

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
FEBRUARY 26, 2008**

MEMBERS PRESENT: Karen Ebel (Chairman), Tom Cottrill, Dale Conly, Celeste Cook, Michael Doheny, Ken McWilliams (Planner), Larry Ballin (Selectmen's Representative), Michele Holton (Alternate). Jeff Hollinger arrived at 7:55 PM.

MEMBERS ABSENT: Deirdre Sheerr-Gross (Alternate)

Chairman Karen Ebel called the **MEETING TO ORDER** at 7:30 PM. She asked Alternate PB Member Michele Holton to sit on the PB as a replacement for Jeff Hollinger.

I. SUSAN NYE – Final Site Plan Review: Home Business – Cooking Classes (Tax Map 65, Lot 7)

Susan Nye advised that she would like to conduct cooking classes in her home at 1084 Lakeshore Drive twice each month during the school year. She stated that there would be no classes during the summer or over the Thanksgiving/Christmas holidays. She said that the classes would be offered to four students at a time.

Chair Ebel asked if there would be any employees. Ms Nye replied in the negative. Chair Ebel asked about signage. Ms Nye responded that there would be no signage. Chair Ebel asked Ken McWilliams to report on the meeting with municipal department heads. Mr. McWilliams advised that there were no issues raised other than the number of students in each class and that number had been scaled back from a maximum of 10 to a maximum of four at one time to meet the guidelines in the New London Zoning Ordinance. Chair Ebel asked Ms Nye for her reaction to the limitation to a maximum of four clients at any one time. Ms Nye replied that she had agreed to limit the size of classes to a maximum of four people.

Ms Nye said that one abutter had called to advise that (s)he had no objection to the proposed home business and might even want to join one of the sessions. Ms Nye pointed out that she had submitted a driveway plan for PB review. PB member Ballin requested, and received, confirmation that the site under discussion was the property previously owned by Jed and Hattie Prescott. PB Member Conly opined that limiting the class size to a maximum of four people eliminated any concern about parking.

It was **MOVED** (Conly) and **SECONDED** (Ballin) **THAT THE FINAL SITE PLAN FOR A HOME BUSINESS: COOKING LESSONS AT 1084 LAKESHORE DRIVE (TAX MAP 65, LOT 7) BE APPROVED AS PRESENTED. THE MOTION WAS APPROVED UNANIMOUSLY.**

PB Member Ballin said that, although it was outside the purview of the PB, he recommended that she run through the state health regulations pertaining to food-related businesses to be sure that she was in compliance. Ken McWilliams advised that New London Health Officer Don Bent had been present at the meeting of municipal department heads and had spoken with Ms Nye regarding state requirements.

II. RUSSELL McDONOUGH: P.C.'S – Concept Site Plan Review: Need for Site Plan (Tax Map 73, Lot 77)

Russell McDonough advised that Artisan's Workshop would be vacating the front portion of the ground floor in the building housing Peter Christian's Tavern on April 1, 2008. He said that he would like to expand P.C.'s into that area to create an office for himself and a lounge and waiting area containing 27 seats that would be used primarily on Thursday through Saturday. Mr. McDonough said that there were discrepancies regarding the number of additional seats that would be allowed. He said there was an issue regarding whether there would be 23 or 27 additional seats. He was advised that the issue related to the calculation of occupant load.

Ken McWilliams reminded the PB that when it approved the last change to the site, it was agreed that a Site Plan Review (SPR) would be required for any future change. He advised that most of the discussion at the

meeting with municipal department heads had related to the need for P.C.'s to either install a sprinkler system or bring the entire building and all systems, e.g. electrical, up to fire code standards. He said that a sprinkler system could be installed in phases in accordance with a timetable agreed upon by the Fire Department and P.C.'s. Mr. McWilliams reported that Director of Public Works Richard Lee had stated that better snow clearance would be required. Mr. Lee had advised that some of the snow might have to be removed from the site. Mr. McWilliams told the PB that the site plan contained in the packet of materials submitted by P.C.'s, although based on the mixed uses of the site, was outdated. He opined that the PB should require submission of an updated site plan.

Chair Ebel asked about the adequacy of on-site parking. Mr. McWilliams replied that Artisan's Workshop, a retail operation, had two spaces, the 96 seats inside P.C.'s required 29 spaces and the 16 seats outside required five spaces, and the rental apartments required nine spaces making the total spaces required 45. He advised that there were currently 53 spaces available. He said that an increase of 23 seats would require 50 parking spaces and an increase of 27 spaces would require 51 parking spaces. Chair Ebel said that it sounded as if there were an adequate number of parking spaces to accommodate the proposed expansion.

Mr. McDonough stated that the Fire Department had raised issues relating to the need for fire extinguishers, an alarm that was hard wired to the fire department and that was backed up by battery, an old, inadequate alarm system in the annex, and the need for a sprinkler system. He opined that the loss of the building would be catastrophic for the occupants and for the town, as well. Mr. McDonough said that he had been concerned about fire safety in the building for 24 years. He said that it would cost \$215,000 to install a sprinkler system in the annex, and he could not afford that expense. He said that the building included 9000 square feet and he hadn't found anyone who would install a sprinkler system in phases. He said that installing a sprinkler system would take two to three weeks during which business would be interrupted. Mr. McDonough stated that Zoning Administrator Peter Stanley had told him that the state might mandate the installation of a sprinkler system in a few years.

Fire Chief Jay Lyon advised the PB that fire systems were no longer hard wired to the Fire Department; rather, they went to a provider. He pointed out that the building contained mixed uses; not only was there P.C.'s kitchen to consider, but also the kitchens in the rental units. He said that approximately a year earlier, P.C.'s had come to the Fire Department with a plan to expand the kitchen and the number of seats. He said that both he and Zoning Administrator Stanley (then Fire Chief) had advised P.C.'s that any future renovation would require installation of a sprinkler system or updating of all systems. Chief Lyon advised that Lake Sunapee Country Club was installing a sprinkler system in phases, e.g. installation of sprinklers and pipes and water hook-up, and was currently in phase one, so there were companies that would install systems in phases. He said that the New London Fire Department did not have the resources, either manpower or equipment, to fight a fire in that kind of old, mixed-use building. He cited the recent burning of Seamans Alumni House as an example.

Chair Ebel opined that the PB could approve the expansion contingent upon some agreement between P.C.'s and the Fire Department. Mr. McDonough said that he was proposing to add 23-27 seats and didn't understand the why the 27 would have to be reduced to 23. He said that was why he was bringing the issue to the Board of Selectmen. PB Member Ballin asked for clarification regarding whether Mr. McDonough planned to bring the issue to the Board of Selectmen or to the PB. PB Member Conly stated that he understood the issues regarding fire protection in an old building with mixed uses.

Fire Chief Jay Lyon advised that the building in which P.C.'s was located did not have a basement nor did it provide seating for over 300; therefore, it was not automatically required to have a sprinkler system. He said that in that type of building fire expands very quickly. He advised that the Fire Department was very willing to work with Mr. McDonough regarding the phasing in of a sprinkler system.

PB Member Cook asked how the people in the apartments would get out of the building. Mr. McDonough described the various means of egress for the apartment dwellers.

PB member Jeff Hollinger arrived at 7:55 PM. Alternate Holton stepped down.

Mr. McDonough said that he realized the PB's concerns and that he had been aware of the problem. He said that he had received an estimate of \$215,000 for installing a sprinkler system from Robert Stone. Mr. McDonough confirmed that the \$215,000 estimate included \$45,000 for loss of business. He also advised that Mr. Stone would not be willing to install a system in phases.

PB Member Cottrill asked what type of timeframe the Fire Department would recommend. Fire Chief Lyon responded that a five-year phase-in would be reasonable, with completion scheduled for 2013. Mr. Cottrill asked if that were what the state would require. Chief Lyon replied that the state was looking at more stringent requirements. Chair Ebel said that she wanted the Fire Department to work out the details. Zoning Administrator Stanley said that if the PB approval were to be contingent upon installation of a sprinkler system within five years, if the building were not "sprinklered" by 2013, the Board of Selectmen could enforce the requirement and issue a Cease-and-Desist order.

Fire Chief Lyon asked if the PB was leaning toward requiring no Site Plan Review (SPR). Chair Ebel noted that there were no parking issues and no change in use. She asked about snow storage. Ken McWilliams advised that P.C.'s would be required to obtain a Certificate of Occupancy before moving into the expanded area. He asked if the PB would want to review the agreement between P.C.'s and the Fire Department. Chair Ebel opined that the terms of the agreement should be decided by the Fire Department inasmuch as it was that Department's area of expertise.

PB Member Cook asked about the description of the lounge and waiting area. Mr. McDonough advised that there would be a musician on weekends, but no dance floor. PB Member Cottrill said that there needed to be an updated site plan. He noted that the site plan before the PB showed 50 parking spaces, not the 53 spaces to which Mr. McDonough referred, and adding 27 seats would require 51 on-site parking spaces. Fire Chief Jay Lyon advised that the maximum occupant load would permit only 23 additional seats. Zoning Administrator Peter Stanley explained that a year ago P.C.'s had planned to remove a shed on the site and that would have yielded three additional parking spaces; however, since P.C.'s could not add more than 23 seats per the fire code, 50 parking spaces were enough. PB Member Cottrill asked what kind of site plan should be required. Zoning Administrator Stanley replied that it could be an updated version of the plan before the PB.

It was **MOVED** (Conly) and **SECONDED** (Ballin) **THAT NO SITE PLAN REVIEW BE REQUIRED FOR THE EXPANSION BY PETER CHRISTIAN'S TAVERN TO ADD A 900-SQUARE-FOOT LOUNGE AND WAITING AREA CONTAINING 23 ADDITIONAL SEATS AND A MUSICIAN ON WEEKENDS, CONTINGENT UPON COMPLIANCE WITH FIRE DEPARTMENT REQUIREMENTS FOR PROTECTION OF THE BUILDING, SUBMISSION OF AN UPDATED SITE PLAN, AND OBTAINING A CERTIFICATE OF OCCUPANCY BEFORE OCCUPYING THE EXPANDED AREA. THE MOTION WAS APPROVED UNANIMOUSLY.**

It was **MOVED** (Cook) and **SECONDED** (Conly) **TO AMEND THE MOTION TO ADD TO THE CONTINGENCIES FOR APPROVAL THE REQUIREMENT THAT PETER CHRISTIAN'S TAVERN PROVIDE TO THE PB A LETTER OUTLINING THE AGREEMENT REACHED WITH THE FIRE DEPARTMENT. THE MOTION WAS APPROVED UNANIMOUSLY.**

III. MARCY VIERZEN – Concept Site Plan Review: Need for Site Plan?

(Tax Map 84, Lot 73)

Larry Ballin recused himself from the PB. Chair Ebel asked Alternate Holton to join the PB in his place.

Marcy Vierzen advised the PB that Artisan's Workshop would be merging with Annie Ballin's Creative Cottage. She said that they would be merging the retail functions with workshops and demonstrations by

artisans designed to complement the retail business. Annie Ballin added that the retail business and the workshop offerings would be combined. She said that her passion was in design, not in retail. She opined that kids would be able to walk to Artisan's new location in the Kidder Building for workshops and any large events would be scheduled off-site. Ms Vierzen advised that the workshops would be offered at off-peak hours and would not compete with retail operations.

Chair Ebel asked if they planned to offer workshops at night. Ms Ballin responded in the negative. She advised that workshops were now offered after school. She opined that they believed that it would be a nice way to interact with retail business. Chair Ebel asked how often workshops would be offered. Ms Ballin replied that they would be offered two days a week in blocks of 8-10 weeks. She advised that the maximum number of kids would be 10. Chair Ebel asked how large Ms Vierzen's evening workshops would be. Ms Vierzen responded that the evening workshops would be for three to ten people, with three being typical. She said that they wanted to reach across age groups and be much more accessible. She advised that they would track numbers on an hourly basis and plan accordingly.

Ken McWilliams reported that in the meeting with municipal department heads, the Fire Department had identified the need for fire extinguishers and had mentioned a prior propane leak on the site. Zoning Administrator Peter Stanley asked about the status of the landscaped island requirement. Mr. McWilliams responded that the town had completed its portion of the project and the Kidders were responsible for completing the landscaping. Mr. McWilliams opined that the classes would not be the focus of the business, would be managed at off-peak hours, would have no significant impact, and would be an accessory to the retail function. He said that they would be a minor part of the business. Zoning Administrator Stanley added that they had agreed to have class attendees driving to the location park at the rear of the Kidder Building.

Mr. McWilliams referred the PB to page 2 of the Site Plan Review (SPR) Regulations where the reasons for requiring SPR are outlined. Chair Ebel opined that the only possibility would be a possible change in use.

It was **MOVED** (Hollinger) and **SECONDED** (Cook) **THAT NO SITE PLAN REVIEW BE REQUIRED FOR A MERGED ARTISAN'S WORKSHOP AND CREATIVE CORNER TO OFFER WORKSHOPS AT 11 PLEASANT STREET (KIDDER BUILDING), TAX MAP 84, LOT 73, WITH THE UNDERSTANDING THAT THE CLASS PORTION WILL BE A MINOR ACCESSORY PART OF THE BUSINESS, OFFERED TO CHILDREN WITHOUT CARS, AND THOSE ATTENDEES WITH CARS WILL PARK AT THE REAR OF THE KIDDER BUILDING, AND WORKSHOPS WILL BE OFFERED AT OFF-PEAK HOURS. THE MOTION WAS APPROVED UNANIMOUSLY.**

Chair Ebel advised Ms Vierzen and Ms Ballin that they would not be permitted to display wares outside and, thereby, expand the amount of retail space. She advised that they would, however, be able to have a tent sale. Zoning Administrator Peter Stanley added "with a permit". PB member Doheny asked about the future use of the mannequin that Artisan's has used at its current location. Zoning Administrator Stanley responded that technically the mannequin met the definition of a sign and, therefore, would be subject to the regulations governing signs. Mr. Doheny opined that the mannequin added flavor to the town. He said that he liked it, and opined that its impact was positive. Zoning Administrator Stanley said that he didn't think the mannequin was an issue for now and that offering retail merchandise outside was an issue throughout the town. Chair Ebel said that given past reviews of activities at this site, the matter needed to be discussed so the applicant would be clear on what was permitted. She asked if Mesa, the prior tenant in the Kidder Building, had gotten permits for its outside sales. Zoning Administrator Stanley confirmed that outside tent sales required a permit. Ms Ballin opined that Artisan's ought to be able to do what Mesa did. PB member Hollinger recalled that Mesa had come to the PB in regard to putting tables and chairs outside for customer respite, and the PB had denied the request. Larry Ballin opined that every business in the New London Shopping Center displayed merchandise outside. He said that if the outside display of wares ever became an issue, the Board of Selectmen would address the issue town/citywide.

Larry Ballin returned to the PB. Alternate Holton stepped down. Chair Ebel asked Ms Holton to sit in for PB member Cottrill, who had to leave unexpectedly.

IV. OTHER BUSINESS

- A. COLBY-SAWYER COLLEGE PARKING INVENTORY: Ken McWilliams advised that Richard Fink of Jesseman Associates had delivered additional information on Colby-Sawyer College residence hall capacities and a 2007 parking inventory. Mr. McWilliams said that copies had been provided to PB members.
- B. NH OFFICE OF ENERGY & PLANNING: Ken McWilliams called the PB's attention to the announcement of the State of New Hampshire Office of Energy & Planning's annual spring planning and zoning conference scheduled for April 26, 2008 at the Radisson Hotel, Center of New Hampshire in Manchester, NH. He advised that the conference presented excellent learning opportunities for both new and experienced PB members. He advised those interested in attending to contact Amy Rankins, who would be coordinating registrations.
- C. The MINUTES of the FEBRUARY 12, 2008 MEETING of the PLANNING BOARD were APPROVED, as circulated

The **MEETING** was **ADJOURNED** at **8:40 PM**.

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

DATE APPROVED _____

CHAIRMAN _____