

APPROVED Minutes of the Planning Board Meeting of July 27, 2010

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

Others Present: Mr. McWilliams (Town Planner), Peter Stanley (Zoning Administrator)

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

1. Mauli McDonald (Tax Map 84, Lot 59) Concept Site Plan Review – Need for a Site Plan Review?

The first item on the agenda was Mauli McDonald for a site plan review. Mr. Stanley showed a slide of the home decoration business, Art of Nature, on the corner of Lovering Lane. He said she would like to install a green-roofed arbor right behind some gardens. It is not going to increase traffic, and there would be no hard surfaces associated with it. The question is whether she needs a site plan review for this or will the PB require a full calculation with respect to open space. Mr. Doheny asked if it would be the same as putting a tent in this area. Mr. Stanley said that a tent would sheet water, but this would not as it is green. He added that it was portable.

Mr. McWilliams noted Article 1, D: 1 in the Zoning Ordinance. This would be considered an accessory building that is small and has minimal impact with regard to generating business or traffic and did not feel the need for a site plan review. Mr. Stanley said that it was a structure, by the Town's definition. He noted for comparison, that Ledyard Bank recently came in and had their site plan review waived for a generator that was to be installed on an 8x10 concrete pad.

Ms. Sheerr-Gross asked what would happen in the winter. Mr. Stanley believed the greenery would die back and it would just sit there. Ms. Sheerr-Gross asked if, for whatever reason, Ms. McDonald moves on, how they could be certain of the upkeep of this item. Mr. Stanley said that they could approve it with the contingency that it be removed upon her departure. Ms. Sheerr-Gross said she felt that Ms. McDonald had good taste and she trusted that what green arbor was would be appealing. Mr. Doheny said he didn't feel a condition in the approval was necessary. Ms. Sheerr-Gross said that she'd like to tie it to Ms. McDonald, as it is an arbitrary type of thing but doesn't know if it would be as "fabulous" in five years time. Another option would be to give a permanent condition for a gazebo or structure under the dimensions that are presently requested.

IT WAS MOVED (Jeff Hollinger) AND SECONDED (Emma Crane) to waive the requirement for a Site Plan Review on the basis that the proposed structure would have a minimal impact on the overall site with respect to traffic and drainage.

THE MOTION WAS APPROVED UNANIMOUSLY.

2. Viggo Carstensen (Tax Map 70, Lot 44) Concept Minor Subdivision – Two Lots

Mr. Carstensen was at the meeting and was represented by Ross Stevens of Stevens Engineering. Mr. Stevens said that the property used to be twice the size. The total acreage is 17.7 acres with frontage on Burpee Hill Road, opposite Pine Hill Road and Carter Road. The Carstensen's want to carve out about 4.4

acres around their residence and the remaining 13.3 acreage will be sold to Matt McClay. It is Mr. McClay's intent to build a residence in this area. They have shown the conceptual plan, which has about 213' of road frontage. They are in the process of the wetlands mapping and high intensity soil survey and would like to map only enough of the site to cover a 2+ acre site where a building would be placed, rather than the entire property. It was noted that the wetlands have previously been mapped on this property. Mr. Stevens said that they would be asking for a waiver to do only partial mapping of the site.

It was noted that there is a stream on the property, and the final acreage of the lot frontage will depend on the 100' required buffer from the stream.

Mr. McWilliams said that the Planning Board has typically waived the topographical and the soils survey down to the size of the area that will be impacted. Also noted is that they do have a qualified building lot under the soil mapping standards. Mapping the rest of the lot is an unnecessary expense that the PB has waived in the past. Mr. Stevens said that the proposed driveway will have to cross some wetlands and they will be coming back in for a permit for that. He said they will be mapping the wetlands.

Mr. Stevens said that they do not plan to map or do topography or a soils study on the 4.4 acre lot because it is an existing housing lot. He said they will submit the final sub-division plan and the septic system plans for the 4.4 acre lot that will also show the town water connection to the house, the operational approval for the septic system and a copy of the recent water bill to show that they are paying for water. Mr. McWilliams said they will need to ask the Planning Board to waive the topography and the soil study for that smaller lot. Mr. Stevens thought they had done that work previously when they worked on the house site for Mr. Carstensen. Ms. Sheerr-Gross said if they had already done it, they should have that information available. Mr. Stanley thought they had done the work before.

Mr. Stevens said that in the last ten years since they did the work on the property, the people who were involved in the surveying or mapping have either retired or have moved away. They would appreciate not having to do the mapping again. Ms. Sheerr-Gross asked if there would be topography as far as the driveway that is crossing the wetlands. He said that that was the plan and it will be needed to get the driveway permit.

Ms. Sheerr-Gross said she has heard before about minor and major subdivisions. She wondered if there were any future plans to subdivide the larger parcel. Mr. Stanley said he was not aware of any future plans and noted that the town requires a minimum of five years time before a sub-divided lot is able to subdivide again.

IT WAS MOVED (Michelle Holton) AND SECONDED (Jeff Hollinger) to waive HIS Mapping and Topographical Mapping of the entire site, with the following conditions:

- 1. That sufficient HIS Mapping in the area of the proposed house site on the 13.3 acre site be provided to ensure compliance with the minimum lot size requirements listed in Exhibit C of the New London Land Subdivision Control Regulations.**
- 2. That Topographical Mapping be provided in the area of the proposed house site and for the proposed driveway and adjacent areas of the 13.3 acre site, all the way to Burpee Hill Road.**
- 3. That copies of the approved septic design and HIS Mapping for the existing house site (the 4.4 acre lot) be provided to the Planning Board as part of the Final Application.**

THE MOTION WAS APPROVED UNANIMOUSLY.

3. Damien and Lynn Petry (Tax Map 122, Lot 17) Concept Site Plan Review – Discuss need for Site Plan Review for proposed changes to an approved Home Business site plan.

Mr. McWilliams said the Petrys came to the Planning Board in 2002. After many meetings, the Planning Board approved their site plan for a home business. The minutes for the last meeting show a motion with contingencies (included in the agenda packet) that allowed their home business. After the approval, the Petrys continued to do business in southern, NH and for the past eight years have not followed through with doing business at their home site. The original plan was to build a barn and have about 900 sq feet allocated to the business. They have not built this structure. Now they would like to move the business back to New London (to the home-based site) due to economic pressures.

Mr. McWilliams explained that the Petrys have some questions:

1. They now plan to build the barn, however, until the barn is finished, they would like to have permission to utilize their existing garage for the business for up to 18 months.
2. They would like to change the mix of company vehicles.

Their approved site plan allows for one cube van, three pick-ups and one tow-behind trailer. They would like to trade one pickup and the tow-behind for another cube van. They are wondering if they need to go through a site plan process to resolve those questions. Mr. McWilliams said that the vehicles allowed were part of the condition in the motion in 2002.

Chair Cottrill said they should begin with the question surrounding the barn. Their request is to build it in 2011 and operate out of the existing garage until it is completed. Mr. McWilliams noted that there were no abutters present at the meeting, as it was not noticed. If the Planning Board felt that it should go to a final review, that hearing would be noticed.

Mr. Petry said they might start construction on the barn in the fall; it all depended on finances. Mr. Stanley said that they got approved to build the building. They are asking to use the garage while they are building the barn. They have approval for a home business application. There are no variances or waivers. The employees do not come to the site and the Petrys understand this and also know that only two non-resident employees can be present at the site at once.

Ms. Sheerr-Gross asked if the Town's counsel had reviewed this case in 2002. Mr. Stanley said that they had not. She was concerned that it was a stretch for what a home business was. Mr. McWilliams said in 2002 they looked at the criteria for a home business and at the application, and decided it did fit and approved it. There is no sunset clause to that approval and is viable as long as it meets the conditions that it is approved under. They want to change the mix of the company vehicles and want a grace period to allow them to utilize their garage until the barn is built.

Chair Cottrill asked if the square footage percentage (maximum) required for a home business is met if their existing garage is used. Mr. McWilliams said they are limited to 915 square feet in the garage. Mr.

Stanley said they are simply asking for this transitional approval. The Petrys intend to follow the original plan but need time to transition from their business in Concord to their barn which is to be built.

Ms. Sheerr-Gross said she has no problem if it is legal. She said that she was not a lawyer but realized that this decision impacts the piece of property forever. It was not an easy pass from the last time they were before the Planning Board. She personally felt that they should be sure.

Chair Cottrill asked the Planning Board if they had any issue with the vehicle changes. There were none.

Chair Cottrill asked if the Planning Board had any issue with the Petrys having up until 18 months to build their barn. Mr. Tilley asked what they meant by “fall” in their application. The Planning Board and Mr. Petry agreed that Oct. 1st would be the start-date instead of “fall.” Mr. Bianchi asked if the 18 months pass and the barn is not built, would they have to stop working from that site. Mr. Stanley answered in the affirmative and said that they would then be in violation of their site plan review.

Chair Cottrill asked if there have been any changes to the driveway and parking areas. The Petrys said no and that they have paved the driveway since 2002.

Ms. Sheerr-Gross opined that the map provided seems to be out of scale and not very accurate. Mr. Stanley suggested referencing the 2008 aerial photograph instead of the picture provided by the Petrys.

IT WAS MOVED (Jeff Hollinger) AND SECONDED (Michael Doheny) to waive the requirement for a new Home Business Site Plan Review and to amend the original 2002 Home Business Site Plan Review as follows:

- 1. The applicants may use their existing detached garage as an interim location for their home business while the required improvements to the site are being constructed for a period of 18 months commencing October 1, 2010. By April 1, 2012, the applicants must be in full compliance with their 2002 Approved Home Business Site Plan, as amended below.**
- 2. The mix of company vehicles at the site shall be limited to no more than 2 cube vans and 2 pickup trucks (no trailers and no outside storage of materials or fabrication of products).**

THE MOTION WAS APPROVED UNANIMOUSLY.

4. Jessica Griffiths (Tax Map 59, Lot 2) Concept Site Plan Review – Need for a Site Plan Review?

Bill Griffith came to represent, his granddaughter, Jessica. Mr. Stanley showed a slide illustrating the WNTK building and the parking lot behind it. Mr. Griffith explained that somewhere on the site, Ms. Griffiths would like to place a Planet Aid (clothing donation) box. He said that he was there because he wasn't sure what the Planning Board required for such a thing. Mr. Stanley said that it is something different than was there before, and may increase traffic. Ms. Sheerr-Gross thought they should consider the size of the parking area. She thought they should keep it out of the parking spots and out of the setbacks. She added that Mr. Griffiths could probably locate a suitable place for the box by working with the Zoning Administrator.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Michelle Holton) to waive the requirement for a full Site Plan Review contingent on the container box being placed off of the parking lot at a location to be determined in conjunction with the property owner and the Zoning Administrator.

THE MOTION WAS APPROVED UNANIMOUSLY.

5. William Hopwood (Tax Map 76, Lot 20) Shoreland Tree Cutting Request

Mr. Stanley explained that Mr. Hopwood lived on Pleasant Lake. He showed some photographs of dead trees, which Mr. Hopwood is afraid, will fall. Mr. Stanley noted that the area is very well vegetated. He recommended the approval of the cutting request for two dead trees.

IT WAS MOVED (Michael Doheny) AND SECONDED (Peter Bianchi) to approve the tree cutting request for two dead trees at Tax Map 76, Lot 20.

THE MOTION WAS APPROVED UNANIMOUSLY.

6. Chris and Hazel Stoddart (Tax Map 64, Lot 9) Shoreland Tree Cutting Request

Mr. Stanley showed an aerial photograph of the property in question. He noted that it is a very densely vegetated area with well over the points required. They want to remove individual stems. Mr. Stanley showed that they have several small trees to remove. The total point score is 79 and that is after the removal of 10, 1-point trees. The second area is shrubbed poorly. He suggested allowing them to cut the trees contingent on planting some additional planting. Mr. Stanley recommended planting ground cover in the area where there is currently bark mulch so that they are not constantly replacing the bark mulch which has most likely blown into the lake or been washed away. Mr. Tilley asked what type of ground covering would be suggested. Mr. Stanley said it just had to be something that would grow and he would give them a list of things that generally grow in those areas. Chair Cottrill asked of the time frame in which this planting had to be done. Mr. Stanley said that it should be one year. He added that they seem willing to try this.

IT WAS MOVED (Jeff Hollinger) AND SECONDED (Emma Crane) to approve the applicant's tree cutting request of ten one-point trees, on the condition that the applicant plant a substantial amount of ground cover in the areas of the Waterfront Buffer that are currently mulched with bark and void of vegetation. The planting plan shall be approved by the Zoning Administrator and implemented in the spring of 2011. THE MOTION WAS APPROVED UNANIMOUSLY.

7. Rae Ann Gremel (Tax Map 30, Lot 6) Shoreland Tree Cutting Request

Mr. Stanley showed a photograph of the single small tree that is requesting be cut. The lot is about 75' wide. The previous owners had bush-hogged a large portion of the area, which is illegal. The applicant is willing to replace the one tree with vegetation.

IT WAS MOVED (Jeff Hollinger) AND SECONDED (Michael Doheny) to approve the tree cutting request for one tree. THE MOTION WAS APPROVED UNANIMOUSLY.

Gary Anderson and Cornelia Boyle (Tax Map 21, Lot 1) Request for tree cutting and temporary access through the Waterfront Buffer

Mr. Stanley said that the trees in question were already cut and that the applicants are seeking approval after the fact. The site exceeds the number of points substantially and recommends approval of the three trees that are already removed. Mr. Stanley said that Mr. Anderson requires less than the total 50 point requirement because there is less area that is his between the edge of the right of way and the water. The pro ratta requirement is 25 points and he has 68 even after the trees were cut.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Michelle Holton) to approve the applicant's request to cut the three live trees, after-the-fact, and to remove the 6 dead trees.
THE MOTION WAS APPROVED UNANIMOUSLY.

Mr. Stanley explained that Mr. Anderson and Ms. Boyle are also seeing temporary access across the property to remove the foundation from the old boat house, and to build a new boat house. This will include driving across the property with an excavator, trucks, a crane and probably a cement truck. Mr. Stanley said that in the winter the ground is frozen and was a non-issue. The ground is soft now and root systems can be damaged. Chair Cottrill asked when construction was likely to begin. Mr. Anderson said that they had planned to start this summer and would still like to, if possible. He said that erosion control fencing will be put up. He claimed that this property has been used to put trucks on for years and that it is all sand. They would drive in the same location to put the top slab on, and a crane to put the building on the slab.

Mr. Stanley said that he suggests the PB grant this request with a condition that they submit an interim planting plan for the area, post construction, and that it be a requirement of approval for the temporary access. He said that they are permitted one 6' wide access to the property which needs to be shown on the map. They are also only able to have one waterfront access. Ms. Boyle said that they tagged the saplings they want to cut, and do not want to make a 6' path but rather a single narrow trail that connects to the dock and back to the beach. Mr. Stanley said that they have had this discussion before. They can have the docks but can't have walkways to them. If they walk enough through the woods, it can become a path. Mr. Anderson asked if they could cut the saplings that are less than an inch in diameter. Mr. Stanley said they are permitted one walkway and only one. It is a state law, not a town law. They can limb and prune as needed, but not to create an improved pathway. They can trim brush to 3' from the ground and can limb up to half of the tree length.

Mr. Stanley recommended that they approve the request for temporary access with the condition that they show a planting plan that shows pathway to improvements prior to construction.

IT WAS MOVED (Michael Doheny) AND SECONDED (Michelle Holton) to approve the applicant's request to have temporary access through the waterfront buffer, subject to the condition that a planting plan for the site, showing the single access pathway to the waterfront, be submitted to the Zoning Administrator prior to beginning construction.
THE MOTION WAS APPROVED UNANIMOUSLY.

Other Business

Mr. McWilliams explained that they needed to appoint someone from the Planning Board to sit on the sidewalk committee. He said that the committee will meet in early August and would also meet

occasionally when doing long range planning for sidewalks, networks and for reviewing requests for proposals from engineers for sidewalk projects. Mr. Tilley volunteered and was appointed. Mr. McWilliams announced that there would be no Master Plan work session for August 10, 2010.

IT WAS MOVED (Emma Crane) AND SECONDED (John Tilley) to adjourn the Planning Board meeting of July 27, 2010. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 8:51pm.

Respectfully Submitted,

Kristy Heath, Recording Secretary
Town of New London

Approved on: _____

Chairman: _____