

**NEW LONDON PLANNING BOARD  
REGULAR MEETING & PUBLIC HEARING  
FEBRUARY 14, 2006**

**DRAFT**

PRESENT: Karen Ebel (Chairman), Sue Ellen Andrews, Tom Cottrill, Jeff Hollinger, Sue Clough (Selectmen's Representative), and Kenneth McWilliams (Planner).

ABSENT: Dale Conly, Celeste Cook

Chair Karen Ebel called the **MEETING TO ORDER** at 7:30 PM.

**I. HOWARD HOKE/JANEWOOD TRUST – Final Minor Subdivision (2 lots) (Tax Map 36, Lot 12)**

PB member Sue Ellen Andrews recused herself from the PB.

Howard Hoke, trustee of the Janewood Trust, and Marshall Hoke were present. Mr. Howard Hoke displayed plans for the subdivision. The plans showed the manner in which two acres would be separated from an eight acre tract of land. Mr. Hoke stated that there had been no changes since the Preliminary Site Plan Review (SPR) was presented to the PB.

Ken McWilliams advised that all necessary information had been provided and all requirements, both existing and proposed, had been met, including the minimum .75 acre of contiguous building area. He reported that the review by municipal department heads had raised no issues. Mr. McWilliams recommended that the PB deem the application complete.

Chair Ebel asked if there were any abutters present who wished to speak. Mr. H. Hoke responded that the abutters consisted of his father, Marshall Hoke, and himself. He advised that he would document the .75 acre of contiguous land on the two acre lot in an accompanying letter. Mr. Hoke also stated that there would be a deed for the easement shown and a deed for the small piece of land shown on the plan.

It was **MOVED** (Hollinger) and **SECONDED** (Cottrill) **THAT THE FINAL SITE PLAN FOR A MINOR SUBDIVISION (2 LOTS) BE DEEMED COMPLETE AS SUBMITTED BY HOWARD HOKE & THE JANEWOOD TRUST.** The **MOTION** was **APPROVED UNANIMOUSLY.**

It was **MOVED** (Hollinger) and **SECONDED** (Cottrill) **THAT THE FINAL SITE PLAN FOR A MINOR SUBDIVISION - 2 LOTS (TAX MAP 36, LOT 12) BE APPROVED AS PRESENTED BY HOWARD HOKE & THE JANEWOOD TRUST.** The **MOTION** was **APPROVED UNANIMOUSLY.**

The mylar of the approved subdivision was circulated for signing by the members of the PB and forwarding to the Merrimack County Registry of Deeds by the town of New London.

Ms Andrews returned to the PB.

**II. JONATHAN FEINS– Harborview Subdivision: Project of Potential Regional Impact Referred by the Sutton Planning Board**

Jonathan Feins and Attorney George Dana Bisbee (Pierce Atwood) appeared to provide information regarding a proposed subdivision in Sutton, NH.

Attorney Bisbee emphasized that the purpose of Mr. Feins' appearance was informational only. Mr. Bisbee advised that when Mr. Feins had presented a conceptual plan of the proposed subdivision at an earlier meeting, the sole access to the Sutton property was via Stonehouse Road in New London; however, that was no longer the case. He stated that a new access road had surfaced subsequent to that meeting. As a result, the position of the NLPB was now the same as that of any other abutter, rather than that of an approval-granting body. Ken McWilliams concurred, but added that the Sutton Planning Board had also declared Harborview as a project of regional impact pursuant to New Hampshire law; therefore, Sutton recognized the potential affect of Harborview on New London and looked forward to receiving the NLPB's comments.

**DRAFT**

Mr. Bisbee noted that the New London Planning Board had previously requested a traffic study and engineering evaluation of the intersection of Stonehouse Road with King Hill Road in New London. He stated that a January 3, 2006 traffic study had been submitted to the PB that day; however, a study of the intersection had not been done. He said that Mr. Feins and his traffic engineer, Tim Hazarvartian, had viewed the intersection and did not believe it would present a dangerous problem. Mr. Bisbee reiterated that New London now had the same role as an abutter. He advised that, as an abutter, New London had no authority to require a study and Sutton had no authority over an intersection in New London. Therefore, there was no legal obligation for Mr. Feins to do a study. He acknowledged that at the meeting of New London municipal department heads, the Fire Department had raised issues relating to access to the subdivision through Stonehouse Road in New London.

Ken McWilliams stated that the NLPB had also asked about any proposed upgrading of Stonehouse Road between the proposed subdivision and the New London town line. Mr. Bisbee said that the Town of Sutton was seeking legal advice regarding Mr. Feins' claim that there was no need for the developer to upgrade roads off-site.

Chair Ebel advised that she had viewed the intersection as situated, and it was cause for concern. She stated that viewing the intersection had made her feel that a study was needed more, not less. PB members Hollinger, Andrews, and Clough all agreed that the intersection was problematical. Ms Clough said that increased traffic relating to the subdivision, emergency vehicle access, and sight distances need the area to be well-defined. In addition, all must be in compliance with the NH Department of Transportation as King Hill Road is a state road. PB member Cottrill said that people from the subdivision would be coming to New London, and he opined that Mr. Feins would be foolhardy not to do a study of the intersection.

Ken McWilliams advised that the New London Highway Department and Fire Department heads were concerned about the intersection design and the adequacy of sight distances. He said that they questioned the impact of the increased traffic and that they disagreed with Hazarvartian's assessment that only 75% of the traffic from the development would leave via the New London side. The department heads felt that the additional traffic, 95% of the subdivision residents, would exit over New London's Stonehouse Road, which is now used very little. He also said that they expressed concern that sight line was decreased by the presence of an island at the point of intersection and the location of the intersection at the top of a rise in King Hill Road. Chair Ebel and other PB members concurred that at least 95% of the subdivision traffic would leave via Stonehouse Road in New London.

PB member Cottrill suggested removing the island at the intersection. Mr. McWilliams replied that the department heads had recommended removing the island and making a typical T-intersection. Mr. Cottrill suggested to Mr. Feins that if he were to reduce the number of lots to the six originally planned, he might not need to do anything regarding the road. Mr. Feins replied that reducing the number of lots to six was no longer a possibility and that he was beyond that point now.

Chair Ebel acknowledged that New London does not have the ability to enforce any of the NLPB's requests; however, New London would probably be the first responders in the event of an emergency. Mr. Cottrill said that Sutton would get all of the tax revenue, but New London would bear the brunt of increased demands on infrastructure. Chair Ebel observed that studies have proven that residential development generally increases taxes in a town, but in any event, New London would not get any tax money to defray the impact of the development.

Chair Ebel asked if the Sutton Planning Board had appointed a sub-committee to work with the developer. Mr. Bisbee responded in the negative. Chair Ebel asked if an independent engineer would be reviewing the traffic study and intersection. Mr. Bisbee replied that Louis Caron had been hired to act as the independent engineer for the project, but whether he would also review New London's traffic-related concerns would be up to the Sutton Planning Board. Chair Ebel requested that copies of the plans be delivered directly to the New London PB by the developer to save time and effort involved with Sutton having to forward copies to New London. She advised that usually the New London PB requires that materials be submitted two weeks before the PB meeting so that members have an opportunity to review them before meeting with the parties involved. She

**DRAFT**

said that the NLPB cannot give the Sutton PB the benefit of its advice/comments without having the opportunity to review the pertinent materials.

Chair Ebel stated that at the earlier meeting, abutter Boyle spoke of drainage problems that currently exist. PB member Cottrill opined that drainage from the sub-division would impact on the entire watershed. Mr. McWilliams said that he had gotten a copy of the drainage plan just before the meeting.

Fire Chief Peter Stanley stated that the portion of Stonehouse Road that is in New London is in very poor shape. He advised that the road has neither shoulders nor any support off the center. He also advised that the New London Highway Department would not maintain the road beyond the last house. He opined that all construction traffic would travel over it and the road would have to be improved just to accommodate construction equipment. He further opined that the road is not safe for fire equipment and that New London would be called for mutual aid response. He said that with no improvement, the developer would be setting the stage for scattered coverage. Chair Ebel asked if there would be any cisterns. Fire Chief Stanley said that the developer was planning to have one cistern; however, New London would require a minimum of four in similar circumstances because of the lack of accessible water. He opined that the road should be as close as possible to New London's road specification. He said that there is no water source at all, thereby requiring that all water be trucked to the site, and Stonehouse Road would provide very difficult access for fire equipment. He said that he spoke from personal experience having had to extricate a fire truck that got stuck on that road.

Abutters Michael and Lynn Webster identified themselves as the owners of the last house on the New London portion of Stonehouse Road. Mr. Webster said that even if only six houses were proposed, the island at the intersection must go. He stated that when exiting in either direction, the driver must speed to get through the intersection intact. He said that the intersection with King Hill Road is very difficult, especially when exacerbated by sun related problems. He advised that "mud season" was very bad on Stonehouse Road and any increase in traffic would present problems. He further advised that "lots of water" drains down the road. Mr. Webster stated that, as a taxpayer, he doesn't want New London to pay for road improvements so that some developer can make money.

Chair Ebel asked if there were any plans that the PB could review. Ken McWilliams said that he had been handed a copy of the drainage plans; however, there were no plans available for the intersection or for access road improvements in New London. PB member Cottrill asked what the issue was regarding the access road. Mr. McWilliams replied that the standard roadway is 50 feet wide; however, the existing road is only 33 feet wide so the issue is whether or not all road requirements can be fit within 33 feet. PB member Clough stated that she had read the Minutes of the Sutton PB and noted that the proposed access road specifications were also less than Sutton's requirements. Mr. Bisbee replied that the plans forthcoming would include upgrading of the road, although the road would not meet the level of internal subdivision roads. He stated that the access road is an existing road and needs only to be adequate, even if it doesn't meet all new specifications.

Chair Ebel said that she would like to have an independent engineer review the intersection and asked how that would work. Mr. McWilliams replied that the NLPB could request the Sutton PB to do so along with requiring a traffic study and road design. Chair Ebel observed that Louis Caron was working for Sutton. She said that she would like to review drainage, blasting, ground water, impact on the watershed, etc. Mr. Feins opined that the road would not increase drainage. PB member Clough responded that the PB was not concerned solely about road drainage.

PB member Clough asked if Mr. Bisbee or Mr. Feins could show the exact location of the town line on the plan included with the drainage plan. Mr. Feins looked at the small plan presented and estimated the distance from the town line to the subdivision to be three-quarters of a mile.

Chair Ebel noted that, as she understood the procedural status of the application, it had been deemed complete and then an extension had been granted. She asked when the 65-day review period would expire. Mr. Feins replied that he believed that the 65 days started on January 14, 2006 or whenever it was in January that new plans were submitted. Chair Ebel requested a set of large plans, rather than the book form provided, to facilitate easier review of the development in its entirety. She asked how soon roll-out plans would be available or if

**DRAFT**

they were done yet. Mr. Bisbee replied that the Stonehouse Road design plan was incomplete. Mr. McWilliams advised that the developer could ask Sutton's PB for an extension to the 65-day review period or the Sutton Select Board could be asked for an extension or the proposed subdivision could be denied because it is deemed scattered and premature.

Ken McWilliams asked for clarification regarding the date on which the 65-day review period re-started. Mr. Feins replied that the period re-started when the plans for the increase to 37 lots was submitted. Chair Ebel noted that the Minutes of the Sutton PB mention a January 30, 2006 meeting with the Sutton Select Board. PB member Andrews stated that comments from the New London PB need to reach the Sutton PB as soon as possible as it would be deliberating on the proposal. Chair Ebel replied that the PB could only provide Sutton's PB with preliminary comment because the plans were not done. Ms Andrews opined that the NLPB should send the Sutton PB a letter citing the major issues needing additional information and ask the Sutton PB to encourage the developer to get the plans completed as soon as possible. Chair Ebel agreed to work with Mr. McWilliams on the letter and get it out as soon as possible along with the draft Minutes. Chair Ebel asked why the subdivision went to final site plan review so quickly before all the issues were settled. Mr. Feins stated that he was approached by Peter Messer regarding the alternative egress after the application had been deemed complete. Chair Ebel summarized the issues on which the NLPB disagreed or had issues with the developer's plans: the estimated percentage of traffic going to New London, the adequate vs. inadequate road specifications, the major impact on the watershed, drainage concerns, and safety issues related to the intersection of Stonehouse Road with King Hill Road in New London.

PB member Andrews asked if the New London PB could send a representative to the Sutton PB meeting for which the proposed subdivision is an agenda item. Ken McWilliams replied in the affirmative. He advised that New London has all the same rights as any other abutter. Chair Ebel said that the fact that the Sutton PB meets on the same night as the New London PB made it difficult to attend the meetings and directly participate in the discussion. All members of the PB agreed. Chair Ebel suggested that one of the PB members might have to take a "leave" to attend the Sutton PB meeting(s). PB member Andrews indicated a willingness to go to the Sutton PB meeting.

Mr. Feins opined that the access granted by Peter Messer reduced the roadway issues. Zoning Administrator Peter Stanley asked what was meant by the January 24, 2006 Sutton PB Minutes reference to upgrading the class VI road to class VI standards. Mr. Bisbee replied that the road would need to be upgraded to safe standards. Abutter Webster asked if the Stonehouse Road would be upgraded to a paved road. He advised that the road washes out regularly, especially along the long hill. He also asked how the large old trees bordering Stonehouse Road would be protected. Mr. Stanley opined that the hill would have to be paved in order to be passable. Mr. Bisbee responded that there were ways to design the road adequately without paving. PB member Clough cited a road in Wilmot that was not upgraded at the time that a subdivision was developed. She advised that Wilmot is now taking land by eminent domain to upgrade road because of the amount of traffic. Zoning Administrator Stanley stated that the Town of New London has no obligation to improve a road for the benefit of a private project.

Mr. Feins and Mr. Bisbee had to leave at that point for a schedule 8:30 PM meeting with the Sutton Planning Board.

Abutter Webster asked about the procedure for SPR. Chair Ebel advised that there could be no further discussion on the topic since the applicant had left. She did, however, reiterate the previously explained change in New London's position from that of holder of sole access to that of abutter status.

**III. ROBERT EWING – Discussion of Changes to Drainage and Covenant Restricting Lot Sales  
(Tax Map 96, Lots 15 & 10)**

Ken McWilliams presented a Covenant Restricting Lot Sales on behalf of Robert Ewing, Jr.

Mr. McWilliams advised that Mr. Ewing now owns the 28-acre "Bolger subdivision". Mr. McWilliams said that Mr. Ewing has no plans to sell any of the approved five lots at this time and would like to defer paving the

**DRAFT**

road which has been constructed according to town specifications, as required to meet subdivision approval stipulations, until such time as he decides to sell the lots. He has asked that the PB permit him to delay paving of the road, with the stipulation that he be required to do so before selling any lots. A letter from Mr. Ewing containing the request states that "using the restriction on the lot sales as leverage the Board would then allow the local bank to return . . . \$200,000 bond."

A memo from Town Road Agent Richard Lee advised that some drainage improvements had been changed from the approved drainage plan and, even though there are no major changes and he agrees with what has been done, he thought the changes were sufficient to warrant review by the PB or an Engineer. Douglas Sweet (Bristol, Sweet & Associates, Inc.) submitted a letter regarding the drainage modifications at the "Bolger subdivision" and said that he saw no problems with the changes. Mr. Lee submitted a memo stating that all inspections had been conducted.

PB member Cottrill asked how future owners of the property know about the Covenant Restricting Lot Sales. Mr. McWilliams replied that it is a recorded document. Zoning Administrator Stanley added that the property owner would not be able to obtain a building permit. Mr. Cottrill asked how the existence of the Covenant would be known by someone who purchased all the lots without needing to borrow money. Zoning Administrator Stanley opined that the property owner needed to provide a packet of information to include in the tax file of each individual lot. Chair Ebel asked if that was not the current policy. Mr. Stanley replied that it was not currently the policy, but he opined that it should be.

Ken McWilliams advised that Town Road Agent Lee had reviewed the drainage improvements, all requirements have been met, and the drainage had been in place for quite some time and had proven success. He called the PB's attention to the January 9, 2006 letter from Mr. Sweet and the December 22, 2005 and January 18, 2006 memos from Mr. Lee approving the changes.

It was **MOVED** (Hollinger) and **SECONDED** (Cottrill) **THAT THE MODIFICATION OF THE APPROVED DRAINAGE PLAN FOR THE BOLGER SUBDIVISION BE APPROVED AS DESCRIBED BY NEW LONDON TOWN ROAD AGENT RICHARD LEE IN HIS DECEMBER 22, 2005 MEMO.** The **MOTION** was **APPROVED UNANIMOUSLY.**

It was **MOVED** (Clough) and **SECONDED** (Cottrill) **THAT THE REQUEST TO DEFER PAVING THE ROAD AND THE COVENANT RESTRICTING LOT SALES IN THE BOLGER SUBDIVISION BE APPROVED AS SUBMITTED BY ROBERT EWING, JR. WITH THE STIPULATION THAT THE ROAD MUST BE PAVED BEFORE ANY LOT IN THE SUBDIVISION MAY BE SOLD.** The **MOTION** was **APPROVED UNANIMOUSLY.**

PB member Cottrill asked if Mr. Ewing had to draft the Covenant. Mr. McWilliams responded in the negative.

The Covenant Restricting Lot Sales in the Bolger Subdivision was presented for the PB Chair's signature and to be forwarded to the Merrimack County Registry of Deeds by the Town of New London.

Chair Ebel asked Mr. McWilliams to include in the subdivision standard operating procedures, and to notify applicants accordingly, that all recorded documents must come back with sufficient copies to be placed in each individual tax file. Mr. McWilliams replied that he had made a note to include that recommendation in the revision of the subdivision regulations. Chair Ebel asked him to notify applicants of the requirement in the meantime.

**IV. OTHER BUSINESS**

- A. OPE APRIL MEETING** – Ken McWilliams reminded PB members of the OPE meeting scheduled for April and advised that it would be an excellent educational opportunity for planning board members. PB member Clough encouraged anyone who could go to do so.

**DRAFT**

- B.** Chair Ebel asked if there was any feedback from the presentation of the traffic study relating to the Newport and County Roads intersection. PB member Clough reported that the presentation compared a round-about to traffic lights. With the former, there were fewer traffic accidents, speeds were slower, and hits were glancing blows rather than head-on. The round-about design included a 25-foot island in the middle with a 12-foot truck apron, and the balance would be a roadway of 55 feet. Zoning Administrator Stanley demonstrated the design on the white board and reminded PB members that traffic in the circle has the right-of-way. He pointed out that in a round-about, a driver only needs to look one-way for traffic. Ken McWilliams added that the truck apron would be elevated and explained that it provides a place for trucks to ride over if they need additional room.

Ms Clough opined that it would prevent drivers turning left to the bank, etc. She advised that Police Chief Seastrand had said that the safety statistics were very compelling and that the Hilltop residents present thought the idea was great. PB member Andrews added that the nearest example was in Keene.

Mr. Stanley stated that enough space exists to construct a round-about at that location. He also opined that a round-about would be great at the four corners. PB member Andrews stated that a round-about would be more expensive and time-consuming to construct than installing a traffic light. She expressed concern that a traffic light would back up the traffic exiting from Hannaford's or Jake's, etc. Mr. Stanley said that a round-about is not as friendly to the visually impaired as a traffic light is. Ms Clough said that she had asked about pulsing traffic. Pulsing seems not to benefit traffic for any long distance. She commented that it would solve the traffic problem for a longer time than a light would. Mr. Stanley said the cost of a round-about would be \$625,000 vs. approximately \$500,000 for a traffic light. The estimated cost, he added, did not include the cost of moving any utilities or water mains, etc. Ms Clough said that the presenter had thought that a round-about could be constructed entirely within the right-of-way.

- C.** The MINUTES of the JANUARY 24, 2006 meeting were APPROVED, as circulated.
- D.** The MINUTES of the FEBRUARY 1, 2006 meeting were APPROVED, as circulated.

The **MEETING** was **ADJOURNED** at **8:55 PM**.

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

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

CHAIRMAN \_\_\_\_\_