



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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NEW LONDON PLANNING BOARD

Regular Meeting

Tuesday, October 11, 2016

6:30 PM

PRESENT: Paul Gorman (Chair), Bill Dietrich (Vice Chair), Jeremy Bonin, Tim Paradis, Michele Holton, Joseph Kubit (Alt.) Marianne McEnrue (Alt.) Casey Biuso (Alt.) and Janet Kidder (Selectmen's Representative)

ABSENT: Liz Meller

OTHERS IN ATTENDANCE:

Robert Stahlman; Tom Mills; Will Davis of Horizons Engineering; Wyatt Rysewyk and Frank Anzalone of Frank Anzalone Associates; Tim Goyette of Crosspoint Associates; Glenn Perreault of Colonial Pharmacy; Ben Cushing King Hill Road; Doug Adamian Forest Acres Road; Roger Rodewald of Riverside Ecological Designs, LLC; Harry Snow of Otterville Road; Pete Blakeman of Blakeman Engineering, Inc.; Steve Root of Job Seamans Acres; Bill Helm and Lucy St. John, Planning & Zoning Administrator.

CALL TO ORDER: Chair Gorman called the meeting to order at 6:30 PM. Chair Gorman appointed Joseph Kubit as a voting member in place of Liz Meller.

APPROVAL OF THE MINUTES:

- ✓ **Motion to APPROVE the minutes of the regular meeting of September 20, 2016.** It was MOVED (Janet Kidder) and SECONDED (Bill Dietrich) to approve the minutes as presented. The motion was APPROVED UNANIMOUSLY.
- ✓ **Motion to APPROVE the minutes of the regular meeting of September 27, 2016.** It was MOVED (Michele Holton) and SECONDED (Joseph Kubit) to approve the minutes with the following correction: Under conceptual discussion on page 2 it reads "machine made weathered boulders" and should read "machine placed weathered boulders." The motion was APPROVED UNANIMOUSLY.
- ✓ **Motion to APPROVE the Minutes of the ADU (Accessory Dwelling Units) subcommittee meeting of September 27, 2016.** It was MOVED (Janet Kidder) and SECONDED (Bill Dietrich) to approve the minutes as presented. The motion was APPROVED UNANIMOUSLY.

PUBLIC COMMENT: There was no public comment.

Colonial Pharmacy Site Plan Application and Public Hearing for the construction of a 14,000 +/- square foot retail store and pharmacy building with a drive-thru. Located at 86 & 98 Newport Road (aka NH 114). Tax Map 059-030 & 031-000. Property owned by Harold F. Oberkotter Revocable Trust. Zoned Commercial. A conceptual plan was discussed at the August 9, 2016 meeting.

Chair Gorman asked staff if the application was complete. Ms. St. John noted that a driveway permit would be required from the NH Department of Transportation. She reported that the various Town Departments and Water Precinct reviewed the plan. She received an email from Richard Lee, Public Works Director this afternoon, his previous comments have been addressed. No other pending comments at this time.

Frank Anzalone, Architect for Colonial Pharmacy, provided an overview of the site, proposed building, including showing a detailed rendering. He stated it will be a one story building just over 14,000 SF with a basement. The area will be comprised of pharmacy and retail space like existing store. It will be energy efficient above and beyond current building code requirements. There are 58 parking spots as required. The exterior of the building will be clapboard siding and brick. The roof will be primarily flat but sloped roofs have been added to give architectural character; this building will look like it belongs in a small town. There will be no change in the current store hours. (M-F 8am to 8pm, Sat. 8am to 6pm & Sun. 8am to 5pm). Site lighting will come from several pole lights and several on the building. These will be on a timer with photo sensors. All of the lighting will be on the property. The store does receive some rather large deliveries and will continue to receive between 8 AM to 4 PM.

Will Davis, Engineer of Horizon's Engineering, then provided an overview of the engineering elements of the building and features of the site design.

- The site will be graded to be more level, currently 4-5% grade.
- Most of water will be collected, including the water falling off the sloped roof, referring to the drainage infiltration system located at the front of the site, showing the catch basins (deep sump) and other infrastructure improvements for water, sewer and utilities. There will be a permanent granite curb around entire perimeter which is good for collecting drainage.
- Several walls will be constructed including one about 6 ½ feet in height.
- Truck and delivery vehicular circulation plan discussed, including showing how 18-wheelers will navigate the site to the loading dock and how merchandise will be brought through the doors. He pointed out all doors and stated they are on one level.
- Parking layout, vehicular circulation and pedestrian improvements discussed as shown. Sidewalk on-site to include pervious pavement. Additional sidewalk added from Newport Road into the site. Showed parking lot with directional arrows, noting site circulation was changed to reflect previous comments raised by Richard Lee. They had met with NHDOT on-site and don't anticipate any issues with securing a driveway permit.
- The building will be sprinkled and a new fire hydrant will be installed at the front of the building in addition to the existing hydrant at Lake Sunapee Bank per recommendation of Fire Department and Water Precinct.
- Underground propane tank in the rear.

- Snow storage location provided on site, and in the event of heavy snowfall, snow may need to be removed from the site. Snow piles will be located so they do not block or infringe the line-of-sight. .
- There are 58 parking spots created and 4 of these will be ADA compliant with tip-down curbs. All pedestrian walkways will have tip-downs for easy wheel chair movement from walkway to parking
- Erosion control during construction to consist of stone at the entrance and exit so that construction trucks can clean tires when entering and exiting. Silt fence will be used.
- Landscaping plan show shrubs and perennials in the front with decorative fence. Grass in the back where snow storage to be. There will be several trees around the perimeter for beautification and shade for employees who might wish to have lunch outside.

BOARD COMMENTS/CONCERNS:

- Construction timetable- Will Davis noted anticipated schedule April 2016 and anticipate opening October 2017.
- Delivery schedule of products. Glenn Perreault explained that they typically receive a small delivery every morning and then 2 to 3 large trucks every week. He noted that new storage will be only a bit larger than the current Colonial Pharmacy store, with added space for storage.
- Lighting, height of light poles/fixture, and downcast lighting. Frank Anzalone answered the light would on post at 20 feet in height, all lighting will be hooded, and lighting focused downward. He also discussed a waiver to the lighting requirements, noting however that all lighting will be down-cast with hooded shields.
- Lots would need to be merged, and should be included as a condition of the approval. Will David noted that the lot would be merged, but they wanted to be sure they had the approval first.
- Pervious pavement asked for clarification on what it will look like and how it works. Will Davis explained the subsurface materials will be to University of New Hampshire (UNH) Stormwater Center specification. He explained that the final surface (appearance) of the pervious pavement has not been determined yet, it may look like a concrete with pebbly surface or it could look like pavers, with spaces for the water to infiltrate. The Board discussed they shouldn't really decide on the appearance of the pervious pavement.
- Retaining wall - clarification of the locations and height of each, and if the abutting Historical Society property will be able to see the walls, and if the walls are aesthetically pleasing. Noted the walls will vary in height from 2-6.5 feet. Will Davis referred to the landscape plan, and grading plan showing why they are needed. The Board also discussed if they should weigh in on the construction materials used to create the retaining wall, and decided this is up to the applicant. The Board noted that the Town does not have architectural design standards.
- Traffic concerns on Newport Road. The NHDOT driveway permit should be a conditions of the approval. Will Davis explained that the NHDOT representative has met with them on the site, and they do not anticipate with regards to securing the NHDOT driveway permit need for access to the State road. The NHDOT will look at the proposed

traffic, and existing traffic count data already available for Newport Road in making their decisions.

- Truck traffic (construction vehicles) in the immediate area and what specific routes would be use. Will Davis noted this will depend on what company is hired to do the site construction.

Public Hearing: No comments. Public Hearing closed.

- ✓ **Motion to APPROVE the Colonial Pharmacy Site Plan.** It was MOVED (Marianne McEnrue) and SECONDED (Jeremy Bonin) to approve the application with the following conditions: Receipt of an approved driveway permit from the New Hampshire Department of Transportation (NHDOT); Waiver of lighting requirements as presented; and that the two lots be merged. APPROVED UNANIMOUSLY.

Flying Goose Brew Pub and Grille Site Plan Application and Public Hearing. Located at 40 Andover Road, at the corner of NH Route 11 and 114. (TM 122-001-000) Property owned by Tom and Vicky Mills Trust. Zoned Agricultural & Rural Residential (ARR). The applicant proposes to add one (1) accessible bathroom on the north side of the building, Route 11 side, between the existing bathroom and the entry; and renovate the expand the existing kitchen and coolers on the south side of the building. Total area effected 600 + square feet. The ZBA granted variances on July 28 & August 4, 2014 regarding this site. The Planning Board approved a Site Plan on August 26, 2014 for other site improvements.

Frank Anzalone presented brief explanation of the project and that waivers are being requested as much of these details on included on the previous Site Plan of 2014

Ms. St. John refer to several emails:

- Richard Lee, Director of Public Works email of Sept 23, stating, “I have no problem with this project as shown.”
- Deb Langner, Health Officer of Oct 10, stating, “I think the State Food Inspector should have an update on the plans, to be sure that the kitchen is in compliance during the renovation process. If Tom could supply some documentation on how he plans to keep the kitchen running during construction, and the plan is acceptable through Food Safety, I am good.”
- Jay Lyon, Fire Chief Email of Sept 23rd stating, “I also don’t have an issue, but will the renovations be taking place when the restaurant is open?”

Public Hearing opened

Ms. St. John referred to an email dated Oct 11th from abutter Gary Surprenant noting he wouldn’t likely be able to attend. She read, “As a side note, I was contacted by Frank Anzalone and we discussed the project. As it’s laid out I do not have any problems with the plan. My only concerns: that any lighting be “down” lighting and have proper glare shields. And the project be landscaped when finished.”

No other comments. **Public Hearing closed.**

Frank Anzalone noted it will be able to be open during construction. Tom Mills, owner states that most of the changes in the prep area where the cooler are located.

Board Comments:

- Janet Kidder asked about timeline. Expect to start renovation sometime at the end of year with expectation to be open by Christmas.
- ✓ **Motion to APPROVE the Flying Goose Brew Pub and Grille Site Plan Application** as presented and grant the waiver requested. It was MOVED (Jeremy Bonin) and SECONDED (Janet Kidder). APPROVED UNANIMOUSLY.

Stahlman Revocable Trust and Canary Enterprises, LLC. Annexation Subdivision Plan and Public Hearing. Located at 74 Pleasant (Stahlman) and 5 Gould Road (Canary Enterprises). Tax Map 084-079-000 (Stahlman property) and Tax Map 084-080-00 (Canary Enterprises). Both properties zoned Commercial. Per Zoning Ordinance no minimum lot area required for commercial. Purpose to annex 1,245+/- square feet from Canary to Stahlman. Plan prepared by Clayton Platt, NH Surveyor. The most recent discussion for the Canary Systems Inc. Site Plan was May 5, 2015 and the most recent discussion on the Stahlman Site Plan was August 9, 2016.

Janet Kidder recused herself, as she is an abutter.

Clayton Platt presented the plan to annex property from Canary to provide for the 20-foot driveway to the rear of the driveway, noting nothing will essentially change on the recently approved Site Plan, except now Mr. Stahlman will own the previously labeled easement area.

Public Hearing opened. No comment. Public Hearing closed.

Ms. St. John noted that she has conveyed to Mr. Stahlman that no construction can begin on the site until the plan and deed has been recorded.

- ✓ **Motion to APPROVE the Stahlman Revocable Trust and Canary Enterprises, LLC.** Annexation Subdivision Plan located at 74 Pleasant (Stahlman) and 5 Gould Road (Canary Enterprises). It was MOVED (Jeremy Bonin) and SECONDED (Bill Dietrich) to approve the Plan as presented with the condition that the deed be submitted for recording with the plan. APPROVED UNANIMOUSLY.

Adamian, Douglas & Pamela Shoreland application located at 412 Forest Acres Road. (TM 118-005-000) Review storm water management plan, shore land provisions permit impervious up to 30%. Plan prepared by Roger Rodewald, Riverside Ecological Designs. Town received Sept 22, 2016.

Mr. Rodewald provided an overview of the project. Ms. St. John explained that per the Zoning Ordinance, impervious greater than 20% up to 30% requires Planning Board approval, and must address how stormwater is going to be addressed on-site. Lucy St. John questioned how the 3% additional storm water drainage will be addressed on the site? Mr. Rodewald replied there is sufficient drainage in the road.

Jeremy Bonin stated this additional drainage is not being done on site and using the public system is not acceptable. The increase of 3% (although small) percentage has to be considered.

Mr. Rodewald stated the existing driveway has been in place for 10 to 15 years. At the meeting he suggested some possible revisions to the plan. The owner, Doug Adaminan stated the topography will address the runoff and the way the road was build will not allow water to leave the lot. Mr. Adamian stated he would comply with any requirements by the Planning Board and understood that no water was allowed to flow into the street and into the public drainage system.

Roger Rodewald and the property owner will revise the plan, and submit an amended plan for discussion at the Nov 1st meeting. A revised plan will be presented to the State and the Conservation Commission.

Rocky Ridge Subdivision/Pond's Edge Lane/Messer Pond. Subdivision Plan approved by the Planning Board Aug 14, 2007 with conditions. Discussion with Harry Snow, owner/developer on amending the Declaration of Covenants and Restrictions regarding docks/floating docks. Tax Map 106-013-000.

Harry Snow, owner/developer and Peter Blakeman, Blakeman Engineering explained that the Subdivision plan was approved in 2007 with conditions, including specific conditions in the Covenants, which would require Planning Board approval if amended. Harry Snow noted that a potential buyer of one of the lots, wants some assurance that a dock would be allowed, as docks are approved per State regulations, and provisions of the Zoning Ordinance. They noted that the issues of dock/floating docks were discussed in subcommittee meetings back in 2007.

Ms. St. John explained that per the Declaration, specific sections require Planning Board approval if amended. She noted that she had reviewed the Planning Board minutes, but was not able to locate any subcommittee minutes from back in 2007, but Peter Blakeman included his handwritten notes from a subcommittee meeting back in 2007. She noted that since this was a condition of the 2007 approval, she suggest that the Planning Board would want to hold a public hearing, as the current abutters and maybe others on Messer Pond may have some concerns. She noted she had not conferred with Town Counsel, and suggest the Board may want to get input if they think it appropriate.

Questions and concerns from the Board included:

- Clarification on how a dock is constructed and approved.
- The current Planning Board should not be second-guessing the intention of the Planning Board decision of 2007, as it was likely will vetted at that time.

- Notification has been provided, as this subject is specifically listed on the agenda this evening, and thusly a public hearing is not needed. There is no real process for the Planning Board to approve this change.
 - Current Zoning Ordinance has provisions for docks.
 - Town does not have jurisdiction of State waters, and this is similar to the discussion the Planning Board recently had about a potential perched beach.
- ✓ **Motion by Michele Holton, seconded by Janet Kidder to approve amending the Declaration of Covenants and Restrictions as presented by the correspondence submitted by Attorney Michael Chiarella. Motion approve unanimously.**

Zoning Amendments discussion:

Sanitary Protection:

Ms. St. John noted that the Planning Board previously discussed possible amendments to Zoning Ordinance, including provision, Article II, #8 Sanitary Protection. The Board was asked to review the handout prepared by staff for discussion at the Nov 1st meeting and will also include input from Deb Langner, Town Health Officer. The Board would like clarification on where the local provisions are stricter than the State's, a comparative analysis.

Accessory Dwelling Unit (ADU):

Jeremy Bonin provided an overview of the recent ADU Subcommittee meetings. He provided a handout with current and proposed definitions for the terms dwelling unit and Single-Family Dwellings, which will be discussed as part of the ADU discussion. He noted that the subcommittee meetings are an ongoing discussion to address various issues related to ADUs. Nothing is in final form, and no decisions have been made by the Subcommittee or the Planning Board. He noted that research has been conducted on the subject including a HUD report which includes various case studies, including one for the Town of Wellfleet, MA which is similar in some ways to New London. He also referenced a study from Denver, Colorado and a thesis report from Lawrence, Kansas. He will provide this information to staff.

Signs:

Chair Gorman noted a Sign Subcommittee meeting is scheduled for Wed, Oct 19th. He explained the Sign Regulations need to be amended. This too will be discussed at the Nov 1st meeting. There is still a need to simplify the sign regulations.

Lake Protections Issues:

Chair Gorman stated he has talked with John Wilson who is interested in chairing a subcommittee to address lake protection issues including but not limited to issues of streams, wetlands, water quality and stormwater management. This would also include working with other lake and pond associations. Chair Gorman suggested this be a Planning Board

subcommittee. The Board discussed that at this point in time this would not be a Subcommittee of the Planning Board, and encouraged members of the public to submit any ideas for discussion to John Wilson and others working on these subjects. Certainly the Planning Board has recognized the need for changes to these various sections of the Zoning Ordinance, but didn't believe they had time this year to complete this task.

Report from Planning Board Representatives:

- Conservation Commission: Tim Paradis, nothing new.
- Energy Committee: Tim Paradis, nothing new, looking ahead to new projects.
- Board of Selectmen, Janet Kidder reported:
 - #1 That at a recent Board of Selectmen meeting, a question was asked about the membership dues to the Regional Planning Commission (RPC), if the Town is utilizing these services and if the Town should continue to participate as a member. Ms. St. John then provided an overview of the various services the RPC provides, including traffic count data, housing needs assessment, participation in local and regional studies to name a few. Bill Dietrich agreed to the value of the RPC but noted they do not have any policing power. They do provide a service but understands why this item is looked at during the budget process. Staff was asked to provide information on the RPC, and Janet Kidder will inquiry if there were any specific issues or concerns as to why this question was asked, or if just a budgetary consideration.
 - #2 The Davis Hill deed has been signed.
 - #3 Recreation Commission Meeting of October 4, 2016 does not recommend the Town acquire the 1941 Building. Casey Biuso said the building would not provide the space that the Recreation Commission needs. It will take too much to make that building usable for the Recreation Commission. There are space issues by other organizations that still under consideration.
- Regional Planning Commission (RPC): No update, Liz Meller not in attendance.
- CIP Subcommittee: CIP will be discussed at the Oct 17th Board of Selectmen meeting.
- Sign Subcommittee: Next meeting Wed, October 19th.
- ADU Subcommittee: No next meeting date scheduled at this time.

Other Business

- Lucy St. John referred to the Zoning Amendment timeline, noting the first day to accept petitions for the zoning amendment is November 14, 2016.
- Messer Pond would like letter of support from the Planning Board for their application to the state for a grant. Ms. St. John to draft and Chair Gorman to sign. All in favor.
- See Agenda Attachment list
- Tree cutting issue at Murray Pond
- Signatures for the Stahlman plan
- Signatures for Messer Pond/Demers.

Future Meeting Dates Refer to the Planning Board Meeting Schedule and the Town's website for updated meeting information. Next meeting scheduled for November 1, 2016.

Motion to Adjourn

- ✓ **MOTION TO ADJOURN the meeting at 9:03 PM. IT WAS MOVED (Janet Kidder) AND SECONDED (Bill Dietrich) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY.**

Respectfully submitted,

Jennifer Vitiello,
Recording Secretary
Town of New London, NH