural expansion of the footprint. The next drawing shows the foundation. What you are seeing here is a typical foundation with plans showing existing masonry areas showing chimneys, fireplace supports. This is showing a new 8 inch concrete foundation down to frost and goes around the entire perimeter of the first floor. He is also showing a small area of piers that he is proposing to put a foundation in. That is 7'6" into the 50 ft. setback. Harry said this is what they will be requesting a permit from the Zoning Board.

Terry stated one of the problems here, even though your proposal is very interesting is the way of upgrading it, is the whole idea of the 50 ft. zone is no disturbance. Harry said the proposed method of doing this is to take the whole building and jack it up and the only excavation activity that will take place from the 50 ft. line forward will be within the footprint of the house.

Ross Stevens has shown the site plan showing the lakefront, yard, and building. He said we have proposed several different measures for accomplishing this construction with no impact on the shoreline buffer. All major construction will be conducted within the footprint of the house and that may extend within the overhang of the existing roof. There is a maroon colored area next to the house and what that is going to be is an excavated ramp so that small construction vehicles can get from the existing driveway down underneath the building. They will be doing all the excavation and removal of dirt will be in that direction and back out along the driveway. Major access for concrete trucks will also be along the same route. It's convenient that most of the runoff from the site can be controlled and kept away from the building. The soil is extremely well drained sandy soil, so he does not expect much from runoff. Runoff from the roof will likely come off and come down into the excavation and foundation. When that happens, the hole in the ground will likely be down below surface level and the water and mud will not go into the lake. So to keep the hole dry, if necessary, there will be a construction pump under the house. Any water that comes from the roof or ground will be pumped out into an area that looks like a kidney bean on the plan. This area is a filter basin that he will propose using organic and synthetic products to filter out the water leaving any sediments in it and then the water will be percolated into the ground. The other line coming out of house is the pump discharge line. Toward the lake, there will be filter dykes; they will pick up any possibly spillage or seepage from the filter basin.

Harry stated they would have go to the Zoning Board to get a variance for the non-conforming house. He said he is attending this meeting to convince the Conservation Commission they are doing a good job in acknowledging the buffer and staying out of it. He asked if there were any more questions, he will turn it over to George Pellettieri.

George Pellettieri stated he has been in the State of New Hampshire for 30 years and has his own landscape architecture and construction business for most of that time. He said he has had great deal of experience and has won several awards for his work. He does not have a landscape design at this point in time but will present one to the ZBA.

Terry stated it's obvious all of you have read your regulations and he does not hear any opposition from any of the members about this proposal. Laura asked if they could keep one copy of the site plan. Terry thanked all for the very interesting proposal.

Wilson Shoreline Property- 115 Lighthouse View Road (Map 126, Lot 011)

George Pellettieri has passed around drawings of proposed plans. He explained what we are here for today is we will be approaching the Department of Environmental Services for a wetland permit to repair the concrete wall that is failing. It is holding up the shoreline and support for a deck. George emphasized they are very concerned about the setbacks. On any of our projects, we're hopeful to get our clients to move in the direction of making our projects less visible from the lakes.

What he would like to do is remove the wood decking and wood seating and build a retaining wall on the backside of the seats. Another couple of things he is interested in doing is to not have walkways that have a straight shot down to the water, they would meander down to the lake creating less erosion. The steps would be eliminated also. He would raise the grade and plant the whole area behind it. In the area where he removes the wood decking and the wood seating, he would like to replace the seating with the stone retaining wall. It would still serve the purpose of seating but wouldn't be visually obtrusive nor would it be a maintenance problem. George commented on the fact that people use stains near the lake area which can be an environmental issue. He would like to replace it with stone, but unfortunately, that runs counter to the regulation. If you replace anything, it has to be the same material for a repair so it will conform to current standards. Terry commented the Commission has argued this point with DES in the past, where people have had railroad ties and wanted to replace it with stone. In fact on more than one occasion, the Conservation Commission has won the argument. Terry stated in the regulations of the 50 ft. zone, you can have a 4 ft. walkway down for a dock and you can have an area where you can get up on the dock. But the one thing that does not appear to be in the regulations is creating level sitting space other than with natural materials. Whether this can be considered grandfathered by replacing it with better environmentally sound material maybe a way of getting around that, Terry mentioned that he does not know if it can be done. At this point in time, Terry spoke about a situation on Messer Pond where a person was not allowed to put this same thing in next to the lake in the 50 ft. zone. George asked if this was done by the Town of New London and Terry said it was. They did not start by going through the planning process and was told to stop. George stated he has been before the ZBA on a number of occasions and with all of our projects, we always adhere to the regulations, and follow the procedures. George commented he has been very successful in getting variances and permits from the state. In fact, he was just appointed to the Governor's Commission on the Shoreland Protection Act for review and revision that will occur over the next year. Terry asked George what was under the deck before. George said concrete, concrete retaining wall, and crushed stone. Terry commented on the fact that he is replacing stone by stone. George said technically "yes" but there is wood covering over the stone, and he does not want to say stone by stone when essentially there is wood over it. Terry said what your talking about here is set stone with spaces in it. So Terry conceded from a drainage point of view it is not worse than what you have, so you may win the argument. George is proposing not to replace the concrete with concrete but with large granite blocks or natural stone.

George affirmed this work would be done entirely from the lake. He has contractor with a large barge on Lake Sunapee and they can get an excavator on it, along with large boulders. All of this will be done through DES as well. Terry said he sees nothing the Conservation Commission can oppose in this proposal and thanked them for coming.

Town Trail Map

Laura presented a copy of the new trail map. Terry wants to make certain this is looked over by someone other than him. Ruth and Dan offered to proof the map. Laura said you can email her the changes and she will notify Adam. Ruth asked how much are we thinking about the hospital road that is going to come over to Parkside, is that going to happen or is that still in the discussion stage. Terry told Ruth the position here is this map is now entirely on computer and Bob Crane will have the software so he will be able to change things on the map and we can have it reprinted.

The other task Terry has for the proofreaders are to proof the text on the back of the map. Terry said final question is do we want a picture on the back of the map, and all members agreed to keep the same picture on the trail map as last year. Terry hoped the Commission can get this map completed within a week or two. Credits go to Adam, Laura, Bob, Emma, and Brian Faughnan for their great efforts in completion of this well done project.

Trail Maintenance

Dan has the materials he used for making the blazes for the trails and shows the members.

Highland Trail-needed to be marked.

Phillips Preserve Maintained by Scott Brown

Lake Sunapee Forestry Trails –different colored blazes on trail

Other Items

Car pool needed going to Grafton on Thursday September 29, 2005 “How to Make Planners Heard in Concord.”

Items Postponed to Another Occasion

- ◆ Fifty foot guidelines
- ◆ Restrictions on rock soils and steep gradients
- ◆ Vision of conservation lands in New London

A special meeting has been set for Wednesday, October 5, 2005 in the Town of New London Small Conference Room at 2:00 p.m. to complete the above listed items.

Meeting adjourned at 3:10 p.m.

Respectfully submitted by

Connie McBride
Office Assistant