

APPROVED Minutes of the Planning Board Meeting of May 25, 2010

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

Members Absent: Deirdre Sheerr-Gross (Alternate)

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

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

He welcomed Paul Gorman to the meeting and introduced the rest of the Planning Board (PB).

1. Peter Messer – Concept Subdivision – Request to waive boundary survey. (Tax Map131, Lot 6)

Mr. McWilliams noted that at the hearing in April, they did not discuss a request to waive the boundary survey for Mr. Messer's subdivision. At the time, Mr. McWilliams was not aware that this was being requested or needed. Mr. Messer wanted to know if it was necessary that all 33 acres be surveyed. Mr. McWilliams told Mr. Messer that at the present meeting, they would discuss the waiver for a boundary survey around the large piece left that would remain after the planned subdivision of four acres was complete. This land had been surveyed once prior, in the late 70's.

Mr. Messer said that he wished to cut off four acres from his property to give to his daughter and her husband. He would rather not go through the expense of surveying the entire large area that would remain. Mr. McWilliams said that he didn't see the need to require a survey at this time, because if someone came along at a future date and wanted to purchase and develop the property, they would have to have it surveyed at that time.

No one on the PB had a problem with waiving this requirement for a boundary survey.

IT WAS MOVED (Michelle Holton) AND SECONDED (Emma Crane) to waive the subdivision requirement of the boundary survey of the remaining large parcel on TM 131, Lot 6 for Peter Messer. THE MOTION WAS APPROVED UNANIMOUSLY.

Discussion of Scale of Developments in the Residential Districts

Mr. McWilliams said this discussion was an outgrowth of the meetings held with John Akin and his proposed duplex in the Everett Park area. The structure is allowed because it meets the setbacks and height limitations, but the size of the building was out of scale with the homes that exist in that area. Mr. Stanley showed a brief slide presentation to illustrate the issue.

Mr. Stanley showed a photograph of a large house on Barrett Road, which fills the property lines, wall to wall. It was very large, compared to the rest of the houses on the street. He said that he wasn't complaining one way or another about this, and added that the reality suggests that there should be fairly intense development where Town water and sewer is available. He wasn't sure that when something this

large goes into the area, what would happen to the property values of the surrounding houses. Mr. Stanley said he thought it prudent to discuss this issue in light of what happened with the Akin house.

Mr. Stanley said that he had recently measured the lot and setbacks at the Akin construction site, and that the setbacks are being adhered to. The structure will, however, be very large. He said this is a topic the PB probably won't make any decision on at that night's meeting, but that maybe they will be able to add something into the Master Plan in the Land Use chapter to address the issue.

Ms. Holton said that this is an age-old problem. Since the 1930's there have been very large homes on the road that she lives on, and it has not devalued the properties. She agreed that what took place with the Akins could be considered unfortunate, and somehow they should try to contain such things from happening, but she did not feel that a large house mixed in with smaller houses was a problem. Mr. Doheny opined that the large home shown on Barrett Road was aesthetically pleasing, although large. He said the four acre minimum lot size in Town seems to be a problem to get people into Town. He said that the cheapest pieces of property will be small lots and tear-downs because of the cost of entry to get into Town.

Mr. Tilley said he agreed with everything that had been said on this matter. He wondered what some options were to avoid this situation in the future.

Mr. McWilliams said that one way the matter could be addressed is to get involved with design guidelines or regulations, which the Town does not deal with presently. Another method he mentioned was to use something called "floor to area ratio" which divides the total square footage of buildings by the area of the lot. The more buildings and square footage used in the area, the higher the ratio is. The Akins building would be three times the floor to area ratio of the surrounding homes in that area. This is a way of looking at and managing the intensity of the use that can develop within the massive buildings without getting into the design aspects.

Mr. McWilliams said that they could also set open space standards, which they currently do for commercial properties. That, however, does nothing when they add floors. They could keep the same footprint, but could double or triple the square footage and increase the intensity on the lot. Mr. Stanley noted that buildings are only allowed to be three stories, maximum, in Town.

Mr. Stanley shared that the Akins' 21,000 square foot lot sold for \$119,000, half of which was wetlands. On Columbus Avenue, a 4.7 acre lot recently sold for \$30,000. The number of acres doesn't mean as much as the quality of the lot and where it is. Changing the lot size isn't going to lower the price of lots and make them available. At some point a density issue has something to do with affordability.

Ms. Ettenborough responded to Ms. Holton's opinion about large homes on a road with other small homes. She said that when people are buying, renovating and building homes, they look at homes around them. Ms. Holton's large home on her road is on the low end of the road and others sit up above it. On Everett Road where she lives, the Akins home will loom over the others. She said people have tried hard to maintain the integrity of the Town for so long but this one got through. The property was sold with premise that at \$120,000 a single home lot couldn't be sold for \$60,000. Ms. Ettenborough said that she paid \$45,000 for her own lot in 1999, which she said wasn't a great lot. She wondered who decides

whether a duplex can be put on a piece of property. Mr. Stanley said that the Zoning in the Town decides. Any lot can have a 2-family home if there is acreage to support the underlying density, no matter where in town. Ms. Ettenborough said that near Ms. Holton's home the other homes are tastefully situated and that they have a lot of trees that help blend the different-sized homes together. Mr. Akins plans include no trees, a large duplex, and no landscaping to make it look like the albatross that it is. When it was presented, the plan shows grass, trees and a road. She said that none of these things would actually be included. As the Town grows and more people move here from the larger cities, perhaps it will sell later on, however she felt the home would reduce the desirability of living in that area. She felt the Akins were good people and has not yet met the daughters. She felt that it was too bad that they have to come in to a hostile environment.

Mr. Bianchi asked if the attic or basement in the floor to area ratio would be counted as a floor. He also wanted to know what the actual number was, and does it change from various zones (R2, R1 with or without water and sewer). He felt there were a lot of details that needed to be determined. He also wondered if the ratio would be applied to existing lots or new lots. Had he bought a piece of land and paid for it, and in three or four years planned to put a particular kind of building on it and was then told they couldn't, it would be a potential taking of the value of that lot.

Mr. McWilliams said the purpose of this discussion is to recognize the situation and to see if there are any options available. The concept of the Floor-to-Area Ratio is one such option. It could be helpful and important when considering similar situations in the future by determining the existing Floor-to-Area Ratios for surrounding homes. He suggested that they could use the assessors' information which is available electronically, without a lot of effort. He suspected that when going from a .5 acre to a 2 acre lot size, they would need to set different standards for those lots. He thought they should keep it so the range of what could be built in the neighborhood would be in synch with what was already there. Mr. Doheny asked if this method would restrict growth or change. Mr. McWilliams said that it would prohibit maximizing the mass or square footage for that property. Mr. Doheny said that they could come up with all the permutations for zone and density, but then who would be in charge of computing the percentages.

Chair Cottrill opined there is general consensus for continued discussion of scale development and trying to address planned building size/façade/fit in neighborhoods. As to floor to area ration, he wondered how that would apply to the Akin lot where the large house is situated right at the road. He said the Akin lot is deep and the house could have been situated more to the middle of the lot and lower off the road. He suspected that they could be within a certain floor to area ratio but still have the building placed right next to the street with maximum use of the width of the lot and a maximum building height of 35'. If that were true, he felt the Floor to Area Ratio might not achieve the desired effect.

Ms. Ettenborough said that part of the charm of this Town is a mixture of home styles. She added that no one was suggesting that all the homes in one area had to be the size and style rather it was about the responsibility of the person buying the property and them wanting to fit in with the neighborhood.

Mr. Stanley said that what could drive this issue as they move forward is stormwater management and how to deal with it. He said one of the obvious things that they did on the shorefront was to have a methodology regarding impervious surfaces. He said it is working fairly well in the shore land overlay district because it imposes a limit. He thought they would see even stricter stormwater management

requirements that will force development to have provisions on site to manage stormwater. This will create certain amounts of things such as green area and infiltration area. He thought that these requirements would be coming between five and ten years down the road. Mr. Hollinger opined that such requirements still won't take care of poor taste in home design or building.

Ms. Ettenborough asked who determines the 15' setbacks. She and her neighbors have setbacks but did not build right up to the minimum setback. Mr. Stanley said that in the 1980's the setbacks were established. Mr. Tilley said he lives on Main Street and his home meets the setbacks, and so does his neighbors' homes. He said they shouldn't make policy on a single instance. Mr. Tilley remembered talk that the Akins' back yard being large. He wondered if they could have a combination of the front yard setback at least 25' and/or calculating the average of the five houses on either side, whichever was greater or less so they were in proportion to the other houses. Ms. Holton asked if setting forth such requirements or limitations were constitutional. Mr. Stanley said that zoning is considered constitutional.

Mr. Tilley opined that one way to solve the problem in this instance would have been to say that they need to push the house back so it is more in proportion to the houses in the area. There could be some relationship between the height and the setback of the house.

Ms. Ettenborough asked who would be responsible to monitor the wetlands on the property. Mr. Stanley said that if there was any abuse of the wetlands, it would be considered a zoning violation. Ms. Holton said they had to hope that someone who buys land sees the big picture, which is not a given. Ms. Ettenborough said she was OK with the design, but there was no budget left to bring in trees to help bring the scale of the house down. For her, she felt it was a question of how can they prevent this type of situation in the future. She didn't think building lot line to lot line was offensive if it was done right.

Mr. Bianchi explained that if they take a 20,000 square foot lot in an R2 zone with sewer, out of those 20,000 square feet they have a building envelope of 11,000 square feet, including the setbacks to the minimum. He felt that indirectly telling people what they can or cannot build on a potential two family lot, and adding restraints, could cause even more problems to arise down the line. He thought the details would be critical.

Mr. Stanley said that these numbers were set, perhaps somewhere else, and that the lot sizes were smaller. They were actually only 12,000 square feet in size in 1958 when zoning in New London started. They have increased to 36,000 square feet and have had the division of zones applied. People didn't imagine what things would look like when they came up with the various standards. Mr. Stanley added that in the Commercial Zone the front yard setback is 30' or whatever the building on either side is. This method functions very effectively. It keeps things on a similar scale in the neighborhood and was an example of how there can be some flexibility and how it can work well. He wasn't sure how this would work for residential districts.

Chair Cottrill summarized the discussion by saying there has been a situation that has prompted this discussion. There are some alternatives, it has been a healthy discussion and it appears this situation was more about a big façade not fitting in with the look, feel and size of the neighborhood... and possibly less about setbacks. Possibly, the Akin structure could have been better by utilizing methods to minimize the look of a monstrosity. The PB should take this under advisement and continue the discussion at a future

meeting. Mr. Stanley suggested having a discussion about this again when they get into the Land Use chapter of the Master Plan. Mr. McWilliams said they could also pursue it as a zoning amendment in this coming year. Mr. Doheny thought they should talk about it some more before making any decisions. Mr. McWilliams noted that they would cover the Utilities chapter in July and the Community and Facilities chapter in August. The Land Use chapter would be covered in September.

Review of Changes of Occupancy

Mr. Stanley gave an overview of retail spaces in Town that had occupancy changes in the last few months. These were instances where he, instead of the entire PB, was given the ability to approve a change of occupancy due to the fact that they were routine and did not raise any red flags rather than forcing the applicant to come before the PB.

Kimco (the shopping center) - new tenant for a retail shop.

New London Inn – a part time retail service, massage therapy by Ms. Appel.

Screwie Lewies – is now “Hole in the Fence Café” owned by the Sanborns.

Kidder Building- the space that was an accounting office for Paul Wyeth is now an office space being used by Peter Hagar.

The small building next to the Mesa building – will house a small retail shop selling consignment clothing.

CB Coburn - is now a business that sells products for older people who are infirm.

Homan Corner (McGray & Nichols) – a new retail tenant is there. Mr. Stanley noted that they are not following their parking plan which is a violation of the site plan. They haven't striped their lot and so people are not parking correctly. He said that the owners will stripe one section of parking which will help people park the correctly, otherwise they won't have enough parking spaces.

Colby Sawyer College – changed their use of some space at the college. They will now be serving alcohol on campus. One bar will be at “The Curb” and one will be at Wheeler Hall.

Mr. Stanley shared that every one of the spaces that changed hands had something that needed attention, either a fire safety issue or a site plan review issue. He coordinates it expeditiously so applicants are not delayed. Fire Chief Jay Lyon or Director of Public Works, Richard Lee, promptly inspect the spaces. Anything having to do with sewer or parking is also Mr. Lee's responsibility. All issues are identified and remedied. He felt this way of speeding up the process was working very effectively and has not caused unnecessary delays.

Mr. Stanley also noted that the MESA building is slated to be torn down. The owner is not planning to re-build but would simply have a lot with potential for re-development down the road. The main advantage to this plan would be that New London could more easily access the dam to make repairs. This is something the Town has had expressed interest in doing in the past. The dam cannot be accessed with the building there as it is currently. Another related advantage is that the future owners would be more apt to site a new building on the lot so that the Town could maintain access to the dam.

Mr. Stanley said the Peter Christians building would probably end up being in a foreclosure auction. He felt this would be the best scenario, as the building has issues and needs repairs.

Other Business

Minutes from April 27, 2010

IT WAS MOVED (Michael Doheny) AND SECONDED (Emma Crane) to approve the minutes of April 27, 2010, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.

Mr. McWilliams announced that the next meeting of the Planning Board would be June 22nd and would be a regular business meeting. July 13th would bring the PB back on track with the Master Plan work sessions.

IT WAS MOVED (Jeff Hollinger) AND SECONDED (Michael Doheny) to adjourn the Planning Board meeting of May 25, 2010. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 8:30pm

Respectfully Submitted,

Kristy Heath, Recording Secretary
Town of New London

Approved on: _____

Chairman: _____