

AUGUST 9, 2005

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
August 9, 2005**

PRESENT: Karen Ebel (Chairman), Sue Ellen Andrews, Dale Conly, Celeste Cook, Jeff Hollinger, Sue Clough (Selectmen's Representative), and Kenneth McWilliams (Planner).

ABSENT: Tom Cottrill

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

**I. ARISTOTLE SOULIOTIS – Continued Preliminary Site Plan Review: Convenience Store/Gas Station
(Tax Map 94, Lot 2)**

Aristotle Souliotis presented a revised plan that addressed the issues of parking for delivery trucks and parking behind the building. The plan distributed would eliminate two parking spaces behind the building, provide additional green space, and push parking back away from the slope behind the building. He advised that the proposed parking would be 1% short of the 25% required by the regulations.

Ken McWilliams advised that the proposed canopy over the gas pumps would not meet setback requirements and would require a Special Exception from the Zoning Board of Adjustment (ZBA). PB member Cook said that she would like to see the proposed green space. Chair Ebel advised that there was no need to see the plan prior to ZBA review.

Ross Stevens (Stevens Engineering) stated that the preliminary plan did not show all of the green space. He said that the plan had been modified prior to the preliminary review to address PB issues regarding parking and green space, but contained no technical details. He stated that the plan included seven parking spaces, not the eight required by the regulations. He suggested that it would be possible to have seven nine-foot parking spaces, or eight seven-foot spaces, or the amount of green space could be reduced to allow for an additional parking space. Ken McWilliams advised that Mr. Souliotis had discussed various issues with the abutting property owner, Pizza Chef, and suggested that the parking issue might also be addressed via a cross agreement.

PB member Andrews asked if any green space had been added on the Pizza Chef side of the property. Mr. Souliotis demonstrated the location of green space. Mr. Stevens pointed out the elimination of one parking space behind the building in order to add green space. PB member Cook asked if any green space would be added in front of the building. Mr. Souliotis replied that he did not want the green space to be too close to the entrance and exit.

PB member Clough stated that she would be concerned about cars backing out, while others were entering. Mr. Stevens advised that the proposed plan met regulatory requirements. He advised that the entry would be next to the C. B. Coburn property and the exit would be on the opposite side of the property. He added that any two-way traffic would be limited to Pizza Chef only. Mr. Souliotis opined that Pizza Chef business was primarily in the evening and would not conflict with the primarily morning business at the gas pumps/convenience store. PB member Conly said that he would be concerned about people stopping in front to run into the store briefly. Mr. Souliotis replied that the area in front would be posted "No Parking". Mr. Stevens advised that there would be room enough for two cars to pass one another. He also pointed out an area for one car parking. He said that he had discussed painting the no-parking area with Richard Lee, New London Town Road Agent. PB member Hollinger opined that an additional 1% could be achieved by reallocating space. He demonstrated on the plan what he had in mind.

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Ken McWilliams reported that the municipal department heads had discussed signage, the proposed new sidewalk, and the need for a curb. Town Road Agent Lee recommended no parking on the street near the sidewalk. The canopy had also been discussed, and it was noted that the owner would have to go to the ZBA for a Special Exception, since the canopy would not meet setback requirements.

Mr. McWilliams advised that no motion was required to refer Mr. Souliotis to the ZBA for a Special Exception, after which he could come back to the PB for a final site plan review. PB member Clough asked when Mr. Souliotis would go to the ZBA. Mr. McWilliams advised that Mr. Souliotis must go to the ZBA prior to final site plan review by the PB. He further advised that Carol Fraley would assist Mr. Souliotis in preparing the ZBA application.

II. AUSTIN EATON (CONSTANCE GRANGER PROPERTY) – Continued Major Subdivision and Cluster Development Plan (Tax Map 61, Lot 14)

Jeff Hollinger recused himself from the PB.

Chair Ebel asked that all persons wishing to speak come to the microphone and identify themselves before speaking on the matter.

Austin Eaton summarized the PB subcommittee process and opined that it had been very productive. He advised that the 40 acres of land owned by the Grangers could support 20 units; however, the proposed cluster development contained only 14. The original proposal for 14 units had been reduced to 11 as the result of the subcommittee review. He opined that the sites would be very nice and would meet requirements. He stated that the sites were appropriate for the area and met regulatory requirements.

Peter Blakeman (Blakeman Engineering, Inc.) displayed a revised plan for the development. He advised that the project had first appeared before the PB in November 2004. He stated that the lot contained 46.4 acres and that the proposed 11-lot cluster would be placed on 40 acres. He further stated that 5.8 acres would remain with the Grangers and would include the homestead, field, and a little bit of woods. Mr. Blakeman stated that the clustered units would cover 11.9 acres, including a 2200-foot private road, and 27.2 acres would be open space. He advised that there would be a common septic system located at the end of the private road. The sewer system would be an aerobic system of tanks, and treatment would result in clean water. Mr. Blakeman stated that the system would have a 300-foot setback. He added that each house would have its own septic tank and pump. Since the sewage would be treated in the tank, no additional field space would be needed for the septic system. He advised that the units would have a maximum of four-bedrooms.

Mr. Blakeman advised that the drainage report provided to the PB had been calculated using 25-year storm criteria. He said that there would be nine separate drainage areas, going up as far as Birch Acres. He stated that water travels through the property exiting as sheet flow. He advised that it had been measured at nine evaluation points. He stated that, to maintain pre-development flow, seven detention areas would be employed. Six would be near houses and would be worked into the landscaping plans.

Mr. Blakeman reported that other subcommittee issues included blasting, wetland crossings, and tree cutting. He advised that blasting would be required for construction of the road and house foundations. He stated that he was in the process of identifying and mapping the locations. He advised that, in an effort to limit the amount of blasting required, the road would be left at a level above the land; however, 32 inches would be required for the roadbed. He said that surface blasting (three to four feet) would be used and every effort would be employed to minimize depth and impact. He also stated that it might be necessary to blast in order to install a cistern for fire protection.

Mr. Blakeman noted that town and state permits would be needed in order to cross wetlands. The proposal would maintain hydrology by designing culverts – 12 have been designed. He also pointed out multiple detention areas, five of which would be below the road. He advised that the stream flowing through the property is not a buffered stream pursuant to New London's zoning regulations; however, all houses would be placed 100 feet away from the

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stream. Mr. Blakeman stated that hydrology/drainage plans would require a site specific state permit. He advised that there would be one septic system with manual inspections and the homeowners' association covenants would cover the individual tanks and pumps, as well as the treatment system.

Mr. Blakeman advised that the plan would be to retain 50% of the trees on individual house lots. He said that there would be only one lot that might require additional study. He opined that clustering the houses allows more flexibility than do individual house lots. He stated that a key component would be how much land would be exposed at any one time. He advised that a number of permits would be required: a state permit for subdivision, site-specific permits for wetland crossings, septic, detention berms over 4 feet high, and an EPA storm-water permit. In addition, the project must comply with town regulations relating to wetland crossings and zoning regulations.

Mr. Blakeman opined that cluster development was the way to go; however, he had prepared a plan for 14 conventional house lots with adequate setbacks and soil requirements.

Chair Ebel introduced Louis Caron (L.C. Engineering Company, LLC) as the independent civil engineer engaged by the PB, at the expense of the developer, to conduct an objective review of the project to assure compliance with state and local regulations, as well as adequacy of safety features, maintenance issues, temporary and permanent sediment and erosion control measures, storm-water studies, and drainage design. Mr. Caron stated that the plans and the drainage report had been received about a week or a week and a half ago. He stated that he did not have a formal report; however, he noted that some details still needed to be worked out. He opined that the road alignment and profile seemed to be acceptable, although there were a couple of issues to be discussed. He said that, from safety and environmental points of view, the plans looked good. Mr. Caron opined that drainage would be the major issue as the property is located on a hill and sits on ledge. He noted that lot #10 seemed to have a natural ravine that would channel water and was proposed to be used as the leaching field. He advised that the developer would need to keep the post-development amount and location of water in the same place and the same amount as pre-development. He stated that there were many details that would need to be determined.

Chair Ebel asked Ken McWilliams to report on issues raised at the meeting of municipal department heads. Mr. McWilliams advised that New London Health Officer Donald Bent had asked if the PB had enough hydrologic expertise to evaluate development of the site. Dr. Bent had also asked about radon testing. Austin Eaton replied that radon testing would be conducted in the basements of the houses. Mr. McWilliams also advised that the proposed location for the fire protection cistern had not yet been presented to the Fire Department for review. Town Road Agent Richard Lee asked if the sight distances at the point of entry off Pleasant Street had been measured.

Chair Ebel stated that she would take questions from the PB members first and then recognize members of the audience. PB member Cook asked about the timing of proposed blasting and tree cutting. She opined that the time of year would have an impact, e.g., dry fall versus wet spring. Mr. Blakeman responded that the time of year would have no impact on blasting. He advised that they would like to leave construction for the driest time of year. He opined that timing of construction would be critical.

PB member Clough stated that there had been lots of discussion about tremendous wetness on lots one and two. Louis Caron stated that, as the plan has evolved, the units have leaned away from wet areas. He noted that houses seemed to have been moved back from the wet areas. He stated that there were ledge and a quarry present in the area. He opined that the runoff resulted from the presence of ledge, not wet ground. Mr. Caron suggested that cellar construction would probably be expensive.

PB member Andrews opined that lot one would be very wet next spring. She stated that the leaves on the property indicate heavy runoff. Ms Andrews said that she had many questions about the detention areas. She asked how much water would back up behind the berms, and opined that the size of the proposed berms indicated a lot. She wondered if people would like having detention areas in their back yards. Mr. Blakeman replied that water would pass through a 6"-8" pipe leaving the detention area. He opined that water in the detention areas would be very

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transitory. He stated that 15,000 gallons, which would be the maximum calculated under 25-year storm guidelines, could drain very quickly. PB member Andrews asked about the river rock reference. Mr. Blakeman replied that the basin would be faced in stone, not sized for infiltration, but allowing for it. Ms Andrews asked if the remainder would be grass. Mr. Blakeman replied that the remainder would probably be ground cover or other plantings. Ms Andrews asked if the plantings would be water plants. Mr. Blakeman responded in the negative.

Chair Ebel asked about the maintenance of the detention areas and the use of 25-year storm design. She suggested that storms producing 4.8-4.9 inches of rain seemed to occur more frequently than every 25 years. Mr. Blakeman replied that he could have used 50-year or 100-year standards, although, he opined, there would be very little difference in the calculations. Regarding maintenance, he advised that plantings would be pleasing to the homeowners. He stated that inspections to look for berm leaks or erosions would be on-going. Chair Ebel asked how often. Mr. Blakeman replied yearly, perhaps more frequently for the first few years; perhaps after each rain storm for the first year. He advised that the homeowners' documents would address maintenance and the number and timing of inspections. PB member Clough asked how the water would exit and how much rip rap would be required. Mr. Blakeman replied that more details would be forthcoming. A six- to eight-inch pipe would go into a level spreader over ten to fifteen feet. He advised that there would also be a spillway (a four-foot wide leveler) if water were to exceed the pipe's ability to handle the flow. He advised that it would be perforated pipe and could be straight or at right angles. PB member Andrews observed that it sounded as if it was expected that water would be in the bottom of the detention areas much of the time if a standpipe was included in the design. She asked how many detention areas would require a state permit. Mr. Blakeman replied that many were two to three feet deep, but if any were greater than four feet, a state permit would be needed.

PB member Conly stated that the Conservation Commission had had concerns about the septic system and the developer had responded to those concerns. He stated that the number of houses had been reduced from 14 to 11 to address issues. The Commission would prefer to have only 10 houses, but was pleased with the reduction to 11. Mr. Conly noted that the developer had also created a 100-foot setback from the stream running between lots five and six, and drainage issues have been addressed. The Commission was pleased with the developer's response to the issues raised.

Chair Ebel asked if the houses had been pushed back from the stream as far as possible and how close the disturbance area would be to the stream. Mr. Blakeman replied that the disturbance area would be back 35 to 40 feet. PB member Andrews observed that on lot 10 it appeared that the house would be located right on ledge and would require lots of blasting. PB member Cook asked if the houses would have basements or would be built on slabs. Mr. Blakeman replied that all houses would have walk-out basements.

Chair Ebel inquired about the status of the promised "connect-the-dots" map showing the flow of water down to the lake. Mr. Blakeman replied that it was in process. PB member Clough asked if there would be both pre- and post-development water flow maps. Mr. Blakeman responded affirmatively.

Chair Ebel briefly summarized concerns that had been raised regarding Mr. Eaton's finances. She advised that the subcommittee had addressed the concerns and asked many questions to which Mr. Eaton responded very candidly and openly. The subcommittee also sought advice from town counsel (Attorney Matthew Upton), who advised that the PB could not take into consideration experiences at other projects in other locations when evaluating whether or not to approve the project under consideration. She also advised that the banks evaluate the finances of developers. Chair Ebel stated that the PB could look at the experience at another development in New London; however, it could not use it as a basis for approval or denial of the project under consideration. Such experience could, however, be used in the determination of the amount of security to be posted for various components of the development, which the PB intends to consider very carefully. Chair Ebel asked for a motion to close off further discussion of the developer's background outside of New London.

It was **MOVED** (Conly) and **SECONDED** (Andrews) **THAT THE PLANNING BOARD WOULD NOT DELVE FURTHER INTO THE DEVELOPMENT AND FINANCIAL BACKGROUND OF THE**

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DEVELOPER IN REGARD TO PROJECTS OUTSIDE THE TOWN OF NEW LONDON. THE MOTION WAS APPROVED UNANIMOUSLY.

Kittie Wilson, member of the Pleasant Lake Protective Association (PLPA) and a member of the PB subcommittee on the Granger Ridge project, presented additional information by superimposing movable figures on the plan presented by Mr. Blakeman. She advised that the blue color represented New Hampshire jurisdictional wetlands that require permits. She further advised that the RSA states that wetlands should be avoided without some compelling reason. Ms Wilson said that the subcommittee's April 25th walk of the property showed the road area to be very wet. She stated that fill would have to be brought in to construct the road and that it would be 4.5 feet at the deepest point. She advised that the orange colored objects represented the April 25th placement of the houses and the septic system. She then demonstrated where the septic system and houses had been relocated. Ms Wilson stated that the PB chair had strongly recommended only nine houses, having recommended combining lots one and two and combining lots 10 and 11. She noted that the first two lots have not been combined on the current plan presented and lot three now sits on a spot too wet for the septic system. She added that the first detention area sits in an area deemed much too wet for a house. The subcommittee recommended that four houses in the area of lots 10 and 11 be reduced to three. That was not done. Ms Wilson opined that this would impact on water flowing to Pleasant Lake. She stated that all house sites and detention ponds sit upon ledge, as shown on her map. She said that developing the site would require tree cutting and removal of tree roots that now detain water, and she opined that trees could not be cut without affecting the flow of water. Ms Wilson said that the PB has Louis Caron for engineering expertise and plans to have an expert evaluate the septic system. She opined that the PB should also have an independent soils expert to offer guidance about the watershed and drainage issues.

Elaine Johnson asked what would happen to the septic treatment during a flood. She said that she was concerned about the property's proximity to the lake. She opined that it looked very wet to begin with. Peter Blakeman replied that the area tests showed the septic area soil is about the best on the property. He stated that he was not concerned about raw sewage getting to the lake. He added that he would not expect any change in the event of a flood. Mr. Blakeman stated that the nitrate setback area would not change and the homeowners' covenants would have strict provisions for annual inspections and maintenance. He also opined that conventional developments do not have any such checks and balances.

Chair Ebel explained the operation of homeowners' associations and the provision in the covenants to cover cost of inspection and repairs. Ms Johnson said that she fears some member might refuse to pay for the repairs. Chair Ebel reiterated that the documents would address funding for repairs.

Louis Caron requested additional information on the septic design. He requested, and received, confirmation that most of the polluted material would be contained in tanks. Ms Johnson asked what would happen during a storm. Mr. Blakeman replied that all of the tanks would be sealed and explained the type of septic system to be installed.

Abutter Anna Maria Konpoka asked how many wells there would be and how deep the wells would be. Mr. Blakeman replied that each lot would have an individual well. Although he did not rule out the possibility that two lots might share a well, he stated that the maximum number would be 11. Ms Konpoka asked about the depth of the wells and whether other properties would lose water in their wells as a result of the proposed development. She also asked who would be responsible for any such loss and the cost of corrective measures. Mr. Blakeman stated the state would allow placing a well right up to the property line. He opined that the state was much more concerned about septic systems. He stated that the volume of water drawn off by the wells would not be great, and he said that he could not see that any would impact on wells on Bunker Road. Ms Konpoka stated that she knew of people who did lose water in their well as the result of building higher on the hill and who had to get a new well 1000 feet deep. She opined that, if it could happen once, it could happen again. Chair Ebel advised that one would need proof that the development caused the loss of water. She said that the determination of who would be responsible would depend upon the proof presented. PB member Andrews asked if this issue would go back to the question raised by Health Officer Bent regarding the need for hydrologic expertise. Ken McWilliams responded affirmatively.

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Lamson Lane resident Hugh Chapin opined that the PB should be concerned about the detention ponds. He said that people were hearing from Mr. Blakeman that they need not worry about blasting. He pointed out the location of his property on Lamson Lane. Mr. Chapin said that he had used a dug well for years. Then, he decided to build a tennis court about 500 feet up the hill. Construction of the court required blasting. He stated that the water in the dug well became contaminated by iron and he had to resolve the problem by digging a new well 50 feet above the tennis court. He opined that, if the proposed development required blasting, the blasting could eliminate the water supply of many people downhill from the property. He submitted a written copy of his comments to the PB.

Abutter Rebecca Irving expressed her concern about blasting. She advised that her house was within 75 feet of where the developer would be blasting for the proposed road. She asked who would cover the cost of repairing damage to her water supply or any building damage. Mr. Eaton replied that the developer would recompense for any damage caused by blasting. He stated that the blasting company would do a survey before blasting and a seismic study. He also advised that blasting companies carry insurance to cover damages and that he would work with the blasting company to make sure any damages to her home caused by their activity were taken care of.

John Wilson (PLPA member and a member of the PB subcommittee) noted that the proposed development included seven storm water treatment areas or basins that would be 100-150 feet long and 25 feet wide with walls that would be three to five feet high and that were described in the Preliminary Drainage Analysis as "small". He also noted that some of the areas would be 20-30 feet from a house. He presented three photographs of similar basins, actually having walls two feet shorter, in a recently constructed cluster development in Concord. He noted that the photos showed that the basins were swampy and filled with silt, cattails, frogs, etc. Mr. Wilson advised that, in the case of the Concord development, easements were obtained from neighboring property owners; however, because of overflow, there has been downstream damage. He expressed concern that a similar event could occur on the Granger property. He also advised that the Land Subdivision Control Regulations, Section V.A., Section VI.L.7., and Section VI.N.4. require downstream easements. Mr. Wilson maintained that the Granger property is not appropriate for development. He opined that the wetlands should be preserved and read from the regulations the provisions relating to the use of wetland areas. He stated that zoning regulations pertaining to the Wetlands Overlay District seek to reduce the amount of water passing through the area and to protect the aquifer. He advised that the road would pass through three wetland areas and would require 150-212 truckloads of fill to construct. Mr. Wilson opined that the developer's request should be viewed in light of the objectives of the cluster development ordinance that intend to preserve open space and permit development in harmony with natural features. Mr. Wilson submitted a copy of his remarks and the photographs to the PB.

Chair Ebel asked for the name of the development where the photographs were taken. Mr. Wilson replied that it was the Walker Reserve development in Concord, NH.

Jeff Bacon asked if Austin Eaton was speaking as a trained hydrologist when he spoke of 25-year storms, 18% drives, and drainage. Mr. Eaton responded that he was not.

Craig Williamson opined that there was need for a trained environmental scientist and hydrologic expert. He questioned what Mr. Blakeman meant by "clean water", the impact of ledge on drainage, the comment that the difference between 25-year and 100-year storms being "very little". He also asked if any thought had been given to mosquito breeding and West Nile virus in recommending the detention areas. He stated that more expert information was needed.

Chair Ebel asked what the difference was between a hydrologist and an engineer with hydrologic experience. Louis Caron explained that engineers in New Hampshire elect an area of expertise. General civil engineers study surface storm water runoff; hydro-geologists study water underground, e.g., impact on water in the aquifer. He added that environmentalists focus on flora and fauna and are not engineers. He stated that he is a general civil engineer with over 30 years of experience. Chair Ebel ascertained that Mr. Blakeman is also a general civil engineer.

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Abutter Janet Beardsley-Blanco advised that she lives across the street from the proposed development. She said that she stands to lose her well, her driveway, and her basement. She opined that the property is already very fragile.

Myra Ferguson stated that she was speaking for a silent party that has no voice in the deliberations, the wildlife in the area. She said that 40 acres might be very small in the overall scheme of things, but the deer, the bear, etc., cannot get to their homes and food because people now live in their habitat.

Ms Kiefer referred to Kittie Wilson's comment about not disturbing the wetlands without a compelling reason. She said that, in her view, building houses was not a compelling reason. She opined that the value of Pleasant Lake to the area is far greater than any damage to individual property owners. She stated that property values, the area businesses and economy, and the tourist trade all depend on Pleasant Lake.

Jackie Roberts stated that she held a master's degree in environmental science. She advised the town to bring in hydrology expertise before determining the feasibility of building in the wetlands. She opined that the PB needs to assess the full impact of the proposed development before considering the number of houses and other details. She took issue with an earlier statement that the PB had never turned down a development.

Resident Dan Snyder questioned the developer's commitment to preserving the environment. He acknowledged that Mr. Eaton had promptly responded when prior failings at another development were pointed out; however, he did not act until the failure was pointed out and only modified his plans at the demand of the PB. He urged the PB to hire an hydrology engineer to assess the feasibility of development of this site before going forward any further with the application. He stated that he was not opposed to development; however, the Land Subdivision Control Regulations Section VI.B.1. state that "Land of such character that it cannot, in the judgment of the Board, be safely used for building development purposes because of danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for residential or commercial subdivision, nor for such other uses as may increase danger to life or property, or aggravate the flood hazard." He urged the PB to take advantage of the latitude granted to it by the regulations and deny this application for development. He stated that he believed there were ample grounds upon which to base such a decision Mr. Snyder submitted a letter for inclusion in the file.

Doug Baxter, Vice-President of the PLPA, read a letter from Richard Clayton, President of the PLPA, who was unable to attend the hearing. The letter states that the PLPA is very concerned about increased runoff into Pleasant Lake. The letter further states that the PLPA is concerned that the objectives of development activities on this property not affecting the purity and volume of runoff entering Pleasant Lake are not being met. Mr. Clayton's letter also quotes Section VI.B.1. of the Land Subdivision Control Regulations. The PLPA requests that the PB make this portion of the Regulations a thorough test for the development being proposed for the Granger property. Mr. Baxter submitted Mr. Clayton's letter to the PB.

Jim Granger stated that he had learned a lot about his land. He said that he had pictures taken last week of every culvert on Bunker Road with runoff from the Granger property. All were dry. In support of his statement, Mr. Granger submitted six photographs of the culverts. He said that in the spring, runoff goes downhill. He advised that runoff from Pleasant Street runs over the Granger property, but is not generated on the property. In regard to the proposed wells, he spoke of the impact of salt used on Interstate 89 contaminating wells located higher on Knights Hill, uphill from the runoff. He stated that a lot had been said, but there seemed to be few facts to support the statements.

Birch Acres resident Bill Pike, Jr. expressed concern regarding the lack of sidewalks. He opined that any review of a development should include consideration of increases in traffic flow and intensity. He said that he would be concerned about the safety of children walking along Pleasant Street.

Resident Robert Kren (Spruce Lane) said that it seemed as if people didn't want the developer to do anything. He stated that he lived in the Great Pines development and was very pleased with it.

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Resident David Cook (Whitney Brook Road) asked if the PB would review the covenants and if that review would include a determination that they contain adequate provisions if the drainage systems should fail. He also asked what the timetable for the review would be. Chair Ebel replied that the PB was very concerned about the homeowner documents, because they were the key to the development. She stated that they would be subject to a very intensive review, including a review by the Town Counsel, if necessary. Ken McWilliams responded that the application was now undergoing Preliminary SPR. He advised that a subcommittee, appointed by the PB to work with the developer, has met several times and will probably have two or three more meetings to review the homeowners' documents, to determine whether or not to hire a hydrologist, and to construct a matrix of issues to be addressed. Mr. McWilliams advised that the "clock starts" at the time the final application is submitted and deemed complete by the PB. The PB then has 65 days to complete its review, unless the time is extended by the Board of Selectmen.

Ms Kiefer opined that putting a notice in the Kearsarge Shopper was a very good idea and asked if the PB would do so to notify interested parties of any future hearings. Mr. McWilliams explained that the ad was placed this time to avoid confusion due to a change in the hearing date. PB consensus was to do it again, given the widespread interest in the project.

Resident Charlene Baxter questioned the effectiveness of the checks and balances provided by the homeowners' covenants. She stated that she had purchased a home in Hall Farm, for which she signed covenants, and there appears to be no oversight or enforcement of the covenants. She took issue with the statement that only a "few" trees would be cut saying that a few to one person might be a lot to another person. If you cut a tree down, you cannot put it back. She stated that she would like to see exactly how much cutting would be done. Chair Ebel opined and Ken McWilliams confirmed that there is no homeowners' association in Hall Farm. Chair Ebel also stated that, in the absence of an association, homeowners in the development had to enforce the covenants in the deed themselves. It was also noted that the roads in Hall Farm are public roads. The PB at the time that the Hall Farm development was approved did not put itself in the position to enforce any part of the homeowners' covenants. Mr. Eaton stated that each site in Granger Ridge would be viewed individually in regard to tree cutting. He said that he did not want to remove more trees than necessary. Chair Ebel stated that she understood that no more than 50% of the trees on any lot would be cut, and Mr. Eaton concurred.

Debbie Hall observed that the discussion had reverted to what type of development should be on the site and the related conditions, rather than whether any development should be approved. She wanted the discussion to get back where it belonged – whether the site should be developed. Ms Hall also questioned the statement that the PB had never "denied" a subdivision application.

Health Officer Bent opined that the project would have sufficient impact to require a full environmental impact study. He recommended that homeowners should test their water to establish a pre-development baseline. Chair Ebel asked Mr. McWilliams what technically constituted an environmental impact statement. Mr. McWilliams replied that a federal environmental impact statement has specific issues to be addressed by regulation. He noted that Bent had mentioned the need for a hydrology study earlier and that it would be appropriate for him to discuss his comment in greater detail. Bent listed hydrology, wildlife, flora and fauna, and federal issues. Mr. McWilliams advised that if the PB wanted to hire a hydrologist, a geologist, etc., it should seek a firm with experts in all of the areas cited in a federal environmental impact study. The PB must determine what type of expertise to seek. Bent suggested that expertise in all areas should be sought. Mr. McWilliams replied that the PB needs to decide on the issues. Mr. Caron opined that some issues could be evaluated very quickly, e.g., nutrient load. He recommended that the PB create a matrix of the concerns raised and determine the impact of each. Chair Ebel stated that the PB subcommittee could do that. She stated that she had not realized that a hydro-geologic study seemed to be a definite need and that she hadn't appreciated the fact that the current engineers were focused on surface water issues only. She stated that she felt that a hydrological study was definitely necessary for this site.

Ms Kiefer referred back to the Land Subdivision Control Regulations Section VI.B.1 and asked if the ordinance would be violated by building on this property.

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Dan Snyder opined that an easement by abutters should be explored. He opined that there was an obligation to extend the courtesy. Chair Ebel replied that, if the PB determines that runoff from a proposed subdivision would cause damage to an off-site property owner, it cannot approve the subdivision, unless the property owner grants an easement to the owner and holds the town harmless for any damage caused. She advised that there must be more than the "potential" for damage.

PB member Andrews questioned a blasting company's having insurance to cover damage. She asked if the PB could have any say regarding which company would be hired and have assurance that insurance existed. Mr. Eaton replied that any licensed blasting company would have insurance and that he would only hire a licensed firm.

PB member Clough recommended that the subcommittee create a matrix of issues. Ms Andrews said that there was no question in her mind that hydrological expertise was needed. Chair Ebel agreed, but said that she had no idea of the cost. Mr. Caron advised that there is no real aquifer on the site, only 0-40" of soil over ledge. He recommended looking for someone with rock and ledge experience. He said that he was also concerned about the statement earlier regarding iron contamination. He said that normally one looks for any sediment outflow after blasting or change in peak flows. He opined that the blasting fears might be overstated. Chair Ebel asked what direction should be given to a hydrologist. Mr. Caron replied that the PB should make a list of issues and decide on the order of magnitude of each, then decide what direction to give the hydrologist. Mr. Eaton suggested that Mr. Caron and Mr. Blakeman discuss the issues and decide upon the issues to be covered by a hydro-geological study and present a proposal for a study to be conducted at the expense of the developer.

Abutter Jeff Hollinger asked at what point the PB would decide "no, we will not go forward" or "yes, we will go forward". He opined that, as less prime building land remains available, more and more questionable land will be built upon. He said that he is not opposed to development, but he is opposed to development on this site. Chair Ebel replied that the PB would need very specific, well-founded reasons, a very high level of proof, to deny an application. Mr. McWilliams advised that the town has a set of regulations, some of which are black and white and some are discretionary. He opined that decisions are easy when the issues are well-defined, but difficult in cases involving discretion.

Abutter Hollinger stated that the PB was looking at seven detention ponds designed to limit flow onto other properties. He opined that, if the ponds overflow, the water would flow out, unless there was some mechanism to retain the overflow. Mr. Williamson opined that an independent hydro-geological expert should be retained by the PB, not by the developer, and that it would present a conflict situation if the developer retained the expert and selected the issues to be reviewed. Chair Ebel assured Mr. Williamson that the engineers would help focus the hydrological study, but the subcommittee and the PB would have control of the situation. She stated that such an engineer would be responsible to the PB, but paid for by Mr. Eaton, if he was agreeable. Elise Rocha stated that she had felt very assured in regard to the wetlands at the beginning of the hearing; however, she was now very unsure. Mr. Caron asked if Mr. Blakeman had calculated the amount of jurisdictional wetlands on the property. Mr. Blakeman responded in the affirmative, but stated that he did not have that calculation with him. He opined that it was about 3000 square feet at four stream crossings. Mr. Caron suggested having the amount available for developing questions.

Ms Kiefer said that she had the impression that the PB had already decided development should happen, not whether it should happen. She referred to the statement that the "PB has never denied a development". PB member Andrews stated that, as a PB member and a subcommittee member, she had expressed concern about water at each step in the review process. She said that her concern has increased at every step. She advised that the PB does not know at the beginning of a review what issues need further study. PB member Clough remarked that the PB was trying to determine if the site was appropriate for development. PB member Conly stated that a great deal of time had been invested in the review and the PB has not made a decision, unlike the speakers who have decided that they do not want development. PB member Cook commented that it was difficult to look out at a group of people, all of whom have made up their minds, and determine what additional information is needed in order to make an informed decision.

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Mr. Wilson read the qualifications listed on the resume of an individual with the necessary expertise. Mr. Snyder opined that the PB would face questions at the end of the day and suggested that it would be better to err on the side of the environment, lake quality, conservation, and protecting what we have. Ms Wilson stated that she was sick of being thrown into the anti-development bin and shocked that the Conservation Commission would be the most fervent accuser. She said that people were at the hearing because NL has a beautiful lake and has already had one lake damaged by this same developer. Ms Wilson stated that she was tired of one engineer giving directions to another engineer, who had no intention of following up on them. She urged the PB to hire an hydrology expert and get some answers. She stated that they were a group of lay people without expert leadership; they need help. She reiterated her plea to hire an independent expert and get advice. The PB members generally agreed that a hydrological study was necessary and asked the engineers to discuss the relevant issues for the next subcommittee meeting. Mr. Eaton said that he'd be willing to pay for such a study. Mr. Wilson reiterated that he had the resume of a well-qualified person and agreed to provide the name and resume to the PB. Chair Ebel said that she would be in touch with the subcommittee members to set up the next meeting.

Chair Ebel thanked the members of the public for coming to the PB meeting and expressing their views on the proposed development. She assured those in attendance that the PB was very mindful of their concerns. She also stated that the PB had an excellent record when it came to conscientious review of environmental and conservation matters.

The hearing was continued to Tuesday, September 27, 2005 at 7:30 PM.

Jeff Hollinger rejoined the PB.

III. OTHER BUSINESS

- A. DONALD & SUSAN ELLIOTT – Voluntary Merger of Lots of Record (Tax Map 111, Lots 15 & 16). Ken McWilliams presented, on behalf of Donald and Susan Elliott, an application to merge two lots of record located on Shaker Street. He stated that he had worked with the applicants and that there were no issues. He advised that the Elliotts wished to merge a two-acre lot with a four-acre lot.

It was **MOVED** (Clough) and **SECONDED** (Hollinger) **THAT DONALD & SUSAN ELLIOTT'S REQUEST TO MERGE TWO LOTS OF RECORD, TAX MAP 111, LOTS 15 & 16, BE APPROVED. THE MOTION WAS APPROVED UNANIMOUSLY.**

The Voluntary Merger of Lots of Record form was circulated for PB signatures and will be forwarded to the Merrimack County Registry of Deeds by the Town of New London.

- B. LAKE OVERLAY DISTRICT. Ken McWilliams advised that the Town of Newbury is interested in finding out if New London and Sunapee would be interested in creating a Lake Overlay District for the entire lake. He said it was something for the PB to think about.
- C. STONEHOUSE ROAD ACCESS TO SUTTON DEVELOPMENT. Ken McWilliams advised the PB that there is a proposal for a 22-house development in Sutton for which the only access would be via Stonehouse Road in New London. The NL PB needs to determine if the road meets New London specifications. PB member Cook asked where the town boundary intersected with the road. Zoning Administrator Peter Stanley provided the information. Mr. McWilliams reminded PB members of similar requests in the past.
- D. JOHN REGO PEROTTA (Tax Map 84, Lot 55). Ken McWilliams advised that John Rego Perotta had provided sufficient data to determine that adequate parking is available for a 60-seat function facility in the former Crossroads building. A copy of the parking letter was distributed to PB members. Mr. McWilliams opined that it would not be necessary for Perotta to return to the PB. PB member Andrews asked for clarification of the number of seats in the facility. Mr. McWilliams noted that Perotta's letter date August 8

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indicates 60 seats. PB member Clough noted that Mr. Perotta was also asked to provide a letter from Christopher Broome, the owner of the building. Mr. McWilliams said that he would follow up on the required letter from the owner.

- E. FY 2006 BUDGET REQUEST. Ken McWilliams presented a proposed budget for the 2006 fiscal year. He noted that \$2,400 in additional funds were being requested to cover the taking of minutes at major subdivision and major site plan subcommittee meetings, CIP Committee meetings, and meetings in conjunction with the Master Plan. He also advised that funds were being requested to give the Recording Secretary a raise. He stated that funds had been requested in FY 2005 budget, as well; however, for some reason, the raise was not implemented.
- F. REGULATION REVISIONS. Ken McWilliams advised that Town Administrator Jessie Levine and Zoning Administrator Peter Stanley have identified items within the regulations that need to be revised. He stated that the Site Plan Review Regulations have not been revised since 1990 and the Land Subdivision Control Regulations have not been revised since 2000. PB consensus was to revise both sets of regulations. Mr. McWilliams charged PB members to make a list of possible revisions to be discussed.
- C. The MINUTES of the JULY 26, 2005 meeting were APPROVED, as amended.

The **MEETING** was **ADJOURNED** at **11:00 PM**.

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

DATE APPROVED _____

CHAIRMAN _____