

**NEW LONDON PLANNING BOARD  
REGULAR MEETING & PUBLIC HEARING  
March 22, 2005**

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

ABSENT: Tom Cottrill

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

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

Jeff Hollinger recused himself from the PB.

Chair Ebel introduced Louis P. 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.

Austin Eaton, the project developer, introduced himself, his son, and Jim and Connie Granger, owners of the property to be developed. Mr. Eaton advised that, over the past eight months, he and the Grangers have been discussing development of a 40-acre parcel contiguous to the Grangers' 1895 homestead and owned by Grangers since 1798. He further advised that the goal would be to have a development plan with the least impact. To that end, they have worked closely with Peter Blakeman (Blakeman Engineering, Inc.), who was also present, to develop a cluster development plan, a permitted use in the R-2 District.

Eaton advised that Blakeman had done a slope study and identified 16 possible house lots. Upon reviewing the results, Eaton and the Grangers decided that the project should include only 14 homes. He commented that the property has a very steep slope from left to right, but not front to back. Eaton recognized the requirements to comply with State, EPA, and Town Regulations regarding storm flows and to prevent any degradation of water flows. Eaton advised that Blakeman would be designing a plan to ensure that the water flowing off the property post-development would be as clean as that flowing off pre-development. He further stated that pertinent regulations would not permit him to increase the drainage at all from the existing level due to the development.

Eaton then turned the floor over to Peter Blakeman, who displayed two plans: (1) Preliminary Road Profile and Lot Drainage and (2) Preliminary Cluster Subdivision. Blakeman explained that the plan presented showed 14 clustered lots on 40.6 acres, as well as the remaining 5.75 acres. He stated that the average density worked out to be 2.9 acres. Blakeman advised that he had run the data through conventional subdivision requirements to make sure that clustering would not subvert the regulations, and had found that conventional subdivision would have permitted 17 lots. He stated that high intensity soils mapping had been completed and noted that subdivision regulations establishing lot sizes would allow 18.3 lots. Blakeman advised that the proposed 2150-foot long access road would be built in two phases, as would the proposed homes that would be built in groups of seven. He stated that there would be two on-site cluster septic systems – one near the hammerhead and the other at the end of the road. He added that the septic systems would require regular inspections and maintenance, the details of which would be spelled out in the homeowners' association documents. He stated that each home would have its own well or two or three might share a well, depending upon output. Blakeman acknowledged the requirement for the project not to increase the rate of runoff and recognized that the property presented difficulties with regard to storm runoff and drainage. He explained that there are also areas where water pools or where there is ledge. He described eight detention treatment areas in which runoff would be treated. Blakeman listed the various permits that would have to be obtained, including State permits for common septic systems, three wetlands crossings at the beginning of the road (mapped with high intensity soils) and one or two additional crossings, and a site specific permit to evaluate storm water treatment; Zoning Board of Adjustment approval for wetlands crossings, and PB approval. The developer must notify the EPA

that the plan has been put together and is available on site. He added that inspections would be required and could be no longer than two weeks apart.

Ken McWilliams asked if the inspections would be conducted by the contractor. Blakeman replied that the inspections would be conducted by an engineer or someone else with soils expertise and stated his expectation that they would be conducted weekly. He also suggested that town officials might make additional inspections. Chair Ebel asked if the EPA had to approve the plan. Blakeman replied in the negative; however, the plan must be available for inspection on the site. Chair Ebel asked how frequently the EPA performed inspections. Blakeman replied "rarely". Chair Ebel asked if Blakeman would be the inspector. Eaton replied affirmatively and opined that town officials would probably inspect as well.

Eaton reported that he had met with municipal department heads and now has a list of requirements from Peter Stanley. Zoning Administrator Stanley advised that the proposed cistern would be acceptable with regard to size and location, although some additional details would be needed. In response to a question, Blakeman explained that the gray-shaded area on the plan lies within the steep slopes area of the property.

PB member Conly, the Conservation Commission's representative on the PB, questioned the ability to construct septic systems on the property. Blakeman replied that soils are adequate at the beginning of the road and at another area that he pointed out on the plan. He explained that the Enviro-Septic systems consist of pipes with fiber wrap and add more intense filtration and better quality water output. PB member Cook asked if there would be another spot to install a replacement septic system in the event of failure. Blakeman replied that any replacement system would be installed in the same place. Chair Ebel asked what kind of failure might occur and where would the output go, if there should be a failure. Blakeman replied that a well-designed and well-constructed system should not fail, but, if it did, the output should be contained. Chair Ebel asked if the system would have a large leach field. Blakeman replied that the system has a smaller footprint, as it is much more compact and intensive than older type systems. He added that the type of system proposed has state approval and has recently been through a rigorous independent review. Chair Ebel asked what type of maintenance would be required. Blakeman replied that the tanks would need to be pumped and the area kept free of vegetation. Chair Ebel asked how frequently the systems would be inspected. Blakeman replied that inspections should be often enough to allow corrective action to be taken before any catastrophic event. Mr. McWilliams advised that the need to rebuild and the financial responsibility for doing so should be included in the homeowners' association documents. Chair Ebel asked how often such systems need to be rebuilt. Blakeman replied that the length of time has yet to be determined because the Enviro-Systems have only been in use for about ten years.

Chair Ebel asked Blakeman to address issues regarding building envelopes, common land, buffers, etc. Blakeman replied that there would be a 100-foot undisturbed buffer around the entire project. He noted that the lots stop at the buffer. He advised that there would be 23.7 acres of open space in the common area, including the buffer. He explained that original proposal showed building envelopes; however, after the meeting with department heads it became evident that some storm water treatment areas impinged on the proposed building envelopes. Revised plan allow for positioning individual homes on individual lots in a manner to most effectively use the lot, e.g., decrease the amount of blasting, etc. Eaton added that he wants to run ideas by Louis Caron or some other independent expert prior to applying for building permits.

Eaton advised that the homes would be very similar to those in Great Pines with the same restrictions on footprint size, ancillary buildings, tree-cutting, etc. He indicated that the lots would range in size from 30,000 sq. ft. to one acre. He explained that the homeowners' association would have overall control, with the possible exception of a few small, personal flower gardens, of cutting and outside maintenance of the lawns, shrubs, etc. He stated that he has had to say "no" in the past, and would do so in the future, if necessary. Blakeman added that even the amount of fertilizer applied to any grass area would be determined by the association. He opined that it should be easier to manage issues through the homeowners' association than it would through several individual homeowners.

Chair Ebel asked about visual impact. Eaton replied that the Grangers do not want to see the new homes from their house and shared his expectation that there would be no visual impact from either Pleasant Street or Pleasant Lake. He acknowledged that there might be some views; however, he has no plans to advertise views and would do no cutting to create views. Chair Ebel asked if the 50% cutting would apply to anywhere the owner wanted to cut. Eaton responded in the negative, adding that the developer would place the houses and delineate what could be cut. Blakeman added that it would not be like a basal area; rather, it would be a footprint.

Reporting on the meeting with municipal department heads, Ken McWilliams indicated the departments had the following comments in addition to those outlined in the November 30, 2004 PB Meeting Minutes. Richard Lee, New London Town Road Agent, expressed concern in regard to culverts on Bunker Road and Lamson Lane, as well as drainage from individual lots, and questioned if there would be any sleeve under the proposed road where the sewer would cross. Fire Chief Peter Stanley reported that the proposed cistern size and placement were acceptable; however, more detail on the turnout would be required. The department heads also discussed the amount of road to be exposed at any one time, as well as how many individual lots would be exposed at any one time and would like limitations on both. McWilliams reported that Jessie Levine, Town Administrator, had asked if lot development should be phased in. She also mentioned the need for a street sign and a stop sign where the proposed road would intersect with Pleasant Street. It was also noted that responsibility for maintenance of the septic system must be included in the homeowners' documents. In addition, McWilliams referenced an e-mail that he had sent to PB members and to the applicant which summarized the issues identified previously by the departments and the issues outlined in the November 30, 2004 PB meeting.

PB member Andrews asked if there were plans providing the detail for the detention areas, and, if there were, when would they be available for review. Blakeman replied affirmatively and referred to the sample for Lot 1 on the plans. He indicated that the plan demonstrated the use of berms and landscaping. Andrews asked if it would be similar to Great Pines. Eaton replied that the design would be more sophisticated and would limit output. Andrews commented that she visualized standing water to be dispersed at a slower rate. Blakeman replied affirmatively, and opined that it would be able to address both storm water and treated water. Andrews asked if Blakeman had HISS mapping and drainage data. Blakeman replied that he did not; however, he expected that the data would be available for the subcommittee meeting.

Andrews asked how much open space would be required. Blakeman replied that the amount would be density driven. McWilliams explained that the open space could include both the perimeter buffer area and the open land. Andrews asked if the regulations would allow the drainage area to be counted as common land. McWilliams replied that, just as had been done at the Snowcrest development, it is a common lot, even though it is not an open area. Andrews opined that the septic should be located on a separate lot. Blakeman replied that, when the lots have all been laid out, the PB would see that there is plenty of space.

Louis Caron advised that the EPA requires a notice of intent only; it does not get copies of the plans nor does it approve plans. He added that the State notifies the EPA when a permit has been issued. Chair Ebel asked where the EPA is located. Caron replied "in Massachusetts". Ebel asked if the office is regional. Caron replied affirmatively. He also advised that each lot plan must be reviewed, and outlined a realistic process of inspection. He would be able to report problems to the NH Department of Environmental Services (DES); however, only the town could issue stop-work orders.

Richard Clayton, Acting President of the Pleasant Lake Protective Association (PLPA), read into the record a letter (copy attached) that he had written to the PB on behalf of the PLPA.

NL resident Howard Hoke asked if there were any regulations controlling the amount of drainage or the concentrating of storm water rather than dispersing it over a broad area. Blakeman replied that the plan would try to channel the water over as broad an area as hydrologically possible. He opined that it would be easier to look at the storm water path and treat the problem at its source. He stated that control is voluntary, not regulatory.

NL resident Bill Hopwood stated that the development of Hall Farm had resulted in a high degree of sediment flowing down onto his property. He stated that he had had to reconstruct his septic system on two separate occasions due to erosion coming through the middle of his septic system from a culvert located upgrade on Hall Farm Road. He said that he assumed that the same level of state and local scrutiny outlined by the Eaton and Blakeman existed when Hall Farm was developed, and it was obvious that those safeguards failed to some degree.

NL resident John Lightfoot stated that his property was located on ledge that is east of the ledge identified on the plan. He stated that he had bought his property in 1975. Subsequently, two houses were built in Hall Farm behind his property. He advised that he had to build a whole system to redirect water flowing off the Hall Farm properties. Then, when the third house was built behind his property, the water problem arose again. Lightfoot advised that there is ledge behind the abutting Durkin property.

Kittie Wilson, PLPA secretary, stated that, when the PLPA learned of the proposed development in November, members went out and walked the property. She said that those members were amazed at the amount of water running through the property. The PLPA decided to map each stream and perform baseline testing. She provided the PB with a copy of the results; however, the report shows only the major streams, not the massive water flowing over the property. She also presented the PB with the photographs taken by the PLPA to document the situation. Wilson stated that she knew that members of the PB had walked the property on December 13, when the water flow had slowed demonstrably, and asked if any member had walked it during spring runoff.

Chair Ebel asked how one would assess drainage during winter. Caron responded that the evaluations would be based on runoff standards for the types of soils encountered at the site. He said that the standards ranged from 10-15% for gravel to 90% for pavement. He observed that Eaton had presented a broad evaluation, and additional site specific evaluations must be done. Caron advised that the wetlands soils classifications are site specific. The developer needs to take the engineering to a higher degree. Blakeman advised that the base plan was prepared by Douglas Sweet (Bristol, Sweet & Associates, Inc.) and includes an amazing amount of detail. Blakeman opined that the base map was good, but agreed that additional detail might be needed.

NL resident Deb Hall seconded previous comments regarding drainage. She said that she had walked the property in the fall and had found it to be very wet. NL resident Helen Tupper stated that she could not understand how the project had gotten this far. She opined that the project would mean "death to the lake". She expressed her concern that no provision seems to have been made for possible septic failure. Tupper opined that the benefit to the property owner to be derived from developing the property must be carefully weighed against the asset of a pristine Pleasant Lake to the entire town and region.

NL resident Arthur Hall said that he had heard that Town Road Agent Richard Lee wanted to put more culverts on Bunker Road and asked if Lee was privy to information of which others have no knowledge. McWilliams replied that the matter was discussed at the meeting of department heads where it was agreed that drainage issues required further study. Eaton stated that Lee had expressed the opinion that the existing culverts are at maximum capacity. Abutter Jeff Hollinger advised that most of the Bunker Road culverts have been replaced in the last ten years due to road washouts. He stated that it was his understanding that the amount of drainage could not be increased at all.

Hollinger asked who would be responsible for the cost of damages to properties located downhill from the proposed development. He cited several places in the Land Subdivision Control Regulations (pages 25, 42, 57) relating to easements over private property. Blakeman replied that an easement would be allowed for water flow if a property owner should be at risk. Abutter Janet Beardsley-Blanco echoed Hollinger's concerns. She said that her property would be at risk of being washed away. She added that she already has water in her basement every spring. NL Resident Dan Snyder stated that he was concerned about the use of the term "try to" in all of the developer's comments regarding the containment of water. He opined that there would be the potential for litigation and that the town could be held liable. Chair Ebel reminded him that Eaton had said that the developer would not be allowed to increase the maximum water flow. She then asked Caron to clarify

Eaton's statement because it was hard to understand how the proposed development would not increase the amount of water flowing downhill.

Caron stated that Eaton's statement related to peak flow restrictions and that there were two issues: the overall amount of water and the peak flow of the water. He stated that the developer should try to keep water in its own watershed and would not be permitted to increase peak flows. The overall water flowing post-development, however, would definitely increase. The goal would be to detain water and let it out at a rate not to exceed the pre-development rate. He opined that the flows would increase, and, therefore, the developer should determine the pre-development peak flows and design a system to detain water. Caron stated that he looks for natural water pathways and evaluates the impact of increased stress over time. He advised that continuous stress over time could become a problem, e.g., fast flows for longer periods. He stated that engineers design for certain storm water events, e.g., 25-year event, 100-year event, etc. Chair Ebel asked what the "standard" was. Caron responded that a 25-year event is standard; however, the PB could raise the standard based upon circumstances. PB member Andrews opined that the concern regarding the level of Pleasant Lake becoming higher is very real. Caron agreed that small events may have little impact individually; however, added together, the cumulative effect would have a greater impact.

Snyder opined that the proposal under consideration would not be a usual situation and recommended that the PB exercise its prerogative to require the strictest criteria. He also noted that no one had addressed the amount of ledge on the property nor the effect blasting would have on neighboring properties. Snyder reiterated his opinion that, because of liability, the town should exercise the strictest conditions possible and assess the certainty of litigation. Chair Ebel responded that those were among the reasons for the PB hiring an independent engineer at the developer's cost. She advised that Blakeman worked for the developer; however, the independent engineer reviews and inspects all site development and reports to the PB, even though paid for by the developer.

NL Resident John Ohler stated that he was not against development; in fact, he makes his living from site development. He stated that he had worked for Eaton on the Great Pines project and had worked on the first portion of the Hall Farm development, as well. He advised that he has walked that site ever since he's been able to walk and has never come back dry. He opined that, if the site were not on a hillside, it would be a swamp. He opined that the site was a terrible place for a development. He praised the opportunity for the public to comment. He suggested that, if little detention ponds were created in backyards, older residents would be out with their wheelbarrows filling in the wetlands. In that case, he opined, the best design would not work. He further opined that what's on paper would not be long-term. He stated that the quality of construction of the septic systems would be the key. He said that there is a way to do it legally and a way to do it correctly. He opined that the developer's primary interest is the "bottom line"; however, the person on site is left to make decisions and those decisions may be bad or good. His final point was that the developer could not cut trees on both sides of the proposed road without having a visual impact.

NL Resident John Wilson read a letter citing several articles in the New London Zoning Regulations with which the development would have to comply. He opined that Article XIII Wetlands Conservation Overlay District was especially important inasmuch as Pleasant Lake serves as a secondary water supply for the town. He also noted that Article XVIII Cluster Development has as two of its objectives the preservation of open space and the layout of streets so as to be in harmony with natural features of the land. Wilson referred to the wetlands and springs delineated on the PLPA map and asked how a 2150-foot road would be in keeping with the articles cited. He asked how the developer would keep harmony when berms and detention ponds are constructed. He observed that lot 13 on the plan would handle overflow from an upland lot and asked if development would be in keeping with the natural features.

Hall expressed concern for the vulnerability of people living on Bunker Road. He commented that there had been no mention of the need to keep culverts clear. He said that when they fail and overflow, property downhill suffers damage. He opined that any approval should provide for culverts to be kept clear and inspected regularly. NL Resident Peter Bianchi said that he was concerned about the quality of Pleasant Lake and the loss of much of his property if the lake level rises. He complimented the PB on its decision to hire an independent

expert. He stated that he would like the PB to implement the existing regulations to assure that the proposed development does not become a threat to the neighborhood and the lake.

Hoke asked if there would be any street lights along the proposed road. Eaton replied that there would be a 5-foot high light outside each home and one pole light with a 60-100 watt bulb and a cap to direct light downward at the entrance to the road. Mr. Blanco stated that he owned property below the Granger property and he is concerned about the impact development of the Granger property will have on his well. PB member Cook stated that she lives in the area and has two wells because the flow is so sluggish. She observed that there is no certainty that the proposed wells would be productive. Blakeman replied that he could not guarantee that there would be no impact. Hollinger asked what guarantee there would be that the water supply to existing homes would be retained during or after blasting. He opined that the impact could be negative and asked who would accept responsibility. NL Resident Kathy Chapin worried about the impact the detained water and blasting would have on her water supply and septic system.

PB member Clough suggested that run-off from the road might be reason to forego paving the road and leave it gravel. Blakeman replied that more sediment would run out of a gravel road and, over time, the gravel road would become as compacted as a paved road.

Chair Ebel recommended that the developer meet with the people downstream from the property. Blakeman replied that Eaton has recommended that he talk with as many neighbors as possible. Eaton stated that he expects to map water flow and work with nearby property owners. Mr. Durkin asked for more information on the proposed Enviro-Septic system and asked if Blakeman had shared information with the PB. Durkin asked why two large septic systems instead of individual systems. He opined that the larger systems posed a threat to his system. Blakeman replied that the two large systems would free up flexibility for the houses. He opined that they would be no increased threat to water flows because the 100-foot buffer would replace the 10-foot setback requirement for individual lots. He advised that the homeowners' association documents would provide for maintenance and inspections. He also advised that, when a similar system was installed at the Snowcrest development, a lien provision was included in the documents. Durkin asked if there would be any documents and a pool of money to correct problems. Eaton replied that there would be a lien provision in each association member's agreement. Blakeman added that the documents would address septic, storm water, and detention issues. He also stated that copies of the reports would go to the town.

Mr. Hall asked if there would be anyone in New London who would inspect the systems after the developer has moved on. Zoning Administrator Peter Stanley responded that initially the town would rely on the association to police itself. He opined that the town would have to have oversight on the proposed project. Chair Ebel asked how matters were handled by Great Pines. Eaton replied that the association officers had the responsibility. Chair Ebel asked who had responsibility to inspect. Eaton replied that no one had the responsibility now and opined that a provision to inspect and report to the PB regarding results would be a good provision to include in the association documents. Chair Ebel recommended including such a provision and asked if Eaton was working with Susan Hankin-Birke on the association documents. He replied affirmatively. NL Resident Victoria Koron, who lives in the Great Pines area, advised that in December there had been a large water event and noticed a lot of sediment on the frozen lake surface. She said that she did not determine that it came from Great Pines; however, it was suspicious. Andrews recommended that the water monitoring for Granger Ridge should be conducted at more sites and more frequently than was the case at Great Pines.

J. Wilson opined that the 325-foot line of sight at the entrance of the proposed road was marginal. Chair Ebel asked if Road Agent Lee had raised any concern with regard to the line of sight. McWilliams replied that it was one of the items on Lee's list. Blakeman advised that the issue had been addressed at the time the Grangers applied for the original subdivision to separate the property from the homestead property.

Clough stated that she heard the concerns voiced and opined that the amount of property disturbed at any one time must be stringently controlled as a precaution. Chair Ebel asked Blakeman to consider limiting the amount exposed at any one time. McWilliams advised that the matter had been discussed at the meeting with department heads. K. Wilson asked how the amount disturbed for home construction would be addressed.

Eaton referred to the 39% on the sample lot displayed. Clough asked for an explanation of the circle drawn around the house. Blakeman replied that it denoted the well area. Clough asked how the landscaping around the house would be taken into consideration. Blakeman replied that there would be an individual drainage evaluation for each house.

J. Wilson asked if a performance bond would be required for individual lots. McWilliams replied that consideration has been given to having a broad bond to cover the shared septic, drainage, and water issues and also having individual bonds for each house lot. Stanley added that bonding for temporary construction has also been discussed. K. Wilson said that she was alarmed by the experience at Great Pines and asked if Eaton had any projects in other watershed areas that could be consulted. Eaton replied that he had a development at Loon Mountain that had run into a few problems and a country club that had no problems. Chair Ebel asked Eaton to describe the event at Great Pines and acknowledged that Eaton had responded very quickly. He recapped the situation very briefly.

Chair Ebel asked Eaton to describe the development process. Eaton stated that the developer purchases the land, makes improvements, and sells individual lots with a contract to build the house. The homes are built by subcontractors for the developer. Ebel asked what the line of responsibility for building the house would be. Eaton replied that he would hire the contractor. Ebel asked who would monitor the building of houses after the developer has moved on. Eaton replied that his son would monitor. He advised that plans would be reviewed by the Fire Department, the Road Agent, and the Sewer Commission before a building permit could be issued. Ebel suggested that the PB could require that its independent engineer must also review. P. Stanley advised that, by state law, the individual property owner has the responsibility. It is the owner who would receive "cease and desist" "stop work" orders and could be fined. He outlined the process to be followed and stated that the town would make sure that the regulations are enforced. He opined that the developer would want to obtain a building permit; therefore, he would meet all the regulations. Stanley stated that there are now multiple inspections during building and recommended pre-storm inspections to assure that the post-development status is equal to the pre-development status. He opined that he would be spending a significant amount of time on site. Hollinger asked who would be responsible for solving problems experienced by people downstream. Clough responded that the developer would have that responsibility. Hollinger asked if Blakeman had calculated the amount of increase in water flow. Blakeman replied that no increase in water flow amount would be permitted.

NL Resident Sandy Stark asked if there would be any control of the amount of fertilizer used on the lawns. Eaton replied that the association documents would contain very specific requirements. An owner would not be able to do anything without having it reviewed by the association. Stark asked who would be responsible for the initial landscaping. Eaton replied that the developer would be. Clough asked if there would be any maximum to the amount of land that could be cleared. Eaton replied that he proposes clearing 50% for the house, ancillary buildings, drives, and landscaping. K. Wilson asked if the association could change the percentage. Eaton replied that any proposed change to the association documents would have to be reviewed by the PB.

Abutter Priscilla Ohler opined that, if anything happens downhill from the project, the downhill property owner has the problem. She said that when Seamans Acres and Birch Acres were developed, she experienced damage to a bridge and the Ohlers had to pay to correct the damage. She expressed deep concern about the line of sight at the point where the proposed road would intersect with Pleasant Street. She commented that, even though it is in a 20 mph zone and on a curve, impatient people pass slower traffic.

K. Wilson presented the PB with a folder of letters from concerned PLPA members. She did not take time to read them all to the assembly but noted that one of the writers still takes his drinking water from the lake and is worried about water quality, one expresses concern for a premier fishing lake, one says a rise in the lake would endanger the loon population, etc.

Hollinger asked what would happen if the LLC were to experience over-runs and go bankrupt. Eaton replied that the bonding stays in place until the project has been completed. He added that there may be lots that aren't

built upon or sold immediately. McWilliams stated that the developer must have security for improvements plus an estimated cost of inflation over the projected term of the security not to exceed 10% per year. He confirmed that the town would retain the bond until the project was completed.

Caron described the situation in a neighboring town when a developer went bankrupt, the town pulled the bond and went in to secure the site which was later purchased and completed. He advised that the amount of the bond would be determined by using the state average for publicly bid projects. He also advised that the bonds can be reduced at various levels of completion. J. Wilson asked who would determine what was covered by a performance bond and that the performance has occurred. Chair Ebel said that her concern was liability for damages stemming from the development after build out. She stated that the Special Assessment provision in the homeowner documents she reviewed did not cover that adequately. She was particularly concerned about funding for immediate repairs in the event of a catastrophic failure. Blakeman said it was his job to be sure no such failures occurred. Eaton stated that the homeowner documents provide a lien procedure for such problems. Chair Ebel said she had already mentioned the issue to Eaton's attorney and would like a close review of this important issue. She said she did not feel the protection was sufficient even with the lien provision. Eaton agreed to look into it further.

Snyder advised that the people in the audience depend upon the PB to thoroughly review the proposal with the greatest possible level of restrictiveness. He opined that it would be the people downhill from the property that would pay the price for any failure in the systems. Cook asked if the houses would have four bedrooms. Blakeman replied that they would have three or four. Ebel asked if the house would be 2700 sq. ft. as in Great Pines. Eaton replied that they would be slightly larger.

Mr. Durkin inquired about the next step. Chair Ebel replied that there would be at least one other preliminary hearing, and then the application would proceed through the final hearing procedure. Durkin asked when the water testing results would be available. McWilliams outlined the process briefly. PB member Andrews advised that the subcommittee would need to have the drainage calculations in order to make any decision. Eaton suggested that there would probably be several meetings with the subcommittee. Chair Ebel advised that the subcommittee consisted of PB member Andrews, Dale Conly as the Conservation Commission representative, Ken McWilliams, Lou Caron, the Wilsons representing the PLPA, and herself. P. Ohler asked if the independent engineer would do his own review. Caron outlined the process that would be followed. P. Ohler asked if he would walk the property. Caron replied affirmatively.

Discussion ensued regarding a date for the continuation of the preliminary review. Eaton suggested that he would first like to talk with the subcommittee before deciding. McWilliams explained that the hearing must be continued to a date and time certain. Ms Andrews stated that she wanted to see the land without snow and opined that April 12 would be too early.

It was **MOVED** (Conly) and **SECONDED** (Cook) **TO CONTINUE THE AUSTIN EATON (CONSTANCE GRANGER PROPERTY) PRELIMINARY MAJOR SUBDIVISION AND CLUSTER DEVELOPMENT PLAN TO TUESDAY, APRIL 26, 2005, AT 7:30 PM. THE MOTION WAS APPROVED UNANIMOUSLY.**

Jeff Hollinger rejoined the PB.

**II. ARTHUR O'HARA, JR. – Voluntary Merger of Lots of Record (Tax Map 64, Lots 14 & 15)**

Ken McWilliams presented a request from Arthur P. O'Hara, Jr. to merge two lots of record located on Lakeshore Drive. PB member Andrews spoke in support of the request.

It was **MOVED** (Clough) and **SECONDED** (Conly) **THAT ARTHUR P. O'HARA, JR.'S REQUEST TO MERGE TWO LOTS OF RECORD, TAX MAP 64, LOTS 14 & 15, BE APPROVED. THE MOTION WAS APPROVED UNANIMOUSLY.**

The 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.

**III. JOHN GUNNING – Voluntary Merger of Lots of Record (Tax Map 76, Lots 29 & 38)**

Ken McWilliams presented a request from John A. and Janet F. Gunning to merge two lots of record located on Bunker Road.

It was **MOVED** (Cook) and **SECONDED** (Andrews) **THAT THE REQUEST MADE BY JOHN A. AND JANET F. GUNNING TO MERGE TWO LOTS OF RECORD, TAX MAP 76, LOTS 29 & 38, BE APPROVED. THE MOTION WAS APPROVED UNANIMOUSLY.**

The 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.

**IV. DAVID J. & ANNE J. WUSTROW – Voluntary Merger of Lots of Record (Tax Map 119, Lots 6 & 20)**

Ken McWilliams presented a request from David J. and Anne J. Wustrow to merge two lots of record located on Forest Acres Road. PB member Conly spoke in support of the request.

It was **MOVED** (Cook) and **SECONDED** (Andrews) **THAT THE REQUEST MADE BY DAVID J. AND ANNE J. WUSTROW TO MERGE TWO LOTS OF RECORD, TAX MAP 119, LOTS 6 & 20, BE APPROVED. THE MOTION WAS APPROVED UNANIMOUSLY.**

The 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.

**IV. OTHER BUSINESS**

A. The MINUTES of the FEBRUARY 22, 2005 meeting were APPROVED as circulated.

The **MEETING** was **ADJOURNED** at **10:45 PM**.

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

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

CHAIRMAN \_\_\_\_\_