

**April 28, 2009  
Planning Board  
Regular Meeting**

**Members present:** Tom Cottrill (Chair), Jeff Hollinger (Vice Chair), Tina Helm (Selectman's Rep), Emma Crane (Conservation Com. Rep), Michelle Holton, and Karen Ebel. Alternates: John Tilley, Deirdre Sheerr-Gross. Advisor: Ken McWilliams (Town Planner)

**Members absent:** Michael Doheny

Chair Cottrill **called the meeting to order at 7:00pm**. Deirdre Sheerr-Gross was asked to sit in for Michael Doheny, who was absent. Emma Crane was welcomed to her first official meeting as the Conservation Commission Representative.

**1. William & Nina Kozain – Final Site Plan Review: Home Business/Wellness Center. (Tax Map 117, Lot 21)**

After being asked by Chair Cottrill, Mr. McWilliams explained that the Kozains had previously gone to the Zoning Board and were successful in obtaining a variance for increasing the number of a) employees (to 2 maximum), b) attendees (to 15 maximum at one time), c) parking spaces (to 10 maximum), d) classes (to a maximum of 1 per day), and e) workshops (to a maximum of 1 per month) in their barn (500 square feet) at their current location. Chair Cottrill commented that there were also two other provisions according to the zoning minutes (of 3/16/09) that went along with the approval. These were 1). There would be no signage allowed, and 2). The variance would only be in effect while the Kozains are current owners of the property. When/if the property changed hands, the variance would be retracted. After some discussion, it was concluded that the minutes should be the controlling document and that there was an error in the preparation of the ZBA Notice of Decision. Mr. Stanley agreed to contact the ZBA to ensure corrections were made to the Notice.

Mr. McWilliams noted that at the Department Head meeting, there were some questions that came up with regard to the barn and where the parking spaces would be located. It was determined that the spaces near the barn would be dependent on the physical conditions of the soil in that area. Mr. McWilliams noted that the Kozains would need to encourage and manage carpooling to accommodate the parking spaces available (10) vs. number of people allowed in the barn at one time (15). It is the desire of the town that parking stay on-site and not spill over into the adjacent street. Mr. McWilliams noted that Peter Stanley (ZBA) had requested an updated site plan including the parking plan and that the Kozains had provided this. He noted that a copy of the plan had been provided to the Planning Board. Don Bent, Health Officer, planned to check the septic system to see if it would be able to handle the additional loading from the possible increase in use. He has not responded to Mr. McWilliams as of yet regarding his findings. Jay Lyons, Fire Chief, noted some items that would need attention before he will give his final approval: compartmentalization, hard-wiring of the smoke detectors, and the creation of an exit to the outside, from the space that would be used. Potential approval would be based on Fire Department and the town Health Officer, Don Bent. Chair Cottrill stated the purpose of the meeting is to review considerations for the site like parking, as the Zoning Board has already approved the use for the Kozains for their wellness center.

Bill Kozain demonstrated on the slide the circular drive, and the road that goes behind the barn. The area behind the barn would be 46' x 46'. A limiting factor is that the corner of his septic tank is located 16' behind the barn. He would limit the area for parking available to approximately 44'. He noted that the drain field is approximately 80' behind the barn, so there would be ample space for cars between the septic tank and the drain field. He shared that he was not sure how the cars will be parked and would like to have Peter Stanley come help him determine this. His plan suggested that four cars would be parked around the perimeter of the circular driveway, one along side the entrance to the rear driveway, and there would be room for five cars in the rear of the barn. Ms. Sheerr-Gross asked how large the property was. Mr. Kozain noted that it was 20 acres.

Chair Cottrill asked if there would be any lighting for night-time use. Mr. Kozain responded in the affirmative. Lighting would be added at the wellness center's entrance, and both the rear of the barn and the main entrance would include motion detection lights. Ms. Sheerr-Gross asked if the lights would have a downward-controlled beam as to not bother the neighbors. He said he had not thought of that but would be glad to implement those lights.

Chair Cottrill asked if there were any abutters present at the meeting. Mrs. Kozain mentioned that the abutters had come to the ZBA meeting and so they were already aware of what the plans were.

Chair Cottrill asked if there were any further questions or discussions regarding the issue. There were none.

**It was MOVED (Michele Holton) and SECONDED (Deirdre Sheerr-Gross) TO APPROVE THE SITE PLAN AS PRESENTED SUBJECT TO FIRE DEPARTMENT AND HEALTH OFFICER'S (DON BENT) APPROVAL. THE MOTION was APPROVED UNANIMOUSLY.**

Karen Ebel asked again Ken McWilliams and Peter Stanley to make sure that the ZBA Notice of Decision from the ZBA conformed to the ZBA minutes, as the wording was not the same in both documents. Peter Stanley again agreed to make sure this discrepancy rectified.

## **2. Kearsarge Community Center – Final Site Plan Review: Community Center (Tax Map 73, Lot 76)**

Deidre Sheerr-Gross recused herself for this topic, as she owns land that abuts the Kearsarge Community Center. Mr. John Tilley was asked to sit in for Ms. Sheerr-Gross.

Chair Cottrill asked Mr. McWilliams to give a review of this topic and where it stood at present. Mr. McWilliams noted that the Kearsarge Community Center representative, Chris Lizotte, had met with the board for conceptual and preliminary reviews and now for a Final Site Plan Review. At the last meeting a lighting issue was brought up by an abutter that needed further definition. Mr. Lizotte was coming before the Planning Board to show the lighting plans that were in place.

Mr. Lizotte began his presentation by showing, on his map, where all existing lights were on the Kearsarge Community Center. One new downward facing "cut-off" light would be added near the theatre, so as to not be a nuisance to abutters. The other lights on the building would be replaced with the same sort of cut-off lights. A couple of lights in the rear of the building would be removed, as they shine only onto the roof, giving no real purpose. The lights that are up in the eaves of the building will be replaced with adjustable lighting that would be moved to shine only where light was needed and would not shine into abutters' property. The other items that were changed on the map were the addition of "Do Not Enter" signs and two stop signs near to where children are picked up by parents. An application to the water system precinct is pending for the tying in of the building to the fire hydrant and an existing water line. It has not been approved as of yet.

Nancy Donnelly, an abutter who was present at the meeting, asked about the area behind the west end of the site with regard to parking. She said that it gets muddy and no cars could be parked there at certain times of the year, and that she walks on the land frequently. Mr. Lizotte noted that there are plans to pave this area in the future.

Chair Cottrill asked if there were any further questions or discussion. There were none.

**IT WAS MOVED (Jeff Hollinger) and SECONDED (Karen Ebel) TO APPROVE THE FINAL SITE PLAN REVIEW FOR THE KEARSARGE COMMUNITY CENTER, AS PRESENTED. THE MOTION WAS APPROVED UNANIMOUSLY.**

Deidre Sheerr-Gross returned to the board and Mr. John Tilley stepped down as the alternate.

**3. Edward W. Burt – Concept Site Plan Review: Discuss Business Sign for a Home Occupation (Tax Map 59, Lot 40)**

Mr. Burt was not present at the meeting so this item was not reviewed at this time.

**4. New London Hospital – Concept Site Plan Review: Revision of Uses of Medical Office & Undecided Space (Tax Map 72, Lot 16)**

Lori Underwood from New London Hospital briefly reviewed the history of the project. In April 2007 the hospital received the final site plan approval for their expansion project. In August 2007 the hospital returned to adjust the floor plan: the mechanical room was to be moved into the lower level leaving no specific purpose for that vacated space. It was agreed that the hospital would come before the board once the space had a defined purpose. It was contemplated that the space on the first floor (8,600') would be leased medical office space. Later, the hospital determined that it was unnecessary to lease the entire floor for medical offices (only about 6,900' would be needed) and that other needs for space were present. Customer Service, currently located in the lower level, will move to the remaining space on the first floor. The Education Dept will move into the former Customer Service space. No additional parking is required since the spaces will not be used as medical office spaces.

Ken McWilliams suggested waiving the need for a full site plan review, but that an amended site plan would be necessary. Peter Stanley suggested that when the project is completed, a final set of plans be provided to the board to update the files.

Tina Helm and John Tilley recused themselves from the vote.

**IT WAS MOVED (Deirdre Sheerr-Gross) and SECONDED (Michelle Holton) THAT NO SITE PLAN WOULD BE REQUIRED FOR THE CHANGE OF USES OF MEDICAL OFFICES AND UNUSED SPACE FOR NEW LONDON HOSPITAL, SUBJECT TO RECEIPT OF AN AMENDED SITE PLAN REFLECTING THE PROPOSED CHANGES. THE MOTION WAS APPROVED UNANIMOUSLY.**

**5. Susan & Stephen Immelt – Review Plan for Temporary 12' Wide Access for Constructing a Walkway to the Lake in the Shore Land Overlay District (Tax Map 80, Lot 3)**

Ms Sheerr-Gross had to leave the meeting. John Tilley was asked to fill in for Ms. Sheerr-Gross.

Ken McWilliams shared that in the Shore Land Overlay District there is was a provision in article 16 section G, waterfront buffer that reads "a temporary 12' wide access path may be permitted subject to approval by the Planning Board. It shall be restored and replanted with native species of trees, saplings, shrubs and ground-covering upon completion of construction." Mr. McWilliams also noted that they are requesting the cutting of three trees, which needs approval from the board as well. Representing the Immelts was Greg Grisby, Senior Landscape Architect with Pelleteri and Associates. He comes to the board seeking approval of a walkway to the shore that would be about 4-6' wide and would be surrounded by new vegetation. No extra stormwater runoff into the lake would be present. At the Department Head meeting regarding this project, a question came up regarding construction staging and traffic control due to the subject land being very narrow between the lake and the road.

Mr. Grisby stated that his company has worked with properties along Lake Sunapee several times in the past. He explained the property being referred to as one mile south of the intersection of routes 11 and 103A, 22 acres in size, most of which is within the Ausbon Sargent Land Preservation Trust. There is also a sliver of the land that is within the Department of Transportation's right of way. Mr. Grigsby used a map to show the "Existing Conditions" plan. This plan showed the places where vegetation was planted

previously to increase a vegetative buffer in that area. The main focus of the property is the 3400 square feet that is outside of the State's right of way. He commented that he was before the board regarding access to the water. Mr. Grigsby noted that the state has the reference line of 10-93-1-5, the town goes by 10-94-1-5. A 50' waterfront buffer line is present on the map. Behind the waterfront buffer is a woodland buffer, which includes 5.5 cubic feet of space. Since most of the shoreline in this area includes no trees, there should be no problem with regard to the woodland protection area with reference to the points of trees removed/replaced. The State likes to retain 50 points of trees, as calculated pursuant to the Comprehensive Shore Land Protection Act, if they already exist in that area.

Mr. Grigsby went on to show the "Proposed Conditions" plan. Within this plan, a model of the proposed walkway was superimposed. He noted that a permit had been submitted for a seasonal dock and that the DES website showed that it has been approved. Also, they have received approval from the Department of Transportation for a driveway permit. Mr. Grigsby noted that the CSPA would be going to the town for a building permit. The grade of the walkway coming off of the shoulder of the DOT right of way would be transitioned gradually using Weather Feature Stones and stone steps. The owner recently had hip surgery and this sort of gradual transition would be of importance for ease of use. The idea was that the view from Route 103A would not be unattractive. He said that it should remain reasonably narrow and that they would keep the pathway visually unobtrusive. Mr. Grigsby explained that the path would be covered with bark mulch over-laid on an impervious base. The walkway would begin at about 4' wide and would widen to approximately 6' wide. It would include a Fieldstone surface with a broad joint spacing to insure infiltration. He opined that they would be looking at a 16-20% void ratio on the joints relative to the area that would be covered with fieldstone, which would create permeability along with the base that they are proposing. Mr. Grigsby offered that the footprint of the walkway within a 50' area is about 250 square feet +/- . The undisturbed area is 12' wide and represents 420 square feet. He went on to describe the three trees that they would like to remove. One is dead and two are small birch trees, 4" and 5" in diameter. In their planting plan, these trees would be replaced. The walkway at the bottom would be a mulched surface over a screen. As the mulch breaks down, the screen could be rolled up and a new screen and new bark mulch could be added when needed. A Civil Engineer reviewed the design and according to his calculations, this plan should be able to handle a 100-year storm. Mr. Grigsby went on to add that turbidity curtains were set up as well as a silk fence, which Peter Stanley had requested be added before work is started. The only other element that he shared was that they are stepping the grade to slow down run-off and allow the water to infiltrate into the space.

Mr. Grigsby went on to show the Planting Plan, which described the vegetation that will go into this area. Within the State's right of way they will increase the plant count (point score) from 26 points to 27.5 points. That only includes woody ornamentals. Cell G goes from 48 points to 50.5 points, again including only woody vegetation. Other ground coverings are a part of the plan and count towards the total points for the area, but were not necessary to show, as the woody ornamentals show that the points have been met.

Ms. Ebel noted that pursuant to the pertinent zoning provision only temporary paths of 12 feet in width were permitted. She if the path is considered "temporary" within the meaning of the zoning ordinance. Mr. Stanley noted that this is a temporary path, which is permitted to construct a walkway and will be re-vegetated when construction is complete and that the path will not exceed 6 feet when the pathway is completed, as required by the ordinance. Chair Cottrill stated that this is a 12' width of a temporarily disturbed area. Mr. Stanley added that this ordinance allows access to the water for worthwhile and permitted things to occur.

Chair Cottrill asked Ken McWilliams to explain the requirement of trees and "points" required by the state. Mr. McWilliams commented that this past year, the state came up with a new system of cutting trees within the 50' buffer. The system used to be based on the basal area over a 20-year period. It was very difficult to keep track of this. Now they break the shore up into 50' segments requiring a minimum of 50 points per segment to comply with the state regulations. The points are calculated based on the circumference of the vegetation present. This allows for some cutting as long as the points are kept at the same level. This plan shows that they are doing some cutting but are replanting, and, in fact, when the replanting is completed, the points will be higher than they started with. Mr. Grigsby noted that a tree is awarded different points depending on its size.

Chair Cottrill asked if there was any further discussion on this matter. Karen Ebel asked if the conservation commission had looked into this. Emma noted that they had not been approached as of yet. Mr. Grigsby noted that a CSPA (Comprehensive Shore Land Protection Act) permit had been filed to the town a couple weeks prior.

**IT WAS MOVED (Michelle Holton) AND SECONDED(Jeff Hollinger) TO APPROVE THE PLAN FOR A TEMPORARY 12' WIDE ACCESS FOR CONSTRUCTION OF A WALKWAY TO THE LAKE IN THE SHORE LAND OVERLAY DISTRICT, AS PRESENTED, AND THE PLANTING PLAN INCLUDING THE REMOVAL OF FOUR TREES, FOR SUSAN AND STEPHEN IMMELT. THE MOTION WAS APPROVED UNANIMOUSLY.**

#### **6. Camp Wallula Subdivision – Continued Preliminary Major Subdivision (Tax Map 33, Lot 16)**

Ken McWilliams shared that those from Camp Wallula had been to the board several times for conceptual plans and had filed for preliminary review last month. The Planning Board formed a subcommittee which has met several times to work on the subdivision plans and the homeowner association documents, including the by-laws and restrictive covenants. He noted that the plans have been revised several times through these subcommittee meetings. A drainage plan was requested by the board at the last meeting and is included in the packet. Mr. McWilliams explained that the point for this meeting as part of the preliminary major subdivision review process is to identify and discuss any further outstanding issues. The applicants can then decide whether to continue the preliminary process or present the final major subdivision application to the board at a future meeting.

Nate Fogg from Jesseman Associates began his presentation by noting that attorneys Brad Cook and Steve Jesseman, as well as Camp Wallula's President, Chris Bottinger, were present in the audience.

Mr. Fogg explained that he brought two additional sheets for review. There were no changes on Sheets 1 and 2. Sheet C3 is the Subdivision Plat that will be submitted to the Registry of Deeds. It had been cleaned up a bit since the last meeting. The lines were now more crisp for ease of use in the future for recording. It had been re-labeled as lots, instead of sites. He went through and pointed out each of the lots in the map. There remained 17 lots and 17 units are being developed. There are 2 units on lot 1 and zero units on lot 17, which is a common lot that is shared. Ken noted that if this is the plat to be recorded, the trees and tree lines would need to be removed from the map. Mr. Fogg agreed that the removal of these items would make the map even easier to read.

C4 showed that the requirement for a topographical map for the rear portion of the property was waived at last meeting.

C5 showed the test holes that were approved by Don Bent, Health Officer. Lot 11 & 7 had test holes dug and were witnessed by Mr. Bent. They were very good and of sandy soils. This page will be sent as the plat to the state and would be submitted later this week.

C6 showed the test hole logs. The logs show very good, sandy soils.

C7 showed changes included since the last hearing. A trailer parking area was added near the ball field. This is where boat trailers can be parked. A staging area was also marked where equipment can be stored is also near this area. The heavy orange lines are infiltration trenches. Mr. Fogg added that they want to insure that there is no excess runoff from the site. He explained that silk fence will go around the edge of the hammerhead construction. This was not included on the plan, but it will be shown in the final plan. This fence will insure that no silt or other materials will travel to the wetlands near the back of the property.

Ken McWilliams noted that a driveway off of lot 7 was labeled incorrectly. It should say Lot 2, not site 15. Mr. Fogg said that would be fixed. He noted that some easement notes were added regarding a water line from the New London/Springfield Water System Precinct and another water line that takes off behind 14-15 to serve abutting property. One further note from Mr. Fogg was regarding the grave site within lot 14.

There would be a 10'x10' easement around the grave-site to buffer it for the future. Mr. Fogg brought the board's attention to the table in the notes on the plan that included the lot numbers, the proposed buildable setback area, the original setback area, the original lot area and percent of natural woodland buffer. He said this was to ensure that there is no question as to what was there when the subdivision was approved. Peter Stanley commented that when the tables were originally calculated they did not use the current setback requirements. These are now the updated figures that include the current R2 Zone District setback requirements.

C8 showed the Road Profile. The sheet showed Wallula road with cross sections. It showed the addition of a hammerhead profile to show how it is being graded and also that it has been switched from gravel to a paved surface.

C9 was the Detail sheet. Mr. Fogg noted that they are going to update the silt fence to show that they would be using the type of fence preferred by the town. This update will be shown in the final submission of the plan. They also plan to remove the pipe from the bottom of the infiltration trench because the water will be deposited into the trench that they will be installing. Mr. McWilliams noted that the word "French Drain" on the sheet should be changed to "infiltration trench." Mr. Fogg agreed and said he would fix this.

C10 was the Utilities and Fire Protection plan. The water line for lot 2 and 3 was moved. The water line for Lot 3 would run along side the driveway as to not disturb the woodland buffer. The water line for Lot 2 would come in along Wallula Road along the driveway as to not disturb the woodland buffer between Lot 2 and Little Sunapee Road. Mr. Fogg noted that two hydrants were already in place on the road. He added that a couple of utility poles would need to be added and one pole would need to be moved to serve the sites better.

C11 was the Drainage sheet. The plan shows three runoff areas within the property being developed. Areas 1 and 2 would go to culverts that exist under Little Sunapee Rd. Area 3 would go to wetlands that are southeast of the property. It was their desire that no additional runoff come from the site during construction. Mr. Fogg foresaw no change for area 1 so there were no infiltration trenches added. Area 2 included house lots and the hammerhead area, so a new infiltration trench would be added. The culvert would be just north of Wallula Rd. Area 3 has 2 reconfigured lots, a tennis court and minor changes to the ball field, which will create some runoff and so an infiltration trench had been added.

Mr. McWilliams noted that at the Department Head meeting, Richard Lee had a comment regarding the addition of a silt fence at the end of the hammerhead to be present on the final plan, and also to add a cross-section of the driveway to Lot 2.

With respect to drainage, Karen Ebel noted that although there would be no increase in peak flow, but wondered whether there would be an increase in the volume of water coming off of the site due to the increase of impervious surfaces. Volume of water anticipated. Mr. Fogg said there should not be any increased volume due to the infiltration trenches. Ms. Ebel noted that this information should be included in the drainage report and that the Planning Board was focusing now on volume as well as peak flow. She cited the new LID regulations that had been passed as an example of this. Mr. Fogg said that he would comply with this request.

Mr. Hollinger asked if the trailer parking area would be paved. Mr. Fogg answered that it would be grass. Mr. Hollinger asked if the Tennis court surface would be paved. Mr. Fogg answered in the affirmative. The existing court surface is clay.

C12 showed the Specs on how to loam and seed certain areas in the plan. Mr. Fogg noted that the sheet gave an idea of what needed to be done to build the hammerhead.

Other notes:

Mr. Fogg explained that Ken had some notes on the bylaws and covenants. He explained that he had no problem making the changes, as they were mostly grammatical in nature.

Mr. Fogg noted that under the impact assessment they added a solid waste section, and changed the wording so that “contractors are *required* to use current methods of erosion control.”

Tina Helm asked if each lot had its own septic system. Mr. Fogg answered in the affirmative. Mr. McWilliams shared that in the by-laws, if a system fails and there is no room for a replacement system on that specific lot, that the common area could be used to hold the replacement system. Also if more than two systems fail, they may create a new system in the common area to share. Ms. Helm also asked about an old sewage pipe that was on the map. Mr. Fogg noted that the pipe would be knocked over and covered. It is not a system that would collapse. He believed that it was a pipe that went into an old cess-pool and is not part of an existing septic system.

Mr. Cottrill asked about the grave site on site 14. He wondered what the reason is to have the site as part of someone’s lot as opposed to the common area. Mr. Fogg replied that there are setback rules regarding grave sites. Chair Cottrill clarified that it really doesn’t matter where it goes, either on lot 14 or 17. Mr. Bottinger noted that the site contains ashes only, no caskets.

Mr. Cottrill then asked for a review of the homeowner documents.  
Restrictive Covenants

Page 1, Mr. McWilliams noted that in the 2<sup>nd</sup> paragraph, 2<sup>nd</sup> line the word “updated” should be removed. Also, in the 6<sup>th</sup> paragraph one of the “b”s should be removed from the word “by-laws”.

Page 2. Karen Ebel asked if it would be wise to incorporate by reference the definitions that were in the bylaws into the restrictive covenants. She noted that the terms “association,” “homeowners association,” “Wallula Community Homeowners Association” are used interchangeably throughout the document. Sometimes they are listed as upper case and sometimes as lower case. She thought it would be helpful for the document to clearly state that the definitions were the same as in the bylaws. Ms. Ebel opined that these terms should be consistent throughout the document. She added that the terms “common area” and “common land” are used to describe the same lot. The terms should be consistent to avoid confusion. Ms. Ebel suggested making all definitions consistent between the documents. She noted that the term “building envelope” is also not defined in the covenants. Brad Cook agreed to conform the definitions in the covenants to those in the bylaws.

She then noted that in the 5<sup>th</sup> paragraph on Page 2 it says “Basil” and when it should read “Basal.” Ms. Ebel asked how the Basal Area was being calculated in the vegetated area not in the Shore Land Protection Area and wondered if they planned to use the same calculations as those used in the Shore Land Overlay District. She said this should be noted and asked who does the cutting and who oversees it. Peter answered that the board oversees the cutting. Karen noted that if the Planning Board is approving cutting in the lots, this needs to be included.

Mr. McWilliams noted that in item #14, the use of the words “Common water system” should be changed to remain consistent with wording used in the Bylaws.

Karen Ebel noted paragraph 20 on page 5 – 6 the requirement that if the association fails to correct an environmental problem, the town is authorized to step in.” Ms. Ebel asked if the provision should be modified to include a time period by including the terms “promptly” or “within a reasonable time frame”. She expressed concern that there is no time limit in there at all. It was agreed that the phrase “reasonable amount of time” should be used.

Mr. Cook noted that the official association name should be the “Wallula Homeowners Community Association.”

Bylaws

Page 1, 2C: Mr. McWilliams stated that the definition of “building envelope” should be the same as in the zoning ordinance and that under the term “common area” needs to include the name of the NL/Springfield Water Precinct.

Page 2. Karen Ebel noted that in previous subdivisions, bylaws have had provisions for action in the event of a catastrophe, whereby there was a plan to get the necessary money promptly to resolve issues. She asked what mechanism is in place within the Wallula Homeowners Association. Brad Cook noted that there would be annual dues, assessments for catastrophes, and the directors would have the capacity to obtain these funds when needed. He also noted that individual homeowners would need to take care of their own septic systems. Karen asked if there was there a quick mechanism to get money to resolve a large problem. Peter Stanley opined that given the soils within the Wallula property and how the property is used, the chances are very slim that something would go wrong. He explained that the state would come in and take care of a very serious problem. Karen said nevertheless, the mechanism needs to be very clear in the homeowners' documents. She asked that paragraph 20 of the Restrictive Covenants regarding responsibility for correcting environmental problems should be referenced in the bylaws. Mr. Cook agreed to make this change and to make sure the bylaws were very clear regarding the process by which the remediation of environmental catastrophes on the property would be funded.

Page 3 Mr. McWilliams stated that it would be necessary to reorder the list so it follows alphabetically.

Page 7 Mr. McWilliams noted a typo in the second to last line.

Page 12 In reserves section: D "Replacement of the common area" Mr. Cook mentioned that the homeowners' association would maintain a revolving fund to take care of ordinary things and that a reserve fund would be created to repair things in the common area. Karen Ebel asked whether there was a provision regarding "special assessments" for major problems which required more than the routinely collected reserve amounts in the bylaws. Mr. Cook could not locate this offhand, and agreed to add something to address reserve funds for emergency use if it was not currently in the bylaws.

A typo was noted in section D: 3<sup>rd</sup> line down at the end.

Page 14. Ms. Ebel noted that in paragraph 5 the word subdivision should be capitalized.

Page 15. Paragraph H, there are 2 periods. Remove one.

Page 17. #8 Septic System Design. Mr. McWilliams stated that at the subcommittee meeting, it was discussed that if there is a line to a tank or leach field that failed, it could be repaired without replacing the entire septic system. However, if it were a failure of the leach field, an entire permit would be required at that time. Mr. Cook noted that this requirement would be added to the text.

Page 19. #2B. Too many commas. Re-write to be more clear. Mr. Cook noted that this is the section where the concept of "special assessments" appears and explained about how they can be collected to deal with a disaster. He stated that this section also covers the insurance issue for such casualties.

Page 24 #2A. Owner is spelled with a Q instead of an O. Also, remove the extra period at the end of the document. Right after "Before".

Karen Ebel asked again that the defined terms in the covenants comply with the terms in the bylaws.

Ms. Ebel observed that in the past conservation-related notes were included on the subdivision plan, such as Wallula's tree cutting restrictions. She asked Mr. McWilliams whether he concurred that they should be in both places. Ken agreed and stated that the Planning Board has even insisted that such provisions appear in the deeds. Mr. Fogg agreed to put conservation-related notes on the plan and would work with Ken and Peter on the language.

Ms. Ebel asked whether the subcommittee had discussed the limitation of the use of salt and fertilizer in the subdivision. Peter Stanley replied in the negative. Mr. Cook observed that there is a state road between the camp and the lake, which uses salt in the winter anyway. Peter stated that there are fertilizer restrictions in the Shore Land Protection District provisions which would be adequate.

Peter Stanley stated that the bounds on individual lots need to be set between the time the plat is approved and when the plat is signed and recorded. He also would like the covenants and bylaws provided for each of the lots to be filed separately in town files to insure easy access to subdivision details in the future. Each lot (including #17) will have its own file and should include a copy of the entire plans. Mr. Stanley noted that 11x17 sized plans are suitable for the files.

Chair Cottrill asked when the Wallula group would like to come back to the board for their final site plan review. Mr. Cook said that they would like to come the next month. Submittal would be due on May 11<sup>th</sup> for the meeting on May 26<sup>th</sup>. It was agreed they will return for their final site plan review at that time.

### **7. Hannaford Brothers Company – Concept Site Plan Review: Proposed Changes to Handicapped Parking (Tax Map 59, Lot 8)**

Jay Lord, representative for Hannaford Brothers Company, came before the board to ask for waiver for a site plan review for some changes to the number and placement of handicapped parking spaces. He noted that the existing site plan review was approved three years ago. Since that time there have been requests for additional and more convenient handicapped parking spaces. As a result of Hannaford's proposal, there would be a loss of 2 regular spaces and an addition of 4 new handicapped spots. Mr. McWilliams noted that Dave Seastrand (Police Chief) asked for some signage near the retaining wall saying "No parking, standing or stopping." Mr. Lord agreed to this change. In addition, Mr. Lord said the old plan showed speed bumps that were never installed because it was decided they would make it difficult to move shopping carts over and around the bumps.

Mr. McWilliams added that there was support at the department head meeting for removing the speed bumps and also for the requested change in handicapped parking. After some discussion, the Planning Board decided to waive site plan review, but to require a final set of plans incorporating the parking/speed bump changes to the site.

In summary, Chair Cottrill noted that change proposed would result in a reduction of two total parking spaces, from 452 to 450 regular parking spots. He agreed that there was no reason for a site plan review in this case.

**IT WAS MOVED(Michele Holton)AND SECONDED(Emma Crane), TO WAIVE THE REQUIREMENT FOR A FULL SITE PLAN FOR HANNAFORD BROTHERS COMPANY, SUBJECT TO THE RECEIPT OF REVISED SITE PLAN WITHIN ONE MONTH REFLECTING THE PROPOSED CHANGES IN HANDICAPPED PARKING AND THE REMOVAL OF SPEED BUMPS. THE MOTION WAS ACCEPTED UNANIMOUSLY.**

Karen Ebel asked Mr. Lord whether he, as the representative for Hannaford's, would have any interest in providing input on the economic chapter of the master plan. Ms. Ebel noted that the town had had some difficulty in communicating with KIMCO, the owner of the mall, and hoped as the mall's largest tenant, Hannaford might take a look at the chapter. She opined that the mall represents a very large portion of the town's economy and it was unfortunate to be establishing economic goals for the town with no input from anyone associated with the mall. Tina Helm concurred. Mr. Lord opined that in this town he would be surprised to see any more true retail opportunities arise. He believed that this town had a very good mix of retail and institutional business, including the hospital, schools and the college. He feels that this is a great little community. Ms. Ebel said that she didn't expect him to assess the economic condition of the town that night, but just wondered if the Planning Board could send him a copy of the economic chapter to review.. He agreed to review the chapter. .

### **8. Continued Discussion of Possible Amendments to the Site Plan Review Regulations**

Ken McWilliams noted that Jessie Levine wanted to be involved in this section but due to unexpected illness, we should wait on this again. It was asked what specifically the concern was.

Peter Stanley and Ken McWilliams explained they and the board were interested in coming up with a list of criteria for reviewing site plan reviews so as to facilitate better efficiency between Peter and Ken and to make a quick determination as to whether an applicant should come before the board. Nonconforming instances would be sent to the board. Ms. Levine did not feel that this was necessary.

Mr. Stanley stated that the reviews that concerned him were for commercial uses only where a change in venue, type of business or layout or those not following accepted approvals should have the oversight of the zoning administrator. Ms. Levine was in favor of this portion of the amendment, but not the listing of the criteria which she felt was overkill. Peter noted that in instances of little or no change where a site plan

would not be necessary, the town should speed up the process for tenant changes instead of having applicants go before the board to determine if a site plan review is necessary.

Several on the board feel this agenda item should be revisited when Ms. Levine could share her point of view in person, so the discussion was postponed until the next business meeting.

#### **9. David & Mary MacMillin of 1495 Little Sunapee Road – Tree Cutting Request**

Emma Crane presented this request: there is a tree leaning out over their dock that Mr. MacMillin would like to have removed. The MacMillin's have demonstrated good vision and meticulous attention to the details of their waterfront property. The photographs provided show a reasonable cause to cut the tree in question.

**IT WAS MOVED (Karen Ebel) AND SECONDED (Jeff Hollinger) THAT THE TREE CUTTING REQUESTED BY DAVID AND MARY MACMILLIN OF 1495 LITTLE SUNAPEE ROAD BE APPROVED, AS PRESENTED. THE MOTION WAS APPROVED UNANIMOUSLY.**

#### **10. Other business:**

**The Planning Board then acted on the minutes of several meetings.**

**A IT WAS MOVED(Tina Helm) AND SECONDED (Emma Crane) TO APPROVE A. The minutes of THE WALLULA SUBCOMMITTEE of 4/2/2009, were approved, as circulated.**

**B. IT WAS MOVED (Jeff Hollinger) AND SECONDED(Karen Ebel) TO APPROVE the minutes of the WALLULA SUBCOMMITTEE MINUTES of 4/9/2009 were approved, as circulated.**

**C. The minutes of the 4/14/2009 PLANNING BOARD WORK SESSION were approved, as circulated.**

D. Chair Cottrill asked if the board members would be in favor of printing their own meeting packets by downloading from an email. Jessie Levine had indicated that it would save money on copying, postage and time. The board agreed that due to the large amount of paper, they did not want to print their own documents.

However, in an effort to save postage, the following said they would pick up their packets at the Town Office: Tina Helm, Emma Crane, Michelle Holton, Tom Cottrill, and Karen Ebel. John Tilley noted that his packet could be dropped off in his mailbox outside of his house on Main Street.

Mr. McWilliams said that he would ask Jessie Levine about putting a box outside the building for people pick up/drop off items like these in the future.

**E. Amendments to March 24<sup>th</sup> Planning Board Minutes for the Wallula Subdivision**  
**Per the request of the Planning Board members at the previous meeting, Mr. McWilliams reviewed the Wallula subdivision minutes from the March 24<sup>th</sup> meeting and recommended the following changes, all of which were acceptable to the Planning Board members.**

Changes: 1<sup>st</sup> paragraph "Mr. Cook stated that this is a unique project because a 1971....." delete

2<sup>nd</sup> page, bottom of 2<sup>nd</sup> paragraph. 2 spaces that refer to sites. Should be changed to "Lots".

4<sup>th</sup> paragraph. 2<sup>nd</sup> sentence. Mr. Fogg commented that most of the land..."was available" substitute "has been shown for the area being developed."

They would like to be granted a waiver for “showing the topography.”

3<sup>rd</sup> page, top paragraph

“another addition to the land would be a 150’ “square” ball field.

Last paragraph refers to 1972 PUD plan – should be 1971.

4<sup>th</sup> page first paragraph refers to 1972..should be 1971. 2<sup>nd</sup> paragraph the same.

3<sup>rd</sup> paragraph next to last line. Lot 1 contains two sites/units. To: 2 units.

Existing Bottinger house with an apartment. Lot 2 has zero buildable units. (?) DELETE THIS SENTENCE. The TOTAL is 17 units on 17 lots.

Waivers: Topography survey of the area to “area in the east.”

Top of last page: motion talks about waivers of the topographic map. Clarify for the east area.

3<sup>rd</sup> paragraph take out a period in the middle of the sentence.

**The minutes of the Planning Board meeting of March 24<sup>th</sup> were approved, as amended.**

The meeting was adjourned at 9:33pm

Respectfully Submitted

Kristy Heath, Recording Secretary

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

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