

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
JANUARY 8, 2008**

MEMBERS PRESENT: Karen Ebel (Chairman), Dale Conly, Tom Cottrill, Jeff Hollinger, Alternate Michele Holton, Alternate Deirdre Sheerr-Gross, and Kenneth McWilliams (Planner). Larry Ballin (Selectmen's Representative) arrived at 7:35 PM and Celeste Cook arrived at 8:00 PM.

MEMBER ABSENT: Michael Doheny

Chair Karen Ebel called the **MEETING TO ORDER** at 7:30 PM. Chair Ebel asked Alternate Michele Holton to sit in for Celeste Cook and Alternate Deirdre Sheerr-Gross to sit in for Michael Doheny.

I. PUBLIC HEARING ON ZONING AMENDMENTS PROPOSED BY THE PLANNING BOARD FOR CONSIDERATION OF THE VOTERS IN MARCH 2008

Chair Ebel opened the Public Hearing by outlining the procedures to be followed in discussing the proposed amendments. She advised members of the audience that copies of the proposed amendments had been made available on the town website and in the selectmen's office. She ascertained that everyone in the audience had a copy of the proposed amendments and if there were specific amendments of interest to members of the audience. Chair Ebel advised that the document showed the changes to specific zoning amendments by a combination of **highlighting** the proposed new language and ~~striking out~~ the existing language to be deleted.

Chair Ebel said that, if there were no objections, she would dispense with the reading aloud of each proposed amendment. Hearing no objection, she proceeded with the hearing.

- A. **AMENDMENT NO. 1 – ARTICLE III Definitions**. The amendment proposes to revise and clarify what structural improvements are included in the definition of "Alter" and, thereby, to clarify the improvements which are subject to a building permit.

PB member Sheerr-Gross asked if changes in window placement, changes in siding, and changes in roofing were included because they were structural changes. Mr. McWilliams responded that they were all changes that would require a building permit.

PB member Holton asked if anything that created a change in value would be included in the definition. Mr. McWilliams replied that references to changes in value had been a part of an earlier version.

PB member Sheerr-Gross asked if the object was to raise revenue. She asked who would evaluate structural change and what standards would be used. PB member Ballin responded that the Zoning Administrator, who had the responsibility for issuing building permits, would make the determination on a case by case basis. PB member Conly said that the amendment sought to advance Article XXV Enforcement. Ken McWilliams quoted from the proposed amendment those instances in which "Alter" would impact.

Chair Ebel advised that the amendment had been requested by the Board of Selectmen, the town assessors, Zoning Administrator Peter Stanley, and the Town Administrator Jessie Levine. She said that the existing definition of "Alter" was insufficient for the people who had to work with it; therefore, there was a need to expand the definition.

PB member Holton opined that although some renovations had gone unnoticed, there was no wholesale "cheating" by property owners. She opined that the proposed definition was intrusive. PB member Ballin said that there were substantial internal property renovations that were not being picked up for tax purposes. He said that the genesis of the proposed change in the definition was taxation fairness, and cited significant kitchen renovations as an example of the type improvements that were being made with no adjustments to assessed valuations. He said that the discussion grew from that point.

Resident Matthew Bemis (10 Buker Way) opined that the proposed change would be very “over-reaching” and would result in more government involvement, more bureaucracy. He opined that more permitting, more paper-pushing, and more administration would increase costs to the town. He asked about addressing the issue on the basis of “value”. PB member Ballin responded that a lot of value was the result of “sweat equity”. He advised that the Zoning Board of Adjustment has struggled with trying to put a value on that type of labor. PB member Conly reiterated that the issue was fairness in determining assessed valuation. Mr. Bemis opined that “any re-arrangement” of rooms seemed vague and seemed to leave a lot to the judgment of officials.

Resident Terry Dancy (525 Hall Farm Road) opined that there was some precedent inasmuch as on waterfront property, the replacement of a wall with different materials required a permit on the state level because of wetland regulations. Kitty Wilson (296 Lamson Lane) opined that the wording that would be replaced was very similar, albeit with less detail.

Chair Ebel spoke in support of the town employees. She said that Zoning Administrator Stanley and Town Administrator Levine felt very strongly about the proposed amendment, as well as the town assessor. She said that she was sorry that neither of them was at the hearing to speak to the matter. She reiterated that her impression was that the Board of Selectmen supported the amendment.

PB member Holton said that she had been surprised to find a current MLS sheet in a tax file. She asked if there was so much change in town wouldn't there be more. PB member Hollinger asked how often a property was re-assessed. PB member Ballin replied that every property was scheduled for a visit by the assessors every five years. Resident John Wilson (296 Lamson Lane) requested, and received, confirmation that the five-year visit was a physical visit to the property being re-assessed.

Chair Ebel opined that the reference to the internal re-arrangement of rooms was structural and seemed to be covered by the existing definition of “alter” anyway. She said in many ways, the amendment was a clarification of the existing definition. She said that she would be willing to take the proposed amendment to a second hearing; however, she didn't know what language should be proposed. She advised that at the second hearing, no additional changes could be made to the wording because of the time limitations regarding notices to the public before voting on the amendments.

PB member Sheerr-Gross opined that the issue seemed to be revenue, and she asked if five years between physical visits to properties provided too much lag time. Chair Ebel responded that the town really wanted to capture changes. Ms Sheerr-Gross said that including roofing, siding, and moving windows could be an issue, but certainly the town would want to capture high value kitchens, etc. PB member Ballin asked about deleting everything after “. . . foundation” in the proposed amendment. He said that he would be very comfortable with amending the proposed definition to that effect. Chair Ebel pointed out that replacement of siding and roofing with like functional material would be exempt anyway, if that was the objection. Ms Sheer-Gross asked what list of values would be used. She opined that changes to the outside of a building were obvious. PB member Holton asked how much of a problem it was. Chair Ebel replied that the town administrators really wanted to capture siding changes. PB member Conly reiterated that the town only wanted to be informed about changes in the value of properties for purposes of taxation equity. PB member Cottrill asked who would decide the comparable values of siding and roofing. Chair Ebel said that knowing about improvements would benefit the tax basis.

Mr. Bemis opined that the town was looking over the property owner's shoulder and wanted to know every little thing that happened. PB member Ballin advised that the town's interest was a function of collecting equitable taxes.

It was **MOVED** (Conly) and **SECONDED** (Cottrill) **TO PLACE THE PROPOSED AMENDMENT NO. 1 ON THE BALLOT FOR CONSIDERATION BY THE VOTERS IN MARCH 2008**. The **MOTION** was **APPROVED BY A VOTE OF 4 in favor** (Conly, Cottrill, Ebel, Sheerr-Gross) **2 opposed** (Hollinger, Holton).

Chair Ebel advised that if a requirement were found to be onerous, the regulation could be changed at a future time. In response to a question raised by Mr. Bemis, she further advised that the PB had been working on the amendments since September 2007 in a totally public manner.

- B. AMENDMENT NO. 2 – ARTICLE III Definitions** The amendment proposes to revise Article III Definitions: 110. “Right-of-Way” to clarify the width for undefined private Rights-of-Way for measuring setback requirements.

Resident Matthew Bemis said that it appeared that anyone who had a private right-of-way would have a 40-foot-wide requirement imposed upon him. He said that his right-of-way in the Eagles Nest subdivision was not defined and he was worried about the need to have a 40-foot swath.

PB member Ballin advised that the amendment was intended to address old gravel rights-of-way on properties near lakes. Ken McWilliams explained that it would apply to undefined rights-of-way, not those identified by plans, meets, or bounds. He advised that subdivision plans defined rights-of-way. He advised Mr. Bemis that the approved plan for the Eagles Nest subdivision would define the right-of-way relating to his property. A brief discussion ensued regarding whether a plan that Mr. Bemis had was the final subdivision plan approved by the PB. Mr. Bemis asked about the impact on an additional sewer easement on his property. Mr. McWilliams responded that the proposed amendment referred to private roads that serve three or more properties; it would not apply to any easement. There being no further discussion, it was

MOVED (Hollinger) and **SECONDED** (Conly) **TO PLACE THE PROPOSED AMENDMENT NO. 2 ON THE BALLOT FOR CONSIDERATION BY THE VOTERS IN MARCH 2008.**
The **MOTION** was **APPROVED UNANIMOUSLY.**

Celeste Cook joined the PB after the discussion of proposed Amendment No. 2, and Alternate Holton stepped down.

- C. AMENDMENT NO. 3 – ARTICLE III Definitions: 115 Side Yard** The purpose of the amendment is to clarify that it is the primary Structure on the lot that establishes the minimum side yard setback for districts with an aggregate minimum width for Side Yards, and not necessarily the first Structure which may be an accessory Structure on the lot. Currently, an accessory structure which is the first structure on the Lot establishes the minimum side year setback. There being no discussion, it was

MOVED (Conly) and **SECONDED** (Cottrill) **TO PLACE THE PROPOSED AMENDMENT NO. 3 ON THE BALLOT FOR CONSIDERATION BY THE VOTERS IN MARCH 2008.**
The **MOTION** was **APPROVED UNANIMOUSLY.**

- D. AMENDMENT NO. 4 – ARTICLE XX Legal Nonconforming Uses, Nonconforming Buildings & Structures and Nonconforming Lots, section B. Nonconforming Buildings and Structures, sub-section 3.b.** The purpose of the amendment is to allow for voluntary replacement and greater improvement potential of Nonconforming Buildings or Structures for uses located outside the Floodplain Overlay District. There being no discussion, it was

MOVED (Conly) and **SECONDED** (Cottrill) **TO PLACE THE PROPOSED AMENDMENT NO. 4 ON THE BALLOT FOR CONSIDERATION BY THE VOTERS IN MARCH 2008.**
The **MOTION** was **APPROVED UNANIMOUSLY.**

- E. AMENDMENT NO. 5 – ARTICLE V Residential Districts, paragraph C. Yard Requirements, sub-Paragraph 3.** The purpose of the amendment is to be consistent with the term used in other districts in the Zoning Ordinance and replace the word Street with the term Right-of-Way in the **Residential District** provision on corner Lot. There being no discussion, it was

MOVED (Cook) and **SECONDED** (Cottrill) **TO PLACE THE PROPOSED AMENDMENT NO. 5 ON THE BALLOT FOR CONSIDERATION BY THE VOTERS IN MARCH 2008.**
The **MOTION** was **APPROVED UNANIMOUSLY.**

- F. **AMENDMENT NO. 6 – ARTICLE VI Agricultural and Rural Residential District, section C. Yard Requirements, sub-section 3.** The purpose of the amendment is to be consistent with the other districts in the Zoning Ordinance and replace the word Street with the term Right-of-Way in the **Agricultural and Rural Residential District** provision on corner Lot. There being no discussion, it was

MOVED (Conly) and **SECONDED** (Cottrill) **TO PLACE THE PROPOSED AMENDMENT NO. 6 ON THE BALLOT FOR CONSIDERATION BY THE VOTERS IN MARCH 2008.** The **MOTION** was **APPROVED UNANIMOUSLY.**

- G. **AMENDMENT NO. 7 – ARTICLE II General Provisions, section 1. Agriculture** The amendment proposes to amend the ordinance to permit Agriculture in all districts of the Zoning Ordinance and to add provisions pertaining to Agriculture and the raising of animals and Livestock in **ARTICLE II.**

Resident John Wilson (296 Lamson Lane) recommended changing “dozen” to “12” in A.1.d.1. He also recommended that “are” be deleted in A.e.2. so that it would read “All livestock shall be kept within an enclosure or structure and not permitted to roam free”. There being no further discussion, it was

MOVED (Conly) and **SECONDED** (Cottrill) **TO PLACE THE PROPOSED AMENDMENT NO. 7, WITH MINOR EDITORIAL CHANGES, ON THE BALLOT FOR CONSIDERATION BY THE VOTERS IN MARCH 2008.** The **MOTION** was **APPROVED UNANIMOUSLY.**

- H. **AMENDMENT NO. 8 – ARTICLE XIII Wetlands Conservation Overlay District, section G. Wetland Buffers.** The amendment proposes to amend the ordinance to better define the upper limits of buffering for the tributaries of protected wetlands specified in Article XIII, Wetlands Conservation Overlay District.

PB member Sheerr-Gross asked how the buffer numbers compared with those of other towns. She asked if the numbers were more normal for towns like Concord or Portsmouth that have more staff to provide oversight. Ken McWilliams replied that the 100-, 150-, 200-foot horizontal distances have been in effect in New London for a long time; they were not new. Chair Ebel advised that the PB was trying to establish how far up the tributaries the regulations regarding buffers should apply.

Resident Terry Dancy (525 Hall Farm Road) advised that the Conservation Commission had studied for a long time the 100-foot buffer on streams impacting on interconnected wetlands. He said that the Commission was very supportive of the PB’s proposal regarding the establishment of limits regarding how far up the tributaries buffer requirements should apply. Chair Ebel stated that this approach was less than ideal and she anticipated that the Conservation Commission would be working on a better approach this year. She added that the current buffering regulation led to somewhat unintended results and that the PB was responding to concerns raised by affected property owners and developers. She said that the PB felt it needed to take this approach in the interest of time, but looked forward to developing a more scientifically-based approach in cooperation with the Conservation Commission. She asked PB member Conly to mention this to Les Norman, the Chair of the Conservation Commission, and he agreed to do so.

It was **MOVED** (Cottrill) and **SECONDED** (Cook) **TO PLACE THE PROPOSED AMENDMENT NO. 8 ON THE BALLOT FOR CONSIDERATION BY THE VOTERS IN MARCH 2008.** The **MOTION** was **APPROVED UNANIMOUSLY.**

- I. **AMENDMENT NO. 9 – ARTICLE XV Flood Plain Overlay District and ARTICLE III Definitions.** The amendment proposes to amend the Town’s floodplain regulations in ARTICLE XV in order for the Town to remain in compliance with the National Flood Insurance Program and for citizens to continue to be eligible to purchase flood insurance. There being no discussion, it was

MOVED (Sheerr-Gross) and **SECONDED** (Cottrill) **TO PLACE THE PROPOSED AMENDMENT NO. 9 ON THE BALLOT FOR CONSIDERATION BY THE VOTERS IN MARCH 2008.** The **MOTION** was **APPROVED UNANIMOUSLY.**

- J. **AMENDMENT NO. 10 – ARTICLE II General Provisions, section 10. Sign Regulations.** The purpose of the amendment is to address the unique sign needs of institutional uses and to amend the Town's sign regulations to allow flexibility in the size, number, and location of signs for institutional uses as approved by the Planning Board through the Site Plan Review process. There being no discussion, it was

MOVED (Sheerr-Gross) and **SECONDED** (Cottrill) **TO PLACE THE PROPOSED AMENDMENT NO. 10 ON THE BALLOT FOR CONSIDERATION BY THE VOTERS IN MARCH 2008.** The **MOTION** was **APPROVED UNANIMOUSLY.**

- K. **AMENDMENT NO. 11- ARTICLE XVI SHORE LAND OVERLAY DISTRICT.** The amendment amends the Town's Shore Land Overlay District in Article XVI primarily to correspond with the stricter provisions of the new amendments to the State's Comprehensive Shoreland Protection Act.

Resident John Wilson (296 Lamson Lane) observed that the reference to the "Normal High Water" in Article XVI E.1 e. should be replaced with "Reference Line" in order to be consistent with the revised language. He opined that the proposed amendment was very regulation intensive. He said that there were only two people in the state to administer the state's Comprehensive Shoreland Protection Act. He opined that there would need to be someone available to administer the regulation, if the town was going to enforce the provisions. Chair Ebel stated that it was a state law and that by adopting the regulation, the town would be able to participate more fully in enforcement.

Resident Terry Dancy (525 Hall Farm Road) advised that the Town Conservation Commission wanted to have control of its own environment; however, if the state regulations were more restrictive, people would obtain a state permit. He opined that anyone could administer the Comprehensive Shoreland Protection Act; i.e. it would not require an expert.

Chair Ebel said that the reference to shrubs in Article XVI Shore Land Overlay District G. Waterfront Buffer, 2.c.1. should be deleted, as the state law did contain such a provision. Although the PB wanted to give credit for shrubs located in the buffer, the town regulations could not be less restrictive than the state law; therefore, the town could not give credit for shrubs. PB member Conly said that the PB could increase the number of points required in the combined tree and sapling score beyond the 50 points required by the state regulation. PB member Sheerr-Gross opined that the PB could review the issue during the next year to determine whether or not to make the number of points more restrictive than the state requirement.

Peter Blakeman (Blakeman Engineering, Inc.) opined that if the town zoning ordinance were different from the state regulation, people might get confused between the town requirements and the state regulations that talk only about trees with no mention of shrubs. PB consensus was that shrubs in the buffer area were very important. Resident Kitty Wilson (296 Lamson Lane) said that she wondered if the state law would be amended to include shrubs. She opined that there was a great deal of discussion of the issue at the state level. Resident Dancy suggested that the PB could work on the issue over the next year.

PB member Sheerr-Gross asked about the requirement that the height of non-conforming structures located within the Waterfront Buffer in the Shore Land Overlay District not exceed 25 feet in height above grade. She asked if the 25-foot limitation were a town regulation or a state regulation. She opined that it would not prohibit 25-foot-high, flat-roofed structures. Mr. McWilliams advised that the height limitation was not a new regulation. Ms Sheerr-Gross opined that any architect would question the requirement. Chair Ebel asked for recommendation on how to improve the regulation.

Resident John Wilson asked if the change from four feet to six feet in the maximum width permitted for a permanent pathway, stairway, or walkway (C. Permitted Uses) was a state change. Chair Ebel replied that the Town could have a more restrictive regulation than the State; so actually the change was not necessary in order to comply with the State law. She said that the PB recognized that making this change would result in a less restrictive town provision, and the PB could have left it as it was. She explained that the PB had decided that New London's regulation should mirror state law to make it less confusing for all and, therefore, recommended changing the maximum to 6 feet. J. Wilson also asked about a natural woodland buffer.

It was **MOVED** (Sheerr-Gross) and **SECONDED** (Cottrill) **TO TAKE THE PROPOSED AMENDMENT NO. 11 WITH A CHANGE TO DELETE THE PROPOSED CREDIT TO THE DIAMETER SCORE OF 1 POINT FOR ANY MATURE SHRUB WITH A COMBINED STEM DIAMETER OF 1 INCH, MEASURED FROM GROUND LEVEL, LOCATED IN THE WOODLAND BUFFER (ARTICLE XVI G. Waterfront Buffer 2.c.1.) TO A SECOND PUBLIC HEARING TO BE HELD ON TUESDAY, JANUARY 29, 2008, AT 7:30 PM IN THE NEW LONDON TOWN OFFICE BUILDING (Old Colby Academy), NEW LONDON, NEW HAMPSHIRE.** The MOTION was APPROVED UNANIMOUSLY.

Ken McWilliams distributed a draft copy of the ballot on the proposed amendments for review and comment by members of the PB.

II. GUTGSELL & PHIPPS, DDS – Continued Final Site Plan Review (Tax Map 59, Lot 1)

Michele Holton recused herself from the PB.

Drs. Gutsell and Phipps were accompanied by Peter Blakeman (Blakeman Engineering, Inc.).

Mr. Blakeman recapped the project developments to date. He advised that the packet of materials provided to PB members included Planner Ken McWilliams' comments on the plans presented for review. He stated that the dentists planned to remodel the existing building located at 125 Newport Road (owned by Hayward) and rebuild the parking area at the rear of the building. He advised that the vehicles would enter between the Hayward building and the Lake Sunapee Region Visiting Nurse Association (LSRVNA) and the entrance would be re-paved. Mr. Blakeman pointed out that the entrance to the building would be located at the rear and the area in front of the building would be landscaped. He said that the parking area would provide 40 parking spaces, although the current plan to use only the existing building requires only 22 spaces. He noted that there would be adequate parking for a proposed future addition shown on the plan displayed.

Mr. Blakeman advised that a 12-foot strip of land between the Hayward property and the Griffith property was still not part of the plan. He said that there was joint ownership of the strip with each of the dentists owning one-third, Hayward owning one-sixth, and Dan Wolf owning one-sixth. He noted that the green space requirements would be met.

Mr. Blakeman stated that a sewer line extended from the rear of the building and the dentists planned to re-use that existing line. He said that two municipal water services currently entered the building and they planned to re-use the six-inch line. He said that there might be an existing six-inch valve. Mr. Blakeman estimated that the storm water drainage would not change because of the gravel parking and proposed landscaping. He said that the area would be suitable for Low Impact Development (LID) techniques if/when the proposed addition was built. He noted that a corner of the dumpster would be in the landscape buffer on existing gravel next to the 12-foot multi-owner strip.

Mr. Blakeman advised that, although the plan showed the locations of signs and lights, the applicants were asking for waivers of Article V.C.2.f.20 *Final Sign Plan* and Article V.C.2.f.21 *Final Outdoor Lighting Plan* of the Site Plan Review (SPR) Regulations until the final building designs are submitted with the building permit application. He said that the applicants would like to eliminate the curbed landscaped islands required by the SPR Regulations for parking areas for more than 10 cars. He opined that the parking would not really be visible from the road and elimination of the curbed islands would make maintenance much easier. He opined that the parking lot was not a "large" lot.

PB member Ballin opined that curbed islands would require the traffic to flow more safely, as well as make the site look better. Dr. Gutsell opined that the proposed parking was much different than that at Hannaford and the portion that would be visible would be filled most of the time. He opined that landscaped islands would add hassle and confusion. PB Member Sheerr-Gross responded that when snow obliterates lining and striping, it's difficult. She asked about snow removal and the non-striped area on the plan. Mr. Blakeman said that they would share the entrance with the LSRVNA. Dr. Gutsell advised that they would push the snow toward the rear of the building during this first phase. PB member Cottrill asked what the distance was from the building to the entrance. Mr. Blakeman replied that it was 26 feet.

Ken McWilliams reminded the PB that it had yet to deem the final site plan complete. PB member Cottrill asked if the application was complete. Mr. McWilliams replied that, with the exception of the two waivers that were being requested, the plan was complete.

It was **MOVED** (Hollinger) and **SECONDED** (Conly) **THAT THE FINAL SITE PLAN SUBMITTED BY GUTGSELL & PHIPPS, DDS FOR TAX MAP 59, LOT 1, BE DEEMED COMPLETE, WITH THE EXCEPTION OF REQUESTED WAIVERS OF ARTICLE V.C.2.f.20 AND ARTICLE V.C.2.f.21 OF THE SITE PLAN REVIEW REGULATIONS.** The **MOTION** was **APPROVED UNANIMOUSLY.**

Chair Ebel discussed with PB members whether or not a waiver of the landscape bump should be granted. Mr. McWilliams read the requirement contained in the Site Plan Review Regulations. Chair Ebel asked the applicants if the issue was the requirement for curbing. PB member Sheerr-Gross asked if the regulations were meant only to address the street view. Chair Ebel replied that it referred to the view from inside the building and meant to make parking lots "greener." PB member Cook asked if the landscape bump could be made smaller.

Michele Holton, in her role as a trustee of the LSRVNA, spoke about the parking and traffic entering the LSRVNA site at the same point of entrance as the proposed dental practice, and said that it was congested in the morning. She added that there was also traffic related to the Renaissance Shop located in the lower level of the LSRVNA building. She opined that a bump out would not be safe.

PB member Cottrill asked about the possibility of raising the pavement and painting it green in place of a curbed bump out. PB member Ballin observed that the area was also shown as a pedestrian access on the plan. Dr. Gutsell opined that there would be no advantage to the dentists to have a landscape bump. Mr. Ballin opined that the requirement would present no hardship.

It was **MOVED** (Ballin) and **SECONDED** (Conly) **THAT THE REQUEST FOR A WAIVER OF ARTICLE VI. C. 6 OF THE SITE PLAN REVIEW REGULATIONS REQUIREMENT FOR A LANDSCAPE BUMP BE DENIED.** The **MOTION** was **APPROVED UNANIMOUSLY.**

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It was **MOVED** (Hollinger) and **SECONDED** (Cook) **THAT THE REQUEST FOR A WAIVER OF ARTICLE V. C. 2. f. 21 OF THE SITE PLAN REVIEW REGULATIONS THAT REQUIRES THAT THE FINAL SIGN PLAN BE INCLUDED ON THE FINAL SITE PLAN BE GRANTED UNTIL GUTGSELL & PHIPPS, DDS APPLIES FOR A BUILDING PERMIT.** The **MOTION** was **APPROVED UNANIMOUSLY.**

It was **MOVED** (Ballin) and **SECONDED** (Sheerr-Gross) **THAT THE REQUEST FOR A WAIVER OF ARTICLE V. C. 2. f. 20 OF THE SITE PLAN REVIEW REGULATIONS THAT REQUIRES THAT THE TYPE AND INTENSITY OF LAMPS FOR OUTDOOR LIGHTING BE IDENTIFIED ON THE FINAL SITE PLAN BE GRANTED UNTIL GUTGSELL & PHIPPS, DDS APPLIES FOR A BUILDING PERMIT.** The **MOTION** was **APPROVED UNANIMOUSLY.**

Mr. Blakeman advised that, although Gutsell & Phipps, DDS would be renovating the existing building, there would be an addition of a 40-ft. bump-out for a double-door entrance with a roof over it. PB member Cook asked if the double door entrance would be handicapped accessible. Mr. Blakeman pointed out the location of a proposed ramp.

Ken McWilliams reported on issues raised at the meeting with municipal department heads. He said that Director of Public Works Richard Lee had asked about a proposed 4-ft. high retaining wall opposite the entrance. Mr. Blakeman advised that there would be guard rails on top of the wall. Mr. McWilliams said that Public Works Director Lee also advised that the applicant needed make sure the sewer service line is functional. Department heads suggested adding a comment to Note #6 regarding the lighting design to be submitted at the time of application for a building permit. It was noted that the water service would have to be confirmed before

a building permit could be issued. Town Administrator Jessie Levine recommended that the applicants consult with George Pelletieri regarding the landscaping in front of the building. The applicants needed to resolve the landscaped corner and the number of trees required every 10 spaces. Mr. Blakeman asked if that meant four trees in the parking lot. PB member Sheerr-Gross opined that two trees would be adequate. Mr. Blakeman wondered if a tree could survive in that small area. He said that he would check the plan for the type of trees and placement of trees; however, adding trees would eliminate the sidewalk shown on the plan. PB member Sheerr-Gross asked how closely the PB followed the regulatory requirements. PB member Cottrill made suggestions for placement of the trees. Mr. Blakeman opined that the existing nine trees and shrubs were adequate. He said that the parking lot was not expansive. PB member Sheerr-Gross noted that parking would be on the north side and shading would not be needed. PB member Cook asked if the big pines behind the building would be staying. Mr. Blakeman replied that one would come down in order to construct the retaining wall. The PB agreed to waive the tree requirement in the bump out.

It was **MOVED** (Ballin) and **SECONDED** (Sheerr-Gross) **THAT THE REQUEST FOR A PARKING TO EXTEND INTO THE PERIMETER LANDSCAPE BUFFER BE GRANTED IN ORDER TO ALLOW FOR GREATER MANEUVERABILITY.** The **MOTION** was **APPROVED UNANIMOUSLY.**

It was **MOVED** (Sheer-Gross) and **SECONDED** (Ballin) **THAT THE FINAL SITE PLAN FOR TAX MAP 59, LOT 1 BE APPROVED, CONTINGENT UPON THE AMENDMENT OF NOTES 6 & 12 ON THE PLAN AS PROPOSED.** The **MOTION** was **APPROVED UNANIMOUSLY.**

Dr. Gutsell asked about the signs. Mr. McWilliams advised him the Zoning Administrator Peter Stanley would be able to answer all of his questions regarding signs. He also advised that there would be security, including inflation, required in regard to the construction work noted on the site plan and that the site improvements would have to be approved by Director of Public Works Richard Lee. Mr. McWilliams said that the PB would decide on the final figure for the security before a building permit would be issued. He further advised that a Certificate of Occupancy would be required after completion of the site improvements and before occupying the building. PB member Ballin opined that all of that information should be provided to applicants in writing. Mr. McWilliams assured him that it was provided in writing; however, he wanted to review the requirements with the applicants.

Dr. Gutsell asked if they would have to come back to the PB before getting a building permit. Mr. McWilliams reiterated that they needed to obtain PB approval of the security deposit. He advised that the next meeting of the PB would be on January 29, 2008. Dr. Gutsell stated that it would present a hardship if progress was delayed until the end of the month. PB member Ballin opined that the Board of Selectmen should be able to approve the security deposit. Chair Ebel advised that the PB would have to delegate its authority to approve the security deposit to the Board of Selectmen, and, out of consideration to the applicant, she recommended doing so being that the Board of Selectmen meets every week. She noted that there normally is a two-week-in-advance filing requirement for PB submittals. PB member Cottrill briefly summarized the situation.

It was **MOVED** (Ballin) and **SECONDED** (Cottrill) **THAT THE PLANNING BOARD DELEGATE ITS AUTHORITY TO APPROVE THE SECURITY DEPOSIT FOR THE SITE IMPROVEMENTS AT 125 NEWPORT ROAD, TAX MAP 59, LOT 1, TO THE NEW LONDON BOARD OF SELECTMEN, IF THE PROPOSED SECURITY DEPOSIT SHOULD BE PROPOSED PRIOR TO THE PLANNING BOARD MEETING ON TUESDAY, JANUARY 29, 2008.** The **MOTION** was **APPROVED UNANIMOUSLY.**

III. OTHER BUSINESS

A. The MINUTES of the DECEMBER 11, 2007 meeting were APPROVED, as circulated.

The **MEETING** was **ADJOURNED** at **9:30 PM**.

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

DATE APPROVED _____

CHAIRMAN _____