

## **APPROVED Minutes of the Planning Board Meeting of August 24, 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), John Tilley, Paul Gorman (Alternate)

**Members Absent:** 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. Gen Izutsu Map 073 – 080 Concept site plan review: Ellie’s Café Seating**

Gen Izutsu, owner of Ellie’s Café was accompanied by property manager, Robin Reid. Mr. Izutsu said that he was there to propose an increase in seating at Ellie’s Café from 48 seats to 83. He explained that parking requirements are .3 spaces for each dine-in seat and .5 for carry out customers. When Jack’s coffee occupied the space in 2001, no one really knew what the mix was going to be for dine-in customers versus carry-out customers. It was a coffee shop but would have some dine-in options as well. Jack’s was allotted 20 parking spaces on the overall site, which according to the calculation just described, allowed them 48 seats in the restaurant.

In April of 2009 Mr. Izutsu said he moved in to the building and decided at that time to maintain the same use, thus having 48 seats using 20 parking spots. At that time they didn’t have any data available to challenge this number. Ellie’s Café now has been open for a year and a half and their sales according to Point-of-Sale records which keeps track of each sale and whether it is carry-out or dine-in, show that only 8% of their patrons are “carry-out.” While a 50/50 split between dine-in and carry-out would count for .4 spaces per seat, Mr. Izutsu proposed that since only 8% are carry-out, it should be .316 spaces per seat. He thought that they should be allowed, with their 20 parking spaces, a total of 63 seats, an increase of 43 seats.

Mr. Izutsu said he took a poll and found that 32% of the people coming in were walking and not driving vehicles that would need to be parked. He proposed having 50% more seating than the parking actually allows, which would be an additional 31 seats but, since his Permit of Assembly allows only 83 seats, he would not be asking for anything above that number.

Mr. Izutsu went on to explain that a potential problem with taking walkers into account is that he is open in the winter time when most people would not be walking. For those 20 additional seats (the difference between 83 and 63), he would restrict them to outside seating. Instead of having to take away inside seats depending on the weather, it would be an easy way to allow for the walkers when they can walk to Ellie’s Café in good weather when seating outside would be a good option.

Mr. McWilliams opined that Mr. Izutsu had done a good analysis. He agreed with the parking to seating formula that he came up with, with regard to how his restaurant is operating with drive-to customers versus walkers. He said that Mr. Izutsu was not asking for a change in the site plan but for a change in how the Planning Board would look at his business and calculate the parking. Under Site Plan Review regulations the Planning Board has the ability to make that interpretation.

Mr. Stanley also felt that Mr. Izutsu’s analysis was a good one. He shared that he frequents Ellie’s Café regularly, and while he has never had a problem finding a parking space he frequently has a hard time finding a seat inside. Mr. Izutsu did some analysis of the situation, as was suggested to him, and this

analysis seems to reflect the actual way the business runs. Mr. Stanley added that the outside seating arrangement made sense so as to take away the extra 20 seats during inclement or cold weather. Chair Cottrill asked how many businesses shared the parking area. Mr. Izutsu said that it is shared with three other tenants. Chair Cottrill asked about the total parking spaces available. Mr. Stanley said that he counted 39 spaces. Mr. Tilley asked about on-street parking. Mr. Stanley said they don't calculate that at all, but added that the mix of businesses in this area works out well in this case. There is always parking available and the café is open from 7am - 3pm. Chair Cottrill asked if school traffic clogged up their parking area. Ms. Reid said that once the Middle School left, it hadn't been an issue because the kids who go to school in that area are in the Elementary School, and don't generally get dropped off.

Chair Cottrill asked how the parking requirements came to be. Mr. McWilliams said that they came from publications on parking standards, in addition to what other communities do. They really do not take into account any walk-in business.

**IT WAS MOVED (Jeff Hollinger) AND SECONDED (Michael Doheny) to waive a full site plan review and to permit the total seating at Ellie's Café to increase from 48 seats to 83 seats with 20 seats restricted to or designated as outdoor seating only as presented and per the request of Gen Izutsu in his letter dated August 9, 2010. THE MOTION WAS APPROVED UNANIMOUSLY.**

**2. Viggo Carstensen – Map 076-020 Final minor subdivision: Two lots**

Mr. McWilliams explained that this agenda item had been addressed at the last meeting for a concept review. He reminded the Planning Board that this was for a two lot minor subdivision to split out a four acre piece of land in front and the remaining 13 acres will be located in the back. At the last meeting, Ross Stevens of Stevens Engineering, representing Mr. Carstensen, agreed to submit the topographical and high intensity soil mapping. For the lot that Mr. and Mrs. Carstensen would remain on, Mr. Stevens provided the septic system plan and the high intensity soil mapping. He said that the lots have changed minimally and is very much the same as what they showed initially. He added that the 100' setback from the perennial stream allowed them ample room as they had initially planned it for the driveway.

Mr. Stanley showed a site plan that displayed the wetlands that were recently delineated. Mr. Stevens showed where the driveway would go, as well as the location of a house. He also showed the location of the connection to the town water service which does not encroach on any wetlands.

Mr. Stevens explained that the high intensity mapping was favorable and that there was a lot more buildable space than they actually need for the property. He also noted that his cover letter at the first meeting was a request of a waiver for mapping the entire 17 acre site with high intensity and topographical mapping. At this point he believed that everything was in order and that they have submitted everything that was requested of them. He explained that they were about to submit the State Subdivision Application and the Wetlands Application for the permit to be able to construct the driveway. Mr. Stanley noted that they would need Zoning Board of Adjustment's approval of a Special Exception for the wetlands crossing for the driveway. He said it wouldn't hurt to do that alongside the wetlands permit. Mr. Stevens said that they would take care of this additional step.

**IT WAS MOVED (Michael Doheny) AND SECONDED (John Tilley) to approve the final minor subdivision for Viggo Carstensen subject to NHDES Sub-division approval. THE MOTION WAS APPROVED UNANIMOUSLY.**

Mr. McWilliams noted that the Planning Board's signing of the Mylar would be subject to getting approval from the state for the subdivision.

**3. Robert Ewing – Map 96-010 and Map 15-005 Final lot line adjustment**

Mr. Ewing attended the meeting, accompanied by a representative from CLD. He explained that he wanted to move a property line on a subdivided lot, which Jim Bolger had subdivided a number of years ago. Mr. Ewing built a house on his property and thought was further from the property line than he actually was. It was brought to his attention that the line that was on the old drawings, which he had used when building his home, was incorrect and had actually been moved at a later date. He wanted to move the property line to get the line further from his house.

The CLD representative handed out some copies of the plans for the members to see. There were no comments from the Planning Board. Mr. McWilliams had no issues or problems with the request.

**IT WAS MOVED (Michele Holton) AND SECONDED (Emma Crane) to approve final lot line adjustment for Robert Ewing, as presented. THE MOTION WAS APPROVED UNANIMOUSLY.**

**4. Gerry Weber – Map 077-010 Tree cutting request**

Mr. Stanley showed a photo of the tree to be cut. It was clearly dead and was leaning towards the house. He explained that the hemlock doesn't count point-wise and that there are, adjacent to this tree and within the 50' segment, more than enough trees within the 50' setback.

**IT WAS MOVED (John Tilley) AND SECONDED (Jeff Hollinger) to approve the tree cutting request of Gerry Weber. THE MOTION WAS APPROVED UNANIMOUSLY.**

**5. Discuss draft planning board budget for 2011 and January to June 2012.**

Chair Cottrill said that Town Administrator, Jesse Levine had asked for an 18-month budget for the Planning Board, which would be used in the likely event that the Town at its next Town meeting, will approve a request to alter the Town's fiscal year from December 31 to June 30. He said the 18 month budget would cover the period from January 1, 2011 to June 30, 2012. Mr. Bianchi said that by changing the fiscal year, it makes it easier to plan the budget and the budget that would be effective July 1<sup>st</sup> of each year would be voted on in March, four months prior. He said that now, the new budget year begins two and a half months before the vote at Town meeting. Chair Cottrill said that he asked Mr. McWilliams for a bid on the next 18 months and has also asked the Upper Valley Regional Planning Commission (UVRPC) to do the same thing. Their bid will be in after Labor Day.

Mr. McWilliams referenced a memo that he had provided to the Planning Board, which included a breakdown of the budget years from 2008 – June 2012. There were hand-written figures that he suggested to be budgeted through June of 2012.

Mr. McWilliams indicated that under Planning Board office supplies, he would propose purchasing another fireproof filing cabinet. He is proposing they pursue a used cabinet. Last year they initially had the same request, but found one at the Police Department that was not being used, and so were able to obtain one at no charge. The cabinet was found early in the budget process and so it was deleted from the budget last year. Mr. McWilliams noted that the reason for this additional cabinet is that all the Planning Board's bound minutes from the late 60's/early 70's now reside in a regular filing cabinet in the Planning Board office. They are important records and would be extremely difficult to replicate. Therefore, they should be in a fireproof filing cabinet in the basement, along with the other Planning Board files.

Under Office Supplies, Mr. McWilliams estimated that they would need \$500 for the next year, and \$250 for the following six months.

Under Planning Board advertising, Mr. McWilliams estimated they would need \$1,000. This would pay for notices for Master Plan work sessions, zoning amendments, and assumes no hearings on amending zoning regulations. Chair Cottrill said that this funding would be in addition to the existing Master Plan budget from which they are currently working. Mr. McWilliams explained that they should budget for \$500 in the first six months of 2012 for advertising. He explained that zoning amendments are longer than the Master Plan ads and could be a page or two depending on the amount of amendments there are.

Under the Registry of Deeds, Mr. McWilliams reported that expenditures to date were way down. This has to do with the decrease in current planning activities. There have been a lot less plats to be recorded. He suggested they request \$600 for next year and \$300 for the first six months of 2012. He said he wanted to make sure they have enough to cover this expense if things get busier.

Under the Part-Time Secretary for the Planning Board, Mr. McWilliams said that they have experienced a drop of about \$2,000 between 2008-2009. Expenditures as of June of 2010 have been only \$855. He communicated with the current recording secretary, Kristy Heath, and came to the conclusion that this drop was due to the fact that they had no master plan work sessions for most of those first six months of the year. There have been shorter meetings, no long contentious hearings or minutes to do afterwards. The amount of work has been less compared with previous years. Mr. McWilliams' estimate for 2011 for the part-time position would be about \$4,500. This would be based on a full meeting schedule of meetings twice per month during 2011, and increased development activity generating longer meetings and minutes and returning to expenditures comparable to 2009. With regard to trends in future development, Mr. McWilliams said that people he has spoken to think next spring will show more activity and in 2012 it could be even more active.

Mr. Bianchi asked about the office supplies budgeted for 2010, as it looked as though it will go way over budget. Mr. McWilliams was not sure. Mr. McWilliams said they could ask Carol Fraley, but his rationale for the \$500 for 2011 was that they had spent \$250 in the first six months and so \$500 should be budgeted for the entire year.

Mr. Bianchi asked about Mr. McWilliams' opinion that things would be picking up with regard to development in the future. He wanted to know how Mr. McWilliams came to this conclusion. Mr. McWilliams said that contractors and business people he has talked to gave him the feeling that next spring things would be opening up. Mr. Doheny said he would like to budget on the conservative side in case things do pick up. He added that they are not talking about big dollars here for the Planning Board budget.

Mr. Stanley said that he has had a lot more inquiries lately, from people thinking about developing. He also knows of a new subdivision from Harry Snow, and other minor subdivisions. He felt that all of a sudden, there is way more interest than he's seen in a while. Chair Cottrill noted that with increased applications, fees would be collected but are not credited to the budget of the Planning Board. PB revenue goes in to the general fund of the Town. He said that it is hard to plan for future activity. He opined the PB should budget based on the past and reasonable estimations of future business, so as to not run out of budgeted money. Mr. McWilliams said Planning Boards must have one meeting per month but do not have to have a Planner present. Chair Cottrill said the PB is not asking for a lot of money and perhaps they should keep it at a higher number to be sure. They've planned for \$20,600 for the Town Planner for this year, and through the first six months, they've only spent \$5,082.

**6. Discuss Planning services proposal by KBM & Associates for 2011 and January-June 2012.**

Mr. McWilliams said that the main premise of the proposal is that starting with 2012, the expenditures through six months come out a little under \$11,000. This took into consideration anticipating some increased level of work in 2011 and 2012. This is also where he came up with \$14,000 and \$18,000 in subsequent years.

Mr. McWilliams noted that in the years 2006 and 2007 where the figures were elevated, about \$6,000 was spent while rewriting the site plan review regulations. This is not a “normal” activity and should not have to be done again. Since the regulations were re-written, Mr. Stanley has been taking over more of the responsibilities and there has been less activity.

Mr. McWilliams indicated that his hourly rate would remain at \$50 per hour for 2011 and 2012.

With regard to continuing as the Town Planner for New London, Mr. McWilliams said that he has been with the Planning Board for 24 years and has developed an intimate knowledge of the Town’s regulations and has written many of them. He has experience with NH Planning Statutes, a good working relationship with the town staff and townspeople, developers and engineers, and Planning Board members. He has experience about a lot of sites and projects in New London that have re-surfaced time and again. Examples of this were the recent Feins subdivision and the Petry home business and site review. It would take a new planner time for research and understand these cases as he does. He is familiar with the policies and issues of the town and can provide applicants good guidance as they go through the process. Those things put him in a position where he hopes that they would retain him as their planner for the next few years.

Chair Cottrill said that UVRPC would be coming back with a bid after Labor Day.

There were no questions or comments from the Planning Board for Mr. McWilliams.

Chair Cottrill gave an update on the Master Plan schedule. Mr. McWilliams had provided a revised schedule last December showing that the process could have been completed in early 2011. However, the process has been stalled while waiting for a few more pieces. As it stands now, the Master Plan might be completed in October 2011, a year later than hoped.

**Minutes of July 13, 2010**

Mr. Bianchi said on the last page it should refer to Doug *Homan’s* pond, not Doug *Lyon’s*.

**IT WAS MOVED (Emma Crane) AND SECONDED (Paul Gorman) to approve the minutes of July 13, 2010, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Minutes of July 27, 2010**

**IT WAS MOVED (Jeff Hollinger) AND SECONDED (Peter Bianchi) to approve the minutes of July 27, 2010, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.**

There being no other business, Chair Cottrill called for a motion to adjourn.

**IT WAS MOVED (John Tilley) AND SECONDED (Jeff Hollinger) to adjourn the Planning Board meeting of August 24, 2010. THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 8:35pm.

Respectfully Submitted,

Kristy Heath, Recording Secretary  
Town of New London

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

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