

APPROVED

Minutes of the Planning Board Meeting of December 8, 2010

Members Present: Tom Cottrill (Chair), Jeff Hollinger (Vice Chair), John Tilley, Peter Bianchi (Board of Selectmen Representative), Emma Crane (Conservation Commission Representative), Paul Gorman (Alternate)

Members Absent: Michele Holton, Deirdre Sheerr-Gross (Alternate), Michael Doheny (Secretary),

Others Present: Ken McWilliams (Town Planner), Peter Stanley (Zoning Administrator)

Note: "PB" shall refer to the New London Planning Board

Chair Cottrill called the **MEETING TO ORDER** at 7:00pm. He appointed Paul Gorman to sit in for Michael Doheny, who was absent.

1. Anthony Cooper, Rev Trust Merger – Mr. Stanley said that people are looking ways to reduce their taxes by merging pieces of land they own. He said the lots in question make two non-conforming lots more conforming. Mr. Tilley asked if it would be possible to split the lot into two lots again at some point. Mr. Stanley said that it would not, as the minimum lot size could not be met. Mr. Stanley said that he saw no issues with this merger.

IT WAS MOVED (Jeff Hollinger) AND SECONDED (Emma Crane) to accept the Anthony Cooper Revocable Trust merger. THE MOTION WAS APPROVED UNANIMOUSLY.

2. Gerry & Elizabeth Rogoff Merger – Mr. Stanley said that the property in question was near Messer Pond. There were two parcels on the pond and one across the street. The two near the pond would be merged. The Rogoffs own the land right up to the post of the boat launch and he will end up with just about two acres in one lot, which can then become a lot of record. Mr. Stanley said that he saw no issues with this merger.

IT WAS MOVED (Jeff Hollinger) AND SECONDED (Paul Gorman) to approve the Gerry and Elizabeth Rogoff Merger. THE MOTION WAS APPROVED UNANIMOUSLY.

3. Lakeside Lodge – Mr. Stanley said that the two parcels to be merged included a dock. The parcel has been described as a single parcel but actually came to the original owners in two parcels. One parcel came from the Steamship Company, and the other from the Clark Estate. The town kept it as two parcels. Mr. Stanley thought this was a logical maneuver on Lakeside Lodge's part and had no issues with the merger.

IT WAS MOVED (Jeff Hollinger) AND SECONDED (Emma Crane) to approve the Lakeside Lodge merger. THE MOTION WAS APPROVED UNANIMOUSLY.

4. Snow Extension – Mr. Stanley said that Mr. Snow came to Richard Lee (Public Works Director) and said that they wanted to pave the road on November first so that the road could then be transferred in ownership to the Town. Mr. Lee however will not accept a road that has been paved starting the first of November. Mr. Lee has discussed this with the Board of Selectmen and they have agreed that it would be prudent to wait until spring or summer to pave. Mr. Stanley noted that this was the second extension for

Mr. Snow and Mr. Lee felt that this should probably come to conclusion at some point. His recommendation was to instruct that the paving be completed no later than the end of August of the coming year. If it was not done by that point, the letter of credit would be called.

Mr. McWilliams added that Mr. Snow will also need to come before the PB for their final certificate of performance to make sure the road has been built to Town standards. Once they have been granted this certificate, he suggested they hold a maintenance security for a year to make sure the pavement and road holds up. Mr. McWilliams noted that Mr. Snow has a few steps to take before he can ask that the road be taken over.

Mr. Stanley suggested that they approve the request with the condition that it be the last time an extension is given. Mr. Bianchi said that if the cost of paving gets so high that it is over the amount of Mr. Snow's letter of credit (\$20,000) he may just say for the town to go ahead and call the letter and pave it themselves. Mr. McWilliams said that this could happen, but that Mr. Snow does enough business in town that if he did that, it could cause problems for him later on.

IT WAS MOVED (Emma Crane) AND SECONDED (Paul Gorman) to extend letter of credit for Mr. Snow until August 31, 2011, per Richard Lee's recommendation. THE MOTION WAS APPROVED UNANIMOUSLY.

5. Ferries – After-the-Fact Tree-Cutting Request

Mr. Stanley showed photos of trees that had been broken down from a recent wind storm. An apparent microburst caused trees to be uprooted. The applicant has enough points on the shoreline, even if trees are removed. The trees in question were threatening and Mr. Stanley said he told them to go ahead and cut them. Another fallen tree on the property will be cleaned up in the spring. He commented that the area is very well vegetated and suggested approving the request.

IT WAS MOVED (Jeff Hollinger) AND SECONDED (Paul Gorman) to approve the tree-cutting request from Mr. Ferries. THE MOTION WAS APPROVED UNANIMOUSLY.

6. Stephenson – Tree Cutting Request.

Mr. Stanley said that a tree uprooted at the shore's edge during the recent storm and took another tree with it. This situation occurred near to the previous applicant and similarly, even with the trees removed, there are enough points on the shoreline. It was his suggestion that the request be approved, as he was waiting to get approval to get it cleaned up.

IT WAS MOVED (Jeff Hollinger) AND SECONDED (Emma Crane) to approve the tree-cutting request for Mr. Stephenson. THE MOTION WAS APPROVED UNANIMOUSLY.

At this point in the meeting, Chair Cottrill noted that after a few more items, the Agenda calls for a review of the Land Use Chapter of the Master Plan. This is a noticed public hearing. Cottrill asked if anyone was in attendance for the Land Use Chapter. There being no response, Cottrill suggested that they postpone review of the Land Use Chapter until the Upper Valley Regional Planning Commission (UVRPC) can be involved, so that revisions can be more reliably completed. The PB agreed.

7. Connolly. Mr. Stanley noted that in 2008, before the comprehensive shoreline protection act, Mr. Connolly came to the Board of Selectmen with hopes to build a house on Pilot House Road. The original submittal indicated the amount of impervious surface to be under 20%. In the process of trying to erect a garage, it was found that the initial calculations were incorrect and there was actually about 24% of ground covered by impervious surface. This fact puts them into a different category. Though the regulations require impervious surfaces not to exceed 20% of the total lot area, the regulations do allow the PB some flexibility if the total impervious surface is in the 20%-30% range. In this case, an applicant is required to provide a full stormwater management system plan. Mr. Stanley suggested Charlie Hershberg from CLD Engineers describe the status and plan.

Mr. Hershberg explained that the owners actually built a significant amount of stormwater management components when they built the house, even though they were not required. These components include retaining walls, terrace gardens, and dry wells. Whatever water comes off the roof goes right into a dry well area. The decks have a system that collects the water and directs it to a downspout, which runs it into the dry wells. The opposite side of the home has stone drip edges that allow runoff to go into the ground. A stone drywell is also present that takes runoff from the driveway area. This well is 6' deep of $\frac{3}{4}$ " stone.

Mr. Hershberg said that in doing the site design for the site workshop, they have two swales that will go to the dry wells. The wells will contain plantings with planting media and crushed stone below. Within the 250' line from the shoreline, whatever is generated, there is no increase in rain runoff and volume. All the volume is going into the features they have in place. The zoning regulations read that they need to come to the PB to have their stormwater management plan approved. Mr. Stanley said that this is a requirement for properties having over 20% impervious surface. Their previous calculations were incorrect so the PB needs to approve the stormwater plan.

Mr. Stanley said that he has reviewed the calculations and there is no increase in volume. Mr. Hollinger said that they are taking a non-conforming lot and making it more non-conforming. Mr. Stanley said that the regulations actually allow up to 30% impervious surface. Mr. Hollinger said that a 5% difference is pretty significant. Having dealt with the State and gone through all of this himself, he is aware of the strict guidelines that must be adhered to. Mr. Stanley said that the person who did this initial work was a landscape architect, not a licensed engineer. This project was also the first waterfront project under the new regulations. Mr. Hershberg added that all of the landscape architect's plans were hand-drawn, which may have accounted for some of the errors in impervious surface calculations.

Chair Cottrill asked Mr. Hershberg to describe the dry wells. Mr. Hershberg said that they have a foot of soil mixture, and underneath that it is $\frac{3}{4}$ " stone. There is synthetic fabric which separates the media from the stone so it doesn't migrate to the stone. Storage for water is created by the voids in the stone, which they would not want the media to fill. Mr. Hershberg added that there is a stone retaining wall that is 9' tall in some areas. He commented that the dry wells are huge and can hold a large volume of water. Chair Cottrill asked if he found any of the dry wells to be faulty. Mr. Hershberg said that there is no evidence that they have not been functioning properly. Chair Cottrill asked about the difference in a 1" storm vs. a 100 year storm, which he had seen referenced in other calculations. Mr. Stanley said that their regulations specify that the design must meet criteria to handle a .5" storm. They have calculated this design for a 1" storm. The 100 year storm is something that is used when determining the sustainability of things such as

culverts. Mr. Stanley said that the PB has to approve the stormwater plan for the amount of the impervious surface to go up to 30%, which is the same regulation as the State.

McWilliams said that there is a requirement that the State includes in their regulation, that the post-construction volume should not be an increase of what the pre-construction volume was.

Mr. Hollinger asked if there was any impervious surface that could be replaced with pervious material so they could do the project without any increase. Mr. Hershberg said the way it was built at about 24%, was the way it has been and has existed until now, and it has operated fine. Mr. Stanley said there has been no increase in runoff due to the stormwater management system they have created. Mr. Hershberg explained that runoff is being conveyed away from the lake as it runs off the roof. Mr. Stanley said that the performance he has seen from these devices in the past is excellent.

Mr. Hollinger said that he didn't think they should stop the project but felt they should make changes to make sure there is no net change. Mr. Hershberg said that when doing something at a house that already had 30%, that is when they need to be creative and use pervious surfaces. They have the flexibility to go up to 30%. Mr. Stanley reminded them that there was no State permit required when this was done. He said that it was a simple building permit and the PB never saw it. It was calculated at 20%, so it went through. Mr. Bianchi believed it was a good faith effort that went awry. Mr. McWilliams said they would have a much bigger issue if they came in and hadn't done anything with stormwater management previously. The fact that they put in a good system when they put the house in, helps their case.

IT WAS MOVED (Peter Bianchi) AND SECONDED (John Tilley) to approve the stormwater management plan for the Connolly lot, including the garage. THE MOTION WAS APPROVED. Jeff Hollinger voted against the motion.

8. Amelia Kearon – Plans for former CB Coburn space .

Mr. Stanley said that he was contacted by Matt Conway, owner of the former CB Colburn building about the possibility of Ms Kearon's Yoga Class business going in to his building. The space is just under 1500 sq. feet and is located in the front part on the main floor of the building. Because of the type of use Ms. Kearon was proposing, Mr Conway felt he should inquire to the PB.

Mr. Stanley said this particular rental space requires 6 parking spaces, when used for retail. There are a total of 16 parking spaces on the lot approved for this building. Ms. Kearon is proposing to have yoga classes that could have 10-15 people on the weekends. He said based upon Ms Kearon's projections for class size, there could be 10 vehicles needing parking, when there is only 6 parking spaces allocated for this rental space.

Ms. Kearon said that she wants to open a yoga studio and didn't think parking would be an issue. She said she talked to the staff at Tracy Library and they didn't seem to think it would be a problem for Ms Kearon to use that lot. The Dead River Co., who also leases rental space in the same building is in business from 8-5 weekdays and the parking spaces allocated to them could also be used according to inquiry by Ms Kearon to Dead River. She said most of her classes would be starting after 5pm on weekdays. She said that most people who go visit Dead River park on the street, not in the back. Chair Cottrill asked about the number of parking spaces allocated to Dead River. Ms Kearon said six. Chair Cottrill felt her

customers would try to park in the Colby-Sawyer maintenance lot and also mentioned there is also a hair salon and three apartments in the building.

Mr. McWilliams asked what times she would like to have her studio open mid-week. Ms. Kearon said most classes would probably start at 5pm. She wants to fill her classes with as many people as possible but knew that it would be based on when people are available to come. If they can come at 7am, she would like to have a class at that time. The initial schedule she came up with was just a draft and was subject to change based on what is available for parking. Mr. Stanley reminded the PB that there is no provision for this in the regulations, so is subject to PB review. Mr. Tilley opined parking probably won't be a problem. He wondered if they could give temporary permission to see how it works.

Mr. McWilliams suggested that if Ms. Kearon is allocated 6 parking spaces during the 8a-5p weekday business-time, her yoga classes could be limited to 6 participants. After 5pm and on the weekends, she could expand to 12 participants. Mr. Stanley liked Mr. McWilliams' idea and if over some time, she could gather information as to how many people drive to classes (actual experience), it would give a better idea of how it would go in the future. Mr. Hollinger suggested increasing her daytime class size to 10. He noted that some people would likely be walking to class or even parking on the street. Mr. Tilley suggested they label the parking spots in the back so that Dead River has their spots and they can make sure the salon has their spots marked as well. Mr. Stanley said their requirement would be that they have on-site parking.

Chair Cottrill said in the past when a business needs more parking, a lease for parking spaces is created with a nearby property that has excess parking spaces, subject to PB approval.. Mr. Stanley thought it was important for the applicant to consider getting spaces elsewhere rather than relying on the street. It gets crowded and they are supposed to offer off-street parking for the businesses in town.

Mr. Stanley said they could require a full site plan review. Chair Cottrill thought maybe just a parking review would be necessary. Mr. Stanley said that such a thing didn't exist, but they could waive the site plan review contingent on some requirements, such as limiting class size per day to "x" and see how it goes. Ms. Kearon could come back after the business is up and running and see if parking is or is not an issue.

Mr. McWilliams said that under the parking section of site plan regulations, it says that if offsite parking is to be leased, the number of leased spaces should not be more than 10% of the total spaces needed and has to be within 500' of the business. This would equal about 1 spot.

Mr. Bianchi asked if there had been any previous problems with parking at this site. Mr. Stanley said there had been previous negotiations and arrangements to share spaces surrounding the building. Mr. Conway came in to develop the current plan for the old mix of uses and since then there have been no complaints about parking. Chair Cottrill opined that the only property impacted would be the Colby-Sawyer maintenance facility. People won't think to go to Pizza Chef or the library to park. He thought she should probably talk to the college. Mr. Tilley said it wouldn't be a problem for Dead River, but it could be a problem for the salon. Mr. Bianchi said he tended to lean towards a conditional approval and see how things go. Or if she has established a relationship with the college with parking, she could share that information as well.

Mr. Tilley asked Ms. Kearon if she had a class size goal in her business plan that would make holding the class be worthwhile and/or profitable. She thought that to have a viable class, she would need 8-9 people participating.

Ms. Crane was concerned with parking during the day. There are times the library lot is full and they can't rely upon that being available. At times, both sides of Main Street are packed as well. Mr. Bianchi said he hated to stifle a business that is trying to get started in town. He had no problem looking at the regulations and stipulations, should a problem exist. Mr. McWilliams said they could approve it and at the end of a three month period they could meet again to review the daytime parking situation and if there is a problem, the PB could put some limitations on it. Mr. Tilley added the caveat that they bring in some sort of correspondence from the other two tenants in the building and the apartment people. Chair Cottrill said he thought six months would be more appropriate. He thought Ms. Kearon should get back to Mr. Stanley within 30 days with correspondence from Colby-Sawyer and proof that she has worked with the landlord to discuss parking with the other tenants. He thought there should be a plan for the site and the landlord should be involved. Mr. McWilliams said that regarding the daytime classes, Ms. Kearon should keep track of how people arrive to the site.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Jeff Hollinger) to waive the requirement for a Site Plan Review, conditioned on Ms. Kearon coming back to the Planning Board no later than July 1st, 2011 for a follow-up review to see if there are any issues on parking.

THE MOTION WAS APPROVED UNANIMOUSLY.

Chair Cottrill said that if there is a problem after 6 months he would suggest contacting Colby-Sawyer, as they have a huge parking lot there that seems mostly unused. He suggested her to keep in contact with Mr. Stanley.

Scope of Services Document for RPC

Chair Cottrill said with Mr. McWilliams leaving the PB as Town Planner, he, Mr. Stanley and Ms. Levine have met to discuss what direction the Town should take to replace Mr McWilliams. All have agreed that the best option is to use planning services from the Upper Valley Regional Planning Commission ("RPC") and thus, they have met with Christine Walker, Executive Director. The group has reviewed the schedule for the Master Plan, Mr. McWilliams' existing agreement and the budget.

Master Plan: Mr. McWilliams was contracted for the Master Plan update and process at a cost of \$61,800. To date, the PB has spent all but \$15,500. Many chapters are complete but there are a few remaining. The RPC has provided an estimate of costs to finish the work of the Master Plan of \$11,595, which is about \$4000 less than the remaining budget and includes \$2,035 allocated just for the RPC to get up to speed on all the chapters. Chair Cottrill noted that there is a fund for the Community Survey that still has \$2,052 left and when combined with the \$4000 savings, there should be enough money to properly finish the Master Plan. This is important since the PB may require more re-writes of certain chapter than is currently budgeted. The left-over funds from the Community Survey have been used the in the past when the PB has exceed two reviews of a chapter.

Chair Cottrill said that with the transition from Mr. McWilliams to the RPC, review of the Land Use chapter will be postponed until the RPC can attend the meeting in either January or February. A planner from the RPC will consult with the PB for the remainder of the Master Plan project. Mr. McWilliams said that they need to consider the Energy Chapter. It has been a year since the first draft, and it is something they will need to include.

Regular PB Business: Chair Cottrill said that Mr. Stanley will continue handling un-complicated requests like mergers and tree-cutting, etc. As Mr Stanley is not a planner, he has in the past referred applicants of complicated requests to Mr. McWilliams. Now, Mr. Stanley will continue such practice and employ the RPC only as necessary. Chair Cottrill also noted the PB can pass RPC charges to the applicant, similar to the practice when using an engineer to review plans.

Budget: Chair Cottrill noted that the Budget Committee has reduced the PB budget by about 50% which isn't an issue to him. As noted, the plan is to require applicants pay for planner expenses through the RPC. Mr. McWilliams said that this puts the PB in the drivers' seat. If the applicants won't pay for the services of the RPC, the PB can deny the application.

Regarding the Master Plan services and budget, Mr. Bianchi was concerned with the number of reviews of the chapters. Mr. McWilliams said that his process was that he would give a draft to the PB, they would review it and make amendments to it. He would revise the chapter and present it to the PB once again to review it. That is where it would stop. Additional drafts would cost more and that cost was funded from the Community Survey fund. With the community survey, the PB decided to use "Survey Monkey" (an online survey system) and it saved them about \$5,000. Mr. Bianchi and Mr. Hollinger noted that this discussion made it clear to them that the PB should do it right the first time. Mr. McWilliams agreed that a thorough review of each chapter with all PB members in attendance helps to keep the Master Plan schedule on track and with lower additional costs.

Mr. Stanley said he needed the authority for them to move forward with working with the RPC. The RPC requests acknowledgement from the Chair of the Board of Selectmen confirming the Chair of the PB can sign the RPC contracts. This authority is already in the hands of the PB chair; this is just a formality.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Emma Crane) to allow the chairman of the Planning Board to enter into agreements with the Regional Planning Commission. THE MOTION WAS APPROVED UNANIMOUSLY.

Minutes review of November 9, 2010

IT WAS MOVED (Paul Gorman) AND SECONDED (Emma Crane) to accept the minutes of November 9, 2010, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.

Continue Discussion of Zoning Amendments for the 2011 Town Meeting

Proposed Amendment #1: Mr. Stanley read from Amendment #1 as it had been changed. Chair Cottrill noted that this Amendment was intended to be aligned with State regulations. Mr. McWilliams suggested adding “consistent with the State requirement” to show this.

Proposed Amendments #2 and #3: Mr. Stanley read aloud. These were un-changed.

Proposed Amendment #4: Mr. Stanley said he changed the language per the last PB meeting. He re-wrote section 4 from the first draft. Mr. Tilley said that the recurring basis should be more defined with minimum criteria. He thought 6 recurring events was more than 6 annual events. Mr. Stanley suggested adding “6 or more consecutive times” after “(daily, weekly, multiple).”

Mr. Bianchi asked if they would need a fence around a pond. Mr. Stanley said no; there is a gradual entry into a pond, but entry into a pool is abrupt. Mr. Tilley said that most drowning occur in pools, not ponds.

After some discussion, Mr. Hollinger suggested that if they can’t agree on a number, they should come back next year to look at it. Mr. Gorman asked how much of a problem this was. Mr. Stanley said it hasn’t been a problem yet but they are trying to plan for the instance where it could become a problem.

PB members agreed with moving forward with proposed Amendments #1, 2 and 3 and dropping proposed Amendment #4 .

Karen Ebel and Dale Conly arrived at the meeting at 8:45pm. Chair Cottrill noted that this would be Mr. McWilliams’ last meeting after 24 years of service to the town of New London. Ms. Ebel and Mr. Conley were there to bid Mr. McWilliams farewell, as they had worked with him for many years. Mr. McWilliams said he has enjoyed working with the town and was especially grateful for the personal relationships he has made since he began working in New London in September of 1986. Chair Cottrill presented to Mr. McWilliams on behalf of the PB, a plaque of appreciation and a gift certificate.

IT WAS MOVED (Jeff Hollinger) AND SECONDED (Emma Crane) to adjourn the Planning Board meeting of December 8, 2010. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 9:03pm.

Respectfully Submitted,

Kristy Heath, Recording Secretary
Town of New London