

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
April 26, 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. JAMES SMITH – Final Site Plan Review: Home Business

(Tax Map 82, Lot 6)

PB member Dale Conly recused himself from the PB as his property abuts that of the Smiths.

Mr. and Mrs. Smith were both present at the meeting. Mr. Smith advised that he would like to build a garage to house his equipment and his truck. He noted that neighbors seemed to be concerned about the presence of heavy equipment in his yard and explained that the equipment belongs to his son who has been doing some work on the site. He stated that his son had trucked in fill and the bulldozer and other equipment were being used for site preparation. Mr. Smith described his business, New London Property Services, as "handyman repairs" and stated that he had been so engaged for the past two years.

Ken McWilliams asked if the business would involve any heavy equipment. Mr. Smith responded in the negative. PB member Clough asked about the size of the proposed garage. Mr. Smith replied that it would be 38' x 40' with an upstairs area of 30' x 40'. He added that there would be two bays with 2 10' x 12' garage doors, and there would be a workbench along the back wall. Ms Clough expressed concern over the size of the storage area in a residential zone. Mr. McWilliams reminded the PB that similar issues had been addressed in a previous case. He also reminded the applicant that the regulations allowing home businesses in a residential zone limit the business to 35% of the total finished floor area of the Dwelling Unit or a maximum of 1,000 square feet, whichever is less.

PB member Cook asked if there would be any employees. Mr. Smith responded in the negative. He stated that he works alone and goes to the job site to provide his services. He stated that no clients would be come to his home. Chair Ebel asked if he had calculated the square footage of his home. Mr. Smith stated that he had not. Chair Ebel reiterated the regulatory limitations and advised that the PB could not act on the application until the necessary information was made available. Mr. McWilliams added that, in addition to the square footage of the dwelling unit, Mr. Smith would have to define the amount of space in the proposed garage that would be used for the business and the amount that would be for personal use. PB member Andrews asked if the two bays would be for personal use. Mr. Smith repeated that he only wanted to be able to store his equipment and truck inside. Chair Ebel ascertained that Mr. Smith did have a copy of the pertinent regulations.

Abutter Wendell Phillips commented that the proposed building looked like a garage and would be set well back, out of sight from the road. He indicated his awareness that a neighbor had expressed concern about the presence of heavy equipment; however, that neighbor had also had heavy equipment in his own yard.

Abutter Dale Conly expressed his concern regarding the presence of heavy equipment. Mr. Smith reiterated that the equipment belonged to his son and was only temporarily there for site preparation.

Zoning Administrator Peter Stanley explained the need for regulatory compliance. Chair Ebel advised that the PB could not make a decision without the necessary information – square footage of the dwelling unit and proposed garage, floor plans for the proposed garage, and the amount of space that would be for personal use and the amount for business use. Mr. McWilliams observed that the proposed garage would be approximately 1,920 square feet.

It was **MOVED** (Cooke) and **SECONDED** (Hollinger) **TO CONTINUE THE HEARING TO MAY 10, 2005 AT 7:30 PM. THE MOTION WAS APPROVED UNANIMOUSLY.**

Dale Conly returned to the PB.

**II. LAKE SUNAPEE COUNTRY CLUB – Concept Site Plan Review: Restroom on Golf Course
(Tax Map 146, Lot 2)**

Kate Phelan appeared on behalf of Lake Sunapee Country Club (LSCC) to present plans to replace two portable toilets with a permanent restroom. She displayed a plan on which she demonstrated the proposed location of “his-and-hers” facilities at two locations, one to be built now and a second one later. She advised that the structure would be approximately 200 square feet in size with a porch on the front. She added that the facilities would be handicapped accessible. Ms Phelan stated that the tie in to the sewer would be via the existing sewer pump house. She added that the water would come from the LSCC’s artesian wells, and electricity would also come from LSCC.

Ken McWilliams inquired about the ownership of the property. Ms Phelan replied that the Seasons Condominium Association owned the property; however, the Association has leased the golf course back to LSCC. Mr. McWilliams asked if the lease would permit construction of a building on the site. Ms Phelan replied that the lease allows any activity necessary to operate a golf club. Chair Ebel asked if the PB had a copy of the lease. Mr. McWilliams replied in the negative and advised that the PB would need to be sure that the lease would allow LSCC to building something on The Seasons property. Ms Phelan had a copy of the lease with her and shared the document with the PB.

PB member Clough asked what regulatory article would address the issue. Mr. McWilliams replied that Article III A. of the Site Plan Review Regulations applied. Zoning Administrator Peter Stanley advised that he had originally questioned whether the proposed structure would expand an allowable non-conforming use; however, town counsel had advised that, as long as the proposed structure simply replaced existing portable bathrooms, it would not be an expansion in use. Chair Ebel asked Mr. McWilliams if he was comfortable with the wording in the lease. He responded in the affirmative.

It was **MOVED** (Conly) and **SECONDED** (Hollinger) **THAT NO SITE PLAN REVIEW BE REQUIRED FOR THE LAKE SUNAPEE COUNTRY CLUB TO BUILD TWO RESTROOMS TO REPLACE TWO EXISTING PORTABLE TOILETS. THE MOTION WAS APPROVED UNANIMOUSLY.**

**III. ROBERT DALEY – JESSEMAN PROPERTY – Concept Site Plan Review: Office Expansion
Tax Map 60, Lot 3)**

PB member Clough recused herself from the PB.

Stephen Jesseman (Jesseman Associates, P.C.) advised that he had sold his practice to a group from Derry, New Hampshire, and, therefore, the New London presence would be reduced. Mr. Jesseman stated that Robert Daley of Intelligent Banking Solutions was interested in purchasing the property. He indicated that he would occupy the upstairs space previously rented as an apartment. Mr. Daley would use the remainder of the building. The existing two-car garage would become a conference room. Mr. Jesseman advised that the required 12 parking spaces could be achieved by eliminating a storage shed. He acknowledged that a small part of the driveway would not be as wide as the regulations require; however, he advised that traffic would be very low, with employees arriving in the morning and leaving in the late afternoon.

Chair Ebel asked how many employees there would be. Mr. Jesseman replied that he would have three and Mr. Daley would have eight.

Robert Daley advised that his business is currently located in a building adjacent to the town library. As that building is for sale, he would like to relocate. He stated that the upstairs apartment would change from residential use to business use and would be leased to Jesseman. He advised the PB that Intelligent Banking

Solutions provides banking software. Chair Ebel asked if many clients would be coming to the site. Mr. Daley replied that clients would not come frequently; however, when they did visit, they often stayed overnight in the area. He added that his new neighbor had suggested altering an adjacent right-of-way to permit overflow parking on his property.

Reporting on issues discussed at the meeting of municipal department heads, Ken McWilliams mentioned the number of parking spaces. He advised that the calculation actually was a bit above 12 spaces and the PB normally rounds upward; this would require 13 parking spaces, not 12. He cautioned that future occupants might have greater needs than the present proposal. Mr. McWilliams stated that the 18-foot aisle could be increased to 22 feet in some places; however, the regulations require 24 feet. It was also noted that the current pull-in parking impinges on the setback in the area where there is parallel parking. The question was raised as to whether or not there were plans to pave and stripe the parking area. The Fire Department would need floor plans and egress plans. The Sewer Department was concerned that the parking in front of the building is located over the sewer service line.

PB member Andrews asked what impact the change in use of the garage space and the apartment would have on parking requirements. Mr. McWilliams replied that those changes had been taken into consideration in calculating the 13 required spaces. Chair Ebel opined that a Site Plan Review would be necessary. Mr. McWilliams concurred, stating that there were a number of outstanding issues to be addressed.

Ms Andrews stated that additional parking would be need. Mr. McWilliams indicated that either additional parking or an agreement with a neighbor. Chair Ebel recommended that any agreement with a neighbor should clearly state the number of spaces to be made available. Mr. Daley asked why the PB would round up in determining the number of spaces. Chair Ebel replied that the PB must anticipate future uses of the property as well as the currently proposed use. PB member Cook opined that it would be good to eliminate parking in front of the house. Mr. Jesseman expressed agreement. He added that the drive is narrow at the entrance, 18 feet, and widens as it goes down.

It was agreed that a Final Site Plan Review will be presented on May 24, 2005. Chair Ebel asked if the applicant would re-do the parking and have an agreement with the neighbor about parking at that time. Mr. Jesseman responded affirmatively.

PB member Clough rejoined the PB.

IV. AUSTIN EATON (CONSTANCE GRANGER PROPERTY) – Continuation of a Preliminary Major Subdivision and Cluster Development Plan (Tax Map 61, Lot 14)

PB member Hollinger recused himself from the PB.

Austin Eaton was accompanied by his son, Ace Eaton, and Peter Blakeman (Blakeman Engineering, Inc.). James and Constance Granger were also present in the audience.

Mr. Eaton advised that he and the PB subcommittee had walked the property the preceding day. He stated that he and his associates were continuing to work on the challenges to be met.

Chair Ebel described the function of the PB subcommittee. She stated that the subcommittee had walked the property with a wetlands expert (David Marceau). She advised that minutes of the subcommittee meetings would be available. Chair Ebel stated that she would ask Zoning Administrator Stanley to recap the preceding day's observations after Peter Blakeman's presentation.

Mr. Blakeman recapped the plan to build 14 clustered houses on 40 acres of land. He stated that the original plan to develop the site in two phases with two septic systems had been superseded by a plan to have a single septic system for the entire project. He advised that each house would have its own septic tank from whence sewage would be pumped up to the common septic area. Mr. Blakeman advised that a Clean Solution system would be employed. He stated that the change in septic disposal permitted changes in the lot configurations.

He advised that phasing of the project would be accompanied by a difference in ownership. The Eatons would buy the property for Phase I, leaving 23 acres in the back land for Phase II. Mr. Blakeman advised that he had explored, with the PB subcommittee, the possibility of using conventional subdivision development methods. He stated that the roadway for Phase I would end in a hammerhead that would permit it to be extended for Phase II. Mr. Blakeman advised that HISS mapping had been submitted to the PB. Regarding open space requirements, Mr. Blakeman stated that the regulations require a total of 13.76 acres, and the proposed development would provide 24 acres of open space. He noted that the question of whether or not the septic area could be counted as open space had been raised and advised that, even if the area was eliminated, there would be adequate open space provided. He added that the development would be buffered around the entire perimeter. He advised that, following the preceding day's walk, he and the Eatons were reviewing the configuration of lots in Phase I.

Chair Ebel asked if the Eatons had started the revisions to the Homeowners' Association documents. Austin Eaton replied that he had not; however, he expected to talk with Attorney Susan Hankin-Birke soon. Chair Ebel stated that it was important to get a draft of those documents to the subcommittee as soon as possible. She, then, advised that the PB subcommittee had met on March 24, March 29, and April 25, 2005. She asked Peter Stanley to summarize the work of the subcommittee. Chair Ebel advised that she would try to have a secretary present to take notes during future subcommittee meetings.

Peter Stanley recapped the March 29 subcommittee meeting at which the ability of the land to support cluster subdivision was compared to 14 conventional subdivision lots. Discussion also covered construction of one septic system versus two systems, storm water management, drainage (how to manage it during and after construction), use of fertilizers and salt, and how the responsibility for oversight, inspection, fiscal responsibility, and maintenance of the systems would be incorporated into the Homeowners' Association documents. On March 25, 2005 the subcommittee met at the site. It discussed the placement of the road and the impact that blasting might have on the ground water. Peter Blakeman stated that he would try to indicate the places where blasting might be required. Mr. Stanley stated that at the site of house #1, the subcommittee discussed with the wetlands scientist the issues of very little soil over a great deal of ledge. Everyone discussed at length the volume of water on site #1 and the potential impact downstream if the flow were to be interrupted by roads and foundations. The wetlands scientists advised that the contour of the land would determine the water flow. The subcommittee then continued its review, lot by lot. Lot #1 had water bubbling out of the ground, lot #3 was fairly dry, lot #5 had a small stream running through it, the proposed septic area, which will be relocated, had standing water on it, lot #7 was fairly dry, lot #9 had a small stream, lot #11 had a major stream, but was otherwise dry, lot #8 was fairly dry, between lots #7 and #8 there was a confluence of streams, lot #6 was rocky and very increasingly wet, lot #2 was very wet. Lots 10, 13, and 14 were dry.

Chair Ebel introduced Lou Caron, an engineer who would be reviewing the project for the Town of New London at the developer's expense. She explained the reason for having an independent evaluation by an expert and encouraged Mr. Caron to add his comments if he wished to do so.

Ken McWilliams reported on issues raised at the meeting of municipal department heads. The Health Department identified the need for a test pit at the new septic site and expressed concern about the environmental impact on Pleasant Lake. The Fire Department had no issues at this time; however, a final design for the proposed cistern would be required. The Zoning Administrator emphasized the need for daily inspection of the erosion control measures to assure that they are in place and operational. The Highway Department would need to look at subsurface water issues. Richard Lee, Town Road Agent, advised that subsurface water is as important an issue as surface drainage. The Sewer Department advised that the Homeowners' documents should include provisions for maintenance of the sewer system and what would happen if it should fail. Grease is a major problem for such systems, and the Sewer Department recommended that homeowners be required to install grease traps. The road would have to meet road standards and be stabilized before opening any home site. The question was raised as to how the PB would limit the amount of exposure at any one time. There was also discussion regarding the proposed location of the hammerhead. Mr. McWilliams advised that he had not previously heard that there could be a difference in ownership for Phase II, and, therefore, the impact of that had not been taken into consideration.

Chair Ebel asked if the PB would want an engineer, reporting directly to the town at the expense of the developer, to review the septic plans. Austin Eaton questioned the necessity of hiring another engineer in addition to Lou Caron. Mr. Caron advised that he did not have the expertise to review septic treatment facilities. Ace Eaton asked if state approval would be adequate. Peter Blakeman advised that the septic would be reviewed by the state. PB member Andrews asked if the state would visit the site. Mr. Blakeman replied that there would be an on-site visit when a subdivision was involved or in situations in which there were serious environmental issues. Mr. Caron commented that he has found that, on high level of interest projects, the State has a standardized approach. He recommended that the developer and the PB review and agree on the proposed septic design before the State reviews the septic system. He opined that doing so would save a great deal of time. Peter Blakeman advised that the septic system proposed would be a Clean Solution system. He advised that it is an approved technology for use in difficult situations. He stated that the technology has been in use for about five years, albeit usually in commercial developments. PB member Andrews asked if he could provide the names of places that have been using the technology for four or five years. Mr. Blakeman agreed to do so.

Abutter Konpoka asked about the quality of the water coming out of the septic area. Peter Blakeman replied that the system provides biological treatment of wastewater that results in good water coming out. Dr. Konpoka asked how it would affect underground water quality. Mr. Blakeman replied that it would not have a negative impact.

Chair Ebel asked if Mr. Caron had looked into possible engineers qualified to evaluate septic disposal systems. Mr. Caron replied that he knows of firms in Concord that have the expertise. Austin Eaton indicated that he was agreeable. Ace Eaton stated that he did not object to paying to have the septic plans reviewed independently, but, instead of bringing another engineering firm into the picture, he would rather Mr. Caron work with someone and have that person report to him directly. Mr. Caron agreed to this. It was agreed that Eaton and Caron would coordinate with Blakeman. Mr. Caron opined that an early review would move much faster than a state review that would be pending final approval of all permits.

PB member Andrews asked if the septic area would include both tanks and a leach field. Mr. Blakeman responded affirmatively. Ms Andrews asked what the septic setback is. Mr. Blakeman explained that for a system that produced over 1000 gallons/day, the nitrate setbacks increased dramatically. Ms Andrews asked if it mattered that there would be property lines and wells involved in the setback area. Mr. Blakeman replied that he did not think it would matter. Ms Andrews asked for a definition of the "grinder pump" on lot #12. Mr. Blakeman replied that the reference was a remnant of the earlier plan and does not apply now that individual septic tanks are planned.

Ms Andrews opined that lot #1 is very wet; in fact, most of Phase I is very wet, but especially lot #1. She further opined that Phase II was not as bad. Ms Andrews advised that she had studied the HISS maps and noted many areas where the depth to the ledges was extremely variable and could not be determined. The depth might be slight or significant. PB member Clough suggested that could mean that lots of blasting might be required. Ms Andrews stated that there was a great deal of land with water running over it. Ms Clough opined that lot #1 probably had a spring running under it and that was the source of the water bubbling up through the soil making the lot very, very wet.

Chair Ebel asked about the building envelopes and stated that she understood that the envelopes were placed without a great deal of concern for engineering issues on particular sites. Mr. Blakeman stated that was basically correct and added that Mr. Eaton had originally consulted a development planner who mapped out 18 house lots. Once he, Mr. Blakeman, received the project, the number of proposed house lots was reduced to 14 in response to site specific issues. He stated that final placement of building envelopes would certainly take engineering issues into consideration. Chair Ebel emphasized the need to limit the number of house lots open at any one time. PB member Cook asked how one could limit the number open. Zoning Administrator Stanley replied that the issuance of building permits would provide some control. Mr. Eaton stated that the road must be constructed and stabilized first, before any building permits would be issued.

PB member Clough asked if there would be storm water detention ponds for each lot. Mr. Blakeman replied in the affirmative. Ms Clough asked if the septic system would be installed prior to any houses being built. Mr.

Blakeman replied that it would be and that piping to individual lots would be put in place at the time the septic was installed.

Arthur Hall observed that the developer had presumably had confidence in the two septic system plan and asked what new information had been obtained to cause the change to a one septic system plan. Mr. Blakeman replied that both systems are good; however, the two septic system plan had called for it to be below the road and the nitrate setbacks could not be met. He also noted that two systems would not be cost effective. Mr. Eaton responded that cost was not an issue; he wants the best system for the land. Ace Eaton added that changing the septic system permitted moving lot #14 into Phase II.

Kittie Wilson, a member of the Pleasant Lake Protective Association, asked if the septic system designer was licensed in other states. Mr. Blakeman replied that he was not sure. Ms Wilson observed that the system would need inspection every 2.5 years. Mr. Blakeman replied affirmatively and explained that the air compressor would need to be replaced approximately every 2.5 years. Chair Ebel advised that the PB has asked to have inspections every year. Mr. Blakeman advised that the proposed system would be the same as that installed in the Snowcrest cluster development. Mr. Eaton advised that he was working on the maintenance provision in the Homeowners' documents and opined that the requirements would exceed those of any individual homeowner.

John Sheehan stated that he was not an abutter and that the development would have no impact on him personally; however, his property does abut the Great Pines development for which Austin Eaton was the developer. He stated that he was a member of the PB subcommittee that worked on the Great Pines project, so he was very familiar with it. He advised that he was the past president of the Little Lake Sunapee Protective Association and noted that he was speaking in his individual capacity and was not representing the Association in any way. He wanted the PB to know how badly that project was completed and the impact that it had on Little Lake Sunapee. He stated that the developer did not live up to his promises in three major areas: (1) Sediment/silt Controls – controls were installed, but not maintained. The silt barriers were often buried, and there was erosion around the barriers. (2) Amount of time that raw land was left exposed once construction began – three to four months elapsed, which was very detrimental. (3) The questionable quality and training of site management. As an example, he cited an incident in May 2004 when he was called to the site to find that it was hemorrhaging silt and soil off the property and into Little Lake Sunapee. When he went to the senior site manager, that individual did not know what he could do. Mr. Sheehan opined that this developer did not have the necessary expertise to oversee Great Pines, never mind a development as sensitive as Granger Ridge. Mr. Sheehan urged the PB to be extremely cautious with this developer and to appoint an independent and experienced wetlands expert to have oversight of the project.

Chair Ebel asked Zoning Administrator Stanley if there had been any recent issues at Great Pines. Mr. Stanley replied that Town Road Agent Richard Lee had reported that a new house lot had been opened without proper erosion control installation on April 1. Mr. Stanley advised that the next day there was a major rainstorm after which he had viewed the site and observed a problem with flow toward the lake. He reported that Ace Eaton had contacted the contractor and arranged for installation of silt erosion control devices. Mr. Stanley expressed his very serious concern that the issue could still occur in spite of all the meetings with and requests made to the developer. He advised that on lot #14, the silt fences went down, and the developer did make repairs. Mr. Stanley recommended third party oversight daily on such projects, at the developer's expense, if the developer cannot provide such oversight. Mr. Stanley opined that this developer has demonstrated that he cannot provide the necessary oversight. Chair Ebel commented that the Granger site was a very sensitive site.

Jerry Barnes asked why the developer had decided to go to one septic system, not the two originally planned. He noted that an earlier answer had been that the "tanks are very expensive". He asked which would be safer. Mr. Blakeman replied that both were safe, both have gone through third party approvals.

Helen Tucker stated that no one could promise that Pleasant Lake would be safe. She opined that the site is very inappropriate for development.

Abutter Jeff Hollinger asked what would happen if the septic system were to fail. Mr. Blakeman replied that it would have to be repaired. Mr. Hollinger asked if, with only one system, wouldn't the failure be more

catastrophic than with two systems. Mr. Blakeman replied in the negative. Mr. Hollinger stated that nutrient phosphorus is the biggest threat to lakes. Back in the 1970s measures were taken to reduce the amounts going into lakes. Mr. Hollinger advised that some proposed subdivisions are being required to have phosphorus load studies conducted as part of the approval process. He suggested that the PB look into it.

John Wilson stated that the Land Subdivision Regulations require a drainage easement from the property owner whenever there is an increase in storm water flow over any property. He opined that the PB should not approve a project without such a legal agreement from property owners. He opined that it should be at the developer's expense and should hold the Town of New London harmless. He stated that the developer is only responsible until all lots are sold; thereafter, the Homeowners' Association should be responsible. (Full text of comments attached)

Ken McWilliams explained that the increased flow referred to is an increase in *peak* flows, not total flow. Chair Ebel opined that the regulations appeared to apply to an increase in overall flow, not an increase in peak flow. She opined that overall water flow would clearly increase. Mr. Caron explained that, in the past, such regulations did refer to peak flows and added that the regulation was designed for urban situations. He stated that reference to total flow has not caught up yet and total flow could affect the use or value of property. He stated that he did not know of any applicable case law. Chair Ebel asked about the drainage easement requirement. Mr. Caron advised that peak flow increase does not necessarily cause damage, and one must demonstrate damage. He agreed that total flow is another issue. Chair Ebel recommended that the members of the subcommittee review the regulations. Mr. McWilliams opined that, over an extended period of time, detention systems might result in greater damage than increases in peak flows.

K. Wilson thanked John Sheehan for his comments. She stated that the site walk did not happen during spring runoff. She advised that, earlier in April, the failure of a culvert on Pleasant Street demonstrated the power of water. She submitted pictures of the results, noting that all of the excess water and displaced soil flowed toward the lake. Ms Wilson stated that she did not have access to the Granger property, so had stood on Pleasant Street to take pictures of the water flow. She also showed the impact on Lamson Lane. In addition, she submitted pictures taken last week by Dr. and Mrs. Powell on Bunker Road. She opined that the PB needs to answer the basic question: does the land lend itself to development. She stated that increasing concerns have been raised regarding erosion, drainage easements, and water flow. She advised that the property is an important part of the Pleasant Lake watershed. She reported that on the April 25, 2005 site walk, one PB member had asked, while standing on lot #1, "*Why would anyone want to build a house here?*".

Jane Hopwood stated that she had installed a septic system at the same time that Hall Farm was being developed, and the entire system was subsequently washed into Pleasant Lake because of water flowing off Hall Farm. She asked if there would be blasting and what impact the blasting would have on the aquifer and on existing wells. Mr. Blakeman replied that he was not aware of any problems and advised that the developer would be using a reputable blaster. Mr. Eaton added that the depth of the blasting would be approximately 15 feet and the depth of most wells would be 100-200 feet. He opined that there would be very little impact on the aquifer and existing wells. Chair Ebel asked if there was any expectation that blasting would be necessary for the road or the house foundations. Mr. Eaton replied that it was possible, but only 10-15 feet deep. Mr. Blakeman advised that there would be some blasting at the beginning of the road. He opined that blasting technology had been refined and is now very controlled. Chair Ebel advised that the subcommittee has requested that Mr. Blakeman provide an indication of where the blasting would be done. He advised that the HISS mapping shows that the soils scientists could not locate the depth of much of the ledge. PB member Clough asked what is the standard for HISS mapping. Ace Eaton stated that the developer would try to place the houses where no blasting would be required.

Abutter Irving opined that people seemed to be naïve about blasting and cited a very recent event in Raymond, New Hampshire. She stated that her house is built on ledge and is situated right near the proposed road entrance. She said that a lot of fill was trucked in when she built the house. She also cited an incident of blasting at the Fifield property on Old Main Street that sent rocks through the Graves residence on the opposite of the road. Ms Irving asked who would pay if the blasting were to result in damage. Mr. Eaton replied that the blaster would be insured and the developer would be insured. He added that all are bonded. He advised that

Maine Blasting was one of the blasting firms that might be used. Ms Irving informed him that Maine Blasting was the firm involved in today's problem. She also commented on the individual septic tank for each house. She advised that when her septic tank failed, it was not possible to install a replacement underground because the underground was all ledge.

PB member Andrews commented that a lot of time has been spent discussing problems and possible solutions. She asked Mr. McWilliams how the PB could decide that part of a project should not go forward. Mr. McWilliams cited Section VI.B.1. of the Land Subdivision Control Regulations. Those regulations 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 . . ." He suggested discussing the questionable lots 1, 2,4,5,6, and the septic area with the developer. Mr. Blakeman maintained that adequate systems could be designed. Ms Andrews opined that one needed to actually stand on each site to determine usability. She opined that some sites should not be developed. PB member Cook stated that she and Ms Clough had walked the property on April 25, 2005 and were stunned by the wetness. She said that she was very concerned about the blasting for wells and how deep the wells would have to be in order to provide adequate flow for 3-4 bedroom houses. She said that she has two deep wells with very low output. Dan Snyder said that he listened to the report of the PB subcommittee's walk of the site on April 25 and questioned the credibility/reliability of the planning. He pointed out that the regulations grant the PB some latitude. He recommended that "when in doubt, throw it out".

PB member Clough asked about 25-year storm events. She asked Mr. Caron how he would rate the event of the past couple of days. Mr. Caron replied that the event measures how much time it takes for a drop of water to move from the starting point to the point being studied. He explained that it takes time for the contributing areas to come together and for the impact to be felt. What has been shown is the shallowness to ledge and the lack of absorption.

Jim Granger stated that what the subcommittee observed was "spring runoff". He advised that the pictures submitted show water coming down Pleasant Street, not off the Granger property. He further advised that on Friday, April 22, one could have walked the property in sneakers. He stated that the property is bone dry in the summer.

Chair Ebel stated that the site has many issues and suggested that the developer might need to reconsider the number of lots and the location of houses. She also stated that in her 13 years on the PB, to her knowledge, the PB had never turned down a subdivision. The PB must study the issue to make the best decisions and to be fair to all parties. She thanked those in attendance for coming and asked for their continuing support and patience as the PB worked through the issues relating to the proposed development of this site. Chair Ebel advised that she would be scheduling another meeting of the subcommittee.

Someone asked if there were any other subdivisions where the developers have gone and the homeowners are responsible. Ken McWilliams cited Fenwood, Snowcrest, and Great Pines. Arthur Hall asked if the homeowners would be liable. Mr. Eaton replied that they would not be liable individually, only to the value of their house. Chair Ebel advised that she had already suggested, and Mr. Eaton had agreed to, including a special assessment provision in the Homeowner documents to cover catastrophic events in a way that would assure that cash would be immediately forthcoming to cover problems.

It was agreed to continue the preliminary site plan review to allow time for the PB subcommittee to meet, the developer to make changes, and the submission of Homeowners' Association documents.

It was **MOVED** (Conly) and **SECONDED** (Andrews) **THAT AUSTIN EATON (CONSTANCE GRANGER PROPERTY) PRELIMINARY MAJOR SUBDIVISION AND CLUSTER DEVELOPMENT PLAN BE CONTINUED TO MAY 24, 2005 AT 7:30 PM. THE MOTION WAS APPROVED UNANIMOUSLY.**

Jeff Hollinger returned to the PB.

V. **STUART NUTTER – Tree Cutting Request**

(Tax Map 118, Lot 18)

PB member Conly presented a request from Stuart Nutter of 329 Forest Acres Road to cut three trees located within the 50-foot buffer. Mr. Conly advised that Mr. Nutter had originally asked to cut five trees. Upon visiting the site, Mr. Conly denied permission to cut two of the trees identified by Mr. Nutter; however, he spoke in support of cutting one pine, one fir, and one dead maple. Mr. Conly advised that there was a lot of other vegetation that would not be disturbed. He also advised that Mr. Nutter would like to replace the trees with six rhododendrons.

It was **MOVED** (Andrews) and **SECONDED** (Cook) **TO APPROVE THE REQUEST TO CUT THREE TREES (A FIR, A PINE, AND A DEAD MAPLE) LOCATED WITHIN THE 50-BUFFER AT 329 FOREST ACRES ROAD AND TO REPLACE THEM WITH SIX RHODODENDRONS. THE MOTION WAS APPROVED UNANIMOUSLY.**

PB member Clough asked if there had been any discussion about requiring “native” plantings. Chair Ebel replied that the PB has asked for guidance regarding equivalents for replacing. Zoning Administrator Stanley suggested using a list published by the Lake Sunapee Protective Association as a guide. Chair Ebel advised that she has recommended that the Conservation Commission develop some policies with respect to replanting. She stated that she was aware of the species list, but she would like policies that cover numbers of plants necessary to replace trees of varying sizes on a variety of terrains and that would take remaining shrubbery into consideration. Chair Ebel stated that this would assist Mr. Conly in his assessment of tree cutting requests, and she advised that it should be done soon.

VI. **OTHER BUSINESS**

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

The **MEETING** was **ADJOURNED** at **10:35 PM**.

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

DATE APPROVED _____

CHAIRMAN _____