

**APPROVED minutes of the January 26, 2010 Planning Board Meeting**

**Members Present:** Tom Cottrill (Chair), Jeff Hollinger (Vice Chair), Michael Doheny (Secretary), Emma Crane (Conservation Commission Representative), John Tilley, Michele Holton, Karen Ebel

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

**Members Absent:** Tina Helm (Board of Selectmen's Representative), Deirdre Sheerr-Gross

Chair Cottrill called the **MEETING TO ORDER at 7:00pm**. He asked alternate John Tilley to sit in for Tina Helm, who was absent.

**New London Historical Society Lot Merger (Tax Map 59, Lots 21, 37 and 38)**

Peter Stanley noted the lot merger of the three lots is needed to eliminate lot lines and establish conforming setbacks for existing buildings. Ken McWilliams indicated he had no issues with the lot merger proposal.

**IT WAS MOVED** (Michael Doheny) **AND SECONDED** (Karen Ebel) **to approve the lot merger for the New London Historical Society. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Jesseman Lot Merger (Tax Map 116, Lots 6 and 7)**

Peter Stanley noted the Jesseman's desire to merge the two lots since they want to build a house on the property and to eliminate the lot line separating the two lots. Ken McWilliams indicated he had no issues with the lot merger proposal.

**IT WAS MOVED** (Karen Ebel) **AND SECONDED** (Michele Holton) **to approve the lot merger for Stephen and Susanne Jesseman. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Lawson lot Merger (Tax Map 30, Lots 7 and 24)**

Peter Stanley noted that there is a house on the lake lot and a septic system is proposed to be constructed on the lot across the road. A variance was approved by the Zoning Board of Adjustment subject to the lots being merged. Ken McWilliams indicated he had no issues with the lot merger proposal.

**IT WAS MOVED** (Karen Ebel) **AND SECONDED** (Jeff Hollinger) **to approve the lot merger for Cynthia Lawson. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Colby-Sawyer College – Concept Site Plan Review – Request to waive site plan review for Sugar House (Tax Map 85, Lot 33)**

Doug Atkins presented the request to waive a full site plan review to the Planning Board. He indicated the request is to simply convert the old well house located between the library and the Hogan Center into a sugarhouse for the students for use in the month of March each year. Karen Ebel inquired if there were fire issues. Doug Atkins indicated they had reviewed the proposal with Chief Jay Lyon at the Fire Department. Peter Stanley noted Jay Lyon had inspected the site and had no problems with the proposal. Ken McWilliams indicated he had no issues with the proposal and had no objection to waiving the full site plan review for the project.

**IT WAS MOVED** (Emma Crane) **AND SECONDED** (Jeff Hollinger) **to waive a full site plan review for the conversion of the old well house into a sugarhouse for Colby-Sawyer College. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Harry Snow – Request to increase and extend the letter of credit for Snowcrest Subdivision  
(Tax Map 55, Lots 12 and 12.01 through 12.14)**

Mr. McWilliams said that their current letter of credit would expire in February and no one was present at the meeting to represent Mr. Snow. He suggested the Planning Board approve the extension even without anyone present because it was only for the final paving. The initial amount was for \$18,000 and would be increasing it to \$20,000 since prices have increased. Mr. McWilliams noted that Richard Lee (Public Works Director) has approved this amount. Mr. McWilliams explained that the new extension would be a one-year continuance. Peter Stanley said that if they wait for another year from now they won't be able to pave until the following spring. He suggested continuing until Oct. 1<sup>st</sup> to give a reasonable timeframe to do the work within the calendar year. Mr. Doheny suggested giving them until November 1, 2010.

**IT WAS MOVED (John Tilley) AND SECONDED (Michael Doheny) to agree on an increase in security from \$18,000 to \$20,000 and to secure it until November 1, 2010.  
THE MOTION WAS APPROVED UNANIMOUSLY.**

**Evans Brewster Trust, Blueberry Pancake Trust and Heather Hansen Trust – Final Annexations  
(Tax Map 117, Lots 5, 3 and 29, and Tax Map 129, Lot 19)**

Chair Cottrill recused himself from the meeting, as he was one of the applicants. He appointed Jeff Hollinger, Vice Chair, to sit in for him at this time.

Mr. McWilliams explained that the proposal included two annexations of 18 acres and 52 acres of the current Tracy Farm property. Mr. Clayton E. Platt, (Land Surveyor and Engineer) said the entire lot was approximately 77 acres in size, and the Brewsters decided to sell off part of the property to two abutting neighbors who have asked to purchase the property to keep it from going to a developer. In the annexation, 51 acres will be annexed to a small lot across Tracy Road owned by the Heather Hansen Trust and 18 acres will be annexed to the Blueberry Pancake Trust property located to the southeast. The Brewster property will remain at 7.11 acres.

Mr. McWilliams' only issue was with the annexation summary table, as the figures did not add up correctly. Mr. Platt noted that the figures had been corrected on the current map. Mr. McWilliams checked the new map and found it to be OK.

Mr. and Mrs. Ray and Bea Lacroix asked where their property (on Hayfield Road) was in relation to all of the maps being shown. Mr. Stanley explained that part of her land abutted two sides of the property in question.

Mr. David Royle asked if any parcel of the property would be developed. Tom Cottrill said that only the wooded area abutting County Road and Stony Brook Road could be further sub-divided from the 52 acre lot to allow only a one-family house lot per agreement with the Brewster Trust. However, it is not being subdivided at this time nor are there any plans for that sub-division. Mr. Royle asked if on Tracy Road there are any plans to knock down any of the stone wall to make another driveway. Mr. Cottrill answered in the negative. He said there already is an opening across from the tiny lot on the map, and a few others scattered about and so no new ones were planned. Mr. Hollinger noted that any subdivisions to come forth would have to be presented and approved by the Planning Board. Ms. Lacroix asked if it was possible that a house could be built next to hers. Mr. Hollinger explained that in order for that to happen, the owners of the property would need to go to the Planning Board and that all abutters would receive notices to alert them to the meeting.

For the benefit of other abutters and neighbors, Mr. Royle said he would like to establish an association of neighbors to help fix up the stone walls, care for the trees and do planning to help maintain the property and neighborhood so

as to have it look the way it did when Mrs. Tracy owned it. Mr. Royle said mention of this association has nothing to do with the hearing, but wanted to let abutters know what he plans to initiate.

Heidi Beckwith asked if Hayfield Lane would be involved with the transaction. Mr. Stanley noted that the property abuts four properties on Hayfield Lane. Mr. Royle hoped this would be approved because it would preserve the land. Mr. Cottrill explained that all the fields on the property must remain for agricultural use, which will be noted in the Brewster Trust.

**IT WAS MOVED (Michele Holton) AND SECONDED (Karen Ebel) to approve the Evans Brewster Trust final annexation. THE MOTION WAS APPROVED UNANIMOUSLY.**

Tom rejoined the meeting and took his place as Chairman and Jeff Hollinger as Vice-Chairman.

**John C. Akin – Preliminary Minor Subdivision for Condominium Development (Tax Map 72, Lot 27)**

Peter Stanley noted that Mr. Akin was coming before the Planning Board to express his desire to build a duplex and “condominium-ize” it. He explained that Mr. Akin had submitted the required documents for turning the building into a condominium, floor plans and a site plan. He noted that this was a preliminary review on this project. He then turned the floor over to Mr. Akin to give more details to the Planning Board.

Mr. Akin began his presentation by explaining that he and his wife Bobbi have two daughters who want to come home to New London to live. They were able to find a lot in New London to build a duplex on. He explained that he wasn’t certain that the two would want to live there, next to each other, forever, and that someday, one may want to sell. Because of this, he wanted to have the structure become more of a business-like entity. He found the RSA for New Hampshire condominiums to make good sense. Mr. Akin said that he took a set of condominium documents and changed them to relate to NH RSA 356-B. He then went through RSA 356-B and tried to make sure that everything that was in their documents was appropriate and complied with the law. He said that he was told that he didn’t need a lawyer to do this but he felt that if the PB wanted the Town’s attorney to view those documents at his expense, he would comply.

Mr. Akin showed a diagram of the ½ acre lot that tapers from Everett Park Road. He noted that a lot of water comes off of the road. There was a small wetlands area on the property, which had been created. The design of the condominium has been decided by all three parties, and includes a four-car garage. Mr. Akin noted that both he and his daughters are all paying for the project together.

Mr. Akin explained that he had made some corrections to the documents since providing copies of them to the Planning Board. He indicated that this has been a learning process and he has been learning more as time has gone on. He passed out new condominium documentation to the Planning Board.

Mr. McWilliams said that he had some issues with the documents that Mr. Akin passed out. He found different percentages of the unit owners (75%, 67%). This didn’t make sense as there were only two owners. In the master deed it presents names and one year terms of members of the managing board. Mr. McWilliams wondered if the members of the managing board could be people not owning units in the condominium. Also, staggered terms are required in the regulations. Page 5 of master deed notes that “exclusive use areas as reflected on site plan.” He did not see those areas on the site plan. Page 7 indicates in the last paragraph that owners can rent their parking spaces, however this is not allowed by current zoning regulations. Mr. McWilliams noted section I., which talked about home businesses. He explained that such things are allowed but that they required approval by the Planning Board. On page 19 it reads that the declarant shall have absolute right to amend the master deed to facilitate funding. This needed to be adjusted. Mr. McWilliams also indicated that in several places the text “Registered Deeds” should be changed to “Registry of Deeds.” He recommended that the documents be referred to Town counsel at the

applicant's expense. Mr. Akin agreed to take care of the cost of the Town counsel's review and when asked, said he did not have any relationship with a lawyer and welcomed the help. Chair Cottrill said Mr. McWilliams will seek an estimate from the Town Counsel and get back to Mr. Akin with the details. They hoped to have updated documents to review before the next meeting to go through them.

Mr. Akin said that he would provide three large copies of the Mylar and 10 small copies that Clayton Platt had been working on, which showed the parking spaces that had been questioned previously. He showed that the parking spaces designated to each home were located in the driveway.

Mr. McWilliams shared that term "limited common area" was the preferred term to use in portions of the documents instead of "exclusive use area." Mr. Akin said he would rewrite the documents to agree with the plan and that they would use the term "limited common area."

Mr. McWilliams noted that they have taken care of any drainage issues by going through all the permitting, by creating wetlands, and moving the drainage to go away from the building.

He explained that the property is an existing lot of record, the building permit has already been granted as a duplex and that Mr. Akin was only here to change the terms of the building to be of a condominium nature.

Barbara Harper came to the meeting and explained that she owns the property across the street from the proposed condominium. She said that she was totally against the project mostly because Everett Park Road is very narrow. Peter Stanley said that the plan meets the zoning requirements in the Town. Ms. Harper said there was a lot of construction there with huge ditches and that it was a small lot with drainage problems. She also indicated that this was the first time she has had any notice that anything was going on with the lot. She didn't feel that she had been given proper notice of what was going on. Ms. Harper believed that having condos there would be changing something in the neighborhood, lot by lot by lot. She opined that the Planning Board was there to look at sections and larger areas as opposed to approving individual lot by lot structures. This was a single family residential area and she felt it should be kept that way. Ms. Harper said that she was sorry to hear that the building permit had already been approved.

Ms. Harper then said that she heard something about a home business going into the structure, which concerned her. Mr. McWilliams said that there was a provision in the documents for the potential to have a home business. He explained that home businesses are allowed in New London and that they would need to have a site plan review by the Planning Board. He explained that this bit of information should be added to the documents. Ms. Harper said that the road is so narrow that people have to slow down when meeting another car. She opined that there was no room for a business in that area and felt that it would be totally inappropriate for this neighborhood.

Mr. Doheny mentioned that there was a duplex on Everett Park Road already. He also noted that there were home businesses in that neighborhood as well. Mr. Doheny said that he understood her concern but that there were others of the same manner on Everett Park Road.

Mr. Stanley explained that there was a Supreme Court ruling that if, for example, across Main Street there was a five unit apartment complex, it can, by State law, become a condo-form of ownership. It doesn't change the building or how it is used. In this case, it is a lot of record and is subject to zoning regulations. The lot has 21,000+ square feet and they are permitted, by law, to allow one family per 10,000 square feet in this district, which is on Town water and sewer. From a planning perspective, Mr. Stanley said that this would be the best place to have a somewhat higher density than anywhere else in Town. He said that it is only a difference in the form of ownership. Ms. Harper said that there were huge drainage issues on the lot. Mr. Doheny said that the issues with drainage would not be problematic, as having a septic system on the lot would not be necessary, due to it being on Town sewer.

Ms. Patricia Ettenborough said that she bought the property next door and took into consideration the neighborhood. Her concern was parking and the home business. She understood that there was another condo down the street, but said that it doesn't have a 4 car garage and is not ostentatious from the road, as the Akins's proposed structure would be. She opined that this presents a different picture on a very small lot. She said that they are all looking at their own properties and huge investments in the neighborhood. She wondered where the parking would be and how all the extra traffic on the road would impact the neighborhood. Ms. Ettenborough asked what kind of business would go in, as it affects the whole neighborhood.

Peter Stanley said that if they went through with the duplex and did not do the condo they could still have a home business subject to site plan review. The condo aspect of it doesn't change this. Ms. Ettenborough understood that the duplex piece was grandfathered in.

Chair Cottrill said zoning regulations allow for either a home business or a home occupation. Guidelines for each are available in the Zoning Regulations. Ms. Ettenborough asked if the condo rules and regulations protected the neighbors. She said that if the Akins go forward and their girls decide not to move in or stay, they would be free to sell the units to whomever they wanted and that could present a bad situation. Mr. Doheny said that the zoning bylaws protect the neighborhood from anything dangerous. He said if there were cars parking along the road continually, there would be methods of recourse. Ms. Ettenborough said that she meant no disrespect but wanted to make sure that the new structure and situation doesn't detract, deter or reduce the value of the homes in the neighborhood.

Chair Cottrill suggested that neighbors contact Mr. Akin so as to offer alternatives to the design of the structure.

Mr. Akin said that he appreciated the comments. He also shared that they don't actually plan to have a business there at all. He thought it was the idea that making something into a condo was a business.

Mr. McWilliams said that a home business has to be approved by the Planning Board by a site plan. He said that Mr. Akin could delete that section in the document and let it say that it is open to residential use only. Ms. Ebel said the deletion of that section of the document would give up the rights of having a business at the property. To change it back they would have to amend the condominium bylaws.

Mr. Doheny said he didn't feel it was right to take the section out because anyone in Town has the right to have a home business. He said the abutters would be noticed to voice their opinion at any future hearing that would involve a home business. Ms. Ettenborough was concerned that the documents be structurally sound. Mr. Hollinger suggested that having condominium owners vs. renters would probably mean better neighbors due to the fact that they had something invested and would maintain upkeep of the property.

Mr. Stanley said the biggest problem the Town has had in the past has been with individual home owners and not so much with multiple-occupancy structures. He did not feel that having a multi-family home would preclude problems.

Ms. Harper asked if people would be parking in the garage or the driveway. Mr. Stanley said that there was no parking on the road overnight or during snow storms but people traditionally tend to park in their garage or driveway. He also indicated that Richard Lee has approved the driveway and the drainage. Mr. Akin noted that the hospital owns the 20 acres in the rear of the property. The setback was 25' from the road. Side setbacks were very close at 15'.

Mr. McWilliams had no further comments. There was no further discussion from the Planning Board.

**IT WAS MOVED (Emma Crane) AND SECONDED (Karen Ebel) to continue the discussion of the Akin condominium to the next meeting scheduled for February 23, 2010 at 7:30pm.  
THE MOTION WAS APPROVED UNANIMOUSLY.**

**Jonathan Feins – Access to Harbor View Subdivision in Sutton  
Request for Amended Approval for Stonehouse Road.**

Dana Bisbee, attorney from Devine Millimet represented Jonathan Feins at the meeting.

He said the town of Sutton had recently approved a 32 subdivision lot. Prior to that, the New London Planning Board approved the sole access question relating to that subdivision in 2007. Due to the economy and not much happening in the subdivision lot, Sutton granted a building permit for lot #1. Jonathan Feins' parents have been living there part-time. They would like to have the ability to think about what to do with the house as they are growing older. They would like to finalize lot #1 only that is part of the 32 lot subdivision. Mr. Bisbee said that conditions have not been satisfied yet for the 32 lots, but they would like to request to finalize sole access approval for the one lot only. He said that the house has already been built and there would be no physical changes to the property.

Mr. Bisbee said that the complication arises because it is an amendment to the approval that both Sutton and New London gave three years ago with conditions that had not been satisfied. He said that they have been working on this for quite some time on the best way to do this. They would like to allow the 32 lot subdivision to remain in place but to finalize lot #1. A phased approach may be the way to go.

Mr. Bisbee said that Sutton approved the request with some conditions. He listed the conditions to be:

1. Phase 2 to be more clearly labeled
2. The addition of a note to say there shall be no building permits issued for phase 2
3. To allow no further subdivision of lot #1
4. Subsurface system approval number should appear on the plan. Sutton wants to make sure the lines are noted on the plan

Mr. Bisbee added that the condition that the Sutton Planning Board voted on is to prohibit any further building permits on the remaining lots until the remaining conditions are satisfied. He believed that perhaps they could find different approaches to this property that would reduce the number of lots. He noted that they may be coming before both Planning Boards to suggest a reduction of lots from 32 to four lots. He wanted New London to be aware of this fact, although it should not affect their decision.

Mr. Bisbee asked the Planning Board to finalize the approval of lot #1, which would be an amendment to the approval from a few years ago.

Mr. McWilliams said that he and Mr. Bisbee had been talking about this project since last June. Mr. McWilliams believed that if they want to subdivide off and finalize a single lot, the balance of the property shown should be a single lot. He had a problem recording a plan showing all 32 lots without showing all the conditions of the Planning Board, which were set in 2007. Mr. McWilliams believed there to be two options in this matter:

1. Meet all conditions of the approval from February 2007 both from New London and Sutton and record plan for 32 lots - lot #1 being part of it.
2. Create a minor subdivision of lot #1 and the balance of the property all be shown as one lot. They should put a note on the plan that the second lot has been conditionally approved as 31 lots.

Chair Cottrill asked if the plan as presented by Mr Bisbee was sent to the State for recording, would the State allow 32 lots to be shown despite the conditions not being met? Mr. McWilliams said that it was really a grey area and an instance he had never seen before. If the plat was recorded as is, it would suggest that the lots could be subdivided, sold and developed when in fact, they could not. Chair Cottrill asked if anyone had done this before. Mr. McWilliams said that it hadn't been done to his knowledge.

Mr. Bisbee suggested that this applicant faces two planning boards and that there were two different opinions. He admitted that a phased subdivision approval is unusual but that the Town of Sutton had already OK'd this. He was not sure why New London had a problem with what was going on in Sutton, where the actual subdivision was located. Ms. Holton explained that with sole access via New London, it would be New London's service vehicles (ambulance, fire, and police) that would have to travel the road to assist residents living on this road.

Mr. Stanley asked Mr. McWilliams if he had thought about the four-year exemption and how it would affect the project. Mr. McWilliams said that they haven't reached that point yet. The subdivision was only conditionally approved and so the clock hasn't started ticking yet on the four-year exemption.

Chair Cottrill noted that two letters were requested to be read into the minutes (see attached).

One Letter was from Joseph Messer who lives on Stonehouse Road, and one letter was from Michele Freidman.

Ms. Ebel asked if there was a way to get a legal opinion that would give the PB comfort in their decision.

Mr. Bisbee said that the note of conditions on the plan was extremely clear. He said a minor subdivision was the way to go. Sutton didn't agree with that. Their legal counsel found it acceptable. He wanted to make sure there was no confusion. Approval would be for lot #1 only. He explained that this was also a concern of the Sutton Planning Board. Mr. Bisbee didn't understand why there was so much hesitation from the New London Planning Board. He opined that it was Sutton's responsibility more than the Town of New London's. Chair Cottrill reminded Mr. Bisbee that everyone in the subdivision would be using the Town of New London's road and emergency vehicles and that was one big reason for the hesitation on the matter.

Mr. Stanley showed a topographical map, explaining the property and the Town lines. He said he would be concerned that this development would be done piecemeal, and that no one ever owns up to the responsibility with respect to Stonybrook Road in New London. He suggested that no more building permits be permitted without a certain amount of security being posted for the portion of the road that is in New London. That way, New London would be covered for expenses they may have incurred down the road.

Mr. McWilliams said that they need to throw into the mix the fact that they may want to do a four-lot subdivision at some point in time. That would take coming back to the Planning Board to discuss improvements to the Stonehouse Road/ King Hill Road intersection.

Mr. Bisbee said the town of Sutton was also concerned about this method of developing one lot at a time. He said it was not his intention and Sutton imposed a condition that would prevent it from happening. He suggested that New London could impose a comparable condition that no further building could happen on the remaining lots.

Chair Cottrill again wondered how they could send something to the State that is not 100% approved and in fact is only conditionally approved. Mr. Tilley and Ms. Holton said they agreed. Mr. Hollinger said that the probability of them turning 31 lots into four lots makes it seem to be a waste of time to go through all of this now.

Mr. Stanley said they are here because New London holds the single access to the development. They don't have approval or denial over the subdivision part of it. They are only addressing the access in New London. Mr. McWilliams said the issue is the recording of a plat with 32 lots of which the conditions have not been met.

Ms. Ebel asked what the downside could be if the PB or State allows a plat to be recorded if it is covered with conditions. She wondered if the concern is that someone would see a recorded plat and think that they could buy the lots and build on them. Mr. Stanley said that there is one feature to all of this, and that is that nothing can be built in the area unless there is capital improvement to the road. The road is impassible in the springtime. To do anything they will have to dramatically change the road. He had some comfort in that. Ms. Ebel said they could also require more notes on the plan to be recorded.

Mr. Bisbee reminded the PB that there would be notes on the plan indicating no further subdivision of either phase 1 or phase 2.

Mr. Tilley said the conditions appear to be well written but the picture shows 32 lots. He understood that the lots were not approved, but felt it was confusing. Ms. Crane said it was misleading.

Michael Doheny said that they are doing an approval without the conditions being met. Any subdivision the PB has had in the past has required that all conditions be met before recording a plat or building anything. He said the order of conditions were set out and have not been met and now they want to approve the first part and nothing has been done.

Chair Cottrill asked how a potential lot buyer would know there were conditions. Mr. McWilliams said that they would have to look for them. Chair Cottrill asked how someone would know that they should not be buying the lots. He wondered what would happen if the owner sells the entire parcel to someone else who thinks they own 32 lots. He then asked Mr. Bisbee if he had ever seen such a thing recorded at the State level. Mr. Bisbee admitted that he had not. He explained that the main concern was making sure that if the lots could be sold at some point, they could do so. They would hate to lose the investment they have made by having to go through the subdivision process again. They would like to preserve the conditions that are in place. Ms. Ebel felt more labeling would be useful.

Chair Cottrill suggested that if Mr. Feins wanted to subdivide into four lots, why not figure out those details and then come back to the Planning Board at that time.

Ms. Ebel said it was another option for them to figure out what they want to do. Mr. Bisbee said that this has taken a long time, but was not New London's fault. He said that the Sutton Planning Board met with him in September about this and they approved the proposal earlier that night. He explained that Mr. Feins' parents are elderly and want to get this done.

Ms. Holton said that what they are proposing is misleading. The public does not see the notes. She was not comfortable at all with it. Ms. Ebel said she didn't know the legalities of it and could take it under advisement and seek legal input on it. She was not bothered by putting conditions on top of it saying that the lots couldn't be sold. She didn't think they would try to develop the lots piecemeal because they can put provisions on the approval. Ms. Ebel felt it was not the best way to go about it. Chair Cottrill asked if their agreeing to this would set a precedent for New London developers. Mr. Bisbee did not believe it would, due to the fact that this was a Sutton development. He added that if development was evident, the road would need to be improved the way it was stated in the conditions. Chair Cottrill asked if it would be appropriate for them to have Town counsel review the scenario. Ms. Ebel said

perhaps they could work out the language with Mr. Bisbee to satisfy their own concerns and then show it to Town counsel for review. Chair Cottrill agreed that this could be a better approach.

Mr. Stanley noted that the real concern is traffic and the use of the intersection and New London's portion of Stonehouse Road to get to the subdivision. He could not conceive, with the conditions imposed, that there would not be development that could not be stopped or enforced against. Ms. Holton said that perhaps some innocent purchaser would be harmed in this, but it was very far-fetched.

Chair Cottrill asked if those on the Planning Board would prefer to defer this issue for one meeting to seek advice from Town counsel to be fair to both sides. He felt it important to get the facts. Ms. Ebel agreed and said she would ask Mr. Bisbee to draft a proposal to present to their attorney. Chair Cottrill asked who would pay for the cost of the attorney. Mr. McWilliams said it should be billed to the applicant. Mr. Bisbee said he did not agree with this because it was our condition, which was unusual. Ms. Crane opined that the whole proposal was unusual. Mr. Bisbee agreed that it was and said he would have to get Mr. Feins' approval to approve their responsibility for the review by New London's attorney.

Mike Hansen had a question regarding the possible reduction of lots from 32 down to four. He wanted to know if that would reduce what would be required to upgrade Stonehouse Road. Chair Cottrill and Ms. Ebel said that the road use would be greatly reduced and so work to the road would be adjusted to reflect this. Mr. McWilliams indicated that they would need input from the department heads to figure out how the upgrades to the road would be changed for this decrease in lots.

**IT WAS MOVED (Jeff Hollinger) AND SECONDED (Emma Crane) to continue the hearing for Jonathan Feins to the next meeting on February 23, 2010 at 7:30pm and, in the meantime, seek advice from legal counsel at the expense of the applicant subject to applicant's approval, and direct Mr. McWilliams to work out what 1/32 would be on the security. THE MOTION WAS APPROVED UNANIMOUSLY.**

Ms. Ebel said that if there was some plan to move to a four lot subdivision it would make it easier to move forward without fiddling around with this plan, as-is. Mr. Hansen said he would work with Fire and Police on figuring out road upgrade requirements for four lots instead of 32.

Chair Cottrill asked Mr. Hansen if they were able to a four-lot subdivision, would they have restrictions on further subdivisions of the property. Mr. Hansen answered in the affirmative.

### **OTHER BUSINESS**

#### **Review of Minutes January 5, 2010**

There were no amendments.

**IT WAS MOVED (John Tilley) AND SECONDED (Emma Crane) to approve the minutes from January 5, 2010 as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.**

#### **Town Planner Contract Details**

Mr. McWilliams asked to discuss the rate for his contract for next year. Chair Cottrill gave a brief review of what was decided at the last budget meeting. He said that at this point, the Budget Committee has reinstated the amount of \$20,600 for the Town Planner for next year (2010). The other issue is to determine the hourly rate for the Town Planner. Mr. McWilliams' current rate is \$50/hour. There had been some discussion that it was \$48/hour, but that is the rate that the Regional Planning Commission would charge. Ms. Ebel said that back in October, Mr. McWilliams

had agreed to reduce his billing increments from quarter-hour to 1/10<sup>th</sup> hour and as long as Mr. McWilliams is billing at 1/10 hour increments, she felt it fine to leave it at \$50/hour.

**IT WAS MOVED (Jeff Hollinger) AND SECONDED (Emma Crane) to agree to the Town Planner contract with Ken McWilliams for 2010 at the rate of \$20,600 subject to approval at Town Meeting in March. THE MOTION WAS APPROVED UNANIMOUSLY.**

**IT WAS MOVED (Michael Doheny) AND SECONDED (Karen Ebel) to set the hourly rate for Town Planner, Ken McWilliams to \$50/hour for 2010. THE MOTION WAS APPROVED UNANIMOUSLY.**

#### **Master Plan Work Session Update**

Mr. McWilliams noted that he has not received anything from Ms. Levine (Town Administrator) for the Community Services and Facilities chapter. They currently have nothing to review for the February 9<sup>th</sup> work session. He said that he is still waiting for the Utilities chapter from Ms. Levine, as well. Chair Cottrill asked if there were any other chapters that could be reviewed in the meanwhile. Mr. McWilliams said that the rest of the chapters needed to be reviewed in a certain order, thus the need for the Community Services and Facilities chapter next.

Chair Cottrill said that he would talk with Ms. Levine about this matter.

Due to there not being anything to review, the meeting scheduled for February 9<sup>th</sup>, 2010 was cancelled. The next meeting of the Planning Board would be on February 23<sup>rd</sup>.

**IT WAS MOVED (Karen Ebel) AND SECONDED (Emma Crane) to adjourn the Planning Board meeting of January 26, 2010. THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting **ADJOURNED at 9:38pm**

Respectfully Submitted,

Kristy Heath, Recording Secretary  
Town of New London

Approved on: \_\_\_\_ February 23, 2010 \_\_\_\_

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