

## **New London Planning Board**

**March 24, 2009**  
**Regular Meeting**

MEMBERS PRESENT: Karen Ebel (Chairman), Michael Doheny, Dale Conly, Larry Ballin (Selectman, *ex officio*, proxy for Tina Helm), Jeff Hollinger, Dierdre Sheerr-Gross, Alternate, Celeste Cook, Ken McWilliams (Planner), Michelle Holton, Alternate

MEMBERS ABSENT: Tom Cottrill

Chair Ebel called the meeting to order at 7:30pm.

### **1. Kearsarge Community Center - Preliminary Site Plan Rev. (Tax Map 73, Lot 76)**

Mr. Ballin recused himself from this issue. Chair Karen Ebel asked Dierdre Sheerr-Gross to fill in for Tom Cottrill. She agreed and made a statement that she does not have any affiliation with SMP. She was once an owner of the company.

Chris Lizotte, SMP, opened his presentation by asking if there were any questions on parking, which he had gone over in the February 24<sup>th</sup> meeting. Two audience members, Thomas and Nancy Donnelly, asked for a review. Mr. Lizotte explained that 288 spaces could fit legally on the site, if they were painted spots. He shared that there was an appropriate amount of parking for the middle school when it was used as a school. Mr. Lizotte also commented that they had come up with several scenarios that could arise at the KCC, such as night-time events, and/or outing club events in the gym. There proved to be enough parking, still, even with several events going on at the same time. He also explained that the events would be coordinated such that more than one large event would not occur at once. He summarized that the parking spaces are sufficient for the use they are interested in pursuing.

Mr. Lizotte went on to talk about traffic patterns at the KCC site. He shared that traffic is currently one-way but that they want to create one lane for each direction. "Do Not Enter" signs would be moved to allow for one-way traffic in the entrance and exit, but the traffic pattern would change somewhat around the perimeter of the site. Stop signs would be added and relocated with bus and school traffic in mind. He shared that they would also add a sign on Main Street, reading "KCC Entrance" to show people where to turn for the KCC. Mr. Lizotte said that they hope to realign parking, add exterior stairs, add a sidewalk, and pave a walk-way. He noted that there would not be a lot of work done to the exterior of the building.

Mr. Thomas Donnelly, asked about the location where kids are picked up from their parents at the school. He was concerned with the 2-way traffic being dangerous. Mr. Lizotte commented that adding a stop sign near where children are picked up can be done easily and they would add it to the proposal. Planning Board member Jeff Hollinger mentioned that it is currently a 2-way street in the rear of the school and that this new proposal isn't changing the traffic patterns that much.

Mr. Lizotte went on to explain that one thing that had to be updated in the building was the sprinkler system. They were originally going to connect the system to water on-site but found that it may not have enough pressure to work effectively. It was believed that a fire hydrant connection would be the desired solution. The Water Precinct has asked them to put in a formal request for this hydrant connection to be approved. Chair Ebel asked about the ZBA meeting and it was shared with the Planning Board that the KCC was granted a use variance without any contingencies.

Town Planner Ken McWilliams noted that the Dept. heads had no concerns with the latest KCC proposal, but did reference the Water Precinct's desire for a formal request to be submitted to them for the hydrant connection. Mr. McWilliams also mentioned a letter he received from Mr. Lizotte regarding a request of several waivers. Mr. McWilliams commented that items 14, 16, 18 and 28 were all non-applicable and did not need waivers. These items had to do with domestic water/sewer, rock outcroppings/ledge, outdoor

storage/display of items. Chair Ebel asked Mr. Lizotte to explain the remaining items for which waivers were requested.

Waivers were requested for: the Site Location Map, Direction of the Flow of Surface Water Drainage, a Landscaping Plan, an Outdoor Lighting Plan, and a Patrol Plan. Since they were not going to be changing any of the surfaces of the site, they were not planning any additional landscaping, and because outdoor lighting was already in place on site, Mr. Lizotte believed waivers should be granted for these additional steps.

Mr. McWilliams asked about the Solid Waste Disposal Plan. He wanted to know how the garbage generated from the facility would be handled and noted that if there was a dumpster outside it had to be indicated on the site plan. Mr. Lizotte said they would have the garbage maintained inside the building and would not have any dumpsters outside.

Mrs. Sheer-Gross asked if there were any issues with the existing site plan, for example, issues with drainage. Mr. Lizotte commented that he wasn't sure about the drainage on the field from the parking lot. The only water issue he was aware of is the water that comes into the basement under the gym. Mr. Lizotte shared that Dan Noyes of KRSD noted a drain line that needed to be cleaned out, but commented that the building has been there a long time and these are continuing issues.

Planning Board member Celeste Cook asked about the lighting outside and if it was acceptable. Mr. Lizotte said that the lighting was old and not something he would choose for a new project, but it is working and it is one thing they wouldn't have to pay for with start-up at this point. Michael Doheny mentioned that it is rather dark at the site at night. He said that he would like to have Mr. Lizotte come up with a Lighting Plan, especially near the parking, to help illuminate the area. Mr. Lizotte said he could come up with something for next time. Thomas and Nancy Donnelly shared that they are the closest abutters to the proposed site and that the current light from the building shines directly down Sawyer Lane, where they live. They commented that when the trees are bare in the winter, it is very bright in the back of the building. Any further lighting would only add to the brightness, they felt. Mr. Lizotte mentioned that they use directional lighting now, called "cut-off fixtures" that shine directly onto the pavement and do not illuminate the surrounding areas.

Planning Board member Michael Doheny asked where the barrels of trash would go when they are filled. Mr. Lizotte said that they would be taken to the old wood shop where a truck could be backed up to take the trash away to the Transfer Station. Mr. Doheny also asked about the minor changes to the existing surface of the site for water flow. Mr. Lizotte said there were only two sidewalks added and did not believe these additions would change the water flow.

**Chair Ebel asked for a motion to approve a waiver request for items 4, 12, 17, 23, 24, and 27. Motion was MOVED by Dale Conly and SECONDED by Jeff Hollinger. The MOTION was APPROVED UNANIMOUSLY.**

Mr. Lizotte will bring lighting proposal to the next meeting for final review.

## **2. Camp Wallula Subdivision – Preliminary Subdivision (Tax Map 33, Lot 16)**

Larry Ballin returned to the board.

Brad Cook, Bradford Cook Consultants, confirmed that he represented Camp Wallula, Inc. and reviewed the project. He said that when the property came onto the market about a year ago, he came in to help them sell the property in a respectable way to keep the integrity of the property as a camp, and with respect to Little Lake Sunapee. He stated that he has been to the Planning Board for conceptual hearings three times and met with the subcommittee twice. He thinks the discussions and improvements that have been made (size and locations of lots, buffer added to property) have been helpful. Mr. Cook stated that this was a unique project because in 1972 a planned unit development was approved for Camp Wallula. Mr. Cook noted that Counsel for the Town of New London has confirmed that this project is a grandfathered planned unit development. There are 16 lots in addition to a common area, which brings the total number of lots

technically to 17. Additionally, there are plans for 17 units on 16 lots, due to the fact that there are two units on lot 16. Mr. Cook stated that there is one 2-unit building, 9 single-buildings and 6 additional lots to be built on in the future. Mr. Cook wanted to note that what was once referred to in the past as “sites” would now be referred to as “lots” (land) or “residential units” (existing buildings). Mr. Cook shared that the majority of the work for this project had been done by Jesseman & Associates engineer, Nate Fogg. The subcommittee, which includes Planning Board members Tom Cottrill and Dale Conly, has worked on the planning issues. Mr. Cook went on to add that governance of the project would be proposed as a homeowners association and not a condominium association. With a homeowners association, Mr. Cook said there would be two governing documents: Restrictive covenants, and by-laws (rules and regulations), copies of which the Planning Board has. Mr. Cook expressed his desire to get back together with the subcommittee as soon as possible to begin working through the bylaws and restrictive covenants. Mr. Cook opened the floor to Mr. Nate Fogg to go over the most recent updates to the plan for Camp Wallula.

Mr. Fogg introduced himself and noted that Mr. Jesseman of Jesseman & Associates, and Mr. Bottinger, president of Camp Wallula, Inc. were also in attendance. He showed that sheet one was abutter list location plan and tax map sketch. He mentioned that is difficult to match the sites in the subdivision plan due to how they were originally labeled. For simplicity in the future, Mr. Fogg stated that they will re-label the “sites” as “lots” which is a more user-friendly term for the registry, state and approval process. Mr. Fogg is very pleased with the changes made in the lots working with the subcommittee. He showed the shore land buffer set-back. He noted that all the sites that fall within the shore land protection zone have already been developed. If residences are upgraded, owners will need to comply with the shore land protection requirement and the low-impact drainage rules. Mr. Fogg noted that there are four sites that are outside of the shore land protection zone, and there are six sites scattered around that are yet to be developed.

Mr. Fogg turned attention to Sheet C3 and noted that the trees that appear as black dots in the old map. He said that the trees and tree-line will be removed from the map to help with clarity. He commented that the map shown would be the plat sent to be recorded with the registry of deeds. The plan would be sent to the state for state subdivision approval. He showed that the sheet also showed the lot sizes.

Mr. Fogg showed that Sheet (C4) showed the overall land parcel of the Wallula project. The total acreage was said to be 28.4 acres. Mr. Fogg commented that most of the rear of the parcel is open in the back. Topography was available for the area being developed and commented that the land in the rear is fairly “rugged” land and will remain natural without any changes. He said that they would like to be granted a waiver for topography for this section of land, since it will remain unchanged.

Sheet C5 was shown to be the topographic site plan. The steep slope areas are shown and Mr. Fogg noted that improvements to the lot configuration included moving site two to avoid a steep slope. Site nine was previously located along the outer boundary line of the property. Buffers were taken into consideration and the site was moved away from the boundary line. Similarly, sites 1, 5 and 4 were pulled back away from the outer boundary to give as much buffer zone to each lot without implying setback issues with already existing buildings. Mr. Fogg showed that the hammer-head was moved further down the road to provide a side setback on site 10. Also, some lots were moved up to the right of way, which in addition, was straightened out.

Mr. Fogg displayed Sheet C6, which showed Test Hole Logs. He commented that they found very sandy soil throughout the property. He shared that they did not find any water issues and it was felt that the land would be very good for underground septic systems. He mentioned that they did not have Don Bent (New London Health Officer) observe the test holes because, at the time, they were unsure of where the lot locations would be. Mr. Fogg stated that he wanted to check and see if the Planning Board would like the test holes reviewed now, or if it would be best to wait until the lots are ready to be developed.

Sheet C7, showed the Shore land Setbacks. Property lines were highlighted in yellow and the pink areas on the map are ones that would be changed based upon what has been updated in the plans. A 20’x 80’ hammerhead was moved down the road in the plan, so that plow and emergency vehicles would be able to turn around at the end of the road. Some roads will be discontinued, loamed and seeded to prevent people from driving across other people’s property. Mr. Fogg noted that access to the tennis court would not be

changed, but would now be labeled as a walking path. He commented that it would still be large enough to get equipment through the road to maintain the tennis courts, as needed. He showed that site 8 would be changed and moved towards hammerhead. Driveways were added to sites 2 & 9. A second tennis court, which is currently overgrown would be cleared and rebuilt. Mr. Fogg shared that a plan was in the works to show the specifications of the court. Another addition to the land would be a 150sq. foot ball field. Mr. Fogg explained that the land is already open, but needed to be graded, loamed and seeded to provide a suitable area to play. He noted that the changes are limited to the back area away from the lake. There was little change going on near the water.

Sheet C8 was the Road Plan Profile for the existing road. The hatched areas will be removed to provide for better clarity; they were also left off from the state's subdivision plan. More detail was added to the hammerhead design so it could be shown that it would be installed correctly.

Mr. Fogg also showed Sheet C9, which was a detail sheet. This page showed the tennis court layout with gravel and pavement. Loam and seeding of discontinued access roads, water line installation.

Sheet C10 showed a Utilities and Fire Protection Plan. It showed all the septic systems for each site, the water lines, and two hydrants. Mr. Fogg explained that there were two lots in need of a different water supply: site 15, a seasonal cabin, has a water supply that consists of a hose lying outside on the ground. This property will get a permanent water line connect to the main water line near the site. Site 14 ties in off the back of house on site 13. Mr. Fogg feels that it is important for each site to have its own water source. This site will get its own water line next to the driveway. Other than that all the proposed water lines will remain the same. He noted that the water supply is all private except for two hook-ups on Little Sunapee road will require permits from the Water Precinct.

Mr. Fogg noted the Impact Assessment. It was noted by the department heads that there were some typographical errors present that needed attention. Also #6 was too general and they wanted more details on fire protection. The department heads also thought there needed to be more specifics stated regarding the fiscal impact of the lots to the town. Mr. McWilliams asked about Solid Waste in the Wallula area. Mr. Fogg commented that barrels would be used for garbage, and would be carried away like any other residence. Chair Ebel asked that it should be included in section about the fiscal impact of people moving into these lots with children/students. He said he planned to because that had already been requested by the department heads.

Chair Ebel noted that on page 7 paragraph 1 of the Impact Assessment, the terminology used was "During Construction, contractors are advised to use erosion control methods". She asked that it be changed to "...contractors are *told* to use erosion control methods." Mr. Fogg agreed to this change. Peter Stanley explained that a construction yard is commonly created on site and this needs to be identified because it can cause problems with traffic, erosion control issues, and neighbors. Stanley said this is something that needs to be brought before the planning board. Mr. Fogg noted that there will be a natural staging of the property remodeling and will be limit activities permitted in the common area during construction.

Chair Ebel noted another sentence for review within the Impact Statement: Paragraph 7 reads "During future development, contractors will be directed to use the most current method." She noted that it should say "*required* to use the most current method." Mr. Fogg agreed to this change.

Mr. Brad Cook remarked that the New London application documents will be completed and filed. Chair Ebel said that she went through declaration of restricted covenants. She suggested that they need to work on it more. She remarked that it seemed a little "scattered, especially with respect to the definitions. She wondered if the definitions conformed with definitions in the bylaws. . Mr. Cook said they have been struggling with the site/lot/unit dichotomy and when this has been remedied with the subcommittee, the documents will be re-written.

Nate Fogg mentioned the Original Sites Lots. They are not expanding the lots from the 1972 site plan. The table tries to describe the area and buildable setback areas based on the original lot area. They want to try to keep that area capped based on the original lot size. Mr. Fogg noted that sites 12, 14, 15, 16, 17 have

had added in, a natural woodland buffer. He said that these are sites closer to the road and are affected by the Shore Land Protection Act. They are allowed to remain as-is and are limited (permit needed from the state and town) which will limit the amount of area is disturbed on their parcel. He stated that the map will be re-labeled from “sites” to “lots.” The map will also show and add to the table where the lots may be limited, if in fact, they are. He said that all six of the lots will be limited by zoning setbacks (same as 1972 by his research) and the original build-able area of the original site would limit the size of the building on the parcel. Ken McWilliams noted that simplest way to define this is by referring to the New London Zoning Ordinance definition of the term Building Envelope: “Portion of a lot remaining after depleting undevelopable areas including wetlands and wetland buffers, lakes, ponds and their buffers, steep slopes and any other applicable setback requirements and may be restricted further in new lots in the shore land overlay district to protect water resources.” He also noted that the old plan for Camp Wallula would have had the same requirements. Mr. Fogg asked if he would need to change his original build-able area setbacks.

Peter Stanley, Zoning Administrator, commented that it appeared that there were rear and side setbacks in question. He said that in zoning law, you do not get to pick a year when the lot came into effect and adopt those zoning laws. In the town of New London, it is the current law/standard for setbacks. It wouldn't matter what the zoning setbacks were in 1972. Mr. Fogg admitted that he understood this.

Steve Jesseman wanted it explained further about the distinction between “lots” and “units.” Mr. Fogg explained that the land parcels would be called “lots” and the existing buildings would be called “units.” The common land within the site would also be considered a lot (lot 17). Mrs. Sheerr-Gross asked if lot 17 included all the areas that were not part of the other lots Mr. Fogg answered in the affirmative. Lot 1 contains 2 sites/units and is the existing Bottinger house. Lot 2 has zero build-able units. The average is 17 units on 17 lots.

Mr. Fogg then asked for 3 waivers:

1. Topography survey of the area (7b in the rules) – Mr. Fogg feels that the topography would not provide any useful information since it is part of the parcel that will remain undeveloped.
2. Stormwater management plan. Mr. Fogg stated that this plan had already been developed when the PUD was originally created, the road is already in, and the hammerhead is in a small area away from lake. The updated tennis court and ball field are fairly small areas and the change in drainage would be minimal to none. Mr. Fogg mentioned that one item that came up in department head meeting was the need to show the erosion control of the hammerhead due to a slope off the back of it onto site 7. Mr. Fogg believed that this can be shown easily without an entire plan. Mrs. Sheerr-Gross asked the Planning Board how the waiver request (storm water) would be accepted by the town. Also, what were the conditions today versus when the other six sites are built? Are there any current issues with the drainage? Mr. Fogg answered in the negative. Chair Ebel was not inclined to grant this waiver and to direct it to the subcommittee. Mr. Bottinger, who lives on the flattest area in Wallula, noted that there is no problem with drainage currently. He noted that the land drains in 10 minutes after a heavy rainfall. Peter Stanley mentioned that the perk test showed 2-4 minutes drainage, which is excellent. He said that given the soils, drainage would not be a problem in this parcel. Chair Ebel understood, but requests a plan still be created due to the fact that it is the norm for every other development that has been in close proximity to a lake. She opined that if there was ever a location that should have an up-to-date stormwater drainage plan, this was it. Larry Ballin noted that the reason the waiver is being requested is because they feel that a storm water plan will take a significant amount of work. He shared that he didn't think it was going to be a big project and agreed with Chair Ebel that it was necessary given the location. Mr. Jesseman said that they would withdraw the request of the waiver and would get a Stormwater Drainage Plan to the board.
3. Wildlife Habitat Report. Mr. Fogg said that since there are no real changes to the land, he would like a waiver of this requirement. Chair Ebel asked Planning Board members if they thought granting this waiver was acceptable. No one had a concern with the waiver request.

Chair Ebel asked for any further discussion, and since there was none, asked for a motion.

**IT WAS MOVED (Cook) and SECONDED (Conly) THAT THE CAMP WALLULA REQUEST FOR WAIVERS OF THE TOPOGRAPHIC MAP AND WILDLIFE HABITAT REPORT BE GRANTED.**

**The MOTION was APPROVED UNANIMOUSLY.**

A date for a subcommittee meeting was requested. While Mr. Conly is still on the board (until 3/31/09) a meeting will be planned by Mr. McWilliams. He noted that there would need to be two meetings: one to discuss bylaws and covenants, and another meeting to review the changes made. Chair Ebel asked that once his Planning Board term is over on March 31<sup>st</sup>, he act as the board's designee on the subcommittee. Mr. Conly agreed to stay on until the 2<sup>nd</sup> meeting is over because he is knowledgeable in this project and wants to follow through with it.

Planning Board member Sheerr-Gross commented that when looking at the draft restrictive covenants (#11) she realized that the impact of this development has the potential of having a large visual impact if the color of the buildings in the Wallula subdivision is changed from the darker, campy colors, if lower-pitched roofs were added, etc. She asked if there could be something included to have the right to approve home colors. She mentioned finding a way to keep a 50-60% reflection ratio in home colors. She stressed that it was important to keep a continuity of the "camp" feeling. Mr. Cook remarked that he had some people interested in the lots and if they were advised on the provisions regarding their architecture or house color it would not go over well. Mrs. Sheerr-Gross commented that if the colors are subdued, they go away and don't stand out. The main body of the house should not impact the visual from the lake.

Nate Fogg asked again about the test holes shown on the test hole log page. As he noted earlier, Mr. Bent did not review the test holes because Jesseman Associates was not sure where the lots would end up. He remarked that the state does not require review of subdivisions, but that it does require septic approval. He asked the question whether or not Mr. Bent should go out now or wait until septic designs are done. Mr. Ballin believed that Mr. Bent could go in when it is appropriate, after the designs are done. Other members agreed that this was acceptable.

Ms. Sheerr-Gross asked what happens when the homeowner association does not follow its own rules. Mr. Cook remarked that he has represented some associations. None of them, which generally include a small number of members, seem to want to tell the others that they are not following the rules. Mr. Ballin said that the Zoning Administrator can step in if rules have been written down and is a town issue. The town cannot legislate the case unless they have been involved in the planning. Mr. McWilliams stated that the town can enforce many of the requirements as part of the subdivision approval process. Chair Ebel noted that when the Planning Board approved other subdivisions near bodies of water, it has required conservation-related rules that state that the town can step in if the associations don't comply with them. She stated that in the case of Great Pines, the homeowners association was responsible for maintenance of drainage structures and if the association did not maintain them, the town could step in to do so. Chair Ebel advised Mr. McWilliams that they should keep in mind association for the septic system repair while going over the covenants if there is a failure, considering the lakeside location. She recommended that these sorts of provisions be included in the Camp Wallula documents. Mr. Cook said he would work with the subcommittee on this.

Mr. Jesseman noted that there was some concern with the hydrants in the Wallula area. He wanted it known that they have agreed to add another hydrant to remedy this issue.

Mr. Cook asked to continue the Wallula preliminary hearing to the April 28<sup>th</sup> meeting.

**3. Colby-Sawyer College – Concept Site Plan Review – Reuse of Fairway Motel for Student Housing (Tax Map 98, Lot 27)**

Mr. Ballin recused himself from discussion on this matter due to the fact that his son is an employee of the country club (owner of the Fairway Motel) and a student at the college.

Mr. Douglas Lyon, treasurer of Colby-Sawyer College, came to the board to discuss housing. He reminded the Planning Board that the college's master plan for years has been 1000 students and that the goal has still not been met. He said that they only have 18 more students this year than they had five years ago. He said the difference is that they have more students residing on campus, as opposed to commuting, than they have had in previous years, which means they need more dorm space. He said that they cannot afford now to build more dorms, but that they don't want to be stuck next fall not being able to admit students for lack of beds. Doug and Kate Phelan, from the Fairway Motel, were approached and asked if they would be willing to admit kids into the motel for the Fall and Spring semesters. Mr. Lyon said he was informed by Jessie Levine that this act may be a Planning Board issue due to a change in use for the motel. He said he did not agree with this view.

He said that the plan was to lease the Fairway Motel for two semesters while the college is in session, and then it would revert back into a motel in the summer (their busy season). Two issues that stood out to the college was that they would want to add some 6-8 more parking spaces. Since there is plenty of land near the motel, they did not feel this was an issue. Mr. Lyon went on to discuss the site plans with regard to the other issue, that being a change of use for the hotel. He opined that if students had gone down to rent rooms for one year on their own, it wouldn't be an issue. But now that the College would be leasing the building for the students, it is being seen as a change of use. He said this was illogical and asked that it not be deemed a change of use. Kate Phelan, who was representing Lake Sunapee Country Club, said the motel has had long-term visitors in the past.

Mr. Lyon said that if it is not considered a change of use, they will come back next month to show the parking plan. If it is considered a change of use, they will go to the ZBA to discuss the matter and ask for a variance. He feels that the use is similar to the other uses of the building. He noted that a staff member would live at the hotel also. He remarked that the Fire Department has only one concern having to do with the alarms. The department would like them to be updated so that all the units are connected to the same alarm. This would not be a problem to execute, said Mr. Lyon. Kate Phelan said that she believes there are approximately three acres where parking spaces can be added. Mr. Lyon noted that this housing is merely insurance for the college, as they are not sure on numbers for the new year. He remarked that the college may not even know about final numbers until the fall. There is a chance that they may not have any students coming to stay at the motel, but they don't want to have to turn away any students due to a lack of housing.

Chair Ebel asked how many rooms are available in the motel. Mr. Lyon answered that there are 12 rooms. One room would be a single and the others would be doubles would house 23 students. He also added that they have done something similar in the past with Norman Ledger's house which didn't require site plan review. Additionally, a house was purchased on Seamen's Road to house students. He added that all of the students would still be on the college's meal plan and would also be interviewed beforehand to make sure they were responsible upper-classmen.

Michael Doheny asked about cooking facilities in the motel. Mr. Lyon stated that there is a stove in only one room.

Dierdre Sheerr-Gross asked if people have come to the motel and stayed for an entire season. Ms. Phelan answered in the affirmative. Mr. Stanley added that sometimes welfare agencies will put people up in motels for an extended period of time. Chair Ebel asked if it would be acceptable to say that it was a change of use, but grant a waiver. Mr. Stanley said that that would work if it was a legal non-conforming issue, but it is not. Mr. McWilliams said that they have to request a variance from the ZBA if the Planning Board decides this is a change of use.

Ms. Phelan asked if this will need to be brought before the board every 9 months when they want to convert it back and forth between the students housing (dorm) and a motel. Mr. McWilliams said it would not, but if they did go to the ZBA to request a variance they needed to make the arrangement clear.

Celeste Cook asked if the college would be leasing all the rooms from country club. Mr. Lyon answered in the affirmative. He said that they would rent the whole facility and it would not be used for regular business when the college was using it.

Michelle Holton asked the board why they felt that it is a change of use. Mr. Doheny answered that it is changing from transient to long-term living. He would prefer it be referred to the ZBA.

Mr. McWilliams was asked his opinion about the issue by Chair Ebel. He said that he could see both sides of it, but after careful thought, feels that it is a non-conforming issue. It is being changed to a dormitory used for residential use.

Mr. Hollinger mentioned that, to use Mr. Lyon's example of kids renting the rooms on their own at the motel, the chances of 23 students all coming there on their own to rent rooms for the year is slim. He also added that they would basically be creating a dorm in a residential area and creating a certain amount of risk to the town. The campus has more campus police and is more self-contained. He felt that this is certainly a change of use.

Chair Ebel asked about abutters and was concerned that they be given notice of the project. Mr. Ballin brought up the fact that there are several abutters to the property, who should know of these plans: LaFrenniers, Rowets, and Conways. There are nearby neighbors as well, if not, actual abutters.

Mr. Stanley commented that the parking lot that is devoted to the motel is a legal non-conforming use. Legally it cannot be expanded. However, if a variance is granted, this could be done.

Mr. Cook, who was there for the Camp Wallula matter, said he happened to be the College Attorney also, mentioned that a similar issue arose in the Hooksett-Manchester area, where they used hotels for college students. He commented that the planning authorities in those towns took no action was taken because it was deemed "equivalent use".

Michelle Holton felt that this issue affects the country club and the college in a bad way. She commented that she doesn't see the sense in not granting this waiver. She saw it as a hardship on both sides and not fair. Mr. Stanley commented that the ZBA will decide what the right thing is to do, that it was a matter of law and not what is fair. Ms. Holton said she could understand that. He noted that the town must go by the ordinances. Mr. Hollinger suggested that the board refer the matter to the ZBA with a recommendation that it approve it. He said that this sort of thing has been done before. Chair Ebel concurred.

After more discussion on the matter, it was decided to send the college to the ZBA.

**It was MOVED (Hollinger) and SECONDED (Doheny) THAT COLBY-SAWYER COLLEGE BE REFERRED TO THE ZBA FOR A CHANGE OF USE VARIANCE TO PERMIT STUDENT HOUSING IN FAIRWAY MOTEL AS PRESENTED AND THAT VARIANCE BE APPROVED. THE MOTION WAS APPROVED BY A 4 (Hollinger, Doheny, Cook, Sheerr-Gross) TO 2 VOTE (Conly, Holton).**

Mr. Lyon asked for details on the site plan review. He wanted to know what would be needed. Chair Ebel said that if the variance is granted, they will need a site plan geared towards parking and fire systems, but not much else.

**It was MOVED (Hollinger) and SECONDED (Doheny) THAT COLBY-SAWYER COLLEGE BE REFERRED TO THE ZBA FOR A VARIANCE TO EXPAND THE PARKING LOT WHICH IS A NON-CONFORMING USE AS PRESENTED AND THAT VARIANCE BE APPROVED. . THE MOTION WAS APPROVED BY A 5 TO 1 VOTE (Holton).**

#### **4. Other Business**

##### **A. Continued discussion of Recommended Amendments to the Site Plan Review Regulations**

This discussion was postponed until the April business meeting at the request of the Jessie Levine, Town Administrator.

B. The MINUTES of the February 10, 2009 MEETING of the PLANNING BOARD were APPROVED, as circulated.

C. The MINUTES of the February 10<sup>th</sup>, 2009 MEETING of the Planning Board's Kearsarge Community Center Subcommittee were APPROVED, as circulated.

**Respectfully Submitted,**

**Kristy M. Heath – Recording Secretary  
New London Planning Board**

Date Approved: \_\_\_\_\_

Chairman: \_\_\_\_\_