

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
March 14, 2006**

PRESENT: Karen Ebel (Chairman), Sue Ellen Andrews, Dale Conly, Tom Cottrill, Jeff Hollinger, Sue Clough (Selectmen's Representative), Ken McWilliams (Planner). Celeste Cook joined the PB mid-way through the meeting.

Chair Ebel called the **MEETING TO ORDER** at 7:30 PM.

**I. CATE FAMILY TRUST – Preliminary Minor Subdivision and Annexation Plan
(Tax Map 103, Lots 1 & 2)**

Erin Darrow, P.E. (Erin's Land Use Consulting) displayed a map with wetlands outlined and pointed out the property boundaries of a 4.9 acre lot and a 38.3 acre northerly lot. She said that the small lot was the lot where the "yellow house" had been. She advised that the plan had changed and that the Cate Family Trust now proposed a minor subdivision that would result in two larger lots: the 38.3 acre lot to the north and a 67.1 acre lot to the south. Ms Darrow said that the wetlands were used to divide the lot into two lots.

Ms Darrow advised that future plans would include further subdivision of the northerly lot and said that a number of possibilities had been discussed at the meeting with municipal department heads. She stated that the map was drawn to demonstrate building area possibilities, location of wetlands, and 75-foot setback compliance. Ms Darrow then applied an overlay to show potential future subdivision with potential building lots. She advised the PB that five siblings owned the property and all five wanted to retain a toe-hold in New London. Ms Darrow said that the proposed subdivision was being designed to be efficient cost wise and to maximize land use.

PB member Clough asked if the only access would be through NH 103A. Ms Darrow replied affirmatively. PB member Andrews asked about the proposal for six lots although there were only five siblings. Ms Darrow confirmed that there would be 6 lots. She pointed out that there would be a shared driveway to access two of the lots. She stated that there would be some impact on the wetlands, but that the drive would follow the topography of the land to minimize the impact. Ms Darrow advised that they were still considering the options for building envelopes; however, they would like to cluster the houses in one area and keep the undeveloped areas together. Ms Andrews asked if having two lots served by one drive was allowed. Ken McWilliams replied that a service road between the wetlands would be a part of one of the options to permit access.

PB member Cottrill asked if there were any plans for the 67-acre lot. Ms Darrow advised that there were not any plans for that lot at this time. Chair Ebel asked why there would be six lots when there were only five siblings. Delavan Cate responded that they wanted to retain the ability to make use of "current use", which requires a minimum of 10 acres, and that there were other children. Ken McWilliams said that ownership of more than one lot by one sibling would permit current use minimums to be met.

Mr. McWilliams reported that the department heads had asked Ms Darrow to look at the proposal to determine the impact of the proposed lot lines on future plans for the 38.3-acre lot. He also reported that the Fire Department advised that driveways must be wide enough for fire equipment, which requires a minimum width of 12 feet, and that an on-site water source would be required, either a cistern or a pond, for example. Mr. McWilliams advised that there should be access easements for shared drives and they should be entered on the plat. He said that it was suggested that Ms Darrow consider incorporating a service road as access for two shared drives. He added that an access road would mean one less access from NH 103A.

PB member Clough asked for confirmation that the only topic presently before the PB was the subdivision of one large property. Mr. McWilliams replied that the PB was being asked to review the subdivision of one large property totaling 107.5 acres and an adjustment to the boundaries of a smaller existing lot.

Ms Darrow distributed copies of a drawing generally depicting the locations of boundaries, wetlands, uplands, subdivision lot lines, etc. Chair Ebel commented that Ms Darrow seemed to be mindful of future plans and the environment. PB member Clough endorsed the plan to cluster the homes. Ms Darrow stated that they wanted to minimize the impact on the wetlands, even though the building envelopes would not be located in the wetland areas. Chair Ebel asked about where a large wetlands area on the Cate property flowed after it crossed under NH 103A – were there more wetlands there? PB member Clough and Zoning Administrator Peter Stanley both replied that there was a culvert and more wetlands in that area.

Delavan Cate asked if the future plans were to include a service road, would the road have to be built now. Mr. McWilliams replied that the situation would be similar to the future need for a cistern, i.e., the plan could be approved “subject to” the service road being built or there could be a Covenant Restricting Lot Sales until the service road was built.

PB member Cottrill inquired about an abutting lot that appeared to be land-locked. Ms Darrow replied that the lot was “all wetlands” and technically had frontage on I-89. Several people in attendance commented that there were discrepancies between tax maps and actual survey data.

The Cate Family Trust said that April 11, 2006 was a possible date for Final SPR.

II. DANCY, TAPPAN, & HOPWOOD – Final Annexation Plan (Tax Map 76, Lots 10, 12, 13, & 22)

Terry Dancy gave a brief overview of the plans displayed for the PB’s review. He pointed out the lots involved and identified ownership of each. He said that the property to be annexed was a seven-acre lot with a single house for which the drive would be located right near the Dancy house. He advised that he had been interested in buying the property, but did not need seven acres. He found that Tappan had similar concerns regarding the drive and that the Hopwoods would like to move their house back a bit. Mr. Dancy said that there was a purchase-and-sales agreement for the seven-acre lot on the condition that it could be subdivided and the pieces annexed by the three interested parties.

Chair Ebel asked if there were any abutters present. Albert and Edith Feather identified themselves as abutters and said that they thought the idea was great.

It was **MOVED** (Hollinger) and **SECONDED** (Cottrill) **THAT THE FINAL ANNEXATION PLAN FOR TAX MAP 76, LOTS 10, 12, 13, AND 22 BE APPROVED AS PRESENTED. THE MOTION WAS APPROVED UNANIMOUSLY.**

The Mylar was circulated for PB signatures and will be forwarded to the Merrimack County Registry of Deeds by the Town of New London.

Zoning Administrator Peter Stanley advised Mr. Dancy that three copies of the final recorded plan would be needed, so that a copy could be placed in the tax file for each of the properties.

III. DUNKIN’ DONUTS – Concept Site Plan Review (Tax Map 73, Lot 81)

Eric and Clement Medeiros (JMB Donuts d.b.a. Dunkin Donuts) appeared to present a plan to establish a Dunkin’ Donuts operation at 217 Main Street, the property currently occupied by Wildberry Bagel.

Eric Medeiros said that the exterior appearance of the building would not change very much and the interior would be renovated somewhat, but very tastefully, similar to their Dunkin’ Donuts located in Scituate, Massachusetts. Mr. Medeiros shared pictures of the Scituate facility with the PB. He said that there would be very few changes to the building. He mentioned installing another door at the entrance to create a vestibule. He said that the sign would be lit from behind and that they would not change the lighting. The PB members advised them to keep the wattage to a minimum and to try to minimize light “spillage”.

PB member Cottrill asked if there would be any exterior changes, e.g., the color of the building. Mr. E. Medeiros replied that it might be painted beige. Mr. Cottrill asked if the operation would be a franchise and subject to territorial overlap limitations. Mr. Medeiros replied affirmatively and opined that in a small town there would be no chance of an overlapping operation being established. PB member Andrews asked what the hours of operation would be. Medeiros replied that he would open as early as Wildberry Bagel has been opening and would like to stay open as late as possible. Clement Medeiros responded that the hours would be economically determined: if there's business, you stay open, and if there is no business, you close.

Chair Ebel advised that the Medeiroses would not be changing much in regard to the use of the property; however, because New London has not had a franchise along the Main Street, she wanted them to make a presentation to the PB. She said that there appeared to be no basis for requiring a SPR, because there would be no change in use.

PB member Hollinger opined that at Wildberry Bagel, people sit down inside to eat; however, Dunkin' Donuts is an "in-and-out" business. He said that the intersection of the property's entrance/exit with Main Street is very bad. He said that he was concerned about the impact of increased traffic on an already bad intersection. Mr. Hollinger suggested that there should be better definition of the entrance and the exit to the business. Chair Ebel asked if the traffic flows would be the same as those currently in effect. Mr. Medeiros replied affirmatively.

Chair Ebel asked if Wildberry Bagel approval had been based upon partly on "sit-down" and partly on "take-out" business. Ken McWilliams replied that it was approved for 18 seats on the basis of nine available parking spaces. He said that the parking requirement for "take-out" is .5 spaces/seat and for "eat-in" it is .3 spaces/seat. He opined that the site was originally approved as "take-out". There was some discussion regarding outdoor seating at the site. Mr. Medeiros said that he planned to concentrate on inside eating.

Chair Ebel asked about the menu. Mr. Medeiros replied that 70% would be beverages and 30% would be bagels, donuts, etc. He said that he was working on a lunch menu.

PB member Hollinger advised that they might find New London cool and resistant to having a Dunkin' Donuts in New London. Chair Ebel suggested that it would be better received if it was made as traditional in appearance as possible. Mr. C. Medeiros said that Dunkin' Donuts didn't have only one design. He said that the design could be adapted to the individual community. He said that they intended the building to have a very traditional appearance and were mindful of New London's desire to have that type of design.

Erik Medeiros advised that he and his father (Clement Medeiros) had only one other store. PB member Clough asked where that store was located. Mr. Medeiros replied that it was in Manchester, NH. Chair Ebel asked how much time would be involved in food preparation. Mr. Medeiros advised that the donuts are baked at a central location and would be delivered twice a day in a box-truck. He said that the deliveries would be very early in the morning and probably in the mid-to-late afternoon. He advised that the truck would come from Methuen, MA and would also be delivering to a store in Lebanon. Chair Ebel asked where the deliveries would be made, would they be at the back of the building. Mr. Medeiros replied that they would probably be made through the back door and reiterated that the delivery truck would be a panel truck.

Chair Ebel asked PB member Hollinger about his traffic concerns. Mr. Hollinger replied that the average sale would be smaller than that of the bagel shop; therefore, he opined that volume would need to be greater in order to generate the same income. PB member Andrews asked who owned the garage located at the rear of the property at the end of the driveway. Ken McWilliams suggested that the old garage might be used for employee parking. PB Clough commented that the Wrights owned the garage and they would be the ones to talk with regarding its use.

Chair Ebel asked how many employees there would be. Mr. Medeiros answered that there would be four in the early morning and two later in the day. Ms Clough observed that employees could take up the major part of available parking. Chair Ebel advised that employees should not park along Main Street. Fire Chief Peter

Stanley further advised that there could be no parking by either employees or patrons on property owned by the funeral parlor or the fire station. PB member Andrews opined that the projected number of employees did not seem to be much different from the number at Wildberry Bagel. Mr. C. Medeiros said that having two employees working at any one time was a security measure. He opined that the demand for service could be handled by one employee most of the time.

PB member Cottrill asked about lighting. Mr. Medeiros replied that there would be an outside sign with lights shining on it. Ms Andrews asked about lighting the walkway. Mr. Medeiros replied that only the entryway would be lighted and that lighting would be kept to the minimum necessary.

Chair Ebel asked if there was a lot of work to be done inside the building. Mr. E. Medeiros replied that they would be keeping the wood floor, but remove the counters and install their own cherry counters. He said that one wall would be moved. Mr. Cottrill asked if there would be any pink in the interior. Mr. E. Medeiros replied that there might be some on the menu board. Chair Ebel asked when they planned to open. Mr. Medeiros replied that they hoped to open the second or third week in May. He said that he thought it was unlikely that they would have outdoor seating, but they understood the seating limitations.

PB members expressed interest in the menu because so many children from school got food there before games, after school, etc. Chair Ebel said that it would be good to continue to serve bagels so that the children would continue to have that option, rather than just donuts, which she opined were clearly not as healthy. Mr. Medeiros assured the PB that bagels and bagel sandwiches would be available for the students and for all customers and that he was mindful of the healthy food concerns.

IV. THEODORE S., JR. & SARAH H. BACON – Voluntary Merger of Lots of Record (Tax Map 50, Lots 9 & 15)

Ken McWilliams presented a request from Sarah H. and Theodore S. Bacon, Jr. to merge two lots of record located on Lakeshore Drive. PB member Conly spoke in support of the request.

It was **MOVED** (Andrews) and **SECONDED** (Cottrill) **THAT THE REQUEST MADE BY SARAH H. AND THEODORE S. BACON, JR. TO MERGE TWO LOTS OF RECORD, TAX MAP 50, LOTS 9 & 15, BE APPROVED. THE MOTION WAS APPROVED UNANIMOUSLY.**

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

V. HOWARD HOKE – Tree Cutting Request (Tax Map 36, Lot 9)

PB member Conly presented a request from Howard Hoke to cut down one gray birch, approximately six inches in diameter that is leaning over the water in order to move a dock for his boat. He said that Mr. Hoke had set up an agreement with his neighbor in regard to changing the lot line because the tree is actually on his neighbor's land. Mr. Conly advised that both Mr. Hoke and his neighbor, Bruce Johnson, had signed the application.

Zoning Administrator Peter Stanley opined that gray birch trees are doomed to an early demise anyway.

It was **MOVED** (Andrews) and **SECONDED** (Cook) **THAT THE REQUEST TO CUT ONE GRAY BIRCH LOCATED WITHIN THE 50-FOOT BUFFER AT 311 LAKESHORE DRIVE (TAX MAP 36, LOT 9) BE APPROVED. THE MOTION WAS APPROVED UNANIMOUSLY.**

VI. JEANNE MACDONALD TRUST – Tree Cutting Request (Tax Map 77, Lot 11)

PB member Conly presented a request from David Cahill, Trustee, Jeanne MacDonald Trust, to trim branches and cut one dead fir located within the 50-foot buffer at 52 The Point Cottages. Mr. Conly said that he had visited the site and recommended approval of the request.

It was **MOVED** (Cottrill) and **SECONDED** (Hollinger) **THAT THE REQUEST TO TRIM BRANCHES AND CUT ONE FIR LOCATED WITHIN THE 50-FOOT BUFFER AT 52 THE POINT COTTAGES (TAX MAP 77, LOT 11) BE APPROVED. THE MOTION WAS APPROVED UNANIMOUSLY.**

VII. DISCUSSION OF SITE PLAN REVIEW AND SUBDIVISION REGULATIONS

Ken McWilliams distributed copies of the timetable for updating the Site Plan Review Regulations and the Subdivision Regulations. He pointed out that the municipal departments would have a couple of reviews and then the PB would have a couple of reviews before holding a public hearing on the regulations. He advised that the process would be similar for both sets of regulations. He noted that the PB had indicated that it wanted to get through the review of these two sets of regulations before addressing the Master Plan update.

Discussion of the proposed timetable ensued. PB member Clough questioned the number of times the staff would review the proposed changes. She said that she thought that the staff might want to review any major changes made by the PB. Mr. McWilliams replied that the PB could ask individual departments to comment on any major change. Chair Ebel opined that there might be occasion to consult with town counsel.

Mr. McWilliams advised that updates to the SPR Regulations were so extensive that a complete rewrite of the document was necessary. On the other hand, updating the Subdivision Regulations could be accomplished by amending the existing regulations. Chair Ebel said that some subdivision regulation requirements, e.g., low impact study, were very complicated. Mr. McWilliams advised that the PB could require low impact development measures and the developer would have to prove that it couldn't be done. Chair Ebel stated that the regulations should include all the environmentally sound requirements.

Ms Clough asked if both sets of regulations were regulations that could be approved by the PB, unlike zoning regulations. Mr. McWilliams confirmed that they were and added that each would require one public hearing after which the regulations could be enacted by vote of the PB. Ms Clough opined that the regulations must be in concert with the Master Plan. She opined that the regulations connection to the Master Plan could be a real "selling point". Mr. McWilliams replied that the Master Plan did support the proposed changes. Ms Clough opined that would build support and understanding.

PB member Cottrill asked if there would be any way to compare the existing regulation with the proposed regulations; would Mr. McWilliams provide a summary of the changes. Mr. McWilliams replied that he has a track of the draft revisions. PB member Andrews said that the PB needs to be sure that nothing is inadvertently omitted. Mr. McWilliams advised that he could prepare two drafts: one of the proposed regulations and one with all the changes noted. He said that he had found some confusing/conflicting requirements, e.g. minimum setbacks of five feet in the Commercial District and setback requirements of 10 feet in other districts. He said that there were also no green space requirements in the current regulations. He advised that any major changes would be presented at the public hearing and could be described as being more or less restrictive than the regulation being revised; however, the "nitty gritty" of the changes would not be presented.

Chair Ebel opined that building permits should require precise erosion control measures to be spelled out on the permit application. Ken McWilliams replied that erosion control measures were already part of the cluster development regulations. Chair Ebel asked how to get them into building permits. Mr. McWilliams replied that the issue should probably be addressed in the zoning regulations. Chair Ebel asked how the requirement could be applied if a proposal was not for cluster subdivision, but for a regular subdivision. She said that it seemed to her that erosion control measures could be included as a requirement in the subdivision regulations for building permits issued for building in a regular subdivision. PB member Clough asked if building envelopes should be addressed in the SPR Regulations. Mr. McWilliams replied in the negative and advised that building envelopes should be addressed in the zoning regulations. He said that he was now hearing from the PB that it wanted erosion control for any type of building. Zoning Administrator Peter Stanley advised that such requirements now exists only in the Shore Land Overlay District. He also said that, although the regulations contain requirements to protect wetlands, they do not contain any requirement to protect land

adjacent to wetlands. Chair Ebel asked what could be done within the subdivision regulations to tighten up the requirements. Mr. Stanley opined that the regulations should tighten controls governing development of land adjacent to wetlands. He said that most developers were currently protecting such areas voluntarily, but no inspection was required.

Chair Ebel said that she wanted as much as possible to be covered in the subdivision regulations in order to eliminate, or at least minimize, all of the negotiating that has been necessary in the past. She stated her preference for subdivision regulations with clearly spelled out restrictions that could be waived if the PB believed a waiver to be warranted.

PB member Cottrill asked if any other towns were concerned about soil types and soil depths. Mr. McWilliams replied that most other towns were actually relaxing requirements. Zoning Administrator Stanley advised that the State of NH requires a minimum soil depth of 18 inches to impervious ledge or clay for septic approval. Mr. McWilliams advised that state septic approval must be submitted to the PB as part of the subdivision SPR. Mr. Stanley opined that a more stringent local subdivision requirement, specific to local topography, could be most beneficial. Chair Ebel asked about requirements of the innovative land use control regulations. Mr. McWilliams replied that the requirements were contained in section 674.21. He advised that the Upper Valley Lake Sunapee Regional Planning Commission was compiling a comparison of regulations in the various districts. Chair Ebel expressed the view that, when amending New London's subdivision regulations, the PB should try to tailor them to New London's land use issues. Mr. McWilliams and the other PB members agreed.

VIII. DISCUSSION OF MASTER PLAN UPDATE

Ken McWilliams presented a proposed timetable for updating the Master Plan.

PB member Hollinger inquired about the amount of time involved in updating the Master Plan. Mr. McWilliams replied that the process would take about three years. PB member Clough said that Jessie Levine, Town Administrator, hoped that the Master Plan revision would be completed by 2007. The Planning Board members expressed doubt that completion in 2007 was possible. Mr. McWilliams advised that the PB needed to determine the best time to hold the vision workshop and that the remainder of the process would flow from that date. Zoning Administrator Peter Stanley opined that the PB should facilitate attendance by those people the PB wanted to attend and should make sure that all segments of the community were well-represented. He opined that the PB wouldn't want the vision workshop to be dominated by conservationists or real estate agents. PB member Clough opined that broad representation from the community would be key to acceptance of the recommendations. Chair Ebel said that late September to early October were very busy times. She suggested late October-early November might be a better time than earlier in the fall. She recommended holding the vision workshop in late fall 2006.

Mr. McWilliams asked the Chair if she wanted a committee to work on the vision workshop. Chair Ebel replied that she thought that would be a good idea. PB member Cottrill asked if there were any company that could come in to organize the workshop. Mr. McWilliams replied that that was a service he provided. He advised that there would be a need for volunteer facilitators for the eight breakout sessions, but he opined that such facilitators would be easy to find. He advised that the challenge would be getting people to attend. PB members Andrews, Clough, and Hollinger volunteered to assist Mr. McWilliams with planning the workshop. Chair Ebel opined that timing would be critical in getting younger people with families, who are very busy, to attend and in getting good representation. PB member Cook asked how many people would be needed for the vision workshop. Mr. McWilliams replied that PB would want enough to be representative, and he suggested that 100 people would be a good turnout.

It was mentioned again that the town administrator, Jessie Levine, had stated that the Master Plan update should be completed by 2007. Ms Clough said that the budgeting seemed to support that view. She asked what Mr. McWilliams' time availability was. Mr. McWilliams replied that he had the time booked and has other offers pending, and that was why he was trying to confirm the schedule. He said that he was not opposed to an October date for the vision workshop because the PB would be so busy with the SPR and subdivision

regulations over the summer. Ms Clough questioned which was the cart and which was the horse, updating the regulations or updating the Master Plan. She asked which should lead and which should follow.

Mr. McWilliams advised that he would work with the information presented at the meeting and discuss the matter with PB members Andrews, Clough and Hollinger. He said that he would return to the PB with a revised timeline. PB member Cottrill wanted to establish a completion date and work backwards to determine the timeline. Chair Ebel recommended November 2008 as a tentative goal for completing Master Plan revisions. Members of the PB agreed with the recommendation by consensus, subject to further discussion. Chair Ebel asked the PB if it wanted to invite community members to participate in organizing the vision workshop(s). It was decided that, for the early organization, it would be preferable to let the PB members work on it.

IX. OTHER BUSINESS

A. The MINUTES of the FEBRUARY 28, 2006 meeting were APPROVED as circulated.

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

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

DATE APPROVED _____

CHAIRMAN _____