

**APPROVED Minutes of the Planning Board Meeting of March 23, 2010**

**Members Present:** Tom Cottrill (Chair), Jeff Hollinger (Vice Chair), Michael Doheny (Secretary), Karen Ebel, Emma Crane (Conservation Commission Representative), Peter Bianchi (Board of Selectmen Representative), Michele Holton, Deirdre Sheerr-Gross (Alternate), John Tilley (Alternate)

**Others Present:** Ken McWilliams (Town Planner), Peter Stanley (Zoning Administrator)

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

Chair Cottrill welcomed Peter Bianchi who will be taking Tina Helm's position as representative from the Board of Selectmen as Ms. Helm now becomes Chair of the Board of Selectmen.

**John C. Akin (TM 72, Lot 27) - Final Minor Subdivision: Duplex Condominium**

Mr. McWilliams explained that this would be a follow-up to the Preliminary Hearing from the previous month regarding a duplex Mr. Akin plans to build. He would like to convert this duplex into a condominium form of ownership. Mr. Akin previously submitted the condominium ownership bylaws and documents and after consultation with Town counsel, the Planning Board (PB) was in agreement that the documents were acceptable with regard to the Town's interest and protection. Mr. McWilliams explained that the building has not been built, but the building permit has been issued by the Town of New London. The purpose of the hearing is to consider approval of the duplex to condominium status. Mr. Akin noted that there had been no changes to the condominium documents that had been distributed to the PB members for review.

Barbara Harper, an owner on Everet Park, spoke to object to the building of the structure on the small lot. She said that she has reviewed several sets of PB minutes as well as the 2007 Town Meeting, and felt the PB had an interest to keep the feel and quality of New London consistent. She opined that the structure to be built was against the feel and quality of New London. She felt it was going to be an eye-sore in the neighborhood. She explained that the property will have no yard or trees, as the picture the Akins have been using to show the design suggests. The front of the condominium will have a four-car garage with the dwellings on either side, and would include drainage ditches. She said the only yard they will have is only due to the grace of the neighbors who have some room between their home and the lot line. Ms. Harper said that there are no trees, as the picture suggests, and felt the condominium would not fit in well with the neighborhood. She said that she has no problem with a condominium or duplex, if they are designed to keep the neighborhood in mind.

Peter Stanley noted that a building permit had already been issued for the construction of this duplex. He said that it meets the setback requirements, and that there was nothing about the building that does not comply with the current zoning regulations.

Ray Heath, a neighbor, said that he agrees with Ms. Harper. He said that he lives adjacent to the lot in question. Mr. Heath explained that they have nothing against having a home on the lot, but he can't imagine the home that is being proposed as being built there. He said that he has always thought that it was nice that there was a lot of room in between the houses that exist there. Mr. Heath felt that the

building the Akins wish to construct will decrease the property values in the neighborhood. He opined that even though the building fits the spirit of the law, it didn't fit with the spirit of the neighborhood.

Patricia Ettenborough, an abutter, explained that she held nothing personal against the Akins, but stressed that they all work very hard to take care of their homes in that area. She said that the house to be built did not fit the lot. She felt that although it fits the law, their investments would be in jeopardy. Ms. Ettenborough noted that she was sensitive to the neighborhood when she built her house in that area and felt that the Akins should do the same. Chair Cottrill again noted that the permit had already been issued and that the PB holds the hearing to consider the applicants request to convert the building to a condominium form of ownership.

Jack Akin said that he sympathized with the abutters and explained that he likes the neighborhood as well. He said that he wished he could do something for his daughters that would fit into the neighborhood. Mr. Akin went on to explain that by the nature of the two-family home, it will be larger than they'd like to see on that lot. He agreed with their comments and said that he was planning to plant trees, shrubs and whatever they can, to break up the appearance of the house from the street. He explained that they have added a porch to either side of the garage and will have a circular driveway with a green planter in the center, along with a flag pole and a lot of bushes. They want to make it look nice from the street. Mr. Akin said that he appreciated what the neighbors were saying and noted that he had talked with each one of them about what they plan to do to help the home look better.

Jeff Hollinger asked if the Akins had taken up the offer made last month by PB member, Deirdre Sheerr-Gross, to help with the design of the home, free of charge. Mr. Aiken said that he would like to meet with her at some point. He explained that his daughters are in Florida and in Lebanon.

Ms. Sheerr-Gross asked Mr. Akin about his landscaping budget. Mr. Akin said that he didn't have much money left over to spend. Ms. Sheerr-Gross explained that landscaping is very expensive and felt that he had good intentions but worried that he wouldn't be able to follow through on his plans.

Ms. Sheerr-Gross asked how far the home would be from the road. Mr. Akin answered that it was approximately 35' from the road edge of pavement. Ms. Sheerr-Gross said that they may be subject to some design guidelines. She estimated that a garage that is 44' wide will have a large gable. The ridge would be about 18' and the other ridges of the two side wings get up about 27-28 feet.

Ms. Harper added that there is a telephone pole to the side of the middle of the lot and thought that this pole, along with a flag pole would be too much. She thought it would look like a used car lot. Mr. Akin said that the telephone pole would be moved to the adjacent lot across the street.

Mr. Hollinger said that he understood that they already have their permit and knows that the PB can't tell them what to build, but he wanted Mr. Akin to know that he has a responsibility to build a home that fits the neighborhood. Mr. Akin said he understood.

Mr. Stanley commented that if they follow the Smart Growth principals of planning, there will be more dense growth in the center of Town and this may not be the last time this sort of issue comes up. He explained that they will be having large buildings on small lots to meet the needs of the Town. Ms. Sheerr-Gross said that it is just the front garage that looks so blocky and big that seems to be the problem.

Mr. Doheny reminded them that they were at the meeting because of the condominium portion of the issue. While they are encouraging the Akins to do their best for a design and take advantage of the offer from Deirdre, there is nothing more the PB could do at this point.

Ms. Sheerr-Gross said that something like this happened in her neighborhood. A group of neighbors approached those who were planning to build and they ended up changing their design to better suit the neighborhood.

Ms. Ettenborough said they [on Everet Park] don't want to be the example of what happens when the zoning regulations don't prohibit certain types or sizes of buildings to be built on small lots. She said that there are other houses and duplexes being built on the road, which are not so large, which she was fine with. Ms. Ettenborough said that they have invested time, money and care into their homes and they do not feel that the duplex/condominium should be built on the lot. She added that one abutter wasn't even notified of what was going on. She said that she really wonders how this type of building design goes through. Chair Cottrill said that if the building meets setbacks and other zoning requirements, the Board of Selectmen can approve a proposed building without any input from neighbors. He offered that the best they could do is to get together with the Akins and try to work it out.

Ms. Harper said that the implications go way beyond the building being just a duplex or condo, because of the insensitivity of the Akins not trying to build within the spirit of the neighborhood. Mr. Stanley said that the property was an old lot of record and that the setbacks are the ones that were agreed upon since the 80's. To give another perspective, he shared that people have wedged their homes, much bigger than the one the Akins are planning, near the lake, but the law permits it. There is nothing they can do but to revisit the law and see if it needs to be changed. Mr. Stanley encouraged their attendance at the portion of the Master Plan meetings that focuses on making changes to the regulations and guidelines for such buildings. He explained that they are obliged to treat everyone the same way and have the same set of rules apply to everyone.

Chair Cottrill asked if there were any comments on the condominium documents. There being none, Chair Cottrill asked for a motion.

**IT WAS MOVED (Karen Ebel) AND SECONDED (Michael Doheny) to approve the applicant's Final Minor Subdivision request for conversion of the residential duplex to a condominium form of ownership for John C. Akin at TM 72, Lot 27.**

**THE MOTION WAS APPROVED UNANIMOUSLY.**

Mr. Akin wanted to know if he could bring the Mylar to Concord to be recorded himself instead of having the Town send it in. Mr. Stanley said that this has been done in the past and so the permission was granted.

**Colby-Sawyer College (TM 85, Lot 33)  
Final Site Plan Review: Burpee-Abbey Halls Renovation for Student Housing**

Jennifer McCourt from McCourt-Jesseman was present at the meeting. She explained that they are proposing 22 beds being added in each of the two buildings. Most of the improvements will be made to

the inside of the buildings. The green on the map that Ms. McCourt brought showed the location of the two halls on campus. The largest upgrade to Burpee Hall will be a foundation drain, which will drain to an existing under-drain that is already there. They will also split the domestic water from sprinklers as requested by the Fire Department.

Ms. McCourt explained that Abbey Hall has an outdoor walkway that has a tilted, wooden retaining wall which is approximately 6' x 6'. They will remove this wall and grade it back to a 3:1 slope. They will also add a catch basin and drain this to the lower parking lot. Stone will be added for infiltration, and they will upgrade the water connection and enable a Fire Department separation. Behind the dorm there will be an 8' x 8' pad. The stairway next to the fire escape is currently in very poor condition and will be removed, as it is not needed. Ms. McCourt said that they may also put in new electrical conduits in both dorm halls.

Ms. McCourt went on to explain that there were some waivers requested by Colby-Sawyer College:

1. Full boundary survey  
(Section C.2.f.1) – the building involved is in the middle of the site.
2. Existing structure photos (Section C.2.f.9) - the exterior of the buildings will remain unchanged.
3. Groundwater and surface water resources (Section C.2.f.12) – there are no exterior changes to the structures that could result in any impact to surface water runoff or groundwater recharge or quality.
4. Rock outcroppings (Section C.2.f.13) - there are none on the property
5. Wastewater Treatment (Section C.2.f.15) – there is no on-site sewer treatment facility
6. Outdoor Lighting (Section C.2.f.20) – there are no changes in outdoor lighting proposed.
7. Signage (Section C.2.f.21) – there will be no changes in signage at the site.
8. Right-Of-Way (Section C.2.f.24) – the area of work will be confined to the middle of the site.
9. Snow storage (Section C.2.f.25) – there will be no changes to parking, driveways or walkways that will result in a change in snow storage.
10. Solid Waste Disposal (Section C.2.f.26) – there will be no changes in the handling or storage of solid waste.
11. Outside storage of materials (Section C.2.f.27) – there will be no outside storage of any materials associated with the proposed use.

Ms. McCourt noted that the upper floors of both halls will be brought into conformance with the fire code. They have worked the details out with Chief Lyon.

Ms. McCourt added that there had been some previous discussion regarding the parking and where they are today with spaces vs. need. She explained that they have found there to be plenty of parking on campus. This includes all faculty, staff, and visitors. There are fewer permits granted than there are parking spaces. She added that some students who have passes are commuters or studying elsewhere who do not use the parking lots.

Mr. McWilliams thought that the first two requirements should be waived and that the rest of the ones listed above were not even applicable to the project. He said that it was clear from the Department Head meeting that Colby-Sawyer was working closely with both the Fire Department and the Public Works

Department. He said that there were no comments about this project at the meeting. Mr. Stanley noted only one editorial comment on an infiltration detail had been found and that they agreed to change to it.

Ms. Ebel referenced SPR number 15 regarding "Final Wastewater Treatment Plant." She asked to clarify that in fact the wastewater will go through current sewer lines even though whatever the increase is would not be noticeable. She thought that it should be clarified that the wastewater would be treated.

Regarding the outdoor lighting plan, Chair Cottrill asked if they were still moving forward with changing over the outdoor lighting (round globes) into the downward facing lighting fixtures. Doug Atkins, who was at the meeting, said that they were changing those bulbs to downward facing ones when the current ones burnt out.

**IT WAS MOVED (Jeff Hollinger) AND SECONDED (Michael Doheny) to waive the following application submittal requirements of the Site Plan Review Regulations, item numbers: 1, 9, 12, 13, 15, 20, 21, 24, 25, 26, 27 as presented by Colby Sawyer College on March 23, 2010 for the Final Site Plan Review for the conversion of the basement areas of Abbey Dorm and Burpee Dorm, formerly used as the Windy Hill School, to student housing (dorm rooms) subject to clarification of the fact that the wastewater will be treated and run in current sewer lines. THE MOTION WAS APPROVED UNANIMOUSLY.**

Chair Cottrill asked if they plan to use the new space in Abbey and Burpee Halls for Gordon Research in the summer. Mr. Atkins answered in the affirmative. There being no further discussion, Chair Cottrill asked for a motion.

**IT WAS MOVED (Emma Crane) AND SECONDED (Michele Holton) to approve the final site plan for the Burpee and Abbey Hall renovations. THE MOTION WAS APPROVED UNANIMOUSLY.**

Mr. Atkins asked for clarification of the composition of the PB. He said that he pulled up the roster of those on the PB before the meeting and saw that Ms. Helm was still listed as the Selectman's representative. Chair Cottrill explained that Ms. Ebel's term ends March 31, 2010 and that the selectman will appoint a new PB member in April. Also, since Peter Bianchi had been elected, he would now become the Selectmen's representative replacing Ms. Helm, who was attending the meeting in the audience.

**Evans Brewster Trust et al  
Sign Revised Annexation Plat (TM 117, Lots 5, 3 and 29, and TM 129, Lot 19)**

Chair Cottrill recused himself from this agenda item, as he was involved in the project. Mr. Hollinger replaced Tom Cottrill as Chair of the PB.

Mr. McWilliams explained that the PB needed to re-sign the plat due to a name change. Clayton Platt, representing Evans Brewster Trust provided a new mylar.

**IT WAS MOVED (Michael Doheny) AND SECONDED (Michele Holton) to sign the amended Mylar for the Evans Brewster Trust Annexation. THE MOTION WAS APPROVED UNANIMOUSLY.**

Chair Cottrill rejoined the meeting as Chair, and Mr. Hollinger resumed his role as Vice-Chair.

#### **Discussion of 2010 Town Planning Services Agreement**

Mr. McWilliams explained that the key information is the change in rate to \$50/hour with a maximum of \$20,600 to be billed, according to the budget passed at Town Meeting.

**IT WAS MOVED (Karen Ebel) AND SECONDED (Michele Holton) to approve the Town Planning Services Agreement as presented by Ken McWilliams on March 23, 2010.**

**THE MOTION WAS APPROVED UNANIMOUSLY.**

#### **Approval of Minutes from February 23, 2010**

Chair Cottrill noted that the text in a motion should be the same as the text in the Notices of Decision.

With regards to the Harborview Subdivision motion, it should read:

1. **No further building permits will be issued for the Harborview Subdivision until the original conditional approval of the Harborview Subdivision and all conditions of Phase II are met.**
2. **Phase II needs to be more clearly labeled on all plans.**
3. **Boundary monuments shall to be set on Lot 1 on all corners and along the right of way.**
4. **There will be no further subdivision of Lot 1.**
5. **The Subsurface System Approval Number from NHDES needs to be indicated on the subdivision plat.**
6. **The first sheet of the three sheets of the set of Harborview Subdivision Plans provided to the New London Planning Board at the January 26, 2010 meeting will be removed prior to recording the set of Subdivision Plans to clarify that the remaining 31 lots have NOT been given final approval by the NLPB. Only the second and third sheets will be recorded with the Lot 1 final approval.**
7. **Further subdivision or any sale of any of the remaining 31 lots in the Harborview Subdivision is subject to full compliance with the original conditions of approval of the Stonehouse Road Access to the Harborview Subdivision in Sutton, as approved by the NLPB on February 27, 2007, including either issuance of a Final Certificate of Performance after construction of all improvements detailed in the approved plans, or providing security in an amount approved by the New London Planning Board to cover the cost of improvements.**

**IT WAS MOVED (Michele Holton) AND SECONDED (Emma Crane) to approve the minutes of February 23, 2010, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Chair Cottrill, on behalf of the Town of New London, recognized and thanked Karen Ebel for her 18 years of service on the Planning Board, 12 years as Chair. Cottrill presented a token of appreciation to her for her outstanding and dedicated work on the Board.**

**IT WAS MOVED (Jeff Hollinger) AND SECONDED (Emma Crane) to adjourn the Planning Board meeting of March 23, 2010. THE MOTION WAS APPROVED UNANIMOUSLY.**

**The MEETING ADJOURNED at 8:30pm**

Respectfully Submitted,

Kristy Heath, Recording Secretary  
Town of New London

Approved on: \_\_\_\_\_

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