

CHERRY HILL HOMES

INCORPORATED

June 17, 2017

Planning Board of the Town of New London
New London Town Hall
375 Main Street
New London, NH 03257



RE: Petition for Reconsideration of Planning Board Decision submitted by Roderick Marshall dated June 11, 2017

Dear Chairperson and Members of the Planning Board:

Prior to application for the subdivision and lot line adjustment of the property known as Tax Map 086-22 and 086-21 bounded by Hall Farm Road, Seamans Road and Blueberry Lane, Cherry Hill Homes, Inc. through its agents Mc Court Engineering Associates and Joseph M. Wichert LLS, Inc. investigated and confirmed location and use of the 50 foot right of way at the end of Blueberry Lane.

Please find enclosed the following documents:

- A. A Warranty Deed recorded on 10/28/2014 at the Merrimack County Registry of deeds conveying the portion of the property, Tax Map 086-22, conveyed to Samuel Drive LLC. Please note under the Meaning And Intended provision:

"TOGETHER WITH a permanent right of way and easement for the passage of men, teams and vehicles, over the 50 foot wide proposed future road from the Northeasterly terminus of the Blueberry Lane road to the land now or formerly of Nash".
- B. A Warranty Deed recorded on 06/05/2003 conveying the same property to Martha S. Peyser. Please note the language in the second to last paragraph which reads:

"Also granting to said Martha S. Peyser, her heirs and assigns, a permanent right of way and easement for the passage of men, teams and vehicles, over the 50 foot wide proposed future road from the Northeasterly terminus of the Blueberry Lane road to the land of Nash. See a deed From Gladys B. Sawyer to John L. Ballin and Elizabeth B. Ballin dated September 15, 1963 and recorded in the Merrimack County Records, Book 927, Page 353, wherein Gladys B. Sawyer reserved this permanent right of way for herself and her heirs and assigns".
- C. Plan number MNL-226 dated Sept. 9, 1963 prepared by Sherman M. Morey, Civil Engineer for the Ballin Property where the 50 foot right of way is described as a ***"Proposed Future Road"***.
- D. Plan #14761 Recorded June 14, 1999 for the division of the land of Lawrence B. and Anne R. Ballin and Robert F. and Timothy Poh where the ***50' R.O.W.*** is located with further reference.

Three of these documents describe the right of way as a "50 foot wide proposed future road ". Nowhere in these documents is the 50' R.O.W. referred to as a "logging road" as Mr. Marshall alleges. Furthermore, as evidenced in these documents, Mr. Marshall is incorrect when he states:

"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".

The deeds to this property grant the *permanent right of way and easement for the passage of men, teams and vehicles* to Grantee.

Finally, the foundation for Mr. Marshall's Petition for Reconsideration is flawed by his incorrect interpretation of the Town of New London Driveway Regulation which reads as follows:

"SECTION III - STANDARDS A. 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."

This Driveway Regulation pertains to one property being serviced by multiple driveways. The Blueberry Lane 50" right of way is one driveway, *common or shared*, serving multiple lots.

Cherry Hill Homes, Inc. requests that the Planning Board stays Mr. Marshall's Petition Reconsideration in this matter as his allegations regarding the use of the Right of Way are not substantiated with fact and interpretation of the New London Driveway Regulation is flawed.

Sincerely,



John L. Langill

President

Cc: Town of New London Board of Selectmen
Lucy St. John, Planning Board Administrator
Richard Lee, Public Works Director

Four Enclosures

(A)

Docket Number: 201400018435
Recorded in Merrimack County, NH
Kathi L. Guay, CPO, Register
BK: 3459 PG: 2334. 10/28/2014 2:20 PM
LCHIP \$25.00 RECORDING \$14.00
TRANSFER TAX \$4,350.00
SURCHARGE \$2.00

UPON RECORDING, PLEASE RETURN TO:
Granite State Title Services, LLC
P.O. Box 1137
Concord, NH 03302-1137
ATTN: Sharon Zavorotny

MERRIMACK COUNTY RECORDS
Kathi L. Guay, CPO, Register

1449
2009
25

4350.00 WARRANTY DEED

I, **MARTHA S. PEYSER**, a single woman, of 11346 SW Cedar Avenue, Arcadia, Florida 34269, for consideration paid, grants to **SAMUEL DRIVE, LLC**, a New Hampshire limited liability company, having an address of 559 Pembroke Street, Pembroke, Merrimack County, New Hampshire 03275, with **WARRANTY COVENANTS**, a certain tract of land, situated in New London, Merrimack County, New Hampshire, more particularly described as follows:

Beginning at a corner of stone walls on the Northeasterly side of Seamans Road, said point of beginning being the Northwest corner of the tract herein conveyed at land now or formerly of one Hall; thence North 46° East one thousand three hundred fifty (1350) feet, more or less, along a stone wall and along land of said Hall to an iron pipe in the stone wall; thence South 39° East one thousand two hundred thirteen (1213) feet, more or less, along a wire fence initially and then along a stone wall all along land now or formerly of one Nash to an iron pipe in a wall; thence South 38° West two hundred seventy-eight (278) feet, more or less, along the Northwesterly side of Blueberry Lane to an iron pipe at land now or formerly of one Smith; thence North 27° 30' West one hundred four (104) feet, more or less, along land of said Smith to an iron pipe; thence South 37° West two hundred twenty-six (226) feet, more or less, again along land of said Smith to an iron pipe; thence North 44° West one hundred (100) feet, more or less, again along land of said Smith to an iron pipe; thence South 37 1/2 ° West eighty-nine (89) feet, more or less, again along land of said Smith to an iron pipe, and continuing on the same course two hundred sixty-six (266) feet, more or less, along land now or formerly of one Petersen to an iron pipe; thence Southwesterly two hundred (200) feet, more or less, again along land of said Petersen to the Northwesterly side of Blueberry Lane; thence South 27° West fifty (50) feet, more or less, along the Northwesterly side of Blueberry Lane to land now or formerly of one Ivensen; thence Northwesterly two hundred (200) feet, more or less, along land of said Ivensen to an iron pipe; thence South 37° West four hundred thirty (430) feet, more or less, again along land of said Ivensen to a stone wall on the Northeasterly side of Seamans Road; thence Northwesterly one thousand two hundred eleven (1211) feet, more or less, along the Northeasterly side of Seamans Road and along a stone wall to the point of beginning. Estimated to contain 34 acres, more or less.

MEANING AND INTENDING to describe and convey the same premises conveyed to Martha S. Peyser by deed dated May 28, 2003 and recorded in the Merrimack County Registry of Deeds at Book 2513, Page 535.

TOGETHER WITH a permanent right of way and easement for the passage of men, teams and vehicles, over the 50 foot wide proposed future road from the Northeasterly terminus of the Blueberry Lane road to the land now or formerly of Nash.

SUBJECT TO any easements, conditions, covenants, restrictions and any other matters of record to the extent in force and applicable, including, without limitation current use taxation as evidenced by the Notice dated November 2, 1998 and recorded in the Merrimack County Registry of Deeds at Book 2127, Page 577.

EXECUTED this 23 day of OCTOBER, 2014.

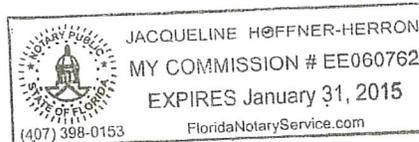
Martha S. Peyser
Martha S. Peyser

STATE OF FLORIDA
COUNTY OF Charlotte

This instrument was acknowledged before me on this 23 day of October, 2014 by Martha S. Peyser. The identity of the subscribing parties were determined by (check box that applies and complete blank line, if any):

- My personal knowledge of the identity of said persons OR
 The oath or affirmation of a credible witness, Tracey Barberena (name of witness), the witness being personally known to me OR
 The following identification documents:
 Driver's License
 Passport
 Other: _____

Jacqueline Hoffner-Herron
Notary Public/Justice of the Peace
Name: Jacqueline Hoffner-Herron
My Commission Expires: Jan. 31, 2015



King & NAVINS, PC
20 William St
Wellesley, MA
02421

Doc# 511247
Book: 2513
Pages: 535 - 537
Filed & Recorded
06/05/2003 10:21:15 AM
KATHI L. BURY, CPO, REGISTER

(B)

STATE OF NEW HAMPSHIRE
DEPARTMENT OF REVENUE ADMINISTRATION REAL ESTATE TRANSFER TAX
THOUSAND HUNDRED AND 40 DOLLARS
06/05/2003 605699\$ 40
VOID IF ALTERED

MERRIMACK COUNTY REGISTRY OF DEEDS
RECORDING \$ 18.00
SURCHARGE \$ 2.00
TRANSFER TAX \$ 46.00
POSTAGE \$ 0.23

Book 2513 Page 535

18.23
2-

WARRANTY DEED

40.00

I, MARTHA S. PEYSER, Trustee of SEAMANS ROAD REALTY TRUST under Declaration of Trust dated February 3, 1998, and recorded with Merrimack County Records, Book 2086, Page 687, for and in consideration of One Dollar (\$1.00), grant to MARTHA S. PEYSER, whose address is 317 Spring Lake Boulevard, Port Charlotte, Florida, 33952, with **WARRANTY COVENANTS**, a certain tract or parcel of land situated in New London in the County of Merrimack and State of New Hampshire, bounded and described as follows, to wit:

Beginning at a corner of stone walls on the Northeasterly side of Seamans Road, said point of beginning being the Northwest corner of the tract herein conveyed at land now or formerly of one Hall; thence North 46° East one thousand three hundred fifty (1350) feet, more or less, along a stone wall and along land of said Hall to an iron pipe in the stone wall; thence South 39° East one thousand two hundred thirteen (1213) feet, more or less, along a wire fence initially and then along a stone wall all along land now or formerly of one Nash to an iron pipe in a wall; thence South 38° West two hundred seventy-eight (278) feet, more or less, along the Northwesterly side of Blueberry Lane to an iron pipe at land now or formerly of one Smith; thence North 27° 30' West one hundred four (104) feet, more or less, along land of said Smith to an iron pipe; thence South 37° West two hundred twenty-six (226) feet, more or less, again along land of said Smith to an iron pipe; thence North 44° West one hundred (100) feet, more or less, again along land of said Smith to an iron pipe; thence South 37 1/2° West eighty-nine (89) feet, more or less, again along land of said Smith to an iron pipe, and continuing on the same course two hundred sixty-six (266) feet, more or less, along land now or formerly of one Petersen to an iron pipe; thence Southwesterly two hundred (200) feet, more or less, again along land of said Petersen to the Northwesterly side of Blueberry Lane; thence South 27° West fifty (50) feet, more or less, along the Northwesterly side of Blueberry Lane to land now or formerly of one Ivensen; thence Northwesterly two hundred

(200) feet, more or less, along land of said Ivensen to an iron pipe; thence South 37° West four hundred thirty (430) feet, more or less, again along land of said Ivensen to a stone wall on the Northeasterly side of Seamans Road; thence Northwesterly one thousand two hundred eleven (1211) feet, more or less, along the Northeasterly side of Seamans Road and along a stone wall to the point of beginning. Estimated to contain 34 acres, more or less.

Also granting to said MARTHA S. PEYSER, her heirs and assigns, a permanent right of way and easement for the passage of men, teams and vehicles, over the 50 foot wide proposed future road from the Northeasterly terminus of the Blueberry Lane road to the land of Nash. See a deed from Gladys B. Sawyer to John L. Ballin and Elizabeth B. Ballin dated September 16, 1963, and recorded in Merrimack County Records, Book 927, Page 353, wherein Gladys B. Sawyer reserved this permanent right of way and easement for herself and for her heirs and assigns.

Being the same premises conveyed to the Trustees of SEAMANS ROAD REALTY TRUST, by deed dated February 3, 1998 and recorded with Merrimack County Records, Book 2086, Page 696.

WITNESS my hand and seal this 28th day of May,
2003.

Martha S. Peyser
Martha S. Peyser, Trustee

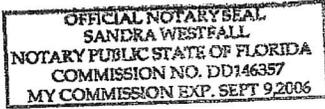
STATE OF FLORIDA

Charlotte, ss

May 28, 2003

Then personally appeared the above-named MARTHA S. PEYSER, Trustee as aforesaid, and acknowledged the foregoing instrument to be her free act and deed, before me,

Sandra Westfall
Notary Public



My Commission expires:

Sept 9, 2006

H03.040

MCRD

MERRIMACK COUNTY RECORDS

Kath L. Gray, CPO, Register

2

BALLIN

357°30'W — 656'

24" PIPE
TREE

WATER CURVE

LARGE MAPLE TREE

BALLIN PROPERTY

(FORMERLY G. T. SAWYER)

NEW LONDON, N.H.

SHERMAN M. MOREY
CIVIL ENGINEER

SCALE
1" = 50 FT

DATE
SEPT. 9, 1963

PLAN No.
MNL-266

SAWYER

N 46° 19' W - 713.2

N 55° 25' E - 140.6

50.2
N 47° 41' W

N 41° 01' E - 202

S 41° 10' 30" E - 1298.5

LASH

LARGE MAR. C. TREE

26

