



Aug 9, 2011

Wallula Subdivision

TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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PLANNING BOARD  
APPROVED MEETING MINUTES  
August 9, 2011

**PRESENT:** Tom Cottrill (Chair), Tina Helm (Selectmen's Representative), Jeff Hollinger (Vice-Chair), Michele Holton, Paul Gorman (Secretary) and Peter Stanley (Planning & Zoning Board Administrator)  
**NOT PRESENT:** John Tilley, Deirdre Sheerr-Gross (Alternate), Emma Crane (Conservation Commission Representative), Michael Doheny (Alternate)

Chair Cottrill called the meeting to order at 7:00pm.

Thomas Little Subdivision

Mr. Stanley showed a slide of the Little subdivision. State regulations now say a man-made ditch can be modified without notifying DES. New London still has its own regulations, however. He indicated that Mr. Little is proposing to maintain some of the original drainage, but wishes to create a new ditch which will drain into the same wetland that it was destined to travel to initially. It is just going in a different path. Mr. Stanley wondered if the Planning Board would consider this a minor change or if they would be required to amend the subdivision to show the new arrangement. Mr. Stanley and Mr. Lee (Public Works Director) have no problem at all with this new plan as the water is going in the same place. He said that the Littles will still need to go to the ZBA with regard to the ditches that will be needed. He thought they should require the necessary easements in place to the Town, and easements for access to the ditch for maintenance in the future.

It was noted that the Littles were the owners of the property down the hill from where this drainage would take place. Mr. Stanley said that if they don't consider this a minor change, the Littles would need an amended plan to be recorded. Chair Cottrill and the rest of the Planning Board felt that this seemed to be a very minor change and they would approve of their plans without amending the subdivision.

Wallula – Natural Woodland Buffer

Mr. Nathan Fogg, from Jesseman Associates was present to present their concerns regarding whether they were able to build within some of the building envelopes, which overlap with the Natural Woodland Buffer. There is a disagreement as to whether they can alter the natural woodland buffer along the lots along the road (lots 1, 2, 3 and 16). They would like some confirmation of the building envelopes from the approved subdivision of 2009. The following was read to the PB by Mr. Fogg:

9 August 2011

*Camp Wallula - Natural Woodland Buffer Clarification*

*We are before you this evening to ask for your confirmation of the approved building envelopes from the Camp Wallula Subdivision, approved on May 26, 2009 and that the Natural Woodland Buffer area is alterable within the limits set forth in the Shoreland Overlay District of your Zoning Ordinance.*

*Just as a quick recap of the Camp Wallula subdivision process.  
The subdivision was a re-subdivision of a "Planned Unit Redevelopment" that*

\* was originally approved back in 1971. The camp existed for many years prior to the 1971 subdivision. One of the goals of the 2009 subdivision was to 'as close as reasonably possible' keep the new subdivision the same as the original 1971 subdivision. Some lots were reconfigured to create road frontage, provide perimeter buffer areas, and similar improvements. A clear goal of this subdivision was to NOT substantially change the buildable area of the lots. 10 of the 17 lots have the same, or smaller, buildable area.

Lots 1, 2, 3 & 16 have buildable area within the Natural Woodland Buffer section of the Shoreland Overlay District. The Undisturbed Natural Woodland Buffer was shown on Sheet C-7 as it existed at the time of re-subdivision in 2009 to provide an historical reference as of the date of subdivision. Our understanding at the time of the subdivision was that the Natural Woodland Buffer could be altered as long as the Shoreland Overlay District regulations were upheld. Lots under 1/2 acre must have 25% of the Natural Woodland Buffer left undisturbed. Lots over 1/2 acre in size must keep 50% of the Natural Woodland Buffer undisturbed.

The table shown in Note 4 on Sheet C-7 lists the buildable area as approved, the original buildable area, and for the lots within the Natural Woodland Buffer Zone, the existing percentage of Undisturbed Natural Woodland Buffer. The Subdivision's "Declaration of Restrictive Covenants" have restrictions in addition to the town regulations. No trees greater than 4" in diameter can be cut within 10 feet of the lot lines.

\* We believe that the building envelopes shown on Sheet C-4 can be utilized on lots 1, 2, 3, & 16, as approved by the Planning Board, provided that the Shoreland Overlay District regulations are not violated for the individual lot being re-developed.

The Undisturbed Natural Woodland Buffer was shown on Sheet C-7 to document the existing status of the buffer at the time of subdivision, not to 'lockin' the existing buffer. The plan allowed the planning board and building officials to have a record of what was existing at the time of subdivision.

\* Each lot should be evaluated on it's own merits. Lots 2, 3, & 16 exceed the current standards set forth in the Shoreland Overlay District. These lots should be allowed to remove trees as necessary for re-development, provided the Shoreland standards are not exceeded. Lots 1 and 17 [the common area] do not meet the minimum standards and cannot have further alteration of the Undisturbed Natural Woodland Buffer because they do not meet the minimum standard.

We ask that you confirm that the individual approved lots be judged on their own merits and not as a whole.

\* Mr. Stanley said when going through the subcommittee meetings for the 2009 subdivision, he made a particular point of requesting that the undisturbed areas be designated on the design so they would remain so. This was done. The rough calculations he came up with showed over 6,000 square feet of impervious surface, which shows that 52% of the area not devoted to impervious surface was undisturbed woodland buffer. The contention he has made is that if they wish to change this percentage, they need to come to the Planning Board. The question is whether different standards apply to individual lots versus the common land. Mr. Stanley asked for clarity from the Planning Board. If they cut as much as what they wish, they will have a narrow strip at the end of each lot which is not cleared. That wasn't what he thought they wanted to do from the beginning. This subdivision is a PUD and each lot does not stand alone. Each lot is part and parcel of the common land as that is how they satisfy the density requirement. Mr. Stanley was of the opinion that if the applicant wanted to change anything at all, that they would have to come before the Planning Board.

Mr. Fogg said that the main concern is with lots 2 and 3 and he added that they respectfully disagree with Mr. Stanley and felt that each lot stood alone and said that the plan shows the area as “undisturbed area” not “wooded area.”

Mr. Brad Cook, attorney representing Wallula, said he had no idea what the question was, based on what he has heard thus far. When the Planning Board approved the Wallula subdivision, they approved 17 units and 19 lots. For each lot, they approved a building envelope which is smaller than the lot. Mr. Cook said that the reasoning for this was in an effort to keep whatever constructed on the lot to be about the same size as what had been built in 1971. He understood that Mr. Bottinger was requesting confirmation about being able to build within the building envelope, as there were/would be potential customers who would want to know.

X X

Mr. Bottinger said the building envelope goes right into the no-cut zone on lot 3. Mr. Cook said that the Planning Board approved a building envelope. The question is: did they mean it? Can they really build in the designated area? They went through a careful process to come up with these plans and wonders if it can be done.

X X

Mr. Hollinger asked why this wasn't brought up when going through the approval process. He said that he thought it had been covered. Mr. Hollinger also wondered if a development like this would be allowed today had it not been started in 1971. Mr. Stanley said that it would not.

Mr. Stanley said the PB didn't approve just the building envelopes for each lot. They approved the entire subdivision with all the plans and all the issues. He reiterated that the plan that was approved is what he is going by and if someone wants to do something different than the plan, they would have to come back to the Planning Board. He believed that this area was the undisturbed natural area that helped to meet the zoning requirements at the time. It was perfectly acceptable to adjust the locations of the buffer, but he didn't think that they could take each lot out of the context of the plan. He wasn't comfortable changing anything that wasn't on the plan.

X X

Mr. Fogg said that Mr. Stanley feels that this is what was approved as a natural woodland buffer, but he (Mr. Fogg) felt that what was approved was a documentation of what was in existence at the time of the subdivision so that a new owner could not come cut the trees and claim the trees weren't there in the first place. Mr. Stanley disagreed and said that the plan says that the area in question is to be “undisturbed” and in the agreed-to terms required for the subdivision, these areas were not to be just areas that “might” be undisturbed.

Mr. Bottinger said that the building envelope was in fact included in the buffer zone. Mr. Stanley said that there are other things they have to consider, and cannot take the building envelope on this one lot out of context. Mr. Bottinger said how the building envelope sits within the buffer zone, makes it nearly impossible to build on the property. Ms. Holton agreed and said that this could fall under the “hardship” rule for whoever buys the lot. It is so extremely wooded and she opined that it could even be considered “unkempt.” She thought something should be done to change it. Mr. Stanley said that he agreed entirely but the way it was put in the plan, as it was planned out, it satisfies the woodland buffer for the site. He suggested creating some more undisturbed area by planting and leaving it alone, to allow for building into that designated undisturbed area. If they take out the undisturbed area, the overall the site will no longer meet the requirement for 50% undisturbed area.

X

Mr. Jesseman said that in the mid 1970's a subdivision was approved and the Town's attorney upheld that it was a legitimate subdivision that existed. When it came before the Planning Board, they agreed to do

X

whatever they could to adjust the lots to make it a better subdivision and come as close to the regulations as possible. They provided the building envelopes in which they could work. It would have been worse if they took the subdivision as-is and did nothing. He doesn't see why the PB doesn't accept their agreed-upon plan. Mr. Hollinger asked why they would not agree to re-plant in certain areas to uphold the undisturbed area.

X Mr. Cook said they've worked with New London to make the subdivision work. It has been successful and they have had a lot of sales. With regard to the lots in question, he did not believe that there had been any proposals thus far. If Mr. Stanley is saying to do some compensatory planting to make sure the building envelope can be used, they could all go home. They have no one who has made a proposal and were denied. Mr. Stanley said the Planning Board would still need to approve that compromise.

Mr. Bottinger said that the only land to plant on was the ball field or another space that was needed to keep snow in the winter. Mr. Stanley said he thought that if they only cut back the natural woodland buffer area to the setbacks and didn't go beyond it, there wouldn't be a lot of additional planting needed.

Mr. Stanley said that there is a legal issue here on how they interpret the law. He has to look at the regulations at face value. They have 50% undisturbed land now, which is the requirement for the overall subdivision. Mr. Stanley said if they plant somewhere to compensate, there wouldn't be a problem.

X Mr. Stanley said that each lot came together to satisfy certain requirements; each lot is not seen as separate. The smaller lots cannot be taken out of context of the entire subdivision. His issue is that he has to follow the law and that is his responsibility. If they choose to go under the requirement, they will need to go to the ZBA. If they allow cutting in the smaller lots, then the common land lot will be under the 50% requirement for undisturbed area. Ms. Holton asked how they can explain the PB approval of a plan with building envelopes where those building envelopes are not buildable. Mr. Stanley said it is an overall approval. Most of the lots have envelopes that are totally buildable. In the Shoreland zone, they are subject to those specific regulations, and this was made obvious from the get-go.

Chair Cottrill said that he was not prepared to make a decision at this point as there had been no preparation for this issue. He would like a set of plans for everyone to review along with all pertinent minutes of meetings and suggested Town Counsel review this situation.

Mr. Cook said to wait on this idea; if someone comes in to purchase a lot and wants to remove a portion of the undisturbed woodland buffer, and if they can replace it someplace within the area with a compensating amount that meets the criteria so the percentages are the same, would it be OK? If a real problem comes to them, rather than a theoretical problem, they'll come and ask for a solution to it. If they can find a way to replace 35 sq' with 35 sq' somewhere else, they will. Mr. Stanley said that is what they do with individual parcel of land that comes before him with an application, they designate the natural woodland buffer on their plans. These areas can be moved as long as they are replanted and he considers this a minor change as long as the net change is the same.

X It was decided to keep things as-is until a prospective buyer comes in with a plan showing the calculations and the location of plantings that can be made to compensate for what was requesting to be cut.

#### Hollinger/Paul Annexation

Mr. Stanley said that Mr. Hollinger has withdrawn his application so would not be going through with their annexation at this time.

Mr. Hollinger suggested that Public Works Director, Richard Lee be the one to inspect the site and the Board agreed.

Mr. Hollinger asked if fees such as these are charged to any large project in the Town. Mr. Stanley clarified that it would apply to all large projects. He also indicated that it was the Board of Selectmen who would decide what the fee structure would be. Mr. Stanley said there was a question on whether to bill the applicant or escrow the fees.

Mr. McWilliams said that the applicant will also need to estimate the cost for improvements and submit that to Richard Lee for review for determination of the security deposit to be provided to the town. The estimate should include coverage for items such as landscaping, lighting, parking, access, and drainage. Mr. Stanley added that before a building permit is issued, the applicant must provide that amount of security to the Town.

Chair Cottrill asked if there were any other comments. There being none, he asked for a motion.

**IT WAS MOVED (Jeff Hollinger ) AND SECONDED (Dierdre Sheerr-Gross) to approve the site plan for Colby-Sawyer College's Windy Hill School, contingent on Mr. Fogg's list of changes as presented, submission of the security deposit and the continued practice of stabilization of the staging area and the inclusion of notes on the plans to reflect staging area stabilization. THE MOTION WAS APPROVED UNANIMOUSLY.**

#### Other Business

##### *Letter from Wallula*

Mr. McWilliams noted that he had received a letter from Camp Wallula explaining that the NH Secretary of State has requested a letter from the town showing approval for the subdivision. He said that the Planning Board will need to authorize Chair Cottrill to sign that letter, drafted by Camp Wallula so that they could submit it to the Secretary of State. Mr. McWilliams said that this request appears to be something new that is being required by the State.

Mr. McWilliams further noted that Camp Wallula is filing their project with the Attorney General's office for condominium projects and that office has requested a more formal notice of decision than just a copy of the minutes from the meeting.

Chair Cottrill asked if there were any further comments. There being none, he asked for a motion.

**IT WAS MOVED (Tina Helm) AND SECONDED (Jeff Hollinger) to allow Chair Thomas Cottrill to sign the Wallula letter to give a formal notice of decision to the New Hampshire Secretary of State regarding the Wallula subdivision. THE MOTION WAS APPROVED UNANIMOUSLY.**

##### *Tree Cutting Requests*

1. Peter Stanley indicated that there was a tree cutting request at 273 Forest Acres Road, which is located on Messer Pond (Tax Map 118, Lot 13). Mr. Stanley said that the trees in question are in an extremely well-forested lot. The property owners are over the total points for each of the two segments of land. Mr. Stanley indicated that there are three trees that they would like to remove and they are all dead. He had reviewed the request and felt that it seemed very reasonable.

Chair Cottrill asked if there were any further comments. There being none, he asked for a motion.

**IT WAS MOVED (Dierdre Sheerr-Gross) AND SECONDED (Michael Doheny) to approve the tree cutting request for 273 Forest Acres Road. THE MOTION WAS APPROVED UNANIMOUSLY.**

# PB minutes June 23, 2009

**IT WAS MOVED, (Jeff Hollinger), AND SECONDED, (Emma Crane), to approve the final site plan for fill, after the fact, contingent on the work being done with the approval of the Public Works Director and the Zoning Administrator such that slopes are lessened as much as possible, runoff is reduced, the slope adjacent to the Donohue property to the south is reduced as much as possible without further disrupting vegetation, that the driveway be pitched in such a way to direct runoff away from the abutter's property to a level spreader to a lower area of the property where appropriate, and that the site be seeded and planted as directed by the Public Works Director and Zoning Administrator using a plan that would minimize erosion, that abutter, Mr. Donohue, be notified of on-site meetings, and to have said project be completed by July 31, 2009.**  
**THE MOTION WAS APPROVED UNANIMOUSLY.**

## **8. John McKenna – MYLAR for Survey Plat - for Easement for New London-Springfield Water Precinct**

Ken Jacques, chair of the New London-Springfield Water Precinct Board came to the PB to request the PB sign a MYLAR to register an easement that had not been registered previously. He explained that they have an easement on Colby Point for a well-field, pump station, and access to the well-field. In 1994 the precinct imposed an eminent domain petition to the Cleveland Corp. in order to obtain that easement. The easement was eventually granted by a Superior Court. The Cleveland Corp. is currently in the process of renegotiating an easement with the Society for the Protection of New Hampshire Forests and need to determine the best use of the land. They also have to determine their negative easements and liabilities that reside on the property. The water precinct's easement is considered a negative easement. In talking with Cotton Cleveland and their attorney, they decided to register the easement with Sullivan and Merrimack counties, as both counties are included within the land. They have redone the CAD engineering work so that there are electronic and paper plans available for registry. Mr. Jacques noted that he had two MYLARS, one to be signed by the New London Planning Board, and one to be signed by the Springfield Planning Board. The MYLARS are the same ones as were agreed upon in 1994. There have not been any changes. Mr. Jacques indicated that their attorney didn't believe that they had to be at the PB meeting to be able to register the easement. However, because the easement could be construed as a right-of-way, he thought he should come to the PB to explain it.

Chair Cottrill asked Mr. McWilliams if he had a summary to present regarding this matter. Mr. McWilliams indicated that he had been asked just recently by John McKenna to have this item be put on the agenda and had not been able to review any of the documents as yet. Mr. Jacques passed out a plan that was created by Doug Sweet. Mr. Sweet and the attorneys could not determine for sure whether this matter created a new right of way, or if a right of way already existed on Colby Point. It was their suggestion that to be on the safe side, the easement should be recorded.

Ms. Sheerr-Gross said that she wasn't sure of the correct legal process for this matter, but she felt that they were on the right track. She felt that what has been requested is probably OK, but she wanted to make sure it is right, procedure-wise. Mr. Jacques summarized that the easement is not recorded right now in the deeds. It was all done in 1994 and hasn't changed; it just needs to be cleaned up and recorded the right way.

Michele Holton noted the 1977 easement, and was explained that it was a termed easement which has expired.

Ms. Sheerr-Gross suggested that Mr. McWilliams look at everything and see if the Cleveland Corp. should write a letter or appear at a PB meeting to represent their position on this situation. Peter Stanley agreed that Mr. McWilliams should not be the only one look at this. He stressed that the PB shouldn't do anything in a hurry. He suggested letting everyone involved consider the legal implications so that they are not signing off on something that is not legal.

There was agreement among the PB to wait a month and to revisit the issue once they have had a chance to review the info.

## **9. Wallula – MYLAR signatures**



June 23, 2009

Mr. McWilliams explained that all the changes required by the PB at the last meeting were completed, all the documents have been supplied, a letter of credit from Lake Sunapee Savings Bank has been submitted, and a memo from Richard Lee stating that the amount of 130K is adequate has been issued.

Chair Cottrill asked if there were any comments from the PB. There being none, he asked for a **MOTION**.

**IT WAS MOVED, (Michele Holton), AND SECONDED, (Emma Crane), to approve the signing of the MYLAR, for the Camp Wallula Major Subdivision.**  
**THE MOTION WAS APPROVED UNANIMOUSLY.**

## 10. OTHER BUSINESS

### *A. Capital Improvement Program (CIP) – Nominations for New Representatives.*

Chair Cottrill said that he was looking for two people to represent the PB at the CIP meetings. The CIP Committee (PB, BOS, Budget Committee + town staff) meet with Department Heads to figure out the capital needs of the various town departments. Their mission would be to assess the needs and discuss recommendations for capital improvement over the next several years. The program would involve three meetings from Mid July to September. Jeff Hollinger nominated Michael Doheny for one of the spots, and Emma Crane nominated herself for the other.

### *B. Hearing for Site Plan Review Regulations and Subdivision Regulation Changes*

Mr. McWilliams noted that he talked with Jessie Levine (Town Administrator) on when a public hearing could be planned to pass the amendment to site plan review regulations and subdivision regulations. Mr. McWilliams asked if the PB would like to add this item to the July 14<sup>th</sup> work session meeting. Chair Cottrill noted that the July 14<sup>th</sup> meeting is a Master Plan work session with 3 items on the agenda thus it could be a long meeting. Jeff Hollinger and Tina Helm indicated that they would not be at the meeting on July 14<sup>th</sup>.

Mr. McWilliams suggested putting the hearing within the July 28<sup>th</sup> regular business meeting even though Ms. Levine could not be present at the meeting. She had indicated in an email to Mr. McWilliams that this would be OK to do, as they already know her wishes. The PB agreed to keep the hearing scheduled for the 28<sup>th</sup> of July.

### *C. Tree-cutting request – Al Joyall – 64 Checkerberry Lane (Tax Map 44, Lot 30)*

Emma Crane from the Conservation Commission met with David Carey to review this request on behalf of the owners. Pictures of the site were provided so the PB could see the property. All agreed that Mr. Joyall had a reasonable plan to thin out the trees to provide growing room for the surrounding trees, to let in some sun, and to increase air circulation around the home. Upon visiting the site, Ms. Crane noticed that Mr. Joyall had cleared out all the underbrush along the shoreline. She suggested making the replanting of some lower-bush blueberries, or the like, into the approval to make up for this underbrush cutting. Ms. Sheerr-Gross was concerned with the number of points represented in the diagram and how the board is to determine if the points are accurate. Peter Stanley said that people have the option of submitting their own sketches of the area themselves and it isn't mandatory that they get an engineer to come up with a drawing. He also went on to say that New London requires permission for the cutting of any tree, alive or dead. If they have cut or removed shrubbery, the approval should be contingent on replanting. He said that any naturally occurring vegetation would be appropriate and that there should be a number of plants suggested. It was determined that the space in question was very shady and blueberry bushes would not grow well there.

Chair Cottrill asked if there were any further comments on this issue. There being none, he asked for a **MOTION**.

**IT WAS MOVED, Jeff Hollinger, AND SECONDED, Michele Holton, to approve the request for tree-cutting of 25 trees from the Joyall property contingent upon the replacement of one shrub per each tree removed. THE MOTION WAS APPROVED. Ms. Sheerr-Gross abstained.**

May 26, 2009

**APPROVED**  
**May 26, 2009**  
**Planning Board**  
**Regular Meeting**

**MEMBERS PRESENT:** Tom Cottrill (Chairman), Jeff Hollinger (Vice-Chair), Michael Doheny (Secretary), Tina Helm (Selectman's Representative), Emma Crane (Conservation Commission Representative), Ken McWilliams (Town Planner), Michele Holton, Karen Ebel, and John Tilley (Alternate)

**MEMBERS ABSENT:** Dierdre Sheerr-Gross (Alternate)

Chair Cottrill called the **MEETING TO ORDER** at 7:30pm.

**1. Olivia Powers – Concept Site Plan Review – Need for Site Plan? (Tax Map 84, Lot 78)**

Olivia Powers came to the Planning Board (PB) to explain that she is starting a chiropractic care office in New London. She is wondering if a site plan review is required for the space she will occupy, which has already been an office. Ken McWilliams, Town Planner, remarked that although it would be a change of use, there were more than enough parking spaces available. He did not believe that there would be a need for a site plan. John Tilley asked a general question regarding parking and how the needs for parking are calculated. It is currently calculated as a decimal and that the number of spaces needed are generally rounded up. Mike Doheny asked how many chiropractors would be working at the office. Ms. Powers remarked that she would be the only chiropractor and would be seeing at most, three patients per hour with a maximum of one person waiting at a time.

Chair Cottrill asked if there were any concerns from the PB. There being none, he asked for a motion.

**A MOTION was MOVED (Michele Holton) and SECONDED (Karen Ebel) to not require Olivia Powers to have a site plan for her chiropractic care facility located at 71 Pleasant Street. THE MOTION WAS APPROVED UNANIMOUSLY.**

**2. Camp Wallula Inc. – Final Major Subdivision (Tax Map 33, Lot 16)**

Chair Cottrill asked Mr. McWilliams if there were any outstanding issues with this case since the last time the PB met: Mr. McWilliams said that the bounds for the property need to be set, and that the amount of security needs to be established and approved by Richard Lee and the PB. He said that both of these items need to be taken care of before the plat can be signed. It was shared that at the last meeting there were suggested items that were requested to be on the plat and in the deeds. Those were conditions from the covenants and bylaws. All of the items in the email from Ken were agreed upon by Mr. Cook and they will be added to the plat and in the deeds for recording. These items were:

1. From the Restrictive Covenants dated April 9, 2009:
  - a. #4 pertaining to tree cutting within the shore land overlay district;
  - b. #5 pertaining to tree cutting outside the shore land overlay district; and
  - c. #20 pertaining to maintenance of improvements and remedying any environmental problem.
2. From the Bylaws:
  - a. Article V #8 pertaining to Septic System Design.

Nate Fogg, the engineer from Jesseman Associates, shared that a bond of \$130,000.00 was agreed upon by he and Mr. Lee. Attorney Brad Cook was said to be currently in the process of preparing for said bond at the bank.

May 26, 2009

2

The PB opened the floor to a review of "Covenant Relating To Release Of The Town Of New London..." created for the Wallula Subdivision. The review did not create any comments. Next, a review of the Declaration of Restrictive Covenants ensued. The following corrections and/or clarifications were discussed:



On Page 2, #4 Chair Cottrill brought attention to the use of the language "breast-high" in reference to a unit of measurement. It was suggested that this language should be changed to 4½' high. On this same page, Karen Ebel noted that paragraphs 4 & 5 it should say "shore land" overlay, not "shoreline."

Page 3 #10. The text saying "Also, structures not permitted by....." should be changed to "Also, no structures shall be erected."

#12(b) The time of construction was described as being "no earlier than 7am and no later than 6pm." Chair Cottrill asked if weekends would be utilized for construction. Mr. Cook noted that in an earlier draft, there was a specification noting construction would not take place on weekends would not be utilized. It was suggested by the PB that because the visitors to Wallula would be present mostly during the weekends and in the summer, that it would be a given that weekends would not be utilized for construction, and so any mention of weekend construction should be removed.

#14 The text should be amended to say "Common area subject to an easement for a power line serving..." Also, the New London-Springfield Water System should have a hyphen between the names of the towns.

Ms. Ebel asked Mr. Cook if he could specify where restrictive covenants are incorporated by reference into the bylaws. Mr. Cook noted that #1 on the first page showed the marriage of the documents.

Mr. Tilley noted that he believed #3 to be contradictory regarding private residences having commercial business or home occupations within the subdivision. It was explained that a home occupation does not necessarily mean commercial business. Mr. Fogg gave an example that a gas station could not go into a specific location, but it would be okay for a lawyer to work out of their office in the same location. The PB suggested adding the text "other than as provided here-in" after the last sentence in #3.

Ms. Ebel asked Mr. Cook about paragraph 20 regarding the association being responsible for making improvements to the common area. She believed that the section should be referenced in the bylaws as to how the improvements shall be paid for. She asked where it is made clear in the documents so that it is obvious who pays for improvements. Mr. Cook referenced Article V.2 of the Bylaws (Page 13), the bottom of the first paragraph where it references Paragraph 20 of the Restrictive Covenants. He went on to show that there was also some text added about special assessments in the Bylaws on page 19 Article VII.2.(b)saying, "or in the event there are no insurance proceeds...." so that it is clear that if additional money is needed, this process could be used to raise the money.



Next was a review of the Wallula Community Homeowners Association – Bylaws.



Mr. Cook noted that the word "ordinance" at Article I.2.(k) needs to be italicized.

On Page 8, Article III.12, first sentence, should read "pro-tem" and not "pro-tern."

Also Article III.7 in the last sentence: the semi-colon should be removed.

Page 14, Article V.4.(c) the sub-heading in should be italicized.

Page 12, Article V.1.(d): third line under "reserves" remove the period before "D" and 1.(e), remove typo at word, "existing" and at V.2, first sentence, remove the "e" on "fore".

Page 16, Article V.5.(j): Point of clarification regarding second sentence: "Up to 3 motorized boats," is for a TOTAL of three motorized boats for all lots collectively, not three PER lot. Mr. Hollinger asked who would monitor the number of boats. Mr. Cook indicated that it would be monitored by the association. Several members of the PB believed that the current text seemed to indicate that there would be room for three boats per lot and not total for the whole subdivision. Mr. Cook said he would put something in the text to specify that there were 3 spots for motorized boats TOTAL for the whole subdivision. Also, same paragraph, reference to "Department of Environmental "Protection" should be "Services".

May 26, 2009

Mr. Cook asked that these plans be approved and not passed on for another meeting due to a deadline that they are coming upon.

Ms. Ebel asked if Mr. Cook would consider adding a requirement that the construction comply with best management practices to the notes on the subdivision plan. She stated that this is something the Board had requested in the past and support for it in this case comes from the revised Impact Statement. The wording suggested to be added to the plan and the individual deeds was: "During construction, contractors will be required to use the most current methods for erosion control to insure protection of the lake and the land below the subdivision as required by the State and the Town of New London." Mr. McWilliams noted that the advantage of having this in the deed as well as in the plan is that it is more likely that individual landowners, as well as builders, would see it and comply with it. Other notes agreed to per Mr. McWilliams' April 9<sup>th</sup> email noted above will also be included on the plat and in the deeds. Mr. Cook confirmed that all these notes were acceptable.

Chair Cottrill asked if there were any other concerns or suggestions from the PB. There were none and so he asked for a motion.

**IT WAS MOVED** (Jeff Hollinger) **and SECONDED** (Michael Doheny) **to approve the major subdivision for Camp Wallula Inc, as presented, subject to Camp Wallula submitting surety in the amount of \$130,000, marking and setting boundaries, adding notes to the subdivision plan and related deeds as agreed, making corrections to the Bylaws and Restrictive Covenants, as agreed, and adding the following statement regarding the utilization of best management practices to the subdivision plan and related deeds "During construction, contractors will be required to use the most current methods for erosion control to insure protection of the lake and the land below the subdivision as required by the State and the Town of New London." THE MOTION WAS APPROVED UNANIMOUSLY.**



### 3. Colby Sawyer College – Concept Site Plan Review – Windy Hill School (Tax Map 85, Lot 33)

Doug Atkins, VP of Administration at Colby-Sawyer College came before the PB to explain that the college's Child Development Program's lab, the Windy Hill School, currently resides in two basement spaces on campus. He remarked that it is and never has been an ideal space with it being split, it being small, and it being in the middle of the busiest part of campus (both pedestrian and vehicular), and they have long wanted a separate space for the Windy Hill School.

Architect, Mr. Nate Fogg of Jesseman Associates, showed on the map where the facility is currently located. The current plan was to create a separate building between Colby Farm and the tennis courts. This facility would be accessed by a gravel road (to be upgraded) which runs from the Hogan center drive. He noted that the idea is to pave the road with a one-way loop for parents to drop off/pick up their children. Parking would be close with handicapped access. Play spaces were shown, as well as the surrounding landscaped areas. Fire access points were labeled around the building, as well as a delivery access point. Currently there are no utilities at this site but they are hoping to get this approved quickly so that construction could be started this fall. It would be a 2-story building with access to both floors directly to the outdoors.

Mr. Hollinger asked what the square footage for the current space of the Windy Hill School is now. They believed that the space was about 6500 square feet. The new spot would be about 10,000 sq feet. There would be no increased need for parking as the number of teachers would not increase. Targeted move-in date is June, 2010. It was asked if they anticipated a change in the number of children enrolled at the school. Mr. Atkins answered in the negative. He said that for years the program had been tailored to fit the space, and now they hope to tailor the space to fit the program. Mr. Doheny asked about the traffic pattern and how it would work. Mr. Fogg showed that 5 or 6 parallel parked vehicles could fit within the loop. Mr. Doheny believed that more spaces would be needed, as the current location has had some problems with the spots being filled quickly at drop-off and pick-up time, leaving no legal spaces left to park in. Many

Chair Cottrill asked if there was any further discussion on this matter. Karen Ebel asked if the conservation commission had looked into this. Emma noted that they had not been approached as of yet. Mr. Grigsby noted that a CSPA (Comprehensive Shore Land Protection Act) permit had been filed to the town a couple weeks prior.

**IT WAS MOVED (Michelle Holton) AND SECONDED(Jeff Hollinger) TO APPROVE THE PLAN FOR A TEMPORARY 12' WIDE ACCESS FOR CONSTRUCTION OF A WALKWAY TO THE LAKE IN THE SHORE LAND OVERLAY DISTRICT, AS PRESENTED, AND THE PLANTING PLAN INCLUDING THE REMOVAL OF FOUR TREES, FOR SUSAN AND STEPHEN IMMELT. THE MOTION WAS APPROVED UNANIMOUSLY.**

**6. Camp Wallula Subdivision – Continued Preliminary Major Subdivision (Tax Map 33, Lot 16)**

Ken McWilliams shared that those from Camp Wallula had been to the board several times for conceptual plans and had filed for preliminary review last month. The Planning Board formed a subcommittee which has met several times to work on the subdivision plans and the homeowner association documents, including the by-laws and restrictive covenants. He noted that the plans have been revised several times through these subcommittee meetings. A drainage plan was requested by the board at the last meeting and is included in the packet. Mr. McWilliams explained that the point for this meeting as part of the preliminary major subdivision review process is to identify and discuss any further outstanding issues. The applicants can then decide whether to continue the preliminary process or present the final major subdivision application to the board at a future meeting.

Nate Fogg from Jesseman Associates began his presentation by noting that attorneys Brad Cook and Steve Jesseman, as well as Camp Wallula's President, Chris Bottinger, were present in the audience.

Mr. Fogg explained that he brought two additional sheets for review. There were no changes on Sheets 1 and 2. Sheet C3 is the Subdivision Plat that will be submitted to the Registry of Deeds. It had been cleaned up a bit since the last meeting. The lines were now more crisp for ease of use in the future for recording. It had been re-labeled as lots, instead of sites. He went through and pointed out each of the lots in the map. There remained 17 lots and 17 units are being developed. There are 2 units on lot 1 and zero units on lot 17, which is a common lot that is shared. Ken noted that if this is the plat to be recorded, the trees and tree lines would need to be removed from the map. Mr. Fogg agreed that the removal of these items would make the map even easier to read.

C4 showed that the requirement for a topographical map for the rear portion of the property was waived at last meeting.

C5 showed the test holes that were approved by Don Bent, Health Officer. Lot 11 & 7 had test holes dug and were witnessed by Mr. Bent. They were very good and of sandy soils. This page will be sent as the plat to the state and would be submitted later this week.

C6 showed the test hole logs. The logs show very good, sandy soils.

C7 showed changes included since the last hearing. A trailer parking area was added near the ball field. This is where boat trailers can be parked. A staging area was also marked where equipment can be stored is also near this area. The heavy orange lines are infiltration trenches. Mr. Fogg added that they want to insure that there is no excess runoff from the site. He explained that silk fence will go around the edge of the hammerhead construction. This was not included on the plan, but it will be shown in the final plan. This fence will insure that no silt or other materials will travel to the wetlands near the back of the property.

Ken McWilliams noted that a driveway off of lot 7 was labeled incorrectly. It should say Lot 2, not site 15. Mr. Fogg said that would be fixed. He noted that some easement notes were added regarding a water line from the New London/Springfield Water System Precinct and another water line that takes off behind 14-15 to serve abutting property. One further note from Mr. Fogg was regarding the grave site within lot 14.

A There would be a 10'x10' easement around the grave-site to buffer it for the future. Mr. Fogg brought the board's attention to the table in the notes on the plan that included the lot numbers, the proposed buildable setback area, the original setback area, the original lot area and percent of natural woodland buffer. He said this was to ensure that there is no question as to what was there when the subdivision was approved. Peter Stanley commented that when the tables were originally calculated they did not use the current setback requirements. These are now the updated figures that include the current R2 Zone District setback requirements.

C8 showed the Road Profile. The sheet showed Wallula road with cross sections. It showed the addition of a hammerhead profile to show how it is being graded and also that it has been switched from gravel to a paved surface.

C9 was the Detail sheet. Mr. Fogg noted that they are going to update the silt fence to show that they would be using the type of fence preferred by the town. This update will be shown in the final submission of the plan. They also plan to remove the pipe from the bottom of the infiltration trench because the water will be deposited into the trench that they will be installing. Mr. McWilliams noted that the word "French Drain" on the sheet should be changed to "infiltration trench." Mr. Fogg agreed and said he would fix this.

C10 was the Utilities and Fire Protection plan. The water line for lot 2 and 3 was moved. The water line for Lot 3 would run along side the driveway as to not disturb the woodland buffer. The water line for Lot 2 would come in along Wallula Road along the driveway as to not disturb the woodland buffer between Lot 2 and Little Sunapee Road. Mr. Fogg noted that two hydrants were already in place on the road. He added that a couple of utility poles would need to be added and one pole would need to be moved to serve the sites better.

C11 was the Drainage sheet. The plan shows three runoff areas within the property being developed. Areas 1 and 2 would go to culverts that exist under Little Sunapee Rd. Area 3 would go to wetlands that are southeast of the property. It was their desire that no additional runoff come from the site during construction. Mr. Fogg foresaw no change for area 1 so there were no infiltration trenches added. Area 2 included house lots and the hammerhead area, so a new infiltration trench would be added. The culvert would be just north of Wallula Rd. Area 3 has 2 reconfigured lots, a tennis court and minor changes to the ball field, which will create some runoff and so an infiltration trench had been added.

Mr. McWilliams noted that at the Department Head meeting, Richard Lee had a comment regarding the addition of a silt fence at the end of the hammerhead to be present on the final plan, and also to add a cross-section of the driveway to Lot 2.

With respect to drainage, Karen Ebel noted that although there would be no increase in peak flow, but wondered whether there would be an increase in the volume of water coming off of the site due to the increase of impervious surfaces. Volume of water anticipated. Mr. Fogg said there should not be any increased volume due to the infiltration trenches. Ms. Ebel noted that this information should be included in the drainage report and that the Planning Board was focusing now on volume as well as peak flow. She cited the new LID regulations that had been passed as an example of this. Mr. Fogg said that he would comply with this request.

Mr. Hollinger asked if the trailer parking area would be paved. Mr. Fogg answered that it would be grass. Mr. Hollinger asked if the Tennis court surface would be paved. Mr. Fogg answered in the affirmative. The existing court surface is clay.

C12 showed the Specs on how to loam and seed certain areas in the plan. Mr. Fogg noted that the sheet gave an idea of what needed to be done to build the hammerhead.

X Other notes:  
Mr. Fogg explained that Ken had some notes on the bylaws and covenants. He explained that he had no problem making the changes, as they were mostly grammatical in nature.

Mr. Fogg noted that under the impact assessment they added a solid waste section, and changed the wording so that "contractors are *required* to use current methods of erosion control."

Tina Helm asked if each lot had its own septic system. Mr. Fogg answered in the affirmative. Mr. McWilliams shared that in the by-laws, if a system fails and there is no room for a replacement system on that specific lot, that the common area could be used to hold the replacement system. Also if more than two systems fail, they may create a new system in the common area to share. Ms. Helm also asked about an old sewage pipe that was on the map. Mr. Fogg noted that the pipe would be knocked over and covered. It is not a system that would collapse. He believed that it was a pipe that went into an old cess-pool and is not part of an existing septic system.

Mr. Cottrill asked about the grave site on site 14. He wondered what the reason is to have the site as part of someone's lot as opposed to the common area. Mr. Fogg replied that there are setback rules regarding grave sites. Chair Cottrill clarified that it really doesn't matter where it goes, either on lot 14 or 17. Mr. Bottinger noted that the site contains ashes only, no caskets.

Mr. Cottrill then asked for a review of the homeowner documents.

Restrictive Covenants

Page 1, Mr. McWilliams noted that in the 2<sup>nd</sup> paragraph, 2<sup>nd</sup> line the word "updated" should be removed. Also, in the 6<sup>th</sup> paragraph one of the "b"s should be removed from the word "by-laws".

Page 2. Karen Ebel asked if it would be wise to incorporate by reference the definitions that were in the bylaws into the restrictive covenants. She noted that the terms "association," "homeowners association," "Wallula Community Homeowners Association" are used interchangeably throughout the document. Sometimes they are listed as upper case and sometimes as lower case. She thought it would be helpful for the document to clearly state that the definitions were the same as in the bylaws. Ms. Ebel opined that these terms should be consistent throughout the document. She added that the terms "common area" and "common land" are used to describe the same lot. The terms should be consistent to avoid confusion. Ms. Ebel suggested making all definitions consistent between the documents. She noted that the term "building envelope" is also not defined in the covenants. Brad Cook agreed to conform the definitions in the covenants to those in the bylaws.

She then noted that in the 5<sup>th</sup> paragraph on Page 2 it says "Basil" and when it should read "Basal." Ms. Ebel asked how the Basal Area was being calculated in the vegetated area not in the Shore Land Protection Area and wondered if they planned to use the same calculations as those used in the Shore Land Overlay District. She said this should be noted and asked who does the cutting and who oversees it. Peter answered that the board oversees the cutting. Karen noted that if the Planning Board is approving cutting in the lots, this needs to be included.

Mr. McWilliams noted that in item #14, the use of the words "Common water system" should be changed to remain consistent with wording used in the Bylaws.

Karen Ebel noted paragraph 20 on page 5 – 6 the requirement that if the association fails to correct an environmental problem, the town is authorized to step in." Ms. Ebel asked if the provision should be modified to include a time period by including the terms "promptly" or "within a reasonable time frame". She expressed concern that there is no time limit in there at all. It was agreed that the phrase "reasonable amount of time" should be used.

Mr. Cook noted that the official association name should be the "Wallula Homeowners Community Association."

Bylaws

Page 1, 2C: Mr. McWilliams stated that the definition of "building envelope" should be the same as in the zoning ordinance and that under the term "common area" needs to include the name of the NL/Springfield Water Precinct.

X

Page 2. Karen Ebel noted that in previous subdivisions, bylaws have had provisions for action in the event of a catastrophe, whereby there was a plan to get the necessary money promptly to resolve issues. She asked what mechanism is in place within the Wallula Homeowners Association. Brad Cook noted that there would be annual dues, assessments for catastrophes, and the directors would have the capacity to obtain these funds when needed. He also noted that individual homeowners would need to take care of their own septic systems. Karen asked if there was there a quick mechanism to get money to resolve a large problem. Peter Stanley opined that given the soils within the Wallula property and how the property is used, the chances are very slim that something would go wrong. He explained that the state would come in and take care of a very serious problem. Karen said nevertheless, the mechanism needs to be very clear in the homeowners' documents. She asked that paragraph 20 of the Restrictive Covenants regarding responsibility for correcting environmental problems should be referenced in the bylaws. Mr. Cook agreed to make this change and to make sure the bylaws were very clear regarding the process by which the remediation of environmental catastrophes on the property would be funded.

Page 3 Mr. McWilliams stated that it would be necessary to reorder the list so it follows alphabetically.

Page 7 Mr. McWilliams noted a typo in the second to last line.

Page 12 In reserves section: D "Replacement of the common area" Mr. Cook mentioned that the homeowners' association would maintain a revolving fund to take care of ordinary things and that a reserve fund would be created to repair things in the common area. Karen Ebel asked whether there was a provision regarding "special assessments" for major problems which required more than the routinely collected reserve amounts in the bylaws. Mr. Cook could not locate this offhand, and agreed to add something to address reserve funds for emergency use if it was not currently in the bylaws.

A typo was noted in section D: 3<sup>rd</sup> line down at the end.

Page 14. Ms. Ebel noted that in paragraph 5 the word subdivision should be capitalized.

Page 15. Paragraph H, there are 2 periods. Remove one.

Page 17. #8 Septic System Design. Mr. McWilliams stated that at the subcommittee meeting, it was discussed that if there is a line to a tank or leach field that failed, it could be repaired without replacing the entire septic system. However, if it were a failure of the leach field, an entire permit would be required at that time. Mr. Cook noted that this requirement would be added to the text.

Page 19. #2B. Too many commas. Re-write to be more clear. Mr. Cook noted that this is the section where the concept of "special assessments" appears and explained about how they can be collected to deal with a disaster. He stated that this section also covers the insurance issue for such casualties.

Page 24 #2A. Owner is spelled with a Q instead of an O. Also, remove the extra period at the end of the document. Right after "Before".

Karen Ebel asked again that the defined terms in the covenants comply with the terms in the bylaws.

Ms. Ebel observed that in the past conservation-related notes were included on the subdivision plan, such as Wallula's tree cutting restrictions. She asked Mr. McWilliams whether he concurred that they should be in both places. Ken agreed and stated that the Planning Board has even insisted that such provisions appear in the deeds. Mr. Fogg agreed to put conservation-related notes on the plan and would work with Ken and Peter on the language.

Ms. Ebel asked whether the subcommittee had discussed the limitation of the use of salt and fertilizer in the subdivision. Peter Stanley replied in the negative. Mr. Cook observed that there is a state road between the camp and the lake, which uses salt in the winter anyway. Peter stated that there are fertilizer restrictions in the Shore Land Protection District provisions which would be adequate.

X

Peter Stanley stated that the bounds on individual lots need to be set between the time the plat is approved and when the plat is signed and recorded. He also would like the covenants and bylaws provided for each of the lots to be filed separately in town files to insure easy access to subdivision details in the future. Each lot (including #17) will have its own file and should include a copy of the entire plans. Mr. Stanley noted that 11x17 sized plans are suitable for the files.

Chair Cottrill asked when the Wallula group would like to come back to the board for their final site plan review. Mr. Cook said that they would like to come the next month. Submittal would be due on May 11<sup>th</sup> for the meeting on May 26<sup>th</sup> It was agreed they will return for their final site plan review at that time.

would not be necessary, the town should speed up the process for tenant changes instead of having applicants go before the board to determine if a site plan review is necessary.

Several on the board feel this agenda item should be revisited when Ms. Levine could share her point of view in person, so the discussion was postponed until the next business meeting.

**9. David & Mary MacMillin of 1495 Little Sunapee Road – Tree Cutting Request**

Emma Crane presented this request: there is a tree leaning out over their dock that Mr. MacMillin would like to have removed. The MacMillin's have demonstrated good vision and meticulous attention to the details of their waterfront property. The photographs provided show a reasonable cause to cut the tree in question.

**IT WAS MOVED (Karen Ebel) AND SECONDED (Jeff Hollinger) THAT THE TREE CUTTING REQUESTED BY DAVID AND MARY MACMILLIN OF 1495 LITTLE SUNAPEE ROAD BE APPROVED, AS PRESENTED. THE MOTION WAS APPROVED UNANIMOUSLY.**

**10. Other business:**

The Planning Board then acted on the minutes of several meetings.

 **A IT WAS MOVED (Tina Helm) AND SECONDED (Emma Crane) TO APPROVE A. The minutes of THE WALLULA SUBCOMMITTEE of 4/2/2009, were approved, as circulated.**

 **B. IT WAS MOVED (Jeff Hollinger) AND SECONDED (Karen Ebel) TO APPROVE the minutes of the WALLULA SUBCOMMITTEE MINUTES of 4/9/2009 were approved, as circulated.**

**C. The minutes of the 4/14/2009 PLANNING BOARD WORK SESSION were approved, as circulated.**

D. Chair Cottrill asked if the board members would be in favor of printing their own meeting packets by downloading from an email. Jessie Levine had indicated that it would save money on copying, postage and time. The board agreed that due to the large amount of paper, they did not want to print their own documents.

However, in an effort to save postage, the following said they would pick up their packets at the Town Office: Tina Helm, Emma Crane, Michelle Holton, Tom Cottrill, and Karen Ebel. John Tilley noted that his packet could be dropped off in his mailbox outside of his house on Main Street.

Mr. McWilliams said that he would ask Jessie Levine about putting a box outside the building for people pick up/drop off items like these in the future.

 **E. Amendments to March 24<sup>th</sup> Planning Board Minutes for the Wallula Subdivision**  
**Per the request of the Planning Board members at the previous meeting, Mr. McWilliams reviewed the Wallula subdivision minutes from the March 24<sup>th</sup> meeting and recommended the following changes, all of which were acceptable to the Planning Board members.**

Changes: 1<sup>st</sup> paragraph "Mr. Cook stated that this is a unique project because a 1971....." delete

2<sup>nd</sup> page, bottom of 2<sup>nd</sup> paragraph. 2 spaces that refer to sites. Should be changed to "Lots".

4<sup>th</sup> paragraph. 2<sup>nd</sup> sentence. Mr. Fogg commented that most of the land... "was available" substitute "has been shown for the area being developed."

**TOWN OF NEW LONDON  
PLANNING BOARD  
WALLULA SUBDIVISION SUBCOMMITTEE MEETING  
April 9, 2009  
7:30 AM AT JESSEMAN ASSOCIATES OFFICES**



**SUBCOMMITTEE MEMBERS PRESENT:** Dale Conly, Peter Stanley, Ken McWilliams; **ABSENT:** Tom Cottrill

**OTHERS PRESENT:** Brad Cook, Attorney for client, Nate Fogg, and Steve Jesseman, Jesseman Associates, Chris Bottinger

**DRAFT MINUTES OF SUB-COMMITTEE MEETING ON 4-2-09**

The sub-committee did not have any changes to the draft minutes of the 4-2-09 sub-committee meeting.

**REVISED PLANS**

Nate Fogg presented the revised plans for lots and drainage. Lots 9, 10 and 11 were rearranged to avoid the seasonal drainage they discovered this spring. Steve Jesseman noted they had their wetland scientist evaluate the drainage and the wetland scientist indicated it was not a wetland along the drainage.

The sub-committee noted an easement needs to be shown on the plans for the New London Springfield Water System Precinct that runs along the front of some of the lots along Little Sunapee Road.

Nate Fogg identified the boat trailer storage area proposed on the north side of the recreation field. Ken McWilliams noted the area shown for the boat trailer storage area needs to identify the aisle or maneuvering area to access this parking area. After some discussion, the sub-committee suggested moving the boat trailer storage area behind and on the east side of the recreation field.

Peter Stanley noted the plans still need to show a construction staging area if one is proposed. Nate Fogg noted they would propose this temporary use on the north side of the recreation field where they had proposed the boat trailer storage

Steve Jesseman noted that Chris Bottinger's parents are buried on the property and that they will propose a 10' x 10' cemetery easement area.

Nate Fogg reviewed the new drainage plan. Nate noted that the stormwater flows in each of the three sub-watersheds on the property will be equal or less than the current runoff

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from those sub-watersheds since they will be adding infiltration trenches to intercept and infiltrate surface water flows.

### **FISCAL IMPACT STUDY**

The sub-committee briefly reviewed the revised fiscal impact study. The sub-committee suggested:

1. Use the current school expenditure per pupil for New London;
2. Add in the town expenditures; and
3. Provide the Planning Board with a range of possible fiscal impact based on the development generating 4 to 8 students.

### **DECLARATION OF RESTRICTIVE COVENANTS**

Ken McWilliams noted that the term "sites" still appears in several places in both the covenants and bylaws and needs to be changed globally to "lots".

In the second paragraph Ken McWilliams suggested deleting the word "Updated" before subdivision since the original approval was for a PUD.

In the sixth paragraph, Ken McWilliams suggested adding the words "and in the Bylaws" after the word agreement. \*

In # 3 on page 2 Ken McWilliams inquired if a copy of the Rules and Regulations of the Wallula Community Homeowners Association is available. Brad Cook indicated they have not been developed yet. \*

\* In paragraph 5, the sub-committee discussed and suggested that only 30% of the vegetation remaining on the lot outside the building envelope may be cut and removed based on the basal areas prior to the disturbance and to allow some trimming of brush.

In # 10, Ken McWilliams suggested deleting the words "not permitted by town ordinance" if the intent is to prohibit these uses.

In # 12 (b), Peter Stanley inquired if construction will take place on weekends. Brad Cook noted that weekends may provide the only time for construction particularly for second home owners only coming up on weekends.

In # 14, Ken McWilliams noted the word "System" needs to be added to the name of the water precinct.

In # 15, Ken McWilliams noted the definition of the term "common water system" should be moved to the bylaws with the other definitions. Ken McWilliams also noted that the covenants and bylaws needed to cross-reference each other.

In # 20, Ken McWilliams suggested clarifying that Lot 17 is the Common Area.

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## BYLAWS

In the introductory paragraph Ken McWilliams suggested deleting the word "Updated" before subdivision and referring to this project as an update of the original PUD, not subdivision.

\* Ken McWilliams noted the definitions should be rearranged alphabetically. Ken McWilliams noted that definitions for "building envelope" and "common water system" need to be added. Additionally the term "ordinance" should be defined to mean the New London Zoning Ordinance and reference to the New London Zoning Ordinance should be changed to "Ordinance" throughout both documents.

Ken McWilliams requested that the definition of "Common Area" include the additional common improvements not cited that include waterfront area, pedestrian tunnel and walkways.

Ken McWilliams noted the word "subdivision" should be deleted from the definition of "Planned Unit Development".

In the definition of "Unit" Ken McWilliams suggested changing residence to Dwelling to conform to the terms used in the town Zoning Ordinance.

In Article V, 2 Payment of Common Expenses, Ken McWilliams suggested changing the phrase "combination of more than one lot" to "merger of more than one lot". Ken McWilliams also suggested Brad Cook review the last part of that section since it appears something was added that does not make sense.

Ken McWilliams noted Article V, 5. Additions, Alterations or Improvements by the Board of Directors should be deleted as agreed at the last meeting.

In Article V, 6. b), Brad Cook Clarified that the trash disposal being discussed is on individual lots. There are not any dumpsters planned on the common area.

In Article V, 6. j), Ken McWilliams suggested adding something about any future docks receiving approval from the appropriate state authority, if needed at that time.

In Article V, 9 Septic System Design, the sub-committee suggested this be rewritten to indicate that if the septic filed fails, then a replacement system meeting current standards will be constructed. If a line to the tank or to the leach field breaks it is okay to repair the line without replacing the entire system to comply with current standards.

In Article VII, 2 (b), Ken McWilliams noted there is a problem with sentence construction with too many commas.

The sub-committee decided to delete Article VII, 2 (e).

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In Article VIII, 1, Ken McWilliams noted that the phrase "and the Declaration of Restrictive covenants" should be added after the word By-Laws. \*

For Article IX, 1 Amendments, Ken McWilliams had distributed an e-mail since the last meeting suggesting the articles in the bylaws that should be reviewed and approved by the Planning Board before any amendments are made to those articles. These include: \*

1. Article I – Plan of Ownership;
2. Article V – Operation of Property;
3. Article VII – Repair & Reconstruction after Fire or Other Casualty
4. Article IX – Amendment to Bylaws; and
5. Article XIV – Compliance, Conflict & Miscellaneous Provisions.

The sub-committee agreed that these articles of the bylaws should have Planning Board review and approval before amendments are made. \*

The meeting adjourned at about 8:40 am.

Respectfully Submitted

Kenneth McWilliams  
Town Planner

Date Approved : \_\_\_\_\_

Chairman: \_\_\_\_\_

**TOWN OF NEW LONDON  
PLANNING BOARD  
WALLULA SUBDIVISION SUBCOMMITTEE MEETING  
April 2, 2009  
8 AM AT JESSEMAN ASSOCIATES OFFICES**



**SUBCOMMITTEE MEMBERS PRESENT:** Dale Conly, Tom Cottrill, Ken McWilliams, Peter Stanley

**OTHERS PRESENT:** Brad Cook, Attorney for client, Nate Fogg, and Steve Jesseman, Jesseman Associates, Chris Bottinger

**GENERAL COMMENTS**

Jesseman noted that lots 2 + 9 have been moved to avoid the seasonal stream. Lot 11 has been pulled up and the driveway adjusted also. Since the lots need to fairly equal frontage, Nate indicated that he could add a bit to 11 + 12, and take away from lot 9 to even the frontage out

Ken McWilliams suggested that there be more detail shown of this proposed lot rearrangement for the next sub-committee meeting.



Peter Stanley suggested a site visit may be in order.

Peter also pointed out that the wrong setback dimensions were used to determine the numbers in the table shown on the plans. He and Nate Fogg had previously discussed this and Nate corrected the setbacks prior to meeting.

**RESTRICTIVE COVENANT REVIEW**

Ken McWilliams noted the term 'site' needs to be changed to "lot" in all documents.

Ken McWilliams noted that in the second paragraph a different term should be used for the term owner since it is defined differently in the bylaws. Brad Cook said he would substitute "developer" for "owner".

Ken McWilliams suggested breaking up the third paragraph into shorter sentences and reference completing the improvements shown on the plans.

Ken McWilliams suggested adding the words "and the Bylaws" after the worst "in this agreement...".

Ken McWilliams suggested excepting Lot 17 Common Area from # 2.

Peter Stanley suggested replacing "home office or studio" to "home occupation or business".

Ken McWilliams indicated the name of the homeowners association should be consistently referenced in the documents.

PB Wallula Subcommittee Mtg  
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Ken McWilliams noted the term "Ordinance" should be used in the documents and defined in the Bylaws to mean the New London Zoning Ordinance, as amended.

The sub-committee discussed the storage of boats, trailers and other recreation-related items on individual lots versus a designated storage area. The sub-committee concluded that it would be better to plan and designate a storage area for these recreation-related items restricted to use only by the residents of the subdivision in the back of the property where it can be screened from abutting landowners. This should be shown on the plans and cited in the homeowners documents.

Peter Stanley wanted the documents to clarify the language regarding the temporary use of RVs.

In # 5, Dale Conly requested reference also be made to the New London Shore Land Overlay District.

Ken McWilliams also noted # 5 needs to reference the 10 foot setback for driveways.

Ken McWilliams inquired whether the Planning Board wants approval over cutting on lots outside the Shore land Overlay District. Dale Conly thought it is a good idea due to the proximity to Little Sunapee Lake. Tom Cottrill wanted to verify that the plans would show the building envelopes and was assured they would. Tom Cottrill noted the Planning Board will need to be reasonable about the cutting restrictions due to the small lot size involved. After some discussion, Brad Cook agreed to include a provision in the revised documents pertaining to cutting restrictions on lots outside the Shore land Overlay District.

Peter Stanley commented that the provisions about pets in # 6 need to conform to the provisions in the New London Zoning Ordinance.

Ken McWilliams commented that the following should be added to both # 9 and # 11: "changes to the building envelope first require approval of the New London Planning Board."

In # 10, "house trailers" needs to be defined. Ken McWilliams noted that the New London Zoning Ordinance does permit manufactured housing.

Ken McWilliams noted the term "building envelope" used in # 11 needs to be defined. See the New London Zoning Ordinance.

In discussing # 12, Peter Stanley indicated that if a staging area is planned it needs to be shown and stated on the plans.

Peter Stanley noted that "shorefront" used in # 13 and elsewhere should consistently be "waterfront".

Ken McWilliams noted that "Common Land" used in # 14 needs to be changed to "Common Area" globally throughout the documents.

Ken McWilliams noted that "System" needs to be added into the name of the water precinct.

April 2, 2009

Ken McWilliams asked that the term "common water system" as used in # 15 be defined.

Peter Stanley indicated that the applicant should provide the water precinct with an easement for the precinct's water main that crosses the Wallula lots fronting Little Sunapee Road. This should show on the plans. The applicant should contact the water precinct relative to a written easement document.

Peter Stanley noted that # 16 should exempt the temporary staging area.

Peter Stanley suggested adding "communications" to # 17.

Ken McWilliams suggested that in # 19 and elsewhere that the documents consistently reference all the improvements the homeowners association is responsible for maintaining.

Peter Stanley suggested that the homeowners association have emergency funds available for an immediate response to a catastrophic failure. Ken McWilliams suggested such funds could also cover the cost of cleaning up environmental-related issues such as excessive soil erosion. ✓

**The following comments were made regarding the Wallula Homeowners Association By-Laws**

In # 2 (a), Peter Stanley noted it should state specifically who members are and those that are not allowed to vote. The eligibility to be a board member should be clarified. Must officers be lot owners? What constitutes a quorum? Who can form the committees?

Ken McWilliams indicated the definition of "Common Area" should cite all the subdivision improvements in the common area.

Peter Stanley suggested clarifying the fiscal vs. budget year in Article V 1. (a). ✓

Ken McWilliams suggested clarifying that the structures referenced in Article V, 4. (a) need approval of the Planning Board.

Ken McWilliams suggested clarifying that the repairs and replacements referenced in Article V, 4. (c) are on Common Areas.

After some discussion, it was decided by the sub-committee to delete Article V, 5 Additions, Alterations or Improvements by the Board of Directors.

Peter Stanley requested something be inserted giving the Town authority to enter on the property to inspect for reported violations.

Ken McWilliams noted that Article V, 6. (h) about a recreational vehicle storage area needs to be consistent with the provision in the Restrictive Covenants.

Peter Stanley indicated that a building permit is required in Article V, 8.

April 2, 2009

Ken McWilliams recommended breaking out septic systems from Article V, 8 and address it in a separate paragraph. It should include the statement about replacing failed systems with new systems meeting today's standards.

Ken McWilliams noted that Article VII, 1. the word "supervise" needs to be replaced with "buildings".

Peter Stanley noted that a demolition permit and then a building permit are needed under Article VII, 2 (a).

Ken McWilliams noted that Article VIII, 1. needs to reference the Restrictive Covenants as well as the Bylaws.

\*

The sub-committee discussed whether the Planning Board should be given approval authority to changes in specific articles of the Bylaws. Ken McWilliams indicated he would make suggestions to the sub-committee to consider at the next meeting.

In Article XI, 1. Peter Stanley suggested changing "Clerk" to "Secretary".

In Article XII, 1. (f) Ken McWilliams suggested replacing the term "Common Area" with "private lot" in (a).

In Article XIII, 1. Ken McWilliams suggested adding after or: "and 1/17<sup>th</sup> interest in the Common Area".

Ken McWilliams will distribute minutes for review prior to the next meeting with the sub committee.

The next meeting is scheduled for Thursday, April 9, 7:30 am at the offices of Jesseman Associates.

Respectfully Submitted,

Ken McWilliams  
Town Planner

Date Approved : \_\_\_\_\_

Chairman: \_\_\_\_\_

storage/display of items. Chair Ebel asked Mr. Lizotte to explain the remaining items for which waivers were requested.

Waivers were requested for: the Site Location Map, Direction of the Flow of Surface Water Drainage, a Landscaping Plan, an Outdoor Lighting Plan, and a Patrol Plan. Since they were not going to be changing any of the surfaces of the site, they were not planning any additional landscaping, and because outdoor lighting was already in place on site, Mr. Lizotte believed waivers should be granted for these additional steps.

Mr. McWilliams asked about the Solid Waste Disposal Plan. He wanted to know how the garbage generated from the facility would be handled and noted that if there was a dumpster outside it had to be indicated on the site plan. Mr. Lizotte said they would have the garbage maintained inside the building and would not have any dumpsters outside.

Mrs. Sheer-Gross asked if there were any issues with the existing site plan, for example, issues with drainage. Mr. Lizotte commented that he wasn't sure about the drainage on the field from the parking lot. The only water issue he was aware of is the water that comes into the basement under the gym. Mr. Lizotte shared that Dan Noyes of KRSD noted a drain line that needed to be cleaned out, but commented that the building has been there a long time and these are continuing issues.

Planning Board member Celeste Cook asked about the lighting outside and if it was acceptable. Mr. Lizotte said that the lighting was old and not something he would choose for a new project, but it is working and it is one thing they wouldn't have to pay for with start-up at this point. Michael Doheny mentioned that it is rather dark at the site at night. He said that he would like to have Mr. Lizotte come up with a Lighting Plan, especially near the parking, to help illuminate the area. Mr. Lizotte said he could come up with something for next time. Thomas and Nancy Donnelly shared that they are the closest abutters to the proposed site and that the current light from the building shines directly down Sawyer Lane, where they live. They commented that when the trees are bare in the winter, it is very bright in the back of the building. Any further lighting would only add to the brightness, they felt. Mr. Lizotte mentioned that they use directional lighting now, called "cut-off fixtures" that shine directly onto the pavement and do not illuminate the surrounding areas.

Planning Board member Michael Doheny asked where the barrels of trash would go when they are filled. Mr. Lizotte said that they would be taken to the old wood shop where a truck could be backed up to take the trash away to the Transfer Station. Mr. Doheny also asked about the minor changes to the existing surface of the site for water flow. Mr. Lizotte said there were only two sidewalks added and did not believe these additions would change the water flow.

**Chair Ebel asked for a motion to approve a waiver request for items 4, 12, 17, 23, 24, and 27. Motion was MOVED by Dale Conly and SECONDED by Jeff Hollinger. The MOTION was APPROVED UNANIMOUSLY.**

Mr. Lizotte will bring lighting proposal to the next meeting for final review.

## **2. Camp Wallula Subdivision – Preliminary Subdivision (Tax Map 33, Lot 16)**

Larry Ballin returned to the board.

Brad Cook, Bradford Cook Consultants, confirmed that he represented Camp Wallula, Inc. and reviewed the project. He said that when the property came onto the market about a year ago, he came in to help them sell the property in a respectable way to keep the integrity of the property as a camp, and with respect to Little Lake Sunapee. He stated that he has been to the Planning Board for conceptual hearings three times and met with the subcommittee twice. He thinks the discussions and improvements that have been made (size and locations of lots, buffer added to property) have been helpful. Mr. Cook stated that this was a unique project because in 1972 a planned unit development was approved for Camp Wallula. Mr. Cook noted that Counsel for the Town of New London has confirmed that this project is a grandfathered planned unit development. There are 16 lots in addition to a common area, which brings the total number of lots



\* technically to 17. Additionally, there are plans for 17 units on 16 lots, due to the fact that there are two units on lot 16. Mr. Cook stated that there is one 2-unit building, 9 single-buildings and 6 additional lots to be built on in the future. Mr. Cook wanted to note that what was once referred to in the past as "sites" would now be referred to as "lots" (land) or "residential units" (existing buildings). Mr. Cook shared that the majority of the work for this project had been done by Jesseman & Associates engineer, Nate Fogg. The subcommittee, which includes Planning Board members Tom Cottrill and Dale Conly, has worked on the planning issues. Mr. Cook went on to add that governance of the project would be proposed as a homeowners association and not a condominium association. With a homeowners association, Mr. Cook said there would be two governing documents: Restrictive covenants, and by-laws (rules and regulations), copies of which the Planning Board has. Mr. Cook expressed his desire to get back together with the subcommittee as soon as possible to begin working through the bylaws and restrictive covenants. Mr. Cook opened the floor to Mr. Nate Fogg to go over the most recent updates to the plan for Camp Wallula.

Mr. Fogg introduced himself and noted that Mr. Jesseman of Jesseman & Associates, and Mr. Bottinger, president of Camp Wallula, Inc. were also in attendance. He showed that sheet one was a better list location plan and tax map sketch. He mentioned that it is difficult to match the sites in the subdivision plan due to how they were originally labeled. For simplicity in the future, Mr. Fogg stated that they will re-label the "sites" as "lots" which is a more user-friendly term for the registry, state and approval process. Mr. Fogg is very pleased with the changes made in the lots working with the subcommittee. He showed the shore land buffer set-back. He noted that all the sites that fall within the shore land protection zone have already been developed. If residences are upgraded, owners will need to comply with the shore land protection requirement and the low-impact drainage rules. Mr. Fogg noted that there are four sites that are outside of the shore land protection zone, and there are six sites scattered around that are yet to be developed.

Mr. Fogg turned attention to Sheet C3 and noted that the trees that appear as black dots in the old map. He said that the trees and tree-line will be removed from the map to help with clarity. He commented that the map shown would be the plat sent to be recorded with the registry of deeds. The plan would be sent to the state for state subdivision approval. He showed that the sheet also showed the lot sizes.

\* Mr. Fogg showed that Sheet (C4) showed the overall land parcel of the Wallula project. The total acreage was said to be 28.4 acres. Mr. Fogg commented that most of the rear of the parcel is open in the back. Topography was available for the area being developed and commented that the land in the rear is fairly "rugged" land and will remain natural without any changes. He said that they would like to be granted a waiver for topography for this section of land, since it will remain unchanged.

Sheet C5 was shown to be the topographic site plan. The steep slope areas are shown and Mr. Fogg noted that improvements to the lot configuration included moving site two to avoid a steep slope. Site nine was previously located along the outer boundary line of the property. Buffers were taken into consideration and the site was moved away from the boundary line. Similarly, sites 1, 5 and 4 were pulled back away from the outer boundary to give as much buffer zone to each lot without implying setback issues with already existing buildings. Mr. Fogg showed that the hammer-head was moved further down the road to provide a side setback on site 10. Also, some lots were moved up to the right of way, which in addition, was straightened out.

Mr. Fogg displayed Sheet C6, which showed Test Hole Logs. He commented that they found very sandy soil throughout the property. He shared that they did not find any water issues and it was felt that the land would be very good for underground septic systems. He mentioned that they did not have Don Bent (New London Health Officer) observe the test holes because, at the time, they were unsure of where the lot locations would be. Mr. Fogg stated that he wanted to check and see if the Planning Board would like the test holes reviewed now, or if it would be best to wait until the lots are ready to be developed.

Sheet C7, showed the Shore land Setbacks. Property lines were highlighted in yellow and the pink areas on the map are ones that would be changed based upon what has been updated in the plans. A 20' x 80' hammerhead was moved down the road in the plan, so that plow and emergency vehicles would be able to turn around at the end of the road. Some roads will be discontinued, loamed and seeded to prevent people from driving across other people's property. Mr. Fogg noted that access to the tennis court would not be

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changed, but would now be labeled as a walking path. He commented that it would still be large enough to get equipment through the road to maintain the tennis courts, as needed. He showed that site 8 would be changed and moved towards hammerhead. Driveways were added to sites 2 & 9. A second tennis court, which is currently overgrown would be cleared and rebuilt. Mr. Fogg shared that a plan was in the works to show the specifications of the court. Another addition to the land would be a 150sq. foot ball field. Mr. Fogg explained that the land is already open, but needed to be graded, loamed and seeded to provide a suitable area to play. He noted that the changes are limited to the back area away from the lake. There was little change going on near the water.

Sheet C8 was the Road Plan Profile for the existing road. The hatched areas will be removed to provide for better clarity; they were also left off from the state's subdivision plan. More detail was added to the hammerhead design so it could be shown that it would be installed correctly.

Mr. Fogg also showed Sheet C9, which was a detail sheet. This page showed the tennis court layout with gravel and pavement. Loam and seeding of discontinued access roads, water line installation.

Sheet C10 showed a Utilities and Fire Protection Plan. It showed all the septic systems for each site, the water lines, and two hydrants. Mr. Fogg explained that there were two lots in need of a different water supply: site 15, a seasonal cabin, has a water supply that consists of a hose lying outside on the ground. This property will get a permanent water line connect to the main water line near the site. Site 14 ties in off the back of house on site 13. Mr. Fogg feels that it is important for each site to have its own water source. This site will get its own water line next to the driveway. Other than that all the proposed water lines will remain the same. He noted that the water supply is all private except for two hook-ups on Little Sunapee road will require permits from the Water Precinct.

Mr. Fogg noted the Impact Assessment. It was noted by the department heads that there were some typographical errors present that needed attention. Also #6 was too general and they wanted more details on fire protection. The department heads also thought there needed to be more specifics stated regarding the fiscal impact of the lots to the town. Mr. McWilliams asked about Solid Waste in the Wallula area. Mr. Fogg commented that barrels would be used for garbage, and would be carried away like any other residence. Chair Ebel asked that it should be included in section about the fiscal impact of people moving into these lots with children/students. He said he planned to because that had already been requested by the department heads.

Chair Ebel noted that on page 7 paragraph 1 of the Impact Assessment, the terminology used was "During Construction, contractors are advised to use erosion control methods". She asked that it be changed to "...contractors are *told* to use erosion control methods." Mr. Fogg agreed to this change. Peter Stanley explained that a construction yard is commonly created on site and this needs to be identified because it can cause problems with traffic, erosion control issues, and neighbors. Stanley said this is something that needs to be brought before the planning board. Mr. Fogg noted that there will be a natural staging of the property remodeling and will be limit activities permitted in the common area during construction.

Chair Ebel noted another sentence for review within the Impact Statement: Paragraph 7 reads "During future development, contractors will be directed to use the most current method." She noted that it should say "*required* to use the most current method." Mr. Fogg agreed to this change.

\* Mr. Brad Cook remarked that the New London application documents will be completed and filed. Chair Ebel said that she went through declaration of restricted covenants. She suggested that they need to work on it more. She remarked that it seemed a little "scattered, especially with respect to the definitions. She wondered if the definitions conformed with definitions in the bylaws. . Mr. Cook said they have been struggling with the site/lot/unit dichotomy and when this has been remedied with the subcommittee, the documents will be re-written.

\* Nate Fogg mentioned the Original Sites Lots. They are not expanding the lots from the 1972 site plan. The table tries to describe the area and buildable setback areas based on the original lot area. They want to try to keep that area capped based on the original lot size. Mr. Fogg noted that sites 12, 14, 15, 16, 17 have \*

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had added in, a natural woodland buffer. He said that these are sites closer to the road and are affected by the Shore Land Protection Act. They are allowed to remain as-is and are limited (permit needed from the state and town) which will limit the amount of area is disturbed on their parcel. He stated that the map will be re-labeled from "sites" to "lots." The map will also show and add to the table where the lots may be limited, if in fact, they are. He said that all six of the lots will be limited by zoning setbacks (same as 1972 by his research) and the original build-able area of the original site would limit the size of the building on the parcel. Ken McWilliams noted that simplest way to define this is by referring to the New London Zoning Ordinance definition of the term Building Envelope: "Portion of a lot remaining after depleting un-developable areas including wetlands and wetland buffers, lakes, ponds and their buffers, steep slopes and any other applicable setback requirements and may be restricted further in new lots in the shore land overlay district to protect water resources." He also noted that the old plan for Camp Wallula would have had the same requirements. Mr. Fogg asked if he would need to change his original build-able area setbacks.

Peter Stanley, Zoning Administrator, commented that it appeared that there were rear and side setbacks in question. He said that in zoning law, you do not get to pick a year when the lot came into effect and adopt those zoning laws. In the town of New London, it is the current law/standard for setbacks. It wouldn't matter what the zoning setbacks were in 1972. Mr. Fogg admitted that he understood this.

Steve Jesseman wanted it explained further about the distinction between "lots" and "units." Mr. Fogg explained that the land parcels would be called "lots" and the existing buildings would be called "units." The common land within the site would also be considered a lot (lot 17). Mrs. Sheerr-Gross asked if lot 17 included all the areas that were not part of the other lots Mr. Fogg answered in the affirmative. Lot 1 contains 2 sites/units and is the existing Bottinger house. Lot 2 has zero build-able units. The average is 17 units on 17 lots.

Mr. Fogg then asked for 3 waivers:

1. Topography survey of the area (7b in the rules) – Mr. Fogg feels that the topography would not provide any useful information since it is part of the parcel that will remain undeveloped.

2. Stormwater management plan. Mr. Fogg stated that this plan had already been developed when the PUD was originally created, the road is already in, and the hammerhead is in a small area away from lake. The updated tennis court and ball field are fairly small areas and the change in drainage would be minimal to none. Mr. Fogg mentioned that one item that came up in department head meeting was the need to show the erosion control of the hammerhead due to a slope off the back of it onto site 7. Mr. Fogg believed that this can be shown easily without an entire plan. Mrs. Sheerr-Gross asked the Planning Board how the waiver request (storm water) would be accepted by the town. Also, what were the conditions today versus when the other six sites are built? Are there any current issues with the drainage? Mr. Fogg answered in the negative. Chair Ebel was not inclined to grant this waiver and to direct it to the subcommittee. Mr. Bottinger, who lives on the flattest area in Wallula, noted that there is no problem with drainage currently. He noted that the land drains in 10 minutes after a heavy rainfall. Peter Stanley mentioned that the perk test showed 2-4 minutes drainage, which is excellent. He said that given the soils, drainage would not be a problem in this parcel. Chair Ebel understood, but requests a plan still be created due to the fact that it is the norm for every other development that has been in close proximity to a lake. She opined that if there was ever a location that should have an up-to-date stormwater drainage plan, this was it. Larry Ballin noted that the reason the waiver is being requested is because they feel that a storm water plan will take a significant amount of work. He shared that he didn't think it was going to be a big project and agreed with Chair Ebel that it was necessary given the location. Mr. Jesseman said that they would withdraw the request of the waiver and would get a Stormwater Drainage Plan to the board.

3. Wildlife Habitat Report. Mr. Fogg said that since there are no real changes to the land, he would like a waiver of this requirement. Chair Ebel asked Planning Board members if they thought granting this waiver was acceptable. No one had a concern with the waiver request.

Chair Ebel asked for any further discussion, and since there was none, asked for a motion.

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**IT WAS MOVED (Cook) and SECONDED (Conly) THAT THE CAMP WALLULA REQUEST FOR WAIVERS OF THE TOPOGRAPHIC MAP AND WILDLIFE HABITAT REPORT BE GRANTED.**

**The MOTION was APPROVED UNANIMOUSLY.**

\* A date for a subcommittee meeting was requested. While Mr. Conly is still on the board (until 3/31/09) a meeting will be planned by Mr. McWilliams. He noted that there would need to be two meetings: one to discuss bylaws and covenants, and another meeting to review the changes made. Chair Ebel asked that once his Planning Board term is over on March 31<sup>st</sup>, he act as the board's designee on the subcommittee. Mr. Conly agreed to stay on until the 2<sup>nd</sup> meeting is over because he is knowledgeable in this project and wants to follow through with it.

Planning Board member Sheerr-Gross commented that when looking at the draft restrictive covenants (#11) she realized that the impact of this development has the potential of having a large visual impact if the color of the buildings in the Wallula subdivision is changed from the darker, campy colors, if lower-pitched roofs were added, etc. She asked if there could be something included to have the right to approve home colors. She mentioned finding a way to keep a 50-60% reflection ratio in home colors. She stressed that it was important to keep a continuity of the "camp" feeling. Mr. Cook remarked that he had some people interested in the lots and if they were advised on the provisions regarding their architecture or house color it would not go over well. Mrs. Sheerr-Gross commented that if the colors are subdued, they go away and don't stand out. The main body of the house should not impact the visual from the lake. ✓

Nate Fogg asked again about the test holes shown on the test hole log page. As he noted earlier, Mr. Bent did not review the test holes because Jesseman Associates was not sure where the lots would end up. He remarked that the state does not require review of subdivisions, but that it does require septic approval. He asked the question whether or not Mr. Bent should go out now or wait until septic designs are done. Mr. Ballin believed that Mr. Bent could go in when it is appropriate, after the designs are done. Other members agreed that this was acceptable.

Ms. Sheerr-Gross asked what happens when the homeowner association does not follow its own rules. Mr. Cook remarked that he has represented some associations. None of them, which generally include a small number of members, seem to want to tell the others that they are not following the rules. Mr. Ballin said that the Zoning Administrator can step in if rules have been written down and is a town issue. The town cannot legislate the case unless they have been involved in the planning. Mr. McWilliams stated that the town can enforce many of the requirements as part of the subdivision approval process. Chair Ebel noted that when the Planning Board approved other subdivisions near bodies of water, it has required conservation-related rules that state that the town can step in if the associations don't comply with them. \* She stated that in the case of Great Pines, the homeowners association was responsible for maintenance of drainage structures and if the association did not maintain them, the town could step in to do so. Chair Ebel advised Mr. McWilliams that they should keep in mind association for the septic system repair while going over the covenants if there is a failure, considering the lakeside location. She recommended that these sorts of provisions be included in the Camp Wallula documents. Mr. Cook said he would work with the subcommittee on this. \*

Mr. Jesseman noted that there was some concern with the hydrants in the Wallula area. He wanted it known that they have agreed to add another hydrant to remedy this issue.

Mr. Cook asked to continue the Wallula preliminary hearing to the April 28<sup>th</sup> meeting.

**3. Colby-Sawyer College – Concept Site Plan Review – Reuse of Fairway Motel for Student Housing (Tax Map 98, Lot 27)**

Mr. Ballin recused himself from discussion on this matter due to the fact that his son is an employee of the country club (owner of the Fairway Motel) and a student at the college.

**It was MOVED (Conly) and SECONDED (Hollinger) that the Planning Board recommends to the ZBA that the Kearsarge Community Center be granted a use variance. The MOTION was APPROVED UNANIMOUSLY.**

Chair Ebel asked Mr. Stanley to let the ZBA know of this decision, which he agreed to do. Mr. Lizotte stated that he would return to the PB following the next ZBA meeting.

Mr. Ballin returned to the PB and relieved Ms. Sheerr-Gross for the next matter.

#### **V. WALLULA SUBDIVISION – CONTINUED CONCEPT SUBDIVISION**

Nate Fogg, an engineer from Jesseman Associates came to the PB to continue the discussion of the Wallula subdivision. He advised the PB that the Wallula subcommittee had met twice (Conly, Cotrill, McWilliams & Stanley) to review and adjust the location and shape of the building sites and subdivision access... Mr. Fogg noted that there was previous concern about the buffer around the perimeter of the property, and stated that there is no problem pulling the sites back to allow for the original buffer. He said that the majority of the sites in the proposed subdivision have been amended to comply with the subcommittee's recommendations. Mr. Fogg then discussed the location and parameter of each of the sites in detail, as well as the access road, all of which was shown on the map presented to the PB.

All sites except for #12 and #16 & 17 were moved away from the outer boundary lines as far as possible without creating any building setback encroachments. The greatest change was site #9, which was relocated behind Site #10 and will share an access drive with Site #2. Chair Ebel expressed her appreciation of the work done by the subcommittee. Ken added that he did not feel that any of the recommended changes were significant enough to warrant additional subdivision approval. PB Member Dale Conly, a subcommittee member, noted that the changes made protected the perimeters. He said that the major change was the relocation of lot #9 that had originally been in a congested area close to another property. His only concern was the septic systems, many of which are antiquated and would not meet current criteria. He is concerned about the lots closest to the lake (#12 & #14), which are seasonal. He opined that if converted to year-round residences, the septic systems would be inadequate. It was agreed that new septic designs would be appropriate if they were converted to year-round residency and that the state would require upgrading in that instance.

Peter Stanley pointed out that lots 16 & 17 are actually a 2-unit house, and that no other detached dwelling could be built on that site. He also stated that there are at least six lots that are largely within 250' shore land protection area. Mr. Stanley noted that any modifications to those sites must meet the requirements of the state and Town comprehensive shore land protection laws. He mentioned that attention needs to be paid to the undisturbed buffer requirements adjoining units 14, 12, 16 & 17. Mr. Fogg interjected that one of the goals they will have will be to identify build-able areas. He said that the intent is not to enlarge the buildable area, but to maintain what was originally allowed in the subdivision that did not fall within the shore lane protection area.

Steve Jesseman (Jesseman & Assoc.) commented to Mr. Conly that he recently attended a meeting with DES for an update of current regulations. He said that according to DES, in 3-6 months, septic systems will have to be re-designed and that is why they are addressing this issue now. Attorney Brad Cook, representing the applicant, noted that Wallula will have a full disclosure of these issues in property documentation and that any buyer will be notified of the condition of the building/septic before a sale is made. He also called attention to his letter to the

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PB reviewing Wallula shore land property ownership. Chair Ebel acknowledged receipt of the letter.

Nate Fogg stated that he plans to return next month to review with further concept changes with the PB. He said he did not think the subcommittee would have to meet again.

## **VI. OTHER BUSINESS**

### **A. CATE FAMILY TRUST SUBDIVISION (Tax Map #103-002 Lots 100 & 200) MYLAR Correction**

Erin Darrow from Darrow Civil Engineering came before the PB with an amended map for the Cate Family Trust Subdivision. She stated that the Registry of Deeds had rejected the previous map because there were some lines through some words making them illegible. Ms. Darrow stated that the map was modified (setback lines around the wetlands around lot 102-3 moved, and one of the bearings and distances were changed), and that the offending lines had been removed. She indicated the changes on the map. She said the MYLAR had been reprinted and now needed to be approved.

Chair Ebel asked if there were any further comments and there being none, asked for a motion.

**It was MOVED (Cook) and SECONDED (Conly) that corrected MYLAR for the Cate Family Trust Subdivision be approved.  
The MOTION was APPROVED UNANIMOUSLY.**

**B. FOREST ACRES ROAD TREE CUTTING REQUEST (Tax Map #118/Lot 22)**  
Dale Conly had been in contact with Derek Hunt of 395 Forest Acres Road. Mr. Conly said that on his property there is a large white pine growing on a rock whose root system was damaged by the last ice storm. He explained that the tree is currently leaning approximately 15 yards from the house and is very large. Mr. Hunt is requesting that he be allowed to cut the tree down to prevent damage to his home. Photographs of said tree were provided. Mr. Conly recommended that the PB approve the tree-cutting request.

Chair Ebel asked if there were any further comments and there being none, asked for a motion.

**It was MOVED (Ballin) and SECONDED (Cottrill) that the tree-cutting request of Derek Hunt of 395 Forest Acres Road be approved as presented.  
The MOTION was APPROVED UNANIMOUSLY.**

### **C. ADVERTISING PLANS FOR MASTER PLAN**

Chair Ebel asked the PB members for their input on advertising for the Master Plan meetings in the coming months. She explained that \$600 had been budgeted for advertising and that there had been a great deal of concern expressed by various individuals that the PB had not done enough community outreach. She noted that a lot of advertising was done for the Town Survey presentation and not many people attended. After much discussion, it was decided that for the next month, the PB place one small ad in the Kearsarge Shopper and one ad in the Intertown Record, depending on the price. PB Member Cook recommended that a notice be placed in the Intertown's Community Calendar, which is free. Ken will research the prices. Chair Ebel will decide how to go

APPROVED

TOWN OF NEW LONDON  
PLANNING BOARD  
WALLULA SUBDIVISION SUBCOMMITTEE MEETING  
FEBRUARY 10, 2009  
4:45 PM AT JESSEMAN ASSOCIATES OFFICES

SUBCOMMITTEE MEMBERS PRESENT: Dale Conly (Planning Board), Tom Cottrill (Planning Board), Ken McWilliams (Town Planner), and Peter Stanley (Zoning Administrator).  
OTHERS PRESENT: Nate Fogg, Lyn Walker and Steve Jesseman, Jesseman Associates.

In compliance with the requests and suggestions of the committee, the following adjustments have been made to the Camp Wallula plan.

- Site # 2 has been pulled down to avoid the steep slopes and allow access without crossing the steep slope.
- After meeting with Richard Lee, the functional hammerhead (20'x85') has been created and as well as an adjustment on the ROW. Peter Stanley and Ken McWilliams noted they thought the creation of the hammerhead should not be considered a major change.
- Site #9 has been relocated behind and in between sites #10 & #11 south of Site #2. Site #9 also has a shared driveway with #2.
- The building envelopes on each site and restrictions for each lot should be noted on the preliminary subdivision plan. Shore land restrictions (New London & NHDES) must be followed for any new or additional construction, or any kind of impervious surface coverage for lots or parts of lots located within the Shore Land Overlay District.
- Site #10 has been shifted to the north to abut the hammerhead and ROW that has been shifted to the north. The existing building on Site #10 will now conform with setback requirements.
- Site #1 has been adjusted to create a larger buffer to lot line and to provide conforming setbacks for the existing building.
- Site #8 has been moved away from steep slope and access to site has been relocated.
- Site #11 has been adjusted to allow access to sites #2 & #9 with a common driveway and to separate Site #11 from Site #3 to provide an area for driveway to access the ball field area in the back to the east.
- Site #5 has been adjusted to make conforming setbacks and to maximize the buffer area along the perimeter boundary.
- The "undisturbed" areas in the Natural Woodland Buffer need to be defined for the lots within the 250' Shore Land Overlay District
- The ROW, undisturbed areas and pathways need to be clearly identified on the preliminary subdivision plan.
- The plan should identify what roads and driveways get maintained and which ones are to be discontinued.
- The plan needs to be consistent in colors and symbols regarding new and old lot lines and driveways.

Nate Fogg indicated the soils would allow each site to have its own septic s Agreement. Peter Stanley stated that if septic systems are replaced, they would be required to meet all the current design requirements. Since the current systems are substandard, Peter also suggested it may be prudent for the seller to advise the prospective homeowners that they will be required to have an approved design available in the event of system failure to prevent lake pollution. The area for each leach field replacement needs to be identified on the plan for each lot.

Steve Jesseman suggested the possibility of setting aside a 100'x100' area on the playfield for owners to park their trailers/RVs, etc. to keep them out of sight instead parking them in individual driveways. The following discussion points were raised by the group and after a brief discussion this subject was dropped due to complicating the issue.

- Would this type of storage be allowed in the common area?
- By-laws would need to be re-written
- This could be considered a major change and the Planning Board would need to rule on this.

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- Anyone that doesn't live there would not be allowed to store something there
- Proper buffer screen to adjacent property

Tom Cottrill asked about shoreline (waterfront) use among the various lot owners. Steve Jesseman, Nate Fogg and Lyn Walker stated this was not included in the proposal.

Ken McWilliams indicated that at this point he thought all the changes being proposed were not significant changes. Peter Stanley, Dale Conly and Tom Cottrill concurred.

Respectfully submitted by:

Kathleen M. LaVallee, Recording Secretary  
New London Planning Board



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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**TOWN OF NEW LONDON  
PLANNING BOARD  
WALLULA SUBDIVISION SUBCOMMITTEE MEETING  
FEBRUARY 3, 2009  
4 PM AT JESSEMAN ASSOCIATES OFFICES**

SUBCOMMITTEE MEMBERS PRESENT: Dale Conly, Tom Cottrill, Ken McWilliams, Peter Stanley

OTHERS PRESENT: Brad Cook, Attorney for client, Nate Fogg, and Steve Jesseman, Jesseman Associates.

Nate Fogg presented a plan showing the overlay of the existing and proposed sites, and noted that, as requested by the Planning Board, the steep slopes have been corrected, the carport and brush pile on site #13 has been removed, and the proposals to extend lots to Little Sunapee Road and the perimeter of the site have been deleted. Nate also noted that the garage near the entrance to the road is on common land and will be owned by the association.

The following sites will remain the same configuration as the existing layout: 2, 12, 14, 15, 16 and 17.

The following sites have been modified as such:

- #13 - only added area that is not in the Shoreland protection zone
- # 5 - added 15 foot buffer along outer property line
- # 4 - is pulled away to give a 50' perimeter buffer
- # 3 - adjusts the boundary to follow ROW
- #11 - adjustments allows field access without driving over leach field
- #10 - adjusts the boundary to follow ROW
- # 1 - adjusts the boundary to give 35' perimeter buffer and include existing drive
- # 9 - adjusts the boundary to give 15' perimeter buffer
- # 8 - moved site back near original site and mostly off steep slope
- # 7 - unchanged from previous submittal
- # 6 - unchanged from previous submittal

Peter Stanley stated that the steep slope at site #2 cannot be altered, and it's too steep for a driveway, can we pull the lot line back? Access to site 2 cannot be across slopes greater than 25%.

Peter Stanley advises that creating a functional hammerhead will not be considered a major change. Ken McWilliams agreed and requested that the design of the hammerhead be discussed with Richard Lee.

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Peter disputed the 15' buffer at site #9. Possibly move #9 to between # 10 + # 11, reconfigure lot to share Site #2 driveway, on or very near to the old tennis court. Mr. Stanley stated that he does not feel that 15 feet makes a functional buffer.

Soils allow each site to have its own septic system; however, shared fields could be on a few sites as long as it is included in the Homeowners Association agreement.

\* Peter requested, and all concurred that a chart of some kind be included on the plan and in the HOA agreement stating the restrictions of each site. Shoreland restrictions (New London & NHDES) must be followed for any new or additional construction, or any kind of impervious surface coverage.

Brad Cook gave a review of the shore land property ownership & Supreme Court intervention in the DOT ROW, pier, etc. Brad Cook left a letter with Ken McWilliams for the Planning Board explaining this.

It was explained by Nate Fogg that the existing septic systems had all been approximately located and the test pits had been dug close to each proposed system.

Peter Stanley pointed out that if many of them are substandard, it may be prudent for the seller to advise the prospective homeowners that they will be required to have an approved design available in the event of system failure. Ken McWilliams noted that each lot needs to identify the area for the leach field replacement system for each lot.

\* Tom Cottrill inquired whether any of these changes would be setting a precedent for the interpretation of minor or major changes. Ken McWilliams confirmed that this was a unique situation, as this is an approved, non-conforming, subdivision. Ken McWilliams and Peter Stanley noted they were not aware of any other comparable development in New London.

Mr. Cook stated that the neighbors to the south currently have an understanding with the owner about the amount of landscape buffering. Peter Stanley suggested that the town be the decision maker and that this landscaping buffer needs to be shown on the plans.

\* To summarize the suggestions and requests of the committee:

1. Pull site # 2 down to avoid steep slopes and allow access without crossing steep slope.
2. Create 20x85' functional hammerhead and adjust ROW as necessary and review with Richard Lee..
3. Relocate site #9 to behind/between # 10 + # 11
4. Reconfigure to have site # 2 driveway shared with site #9.
5. Notes / chart regarding restrictions.
6. Show building envelopes on each site.
7. Move hammerhead and ROW to make northerly side of site 10 have a conforming setback.
8. Adjust site 1 based upon relocated ROW – no closer to perimeter boundary.

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9. Bring site 8 towards hammerhead to move off from steep slope – relocate access to site 15 as necessary.
10. Adjust site 11 to allow access to sites 2 & 9 between sites 10 and 11.
11. Adjust site 5 to make conforming setbacks but to also maximize buffer area along perimeter boundary.
12. Lots within the 250' Shore Land Overlay District shall have their "undisturbed" areas in the Natural Woodland Buffer defined.

Approved by the Planning Board on \_\_\_\_\_, 2009

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Chair Karen Ebel

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the wetlands. The other concern was the expansion of the substation encroaching on the dry land and what they propose to do is extend the gravel surface to allow access to the area behind the substation.

He went on to say that they had heard some comments at the department head meeting today that would require some modifications to the layout. One of the issues is a gravity sewer line that goes right through the proposed footprint and the equipment foundation is closer to the sewer line than the Town would permit. In order to have a separation from that sewer line and further protection from encroachment on the wetlands, they propose to set fence quarters on either side and still be able to get around the equipment. The other issue was the placement of the control shelter which they will move in order to comply with the setback requirements.

Tom Cottrill pointed out that the existing substation was closer to the sewer and Tom Henaghen stated that in order to get away from the sewer line (they need to be 10 feet away from the line), they would probably get closer to the existing footprint in those areas. For the gravity sewer, they are about 8 or 9 feet away from that.

Ken McWilliams commented that in the cover letter, they had stated that they would have approximately 600 square feet more of impervious surface coverage than they have currently and that most of this is along the 12 foot gravel access driveway that they are proposing. Ken suggested that they think about some LID technique that they could infiltrate that water into the ground instead of trying to add that to surface storm water drainage system, i.e. some type of infiltration trench. Ken went on to say that the committee appreciated the positive effort to rework the plan that the engineers had put forth.

John Melia wanted to know if the substation was going to be built in essentially the same location as there was an easement onto his property and Tom Henaghen responded yes. Tom asked when they should submit their revisions and Ken responded that the next meeting was Feb. 24<sup>th</sup> and they needed to submit their plan by Feb. 9<sup>th</sup>.



#### 4. Wallula Subdivision (Tax Map 33, Lot 16): Concept Subdivision

Ken McWilliams stated that there were three or four changes being proposed that could be considered significant changes: 1) the concept of adding road frontage to lots (lots 3 & 4) and 2) eliminating some of the perimeter common area (lots 1, 8, and 9 and sites 4 and 5). Extending lots to the state highway would eliminate common area between the internal lots and the road and potentially allow for individual driveway access from those lots directly onto the state highway. Eliminating or reducing the perimeter common area by extending lots to the perimeter of the site would allow for development to occur closer to abutters and provide for potentially greater impacts to those abutters. 3) there are a number of lots (13 out of 16) are increasing in lot size and the applicant had indicated at the last Planning Board meeting that they would put in provisions that would not allow more development on those larger lots than what could have taken place on the existing lots, through either building envelope restrictions, covenants, or a combination of those, and the details have not been shown to the Board yet. Ken stated that he



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thought that in order for the increased lot size to even be considered not a significant change, they needed to show the Board in detail specifically how they are going to restrict that. Peter Stanley pointed out that there are seven lots that are in the shoreland overlay district and they need to meet all the provisions regarding percentage of lot coverage, undisturbed amount of land within the Natural Woodland Buffer, etc. Some of the shore land lots may be restricted more than the back lots outside the shoreland and be even less developed because of those shore land restrictions. In short, they need to show the Board in detail how that would be managed so that eventually they cannot put up bigger houses, have more impervious surface, and have a greater impact on the land.

Ken stated that the applicant is proposing to extend site 13 to connect with the internal road and in the process they have included a steep slope area as part of that lot. His comment was that he did not see an issue with connecting the drive in that area to the lot, but wondered why they are adding a steep slope restrictive area to the lot. He thought that a steep slope area should stay in the common area as opposed to putting it into part of a lot where it could be more readily developed. He went on to say that there was some question as to that area being a steep slope area and they were re-looking at some of their mapping in order to be able to give the Board more accurate information as to whether some of these areas are not steep slopes. \*

Steve Jesseman stated that it was suggested that no more area can be disturbed on the lot than was originally shown in the original rectangle on the PUD plan and they didn't have a problem with that. Tom Cottrill clarified that the building footprint stays the same and the undisturbed area stays the same. Dale Conly asked if there is public water, but not sewage and Steve responded that was correct, each lot would place its own septic system. Steve went on to say that the question had come up of ownership of the water frontage and asked Brad Cook to speak to that issue. \*

Brad Cook stated that most times the State takes fee title ownership of the land underlying the entire road and always has right of way to the road. At Camp Wallula, the State does not own the underlying fee title to the half of the right-of-way on the camp side of the road. Camp Wallula owns that half of the road and the state highway has a right-of-way over that half of the road. Ken McWilliams asked to have something in writing clarifying that.

Chair Ebel asked if the building footprint would go higher and Larry Ballin stated that the Town did not have any volume restrictions, although it did have height restrictions. Tom Cottrill asked if they could make an overlay to the existing map that would show the new suggestion that would be dedicated to the lot sizes, so that they could see the proposed changes. Chair Ebel stated that she thought the Board needed to go through site by site to really understand each site, because it appears that they may be getting into the buffer zone and that would be substantive change that would require PB approval. \*

Brad Cook stated that no new any new access to Route 114 was anticipated. Nathan Fogg stated that they would be happy to restrict additional vehicular access to Rt. 114. Steve Jesseman suggested going back and laying out the lots again so that the buffer would be included, etc. and it would shorten the discussion about each lot. Chair Ebel suggested that one or two members of the Board work with them as a subcommittee to understand what is going on and make \*

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recommendations to the Board. She stated that she thought that would be helpful to go through each site and review in detail what is happening.

Brad Cook clarified that they would re-establish the buffer, reconfigure the lots to make sense, but not to extend to or allow access to Route 114, and the issues discussed at the meeting would be addressed correctly.

Peter Stanley commented that if they increase the size of the lots to within 250 feet of the lake, they increase the potential amount of impervious surface and he wanted the Board to be aware of the potential impact. Larry Ballin asked if the Board could restrict the amount of impervious surface already intended on those lots and Dale Conly interjected that it would include things like driveways or other impervious surface coverage. Nathan Fogg responded that it wouldn't exclude them, but it would limit them to what would be allowed today with the current lot configurations within that shoreland zone.

Tom Cottrill inquired about restrictions on the types of septic systems allowed and Steve Jesseman responded that they were recommending using the Presby system. Peter Stanley stated that the best choice to use for being so close to the lake was an aerobic system. Steve responded that their only restriction was to use a system that would minimize the impact. Nathan Fogg stated that they had to prove to the State that they didn't exceed a certain amount of sewerage per acreage per day.

Chair Ebel asked Dale Conly and Tom Cottrill to be subcommittee members to meet with the applicant's representatives. She asked Ken McWilliams to attend the first subcommittee meeting and Peter Stanley to attend all subcommittee meetings. She also stated that they were required to have a recording secretary present at the meetings and would have to make arrangements for that. She suggested the daytime recording secretary, Kathy Colby and Steve offered to have his secretary, Lynn Walker, take notes and send them to the Board. It was decided that they would meet on Tuesday, Feb. 3 at 4:00 p.m. at the offices of Jesseman Associates. \*

It was **MOVED** (Ballin) and **SECONDED** (Conly) to **APPROVE THE MINUTES FROM THE JANUARY 6, 2009 MEETING.**

It was **MOVED** (Ballin) and **SECONDED** (Conly) to **APPROVE THE MINUTES FROM THE DECEMBER 15, 2008 MEETING.**

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Camille Holmes  
Secretary, Town of New London