

**NEW LONDON PLANNING BOARD – SUBCOMMITTEE
BOG ROAD SUBDIVISION (HARRY SNOW)
MEETING
JULY 19, 2007**

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MEMBERS PRESENT: Karen Ebel (PB Chairman), Celeste Cook, Dale Conly, Ken McWilliams (Planner), Peter Stanley (Zoning Administrator), and Bob Crane (Messer Pond Protective Association)
OTHERS PRESENT: Harry Snow (Owner/Developer), and Peter Blakeman (Blakeman Engineering, Inc.), Jay Lyon (New London Fire Chief).

Chair Ebel called the **MEETING TO ORDER** at 9:04 AM at the New London Fire Station.

I. HARRY SNOW – BOG ROAD SUBDIVISION

(Tax Map 106, Lot 13)

Chair Ebel asked Mr. Blakeman and Mr. Snow if they would like to make any comments before the subcommittee begins. Mr. Blakeman advised the board that Mr. Snow's special exceptions had been approved. He also stated that the wetlands on the property had been considered and where they have designated the crossing points seems to show the least amount of impact. He continued to say that the plan had not changed since the last meeting. He then cited the Conservation Notes on the plan, which pertain to building envelopes, development of the parcels, erosion control, and driveway construction. He pointed out to the board the fire pond, and drainage areas around Bog Road, Messer Pond, and Country Meadow Road. Mr. Stanley stated that for further reference he would appreciate a full set of plans preferably in color in regard to the drainage and slopes. Mr. Blakeman then referred to page D1 in the set of plans, which shows they had tested drainage points: a, b, and c. He pointed out the various drainage areas on the parcel and then referred the subcommittee to page D2 which breaks the drainage areas down. He advised Mr. McWilliams that he had received the letters from the property abutters regarding buffers on the property lines, but that Mr. Snow was not inclined to include such buffers, especially considering the concessions he had already made on the property. He said all the restrictions can affect the marketability of the property.

Chief Lyon then told Mr. Blakeman that he had reviewed the plans and had a few questions regarding the fire pond. He told Mr. Blakeman that he had concerns when it comes to the amount of water that will be accessible in the winter months when ice has taken over the pond. Mr. Blakeman told Chief Lyon to disregard 4 feet at the top of the pond and 2 feet at the bottom of the pond and within the area that is left should be roughly 30,000 gallons of water. Chief Lyon then asked Mr. Blakeman and Mr. Snow if there was any way to move the pipe that will be used for the dry hydrant so it may access more water in an emergency and also questioned the consistency of maintenance performed on the fire pond. He advised Mr. Blakeman and Mr. Snow that the town only maintains the dry hydrant, they do not maintain the pond its self. Mr. McWilliams stated that the agreement that has been drafted does not show the association having that responsibility either. Chair Ebel asked Mr. McWilliams if those should be revised to state that the association will be responsible for routine maintenance of the fire pond. Chief Lyon then informed Mr. Blakeman and Mr. Snow that he would be happy to help with the installation of the fire pond and dry hydrant to help maintain accuracy. Chief Lyon then informed Mr. Blakeman and Mr. Snow that he would like to see appropriate signage signifying a fire lane or fire parking only. Chief Lyon then left the meeting.

Chair Ebel referred to note number two on the plan Conservation Notes as referred to before by Mr. Blakeman. She stated she would like to wording change from "to be" to "which may be." All references to the Zoning Ordinances were then reviewed for accuracy. Chair Ebel then asked to change the wording "building envelope" to "construction envelope" on the Conservation Notes. Peter Stanley asked that the woodland buffer be bounded. Mr. Blakeman advised Mr. Stanley that it had been and a covenant buffer will also be present. Mr. Stanley stated that there should be proper identification on them as well. He then questioned page S3 of the site plans which show a 15 percent slope. He advised Mr. Snow and Mr. Blakeman that that erosion control devices will need to be installed on most, if not all, of the lots. Mr. Stanley also stated that before any construction can be performed on the lot an erosion control device will need to be installed and inspected. Chair Ebel then asked Mr. Blakeman if Conservation Note number 4 could include the 300 foot no build. Mr. Blakeman pointed out that Conservation Note number 1 address the 300 foot no build. Mr. Stanley questioned whether or not the deeds will reflect the 300 foot no build.

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Mr. Snow advised Mr. Stanley that the property owner will receive a copy of the ordinance and that it will also be stated on the plan that will be registered.

Mr. Stanley then asked if the markers would be granite. Mr. Snow stated that yes, the markers will be granite and most of them had already been installed. Mr. Conly questioned the construction envelopes for lots 3 and 4 on the plan. Mr. Blakeman advised that due to the topography and the required buffer area, the lots had no construction envelopes. Mr. Conly then asked if there were any requirements for the number of lots to be worked on at one time. Mr. Snow advised him that no, there was not.

Chair Ebel then referred to the Bylaws and questioned the use of the term "club, rather than asked that these be changed to conform to the covenants section to avoid confusion. Mr. McWilliams then questioned the use of association land and common land. Mr. Snow stated that the only property to be common land will be the road, which will only stay that way until the Town takes it over. Chair Ebel then referred to page 2 paragraph D of the covenants which states how the common land will be defined. She stated that these covenants seem to be copied from Snowcrest which was fine, but was an entirely different situation re: the common land. Mr. McWilliams inquired about page 3 paragraph B which states a limit of five bedrooms per home. Mr. Snow stated that he will have his attorney take the five bedroom minimum out of the covenants. He then asked about the addition of in-law apartments. Mr. Stanley stated that a house must be five or more years old to add an in-law apartment. Mr. McWilliams referred back to the covenants which state that "no apartments or multiple family dwellings" are allowed. Mr. Snow stated that he will ask his attorney to delete that line. Mr. McWilliams then referred to page 3 paragraph B and the sentence that refers to home businesses. He asked Mr. Snow to add another line stating, "As approved by the Planning Board when applicable." He also asked to edit the sentence before to read, "...those that meet the Zoning Ordinances." Mr. Snow told Mr. McWilliams that he would have his attorney change those sections so the covenants are not too overbearing and to make sure they entail the Zoning Ordinances. Chair Ebel referred to page 2 paragraph C asking if it should read "100 foot wetland buffer" instead of "100 foot wet buffer?" She also asked to edit the covenants to say, "... as amended" when the reference is made certain articles. Mr. Stanley then referred to page 4 paragraph D asking if Mr. Snow had intentionally excluded RVs and campers. He stated that the covenants should state one way or another whether you approve or disapprove. He also reminded Mr. Snow that the covenants should state whether or not the RVs and campers can be on the property for storage or for use. Chair Ebel referred to page 3 paragraph C and asked that Conservation Note number 5 be added to this paragraph.

Chair Ebel then cited Mr. Rogoff's comments regarding docks. Mr. Blakeman stated that he had forwarded the comments to Mr. Snow's attorney, which he had received from Mr. McWilliams. Mr. Snow then advised the subcommittee that he would like to allow some docks, but obvious restrictions will be needed. He said that as the covenants are written only a floating dock is acceptable. Chair Ebel stated that as she understood the agreement with the Kellners' that only floating, unattached docks could be installed. She also said that the covenants should be clear regarding the types of docks which are acceptable. Mr. McWilliams added that the covenants should say that no seasonal docks are permitted, only floating docks. In any event, the deed does not allow "structures" and docks attached to the land are clearly structures. It was further noted that the floating docks could not be stored in the deeded buffer area when not in use. Mr. Snow asked the subcommittee the exact wording they would like to see in the covenants regarding docks. Chair Ebel suggested that Mr. Snow he could pull the wording right from the Kellners' agreement.

Mr. McWilliams referred to page 4 paragraph B in which the second part refers to access on the lots regarding drainage. He continued to say that it should also say that the Town will have the right to access the lots to review drainage and erosion control systems. Mr. McWilliams also questioned section 6 which states "...and 200 feet of the clearing line" he said it may be clearer to say, "...and 200 feet of the shore line." Mr. Stanley questioned the high water reference line in respect to the state regulations versus the Town regulations. Mr. Snow asked if changing it to read "high water/ reference line" would be acceptable. Mr. Stanley stated that it would be fine. Mr. McWilliams stated that page 5 referring to fire ponds seems redundant. Chair Ebel referred to page 3 paragraph C in regard to Mr. Rogoff's comments. He believes that all lot owners, not just those whose land includes by the buffers should be included. Mr. Blakeman

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stated that the other lots have no impact or interaction with the buffers and would have to trespass on private property to have any affect on the buffers, which is not allowed anyway. Chair Ebel believes that the amendment provision of the covenants is incorrect. She stated that the covenants can be amended, but those pertaining to buffers, etc, cannot be amended. Mr. McWilliams asked if they could add a sentence stating "The covenants cannot be changed without Planning Board approval." Chair Ebel stated that the sentence seems vague and should be stated more clearly. Mr. McWilliams asked to change his previous revision of paragraph B to now state, "Sections 3, 4, 6, 9, and 10 cannot be amended without Planning Board approval." He also asked that paragraph D state, "The Town of New London has the authority to enforce Sections 3, 4, 6, 9, and 10." He then added that the word enforcement will need to be added to the definitions of the covenants. The definition should read, "Town authority to not only enforce covenants, but to inspect the covenants as well, relevant to sections 3, 4, 6, 9, and 10." Mr. Stanley stated that any complaints regarding violations would have to be in writing and the owner of the property in question would be notified prior to an inspection. Chair Ebel asked if it should also state that the Town has the right to put liens on the property to obtain reimbursement for any funds expended due to violations. Mr. Snow stated that a section regarding liens will be added. Mr. Snow then questioned the wording of the enforcement section. He asked if, "In the affect of a legal complaint the Town will have the right to inspect the property and enforce the covenants," would be acceptable. Mr. Stanley said yes, this would be acceptable, but told Mr. Snow that he may want to add "...the complaints will need to be in writing and hold legitimate cause. No phone call complaints will be accepted."

Chair Ebel asked if Mr. Blakeman saw a huge increase of impervious area. Mr. Blakeman stated that he had not seen a huge increase, but had noticed a small increase of impervious areas. The pervious areas percentage went from 2.22 percent to 1.9 percent. Mr. Blakeman continued to say that the state is very concerned with runoff into the local water bodies and not so much with the runoff into other areas on and off the property. He added that this project will not increase peak flow into someone else property. Chair Ebel asked about the culverts or swales installed on the lots. Mr. Blakeman said yes, culverts will be installed near the roadway, but not on the actually properties. He continued to say that the water flows on a natural flow. Mr. McWilliams questioned the route of runoff when buildings are placed on the lots. Mr. Blakeman referred to page 2 of the memo which shows a table of expected volume through out the development. Mr. McWilliams asked if a sentence could be added to the Conservation Notes regarding Low Impact Development planning. He asked if the subcommittee would like an independent engineer to look at the plans. Chair Ebel said that with a small project such as this it wouldn't be necessary. Mrs. Cook asked if the neighbors would be concerned if the board did not have the plans reviewed by an outside party. Mr. Crane believed that the board has done a significant job reviewing the project and that the neighbors would not be upset. Chair Ebel stated that the project will not dramatically increase the impervious areas and that both the engineer and the builder have made an effort to help with drainage and runoff. Discussion ensued regarding the next subcommittee meeting which will be held on Thursday, August 2, at 9 AM at the Fire Station if needed.

The **MEETING** was **ADJOURNED** at **10:57 AM**.

Respectfully submitted,
Kelsie M. Lee, Office Assistant
New London Selectmen's Office

DATE APPROVED _____

CHAIRMAN _____