

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
APRIL 10, 2007**

MEMBERS PRESENT: Karen Ebel (Chairman), Sue Ellen Andrews, Celeste Cook, Dale Conly, Ken McWilliams (Planner), Larry Ballin (Selectmen's Representative). Jeff Hollinger joined the PB at 8:30 PM as it began discussion of the Draft Subdivision Regulations.

MEMBER ABSENT: Tom Cottrill

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

I. MATT CONWAY – Concept Site Plan Review: Change of Use at C. B. Coburn (Tax Map 84, Lot 3)

Mrs. Conway, explaining that Mr. Conway was out of town, presented a summary of the proposed change in use and displayed a plan of the site. She stated that they planned to downsize C. B. Coburn and wanted to rent the spaces currently known as the candy room and the balloon room to Dead River Company.

Mrs. Conway said that she wanted to expand the parking into the "green" to make an existing parking space large enough for a Dead River delivery truck. Ken McWilliams asked if the space to be expanded was the compact parking space. Mrs. Conway responded affirmatively. Mr. McWilliams suggested that it might be problematic to expand the space to truck size. Mrs. Conway replied that, lacking a parking space large enough to accommodate a delivery truck, the truck would have to park blocking employee parking. She said that she would not object to having her parking blocked by a delivery truck for a short time while a driver stopped by to collect or drop off delivery slips. PB member Ballin asked if C. B. Coburn would still be getting deliveries at the back of the building. Mrs. Conway replied affirmatively; she said, however, that she had had no deliveries yet as existing stock was adequate. She said that U.P.S. usually delivered to the front of the building. Mr. McWilliams advised that the issue was access by oil delivery trucks, two in the summer and four in the winter, on a regular basis.

Kim Wieland, District Manager, and Joann Thomas were present to represent Dead River Company. Chair Ebel asked if they would like to comment. Mr. Wieland advised that Dead River was in its seventh year at Everett House. He said that access for customers was a problem because the parking lot was almost always full. He also said that there was very little visibility for the business. He noted that the C. B. Coburn space would be 100 square feet larger, visibility for the business would be greatly improved, and customer access would be much easier as they would be able to park on Main Street and enter through the front of the building. PB member Cook asked how the customers would access the business from Main Street. Mrs. Conway replied that there was a door at the end of the porch leading to the area to be leased. Chair Ebel noted that people would come in to pay bills.

Ken McWilliams reviewed the parking requirements for the proposed change. He advised that the 1040 square feet to be leased required four+, therefore five, parking spaces as retail space; however, as office space only four parking spaces would be required. He advised that the calculation reduced the requirement by one parking space. He said that the municipal department heads had recommended using what was now a fifth parking space to enlarge one of the remaining parking spaces to accommodate a delivery truck.

PB member Ballin noted that Mr. Conway's letter mentioned retail space. Mr. Wieland replied that all sales took place at the customer's home. Mr. McWilliams advised that he had asked the same question and had been advised that a parlor stove would be displayed in the office area. Mr. Wieland advised that each of Dead River's offices contained a parlor stove that was used both as a demonstration model and also to provide heat. He said that the parlor stove could be eliminated if it posed a problem.

Chair Ebel asked Mrs. Conway if C. B. Coburn had 18 parking spaces. Mrs. Conway replied that it did. Mr. McWilliams advised that there were three apartments upstairs and there was also some basement space used as an office that may or may not have been included in the calculation. Chair Ebel said that what was included in the calculation would have to be clarified.

Mrs. Conway stated that she wanted to condense the existing two dumpsters into one dumpster. She demonstrated how moving the dumpster could create a parking space. She said that she wanted to create additional parking space on property she owns behind the abutting convenience store, and wanted to expand

parking on the "green" space to accommodate a delivery truck. She advised that the basement space has been her office. She said that only two of the current tenants used parking spaces and they were off-site all day. Mrs. Conway advised that she wanted to replace an existing stone wall with a concrete wall and that she planned to pave her parking area. She said that she would like to flatten part of the "green" hill that now is mowed to create additional parking. PB member Andrews pointed out an area on the plan where an additional space for truck parking could be achieved.

Chair Ebel noted that everything was now evaluated as retail space and the parking requirement for retail space was more than the requirement for office space. Mr. McWilliams suggested using the extra parking space to enlarge one space for truck parking. PB member Andrews observed that the plan presented showed a total of 17 spaces, including the basement and apartment parking.

PB member Ballin asked if there would be any tractor-trailer trucks entering the parking area. Mr. Wieland replied in the negative and advised that any tractor-trailer traffic would occur at Dead River's Sunapee site. PB member Cook asked if any delivery trucks would be parked overnight. Mr. Wieland replied that all trucks were stored at the Sunapee facility, as agreed upon when the PB had approved the Final Site Plan Review (SPR) for the Everett House location. Mrs. Conway said that tractor-trailer trucks did go down the shared drive to access other businesses.

Chair Ebel inquired about time restrictions. Mr. Wieland replied that Dead River wanted the PB to relax the restrictions in effect for the Everett House location. He said that 7:00 AM was too late in the morning for delivery trucks to begin their routes. He said that there would be no problem limiting access to one truck at a time. He advised that many drivers picked up and dropped off delivery tickets on their way to and from work and never brought a truck to the business. Mr. Wieland said that Dead River had two delivery trucks in the summer and four in the winter. He said that it was infrequent for trucks to stop by the office during the day. Chair Ebel asked if the one truck in the morning might be three or four trucks at the end of the day. Mr. Wieland responded affirmatively. PB member Andrews pointed out that the Everett House location backed up to a residential neighborhood. Chair Ebel asked how Dead River would want the hours relaxed. Ms Thomas replied that the company would get trucks on the road between 6:30 and 7:30 AM. Ms Andrews recalled that the limit was placed in order to get the delivery trucks out before school opened. Chair Ebel opined that New London has a little "rush hour" in the morning aside from the school traffic. Mr. Wieland advised that Dead River had a truck delivering oil in New London during the day. PB member Ballin asked if there were any other businesses with delivery restrictions. He opined that, if there were not, the restriction would seem to be discriminatory. Chair Ebel opined that 8:30 AM might be more appropriate. Mrs. Conway advised that C. B. Coburn did not open until 9:00-9:30 AM.

Ken McWilliams reminded the PB that the matter before the PB was whether or not to require SPR. He read the provisions of Article III. C. of the Site Plan Review Regulations that cite the reasons for requiring SPR. He noted that there would be changes to the traffic flow and the proposed paving could result in drainage changes. PB member Conly pointed out that it was also a change from retail space to office space. PB member Andrews opined that the change to office space would be a change to a less intense use. Mr. Conly opined that if the space were to later go back to retail space, the change would have to be reviewed by the PB. PB member Ballin opined that the change in use from retail to office space warranted SPR. Fire Chief Peter Stanley advised that if SPR were to be waived, the Fire Department would want the decision to be contingent upon compliance with all state and local fire codes. He stated that there were issues that needed to be addressed. He also stated that the Fire Department prefers trucks to be parked on a level surface, not on a hill where a truck could break free. Mrs. Conway responded that she wanted to bring the hill down to ground level. Fire Chief Stanley replied that he was talking about parking along the hill on the driveway.

PB member Ballin asked if compliance with the "green space" requirement would change in the proposed plan. Mr. McWilliams advised that prior approval already encroached on the required green space. He added that there were also perimeter landscaping requirements to be considered. He pointed out the impact of the 10-foot setbacks. He noted that the applicant was looking to increase the encroachment onto the "green space". PB member Andrews pointed out that the PB's desire for green space all around a property. Mr. McWilliams said that on two sides of the property the perimeter green had already been reduced by half of the required amount.

Mr. McWilliams reported that at the afternoon meeting of municipal department heads, Richard Lee, New London Road Agent, said that the proposed additional bath might require an additional sewer hook-up. Mr. Lee also advised that there was a sewer line that ran behind the building and he would not want delivery trucks to park over the sewer lines.

Chair Ebel opined that a SPR should be required. PB member Andrews said that she had no problem with the proposal since the property was located in the Commercial District; however, she also opined that a SPR would be in order. She asked if the PB needed to direct the applicant to define a truck parking space on the plan. Chair Ebel asked the applicant if she would object to doing so. Mrs. Conway replied that parking would not be a problem.

PB member Ballin advised that the applicant needed to provide parking for the rental apartments. He cautioned that future renters might not be gone all day and their cars might occupy parking spaces all day. Mr. Ballin opined that it would be exclusionary to set time limits or require a specific parking space for delivery trucks. He said that there were no such limits for trucks making other random deliveries. He opined that a SPR would clarify the situation. PB member Cook said that the trucks should not park on Main Street; rather, they should go around to the back of the building. Fire Chief Peter Stanley agreed and cited an existing problem with a large propane delivery truck that parks on the Main Street and obstructs the travel way. He opined that fuel delivery trucks were not the same as other delivery trucks inasmuch as their contents were hazardous; therefore, they should not be parked on the street.

Chair Ebel said that the PB needed to determine whether or not to direct the applicant to have a designated parking space for the delivery trucks. She took a sense of the PB, and the consensus was that there should be a designated space. PB member Conly opined that it was especially important due to the nature of the product. He said that it was a safety issue.

It was **MOVED** (Cook) and **SECONDED** (Conly) **THAT A SITE PLAN REVIEW BE REQUIRED FOR A PROPOSED CHANGE IN USE FROM RETAIL TO OFFICE SPACE AT 374 MAIN STREET (TAX MAP 84, LOT 3). THE MOTION WAS APPROVED UNANIMOUSLY.**

Ken McWilliams briefly reviewed with Mrs. Conway the procedures and timetable to be followed in preparation for SPR by the PB.

II. ELECTION OF OFFICERS

Chair Ebel opined that it would be inappropriate to elect officers prior to the Board of Selectmen appointing individuals to serve on the PB for the ensuing year. Other PB members agreed by consensus. It was decided that officer elections would be postponed until the appointments for the next term were made.

III. DRAFT COPIES OF MASTER PLAN MAPS

Ken McWilliams distributed a memo regarding the draft maps for the Master Plan. He advised that there were nine draft maps: (1) Base Map, (2) Community Facilities Map, (3) Community Utility Infrastructure Map, (4) Natural Resources, Trails & Conservation Land Map, (5) Water Resources #1 Map, (6) Water Resources #2 Map – Groundwater Resources & Potential Threats, (7) Current Land Use Map, (8) Agricultural Soils Map, (9) Development Constraints Map. He advised that he would leave a complete set of the draft maps referred to in his April 10, 2007 memo with Amy Rankins in the town assessing office, and he encouraged PB members to make time to review them in anticipation of discussion by the PB.

IV. REVIEW & DISCUSSION OF RECOMMENDED TABLE OF CONTENTS FOR THE SITE PLAN REVIEW REGULATIONS

Chair Ebel said that she had a problem with putting the definitions at the end of the document. Ken McWilliams suggested making the definitions Article II. PB members Andrews, Cook, and Conly agreed.

Chair Ebel commented that putting the section on Home Business before other sections seemed strange. PB member Cook agreed. Mr. McWilliams replied that often Home Business requirements got lost behind everything else; however, most individuals seeking approval for a home business came in to get guidance from him. Chair Ebel noted that usually the applicants for home businesses were individuals, so perhaps putting the requirements up front would make the regulations more user-friendly. She said that, in contrast, most applications for Site Plan Review involved professionals, e.g., engineers, who could work through the requirements more easily. PB member Cook asked Mr. McWilliams what percentage of the applicants for a home business came in to meet with him. Mr. McWilliams replied that most all of them received guidance. Zoning Administrator Peter Stanley opined that the changes proposed in the Site Plan Review Regulations would engender more questions. He agreed to pulling them forward.

Mr. McWilliams said that he would revise the draft Table of Contents for PB consideration.

V. DRAFT SUBDIVISION REGULATIONS – Continued Review and Discussion

PB member Hollinger joined the PB at this point in the meeting.

Ken McWilliams advised that the draft revision contained lots of changes. He said that there were many in the processing and more responsibility was put on the applicant in writing. He said that the revisions also included major storm water and sediment and erosion control requirements in keeping with the low impact development (LID) concept. He said the concern was about there being not enough soil or the wrong time of soil for water to drain properly. He advised that LID recommended treating drainage at the source, infiltrating as much as possible and dissipating as much as possible. Mr. McWilliams opined that the LID concept would be a real learning experience for everyone, as it was such a great change from current practices. Chair Ebel said that the LID concept was developed in Maryland and there was some question about how well it could be applied in New Hampshire.

Chair Ebel advised that the articles that Mr. McWilliams had distributed to PB members back in July 2006 were very informative. She also advised that information provided by the University of New Hampshire Stormwater Management Center was very good. Mr. McWilliams said that the NH OEP was integrating information from the UNH Stormwater Management Center into NH DES regulations. He also advised that the New Hampshire planners' conference would include a presentation by the Stormwater Management Center and a tour of that facility with demonstrations of various techniques. Chair Ebel opined that information from the conferences that Mr. McWilliams planned to attend could result in proposed changes to the Subdivision Regulations.

Chair Ebel encouraged the PB to consider seeking opinions other than those of civil engineers. She asked who did environmental engineering. Mr. McWilliams suggested that Eileen Pannetier. Zoning Administrator Stanley suggested that the UNH Stormwater Center might be able to recommend qualified individuals.

Chair Ebel then directed the PB's attention to a review of the draft Subdivision Regulations. PB member Ballin asked what the hurry was in regard to revising the Subdivision Regulations. Chair Ebel replied that the PB has been delaying the Master Plan update pending approval of the revisions to the Subdivision Regulations and that due to budget problems several months ago, the review had already been delayed for a long time.

Chair Ebel advised that a global "find and replace" should be employed to replace "New London Sewer Commission" with "Department of Public Works".

Page 1 - SECTION I. C. PURPOSE: Chair Ebel asked if there was a better word than "promote" that could be used in the first line. Ken McWilliams suggested "provide". All agreed.

Page 2 - SECTION I. C. PURPOSE, 10: PB member Ballin asked if this would open the PB up to a requirement for the Town to have maps of wintering yards, etc., available. Mr. McWilliams reviewed what was available already in regard to wintering yards, wildlife corridors, and vernal pools.

Page 4 – SECTION II. G. 1: Chair Ebel asked if "Town Inspector" was a defined term. If not, the capitalization should be removed. Zoning Administrator Peter Stanley opined that it should be "Town Inspector

as designated by the PB". Mr. McWilliams said that he would replace "Town Inspector" with "inspector for the town" as designated by the PB.

Page 4 – SECTION II. H. INSPECTION SERVICES: Chair Ebel asked if the "cost of the inspection services" should include the concept regarding the cost of a town employee's time. Mr. McWilliams responded that the term "outside" had been removed as a descriptor of the type of inspection services. In the draft revisions, there is no difference between "inside" and "outside" services; both are to be reimbursed. Chair Ebel stated that from a financial standpoint, that was an overdue change to the regulations because some projects required so much inspection time by the road agent or the zoning administrator.

Page 9 – SECTION III – DEFINITIONS: Chair Ebel asked how the Zoning Ordinances were cross-referenced. She asked what would happen if the definitions did not agree. Mr. McWilliams said that they should agree. Chair Ebel said she saw several instances in which they did not, such as the term "Abutter". Mr. McWilliams said that he would double check everything. He said that the Zoning Ordinance contained regulations regarding condominiums and collective ownership that were not, but should be, in the Subdivision Regulations. Chair Ebel opined that there needed to be a statement regarding if the definition was not in the Subdivision Regulations, refer to the Zoning Ordinance for the definition.

Chair Ebel asked if the definition of "Abutter", as presented, was commonly accepted.

Page 10 – SECTION III – DEFINITIONS: Chair Ebel suggested changing 3. Basin, Detention to 3. Detention Basin and 4. Basin, Retention to 4. Retention Basin. She questioned using "rainfall" to describe runoff in 3. Detention Basin because there were other types of runoff. It was agreed to delete "rainfall".

Chair Ebel recommended that all regulatory citations contained in the draft be verified for accuracy.

Page 10 – SECTION III – DEFINITIONS: PB member Andrews asked if the regulation really needed to define "Deciduous". Ken McWilliams replied that there were many different definitions used by landscapers. He said that many of the recommended definitions arose from landscape storm water management.

Page 12 – SECTION III – DEFINITIONS: 21. Ornamental Tree – PB member Andrews asked if they must all be deciduous. She asked why an ornamental tree could not be an evergreen. Mr. McWilliams said that the definition went back to the Landscaping Ordinance for Stormwater Retention Areas.

Page 12 – SECTION III – DEFINITIONS: 34. Surveyor or Engineer - Zoning Administrator Peter Stanley recommended that "registered" be replaced with "licensed". All agreed.

Page 13 - SECTION IV – APPLICATION PROCEDURES - A. 1. Conceptual Consultation Phase. Chair Ebel recommended inserting "or designee" after "Town Planner" in the next to the last sentence. Mr. McWilliams advised that he would do a global replacement of "Town Planner" by "Town Planner or designee".

Mr. McWilliams reminded the PB that New London voters had approved a requirement that all subdividers must come to the PB for a Preliminary Site Plan Review. That major change has been incorporated into the Subdivision Regulations revisions.

Page 14 – SECTION IV – A. 3.b. Filing of Final Application – Chair Ebel asked if the filing requirement of 15 days needed to be cross-referenced in subsequent sections. She also asked if there was a need to state abutters "located within 200 feet". Mr. McWilliams responded that it emphasized what an "abutter" was.

Page 15 – SECTION IV – A. 3.d. Payment of Fees and Notification Costs - Chair Ebel questioned the applicant's failure to meet filing requirements. She opined that if the applicant didn't file 15 days ahead of a Preliminary SPR, the PB would not deem an application complete. Mr. McWilliams responded that the regulations would require an application to be complete by the Preliminary SPR in order to be placed on the PB agenda. Chair Ebel opined that confusion arises from use of the term "deem". Mr. McWilliams said that the list of requirements for a Preliminary SPR differed in detail from those required for Final SPR, but they must be complete. Chair Ebel recommended using a different term.

PB member Andrews asked if the regulations gave the PB any leeway regarding the determination of completeness. Mr. McWilliams responded that the PB had flexibility and could grant waivers. PB member Andrews opined that the PB could refuse to review an application if it were not submitted on time. Mr. McWilliams advised that the PB could waive any requirement contained in any of the regulations that the PB approves; however, compliance with the Zoning Ordinance could not be waived by the PB. PB member Conly said that Mr. McWilliams would see the application first and would offer guidance to the applicant.

Page 15 – SECTION IV – A.3.e. Town Departments & Agencies Review & Meeting – Chair Ebel pointed out that an introductory sentence was needed before the listing of departments. Discussion ensued in regard to keeping KRSD on the list. The PB agreed to leave it on the list.

Page 16 – SECTION IV – A. 3.g. Public Hearing on Application; Time Limits – PB member Andrews asked if the time limit had been changed from 90 days to 65 days. Ken McWilliams replied that there had been a change in the State regulations. He advised that New London had never had a problem with the time limits.

Page 22 – SECTION IV – B. MINOR SUBDIVISIONS Chair Ebel noted that the filing deadline requirements were mentioned multiple times throughout the draft in varying degrees of detail and that it could be confusing. She asked if there should be one place where the filing requirements were presented that could be referenced, rather than multiple statements throughout the document. Mr. McWilliams replied that having the filing requirements clearly outlined in each section made it easier for the applicant. Chair Ebel reiterated that the statements varied and were not all complete. Mr. McWilliams agreed that the wording should be consistent. He said he would check to be sure that the statements were consistent.

Page 22 – SECTION IV – C. 3. Payment of Fees and Notification Costs: Final Sentence – insert “for” between “reviewers” and “the Planning Board”. The phrase would then read “reviewers for the Planning Board”.

Page 23 – SECTION IV – C. 6. Distribution of Copies: PB member Andrews questioned the use of the word “Purported”. Mr. McWilliams confirmed that it was the correct terminology. He said that the regulation could define the term.

Page 25 – SECTION V – A. 2. Final Subdivision Application - Impact Assessment re scattered and premature development and off-site improvements. Chair Ebel said that the on-site and off-site impact assessment requirements should be aligned. Item 6. Any requests for waivers presented in writing including the rationale for the waiver(s). It was recommended that the waiver request(s) specifically cite the Article and Section of the Regulation for which the waiver is sought. Item 7. Maps – It was recommended that the applicant be instructed to submit one map suitable for photocopying and no larger than 11”x17”.

Page 26 – SECTION V – A. 7.a.4) and A. 7.a.6) – Chair Ebel recommended that “wetland buffers” be added to the lists of items to be shown on the maps.

Chair Ebel assigned the next 30 pages of the draft revisions to the Subdivision Regulations to PB members for homework.

VI. OTHER BUSINESS

A. The MINUTES of the MARCH 13, 2007 MEETING of the PLANNING BOARD were APPROVED, as circulated.

The **MEETING** was **ADJOURNED** at **10:04 PM**.

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

DATE APPROVED _____

CHAIRMAN _____

