

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
JULY 10, 2007**

MEMBERS PRESENT: Karen Ebel (Chairman), Celeste Cook, Tom Cottrill, Dale Conly, Jeff Hollinger, Michael Doheny, Ken McWilliams (Planner), Larry Ballin (Selectmen's Representative), Michele Holton (Alternate)

Chair Ebel called the **MEETING TO ORDER** at 7:30 PM. Chair Ebel advised that Alternate Michele Holton could participate in discussion, but could not vote on issues because all regular members of the PB were present.

I. JAMES CLEVELAND REVOCABLE TRUST & MARILYN KIDDER MARITAL TRUST – Final Minor Subdivision (Tax Map 101, Lot 9)

Hilary Cleveland and Marilyn Kidder were accompanied by Pierre Bedard (Pierre J. Bedard & Associates, P.C.). Plans for the proposed subdivision were presented and displayed for PB review.

Pierre Bedard advised the PB that the proposed subdivision would create two lots with frontage on Baker Road. He advised that the property was located in the Agricultural and Rural Residential (ARR) District and that the proposed lots would exceed the minimum lot size and frontage requirements for that district.

Mr. Bedard said that Lot 1 would contain 15.76 acres and have 692 feet of frontage on Mountain Road and 418 feet of frontage on Baker Road. He pointed out that the boundary on the east would partially follow a stone wall. He said that Lot 2 would contain 15.18 acres and have frontage on Baker Road. He pointed out that the southerly bound for Lot 2 was the New London-Sutton town boundary. Mr. Bedard stated that the remaining 126 acres were bounded by the New London town boundary and by Cascade Brook.

He advised that test pits on Lot 1 and Lot 2 had indicated that the soils could support septic systems and that the test pits had been witnessed by Donald Bent, Health Officer for the Town of New London. Mr. Bedard advised that the plans presented included calculations based on a High Intensity Soils Survey conducted by Schauer Environmental Consultants, LLC. He stated that the proposed driveways indicated on the plans were located at existing access points off Baker Road. He advised that the property abutted the old town landfill and the Shepard sand/gravel pit.

Chair Ebel asked if there were any abutters present who wished to speak on the issue. There were none. Chair Ebel stated that the proposed new lots would meet minimum lot size and frontage requirements for the ARR District. She asked Ken McWilliams if any issues had been raised at the meeting with municipal department heads. Mr. McWilliams replied that no issues were raised.

It was **MOVED** (Hollinger) and **SECONDED** (Ballin) **THAT THE FINAL MINOR SUBDIVISION OF LOT 101, LOT 9 TO CREATE TWO LOTS, ONE HAVING 15.76 ACRES AND ONE HAVING 15.18 ACRES, BOTH WITH FRONTAGE ON BAKER ROAD, BE APPROVED AS PRESENTED BY PIERRE BEDARD ON BEHALF OF THE JAMES CLEVELAND REVOCABLE TRUST AND THE MARILYN KIDDER MARITAL TRUST. THE MOTION WAS APPROVED UNANIMOUSLY.**

Mr. Bedard advised that the mylar would be submitted at a later date for PB signing and forwarding to the Merrimack County Registry of Deeds.

II. ROBERT EWING – Concept Major Subdivision: 3 Lots (Tax Map 96, Lot 15)

Robert Ewing was accompanied by Charles Hirshberg (CLD Consulting Engineers). Alternate Michele Holton, as an abutter, recused herself from the PB.

Plans for the proposed subdivision were displayed for PB review. Mr. Hirshberg reminded PB members that a 22-acre parcel had been subdivided off Tax Map 96, Lot 15 approximately a year ago. He said that

Mr. Ewing planned to annex part of that parcel to Lot 15.4, thereby increasing the size of Lot 15.4 to 86.2 acres, and to subdivide the remainder. Mr. Hirshberg advised that the shaded portion on the plan defined conservation easements. A 10-foot strip would be annexed to the existing Lot 15.4 to access the trail system of said lot.

Mr. Hirshberg stated that the subdivided lots would be served by municipal water and sewer. He said that earlier plans provided for three subdivided lots coming off a hammerhead and the extension of water and sewer services. He pointed out that the right-of-way on the plan was larger than usual; however, at the meeting with municipal department heads, there had been discussion about sliding the paved hammerhead that sat right against the property line back some 20 to 30 feet, and that would reduce the size of the right-of-way to approximately the usual 20 feet.

Mr. Hirshberg pointed out that the plan displayed showed building envelopes on all lots except one. He said that the property was located partially in the R-1 Residential District and partially in the R-2 Residential District and would be subject to the stricter regulations; therefore, the minimum lot size would be .75 acres. He advised that Balsam Acres Road would be extended in order to provide frontage for three lots, as well as the 10-foot strip that would be deeded to Tax Map 96, Lot 15.4. He commented that the name of the road might have to be changed. He said that the building envelopes did not go right to the edge of the wetlands, as that was where the connection would be made for storm water runoff. Mr. Hirshberg advised that the building envelopes had been calculated by adding the surface area of the house, garage, and driveway for drainage calculations. He said that the plan was to use drip edges, rain gardens, and other low impact drainage techniques to address site runoff. He advised that there would be two wetlands crossings related to the utilities and driveways, one of which would be shared by two of the lots.

Mr. Hirshberg asked what impact the PB's revised site plan review (SPR) regulations would have on the proposed subdivision. Ken McWilliams replied that if the proposed subdivision were to be approved prior to the PB posting "notice" of a public hearing on the proposed SPR regulations, there would be no impact. However, if the proposed subdivision had not yet been approved at the time of the "notice" posting, the subdivision would be subject to the revised regulations.

Mr. Hirshberg said that the municipal department heads had discussed widening the 10-foot strip that would become part of Lot 15.4 and provide access. He said that they had also discussed putting the strip in an easement versus part of a lot. The department heads had discussed options and advised that the Conservation Commission should review the proposal. Mr. Hirshberg said that if the Town of New London had the conservation easement completed, more direct access to the proposed lots would be possible. Mr. McWilliams asked about the timing of the conservation easement.

Reporting on the meeting with municipal department heads, Mr. McWilliams said that there had been discussion about the previously proposed fire hydrant to be located right off the pavement and the location of metering on private property near the start of the driveway for the pits for the upper two lots.

Mr. Hirshberg stated that he had visited the site following the meeting with department heads and had found that each lot had really nice high house locations. Chair Ebel asked if the wetlands mentioned were buffered wetlands. Mr. Hirshberg replied in the negative. He advised that the property received a great deal of water from other properties. Chair Ebel said that she was pleased that they were planning to employ LID alternatives.

PB member Ballin asked where the wetland crossings would be. Mr. Hirshberg responded and opined that they were really small. Chair Ebel asked if Mr. Ewing planned to pave the driveways. Mr. Hirshberg responded that Mr. Ewing wanted the driveways to go where they were located on the plan; however, anything beyond the placement would be up to the individual property owners. Chair Ebel asked what size houses were planned. Mr. Hirshberg replied that house sizes had not yet been discussed. Ken McWilliams advised that the size of the houses would be an important factor in regard to drainage. PB member Cook asked if the houses would be built and sold. Mr. Ewing replied that the lots would be sold and house construction would be up to the new owners.

Discussion ensued regarding any previous visits to the site by PB members. Zoning Administrator Peter Stanley stated that all water running off the property reached Lyon Brook, and he opined that there needed to be some plan regarding how far to go from a mapped stream with development. Mr. McWilliams asked how far the proposed lots would be from Lyon Brook. Zoning Administrator Stanley replied hundreds and hundreds of feet; therefore Lyon Brook did not show up on the plan and the little streams were not considered for buffering. He opined that the PB needed to develop a uniform approach to the issue. Chair Ebel reiterated that she was pleased about the proposed low impact approach to drainage and keeping it on site.

Michele Holton returned to the PB.

III. HARRY SNOW – Final Site Plan Review:Filling of Land (Tax Map 131, Lot 8)

Harry Snow presented the final site plan for restoration of a wetland area that was illegally filled during previous development of property that he owned on King Hill Road. He said that the New London Zoning Ordinance limited the excavation or filling of land to 250 cubic yards; however, his restoration plan called for 1500-2500 cubic yards to be removed and relocated on the site. He advised that the area in question was subject to State of NH permitting and plan approval.

At the meeting with municipal department heads, Director of Public Works Richard Lee had asked what type of materials would be in the fill. Mr. Snow responded that it would be “clean” fill that would contain some concrete and ledge, but no wood or stumps. Mr. Lee had also asked how long the site would be open. Mr. Snow advised that the site would be open from two weeks to a month. He said that the wetland area would require specific types of plantings.

PB member Cottrill asked how deep the fill would be. Mr. Snow replied that the lot sloped; thus, the depth of fill would vary. Chair Ebel asked about the source of the fill material. Mr. Snow replied that the material was left over from development of the Snyder property. He reiterated that it would be clean fill, but that concrete might have rebar. PB member Cottrill inquired about the route that would be traveled by dump trucks bringing fill to the site.

Mr. Snow advised the PB that Construction Sequence Notes #4 and #5, located in the Area Detail inset on the plan, stated that “No final slopes to be steeper than 2:1” and “Replace topsoil layer and stabilize with seed and mulch,” respectively. Zoning Administrator Peter Stanley asked if the department heads had raised any issues regarding the proposed 2:1 slope. Mr. McWilliams replied that they had not.

It was **MOVED** (Conly) and **SECONDED** (Cottrill) **THAT THE FINAL SITE PLAN FOR FILLING LAND AT TAX MAP 131, LOT 8 BE APPROVED AS PRESENTED BY HARRY SNOW, SUBJECT TO STABILIZATION OF THE SITE BY SEEDING AND MULCH WITHIN ONE (1) MONTH FROM THE START DATE. THE MOTION WAS APPROVED UNANIMOUSLY.**

IV. HARRY SNOW – PB Subcommittee re Proposed Subdivision on Bog Road (Tax Map 106, Lot 13)

Harry Snow inquired about the possibility of a PB subcommittee meeting regarding his proposed subdivision on Bog Road prior to the PB’s July 24, 2007 meeting.

Membership of the subcommittee was reviewed: PB members Conly, Ebel, and McWilliams plus Bob Crane, a representative of the Messer Pond Protective Association. One member of the subcommittee, Sue Clough, was no longer a member of the PB. PB member Cook volunteered to replace her.

Ken McWilliams provided materials to the subcommittee members. Discussion ensued re the date and time of a subcommittee meeting, the place of the meeting, and the availability of Sarah Denz to take Minutes of the meeting. The meeting was scheduled for 9:00 AM on July 19, 2007 at the New London Fire

Station, pending availability of the location and Recorder Denz. Mr. Snow provided subcommittee members with his e-mail address: snowbuildingconstruction@comcast.net.

V. ANTHONY E. VENTI - Concept Site Plan Review: Dog Boarding Kennel & Day Care
(Tax Map 104, Lot 18)

Ken McWilliams announced that Anthony Venti had postponed his meeting with the PB until July 24, 2007.

VI. LAND SUBDIVISION CONTROL REGULATIONS

Chair Ebel presented an Agreement for Richard A. Claytor, Jr., P.E. of the Horsley Witten Group, Inc. to review the proposed revisions to the Land Subdivision Control Regulations and to have comments available for the July 24, 2007 meeting of the PB.

Chair Ebel recommended that the PB review and discuss Mr. Claytor's written comments at its July 24, 2007 meeting and decide on whether or not it wants Mr. Claytor to make a presentation before the PB.

Chair Ebel advised that the Horsley Witten Group, Inc. had been very highly recommended by the University of New Hampshire Stormwater Center. Ken McWilliams said that the UNH Stormwater Center had recommended Richard Claytor most highly and had advised that he knew the most of anyone about Low Impact Development (LID) techniques. Mr. McWilliams said that he had sent Mr. Claytor an electronic copy of the total proposed Land Subdivision Control Regulations, not just the portion for which the PB was seeking his advice. PB member Conly asked if there was any need to send Mr. Claytor a copy of the Master Plan. Mr. McWilliams replied in the negative. A brief discussion ensued regarding the fee for the review and the additional fee if the PB wanted Mr. Claytor to make a presentation of his recommendations. Mr. McWilliams said that Mr. Claytor was interested in having some success stories regarding LID techniques.

It was **MOVED** (Hollinger) and **SECONDED** (Conly) **THAT THE AGREEMENT WITH THE HORSLEY WITTEN GROUP, INC. TO REVIEW PROPOSED REVISIONS TO THE LAND SUBDIVISION CONTROL REGULATIONS BE APPROVED, AS PRESENTED. THE MOTION WAS APPROVED UNANIMOUSLY.**

Chair Ebel signed the original Agreement for return to the Horsley Witten Group, Inc.

VII. RICHARD & MARGARET ANDERSON – Tree Cutting Request **(Tax Map 35, Lot 38)**

PB member Dale Conly presented a request by Richard and Margaret Anderson to remove one white pine located within the 50-foot buffer at 129 Little Brook Road. Mr. Conly said that he had visited the site and viewed the tree that is aging, decrepit, and leaning toward the house, and recommended PB approval of the request. He advised that there were plenty of trees in the immediate vicinity; therefore, he did not recommend any replanting requirement.

It was **MOVED** (Cottrill) and **SECONDED** (Ballin) **THAT THE REQUEST TO REMOVE ONE AGING AND DECREPIT WHITE PINE LOCATED WITHIN THE 50-FOOT BUFFER AT 129 LITTLE BROOK ROAD (TAX MAP 35, LOT 38) BE APPROVED, WITH NO REQUIREMENT FOR REPLANTING. THE MOTION WAS APPROVED UNANIMOUSLY.**

VIII. ALBERT WIDMER – Tree Cutting Request **(Tax Map 57, Lot 13)**

PB member Dale Conly presented a request submitted by Albert Widmer to remove one dead hemlock located within the 50-foot buffer at 482 Lakeshore Road. Mr. Conly advised that he had visited the site and viewed the sick tree that was in a heavily shaded area. He said that there were plenty of trees nearby. He recommended approval of the request with no requirement for replanting.

It was **MOVED** (Hollinger) and **SECONDED** (Cottrill) **THAT THE REQUEST TO REMOVE ONE DEAD HEMLOCK LOCATED WITHIN THE 50-FOOT BUFFER AT 482 LAKESHORE DRIVE (TAX MAP 57, LOT 13) BE APPROVED, WITH NO REQUIREMENT FOR REPLANTING. THE MOTION WAS APPROVED UNANIMOUSLY.**

IX. ROXLEY LIMITED PARTNERSHIP – Tree Cutting Request (Tax Map 50, Lot 5)

PB member Dale Conly presented a request by Roxley Limited Partnership to remove one red maple located within the 50-foot buffer at 620 Lakeshore Road. Mr. Conly advised that the maple was on its last legs and posed a threat to the house. He said that there were many bushes in the area that was also surrounded by trees; however, the owner had offered to plant two blueberry bushes along the way to the dock.

It was **MOVED** (Cook) and **SECONDED** (Cottrill) **THAT THE REQUEST TO REMOVE ONE RED MAPLE TREE LOCATED WITHIN THE 50-FOOT BUFFER AND THE PLANTING OF TWO BLUEBERRY BUSHES AT 620 LAKESHORE DRIVE (TAX MAP 50, LOT 5) BE APPROVED. THE MOTION WAS APPROVED UNANIMOUSLY.**

X. ALLAN & MYRA FERGUSON –Tree Cutting Request (Tax Map 50, Lot 7)

PB member Conly presented a request submitted by Allan and Myra Ferguson to remove from the 50-foot buffer at 584 Lakeshore Drive a dying hemlock that is 80 to 90 feet tall growing within 12 inches of the house. Mr. Conly advised that the hemlock had two trunks and the one closest to the house was in bad shape. He said that the Fergusons were seeking PB approval to remove the trunk closest to the house. Mr. Conly said that the lot was very small, probably less than the 50-foot buffer, and the Fergusons had done a nice job stabilizing the lot with plantings. Chair Ebel asked if the Fergusons planned to leave the stump. PB member Conly replied affirmatively and added that they wanted to leave it at a fairly high height. PB member Ballin commented that the stump could provide some protection for the small lot.

It was **MOVED** (Cook) and **SECONDED** (Cottrill) **THAT THE REQUEST TO REMOVE ONE TRUNK OF A HEMLOCK LOCATED WITHIN THE 50-FOOT BUFFER AT 584 LAKESHORE DRIVE (TAX MAP 50, LOT 7) BE APPROVED. THE MOTION WAS APPROVED UNANIMOUSLY.**

XI. JOHN & SUE CLOUGH AND BARRY WRIGHT & K. C. SLOCUM-WRIGHT – Mylar Signing (Tax Map 39, Lot 6 & Tax Map 39, Lot 7)

Ken McWilliams presented the mylar for the previously approved Annexation Plan for the Ruth I. and John F. Clough Trusts and W. Barry Wright and Karen C. Slocum-Wright for signing by PB members and forwarding to the Merrimack County Registry of Deeds by the Town of New London.

XII. DRAFT SITE PLAN REVIEW REGULATIONS – Final Review

Ken McWilliams solicited comments on the final draft of the proposed revisions to the Site Plan Review Regulations.

Page 6: PB member Cook pointed out that in Article IV. Section E. Filing of Application, the phrase “or other designee of the Planning Board” was duplicated in the first sentence. She also recommended replacing the word “disapproved” with “not approved” in paragraph three of Article IV. Section C. Phase II: Preliminary Site Plan Review.

Page 11: PB member Cook recommended putting a colon after the word “below” in the second sentence on the page and deleting “rather than . . . sheet.” She also noted that the spacing between items 18 and 19 should be corrected.

Chair Ebel asked about cross-referencing to LID information if property was not in a subdivision. Mr. McWilliams advised that the standards for land disturbance greater than 2,500 square feet were addressed on page 24.

Page 17: PB member Cook expressed concern that “green space” was not articulated as required in the references to “open space”. Chair Ebel responded that green space requirements were usually addressed during Site Plan Review. Discussion ensued regarding businesses that agreed to do so something, but then did not follow through with what they had agreed to do. Mr. McWilliams opined that the issue was a case of enforcement of what was approved. He said that the regulations could specify, but it would be difficult. He said that the Parking Area Landscaping requirement for trees to be provided for each ten parking spaces was the only regulation that was more specific. PB member Cook opined that the PB application and approval would contain specifics. In regard to the example cited, Zoning Administrator Peter Stanley said that he would look at the plan approved by the PB and compare the conditions existing on the site with the approved plan.

Page 35 - Appendix C: Mr. McWilliams advised that he had done more work on the application forms for Site Plan Review and Home Businesses and encouraged PB members to review them.

Page 30 - Appendix A: PB member Cottrill asked about the PB’s flexibility with regard to the Parking Regulations. Mr. McWilliams responded that the PB had greater flexibility with its own approved regulations than it had with the New London Zoning Ordinance. He said that the PB had the authority to waive or modify regulations that it had put in place.

Page 39: Chair Ebel asked if Murray Pond was large enough to be listed under SURFACE WATER – SUB-WATERSHED. Mr. McWilliams suggested including it with Little Lake Sunapee, i.e., Little Lake Sunapee and Murray Pond. PB members agreed.

Chair Ebel asked if the PB should schedule a public hearing for the revised Site Plan Review Regulations. Mr. McWilliams recommended waiting for completion of the PB’s review of the subdivision regulations and then scheduling a hearing at which both sets of regulations could be discussed.

XIII. OTHER BUSINESS

- A. JONATHAN FEINS/HARBORVIEW SUBDIVISION IN SUTTON WITH SOLE MAINTAINED ACCESS VIA STONEHOUSE ROAD IN NEW LONDON: Chair Ebel advised that the letter drafted to be sent to Jonathan Feins’ attorney regarding outstanding amounts owed to the independent engineer hired, at the expense of the developer, to advise the New London PB on matters related to necessary improvements to Stonehouse Road and the intersection of Stonehouse Road and King Hill Road had been approved by Town Counsel Adele Fulton and had been mailed, Certified Mail, Return Receipt Requested, to Dana Bisbee, Esquire (Pierce Atwood).

There followed a brief discussion regarding the approval status. Chair Ebel reminded the PB that payment of fees owed to the independent engineer was one of the conditions of the NLPB’s approval and that approval could be revoked if payment was not made by Mr. Feins. Ken McWilliams opined that Louis Caron’s fees were low when compared with the estimates that the PB received for review of the proposed subdivision regulations. PB member Cottrill said that he would like to see the Minutes of the Sutton PB in order to know about any conditions it might have placed on its approval of the Harborview Subdivision. The recording secretary will contact the Sutton PB for a copy of the Minutes approving the subdivision.

- B. The MINUTES of the JUNE 12, 2007 MEETING of the PLANNING BOARD were APPROVED, as amended.
- C. The MINUTES of the JUNE 26, 2007 MEETING of the PLANNING BOARD were APPROVED, as circulated.

The **MEETING** was **ADJOURNED** at **9:00 PM**.

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

DATE APPROVED _____

CHAIRMAN _____