

Major Subdivisions

1. Application by **Paul D. Cullen Sr. and Juanita M. Cullen** for preliminary approval of a resubdivision and subdivision of property with frontage on **Graham road and Snow Pond Road.**

Public Hearing

Mr. Pollock explained this proposal to combine two existing parcels and to create ten new residential lots from the resulting parcel. He reported the applicants proposed to move the PSNH utility easement closer to Snow Pond Road.

He explained that once these lots are created, this sets the development proposal for the rest of the property. This plan will leave only one access to the property from Snow Pond Road. Some of these lots will cut off access to buildable land to the rear. He reported he was meeting with the applicant soon to explore the possibility of a cluster development on the remainder of the property but at this point the applicant did not feel cluster subdivision was a viable option.

Mr. Pollock explained this was the first phase of a four-phase project. Decisions made for this phase would affect the remainder of the development.

James Mullaney was present as authorized agent for the applicant along with Joseph Wichert, surveyor.

Mr. Mullaney pointed out that Attorney Peter Imse of Sulloway & Hollis represented the property owner. He explained he mentioned this since Mr. Gross is a member of the same law firm.

Mr. Gross indicated he had not been aware of the relationship, and recused himself and left the table.

Mr. Mullaney explained there were four separate parcels in this project.

The Chair asked for clarification that they were only looking for approval of ten lots this evening. Mr. Mullaney responded that was the case. They intend to only seek ten lots at this time and intend to submit an application for subdivision of a second parcel next month. There will be two more applications in the future. He was not certain that what has been referred to as Phases 3 & 4 are even developable at this time.

Mr. Mullaney presented photographs of the westerly view. He explained that eight of the lots would have that view. The view was interrupted by PSNH lines and they had decided to seek approval from PSNH for relocating those lines to along the front of the property line where there is some old vegetative growth.

He reported this development will have a tremendous impact on the abutting Hyland property. They would like to reach agreement with that property owner to deed a lot to them to protect them from the impact by putting the existing horse pond entirely on the Hyland property.

Mr. Mullaney presented letters of support from R. J. Moreau and from J. H. Spain Associates.

He discussed the staff's recommendation to consider a cluster subdivision for this property. He stated his experience with cluster development and indicated they had originally considered a cluster subdivision but, after extensive research, found that cluster subdivision was impractical for this site. He felt it would be improper to overload the existing field with houses in order to fit the cluster part of the zoning ordinance.

Richard Couser, 34 Graham Road, indicated he had lived in this neighborhood since 1970. He recognized the right of the developer to make reasonable use of his property but he had five major concerns:

1. The change in the character of the neighborhood. This is one of the last rural neighborhoods in the city. He felt they were now looking at the possibility of a 500% increase in population in the neighborhood.
2. The condition of the local roads and the increase in traffic. These roads were built to serve a rural farming neighborhood. They are narrow and hilly. Snow Pond Road has not had maintenance in years and lacked underpavement. There are no sidewalks proposed for this density of development. These roads are not designed to handle the traffic they will be generating.
3. Wetlands. There is a major drainage swale crossing this property. He was not sure the plan adequately accounted for this wetland area.
4. Soil types. The open area north of the property consists of a thin layer of topsoil over sand. He felt this was erodible and difficult for sustaining vegetation.
5. Wildlife. Wildlife habitat will be destroyed by this project. He listed a number of animals that are abundant in this area. Their habitat will be irretrievably lost with this project. He mentioned particularly the Blandings turtle, listed as a rare species by the New Hampshire Fish and Game. It depends on wetland soils as its habitat and sandy soils for nesting areas. It is a sensitive species.

Robert Blake, who lives at the corner of Shaker Road and Hot Hole Pond Road, agreed with Mr. Couser. He felt a lot of attention needed to be paid to runoff that will come down Shaker Road.

Mark Mondro, abutter, reported he had been there twelve years. He indicated this was a rural neighborhood. He discussed the income from impact fees and taxes versus expenses such as road maintenance, education expenses, fire and police coverage, and trash removal. He also mentioned there were a couple of large lots still available in the neighborhood and discussed the potential for development of those lots as well. He also had questions relative to drainage.

There is a lot of drainage into his yard now and he was concerned about further impact to his land. He felt there were still a lot of questions to be answered about this project. He asked if there was ever going to be a limit to the number of building permits issued by the city.

The Chair reminded Mr. Mondro, as well as the rest of the audience, that the only application before the Board right now was the application for a ten lot subdivision. Any future development would have to come before the Planning Board at the time of application.

Dan Morin, 100 Snow Pond Road, discussed the impact of this subdivision on the neighborhood. He felt this should be fewer lots of larger sizes. This is a perfect example of getting the biggest bang for the buck. He felt little consideration had been given to the impact of this project on the school system, roads, drainage, traffic, and wildlife. He did not suggest that this should be denied but asked that the Board act responsibly in its deliberations.

Fred Courser, 1 Graham Road, indicated he had resided at this location for 32 years. He discussed soil conditions. Seasonal rains used to deposit sand onto the roads so severely that the City crews had to remove it. Overgrazing has resulted in the poor soil conditions today. He expressed concerns about schools, traffic, and road conditions. He objected strongly to cluster development in this area. He felt the location of the proposed drive to proposed lot 3 was extremely dangerous. The impact of this development, along with other developments in this area, will impact everybody on the east side of the Merrimack river, including people residing on Hoit Road. The pond on the parcel to be conveyed to the abutter was manmade in the 1940s. The maples along Snow Pond Road have outlived their usefulness. At least 50% of them are rotted and will not be around much longer.

Daniel Kumin, 30 Graham Road, added his voice of concern regarding this project. The soil is extraordinarily fragile. He pointed out that this is a unique stretch of land. He was concerned for the wildlife habitat.

Dave Morrison, 64 Graham Road, explained his property did not directly abut the development but he was very concerned about traffic. He also was very concerned about the potential damage to wetlands. He voiced his support for what Mr. Couser said. He felt Mr. Couser had summed up his feelings pretty articulately.

Mr. Blake was again recognized and noted that what he heard tonight was that people are beginning to realize the value of open space and conservation of land. He reported he had tried several times to work with the Conservation Commission in the city but had gotten nowhere. He felt the City needed to have an easier way for people to work with the City before a property owner has to sell his land just to survive. Most of the land in that part of the city is slated for conservation purposes but the City needs to work with the property owners to try to save these lands before it gets to this stage of development.

Joseph Wichert, surveyor for the applicant, clarified information on the PSNH easement area, steep slopes, and wetland delineations.

Mr. Mullaney again spoke and mentioned that at the Conservation Commission meeting they had offered to sell the development rights or the land itself to the Conservation Commission if they feel it is an important site. They seemed more concerned about what is being called Phase 4. He reported the current owners of the property are going to develop the land. It is just a question of who is going to develop it. He felt they had done a sensitive job of designing this project. He indicated that he could have the well point, house foundation and septic system plotted for each lot where slopes and soils were in question.

There were no further questions or comments and the Chair declared the hearing closed at 9:10 PM.

Deliberations and Action on Application

Mr. Blanchette felt there were still lots of open items with this application that needed further staff review.

Ms. Foss expressed concern about the cumulative impact of development in this area. This whole area pours out on some pretty marginal roads. She felt there was a need to look beyond just the road on which these lots front. She also expressed concern about pedestrian safety and the extent to which the neighborhood is accustomed to using the roads for recreational purposes. She was also concerned about wildlife impacts but it was not clear what avenues the Master Plan and subdivision regulations provided for addressing that.

Mr. Blanchette moved to table action on this application and encourage the developer to consider the testimony received and to evaluate the efficacy of a cluster development option for this property. Concerns raised include traffic impacts, the deteriorated condition of adjacent roads, inadequate sight distances at driveway entrances to the adjacent streets and excessive grade of driveways, impacts to pedestrian movement in an area with no sidewalks, concerns about the erodible characteristics of the site soils, drainage problems at the intersection of Graham and Snow Pond Road, and the practical ability to develop some of the lots due to the extent and configuration of slopes, buffers, wetlands, easements, and setbacks. Ms. Foss seconded. Motion carried with Mr. Gross abstaining from discussion and vote.