



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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TO: New London Planning Board
Board of Selectmen

FROM: Lucy A. St. John, AICP
Planning and Zoning Administrator

DATE: June 20, 2017

RE: Cherry Hill Subdivision- Hall Farm, Seamans and Blueberry Lane
Letter from Roderick Marshall, 98 Blueberry Lane
Letter from John Langill, Cherry Hill Homes

Applicant was Cherry Hill Homes, John Langill. Property owned at the time of the application was Seamans Road Realty Trust, Martha Peyser, Trustee, c/o Tracey Barbern and Mary and James Steproe.

Subdivision discussed at several Planning Board meetings including:

- July 22, 2014
- July 29, 2014 Site Walk
- August 26, 2014
- September 23, 2014
- September 24, 2014 (approved with conditions, see attached Notice of Decision).

Independent Engineering Review conducted by Clough Harbor Associates (CHA).

Staff report provided to the Planning Board dated July 22, 2014.

Like other subdivisions plans, it is not uncommon for abutters to attend the public hearings or provide written comments for the record. Several abutters commented at the 2014 public hearings, but no written comments were provided by Mr. Marshall, and he didn't attend the meetings. He and his brother Gordon, did come into the office to review the files, and expressed concern about the Balin subdivision that was approved years ago. Although, I can't recall any specific dates, I did talk with Rod and Gordon Marshall, and pulled several files from the basement for them to review. Much of their concerns focused on how Balin was allowed to subdivide years ago, and Mr. Marshall referring to it as a "midnight" subdivision approval. Only the record, can attest to the action of the Planning Board at that time.

Key issues of concern identified in Roderick Marshall's letter of June 11, 2017:

- ✓ Driveway regulations, not followed
- ✓ History of apparently improper Planning Board decisions with respect to this location (referring to Blueberry Lane)

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Re: Cherry Hill Subdivision approved Sept 2014
Letter from Rod Marshall, Blueberry Lane
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- ✓ Impact on Marshall property
- ✓ Traffic impact on Blueberry Lane
- ✓ Six problems identified

Driveway Regulations, Section II- Standards, and 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 exceed 500 feet, no more than three driveways shall be constructed.

RSA 677:15, Court Review- The appeal period for a Planning Board decision (30 day appeal period) has passed.

Mr. Marshall has also expressed concern about how this subdivision will devalue his property and the increased traffic on Blueberry Lane. Indeed the neighborhood has changed, and the additional lots will create more traffic, but the new lots are allowed, and like the all the other property owners on Blueberry Lane, they all have the right to access their property.

Information regarding the history of the previous subdivisions located off of Blueberry Lane are discussed in the June 17, 2017 response letter signed by John Langill. Per the information submitted with the subdivision application, the independent review conducted, input from Town Departments and the June 17, 2017 response letter, I do not believe the Planning Board acted in error when approving the Subdivision Plan of 2014.

Attachments:

- ✓ Notice of Decision, Planning Board- September 24, 2014. Subdivision approved with conditions.
- ✓ Letter to Planning Board dated June 11, 2017 from Roderick Marshall, Trustee of the Andy Marshall Revocable Trust of 2012. Letter received June 13, 2017. Petition for Reconsideration of Planning Board Decision granting subdivision on property on Seamans Road, designated Lot 22, bounded on east by Blueberry Lane and of prior grants of multiple party access through one driveway, in contravention of Planning Board rules and regulations.
- ✓ Letter to Planning Board dated June 17, 2017 from John L. Langill, President Cherry Hill Homes. Response to the letter from Roderick Marshall received by the Town June 13, 2017 (see above).



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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.

