

APPROVED

Aka-Rocky
3 Ridge

III. HARRY SNOW – Continued Final Major Subdivision

(Tax Map 106, Lot 13)

Harry Snow, owner-developer, and Peter Blakeman (Blakeman Engineering, Inc.) were present.

Peter Blakeman advised that the plans presented were revised after review by Richard Lee, Director of the New London Department of Public Works, and the PB subcommittee for the Rocky Ridge of New London.

Mr. Blakeman pointed out that there had been an addition to the Conservation Notes on the plan regarding implementation of Low Impact Drainage (LID) techniques. He also advised that each lot would be reviewed for erosion control measures. He said that Public Works Director Lee had made editorial changes to many of the "Notes".

Mr. Blakeman advised that the culverts had been designed for 25-year storms; however, the size of the pipe at entrance to the subdivision had been increased from 24 inches to 30 inches. He said that detail regarding sediment control had also been added to the plans. He said that a 10'x 20' "four bay" would be used to catch silt before it could enter the fire pond. Mr. Blakeman reported that Fire Chief Jay Lyon had asked that the depth of the pipe in the fire pond be adjusted so that it would be six (6) feet from the top of the pond to reduce the risk of freezing. He said that Chief Lyon had also recommended that a sign designating the fire lane be erected. Mr. Blakeman said that subdivision and "dredge and fill" permits from the NH Department of Environmental Services (DES) were pending. PB member Cottrill asked what the 30-inch pipe at the entrance would do for a 50-year storm. Mr. Blakeman replied that it would bring it down six (6) inches below the surface of the road. PB member Conly said that the property received a considerable amount of runoff from Bog Road.

Chair Ebel reported that the PB subcommittee had met and a draft of the Minutes had been included in the materials provided to the PB for that evening's meeting. She said that the subcommittee had discussed enforcement of the covenants and restrictions. She advised that Gerald Rogoff (583 Forest Acres Road) had sent an e-mail to the PB asking that the PB include a stipulation that the Rocky Ridge covenants include a ban on floating docks, and if that was not possible, that the covenants state that no pond access by Rocky Ridge owners and residents would be permitted over his property along Bog Road.. Chair Ebel advised that making such a stipulation was not within the purview of the PB. PB members were provided with copies of a letter to Harry Snow asking him to prohibit Rocky Ridge landowners from using floating docks. Chair Ebel asked Mr. Rogoff if he would like to speak on this issue.

Gerald Rogoff stated that he had worked with the Kellners for a long time to develop covenants and restrictions that would reflect their wishes. He opined that the idea of floating docks was not in keeping with the covenants or the Kellners' wishes. He advised that the Bog Road launch area was not public; rather, the property belonged to him and his wife. He said that, absent any stipulation banning floating docks, he planned to place restrictions on access to the boat launch area in order to accomplish what the PB could not. He said that the Rocky Ridge document should indicate that Rocky Ridge property owners and residents would not be permitted to use the Bog Road pond access area. Chair Ebel asked how much property the Rogoffs owned. Mr. Rogoff replied that they owned a corner lot up to the culvert to property owned by Brown from the water to Bog Road. PB member Ballin asked if the Rogoffs had allowed others to have access to the boat launch. Mr. Rogoff responded affirmatively. PB member Cook asked, and received, confirmation that the prohibition would only apply to Rocky Ridge property owners and residents. Chair Ebel stated that the matter was between the Rogoffs and Rocky Ridge of New London; however, she wanted Mr. Rogoff to have the opportunity to state his position. Mr. Snow did not comment on the matter.

It was **MOVED** (Conly) and **SECONDED** (Ballin) **THAT THE FINAL SITE PLAN FOR ROCKY RIDGE OF NEW LONDON (TAX MAP 106, LOT 13) BE APPROVED, SUBJECT TO (1) SUBMISSION OF A COST ESTIMATE FOR SITE IMPROVEMENTS FOR REVIEW BY THE DIRECTOR OF PUBLIC WORKS, (2) ACCEPTANCE BY THE PB OF THE TYPE AND AMOUNT OF SECURITY, (3) RECEIPT OF NH DEPARTMENT OF ENVIRONMENTAL SERVICES (DES) APPROVAL TO SUBDIVIDE AND DES WETLANDS APPROVAL, AND (4) FINAL ACCEPTANCE OF THE BY-LAWS AND COVENANTS. THE MOTION WAS APPROVED UNANIMOUSLY.**

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Vaughn Cate Grubbs asked if everyone in the family were willing to take the risk that the regulations might change and that willingness were to be put in the deeds, would the PB approve. Chair Ebel and PB member Clough both replied that the PB would like the entire plan to be approved now. Ms Darrow asked if it would be possible to get PB approval contingent upon the Cates getting all of the necessary permits.

Mr. McWilliams asked if time was an issue. Ms Grubbs advised that she and her husband, Mark Grubbs, wanted to build now and wanted to have ownership of a full 13 acres in order to benefit from "current use" regulatory protections. She said that the property was currently owned by a trust. Zoning Administrator Peter Stanley advised that the "yellow-house" lot was eligible for a building permit now. He said that the lot made no impact on wetlands. Chair Ebel opined that the issue for the Grubbs was one of building a house on land they didn't officially own and that she understood why they were uncomfortable. Ms Grubbs agreed. Mr. McWilliams advised that, if the object was to have the plat signed and recorded, all requirements must be met and all permits approved anyway, so the approval that night wouldn't help the situation much. He said that there would be no advantage to an approval with contingencies. Chair Ebel opined that the applicants now knew what would be required and they needed to get the engineering completed. She reiterated that ownership was an issue.

III. HARRY SNOW - Continued Preliminary Major Subdivision: 7 Lots (Tax Map 106, Lot 13)

Harry Snow was accompanied by Peter Blakeman (Blakeman Engineering, Inc.).

Chair Ebel reported that the PB subcommittee on the proposed Snow subdivision had met on January 8, 2007. She advised that the biggest issues to be addressed were buffering the wetlands and where the buildings would be located on Lots 1 and 2.

Mr. Blakeman pointed out changes that had been made to the original plan that was presented to the PB. He advised that the entrance road had been moved further up Bog Road, so that it was no longer opposite a house. He noted that a fire pond had been added and that building envelopes on Lot 1 and Lot 2. He said that the lot line between Lot 2 and Lot 3 had been also been adjusted. Mr. Blakeman advised that the colored plans distributed identified the wetland buffer and the crosshatched area closer to Messer Pond identified the proposed wetland buffer that Mr. Snow would take to the Zoning Board of Adjustment (ZBA) for a Special Exception

Chair Ebel said that the lavender-colored area on the plan represented the 100-foot wetland buffer required by the regulations. She stated that the subcommittee had followed the recommendation of the enforcement officer to draw a straight line along Bog Road. She advised that Mr. Blakeman would present the plan to the ZBA for a waiver. She said that he would not have to ask for a Special Exception for the fire pond on Lot 1, because that was a permitted use in a wetland buffer under the regulations. Chair Ebel advised that the subcommittee had also discussed putting a dry hydrant on Bog Road, not where one was placed on the plan presented.

Mr. Blakeman stated that the building envelopes followed the proposed subdivision regulations and that the proposed lots met setback and size requirements. Chair Ebel noted that Lots 1 and 2 were located closer to the scrub-shrub area, so building envelopes were definitely desirable. Mr. Blakeman responded that the justification for the placement of the building envelopes was that the forested wetlands on Lot 1 were no different from many other wetlands in town that were not buffered. He said that the plan presented was a compromise that provided a little more buffer than Mr. Snow wanted and a little less than the PB wanted. Chair Ebel agreed that the compromise was acceptable and that Mr. Snow could go to the ZBA with the PB's support, if the rest of the PB members were agreeable.

Chair Ebel advised that the subcommittee had wanted an erosion control plan for each building site; however, it appeared that all sites were in the 15% slope area that required erosion control plans anyway. Mr. Blakeman advised that erosion control plans would be submitted for the driveways, but detailed plans for the building sites would only be submitted with building permit applications. Chair Ebel stated that if the final sites were not on 15% slopes, the subcommittee had agreed that an erosion control plan would be required for each site anyway because of the subdivision's proximity to Messer Pond.

Chair Ebel advised that the subcommittee had discussed homeowners' association documents and items to be included, e.g., maintenance of the privately-owned fire pond and drainage swales, etc., as well as the 200-foot buffer requirement contained in the deeds. She said that the subcommittee had also discussed limiting fertilizer usage, except during development. She said that there was a question as to whether docks attached to the land would be permitted under the Kellner-Snow deed, so she contacted Town Counsel during the subcommittee meeting. Town Counsel had advised that such docks were considered structures and would not be permitted by the deed; however, floating seasonal docks would be permitted. Chair Ebel said they had also discussed cutting restrictions, but no decision had been reached. Mr. Snow disagreed with cutting restrictions. He opined that the property owners wouldn't want to cut everything on the wooded lots and that he certainly would not do it. Mr. Blakeman opined that with the level of protection provided along Messer Pond, no further restrictions were necessary. He opined that the slopes of 15%-20% would not encourage owners to cut. Chair Ebel said that the subcommittee was mindful of cutting on other sites around Messer Pond and could recommend inclusion of advisory language in the homeowners' association documents. Mr. Snow responded that he did not want additional restrictions. He argued that the building sites were far enough from the water, the size of the lots was well above the two acres required in the R-2 District, and there was already more protection than for any other subdivision in New London. Mr. Blakeman advised that Mr. Snow had not maximized lot development, i.e., the objective was not to get as many lots as possible on the property. Chair Ebel responded that the PB policy in the past had been to include any and all restrictions in the homeowners' association documents and in the deeds as well as on the plan. She stated that she had heard Messer Pond property owners express concern about cutting not just from an erosion control issue, but also due to concerns about visual impact. She said there was much consternation about the stripping of the area where many larger houses had been built by another developer.

Abutter Fred Kaufman (216 Bog Road) agreed that with the 200-foot buffer there might not be a need for cutting restrictions from an erosion standpoint. He called attention to the large visible yellow house on Woodland Trace with no trees around it. Chair Ebel replied that the PB subcommittee was cognizant of visual impact. Mr. Snow commented that the lot cited had been logged first and then the house was put on the lot. He opined that that approach was backwards. Mr. Snow reiterated that there would be adequate protection without the addition of cutting restrictions and that he would not cut the lots to the extent the other developer had done. Chair Ebel responded that the PB's concern was not with Mr. Snow, but with subsequent owners. She said that unless the approval contained cutting restrictions, there would be no way to control cutting in the future.

PB member Clough opined that the buffer on four of the lots provided protection, but on the other lots the PB could use protective language with regard to keeping some percentage of the upper lot wooded. She said that wooded areas also slowed erosion. Chair Ebel said that she understood Mr. Snow's position, but she was concerned about future owners, not him. She also stated that the cutting affected not just the pond, which was protected by the 200-foot buffer, but the wetlands, of which there were many on the site. She asked about the possibility of a 30% cutting restriction. PB member Conly opined that it appeared that the lake lots were adequately protected already because of all the buffering requirements. Chair Ebel said she agreed in theory, but asked Mr. Blakeman to calculate for each lakeside lot what percentage was actually protected. Mr. Blakeman agreed to do so. Mr. Conly said that he would like to codify Mr. Snow's plan for future protection as part of the approval.

Abutter Eleanor Angoff (64 Surrey Lane) asked about the buffer that provides green space below the yellow house along Fieldstone Lane. Several PB members advised that there was a view easement that provided a 100-foot green space between Fieldstone and Surrey Lanes.

Peter Blakeman advised that Mr. Snow was not interested in creating any new buffers. Mr. Snow responded that he had visited that lot the previous day and he estimated that there was about 150 feet between the building site and the edge of the property. Mr. Blakeman said that he was very reluctant to add buffering along property lines. PB member Cook asked if the property were wooded. Mr. Snow replied affirmatively. Ms Cook asked if Mr. Snow would leave the trees on the lot. Mr. Snow responded in the affirmative. He opined that protection was adequate. He said that there was kind of a natural wetland buffer on the property.

Ken McWilliams reported on issues raised at the meeting with municipal department heads. He said that Town Road Agent Richard Lee wanted the length of open ditches minimized, more culverts, and the use of fabric on soft soils to prevent erosion. He advised that the Fire Department wanted the turn-off for the dry hydrant paved for a truck pull-off. He also advised that the size of Lot 1 had been modified.

Chair Ebel asked if there was anyone from the Messer Pond Protective Association who wished to speak. Bob Crane (315 Forest Acres Road) said that the Association would like some percentage limit on cutting so that no clear-cutting could occur so houses could not be seen from Messer Pond. Mr. Snow replied that the houses would not be invisible. He opined that the lots would be more "tree-d" than any other lots on Messer Pond. Mr. Crane responded that he was happy with what he had been hearing. Abutter Kaufman suggested running a poll to determine the amount of cutting and requiring the homeowners' association to approve the color of houses.

Chair Ebel asked Mr. Blakeman if he wanted to continue the Preliminary Site Plan Review (SPR) to another meeting of the PB or if he wanted to proceed to a Final SPR. Ken McWilliams advised that development of homeowners' association documents need to start earlier than Final SPR. Mr. Snow responded that he planned to start on the homeowners' association documents the following week and that he planned to use the Snowcrest documents as a template. Zoning Administrator Peter Stanley advised that the application needed to be presented to the Conservation Commission for review at least 30 days before going to the ZBA for a Special Exception. Chair Ebel recommended continuation of the Preliminary SPR. She elicited a "sense of the PB" regarding the subcommittee's recommendation that the application be sent to the ZBA with the support of the PB. She also elicited a "sense of the PB" regarding cutting restrictions and advisory language re leaving healthy stands of trees. PB members agreed with both principles.

It was **MOVED** (Hollinger) and **SECONDED** (Cook) **THAT THE PROPOSED SNOW SUBDIVISION BE REFERRED TO THE ZONING BOARD OF ADJUSTMENT FOR A SPECIAL EXCEPTION TO THE WETLAND BUFFER REQUIREMENTS WITH THE SUPPORT OF THE PLANNING BOARD. THE MOTION WAS APPROVED UNANIMOUSLY.**

Mr. Blakeman advised that he wanted to proceed directly to a Final SPR. Mr. McWilliams recommended that the applicant work with the PB subcommittee on outstanding issues.

**IV. ROBERT DALEY (35 LITTLE SUNAPEE ROAD, LLC) – Continued Preliminary Site Plan Review:
Parking (Tax Map 60, Lot 3)**

Ken McWilliams advised the PB that Robert Daley had requested a continuation of the Preliminary Site Plan Review (SPR) for parking at 35 Little Sunapee Road to January 30, 2007.

PB member Cottrill opined that it seemed as if the agenda for the January 30, 2007 meeting of the PB was very full and recommended that if that was the case, Mr. Daley's continuance be scheduled for another date. Mr. McWilliams reviewed the items already scheduled for the January 30, 2007 PB meeting. Mr. Cottrill recommended continuing Mr. Daley's SPR to February 13, 2007.

It was **MOVED** (Conly) and **SECONDED** (Hollinger) **THAT THE CONTINUED PRELIMINARY SITE PLAN REVIEW: PARKING AT 35 LITTLE SUNAPEE ROAD BE CONTINUED TO TUESDAY, FEBRUARY 13, 2007 AT 7:30 PM. THE MOTION WAS APPROVED UNANIMOUSLY.**

V. PUBLIC HEARING ON ZONING AMENDMENTS PROPOSED BY THE PLANNING BOARD FOR CONSIDERATION OF THE VOTERS IN MARCH 2007

Chair Ebel opened the Public Hearing by outlining the procedures to be followed in discussing the proposed zoning amendments. She advised members of the audience that copies of the proposed amendments were available in the hallway near the entrance to the Sydney Crook Meeting Room. She further advised that the document showed the changes to specific zoning amendments by a combination of highlighting the proposed new language and striking out of the existing language to be deleted.

Resident Judy Chapin (267 Lamson Lane) objected to holding the public hearing at 9:00 PM. She said that the hearing should have been held when the public could attend. She said that elderly people could not attend hearings at so late an hour. Chair Ebel stated that the public hearing was "Noticed" for 7:00 PM, so the PB hadn't actually scheduled the hearing for 9:00 PM. She also stated that, although she wasn't certain, she