

NEW LONDON PLANNING BOARD

REGULAR MEETING JUNE 24, 2008

MEMBERS PRESENT: Tom Cottrill (Chairman, *pro tem*), Dale Conly, Larry Ballin (Selectman *ex officio*), Celeste Cook, Alternate Michele Holton, Alternate Deirdre Sheerr-Gross, Ken McWilliams (Town Planner).

MEMBERS ABSENT: Karen Ebel, Jeff Hollinger, Michael Doheny.

Tom Cottrill opened the meeting at 7:30 p.m., and appointed alternate Michele Holton to sit in for regular member Michael Doheny, and alternate member Deirdre Sheerr-Gross to sit in for regular member Jeff Hollinger. The Board addressed ten items of business during the meeting.

CATE FAMILY REALTY TRUST – Continued Final Major Subdivision of Tax Map 103, Lot 2-1 into Four Lots

Ken McWilliams reported that a subcommittee of the Planning Board has reviewed the draft of the covenants and they have been amended twice since the last Planning Board meeting, and that he and Karen Ebel feel the present version is satisfactory. (Copy included in Planning Board members' packets.) In addition, he reported receipt of the Fiscal Impact Assessment and the two driveway permits from NH DOT (included in Planning Board members' packets).

Also in their packets for tonight's meeting, Planning Board members received copies of a June 18 letter from William C. Chamberlin of NH DOT regarding the trench application with the plan for the pull off parking for a dry hydrant on the east side of Route 103A. The letter indicated that the actual permit will be issued once a contractor has been selected, and that they may require a small bond.

Ken McWilliams said it appears that only the wetlands permit is outstanding. Erin Darrow (Darrow Civil Engineering P.A., representing the Cates) said that the permit has been submitted. They received the permit in March. Dale Conly confirmed that he recalls the Conservation Commission discussing that. Tom Cottrill suggested the Planning Board could make an approval contingent upon receipt of a copy of that wetlands permit.

Deirdre Sheerr-Gross asked Ken McWilliams if he sees any questions here. Ken McWilliams said everything seems to be in order, and applicants have resolved any questions regarding the covenants that he, Michael Doheny, and Karen Ebel had. He referred to the Fiscal Impact Report and pointed out that there will be a slight negative impact on the Town. Erin Darrow said the report is conservative; it assumes the impact of four additional families moving into Town (in other words, she said, the report's figures are based on "worst case scenario").

Tom Cottrill asked if there were any further comments or questions from the Board, or any concerns from those present at the Hearing.

Hearing no further questions or comments, Larry Ballin moved to approve this subdivision pending submission of the final wetlands permit. Celeste Cook seconded the motion. No further discussion. Motion unanimously APPROVED. Planning Board members signed the plats and mylar.

—

DENNIS HAAS – Final Site Plan Review for Home Business: Piano Repair & Sales (Tax Map 123, Lot 27)

Ken McWilliams referred to the Executive Summary (copy included in Planning Board members' packets), pointing out that this home business will have a low impact with 150 square feet or 17% of the finished floor area becoming a shop, and 93.5 square feet or 11% becoming office area (regulations limit home businesses to no more than 35%),

not more than one client at a time and by appointment only, no employees at present with possibility of no more than two in future.

Dale Conly and Deirdre Sheerr-Gross asked for clarification of the business itself. Dennis Haas said he will purchase pianos wholesale, refurbish them for resale. He will also do piano repair and refurbishing for customers.

Dale Conly asked how many pianos he will have in the shop. Dennis Haas said not more than five at a time. He is going to begin the business with four he has purchased.

Tom Cottrill asked about truck traffic. Dennis Haas said that will be only for the initial delivery, and then an occasional purchase.

Celeste Cook asked if the home is being turned into a shop. Dennis Haas said the shop will be in the front section of the dwelling. It will be separated from the office by particle board.

Tom Cottrill asked to confirm that there is parking for four cars. Dennis Haas said there are two levels of parking. He and his wife park on the upper level. The lower level will be for the business, but he anticipates no more than one car there at any time.

Tom Cottrill asked for other comments or questions from the Board or from those in attendance. He confirmed that Mr. Haas is familiar with Article II of the New London Zoning Ordinance. Larry Ballin commented that it will be good to have some occupancy on that site.

Deirdre Sheerr-Gross moved to approve this site plan. Larry Ballin seconded. No further discussion. Motion unanimously APPROVED.

ERIC AND SUSAN SHULTZ and TOWN OF NEW LONDON – Final Annexation (Tax Map 107, Lot 7 and Tax Map 119, Lot 2)

Surveyor Clayton Platt explained that the Town will be annexing this 46.5 acre parcel to the 14.9 acres it already owns on Clark Pond. The new parcel includes Bog Brook Marsh and some upland. Ken McWilliams said the subdivision and annexation will be recorded at the time of the sale closing.

Tom Cottrill asked for further comments.

Herbert Spencer, an abutter on Bog Road, asked about plans to develop the combined parcel. Larry Ballin said there are no plans to develop other than to create some trails from Bog Road to Clark Pond. Herbert Spencer asked if trails will be on the west side of the outflow. He said there are wetlands issues there. Peter Stanley said any trails will be between the interstate and the pond.

Peter Stanley said the deed has been written except for a description of the property. Larry Ballin said the deed will come back to the Board of Selectmen for review before the closing.

Hearing no further questions or comments, Deirdre Sheerr-Gross moved to approve this annexation. Celeste Cook seconded. No further discussion. Motion unanimously APPROVED. Planning Board members signed the mylar to be held for recording until the closing.

CHRISTOPHER and MARIA ELENA LYNCH and TOWN OF NEW LONDON– Final Annexation (Tax Map 88, Lot 7 and Tax Map 100, Lot 2)

Surveyor Pierre Bedard explained that some years ago, they discovered that the main trail at Low Plain—the Davis Path, crosses over onto the Lynch property (then the Green property). This subdivision and annexation will swap

approximately 9 acres of the Town's Low Plain land—mostly parts of the old borrow pit, for approximately two acres of the Lynch property. The Town's lot will be 42 acres with the new boundary running parallel to the Davis path and about 60-feet from its center line.

Tom Cottrill asked Ken McWilliams if he saw any problems with this swap. Ken McWilliams said no. Tom Cottrill asked if there were any other comments. Larry Ballin said the Selectmen reviewed and approved this yesterday. Dale Conly said the Conservation Commission is also supportive of this swap. Larry Ballin said that with this annexation, as with the Shultz's, the new deed will be reviewed by the Board of Selectmen.

He moved to approve this annexation. Celeste Cook seconded. No further discussion. Motion unanimously APPROVED. Planning Board members signed the mylar to be held for recording until the closing.

ALBERT and GEORGE WIDMER – Tree Cutting Request in Buffer of Protected Stream (Tax Map 37, Lot 13)

Ken McWilliams said applicants are putting in a new septic system, and it appears that they have made every effort to minimize the amount of cutting that will be required. He observed that the septic system will be located as far as possible from the stream, will be two tiered to reduce impact, and in one location, the service line actually goes under an outbuilding rather than go any closer to the stream buffer. They are here tonight seeking approval to cut two trees that are in the stream buffer. He said he feels this does comply with the intent of the ordinance.

Dale Conly said he did make a site visit, and he feels the applicants have bent over backwards to accommodate the regulations. He noted that the trees being cut are not in the fifty foot buffer from the pond, but are located in the 100-foot buffer from the stream. Plus, he noted that by upgrading the septic system, applicants are reducing possibility of problems there. He recommended the Board approve this.

Tom Cottrill asked if there were any other comments.

Hearing none, Celeste Cook moved to approve this. Larry Ballin seconded. No further comments. Motion unanimously APPROVED.

Mr. Widmer asked if this Board needs anything further. His understanding is that all they need now is the State approval, and the special exception from the Zoning Board. Peter Stanley confirmed that applicants are done with the Planning Board, and they have all they need to go on to apply to the ZBA for their special exception.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE– Public Hearing on Request for Tree Cutting/Trimming on Scenic Roads: Pingree, Soo Nipi, & Whitney Brook Roads.

Since Celeste Cook resides on Whitney Brook Road, she recused herself for the duration of this hearing.

Dave Crane, arborist for PSNH, said this will be part of the company's regular maintenance cycle. Normally, PSNH likes to cut and trim along roads every five years. In the case of Pingree and Whitney Brook, it has been seven years at this point. Specs call for them to cut brush and trees four inches or less for a space of eight feet to the side of the power lines—that allows for growth over the next five year cycle, and to cut ten to fifteen feet overhead to address the potential for those tree crowns to bend down toward the wires under an ice or snow load. He explained that they address larger trees on a case by case basis. Aplundh does the cutting for PSNH, and they do make a point of contacting each owner when they find a large tree that they must cut.

Prior to this hearing, Planning Board members received both a letter dated April 25 from Dave Crane, describing the proposed work that is the subject of this hearing, and a copy of a memo from Sue Blothenburg, Community

Relations Manager for PSNH, dated June 18 and addressed to Town Officials, discussing PSNH's new approach to vegetation removal and trimming. Tom Cottrill asked about this second memo, and Dave Crane explained that it pertains to the transmission lines only. He said there is only one such transmission line going through New London, and it has two road crossings in Town, but those road crossings are already pretty clear except for some brush that will be removed.

Tom Cottrill returned to the subject of the three scenic roads under discussion at this hearing, and asked if they see a lot of cutting that will be required. Dave Crane said there will be a little more on Pingree and Whitney Brook as they haven't been trimmed for seven years. There will be a minimum of cutting required on Soo Nipi at the two crossings and the last four-hundred feet to the water.

He pointed out that the power line parallels Pingree Road along the first four to six hundred feet, and there is one crossing. He said they have noted three large dead trees (near the first house on that road). They will be contacting the landowner there, and removing those.

On Whitney Brook Road, there are three somewhat smaller (4 to 6 inches in diameter) trees that will have to be cut. The rest of the cutting on that road is just brush.

Peter Stanley asked if they remove the wood. Dave Crane said the wood is the property of the abutting landowner, and it will stay there unless landowner asks PSNH to remove it. He said he does not anticipate removal being a problem, or a big cost. In response to further question from the Board, he assured everyone that they do clean up the site, chip the brush, limb the bigger logs and pile the wood off the road in log lengths.

Celeste Cook asked if they contact every homeowner. Dave Crane said if someone has frontage that includes trees that need to be removed or trimmed, the company will contact property owner by knocking on the door, then leaving a card with a number to call. They will seek signed approval from landowners whose frontages include large trees that must be cut. In response to further question, he said if the property does not include a residence, or if it is a seasonal residence, the company will be able to contact landowner by locating the billing address, or name and address on the tax records. Question was raised about renters. Dave Crane, said it can be established who the landowner is, even if the renter is the person paying the electric bill. PSNH's meter records include not only names and numbers of the persons paying the bills, but of landlords as well.

He said this is all part of a cutting/trimming project along Route 103A, going through four towns. In New London, the lakes that they will be near are Sunapee, Messer Pond and Pleasant Lake. He noted that there are very few areas where they will be coming within fifty feet of a shoreline, noting that in the past they have cut brush and removed tops in those areas. As far as this specific site goes, he said there are two dead pine along 103A that are within the buffer, and one small maple near Messer Pond. They would like to take those down, or at least top them below the wires. He asked if the Planning Board is comfortable with their doing that; it would be very similar to any work they've done within the buffer in the past. Dale Conly opined that the work PSNH has done in the past has been fine. Peter Stanley said the new Comprehensive Shoreland Protection Act allows limbing, not topping. Dave Crane said he has talked to the State, as well as attended their workshop. He has explained to the State that just limbing the large trees, especially those dead or diseased, will not be adequate to protect the system from power outages. He does have written confirmation from the State that the work they are planning to do (as described tonight to this Board) will be permissible.

Hearing no further comments or questions, Tom Cottrill asked for a motion. **Dale Conly moved that the Planning Board allow PSNH to go forward with the cutting/trimming work proposed, including that in the fifty foot buffer, as has been done in the past. Larry Ballin seconded the motion. No further discussion. Motion unanimously APPROVED.**

Celeste Cook recused herself for the duration of this hearing.

Prior to the meeting, Planning Board members received copies of the thirteen proposed changes to the plan that was approved on August 14, 2007. Lori Underwood reviewed these.

1. Because a utility pole was found to be in a different location than indicated on the original site survey, they have had to eliminate one parking stall near the Clough entrance.
2. The proposed location of the sidewalk adjacent to the south entrance of the Medical Office Building will be modified to allow continued use of the existing entrance and stairs to that building. Question was raised about the wheelchair access there. Lori Underwood said that they are going to regrade and improve that access as well as add a wheelchair access to the front of the building. There will always be wheelchair access, even during the construction period.
3. An underdrain will be added to the edge of the proposed parking lot east of the MOB in light of the amount of wet subgrade they have found there during work. This potential problem came to their attention during the past exceptionally difficult winter, and they would like to take the necessary steps now to avoid erosion and avoid having to tear up the surface and place an underdrain there in the future. Also, catch basin #19 will be relocated to the north, in response to existing electrical conduits found to be in a slightly different alignment than shown on the site survey. Question was raised about whether or not any of this will affect the Hubert's parking lot. Lori Underwood said it should have no affect at all. Dale Conly asked where the runoff will drain to now. Lori Underwood said to the same catch basin as before. They wetland will work as it normally does.
4. Catch basin 15 will be moved approximately three feet to the northwest to avoid conflict with existing underground fuel tanks and to allow those tanks to remain in the vicinity of the hospital's main entrance.
5. The proposed site water lines for domestic and fire protection service were eliminated as it was found during construction that it would be possible to route the needed capacity to the addition from existing water lines within the existing hospital building.
6. Inverts for two smaller Stormceptor structures were revised to allow a minimum of three inches vertical drop as required by the manufacturer.
7. Field adjustments were made to the surface grades in the lower parking lot to ensure that stormwater will flow to the Stormceptor inlet and not towards the helicopter pad. They observed, particularly during and after this harsh winter, some pooling and icing up of water in that location---thus the change. Tom Cottrill asked to confirm that the runoff pattern will be as shown on the previous plans.
8. The layout of the MRI dock area was modified, as they found during a field exercise that the maneuverability of the tractor-trailer was limited in areas of the size shown on the previous plan. She noted that the rear wheels on the MRI trailer are placed further back than they are on a regular trailer. She said the proposed change includes flattening out the area a little bit and adjusting the angle to allow the trailer to back out without knocking into the oxygen tank when it leaves.
9. The travel lanes of the pervious concrete parking lot were changed to standard concrete due to concerns regarding impact for salt deliver trucks. This results in no net increase in stormwater runoff because the standard concrete areas drain into the pervious concrete areas. Also, rip rap has been added to the south edge of the parking lot to ensure the drainage of the pavement subgrade.
10. The gravel access drive along the south edge of the existing hospital was changed to pavement and a catch basin was added. This change was made at the request of the MRI vendor who had concerns about the stability of a gravel road during mud season bearing the weight of the MRI unit. The unit weighs 83,000

pounds, and has only 8 inches clearance at bottom. The change results in a net increase of 0.1 cfs of stormwater runoff in a 100 year storm. The catch basin will catch the run off rather than let it all sheet off into the wetlands.

Question was raised about other people using that access. Lori Underwood said they are in discussion with Chiefs Seastrand and Lyon regarding traffic control there. Ken McWilliams suggested an emergency gate. Vehicles that are supposed to use that access could carry a beeper to open it. Tom Cottrill asked if that would have to be added in as part of the plan. Larry Ballin said he thought that would be just a management issue. Dale Conly asked about the stones along the edge of that. Lori Underwood said those will remain as they are now.

11. The proposed sidewalk adjacent to the north entrance of the proposed MOB was modified to accommodate more handicap parking spaces across from front entrance.
12. The flared end section in the landscape area adjacent to the new main entrance was changed to a drainage structure for aesthetic reasons. Question was raised about the current and proposed entrances. Lori Underwood explained that the existing entrance will be an emergency exit. The new entrance will be the main entrance to the hospital.
13. The hospital is also seeking site plan approval for the temporary tents that it puts up in front of the Clough Center and in front of the ABCs to offer shade to residents and children. She explained that previously they'd had to get a building permit for this every year. Now, with site plan approval, they will not have to repeat that process. She added that the tents do not take up any parking spaces.

Ken McWilliams asked about the annual clean out of the catch basins. Lori Underwood said they understand that the catch basins will have to be cleaned out annually, and that will be done at the same time every year that the pervious surfaces are vacuumed. They will also be cleaning out the rocky area where the run off exits.

In response to question from the Board, she said exterior lighting will remain the same as in the original plan. She said the transformer pole there is still working.

John Clough asked about the walking trails there. Lori Underwood said a grant they applied for was found to be too restrictive to work; however, the access from the hospital to the trails is still available.

Question was raised about whether or not the planned parking will be sufficient, given that the hospital is having to run a shuttle now. Lori Underwood said the final plans call for 100 additional parking spaces beyond the number of spaces existing before this project. By September, they hope to have 348 spaces on site, and by early next year, the balance of proposed parking will be available.

Tom Cottrill asked if there were any further comments or questions. **Hearing none, Dale Conly moved to approve this final site plan. Larry Ballin seconded. No further discussion. Motion unanimously APPROVED.**

—

Celeste Cook returned to her seat on the Board, and Tom Cottrill opened the next hearing.

STEPHEN JESSEMAN—Final Site Plan Review: Fill (Tax Map 116, Lot 7)

Sue Jesseman and Lynn Walker represented Stephen Jesseman at this hearing. Sue Jesseman reminded the Board that there are two existing lots here, and that last year, the Board approved adding fill to Lot 6; they are seeking similar approval for Lot 7 now. The fill is being added to make the lots more buildable for future homes. She referred to the plan, pointing out that the area of hydric soils has been delineated there. No fill will go into that area.

Tom Cottrill noted that Site Plan regulations require Planning Board approval for anything over 250 cubic yards of fill. Sue Jesseman said that this project will consist of bringing in 906 cubic yards of fill. In response to question from the Board, she said she does not know where it will come from. Board members noted that the fill for Lot 6 (last year) was brought in from Colby Sawyer.

Ken McWilliams said the wetlands should be demarcated on site, and he asked about plans for stabilizing the fill area. Sue Jesseman said they do plan to seed and mulch before fall.

Larry Ballin asked if a silt fence will be required. Tom Cottrill asked Sue Jesseman to point out on the plan where the wetlands will be demarcated. Peter Stanley said that the cut there may result in water from the wetland seeping into the fill area. Tom Cottrill asked about soil types there, and he asked if a silt fence would normally be required. Peter Stanley said applicants are creating a fairly level area, but a silt fence would be desirable on the low side, towards the road. Sue Jesseman said they would be amenable to doing that. Larry Ballin agreed it would be a good idea in anticipation of heavy rains. Peter Stanley referred to the plat and delineated where the silt fence should be placed—beginning at contour 1157, running around to 1152, just to the right of the proposed driveway and around to the opposite side of the fill area to catch the low side of that. That will assure that all the downhill areas are covered. Larry Ballin asked about requirements for installation of the silt fence. Peter Stanley agreed that it is important to install it properly in order for it to be effective. Either the bottom edge of it must be buried, or something must hold down the bottom edge. He said the requirement should be for Best Management Practices to be followed.

Tom Cottrill asked about the hours for trucking in the fill. Sue Jesseman said she was not sure of specific hours, but in the past, they have always been considerate of neighbors. Larry Ballin suggested a condition that limits the hours for trucking in fill to 8 a.m. to 4 p.m., weekdays only. Sue Jesseman said they were amenable to those hours. Tom Cottrill asked about the duration of the project. Lynn Walker said from now to probably about mid-August.

Tom Cottrill asked how they can assure that it will be clean fill. Peter Stanley said they haven't been involved in that aspect before. He said the only requirement in the regulations is for people adding sand to beaches—that sand must be washed and be the same general type sand that is there. But there is no regulation addressing fill for this type of project. He assumes the fill for this will be heavy with clay. Larry Ballin suggested a condition require that the fill be free of contaminants.

Sue Clough asked if there will be a layer of topsoil to hold the seed. She noted that they will have to do the planting by mid-August in order for that growth to be established before fall. Tom Cottrill asked if there is a cut off date. Peter Stanley said August through September is the ideal time to seed.

Tom Cottrill asked if there were any further questions or comments. Hearing none, he asked for a motion to approve with the six conditions discussed during the hearing.

Larry Ballin moved that the Planning Board approve this site plan with the following conditions:

- **A silt fence will be installed as delineated on the map during this hearing, and in accordance with Best Management Practices.**
- **Hours of operation (trucking in the fill) will be limited to 8 a.m. to 4 p.m., weekdays only.**
- **The duration of the project (trucking in the fill) will be from now to August 15.**
- **The fill area will be stabilized with topsoil, and seeded by the end of August.**
- **The fill will be free of contaminants.**
- **The line between the cut and the hydric B soils on the south side will be demarcated on site.**

Celeste Cook seconded. There was no further discussion. Motion unanimously approved.

—

Minutes June 10, 2008. Larry Ballin moved to approve. Dale Conly seconded. No further discussion. Motion unanimously approved.

Other

- Ken McWilliams referred to a letter dated June 11, from James A. Marshall NH DOT Project Manager, and Jessie Levine, New London Town Administrator, inviting the Planning Board to have representation on the task force that will be looking at improvements to the Crocketts Corner intersection. Larry Ballin said the task force will consist of the three Selectmen, representation from emergency services, highway department and the immediate abutters. Meetings have been scheduled for July 7 and August 14 at 4 p.m. Tom Cottrill volunteered to represent the Planning Board, and Larry Ballin added that these will be public meetings.
- Mark Wendling and Dave Crane returned to the meeting to re-open discussion after having opportunity to visit Pingree Road where Mr. Wendling pointed out a large diseased maple that he suggested should be cut.

Mark Wendling explained that he has pointed out this tree to Richard Lee who said that it is in the Town's right of way, but that as Pingree is a scenic road, there could be issues with cutting it. At this hearing, Dave Crane agreed that the tree is diseased, and suggested that as it is still live at the top, it would offer even more wind resistance than a completely dead tree, and thus would represent about a 20% risk in causing a power outage. He said it is not uncommon for residents to point out problem trees to PSNH that the company missed in its initial survey, and if the tree is determined to be a risk, PSNH will cut it. Statute requires Planning Board approval to cut a tree more than fifteen inches in diameter at four feet of height, as this one is.

In response to question from Deirdre Sheerr Gross, Dave Crane said all four trees to be cut on Pingree are within the same 200-foot stretch of the road. Two are on the Cloughs' side, and two are on the Wendlings' side.

Larry Ballin said he would defer to the judgment of the residents and Dave Crane, and **he moved that this tree be added to the list of those the Planning Board approved for cutting earlier in the hearing. Celeste Cook seconded. No further discussion. Motion unanimously APPROVED.**

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Sarah A. Denz
Recording Secretary *pro tem*

DATE APPROVED: _____

CHAIRMAN: _____