

Roderick Marshall, Trustee
The Andy Marshall Revocable Trust of 2012
98 Blueberry Lane
New London, NH 03257

June 11, 2017

Planning Board for the Town of New London
New London Town Hall,
New London, NH 03257

Re: Petition for Reconsideration of Planning Board Decision granting subdivision of property on Seamans Road, designated Lot 22, bounded on the east by Blueberry Lane, and of prior grants of multiple party access through one driveway, in contravention of Planning Board rules and regulations.

Dear Planning Board of the Town of New London,

This letter is to request that the Planning Board Reconsider that portion of the grant of the form of subdivision to Cherry Hill Partners of Lot 22 on Seamans Road, with regard to the grant of driveway access (through the driveway access owned by Larry and Annie Balin) beginning at the end of Blueberry Lane to the sub-Lot designated number "2" on the Town of New London internet map (presumably meaning sub-Lot number 22.005). This letter is also to request a review of what are apparently a number of errors in the past by the Planning Board by unlawfully granting driveway access to properties without frontage on Blueberry Lane.

I make this petition to you as Trustee of the Andy R Marshall Revocable Trust, owner of the adjacent properties on Blueberry lane to that property where driveway access has been granted. (See attached annotated map.) This new and additional driveway access, in addition to prior apparently unlawful improper grants of driveway access, have and will negatively impact the value of the properties owned by the Trust.

This driveway access to sub-Lot number "2" (presumably sub-Lot 22.005) was evidently granted in error by decision of the Planning Board as it is in violation of Town of New London Planning Board Driveway Regulations (Rev. January 30, 2007) Section III A, which reads:

NUMBER: No more than two driveway entrances shall be constructed from any one street to any one property, unless frontage along that street exceeds 500 feet. When the frontage exceeds 500 feet, no more than three driveways shall be constructed.

The current ownership configuration of the end of Blueberry Lane may have led to the error of the Planning Board in improperly granting the driveway access to sub-Lot number "2" (presumably sub-Lot 22.005). (See attached annotated map.) According to the Town of New London property ownership records, the property of Larry and Annie Balin begins at the end of Blueberry Lane and is recorded as being 50 feet wide. (Hereinafter, the "Balin Frontage".) Mr.

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Balin has constructed a single driveway on this, his property, at the end of Blueberry Lane. It is important to note that this driveway, as constructed, is not perpendicular to Blueberry Lane. It therefore physically appears to be a continuation of Blueberry Lane and not a driveway. This may have led to the Planning Board error on whether there are additional properties at the end of Blueberry Lane with frontage on Blueberry Lane. The only properties with frontage on Blueberry Lane at this, the end of Blueberry Lane, are the aforementioned Balin Frontage and the two properties (one on either side of Blueberry Lane) owned by the Andy R Marshall Revocable Trust of 2012. There is no lawful access to sub-Lot number "2" (presumably sub-Lot 22.005) from Blueberry Lane at this location.

This letter is to inform the Planning Board, inter alia, of the error made in the subdivision granted to Cherry Hill Partners with respect to Lot 22 on Seamans Road. The "driveway" access to this sub-Lot number "2" (presumably sub-Lot 22.005) from Blueberry Lane at this location was improperly granted by the Planning Board. It was made in error without the Planning Board being informed of which properties actually have access from the end of Blueberry Lane, and of the history of apparently improper Planning Board decisions with respect to this location.

This decision will also negatively and materially impact the other property owners on Blueberry Lane. It will greatly increase the automobile and other traffic on Blueberry Lane and was granted in error in violation of the Town of New London Planning Board Driveway Regulations (Rev. January 30, 2007) and the Town of New London Planning Board rules and procedures.

By way of history, please note that it appears that the Planning Board has already improperly granted *three separate property entrances* from this Balin Frontage driveway access at the end of Blueberry Lane. These would, on their face, appear to be obvious violations of Planning Board rules and regulations.

From my own knowledge and from my conversations at the Town Hall over the course of the last year, there are (at least) six problems with this, which I ask you to investigate and consider in this, our request for your reconsideration of your grants of "driveway" access to properties without frontage on Blueberry Lane:

- a. The aforementioned driveway access on the Balin Frontage was originally constructed as a "logging road" and it was agreed at that time in the Planning Board meeting, with specific representations being given by the owner, that it would not be converted to a "driveway". Among these representations was that the "driveway" to this property, when it would be constructed, would be from the proper frontage to this property which is on Route 11.
- b. The Planning Board apparently erred in later granting "driveway" access over this, a "logging road", to the Balin property contrary to the previously announced agreement on the terms of the construction of the "logging road". This access was granted without proper notice and hearing for all of the property owners on Blueberry Lane.
- c. The Planning Board apparently further erred by later granting driveway access, through this 50-foot wide Balin Frontage, to two other properties, those of the Carpenters and the Bolgers. (See attached map; please note that the Carpenter house is not reflected on the attached map because it only

- begins at the far side of the Balin house, some hundreds of yards down the driveway.) Neither of those properties have frontage on Blueberry Lane and should not have been granted driveway access through the Balin Frontage.
- d. The Planning Board apparently erred by making these determinations which granted access to these three independently owned properties when the Planning Board Driveway Regulations only permit driveway entrances “from one street to any one property...” (Section III A).
 - e. The Planning Board apparently erred by granting Cherry Hill Partners the right to build a driveway from Blueberry Lane, when they do not have frontage on Blueberry Lane. This is confusing for the staff at the Town Hall because it leaves it unresolved whether Cherry Hill Partners must have a formal “driveway permit” if their access is only through the private property owned by Balin, through the Balin Frontage. As the Balin driveway, through the Balin Frontage, has already been approved, does Cherry Hill Partners only need to reach agreement with Balin about access to its property, Lot 22? It would appear that Cherry Hill Partners does not need to return to the Town for any further approvals in order to begin building.

As you will appreciate, and please excuse my directness, but all of these property driveways through the small, 50-foot Balin Frontage, appear to be what is pejoratively referred to as a “midnight subdivision” where Town rules and regulations have not been followed and the rights and interests of the other property owners on Blueberry Lane have not been properly considered.

- f. The Planning Board apparently erred by granting such multiple driveway access, through the Balin Frontage, contrary to its rules and procedures. It also failed to follow its rules and procedures by not properly notifying the other property owners on Blueberry Lane, without giving them a chance to be heard or their views considered, and without performing any traffic or other impact analysis on the result of granting such multiple access through the Balin Frontage.

On a personal note, given the large increase in traffic on Blueberry Lane over the years, on what was formerly a quiet road, the consequence of these Planning Board decisions has been a material detriment for all of the other property owners on Blueberry Lane.

The multiple party access, through the Balin Frontage, are apparent violations of the Town of New London Planning Board Driveway Regulations. I trust that the foregoing is clear that, by recently granting yet a *fourth* additional access through the Balin Frontage to the Lot 22 subdivision, the Planning Board has further compounded the problems created by previous violations of the Town of New London Planning Board Rules and Regulations.

Please note that there is another option available to the Planning Board in reconsidering this improper grant of “driveway” access from Blueberry Lane. There is access available to this sub-Lot number “2” (presumably sub-Lot 22.005) directly from Seamans Road as originally

requested by the applicant, Cherry Hill Partners, for the subdivision of said Lot 22 on Seamans Road. Such access from Seamans Road is the lawful frontage for this sub-Lot and will not increase the traffic on Seamans Road. Proper driveway access from Seamans Road will have little or no appreciable impact on the adjoining landowners.

We ask you for a review of these aforementioned errors in the Planning Board decisions, and make such remedial determinations and corrections, as well as any proper referrals, as you deem appropriate.

We look forward to your favorable response.

Sincerely,

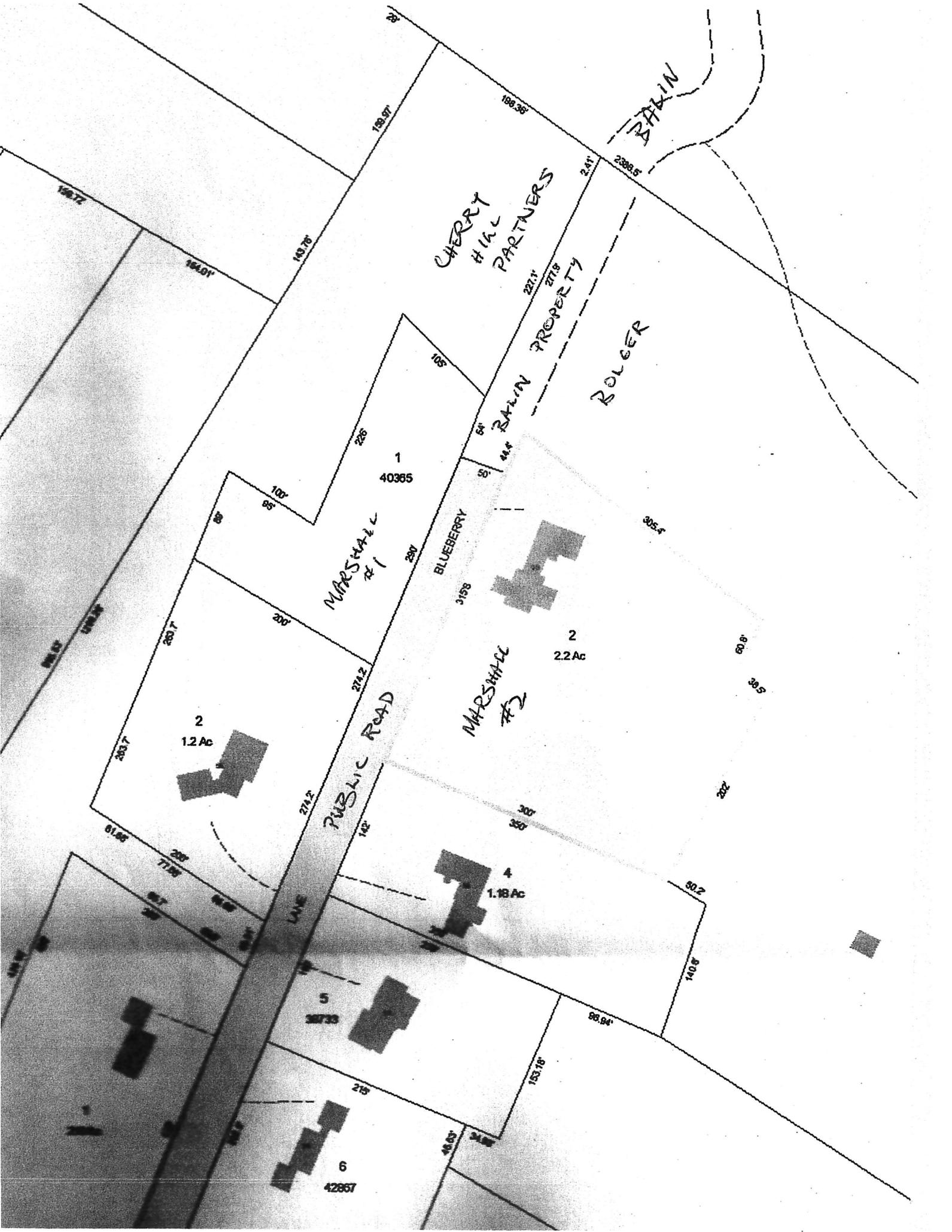


Roderick Marshall

Trustee

Andy R Marshall Revocable Trust of 2012

cc: Town of New London Board of Selectmen
Lucy St. John, Planning Board Administrator



CHERRY HILL PARTNERS

MARSHALL #1

MARSHALL #2

PUBLIC ROAD

BLUEBERRY

BALIN PROPERTY

BOLEER

BALIN

2
1.2 Ac

2
2.2 Ac

4
1.18 Ac

5
38733

6
42857

1
40385

18677

18401'

149.78'

139.97'

189.35'

2388.5'

2.41'

227.1'

271.8'

105'

226'

100'

85'

80'

200'

203.7'

203.7'

81.85'

208'

71.88'

274.2'

274.2'

290'

3158'

305.4'

60.8'

30.5'

202'

80.2'

140.8'

98.94'

151.18'

48.03'

34.8'