



TOWN OF NEW LONDON, NEW HAMPSHIRE

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NOTICE OF DECISION New London Planning Board September 24, 2014

The New London Planning Board made a motion to approve the Cherry Hill Subdivision and Lot Line Plan. Property owned by Seamans Road Realty Trust, Martha Peyser Trustee, c/o Tracey Barberen and Mary and James Steproe. Applicant- Cherry Hill Homes, John Langill. Located on the corner of Seamans Road, Hall Farm Road and Blueberry Lane. Tax Map 086-022-000 and 086-021-000. The plan as approved complies with the New London Zoning Ordinance. The plan was approved with conditions on September 24, 2014 following several public hearings.

The plan was approved with the following conditions:

1. The conditions of approval be included on the mylar.
2. A note be added to the plan stating that the maximum amount of impervious surface area on each lot shall not be greater than five (5) % of the total area of each individual lot.
3. Driveways from Seamans Road shall only be allowed for Lots 22-6 and 22-7. A driveway permit for each lot must be approved prior to the construction of each driveway. A driveway permit from Seamans Road to Lot 22-5 is specifically not permitted.
4. The approximately 50 feet wide proposed driveway easement benefiting access from Blueberry Lane to Lot 22-5 shall not be developed as an impervious driveway with access to Lot 22-5.
5. A licensed NH Land Surveyor shall certify that the boundary markers are in place per the Subdivision Plan within 90 calendar days of the plan being approved and prior to the issuance of any building permits or driveway permits. A letter with the surveyor's stamp and signature shall be submitted to the Planning Board certifying the bounds have been set.
6. As proposed by the developer and agreed to by the Planning Board, each home shall be protected by a fire suppression sprinkler system. Each sprinkler system shall be approved by the New London Fire Chief prior to issuing a building permit and a certificate of completed installation shall be signed by a certified system installer prior to occupancy with a copy provided to the New London Fire Chief and prior to portable furnishings being placed in the house. All deeds shall reference this matter.
7. All proposed utility services, except primary service, shall be buried below ground on each individual subdivision lot.
8. Prior to the commencement of any lot development, all logging roads, swales, culverts and appurtenant land disturbances shall be mended by the developer's best ability to the previous undisturbed grades and conditions to ensure abutting lots do not receive additional impact from stormwater runoff.

Respectfully Submitted:

Lucy A. St. John, AICP
Planning and Zoning Administrator
Town of New London

Please be advised that any persons aggrieved by a decision of the Planning Board concerning a plat or subdivision may present to the Superior Court a petition. Such petition shall be presented within 30 days after the date upon which the board voted to approve or disapprove the application. Refer to RSA 677:15 Court Review, for the specific language and other details. It is the petitioner's responsibility to seek legal counsel as they deem appropriate. This notice is for general informational purposes and in no way shall convey any legal advice.



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NEW LONDON, NEW HAMPSHIRE

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PLANNING BOARD
DRAFT MEETING MINUTES
Wednesday, September 24, 2014
8:30 AM

Cherry Hill
* Subdivision
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**Continuation of the Sept 23rd Public Hearing for the
Cherry Hill Homes Subdivision and Discussion of the Capital Improvement Program (CIP)**

MEMBERS PRESENT: William Helm (Chair); Michele Holton (Secretary); Peter Bianchi (Board of Selectmen's Representative), Jeremy Bonin; Elizabeth Meller (Alternate) and Bill Dietrich (Alternate).

MEMBERS ABSENT: Paul Gorman and Emma Crane.

STAFF: Lucy St. John, Planning and Zoning Administrator; Kim Hallquist, Town Administrator and Wendy Johnson, Finance Director.

Others in Attendance: Jay Lyon, Fire Chief; Ed Andersen, Police Chief and Rob Thorp, Water Precinct.

Call to Order: Chair Helm called the meeting to order at 8:30 AM.

Overview of the Capital Improvement Program (CIP) – Chair Helm gave a brief overview of the new CIP process and criteria which will be used in evaluating projects for consideration. He reiterated that the CIP is a Planning Board function and over time has been more of a document and process of the Budget Committee. The CIP process was most recently discussed at Sept 9th work session and the Sept 23rd regular meeting. He conveyed that this is a “work-in-process” and additional changes may be incorporated next year. He also noted that in no way would this preclude the Budget Committee and Board of Selectmen from setting up some Capital Reserve Account to put money away for future needs.

Fire Department presentation by Jay Lyon, Fire Chief

Two handouts were distributed: 1) Fire Apparatus Replacement dated Sept 23, 2014 and 2) Fire SCBA Replacement dated Sept 23, 2014. Chief Lyon commented that there is some redundancy on the project identification form.

Fire apparatus Replacement dated Sept 23, 2014

Bill Helm commented that the current CIP, Table 16 reflects a series of ongoing projects over a 20 year period. The goal of the CIP is to reflect more short-term projects (6-10 years).

Jay Lyon explained that in 2016 the Fire Department will be replacing the utility truck with a one-ton truck with a utility box. This will reduce the need for fire personnel to use their own pick-up trucks to carry the dirty hoses and other equipment.

Jay Lyon explained that he had not vetted all of his projects with the Board of Fire Wards yet. He commented that Hillsborough has a command vehicle, valued at about \$65,000. He noted that a normal

engine has about 750 gallon capacity. There are issues with access due to narrow driveways. They need 4,000 gallon capacity and now only have 2,800 gallon capacity.

Jay Lyon's request for each year would be \$100,000 for Fire Apparatus Replacement.

Fire SCBA Replacement dated Sept 23, 2014

Jay Lyon explained that they started saving for the Self Contained Breathing Apparatus (SCBA) back in 1999. He noted there are many unknown toxics which firefighters may be exposed to, and the SCBA are a critical component to fire safety operations. They refurbished some air packs in 2002. They also received a grant in 2011 which saved the Town some money. The cost savings for the SCBA grant was over \$120,000.

Peter Bianchi asked the cost, and what if the Town purchased the SCBA over time. Peter Bianchi said that we could buy 2 or 3 each year.

Jay Lyon explained the life expectancy of each unit is 15 years and each unit currently cost about \$6,200. He expressed that it is critical they all be replaced at the same time, as familiarity with the equipment is of utmost important. He explained that technology and standards are constantly changing. He suggested that a Reserve Account be setup if this isn't included in the CIP. Chief Lyon explained they are always looking for grants and other funding sources to supplement the budget. He introduced John Ryan, of the Board of Fire Wards.

Training Facility.

Jay Lyon commented he has not completed a project identification form yet as this project still needs further discussion with the Board of Fire Wards. The current training facility dates to the 1970s and there has been "ground creep" at the Dept. of Public Works site where it is located. The facility has degraded over the years due to use, age and high heat. He is suggesting that once the sewer lagoon project is closed, maybe use this space for a new training facility. Jay Lyon will continue this discussion with Richard Lee, Public Works Director and Kim Hallquist, Town Administrator. Additional information may be forthcoming on this project.

Cherry Hill Homes Subdivision Plan application- input solicited from Fire Chief

Jay Lyon was asked to comment on the Cherry Hill Homes Subdivision plan application which was continued from the regular meeting of last evening (Sept 23rd) to this meeting. The Planning Board had reviewed the staff report dated Sept 23, 2014 which included comments from the various departments.

- Fire Department: Email of 9/23/14. As proposed by the developer and agreed to by the Planning Board, each home shall be protected by a fire suppression sprinkler system. Each sprinkler system shall be approved by the New London Fire Chief prior to building permit and inspected for operation approval prior to occupancy and prior to portable furnishings being placed in the house. All deeds shall reference this matter.

At the Planning Board meeting last evening, a few issues were still to be refined, including how to word any language related to fire protection and the sprinkler systems proposed in each of the homes. Staff had suggested some draft language for consideration:



X

Note # 8, Sheet 2 to be amended to read, “As proposed by the developer and agreed to by the Planning Board, each home shall be protected by a fire suppression sprinkler system. Each sprinkler system shall be approved by the New London Fire Chief prior to building permit and inspected for operation approval prior to occupancy and prior to portable furnishings being placed in the house. All deeds shall reference this matter.

Jay Lyon discussed the current Fire Department practice regarding acceptance test for sprinkler systems. He referenced the Dan Snyder property. Peter Bianchi expressed his concern with the use of the word occupancy, as the Town does not issue occupancy permits for single and two family units. Jay Lyon commented said there is a need for a review of the system for code compliance. Jay Lyon stated there needs to be checks and balance processes in place. He cited for example cisterns- need to test for adequate flow, levels of water, and after six (6) months conduct a flow check. Jay Lyon also cited the Harry Snow project (fire cistern) as another project.

Kim Hallquist asked Jay Lyon about the specific language used when the town wants a cistern, does it say anything about an occupancy permit. Jay Lyon commented that the last cistern built in Town was for Owls Nest about 6-8 years ago, he didn't know the specific details of that language.

Peter Bianchi commented he didn't like the suggested language included in the staff report. Lucy St. John noted that Jay Lyon was ok with it, as per his email referenced in the staff report. Peter Bianchi made a comparison to radon test for wells, and we don't have anything about occupancy issues. Liz Meller commented that indeed we haven't gotten to the point of addressing radon issues in wells yet.

Jeremy Bonin asked about inspection of fire cisterns and he commented that the suggested draft language isn't really about an occupancy permit. John Ryan, Fire Ward asked why not have a certificate of occupancy, it is common sense.

The Board will discuss the Subdivision Plan later in the meeting, after the CIP presentations.

**Town Administration, presentations by Kim Hallquist, Town Administrator
And Wendy Johnson, Finance Director**

Whipple Parking Lot: Kim Hallquist distributed the project identification form she prepared for the Whipple Parking Lot project. She explained that current parking at Whipple is inadequate. Now everyone drives to meetings and there just aren't enough spaces. Whipple is used for meetings and other events. She noted that more parking may facilitate increased public participation at meetings. There aren't enough parking spaces considering the demographics of the community, and parking on the street takes away spaces for the businesses. If a new parking area is constructed, the Town would have to address how to limit potential parking by the college students. The parking lot would be about 30 spaces with green space. Whipple is an historic building. If this project were to move forward, one of the first steps would be to approach the property owners. If negotiations weren't successful, an option would be through eminent domain proceeding, which would increase the overall project cost.

Jeremy Bonin and Peter Bianchi commented they both liked the idea. Peter Bianchi suggested input be sought from Sandra Licks, Library Director relative to the current parking needs of the library. Bill Helm suggested some discussion might be facilitated with the Baptist Church due to the close proximity to Whipple.

Combined Police and Fire Safety Building: Kim Hallquist explained that this is something the Town should consider for further discussion. Michelle Holton and Liz Meller thought it would be a good idea.

Record Retention and Storage Facility: Wendy Johnson noted that although we are in the digital age, there are State requirements (Record Retention laws) and some things need to be saved forever. The Town does not have a formal Record Retention Policy. Because technology is forever changing the only acceptable format is microfilm. The Town has solicited information from a vendor regarding digitizing the Town records. She noted that the current “cottage” at the Public Works Transfer Facility is not dry or adequately secured. She is suggesting a new records retention building, maybe where the stump dump is located. All the members in attendance thought this project was a good idea. It is clearly evident that space is needed, and some staff have little or no room for storage. The estimated cost is \$100,000. Peter Bianchi suggested maybe the old sewer plant and treatment building could be used. Bill Helm suggested that Peter Bianchi discuss developing a Record Retention Policy with the Board of Selectmen.

Peter Bianchi left the meeting at 9:30 due to a previously scheduled appointment.

Police Department presentation by Ed Andersen, Police Chief

Dispatch Consoles: Ed Andersen distributed a project identification form dated Sept 24, 2014. He explained that no planning was done in years past for future radio equipment. He noted that the Dispatch Feasibility Study was recently completed. If the current generator were to shut down they would have no backup. It was noted that a second repeater was being added to Mt. Sunapee. Bill Helm asked Kim Hallquist what the timeframe would be for discussion of the Dispatch Study. She said they would know more after the Sept 30th and Oct 11th meetings.

Sallyport Expansion: Ed Andersen distributed a project identification form dated Sept 24, 2014. Ed Andersen explained that a sallyport is essentially a secure “garage” like space. The current sallyport is inadequate, as it is used to store equipment (winter tires) and can only park one vehicle. It is meant to be the place to move a person(s) from the police vehicle to the police quarters in a secure environment. It needs to be larger and more secure. He noted that 150-300 people a year use this space, plus the persons brought in by other area police agencies.

Kim Hallquist noted that there may be some drainage issues to be addressed, and how a new sallyport would affect the look around Whipple. She reiterated her previous comments about the need for discussion for a joint Police and Fire Safety Complex.

Planning Board members asked staff to arrange a tour of the police facilities for the Planning Board members.

Cherry Hill Subdivision and Lot Line Adjustment Plan **Tax Map 086-022-000 and 021-000** **Public Hearing and Discussion Continued from Sept 23rd meeting**

Bill Helm asked Liz Meller (alternate) to sit in for Paul Gorman (regular member) and Bill Dietrich (alternate) to sit in place of John Tilley (regular member). He explained that this is a continuation of the public hearing and meeting of Tuesday, September 23rd.

Jennifer McCourt, applicant’s engineer and John Langill, developer were in attendance and thanked the Board for continuing the discussion to this meeting. They asked, if the subdivision is approved, to state



that it is in compliance with the Zoning Ordinance. This is something they need to proceed with the Steproe closing

Bill Helm explained the public hearing was continued because there were just a few issues the Planning Board was trying to refine at the meeting last night, and it was getting late, so the meeting was continued. The issues related to the discussion of the sprinkler systems, the 50 feet wide driveway easement area and the language regarding the utilities.

Public Hearing Continued: Bill Helm asked if there were any comments from the public, as the public hearing was continued. No comments from the public. Public hearing closed.

Motion by Jeremy Bonin, seconded by Michelle Holton to approve the Cherry Hill Subdivision Plan and Lot Line Adjustment subject to the following conditions:

The plan was approved with the following conditions:

1. The conditions of approval be included on the mylar.
2. A note be added to the plan stating that the maximum amount of impervious surface area on each lot shall not be greater than five (5) % of the total area of each individual lot.
3. Driveways from Seamans Road shall only be allowed for Lots 22-6 and 22-7. A driveway permit for each lot must be approved prior to the construction of each driveway. A driveway permit from Seamans Road to Lot 22-5 is specifically not permitted.
4. The approximately 50 feet wide proposed driveway easement benefiting access from Blueberry Lane to Lot 22-5 shall not be developed as an impervious driveway with access to Lot 22-5.
5. A licensed NH Land Surveyor shall certify that the boundary markers are in place per the Subdivision Plan within 90 calendar days of the plan being approved and prior to the issuance of any building permits or driveway permits. A letter with the surveyor's stamp and signature shall be submitted to the Planning Board certifying the bounds have been set.
6. As proposed by the developer and agreed to by the Planning Board, each home shall be protected by a fire suppression sprinkler system. Each sprinkler system shall be approved by the New London Fire Chief prior to issuing a building permit and a certificate of completed installation shall be signed by a certified system installer prior to occupancy with a copy provided to the New London Fire Chief and prior to portable furnishings being placed in the house. All deeds shall reference this matter.
7. All proposed utility services, except primary service, shall be buried below ground on each individual subdivision lot.
8. Prior to the commencement of any lot development, all logging roads, swales, culverts and appurtenant land disturbances shall be mended by the developer's best ability to the previous undisturbed grades and conditions to ensure abutting lots do not receive additional impact from stormwater runoff.

Motion to approve- All voting yes- Bonin, Helm, Holton, Meller and Dietrich. Motion carried, the subdivision and lot line plan was approved. Motion carried.

New London-Springfield Water Precinct presentation by Robert Thorp

Robert Thorp explained that there have been four (4) Main Street water breaks. It costs about \$10,000 to fix each break. There are approximately thirty-two (32) miles of water pipes.

Ms. St. John asked about the well fields referenced in the Master Plan, specifically the longevity of the current well fields which were constructed in 1995. He explained they have a 30 year longevity and 2015 will represent about 20 years. She asked considering the time it takes for future well exploration and permitting to bring a new well on-line, what are the long-term plans for water capacity and expansion.

Robert Thorpe explained that there aren't any plans for future well exploration. They have actually had a reduction in water usage compared to what they planned for, approximately 80 million gallons a year. He explained they don't plan to extend the boundaries of the water precinct.

Liz Meller asked if any water mains will be extended. Robert Thorpe stated that there aren't any plan to extend water lines, and that surface water treatment is what is anticipated for the future. He commented that many of the old pipes will need to be updated and replaced, which will be a significant cost. The cost would be reduced if they do the work themselves. Bill Helm commented that knowing the replacement schedule is important and encouraged coordination with the Public Works Departments.

Ms. St. John commented that it is very important to know, when addressing long-term planning issues, hazard mitigation planning, and water quality issues. Bill Dietrich suggested that some reserve fund be established to help address these issues. Kim Hallquist commented that there is not a reserve account for the Water Precinct. Bill Helm noted that this has been a very informative discussion and creating awareness about water and water resources planning is needed.

Motion to Adjourn

**IT WAS MOVED (Jeremy Bonin) AND SECONDED (Liz Meller) to adjourn the meeting.
THE MOTION WAS APPROVED UNANIMOUSLY.**

Next Meeting

The next Planning Board meeting to discuss the CIP is scheduled for Thursday, October 9th from 8:30 A.M- 11:00 AM in the Sydney Crook Conference Room.

Meeting Adjourned

The meeting adjourned at 10:25 A.M.

Respectfully submitted,

Lucy A. St. John
Planning and Zoning Administrator
Town of New London

Public Hearings and Applications

Cherry Hill Homes, Inc., Subdivision and Lot Line Adjustment. Located on the corner of Seamans Road, Hall Farm Road and Blueberry Lane. Tax Map 086-022-000 and 086-021-000.

Chair Helm noted that this is a continuation the August 26, 2014 Public Hearing regarding this application. He referred to Ms. St. John staff report and the letter from Clough Harbor Associates, the engineering firm asked to review the plan on behalf of the Planning Board. He asked Jennifer McCourt, the applicant's engineer to update the Board and address any outstanding issues. He suggested that the Board refer to the staff report, specifically the 13 points identified by staff as a starting point to this evening's discussion, as much was discussed in the previous meetings.

Ms. McCourt explained that at the August 26th meeting, the abutters in attendance responded positively to the ideas regarding some modification to the lot lines. The plan was submitted to Clough Harbor for review. She explained that since the August meeting, they have received State Wetland approval for the crossing and State Subdivision approval (for lots less than 5 acres). Some additional information was explained regarding the test pit data, the length of the culvert (per her discussion with Bill Thomas of the NH Wetland Bureau), and an area is shown on Lot 5 for the septic.

Chair Helm asked if anyone had questions about the fire suppression provisions. Ms. St. John explained that the staff report included the most recent comment from Chief Lyon per his email of Sept 23, 2014 and that he had reviewed the suggested draft condition # 8 of the staff report. Peter Bianchi noted the town does not have occupancy permits for single-family residential homes. Selectman Bianchi commented that the Board is assuming that the fire chief would have control over permits only when we have fire suppression systems. He said it seemed an occupancy permit would not be issued by a fire chief alone. Mr. Bianchi is concerned that the wording is not legally accurate for the Town of New London to be delegating this function to the fire chief.

Ms. St. John answered that Jay Lyon felt the language addressed his needs as fire chief. Jen McCourt commented that the language just references the fire suppression system and is in compliance with two RSAs regarding this item. The information regarding the RSA was previously provided to the Planning Board. Chair Helm remarked that he felt the language was worded properly to avoid an occupancy permit situation. Mr. Bianchi responded that they could call it anything they wanted, but to him it was a matter of semantics. He said he did not want to go down a path that is not in concert with the law. Mr. Bonin suggested the Fire Chief could review "it" (fire suppression system) before the building permit is issued and then the house could be inspected again for operational approval of the fire suppression system. Mr. Bianchi noted that once a building permit is issued, no one from the Town comes in to see what has been done. He said he just wants to make sure the Board can legally do what it is attempting to do. Mr. Bianchi suggested the Board run this issue by Kim Hallquist, Town Administrator. Chair Helm said if there are any specific legal questions, the Board could request input from Town Counsel. Michele Holton thought it would be more cost effective to start by talking with the Town Administrator. Chair Helm noted the Board may want to get input from Town Counsel. It was decided to revisit this issue later in the meeting.

John Langill, the builder explained that the language simply states each home will be protected by a fire suppression sprinkler system and that the sprinkler system shall be approved by the Fire Chief. Lucy St. John reiterated that real concern is that once a fire suppression sprinkler system is installed that it works prior to someone occupying the home. Jen McCourt noted that they will not putting in cisterns, so the fire chief could deny people the right to occupy homes before he is sure it is safe.

Jen McCourt discussed that utilities would be underground, with some exception due to wetlands, and that a pole may be set on Hall Farm Road. She remarked it would be a challenge to get across Blueberry Lane Extension – a service line can only be 200 feet long, so they would have to put up poles to get down there. She is not sure yet if this will be an issue. They may go above ground so as not to impact the wetlands.

Peter Bianchi asked about the access to Lot 22-5 at the end of Blueberry Lane and is an easement across that extension given by the owner to allow passage on that road? Jen McCourt answered in the affirmative. Mr. Bianchi questioned whether the easement was for utilities? Ms. McCourt replied no, an easement never specifically grants permission for utilities. Ms. McCourt replied she has been in contact with James Bolger (098-003, the lot across the road) regarding a utility easement, and she implied he has indicated he does not have a problem with electrical easements. She has also spoken to PSNH, whose legal department makes a decision about what can go across the right-of-way.

Chair Helm noted that at the August meeting, Mr. Jim Wheeler was there to represent Mr. Bolger. At that meeting Mr. Wheeler conveyed that Mr. Bolger is not interested in issuing any further easements. Ms. St. John commented that since the August meeting it has been conveyed to her that Mr. Bolger did not have any interest in granting anything.

Mr. Langill said he suggested to Jim Wheeler that Cherry Hill Homes would pay for the clearing of trees. Mr. Wheeler conveyed that to Jim Bolger, and Mr. Bolger said he would get back to Cherry Hill by next Wednesday. Mr. Langill said they could possibly go over the 50-foot strip, take a right-hand turn, and go over to the house, but he thinks it is ultimately PSNH's call. He is aware that he cannot count on Mr. Bolger to give an easement. Mr. Langill noted there were a number of options. He also said he could be hindered from coming all the way down because of ledge. He said he has to keep these lots marketable and he does not want telephone poles. However, the only lot that might apply to is Lot 5.

Larry Ballin, an abutter (Tax Map 087-003-000), said he had a deed in his hand with the wording for the access, regarding the area at the end of Blueberry Lane. It said it is the original deed. He told the Board that if they agreed to the subdivision including Lot 5, they are assuming Cherry Hill is correct. Chair Helm responded that Cherry Hill has taken the position that they have access to Lot 5 off Blueberry Lane. Jen McCourt said that they do have rights of access. Larry Ballin replied that he was talking about whether utilities are part of the easement.

Jen McCourt then discussed the Clough Harbor engineering review letter. Ms. St. John noted that information from the NHDES website regarding the NH Stormwater Manual and other information was provided to the Board, as the Stormwater Manual was specifically referenced in the Clough Harbor letter dated September 18, 2014.

Ms. McCourt referred to the details in the letter and the specific notes included on the plans which address erosion and sediment control concerns. Ms. McCourt noted that the Clough Harbor (Town's engineering consultant) determined nothing looked off kilter with regard to runoff at 55 Blueberry Lane. She discussed the issues related to the conditions of the old logging trails and how they have redirected the water.

Liz Meller asked if moving the trail on the depression area would help at all. Jen McCourt responded that it's difficult to see because of the amount of brush out there. She thought they might be able to brush hog it and see if anything can be done. Ms. Meller thinks this issue should be attended to. John Langill noted that skidders make deep ruts. There are ruts in that area. When one walks through the 50-foot area, there are a couple of deep ruts and Mr. Langill wants to go in and mend those ruts – push them back to the way

everything was originally – and do it as soon as possible, before snow flies. That way, when spring comes around, these rut will be mended. Mr. Langill said that as soon as Cherry Hill closes on the property, they would like to get a crew out there to take care of this.

In response to the discussion regarding “mending” the logging ruts, Ms. McCourt conveyed that the plan meets acceptable engineering standards. She conveyed that stormwater management is an issue everywhere, as the intensity of storm events has become an issue all over the country, with increased rainfall events and the intensity of the events (amount of rainfall in a short period of time). She noted that the site was previously logged (clear cut), which made everything related to drainage even worse. The trees and other vegetation used to take up some of the water. She noted that some vegetation is coming back.

Liz Meller asked if this was along the logging trail, and Jen replied, “in multiple places.” Ms. McCourt commented that once the logging ruts are mended, the natural flow of how the water runs may change.

Chair Helm asked the Board and Ms. McCourt to entertain discussing the 13 points included in the staff report as possible conditions.

- **Condition #1**, regarding including the conditions on the mylar. Ms. McCourt conveyed this is not an issue, ok.
- **Condition # 2**, regarding amount of impervious allowed. Ms. McCourt conveyed this is not an issue, ok.
- **Condition 3**, regarding the driveways from Seamans Road. Ms. McCourt conveyed this is not an issue, ok. Ms. St. John referred to Richard Lee’s email of Sept 10 referenced in the staff report. She said she talked with Richard since the email, and he would prefer only one driveway, but if Planning Board approves two driveways, he would issue driveway permits for both.
- **Condition 4**, regarding the 50’ wide access easement and the driveway to Lot 5.

Ms. St. John referred to the same email from Richard Lee. Ms. St. John explained that per a discussion with Richard, he said if they cannot get the driveway down by the end of Blueberry Lane, they could bring it up through the 50-foot easement area.

Jen McCourt commented that she had a problem with that since there is so much wetlands next to the house, and the intent is to have the driveway at the end of Blueberry Lane. They do not want to inhibit the new owner of Lot 5 the ability to access their land from either point should they want to use it. Ms. McCourt said they didn’t want to limit the owner access to their property via this 50’ area, as it has been on plans for years.

For clarification the area being discussed is the property between Tax Map 98, Lot 1 owned by Dechant’s and Tax Map 98, Lot 2 the LeBlanc’s property.

Ms. McCourt said that maybe the owner of Lot 5 would want to use it as a garden path with gravel, or for some other purpose, and doesn’t want the use to be limited. She noted that the abutting property owners and Ms. Crowell across the road have become accustomed to it being vegetated, but this area has been on plans as a potential Right-of-Way for years.

Lucy St John clarified that McCourt is asking that the new owner of Lot 5 be able to use it as an access point, and at least minimally for a gravel path, rather than saying it must remain as vegetated.

Ms. McCourt also explained that depending on the outcome of the discussion regarding utility access, this area may need to be used to provide service to the parcel.

John Langill responded that if he has to put electric under that 50-foot strip, PSNH is going to want to clear 20 feet anyways, and he would also remove any dangerous trees. Mr. Langill said he has spoken to the LeBlanc's regarding the pine trees on Tom LeBlanc's lot, and has offered to assist in the removal. He commented that if some more of these trees are removed, the area would be open to more sunlight and may help dry out some of the currently wetter areas. Ms. McCourt stated she thinks the Planning Board would be taking away the owner's use of the property.

Jeremy Bonin commented that two wetlands cut off this building site from the majority of the upland. Jen McCourt noted that if a trail is graveled, it is impermeable according to NHDES.

Peter Bianchi asked if getting to Lot 5 from the end of Blueberry Lane extension would be the best way to do it. Ms. McCourt said yes, especially since access is not permitted from Seamans Road, and if the Board restricts or limits potential access from the 50' wide area.

Ms. McCourt and John Langill commented that Lot 5 will be very marketable to a family, and having the access from the end of Blueberry Lane is really the best arrangement.

- **Condition 5**, regarding including a note about the driveways, this is done and not an issues. Ok with it.
- **Condition 6**, regarding setting the bounds. This is not an issue, ok with doing it.
- **Condition 7**, regarding including the State approval numbers. This is not an issue, ok.
- **Condition 8**, regarding the notes and conditions regarding fire suppression. Chair Helm said they would get back to this discussion.
- **Condition 9**, regarding the utilities. Ms. McCourt referred to the discussion this evening. She commented that Cherry Hill cannot know the metes and bounds of an easement until they take title to the land. PSNH will not talk to them until then. Chair Helm recommended the last sentence be taken out. Jen responded – only if we could put some language in regarding Lot 5. Chair Helm said would get back to this discussion.
- **Condition 10**, regarding need for covenants. Ms. St. John stated there are exhibits in the ordinance and she sent a copy to Richard Lee and Jay Lyon, and Richard responded from his recollection, the covenant only pertains to a private road or private sewer system. They are not creating new streets (p. 74 and 75). Perhaps this does not need to be put in? All agreed, no need for this condition.
- **Condition 11**, regarding any other conditions that might need to be added.
- **Condition 12**, regarding Note 4 on Sheet 2. Ms. McCourt said this has been corrected.
- **Condition 13**, regarding Clough Harbor's comments. Ms. McCourt referred to the discussion earlier in the meeting on how comments have been added regarding erosion control. Chair Helm said all relevant information about storm water is contained in Volume 3.

Chair Helm asked if there were any other conditions on this list that the Board wants to consider. Jeremy Bonin asked about repair to the logging trails. Is that in the notes that this will be done? Ms. McCourt answered no, because she did not know how to phrase that.

Lucy St. John remarked that when she talked with Clough Harbor they conveyed that the site looked good and vegetation was growing back. Chair Helm asked board members if they wanted to put a condition in about repairing ruts. Jeremy Bonin said yes. John Langill said he preferred the word "mend."

Ms. St. John will assist in drafting some potential language. Chair Helm remarked that the Board has a few issues to resolve related to the use of the 50' area, the language regarding the fire suppression and underground utility service to Lot 5.

Larry Ballin, an abutter, asked the Board to look at the wet areas of Lot 5 along his property line. He said there are wetlands there, not just a depression. These wetlands have never been delineated on this map before. John Langill commented that at a previous meeting the issue of the wetland delineation was brought to their attention, and they had the wetland scientist look at the area again. Mr. Langill commented they share a common boundary with Larry Ballin, approximately 2,000 feet and that Mr. Ballin's property includes a lot of wetlands areas as well. Mr. Langill commented that due to the topography in this area, the wet areas on Mr. Ballin's property drain/flow over into this site. Larry Ballin agreed.

Larry Ballin opined that this piece of land looks like a great opportunity for a 7-lot subdivision and that Lot 5 is the problem. He feels the Planning Board should suggest Lot 5 not be approved and be absorbed into the other 7 lots, instead of approving an eight (8) lot subdivision.

Mr. Langill commented that his purchase and sales agreement is contingent on approval of 8 lots.

Larry Ballin responded this was not the problem of the Planning Board.

Jen McCourt answered that Cherry Hill has met the Town requirements and has State approvals. She is respectfully requesting the Board approve the plan as 8 lots.

Larry Ballin reminded the Planning Board that it is within their jurisdiction to make their own decisions, if they so choose.

Chair Helm noted that Cherry Hill had met all required regulations and could probably appeal a 7-lot decision. Peter Bianchi commented that Lot 5 will be an extremely difficult lot to develop. He is concerned about the fairness of pushing all the access to an odd-shaped lot. It creates a potential problem with electrical access. Liz Meller commented that Cherry Hill is the one who came up with the plan, so is this the Board's concern. Peter Bianchi answered no, not legally. Peter Bianchi conveyed that he believes Lot 5 is not unbuildable and it would be so much easier if it was no longer there. Michele Holton noted that if Lot 5 is a tough lot to build on, then the developer will absorb the cost should the lot not be purchased.

John Langill said that he had a septic designer show him that a 2,600 square foot house could be built on the site, with a driveway, four bedrooms, and a two-car garage. It fits on the lot just fine. He sees this as a great spot for a family with kids and bicycles. There is no traffic. It is a safe area for a family to be. Mr. Langill acknowledged that both he and Ms. McCourt has some doubt about Lot 5, however they have investigated and determined they can build on that lot.

Jeremy Bonin noted that the conditions the Board is proposing for that lot is not intended to compound the difficulties to build, it is supposed to protect the other properties. Paul Gorman asked how the Board fashions a proposal when access to this lot is complicated by issues that are not settled, particularly the utility easement.

The Board continued to discuss Condition 4. Jen McCourt suggested to address the concerns about the 50' strip of land (between Dechant and Leblanc) that a conditions could be included to say that the primary residence couldn't be accessed from this point, but it still allows the owner use of their land. Liz Meller agreed, as long as the ground stays impermeable. Jen McCourt suggested that the condition include language that would allow the owner to be able to use this area for a path, such as providing access to a garden area. Jeremy Bonin asked if the lot has the frontage to allow two driveways. Ms. St. John said the lot has the frontage, and any driveway would need to be approved by Public Works.

The Board continued to discuss Condition # 9. Ms. McCourt suggested that the terminology used by Public Service refers to "secondary power utilities" and that most of the utilities will be underground, with the exception of maybe the secondary power utilities, this will be determined by the utility provider.

The Board continued to discuss Condition # 4 regarding the fire protection language. Chair Helm noted that with regard to the inspection for operation approval, this creates a potential conflict with occupancy rules which the Town does not have. Paul Gorman said the problem is the word "occupancy." Why doesn't the Board get rid of the word "occupancy"? Paul Gorman noted that the real issue is to say that the Fire Chief certifies there is an operable fire suppression system in the house.

John Langill reminded the board that the people who install these systems are licensed. The language could be something like "subject to fire suppression system being approved by the Fire Chief and the licensed installer supplying a certificate of completion."

Chair Helm noted that there were other agenda items to be addressed. Chair Helm felt it was not fair for the other people waiting to be heard to continue this conversation. Michele Holton thought that the person installing the fire suppression system could certify that everything is installed properly and is operable and is licensed to make that assessment. She suggested that the fire system installer could meet with the Fire Chief on site, they run the system, and they both sign off on it. She noted that these were unique items that do not pertain to occupancy, just that systems have been installed properly and run properly. Chair Helm reiterated that the Board cannot fashion a motion tonight. He knows everyone wanted to be finished with this tonight, but it does not look possible.

Chair Helm proposed the board continue the public hearing until tomorrow morning, as the Board are all in conceptual agreement with the concepts but not the specific language to include in a motion.

Jen McCourt asked about getting a letter that says the Steproe property is in compliance with the lot line adjustment. Ms. St. John explained that Ms. McCourt has asked for a letter, but that the Planning Board cannot issue a letter about compliance because the subdivision has not yet been approved. Ms. McCourt thanked the Board for considering to continue the public hearing until tomorrow, Wednesday- September 24th. Chair Helm noted that the Planning Board has a meeting already scheduled for tomorrow. He asked whether enough board members could attend a meeting at the Town Hall tomorrow at 10 AM. He noted the board will need a quorum.

MOTION WAS MADE (Paul Gorman) AND SECONDED (Liz Meller) to continue the public hearing and discussion on the application until tomorrow morning, Wednesday, September 24th at 10:00 AM at the Town Offices. THE MOTION PASSED UNANIMOUSLY.