

SEPTEMBER 27, 2005

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
September 27, 2005**

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

ABSENT: Celeste Cook

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

I. JANEWOOD TRUST & H. & K. HOKE – Final Annexations (Tax Map 36, Lots 9, 11, & 12)

PB member Andrews recused herself.

Ken McWilliams distributed plans depicting the proposed annexations for PB review. He advised that Marshall Hoke, who was present for the PB meeting, owned property that he would like to annex to two other properties. He noted that Parcel B, consisting of 0.32 acre, would be annexed to property across the road owned by Howard and Kathryn Hoke, and Parcel A, consisting of 0.44 acre, would be annexed to abutting property owned by Janewood Trust. The proposed annexations would reduce the size of an existing building lot containing 3.43 acres to 2.67 acres.

Mr. McWilliams advised that no issues had been raised at the meeting of municipal department heads. He called the PB's attention to the request for a waiver of the Land Subdivision Control Regulations requirements that all affected properties be re-surveyed and the survey data be displayed on the plan. He referred to a letter from Douglas Sweet (Bristol, Sweet & Associates, Inc.) requesting that only Tax Map 36, Lot 11 (containing the remaining 2.67 acres and the two parcels to be annexed away) be newly surveyed. Mr. McWilliams also noted a letter from Mr. Sweet regarding the adequacy of soils for minimum lot size as it pertains to the lot from which property would be annexed. Mr. McWilliams advised that all required information had been presented.

It was **MOVED** (Clough) and **SECONDED** (Cottrill) **THAT THE REQUEST FOR A WAIVER OF THE LAND SUBDIVISION CONTROL REGULATIONS REQUIREMENT THAT ALL PROPERTIES BE RE-SURVEYED AND THE SURVEY DATA DISPLAYED ON THE PLANS BE APPROVED. THE MOTION WAS APPROVED UNANIMOUSLY.**

It was **MOVED** (Conly) and **SECONDED** (Cottrill) **THAT THE TWO PROPOSED ANNEXATIONS BE APPROVED AS PRESENTED BY MARSHALL HOKE. THE MOTION WAS APPROVED UNANIMOUSLY.**

A mylar of the proposed annexations was presented for PB signatures and forwarding to the Merrimack County Registry of Deeds by the Town of New London.

Sue Ellen Andrews returned to the PB.

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

Chair Ebel reported that the applicant had requested a continuance to October 25, 2005 at 7:30 PM.

It was **MOVED** (Conly) and **SECONDED** (Cottrill) **THAT THE AUSTIN EATON (CONSTANCE GRANGER PROPERTY) PRELIMINARY MAJOR SUBDIVISION & CLUSTER**

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DEVELOPMENT HEARING BE CONTINUED TO OCTOBER 25, 2005 AT 7:30 PM AT THE WHIPPLE MEMORIAL TOWN HALL. THE MOTION WAS APPROVED UNANIMOUSLY.

III. CAROL FOSS – Tree Cutting Request

(Tax Map 45, Lot 38)

PB member Dale Conly presented a request from Carol Foss to remove two dead trees located within the 50-foot buffer. He advised that the property had been in Ms Foss' family for many years and she now wanted to clear a portion of the lot in order to build a house. Mr. Conly said that one of the trees was definitely within the buffer and the other was right on the edge. He described the lot as "very wooded". Mr. Conly also expressed appreciation for the support provided by Zoning Administrator Peter Stanley.

It was **MOVED** (Cottrill) and **SECONDED** (Andrews) **THAT THE REQUEST TO REMOVE TWO DEAD TREES LOCATED WITHIN THE 50-FOOT BUFFER AT TAX MAP 45, LOT 38 ON CAMP SUNAPEE ROAD BE APPROVED AS PRESENTED BY CAROL FOSS, WITH THE UNDERSTANDING THAT ALL UNDERLYING VEGETATION WILL REMAIN AS IS. THE MOTION WAS APPROVED UNANIMOUSLY.**

IV. CHRISTOPHER W. CLOSS/MUCHMORE – Tree Cutting Request

(Tax Map 115, Lot 3)

PB member Dale Conly presented an extensive tree cutting plan submitted by Christopher W. Closs on behalf of John W. Muchmore. Mr. Conly advised that the property is located at the end of Lighthouse Drive on the shores of Big Lake Sunapee. He also advised that Mr. Muchmore has authorized Christopher Closs to act as his agent in matters relating to tree cutting. Mr. Conly stated that there are two houses on the property and that approximately 75 feet from the water, the property slopes sharply toward the lake. He said that he was concerned about erosion possibilities. The plan submitted promised to plant three to four blueberry bushes for each tree removed. It was noted that the property has not been groomed for many years. The proposed cutting plan contained a detailed list of existing trees and the eight to be removed, including three hemlocks in the view area that have suffered storm damage. Mr. Conly advised that Mr. Closs had been very receptive to recommendations from the Conservation Commission.

PB member Hollinger questioned clearing for view purposes. PB member Andrews advised that, if an applicant provided a well-thought-out plan, the PB has tended to approve the cutting request. PB member Clough opined that, given the vegetation on the site and the willingness to plant three blueberry bushes for every tree removed, approval of the request would seem to be appropriate. Chair Ebel stated that the PB does not usually approve significant tree cutting. She noted that 52 trees were identified on the application and 45 would remain within the 50-foot buffer if the PB approved cutting of seven trees in the buffer and one hemlock outside the 50-foot buffer.

It was **MOVED** (Clough) and **SECONDED** (Hollinger) **THAT THE REQUEST TO REMOVE SEVEN TREES LOCATED WITHIN THE 50-FOOT BUFFER AT 37 BOULDER POINT BE APPROVED AS PRESENTED BY CHRISTOPHER CLOSS ON BEHALF OF JOHN MUCHMORE, WITH THE UNDERSTANDING THAT THREE BLUEBERRY BUSHES WILL BE PLANTED FOR EVERY TREE REMOVED. THE MOTION WAS APPROVED UNANIMOUSLY.**

V. MARTHA & SIKHAR BANERJEE – Tree Cutting Request

(Tax Map 49, Lot 18)

PB member Conly advised that he had learned of tree cutting that was taking place within the 50-foot buffer at 135 Lamson Lane and that he had visited the site along with Zoning Administrator Peter Stanley. He stated that the property owner was present at the time of the visit. Martha and Sikhar Banerjee both attended the PB meeting.

On the scene, Mr. Conly observed one very tall, very dead hemlock that was a danger to the house. At the time of the visit, people contracted to remove the tree were already in the top of the tree, which was located within the 100-foot stream buffer. He stated that he had, therefore, approved removal of the hemlock, but had deferred approval to

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cut two additional trees until after the PB acted upon a tree cutting request. Mr. Conly said that there seemed to be some question in the property owner's mind about the need to get approval to remove dead trees. Mrs. Banerjee said that one of the trees was a balsam with a split trunk, one leaning toward the drive and the other toward the stream; one dead and one ailing. PB member Cottrill requested, and received, diagram orientation regarding the proposed cutting. Mrs. Banerjee said that there was a fourth tree very near the brook and leaning dangerously.

Mr. Conly advised that the tree closest to the house was a maple located right on the edge of the stream. He stated that he had recommended cutting a branch off and leaving the tree. He opined that a third tree that was alive and growing into power lines should be removed. Mrs. Banerjee opined that the older tree suffered from too little light and portions had been snapping off. The request was to remove a total of five trees. Chair Ebel ascertained the owners' willingness to cut the offending branch and leave the tree, as recommended. PB member Andrews listed the trees that the applicant wanted to remove as being the balsam with a split trunk, the tree growing into the power lines, the large hemlock, and a branch off the maple near the house and stream.

It was **MOVED** (Andrews) and **SECONDED** (Cottrill) **THAT THE REQUEST TO REMOVE FIVE TREES LOCATED WITHIN THE BUFFER AT 135 LAMSON LANE BE MODIFIED TO REMOVAL OF FOUR TREES AND A BRANCH FROM A MAPLE TREE NEAR THE HOUSE AND THAT THE MODIFIED REQUEST BE APPROVED. THE MOTION WAS APPROVED UNANIMOUSLY.**

VI. JONATHAN FEINS – Concept Major Subdivision (Harborview) located on Stonehouse Road in Sutton with sole access through New London

Jonathan Feins appeared, accompanied by David Eckman (Eckman Engineering, LLC), to discuss issues related to access through New London to a proposed subdivision located entirely within Sutton, but with sole access off King Hill Road via Stonehouse Road in New London.

Chair Ebel asked how long the access road would be. David Eckman replied 1000 feet in New London. He added that the current plan was for 22 lots; however, as proposed, the project could go to a maximum of 30 lots. On that basis, he estimated approximately 240 trips per day. He stated that the access road would be 18 feet wide with two-foot shoulders.

Reporting on the meeting with municipal department heads, Ken McWilliams stated that the Fire Department had identified the need for an on-site water source and wanted to review the width and plans for the access road. Town Road Agent Richard Lee had stated that the access road would have to be paved and the drainage upgraded. He also advised that easements would be required for drainage discharge points. He said that if the road width were to be limited to 33 feet, it might be necessary to install underground drainage systems. Mr. Lee also recommended redesigning the proposed intersection as a "T". Mr. McWilliams said that he had visited the site and questioned the sight distance at the intersection. More information would be needed regarding the narrow right-of-way

Chair Ebel inquired about the width of the existing road. Mr. McWilliams replied that it is very narrow with no room for two cars to pass one another. He added that the road becomes a gravel path beyond 1000 feet.

PB member Cottrill asked which town would cover fire protection. Fire Chief Peter Stanley replied that Sutton would have responsibility. Mr. McWilliams pointed out that New London and Sutton have mutual aid agreements. Mr. Cottrill asked if the developer would have responsibility for widening and paving the road. Mr. McWilliams responded affirmatively. Chair Ebel asked Mr. Eckman to review the 240 trip-per-day calculation. Mr. McWilliams advised that Sutton has a regulation that roads must be 20 feet wide with 4-foot shoulders and must be paved. Chair Ebel added that, in order for a road to be eligible to be taken over by the Town of New London, the road must be paved. Mr. Cottrill opined that it would be regrettable to lose the scenic, country nature of the New London section of Stonehouse Road. Mr. McWilliams stated that the developer must fit the road within the existing right-of-way bordered by stonewalls, unless someone grants him additional property.

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Ann Boyle, a resident of Stonehouse Road in Sutton, advised that she owns property on both sides of Stonehouse Road and that the road between is only 33-feet wide. She said that Sutton requires roads to be 50-feet wide. She also said that Mr. Feins had suggested underground drainage, and she noted that the land runs directly downhill toward New London. She added that there are trees that are easily 200 years old growing within the right-of-way. These trees, that are alive and well, would have to be removed, and there are not just a few, there are many. Chair Ebel asked if there were currently any drainage issues, given the topography of the Sutton terrain. Ms Boyle stated that there were definitely drainage issues already and that there was a swale up to the stone wall. William Boyle said that, on the New London side, there is a drop-off of five to six feet on an abutting property and reiterated that the road is very narrow at that point. PB member Cottrill asked about the location of the right-of-way. Mr. Boyle provided a description. He described the road as historic and picturesque, and said that he would hate to lose those qualities to an "asphalt jungle".

Mr. Cottrill asked how many house lots would be possible without widening the road. Mr. Feins replied that he was trying to develop the property with the least amount of cost possible because the development was to help him pay for his house, and he outlined the limitations. When pressed for the number of lots that could be developed without having to upgrade the road, he replied four. He said that he did not want to pave the road, because he didn't want the expense or the impact; however, the existing road is one of very low quality. PB member Clough stated that the road would need to be upgraded. Mr. Feins said that he was just trying to recover the costs by selling lots. He said that, because the Town of Sutton was requiring him to upgrade the road significantly pursuant to recently adopted regulations, he was forced to increase the number of lots to 22 to cover the related development expenses. He said that he really did not want to have any more than six lots, but the Sutton PB's position left him no choice.

Mr. Boyle stated that Mr. Feins originally spoke of a plan for six houses for himself and his family and now that number is 22 with the potential to be three times the number with underground drainage and paved roads. He opined that the number of lots could continue to increase. Mr. Eckman stated that the entire parcel contains 200 acres. He said that the developer was just trying to maximize use of the property by proposing 22 5-acre lots.

Chair Ebel inquired about the status of Mr. Feins subdivision application in Sutton. Mr. Eckman replied that it had been approved. PB member Cottrill asked what the impact would be on New London's infrastructure. Ken McWilliams advised that the application had not yet been approved by the Sutton Planning Board. Mr. Feins stated that the application had been accepted and he was now refining the design. He suggested that the final plan might be for fewer than 22 lots, but it might be for more. Chair Ebel opined that the PB would need to know all of the criteria in order to make an informed decision.

PB member Hollinger expressed concern about the steepness of the property and drainage. He also questioned the reference to a 1000-foot road and an 8000-foot road. Mr. Feins replied that 1000 feet would be in New London and the remainder in Sutton. Chair Ebel asked if Mr. Feins would be using detention ponds. Mr. Eckman opined that five-acre lots would mitigate any drainage issues. PB member Andrews asked how many acres the property contained. Mr. Eckman replied that it contained approximately 192 acres. Ms Andrews expressed concern that the elevations on the map provided did not add up. Mr. Eckman suggested that some metric measurements might be included.

Ken McWilliams advised that RSA 674.53 states that sole access in another municipality requires subdivision approval by both entities. He said that, regardless of the status in Sutton, the subdivision must be approved by the New London PB. Mr. McWilliams clarified that New London's authority only extended to the portion of the road in New London, unless the Sutton PB were to declare the subdivision to be one of regional impact. He said that the Sutton PB had the sole authority to make that decision, pursuant to New Hampshire law. Chair Ebel opined that drainage issues should be reviewed by the NLPB.

Mr. Boyle advised that Sutton would be making a site visit on October 8 in regard to a Variance relating to road width. Mr. Eckman corrected his previous statement, i.e., the subdivision plan has been accepted, not approved, by the Sutton PB. Zoning Administrator Peter Stanley asked if the advice of town counsel should be sought if there

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were any issue regarding a right-of-way of less than the 50-foot width standard. PB member Clough asked if a Variance would be possible. Ken McWilliams said that a variance or PB waiver would be possible. Ms Clough and Mr. Cottrill suggested that, if developing six lots would raise the road standards to a level that would be too costly and, thereby, require more lots to justify the expense, Mr. Feins might want to put some of the property in a permanent conservation easement that might allow him to bargain for a narrower road width. Mr. Feins replied that the Sutton PB had stated that the road requirement was not at all flexible. Chair Ebel opined that the PB should ask the advice of town counsel regarding the road width.

Mr. Boyle advised the PB that Stonehouse Road intersects with King Hill Road at the crest of a hill and the line of sight is very limited. Mrs. Boyle recommended that PB members view the site. Zoning Administrator Stanley advised that, if the subdivision should be approved in Sutton, there could be no sign for the subdivision in New London. Mr. McWilliams asked if the PB was concerned about safety at the intersection. Ms Clough observed that there is a lot of land in the parcel, and she opined that designing the intersection and evaluating safety of the intersection would be very important. Ms Clough asked if the State of NH would have any say in the matter. Mr. McWilliams advised that a state permit would be required. Mr. Stanley stated that the State must review and approve any proposed change in an intersection.

Mr. McWilliams advised that a traffic study could be done for the PB by an independent traffic engineer at the expense of the developer or the developer could present a plan to be reviewed by an independent expert on behalf of the Town at the developer's expense. It was the consensus of the PB that it would like to have a traffic study done and that it made more sense to simply have the study done by a traffic engineer for the town at Mr. Feins' expense, rather than Mr. Feins paying for two engineers. When asked if he would be agreeable to such an arrangement, Mr. Feins stated that he would like to know the State requirements before agreeing to fund an independent traffic study. He stated that he did not want to pay for any duplication of work.

It was **MOVED** (Hollinger) and **SECONDED** (Clough) **THAT THE PB REQUIRE SUBMISSION OF A TRAFFIC STUDY, INCLUDING THE EVALUATION OF SAFETY ISSUES AT THE INTERSECTION OF STONEHOUSE ROAD AND KING HILL ROAD, ADDITIONAL INFORMATION ON TREE-CUTTING ISSUES, DRAINAGE ISSUES, AND ROAD WIDTH FOR THE PROPOSED HARBORVIEW SUBDIVISION. THE MOTION WAS APPROVED UNANIMOUSLY.**

VII. OTHER BUSINESS

- A. MINUTES of the SEPTEMBER 13, 2005 meeting were APPROVED, as amended.
- B. AUSTIN EATON/CONSTANCE GRANGER SUBCOMMITTEE REPORT: Chair Ebel reported that the subcommittee had reviewed the materials provided by five engineering firms as part of the PB directive to hire a hydro-geologist. She said that three had been selected and that a Request for Proposal (RFP) was being prepared to send to the three firms identified. She explained that the RFP was to be mailed by the end of the week with responses required by October 14. The subcommittee will meet again on October 20 to review the proposals, and a presentation, with a recommendation, will be made to the PB on October 25, barring anything unforeseen. Chair Ebel stated that the subcommittee is trying to find a firm that would also be able to do the septic review, so that the PB won't have to hire a separate engineer to do that study. She also said that she would forward the draft minutes of the most recent subcommittee meeting, as well as the final version of the RFP draft, to the PB members.
- C. LOW IMPACT DEVELOPMENT WORKSHOP: Chair Ebel reported that she and PB member Andrews had attended a workshop in Massachusetts that was excellent. She described the issues addressed and encouraged others to attend a future session, if possible. PB members Conly and Cook will be attending a workshop on October 4. The workshop is sponsored by Comprehensive Environment, Inc. (CEI). Chair Ebel advised that the PowerPoint presentation would be on its website at some future time. She also was very pleased to learn

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that a research facility on stormwater treatment is located at UNH, where experimentation on various stormwater treatment plans is being conducted.

- D. REVISED FY 2006 BUDGET PROPOSAL:** Ken McWilliams briefly reviewed the revised FY 2006 Budget proposal distributed at the meeting.

The **MEETING** was **ADJOURNED** at **9:00 PM**.

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

DATE APPROVED _____

CHAIRMAN _____