

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
May 23, 2006**

PRESENT: Karen Ebel (Chairman), Sue Ellen Andrews, Dale Conly, Celeste Cook, Jeff Hollinger, Sue Clough (Selectmen's Representative), Ken McWilliams (Planner)

ABSENT: Tom Cottrill

Chairman Karen Ebel called the **MEETING TO ORDER** at 7:32 PM.

I. PAUL & LINDA MESSER – Final Annexation

(Tax Map 123, Lots 27 & 28)

Paul and Linda Messer were present. Mr. Messer briefly reviewed the prior history of the proposed annexation. He advised that the plan would give additional land to the smaller, non-conforming lot, while retaining adequate acreage for the lot with the farmhouse. Mr. Messer described a small change in the proposed boundary line and identified its location on the plan displayed. He also said that he had talked with abutter Frederick Ray and described Mr. Ray as pleased with the plan.

Chair Ebel asked Ken McWilliams if there had been any issues raised when the proposal was reviewed by municipal department heads. Mr. McWilliams responded in the negative.

It was **MOVED** (Conly) and **SECONDED** (Hollinger) **THAT THE FINAL ANNEXATION PLAN FOR TAX MAP 123, LOTS 27 & 28 BE APPROVED AS PRESENTED BY PAUL AND LINDA MESSER. THE MOTION WAS APPROVED UNANIMOUSLY.**

Mr. Messer presented the annexation Mylar for PB signatures and forwarding to the Merrimack County Registry of Deeds by the Town of New London.

II. BRUCE JOHNSON/HOWARD HOKE –Final Annexation

(Tax Map 37, Lot 18 & Tax Map 36, Lot 9)

PB member Sue Andrews recused herself from the Board.

Bruce Johnson and Howard Hoke were present. Mr. Johnson described the proposed annexation as "basically a land swap". He advised that he would get land to make his lot (Tax Map 37, Lot 18) more conforming and Mr. Hoke would get more frontage for his lot (Tax Map 36, Lot 9). Mr. Johnson pointed out the changes on the plan displayed.

Mr. Johnson also presented a letter from Douglas Sweet (Bristol, Sweet & Associates, Inc.) advising that approval by NH DES was not needed. In the letter, Mr. Sweet stated that he had reviewed the need for State Subdivision Approval for the project with Jim Falicon, a senior staff reviewer at DES, who agreed that, since State Subdivision Approval had been received for the remainder Marshall Hoke house lot (in 2005) and the shore parcel had been annexed to Howard Hoke's lot, which also had received DES approval (1990), and since the annexed pieces would not be used for sewage disposal, no further approval from DES was needed.

Chair Ebel and Ken McWilliams, Town Planner, read the letter presented and concurred.

It was **MOVED** (Cook) and **SECONDED** (Clough) **THAT THE FINAL ANNEXATION PLAN FOR TAX MAP 37, LOT 18 & TAX MAP 36, LOT 9 BE APPROVED AS PRESENTED BY BRUCE JOHNSON AND HOWARD HOKE. THE MOTION WAS APPROVED UNANIMOUSLY.**

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

Sue Andrews returned to the PB.

**III. CATE FAMILY NH REALTY TRUST – Final Minor Subdivision & Annexation
(Tax Map 103, Lots 1 & 2)**

Erin Darrow (Darrow Civil Engineering), representing the Cate Family NH Realty Trust, displayed plans and summarized the proposal for a combined boundary lot line adjustment and minor subdivision of 106.7 acres located along NH Route 103-A to create three lots: one containing 67.03 acres, one containing 34.29 acres, and one containing 4.81 acres. She advised that the latter would result in a 2.79-acre non-conforming lot becoming a conforming lot. Ms Darrow advised that NH Department of Transportation (DOT) driveway permits and a NH Department of Environmental Services (DES) permit regarding lots of less than five acres had been received and copies submitted to the PB. She stated that all of the proposed lots would meet New London Zoning Ordinance requirements.

Ms Darrow requested a waiver of the requirement for the topographic and high intensity soil surveys of the entire 106 acres. She stated that the plan demonstrated areas suitable for house locations on each lot. She advised that a High Intensity Soils Survey (HISS) had been conducted and all lots would meet regulatory requirements. She indicated on the plan the locations of test pits and driveways. She said that the plan presented was simply a more detailed version of the preliminary plan incorporating recommendations from the PB.

Abutter Shelby Blunt (700 Route 103A) requested, and received, clarification regarding the location of the southern lot. Abutter Harry Blunt (700 Route 103A) asked about the location of the driveway. Ms Darrow replied that it would be right in the middle of the wooded lot between the two houses. She said that use of the “yellow house” drive would be abandoned, as it does not meet NH DOT requirements.

Ms Darrow presented copies of the driveway permits for inclusion in the PB files. She reported that DES approval had been issued on May 23, 2006 and provided the DES Permit # SA2006007094.

Ms Blunt asked about the proposed house locations. Ms Darrow responded and explained that the existing “Hayward” lot of 2.79 acres would become 4.81 acres under the proposed plan. Ms Blunt asked if the minimum required lot size was four acres. Ms Darrow responded affirmatively. Ms Blunt asked about the proposed locations of the house and new driveway for the “yellow house” lot. Ms Darrow described the locations and said that the driveway would be in the vicinity of the stone wall. Mr. Blunt asked what other development was planned for the “yellow house” lot. Ms Darrow replied that only one house was currently planned, but all options were being evaluated. Mr. Blunt sought confirmation that the lot could be further subdivided. Ms Darrow replied affirmatively. Delavan Cate said that he and his wife would be living on one lot; however, there was enough land for each of the Cate siblings to have a lot. Ms Blunt asked Ms Darrow to outline the wetlands. Ms Darrow demonstrated the locations beginning with those receiving drainage from Interstate 89. She described that wetland as the “big one” with other smaller wetlands being located throughout. She said the plan had been designed so that there would be no increase in the amount or size of wetland area.

Abutter Carrie Harrison (853 Route 103A) asked about the land on the southern part near her property. Ms Darrow replied that the test pit had been dug approximately 90-100 feet from the property line for easy access. She said that there were no plans to build anything else at this time. Ms Harrison said that she hoped that the wildlife habitat would be retained so that those living in the area might continue to enjoy observing the plentiful and varied wildlife. Ms Darrow responded that the plan tried to minimize any impact, and she reiterated that there would be no impact on wetlands.

Ms Darrow was asked to recap the proposed lot sizes. Ms Darrow replied that the three lot sizes would be 4.81 acres, 67.03 acres, and 34.29 acres.

Ms Darrow stated that the applicant was requesting waiver of the Land Subdivision Control Regulations requirement for a Topographic Map as required by Section V-A:4.b. and a Soils Map as required by Section V-

A:4.c. of the entire area. In addition, she requested a waiver of the Monuments requirement Section VI.-J.1. She advised that the north property was very wet and wooded, and she opined that it would present a hardship for the owner to place 10-15 monuments that would be in the line of sight of one another by a standing person; rather, she would like to monument the corners and the midpoint of the longer sides. She said that the surveyor believed that such monuments would clearly define the lot. Ms Darrow opined that too many monuments could actually be confusing. She also said that adhering to the monument requirement would necessitate setting monuments along NH Route 103A and NH DOT would not be enthusiastic about that according to that agency's representative with whom she spoke briefly.

Chair Ebel asked about issues raised by municipal department heads. Ken McWilliams replied that no issues had been raised. Chair Ebel asked Zoning Administrator Peter Stanley if he had any comments. He replied that he would have no issue as long as all turns were bound. Ms Darrow reiterated that all corners of lot 103-1, 103-2, and 103-4 and the mid-points of the long sides would be monumented. She said that she preferred to have no monuments along NH Route 103A.

It was **MOVED** (Hollinger) and **SECONDED** (Conly) **THAT THE REQUEST FOR WAIVERS OF SECTION VI.-B.4., SECTION VI.-B.5, AND SECTION VI.-J.1. OF THE LAND SUBDIVISION CONTROL REGULATIONS BE GRANTED. THE MOTION WAS APPROVED UNANIMOUSLY.**

Chair Ebel asked Mr. McWilliams for comments. He advised that the PB must have the DES Permit, for which Ms Darrow had provided a permit number, in hand before a Mylar would be forwarded to the Merrimack County Registry of Deeds. Ms Darrow said that she would return to the next PB meeting with confirmation that the boundaries had been set and with the DES Permit. Mr. McWilliams advised that she could simply deliver the items to the PB office without having to attend another meeting.

Abutter Harry Blunt said that the "yellow house" lot had a deeded water easement or water right-of-way over his property to Lake Sunapee for a pipe from the lake for water. He wondered if that lot were to be subdivided, would all the new lots have the right to pipe water over the easement. He asked if that would be a PB issue or a Cate issue. Chair Ebel replied that she was not sure, but she did not recall the issue arising before. She opined that it would probably be a Blunt-Cate discussion item. Mr. Blunt opined that there were probably many older properties around the lake with similar easements, e.g., the Soo-Nipi Park Lodge water tower. He suggested that it could become an issue if water problems were ever to arise.

It was **MOVED** (Clough) and **SECONDED** (Andrews) **THAT THE FINAL MINOR SUBDIVISION & ANNEXATION OF TAX MAP 103, LOTS 1 AND 2 BE APPROVED AS PRESENTED BY THE CATE FAMILY NH REALTY TRUST. THE MOTION WAS APPROVED UNANIMOUSLY.**

IV. ROBERT KNIGHT – Final Site Plan Review: Add Parking (Tax Map 126, Lot 13)

Stephen Jesseman (Jesseman Associates, PC) appeared on behalf of Robert Knight to present a plan for added parking at 75 Seamans Road.

Mr. Jesseman said that he understood that Richard Lee, New London Town Road Agent, requested that the cars that were parking along the street in front of the apartment house be removed. Mr. Jesseman added that at the time of the request, it was believed that the cars and the sidewalk in front of the building were on town property; however, a subsequent survey revealed that the sidewalk was actually on Knight property as the town property line was found to be right at the edge of the pavement. Mr. Jesseman advised that Mr. Knight still agreed with the idea of moving the cars and was proposing to narrow the drive and locate parking at a right angle. He pointed out on the plan the proposed parking for six cars with green planting between the parking spaces and the sidewalk. He said that Mr. Knight was willing to let the sidewalk remain. Mr. Jesseman opined that the possibility of moving parking to the rear of the building was eliminated because of the location of a sewer manhole and the steep slope behind the building.

Chair Ebel asked if the parking re-design would necessitate taking down a large tree. Mr. Jesseman replied that one tree would be removed; however, one large tree would remain. He said that the tree to be removed was not healthy anyway. Ken McWilliams advised that the proposed parking plan would be getting closer (20 feet) to Seamans Road than the 25-foot perimeter setback for landscaping; however, the result would be much better than the existing situation. He reported that Road Agent Lee opined that it would be a positive change.

PB member Clough stated her approval of additional greenery, and said she hoped there would be a hedge or something in the area of the broken down fence. She asked if there would be any way to prevent continued parking in the "old" spaces. Mr. Jesseman replied that Mr. Knight would need to include parking in rental agreements or tell his tenants that they must use the new parking. Chair Ebel suggested that he could put up "No Parking" signs. Mr. Jesseman suggested that the town could post "no parking". He said that the proposed plan would provide adequate parking, which would be a change from the past, and Mr. Knight would be able to force the tenants to use it.

It was **MOVED** (Conly) and **SECONDED** (Andrews) **THAT THE FINAL SITE PLAN REVIEW:ADD PARKING AT 75 SEAMANS ROAD, TAX MAP 126, LOT 13, BE APPROVED AS PRESENTED BY STEPHEN JESSEMAN ON BEHALF OF ROBERT KNIGHT. THE MOTION WAS APPROVED UNANIMOUSLY.**

**V. DRS. PHIPPS, BAKER, & GUTGSELL & G. McSWINEY – Preliminary Site Plan Review
(Tax Map 84, Lots 55 & 56)**

Sue Clough recused herself from the PB.

Ross Stevens (Stevens Engineering) announced that Graham McSwiney had withdrawn his participation and was no longer seeking improvements to 280 Main Street (Tax Map 84, Lot 56).

Mr. Stevens advised that the change had developed so recently that he had not had time to prepare an entirely new presentation for PB consideration. He displayed what he termed a "crude sketch" plan of the new proposal. He said that the plan now was to have a driveway on the dentists' lot. He said that initially he had proposed a 14-foot wide paved surface; however, at the meeting with municipal department heads, the paved surface had been increased to 16-foot wide in order to permit two cars to pass one another. Mr. Stevens said the driveway would be curbed all along and retained on the building side. He said the plan included on-street parking consisting of two standard parking spaces and two handicapped-accessible parking spaces. He said that he would have to reconfigure the 25 parking spaces behind the building to accommodate the changed access/egress.

PB member Cook asked if the area where the proposed drive would be constructed was the area with all the trees. She asked if the trees would have to go. Mr. Stevens replied that there was a great deal of brush to be removed and that he would have to reconfigure the parking spaces.

Chair Ebel advised that she had spoken with Town Administrator Jessie Levine regarding the handicapped accessible spaces. She asked the dentists if they were "wedded" to having two such spaces. Dr. Gregory Gutgsell responded that he thought two would be good so that one would be empty at all times for EMS access. He opined that they would not always be full of dental patients. PB member Andrews questioned his wanting two spaces, if only one would be used. Dr. Gutgsell replied that sometimes both would be used. He reiterated that he thought handicapped-accessible parking and access for emergency vehicles were important. He opined that the dental business was more likely than other businesses in the area to need emergency services. PB member Andrews asked how many times his office had actually needed emergency services. Dr. Gutgsell replied once, maybe twice. Chair Ebel stated that she preferred one space, but if it didn't work, the issue could be revisited. She said that Town Administrator Levine didn't seem to care whether there were one or two spaces; but if it were two, one should be located closer to the library. Fire Chief Peter Stanley advised that the proposed new driveway would provide excellent access for emergency vehicles, where none had been available previously; therefore, he opined that one handicapped accessible space would be sufficient. He opined that

there would be better access all around and access to Main Street would be easier than the previously proposed access via Lovering Lane. Chair Ebel asked the dentists if they were still interested in installing an elevator. Dr. Gutgsell replied that they had not been able to locate an elevator in a place that would serve all parties without traffic having to pass through someone's office; however, he would like to have the plan for one approved.

Mr. Stevens asked if the PB had any concerns regarding the number of parking spaces versus the amount of green space on the plan. He said that at the last meeting this concern had been expressed. Dr. Gutgsell said that he had looked at the yard just that day, and he opined that parking could not be reduced for green space and still provide the 25 required parking spaces. Chair Ebel stated that she did not recall that being seriously suggested at the last meeting considering the parking issues. Dr. Gutgsell disagreed. No PB member recalled specifically making the suggestion. PB member Hollinger observed that the entire rear yard would be a parking lot. PB member Cook asked if the parking area needed to be paved. Mr. Stevens replied that paving would be required in order to accommodate a drainage detention system and striping. PB member Andrews commented that some green space might be gained along the corners of the rear yard. Mr. Stevens said that some green space would be lost due to the driveway.

Abutter Douglas Fraize (149 Barrett Road) stated that he was concerned about privacy with cars going in and out of the parking area and runoff from the parking area onto his property. Mr. Stevens responded that the drainage proposed would eliminate runoff. He also said that a buffer of trees would protect abutters' privacy. Abutter Rosemari Bernard (149 Barrett Road) responded that trees would lose their leaves and then there would be nothing to protect privacy. PB member Cook asked if there would be any buffer along the Tracy Memorial Library side of the property. She was very concerned about any possible negative impact on the library gardens that had been reconstructed at considerable expense. Mr. Stevens replied in the negative. He said that there already was a row of maples and a stone wall and that no one had mentioned screening between the parking area and the library. PB member Andrews opined that the final plan should show the species to be used for screening. Chair Ebel asked the PB if evergreens were preferred over deciduous trees. PB members Hollinger and Cook responded affirmatively.

Chair Ebel asked about lighting in the rear of the building. She recalled that the dentists had previously stated that there would be only one light and that it would be located on the building near the rear door and that the light would not be on all night. Dr. Gutgsell responded that no additional change in lighting was contemplated. Abutters Fraize and Bernard appreciated this.

Mr. Fraize asked if there could be some requirement that would prohibit emptying of the dumpster at or before dawn. Dr. Gutgsell said that he did not anticipate early morning pick ups, but that this concern could be taken care of. PB member Andrews asked about the required setback from the edge of the property. Mr. McWilliams replied that the setback requirement in the Commercial District was 10 feet. Mr. Stevens said that he had, at prior meetings, discussed with the PB keeping within the limits of the existing parking area. Ms Andrews advised that the dentists should try to respect buffering as much as possible along the border with abutting residential properties.

Abutter Bill Clough said that in previous discussions with the PB, Mr. Stevens had indicated that the drainage was intended to be an underground storage system passing through the McSwiney property to Lovering Lane. Mr. Clough asked what would happen now that Mr. McSwiney had decided not to participate. Mr. Stevens replied that there was no plan to change the existing drainage. He said drainage would still go toward Lovering Lane. He advised that the parking area would be paved and curbed and drainage would be attenuated by putting it in a detention system. Sue Clough asked about installing underground drainage. Mr. Stevens replied that he would have to discuss with Mr. McSwiney whether he'll permit a pipe to cross his property. Ms Clough asked if, without a pipe, the drainage would be sheet flow. Mr. Stevens replied affirmatively.

Abutter Graham McSwiney asked how close the driveway would be to the house. Mr. Stevens replied "three feet". Mr. McSwiney asked what would happen to the trees. Mr. Stevens replied that he didn't know if driveway construction would kill the trees. He also said that they may not want to screen with evergreens. Chair Ebel encouraged the parties to talk with each other and try to come to an agreement.

Chair Ebel asked the PB if members were happy with there being one handicapped accessible space in front of the building. PB member Cook asked what the regulation was regarding parking along Main Street. Mr. Stevens responded that the municipal department heads seemed to want a uniform 11-foot travel surface and uniform on-street parking. Dr. Gutsell said that there did not appear to be legal parking spaces on Main Street. He advised that the town wanted to continue extending the sidewalk and curbing in that area. Chair Ebel responded that there had been some confusion at the previous meeting as to whether or not parking was legal in front of the building. She confirmed that it was legal, except during snowstorms, but it just had never been striped.

Chair Ebel asked if there would be any difficulty getting a driveway permit from the NH Department of Transportation (DOT). Mr. Stevens replied that DOT preferred Lovering Lane; however, a driveway on the property had been discussed as an alternative and he anticipated NH DOT would approve the request.

PB member Hollinger asked Mr. Stevens if he would have a final decision regarding the drainage by the PB's second meeting in June when he was requesting a Final SPR. Chair Ebel advised Mr. Stevens and the dentists to be pro-active in regard to talking with the library and other abutters. The response to both questions was affirmative.

Sue Clough returned to the PB.

VI. TOWN OF NEWLONDON/VOELLMANN – Concept Annexation
(Tax Map 93, Lot 14 & Tax Map 105, Lot 11)

Ken McWilliams advised that the Voellmanns would not be presenting a concept annexation. He said that Zoning Administrator Peter Stanley had suggested that the town could get an easement for an access trail to the pond and the Selectmen write a letter to NH DES re permitting the Voellmanns' dock to come closer to the town boundary. Mr. McWilliams said that the Voellmanns would meet with the NL Board of Selectmen and with the NL Conservation Commission. Zoning Administrator Stanley opined that New London should encourage access to the pond by foot traffic only.

VII. OTHER BUSINESS

A. SUSAN FITZGERALD – TREE CUTTING REQUEST (Tax Map 91, Lot 22)

PB member Dale Conly presented a request by Susan Fitzgerald to remove three small (less than 12-inch diameter) black birches located within the 50-foot buffer at 112 Herrick Cove Lane. He said that Ms Fitzgerald had initially wanted to remove several trees, but she had agreed to remove only the three trees leaning over her dock and to planting three blueberry bushes to replace each tree removed.

Zoning Administrator Stanley advised that the property owners had whacked well over 50% of the trees on the lot a number of years ago. He said that more than 50% of the basal area between the house and the road had been removed. He said that he had reported the matter to the State; however, the State had done nothing to enforce its shore land protection regulations.

It was **MOVED** (Andrews) and **SECONDED** (Cook) **THAT THE REQUEST TO REMOVE THREE BLACK BIRCHES LOCATED WITHIN THE 50-FOOT BUFFER AT 112 HERRICK COVE LANE BE APPROVED AS PRESENTED, SUBJECT TO THE REPLACEMENT OF EACH TREE REMOVED BY THREE BLUEBERRY BUSHES. THE MOTION WAS APPROVED UNANIMOUSLY.**

B. MINUTES of the MAY 9, 2006 MEETING were APPROVED, as circulated.

C. DRIVEWAY REGULATIONS – Zoning Administrator Peter Stanley advised that he had discussed the existing driveway regulations with the Board of Selectmen inasmuch as the regulations allow encroachment

without any oversight, e.g., building driveways on steep slopes or filling wetlands. Mr. Stanley opined that there were many violations. He opined that additional regulations should be adopted to address the issue.

Chair Ebel asked Ken McWilliams what the process would be. Mr. McWilliams replied that the issues had been discussed in the late 1980s at which time people had opined that once on private property, there was no need to regulate private property rights. He advised that the PB would have to draft regulations and hold one hearing. He opined that the results might be different now that the zoning regulations address the issues of steep slopes and wetlands.

PB member Conly opined that the majority of problems arise from the construction of driveways, not house construction. Zoning Administrator Stanley said that the owners of the former Granger property were now proposing to construct a driveway in the location where the road was proposed. He said that he believed that he had convinced them to hire someone to design their driveway to minimize the impact.

Chair Ebel said that it had not been a huge issue in the past; however, there were several projects that would be coming before the PB. PB Cook noted that there was nothing in the regulations to guarantee access by fire equipment or emergency equipment.

Chair Ebel asked if Mr. Stanley wanted to make suggestions to Mr. McWilliams. Mr. Stanley replied that he could outline the issues, but Mr. McWilliams would probably be able to come up with some model regulations. He listed, as examples of issues, drainage, not crossing steep slopes, identifying wetlands and drainage and all that are culverted. Mr. McWilliams asked if the driveway regulations would take precedence over the Site Plan Regulations and the Land Subdivision Regulations. Chair Ebel replied that the driveway regulations should not take precedence for any substantial time; however, if the driveway regulations would consume only a few hours, that would be acceptable.

PB member Clough asked Zoning Administrator Stanley to compare paved versus unpaved parking for the dentists. She noted that enclosed drainage would go down Lovering Lane; otherwise, it would exit as sheet flow onto the McSwiney property. She said that the enclosed drainage would depend upon McSwiney granting an easement for a pipe to cross his property.

The **MEETING** was **ADJOURNED** at **9:15 PM**.

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

DATE APPROVED _____

CHAIRMAN _____