

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
AUGUST 22, 2006**

MEMBERS PRESENT: Karen Ebel (Chairman), Tom Cottrill, Sue Ellen Andrews, Dale Conly, Celeste Cook,
Jeff Hollinger, Ken McWilliams (Planner),
ABSENT: Sue Clough (Selectmen's Representative)

Chairman Karen Ebel called the **MEETING TO ORDER** at 7:00 PM.

I. JONATHAN FEINS – Continued Preliminary Plans for Stonehouse Road Access to the Harborview Subdivision in Sutton

Chair Ebel advised those present that on Monday, August 21, 2006, Jonathan Feins' attorney, G. Dana Bisbee (Pierce Atwood, LLP), had sent her an e-mail message advising that his client would not be attending the August 22, 2006 NLPB meeting. When Louis Caron (L.C. Engineering Company, LLC), the independent engineer for the Town of New London, appeared she advised him accordingly. Chair Ebel advised that the message stated that the project engineer, David Eckman (Eckman Engineering), had not yet reached a point where there was anything new to propose and requested a deferment of further discussion until the September 26, 2006 meeting of the NLPB.

It was **MOVED** (Cook) and **SECONDED** (Conly) **THAT JONATHAN FEINS-CONTINUED PRELIMINARY PLANS FOR STONEHOUSE ROAD ACCESS TO THE HARBORVIEW SUBDIVISION IN SUTTON BE CONTINUED TO SEPTEMBER 26, 2006 AT 7:00 PM. THE MOTION WAS APPROVED UNANIMOUSLY.**

II. CHRISTOPHER CLAPP –Public Hearing: Final Minor Subdivision (Tax Map 95, Lot 13)

Christopher Clapp displayed a plan of his property at 288 Barrett Road on the south side of the road. He stated that the property consisted of four acres and had approximately 450 feet of frontage on Barrett Road. He advised that he was proposing to subdivide the property to make two lots, one having two acres and one having 1.97 acres. He said that both lots would have frontage on Barrett Road and would be served by town water and sewer services. He indicated that one lot would contain the existing house and barn and the other lot would contain fields. He said that the property was bounded by stonewalls and that wetlands on the southern portion had been identified and were shown on the plan displayed.

Abutters present asked questions about the plan displayed and were invited by Chair Ebel to come forward to view the plan. Subsequently, Ken McWilliams made arrangements for the plan to be displayed on an easel for all to see during the ensuing discussion.

PB member Andrews asked in what zoning district the property was located. Mr. McWilliams advised that it was in the R-1 Residential District. Mr. Clapp advised that the property met all of the R-1 requirements set forth in the New London Zoning Ordinance.

Ray Walsh (40 Balsam Acres) said that he was very concerned about the potential impact on Balsam Acres properties of any increase in drainage from the Clapp property. Martin Lebeau (336 Barrett Road) asked about the size of the proposed lots and asked if the lot that Mr. Clapp was trying to sell was the lot containing the house and barn. Mr. Lebeau was confused about what was to be subdivided and what was to be sold. Mr. Clapp confirmed the size of the proposed lots and that the lot that he was interested in selling was the one that would contain the house and barn. Mr. McWilliams clarified that Mr. Clapp owned a four-acre lot and was proposing to subdivide it into two lots of approximately two acres each.

Mr. Walsh asked how a portion of the property, the part containing the house and barn, could be sold if the four-acre property had not been subdivided. PB member Hollinger explained that it could be offered for sale contingent upon subdivision approval. Mr. Lebeau asked if further development would be possible. Chair Ebel

responded that any further development would require another visit to the PB. Ken McWilliams clarified that any further *subdivision* would require PB review. Mr. Lebeau really questioned the fact that the proposed lot was being advertised for sale. He also asked if Mr. Clapp planned to build a new house on the other lot. Mr. Clapp responded that he had made no decision regarding the lot that would contain the field and wetlands.

Barbara Ann Miller (182 Squires Lane) said that she was very concerned about the amount of water exiting the lot. She asked if there would be any contingency for the properties located on Balsam Acres below the Clapp property. Ken McWilliams reported that at the afternoon meeting with municipal department heads, New London Town Road Agent Richard Lee had asked for a town easement for the culvert at the edge of the property to assure that any water exiting the property would continue to flow in the same path as it now flows.

Mr. Walsh asked if the issuance of a building permit required a public hearing. Mr. McWilliams replied that the paperwork would be reviewed, but the application would be reviewed by the Board of Selectmen at its next regular meeting following receipt of the application. He advised that issuance of a building permit did not require a public hearing. Mr. Walsh concluded that anyone wanting to build on the lot with the field and wetlands could get a building permit from a Board of Selectmen that knew nothing about the drainage directed toward Balsam Acres and that no plan to address water flow would be required. Mr. McWilliams advised that the property was not located in an area where a Sediment and Erosion Control Plan would be required. He said that drainage is a private matter and that the property owner and the builder must make sure that there are no adverse effects on abutting property owners.

Abutter Nancy Rollins (303 Barrett Road) spoke about the water draining from Main Street making a field into a wetland during certain times of the year, and she said that the town refused to accept any responsibility for the impact on the properties below Main Street. Mr. Walsh said that his property got the water after it exited the Rollins property. He acknowledged that problems relating to Main Street drainage were not under review by the PB, but he opined that those impacted needed to mention the issue at every opportunity, even though the subdivision proposed by Mr. Clapp was not causing the problems. Mr. McWilliams stated that the Clapp property was only a conduit for the drainage from Main Street. Chair Ebel advised that the PB was aware of situations where drainage had been altered and had caused damage to other properties. She asked Mr. McWilliams if the PB could require a Sediment and Erosion Control Plan in areas where it is not required by the New London Zoning Ordinance. Mr. McWilliams replied that drainage would be an issue that the PB would have to negotiate with the property owner.

Mr. Clapp opined that there would be no impact until someone wanted to build on the lot. Chair Ebel agreed but said that unless the PB put some kind of requirement in its approval of the subdivision, there would be no way to address the issue at a future time. Mr. Walsh asked if drainage was a private matter to be addressed by the property owner.

Ms Miller advised that she had owned her property for over 30 years and that during that time, drainage ditches had become furrows and the furrows were getting deeper. Mr. Clapp said that there was essentially a brook between his property and the Barrett property. Ms Rollins opined that development along the Main Street was responsible for the drainage problems. Robert Lavoie (160 Barrett Road) opined that even if the water exits at the same place, the velocity of the water has increased and there is more water passing through a small area. Mr. Clapp pointed out on the plan the area where the water spreads out into wetlands at the back of the property. Mr. McWilliams said that a ditch already exists and Road Agent Richard Lee proposed directing the flow of water along the boundary of the property.

Mr. Lebeau stated that he had heard that at some time in the past Barrett Road had become a pool and conduit had been placed every two feet; however, the Little's (now Clapp's) lot was not subjected to the conduit installation. He asked if the PB could require conduit building on the Clapp property to address the drainage issue.

PB member Andrews asked what Road Agent Lee proposed. Ken McWilliams replied that if someone wanted to build on the lot, water should be diverted along the side of the property. Mr. Clapp said that doing so would

create one path for the water to follow. Ms Rollins said that the water currently came down both sides and then splayed out. Chair Ebel asked Mr. Clapp if he had any idea of where a house would be placed on the lot. Mr. Clapp replied that he did not. Chair Ebel opined that Road Agent Lee's plan would increase the amount of water. Mr. McWilliams responded that Mr. Lee only wanted an easement to allow the culvert to continue to discharge water where it is now doing so.

PB member Andrews asked if the PB had the authority to require a builder to use "best building practices" for erosion control measures. Chair Ebel said she thought that was possible. She also clarified that generally a sediment and erosion control plan related to the building period and that the concern extended beyond that to after construction. She opined that a new property owner should also provide a drainage plan to cover post-construction affect of a building on the lot. She stated that any development/building increases the amount of impervious surfaces. She said that she would be very uncomfortable approving additional building on the property without including any provisions regarding drainage. PB members generally agreed that construction and post-construction drainage was of concern, although a new property owner could not be held accountable for an increase in drainage from areas beyond his/her property.

Mr. Walsh said that he was very fortunate to have foundation drains and a swale behind his house and that he has had no problems. He suggested that the PB could insist that a builder install foundation drains to eliminate complaints. Chair Ebel said that any conditions must be built into the building permit. Mr. Lebeau asked that since the hearing was on subdividing a four-acre lot into two two-acre lots, couldn't the PB build in a "wetland" contingency. Chair Ebel responded that she was not knowledgeable about building requirements or the legalities of creating a wetland between the two properties, as suggested by Mr. Lebeau.

Mr. Lavoie asked why not require that any future building permit include a drainage plan. Chair Ebel asked if the drainage plan included in the building permit would be approved by the Board of Selectmen. Mr. McWilliams replied affirmatively and noted that's the way others are addressed in the regulations. PB member Hollinger agreed with that approach because a great deal would depend upon the house placement. Chair Ebel said that the PB could require a sediment and erosion control plan and a drainage plan and no increase in either runoff volume or peak flow. Mr. Clapp asked if the town had no responsibility for drainage runoff. Chair Ebel replied that peak flow from runoff cannot increase because of construction on the lot. Mr. McWilliams expanded on the explanation.

PB member Cottrill asked who makes the decision on building permits for the Board of Selectmen. Mr. McWilliams replied that the Zoning Administrator makes recommendations. Mr. Lavoie stated that usually sediment and erosion control applied to a subdivision/developer. Mr. Walsh asked who approved building permits. Chair Ebel replied that the Board of Selectmen did. Mr. Walsh opined that he had faith in the PB, but none in the current Board of Selectmen because it had been completely unhelpful with respect to the drainage problems on Barrett Road. PB member Andrews advised that there was no way of knowing who would be on the Board of Selectmen in the future. PB member Conly advised that the Town has a Zoning Administrator to carry out the will of the PB and the Board of Selectmen. Mr. Walsh said that there had been a very lengthy road to restitution of a problem regarding drainage from Main Street flowing into Balsam Acres. PB member Hollinger responded that all the PB could do was to put in a plan to address water flow. Mr. Lebeau asked if the PB made the decision or if it made recommendations to the Board of Selectmen. He asked if the PB could put in wetlands or not. Chair Ebel responded that the PB could make a decision as to what was required, but final approval of a building permit was within the jurisdiction of the Board of Selectmen.

PB member Andrews asked Mr. Clapp for his opinion before a final decision was made. Mr. Clapp replied that drainage should be addressed as provided in the regulations. He said that he had no wish to increase drainage and would not object to re-directing the flow along the boundary. He said that he did not think the contingency should apply to the subdivision of the four-acre lot; rather, it should apply to the building permit for the "field" lot.

Chair Ebel asked Ken McWilliams to clarify the request made by Town Road Agent Lee. Mr. McWilliams replied that the town now has a "proscriptive right of use," but there is no formal right on record for the culvert

to discharge where it now does. He explained that a “proscriptive right of use” exists when something has been used in a particular manner over a long period of time without question. He said that Mr. Lee wants an easement for the culvert to discharge to the edge of the town road right-of-way as it has been for years.

It was **MOVED** (Hollinger) and **SECONDED** (Conly) **THAT THE FINAL MINOR SUBDIVISION OF TAX MAP 95, LOT 13, A 4-ACRE LOT, INTO ONE 2-ACRE LOT AND ONE 1.97 ACRE LOT BE APPROVED, CONTINGENT UPON (1) GRANTING OF AN EASEMENT TO THE TOWN OF NEW LONDON FOR A CULVERT TO DISCHARGE TO THE EDGE OF THE TOWN ROAD RIGHT-OF-WAY, AND (2) THE BUILDING PERMIT BEING CONTINGENT UPON SUBMISSION OF A PROFESSIONALLY-DESIGNED SEDIMENT AND EROSION CONTROL PLAN USING BEST MANAGEMENT PRACTICES AND A DRAINAGE PLAN THAT WILL ENSURE THAT VOLUME AND PEAK FLOW OFF THE PROPERTY DO NOT INCREASE POST-CONSTRUCTION DUE TO BUILDING ON THE NEWLY-CREATED LOT. THE MOTION WAS APPROVED UNANIMOUSLY.**

Gavin Campbell, a local contractor, opined that the abutters seemed to be seeking resolution of a problem not related to the subdivision or construction of a building. He opined that any building will increase drainage by increasing impervious surfaces, but without any benchmark, it’s difficult to determine the impact.

III. LAKE SUNAPEE COUNTRY CLUB – Public Hearing: Final Site Plan Review (Tax Map 146, Lot 1)

Kate Phelan, Project Coordinator, appeared on behalf of the Lake Sunapee Country Club. She advised that the Country Club is a non-conforming use in the Agricultural and Rural Residential (ARR) District and, therefore, needed to obtain a Variance from the Zoning Board of Adjustment (ZBA) in order to expand. She said that originally, the Country Club had also applied for a height Variance; however, the proposal that would have required such a Variance was no longer a part of the plan.

Ms Phelan stated that the proposed 3,498-square-foot expansion would be done in two phases: Phase I would address improvements to the main entry, lobby, restrooms, the Sarazen Room, and the parking lot at the back of the building. Phase II would focus on the demolition, reconstruction, and expansion of the main dining room and kitchen. Ms Phelan advised that three interconnecting dining spaces would replace the existing two-level dining room.

Ms Phelan said that after the Country Club’s last meeting with the PB, two questions remained to be answered: (1) amount of increase due to building of impervious surface and (2) related drainage. She advised that the impervious surface area would increase by 9% and would be broken up by grass and landscaping, so the impact would be much less than would otherwise be the case. Ms Phelan advised that page 3 of the plan displayed indicated where the drainage would go. She said that the plan showed the direction of drainage as well as the location of a catch basin. She stated that the Executive Summary described the drainage plan more fully.

Chair Ebel asked if all drainage would remain on the Lake Sunapee Country Club property. Abutter Augustus Seamans (390 Shaker Street) asked where the drainage would go and if there would be any change from what currently exists. Ms Phelan responded in the negative. Mr. Seamans asked if the runoff pathway would remain the same. Ms Phelan responded affirmatively. Abutter Barbara Hurley (362 Shaker Street) asked about the wet area on her property in the area of the 17th fairway. She said that it was a problem now and she would hate to see it get worse. PB member Andrews asked how close to Ms Hurley’s property the drainage pathway would be. Ms Phelan replied that Ms Hurley’s house was about 600 feet from the clubhouse. Ms Hurley said that she was concerned about any drainage increase. She said that she has had ducks swimming in her yard. Ms Phelan advised that she would look into the matter and meet with Ms Hurley to discuss the issue.

In regard to parking, Ms Phelan advised that there are 230 existing parking spaces. She said that item #9 on page 5 of the Executive Summary identified additional parking that would bring the total available parking spaces to 410. Chair Ebel said that the PB wanted a plan for maximum usage parking demonstrated. She asked how many major events were held each year. Ms Phelan replied that there had been only two major events

during the past. She distributed an amended estimate of the business and social functions. PB member Andrews asked how many customers would be involved in a major event. She estimated 200 wedding guests plus 200 golfers. PB member Cook asked how many golfers there could be at one time. Ms Phelan replied that the maximum number of golfers that could be accommodated was 125.

Chair Ebel asked if the dining room would be open to the public when a wedding was scheduled. Richard Stockwell, the dining room manager at the Country Club, said that on the busiest days, if an event were going on in the Sarazen Room, the dining room would be open to golfers and others. PB member Cottrill asked how many seats there would be in the renovated dining room. Ms Phelan advised that the architect had done a seating plan that was included in the application materials. PB member Andrews estimated that a major event would be 158 in the main dining room, 87 in the Sarazen Room, 32 on the deck, and 125 golfers for a total of 402. Chair Ebel asked if the usual meal service would go on during a big event. Ms Phelan responded affirmatively. Mr. Stockwell replied that not all 125 golfers would be in the clubhouse at the same time.

PB member Cottrill asked what kind of exterior lighting was planned, because the Town was moving toward the "dark-skies" approach to lighting. Chair Ebel noted that 150-watt bulbs were indicated on the diagram submitted. PB members spoke in support of cut-off shielded fixtures that focus light downward. Ms Phelan said that she would be very happy to look at other types of fixtures.

Ken McWilliams advised that the only matter coming out of the meeting with municipal department heads was a Sewer Department recommendation that there be a grease trap inside the building. He said that currently the grease trap was located in the parking lot. Ms Phelan said that an additional grease trap would be located inside the renovated kitchen.

It was **MOVED** (Conly) and **SECONDED** (Cook) **THAT THE FINAL SITE PLAN REVIEW FOR RENOVATION AND EXPANSION OF THE LAKE SUNAPEE COUNTRY CLUB BE APPROVED, CONTINGENT UPON THE INSTALLATION OF CUT-OFF SHIELDED EXTERNAL LIGHT FIXTURES AND THE INSTALLATION OF A GREASE TRAP INSIDE THE BUILDING. THE MOTION WAS APPROVED UNANIMOUSLY.**

IV. GAVIN CAMPBELL – Concept Site Plan Review- Change of Use: Need for Site Plan Review
(Tax Map 84, Lot 78)

Gavin Campbell advised that he planned to create two offices in former retail space located at 71 Pleasant Street. He said that there would be no change in the footprint of the building and that the footprint would actually be a bit smaller as the result of renovations. He advised that he would return to the PB at a future date with a build-out plan. He said that the present plan was for one office for his own use and one office to be rented. He shared the existing approved site plan with PB members.

PB member Cottrill asked what the size of the lot was. Ken McWilliams replied that the figure was not included in the materials presented. PB member Andrews commented that the change in use would impact on the parking requirements inasmuch as retail space required a minimum of 4.0 parking spaces per square foot and office space required a minimum of 3.3 spaces per square foot. She opined that the existing approved parking would be more than adequate. Mr. Cottrill inquired about the size of the building. Mr. Campbell replied that the building was 32' x 32'.

Chair Ebel asked if the property was located totally in the Commercial District. Mr. McWilliams responded affirmatively. Chair Ebel asked if there would be any heavy equipment stored on site. Mr. Campbell replied that there would be no long-term storage, but there would occasionally be storage between jobs. He said that the only piece of equipment registered was a backhoe, and he opined that the space was more than adequate to accommodate it. Chair Ebel asked what the restrictions were in regard to outside equipment storage in the Commercial District. Mr. McWilliams replied that there were no restrictions. Chair Ebel stated that, nevertheless, she hoped the amount of equipment stored outside on the property would be limited. Mr. Campbell stated that he had no intention of storing a great deal of heavy equipment on the property and that he, too, was interested in having an attractive site, as evidenced by the work he'd done thus far.

Chair Ebel asked how many customers would be visiting the site. Mr. Campbell replied that there would be a small "meet and greet" space inside; however, the office space was not designed for heavy traffic. Chair Ebel asked if there were a preferred type of client. Mr. Campbell replied that he had talked with various professionals and he hoped to rent to someone who would use the office to provide professional services. He also noted that he greatly appreciated the cooperation he had gotten from his abutters as he improved the site.

It was **MOVED** (Hollinger) and **SECONDED** (Cottrill) **THAT NO SITE PLAN REVIEW BE REQUIRED FOR THE CHANGE IN USE FROM RETAIL SPACE TO OFFICE SPACE AT 71 PLEASANT STREET, TAX MAP 84, LOT 78. THE MOTION WAS APPROVED UNANIMOUSLY.**

V. DENNIS AUFRANC/MAPLE HILL FARM – Concept Site Plan Review: Inn Proposal
(Tax Map 56, Lot 15)

Dennis Aufranc was not present at the meeting.

VI. AUSTIN EATON – Request for Final Certificate of Performance for Great Pines & As-Built Plans
(Tax Map 58, Lot 27)

Austin Eaton advised the PB that all 22 of the homes planned for the Great Pines development had been built and delivered to owners. He said that he had left the Great Pines Homeowners' Association Board over a year ago. Mr. Eaton advised that the final top one-inch of asphalt had been applied to the roadways this past spring. He also advised that the Town Road Agent, Richard Lee, acting on behalf of New London Highway and Sewer Departments, had conducted a physical review of the site and had submitted a letter of approval. He reported that the New London-Springfield Water System Precinct had also looked at and approved the site, but had not yet submitted its letter of approval. He advised that the Fire Department had inspected the site and submitted a letter of approval. Mr. Eaton said that all bounds have been set and entered on the "as-built" plat created by Clayton Platt. He acknowledged the need to add to the plat the locations where the sewer system enters homes and where it goes out to the road, as requested by Town Road Agent Richard Lee. He said that the entrance had been widened in accordance with the Homeowners' Association wishes. Mr. Eaton advised that there needed to be replanting and/or re-loaming of some areas due to washouts during recent rainstorms.

PB member Cottrill asked how many house lots had been developed. Mr. Eaton replied that there were 22. Mr. Cottrill asked if all had been sold. Mr. Eaton replied affirmatively. Mr. Cottrill noted that the PB had received a letter from one property owner regarding issues that he believes should be addressed before the PB issues a Final Certificate of Performance. Mr. Eaton responded that those were the issues to which he had referred earlier. He also said that he would be discussing the removal of the remaining silt fencing.

Property owner Ken Woodger (46 Conifer Lane) said that everyone was happy with their homes. He said that there was one area near the corner of Spruce Lane and Conifer Lane that was wet. Mr. Eaton responded that he had spoken with Peter Blakeman (Blakeman Engineering, Inc.), the engineer for the development, in regard to the wet area. He said that Mr. Blakeman had advised that the area was designed as a level spreader as part of the approved drainage plan. He explained that a level spreader is designed to store water temporarily and disperse it gradually to improve drainage on the site. He said that the spreader was operating as it had been designed to operate. Mr. Woodger mentioned some erosion that occurred during the very significant amount of rainfall. He said that these were missed by Mr. Eaton.

PB member Andrews asked what was the amount of the bond to be released. Mr. Eaton replied that \$51,000 had been withheld to cover the cost of the top coat of asphalt. Property owner Julie Woodger (46 Conifer Lane) said that she thought Town Road Agent Lee recommended withholding \$2,000-\$3,000. Ken McWilliams advised that the matter had been discussed in the afternoon meeting of municipal department heads. He said that Mr. Lee believes the work to be substantially complete and that there is no need to withhold a portion of the bond. Ms Woodger stated that she would like funds withheld until all the replanting has been completed and the erosion problems corrected.

Chair Ebel noted that Town Road Agent Lee stated in his report that he did not inspect the location of the actual houses built. Mr. McWilliams advised that the responsibility for those inspections fell within the purview of the Zoning Administrator.

PB member Andrews recommended withholding \$3000 until all issues have been resolved. PB member Hollinger recommended releasing all of the bond to save paperwork and effort. Ms Andrews asked if the bank would charge for issuing a new bond. Mr. Eaton replied in the affirmative and estimated that the cost would be about \$100. He said that he has a responsibility to the homeowners and that he has always met all of his responsibilities.

Ms Woodger advised that Dick Little had discussed in a Great Pines Homeowners' Association meeting the need to withhold \$2,000-\$3,000. Mr. Eaton stated that he had spoken with Mr. Little that afternoon and Mr. Little had said nothing about withholding a portion of the bond; however, if the PB believed withholding a portion of the bond to be necessary, then it should do so. PB member Cottrill said that usually when the work is done, then the bond is released. He said that he did not want to set a precedent for releasing a bond on a "close-enough" basis. PB members Hollinger and Conly both stated that they considered Road Agent Richard Lee's recommendation as the basis for release of the bond. Chair Ebel asked Mr. McWilliams if he had understood the recommendation to be the basis for release of the bond. Mr. McWilliams replied that there were only a few spots where seeding had washed out; however, Mr. Eaton was replanting the areas. Ms Woodger asked what about the washout. Mr. Eaton replied that he would bring in loam and re-seed the area. Chair Ebel opined that the PB should not release the entire bond when there is still work that needs to be done. Mr. Eaton agreed to the withholding of \$3,000.

It was **MOVED** (Hollinger) and **SECONDED** (Andrews) **THAT THE EXISTING \$51,000 BOND FOR THE GREAT PINES DEVELOPMENT BE REPLACED WITH A BOND FOR \$3,000, CONTINGENT UPON RECEIPT OF INSPECTION LETTERS FROM THE SEWER DEPARTMENT AND THE NEW LONDON/SPRINGFIELD WATER SYSTEM PRECINCT AND THE REVISION OF THE "AS-BUILT" PLANS TO SHOW SEWER SERVICES TO HOMES. THE MOTION WAS APPROVED UNANIMOUSLY.**

Mr. Eaton inquired about the process. Mr. McWilliams advised that Mr. Eaton should provide a new letter of credit to the Town Finance Officer, Carol Fraley, and deliver the letters and "as-built" plans to the Town Offices.

VII. CONSTANCE LEATHERS – Tree Cutting Proposal (Tax Map 45, Lot 31)

PB member Dale Conly presented a request from Constance Leathers to cut two trees located within the 50-foot buffer at 191 South Cove Road. He advised that one tree is a dead hemlock that hangs over the dock and the other is a dead birch that is hanging over the water. He described the lot as heavily wooded with much low growth; therefore, replanting should not be required.

It was **MOVED** (Cottrill) and **SECONDED** (Cook) **THAT THE REQUEST TO REMOVE ONE DEAD HEMLOCK AND ONE DEAD BIRCH TREE LOCATED WITHIN THE 50-FOOT BUFFER AT 191 SOUTH COVE ROAD (TAX MAP 45, LOT 31) BE APPROVED WITH NO REQUIREMENT FOR REPLANTING. THE MOTION WAS APPROVED UNANIMOUSLY.**

VIII. ARTHUR O'HARA – Tree Cutting Request (Tax Map 64, Lot 14)

PB member Dale Conly presented a request by Arthur O'Hara to remove a dead birch tree located within the 50-foot buffer and leaning over the dock at 972 Lakeshore Drive. He advised that the tree was dead because two large oak trees have cut off sunlight to the birch. Mr. Conly recommended approval of the request.

It was **MOVED** (Cottrill) and **SECONDED** (Hollinger) **THAT THE REQUEST TO REMOVE ONE DEAD BIRCH TREE LOCATED WITHIN THE 50-FOOT BUFFER AT 972 LAKESHORE**

DRIVE (TAX MAP 64 LOT 14) BE APPROVED WITH NO REQUIREMENT FOR REPLANTING. THE MOTION WAS APPROVED UNANIMOUSLY.

IX. SHEERR-GROSS VOLUNTARY MERGER RE-SIGN

(Tax Map 30, Lots 28 & 29)

Ken McWilliams explained that the Voluntary Merger of Lots of Record form for the Sheerr-Gross lot merger that the PB signed at its June 27, 2006 meeting did not contain original signatures of the applicants, and it had been returned by the Registry of Deeds with the advice that photocopies of signatures are not acceptable. Mr. McWilliams presented for signing by the PB a replacement Voluntary Merger form bearing original signatures of the applicants. The form was circulated for PB signatures and will be forwarded to the Merrimack County Registry of Deeds by the Town.

X. JOHN D. & PATRICIA H. SHEEHAN- Voluntary Merger of Lots of Record

(Tax Map 44, Lots 20, 21, & 27)

Ken McWilliams advised that John D. and Patricia H. Sheehan had previously annexed one-half of an adjacent lot to their property and also own a beach lot across the road. He explained that the Sheehans now wanted to merge all three of the pieces into one lot. The result would eliminate a bifurcated-lot situation.

It was **MOVED** (Cottrill) and **SECONDED** (Hollinger) **THAT THE REQUEST BY JOHN D. AND PATRICIA H. SHEEHAN TO MERGE THREE LOTS OF RECORD, TAX MAP 44, LOTS 20, 21, AND 27, BE APPROVED. THE MOTION WAS APPROVED UNANIMOUSLY.**

The Voluntary Merger form was circulated for PB signatures and will be forwarded to the Merrimack County Registry of Deeds by the Town.

XI. 2006 BUDGET

Ken McWilliams distributed materials related to the status of the 2006 budget allocation for the PB. He advised the PB that the budget request had been based upon an estimate of \$2,800 per month for services of the town planner. He explained that the increase in spending beyond the estimated amount was the result of several things, including the additional time required to rewrite some of the regulations and an increase of 25% in the town planner contract with no comparable increase in the budget.

He advised that the second sheet in the handout outlined the need for an additional funds, if the PB wants to continue on as it has been doing. He estimated reasonable costs for 2006 would be \$15,000 more than the budget would allow: \$14,000 for on-going services at the rate of \$2,800/month (based on past experience), \$2,500 for revision of the Site Plan Review and Subdivision Regulations, and \$3,500 to complete the CIP and work on any zoning ordinance amendments. Mr. McWilliams also noted that there was about \$4,300 remaining in the budget and that the August bill had not yet been calculated.

PB member Cottrill asked what the total annual expenditure would be. Mr. McWilliams replied \$47,210. Mr. Cottrill asked why the costs in April and May were lower. Mr. McWilliams advised that he had been away for two weeks in April, but he was not sure what happened in May. PB member Hollinger opined that if last year's budget was \$31,500 and town planner rates increased 25%, the expenses are not too far off. He said that when the PB accepted the \$31,500 budget, it knew that the amount was inadequate. Chair Ebel explained that the Town had agreed to increase Mr. McWilliams' hourly compensation as part of the decision to hire him as an independent consultant when he left the UVLSRPC in January. She stated that the arrangement was made after the budget had been set and that his contract had included the \$31,500 budgeted for the Planning Board for 2006.

PB member Cottrill asked why the regular expenses were estimated too low. Mr. McWilliams replied that the original estimates were a "stab in the dark". He said that he had just underestimated the time involved. He also advised that a great deal of time has been spent on the Harborview project. Chair Ebel stated that she could not imagine what the Harborview matter would have cost if she had not taken on the related legal aspects.

Chair Ebel advised that she had spoken with Town Administrator Jessie Levine and Ms Levine has spoken with the Board of Selectmen. Ms Levine said that the Board of Selectmen really wanted to have the regulations updated. She said that the Board of Selectmen has some discretionary funds and had agreed that \$2,500 could be used to complete the revision of the regulations. Chair Ebel said that she was not sure that Ms Levine knew the extent of the budget problem when she spoke to the Board of Selectmen and was only focusing on the regulatory revision shortfall.

PB member Cottrill asked if having only one PB meeting per month for the remainder of the year would help. A review of the monthly breakout indicated it probably would not help. He also suggested that routine questions be directed to town office staff and that only the more difficult questions be directed to the Town Planner. Chair Ebel asked how much time had been expended on revising the Driveway Regulations, which was included in the planner budget, and Mr. McWilliams agreed to look into it. Chair Ebel also said that she really wants to have Mr. McWilliams organize and be present for all PB meetings. Other PB members agreed that this was of paramount concern.

Mr. McWilliams said that if the maximum available is approximately \$6,800, how would the PB wish to allocate the funds. Chair Ebel explained that \$6,800 equaled the \$4,300 remaining in the budget, plus the \$2,500 available from the Board of Selectmen. PB member Andrews opined that the PB really needed to sit down with the Board of Selectmen to tell them what the PB wants and to find out what additional funding might be available. PB members Hollinger and Cottrill recommended placing the problem in the hands of the Board of Selectmen. Mr. Hollinger suggested that more than one PB member call the Board, as a show of support. Chair Ebel advised that she would like to make the introductory call.

The unanimous sense of the PB was that all items on the PB's plate were important and should be funded and the Board of Selectmen should be asked to find the money. PB member Hollinger recommended that the PB request \$20,000.

Mr. McWilliams asked how to adjust the sequence of the items. PB member Cottrill asked if the PB should go with the plan as it stands. Chair Ebel advised that Mr. McWilliams didn't believe that the PB had the capacity time-wise to pursue the Master Plan, although it's funded, at the same time as it is undertaking regulatory revisions, and she agreed with him. PB member Andrews said that the Master Plan funds had been spent. Mr. McWilliams responded that he had actually completed some of the work. He also pointed out that the vision workshop was scheduled for fall and should continue if additional regulatory expense is not funded. He said that he did not want to lose momentum on the Master Plan and that would happen if the vision workshop were not immediately followed up with additional Master Plan progress.

Chair Ebel asked if someone else could do the CIP work. Mr. McWilliams replied that Ms Levine could run the meetings; however, there is only one meeting left. PB member Hollinger said that he had performed the calculations and the shortfall is only \$2,000. He opined that it was important to emphasize how small the shortfall was.

Ken McWilliams said the last two pages of the handout contained a draft for next year's budget. PB member Andrews asked if it was less because there would be no regulatory revisions. Mr. McWilliams replied that \$6,000 had been budgeted for regulatory revisions during the current year. He stated that \$10,000 has been spent on revising the regulations. PB member Hollinger advised that it is always easier to give money back; therefore, he recommended budgeting on the high side. He opined that issues coming before the PB were becoming more contentious. Chair Ebel suggested starting the town planner services at \$3,000 per month plus 5%. She agreed that issues were getting more complicated. As an example, she said that Harborview was nowhere near being finished.

Chair Ebel asked Mr. McWilliams if there were any zoning issues to be addressed by amendment. Mr. McWilliams replied that Zoning Administrator Peter Stanley wanted some type of building permit and certificate of occupancy provisions put into the Zoning Ordinance. PB member Andrews said that Town Administrator Jessie Levine had spoken about sidewalk sales. Mr. McWilliams said that there was a need for

some catch-all category for one-time events that included public gatherings. He also advised that New London Hospital had mentioned wanting to extend its institutional zone to include some of its recently acquired property.

XII. OTHER BUSINESS

A. MINUTES of the JULY 25, 2006 MEETING were APPROVED, as amended.

The **MEETING** was **ADJOURNED** at **9:55 PM**.

Respectfully submitted,
Judith P. Condict, Recording Secretary
New London Planning Board

DATE APPROVED _____

CHAIRMAN _____