

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
MAY 8, 2007**

MEMBERS PRESENT: Sue Ellen Andrews, Celeste Cook, Tom Cottrill, Dale Conly, Jeff Hollinger, Ken McWilliams (Planner), Larry Ballin (Selectmen's Representative)

MEMBERS ABSENT: Karen Ebel (Chairman),

Vice-Chairman Cottrill called the **MEETING TO ORDER** at 7:30 PM.

I. ELECTION OF OFFICERS

Election of officers was deferred pending appointment of PB members by the New London Board of Selectmen.

**II. TOWN OF NEW LONDON & LeROY-JOHNSON, LLC. – Final Lot Line Adjustment
(Tax Map 84, Lots 89 & 90)**

The proposed lot line adjustment would add .56 acres to the existing .73-acre lot, thus making a 1.29 acre total owned by the Town of New London. Ken McWilliams pointed out that the 10-foot perimeter setback would not be met in one small corner of the enlarged lot.

PB member Andrews observed that LeRoy-Johnson would end up with a 1.02-acre lot, which would be adequate for the R-1 Residential District. Zoning Administrator Peter Stanley demonstrated on the plan displayed an area where the New London Inn had sufficient, fairly level property on which to expand its parking should it so desire.

PB member Hollinger noted that the Town of New London intended to turn the rear portion of the .56 acres into parking. Zoning Administrator Stanley said that additional parking was needed for the skating rink and for the town offices. Mr. Hollinger opined that the property should be retained as a grass lot. Mr. Stanley responded that there would be no restrictions on the use of the property, and opined that it could even be used for another town building. PB member Andrews pointed out that there would be an easement on the front portion of the .56 acres. Zoning Administrator Stanley agreed; however, he reiterated that there would be no restrictions on the use of the rear portion of the property.

PB member Cook asked if the New London Inn would still be able to use the property for wedding tents. PB member Ballin replied in the negative. He advised that LeRoy-Johnson had initially wanted to be able to do so, but the Town had not agreed to the request. Zoning Administrator Stanley said that the additional property would become part of the town green and would be subject to the same use restrictions, i.e., use would be limited to non-profit activities.

PB member Conly asked if the PB would have any input if the Town decided to create parking on the property. Zoning Administrator Stanley replied in the negative. Ken McWilliams said that plans to create parking would require an advisory PB hearing. PB member Ballin opined that the Town had been very open about its plans to turn the back of the lot into parking.

It was **MOVED** (Andrews) and **SECONDED** (Conly) **THAT THE 10-FOOT PERIMETER SETBACK REQUIREMENT BE WAIVED ALONG THE LOT LINE ON THE NORTHEAST SIDE OF TAX MAP 84, LOT 89. THE MOTION WAS APPROVED UNANIMOUSLY.**

It was **MOVED** (Cook) and **SECONDED** (Conly) **THAT THE FINAL LOT LINE ADJUSTMENT REGARDING TAX MAP 84, LOTS 89 & 90 BE APPROVED AS PRESENTED. THE MOTION WAS APPROVED UNANIMOUSLY.**

A mylar was not available for signature and forwarding to the Merrimack County Registry of Deeds. Mr. McWilliams advised that the mylar would be presented at a later date.

III. MATT CONWAY – Concept Site Plan Review: Change of Use

(Tax Map 84, Lots 3)

Matt Conway was accompanied by Stephen Jesseman (Jesseman Associates, PC). He stated that C. B. Coburn would be going out of business at the end of July. He advised that he had tenants lined up for retail and office space in the building at 374 Main Street. He said that the retail space on the lower level would become a two-person hair salon, the front room on the street level (1301 sq. ft.) would house a floor and window treatment business, and the back two rooms on the street level (1195 sq. ft.) would be leased to Dead River. Mr. Conway advised that the street level businesses would have access and egress via the porch or via the rear of the building.

Mr. Conway advised that the lease agreement with Dead River would specify that there could be only one oil delivery truck parked on the premises at any one time. He said that one parking space would be enlarged to 10'x 25' to accommodate an oil delivery truck. He stated that the parking lot would be paved and a storm water drain would be installed. He said that he had been talking with abutter Colby-Sawyer College about tying his storm drain into the existing Colby-Sawyer College storm drain system. Mr. Conway advised that he would like to pave right up to the property line in order to gain more space for parking. PB member Andrews asked if the pavement went to the edge of the property now. Mr. Conway replied that the parking area was currently gravel; however, he wanted to pave it. He said that Colby-Sawyer had paved right up to the property line on its lot and he would like to do the same.

Vice Chair Cottrill asked if the driveway width would be 16 feet all the way from Main Street to the Colby-Sawyer property. Mr. Jesseman replied affirmatively. PB member Ballin asked where the Colby-Sawyer storm water drain emerged. Mr. Jesseman replied that the drain emerged behind the maintenance building. He said that the drainage was eroding the Colby-Sawyer pavement, so the college was very supportive of Mr. Conway's plans to install a storm water drain.

PB member Andrews asked if waiving the buffer requirement would not create a solid paved parking area with no break. Vice Chair Cottrill asked if the PB had not reviewed parking for C.B. Coburn previously. Mr. Conway opined that his property had adequate green space in front of the building. Mr. Jesseman opined that the area behind the building was the site of very heavy commercial activity and not conducive to growing lawns.

Vice Chair Cottrill opined that an agreement with Dead River that there be only one delivery truck on site at any one time would not preclude there being a truck waiting on Main Street. PB member Andrews observed that the site was located in a commercial neighborhood and there was not a residential neighborhood directly behind it. Vice-Chair Cottrill noted that the proposed change in use would be reducing the parking requirement from retail to a combination of office and retail.

Ken McWilliams reported that at the meeting with municipal department heads, Mr. Conway had be advised of the need for written approval of his plan to tie into Colby-Sawyer College's drainage system. Town Administrator Jessie Levine had opined that the proposed site for Dead River would be a better location than its current site at 224 Main Street. Police Chief Seastrand had noted as many as three trucks waiting at Dead River's current location. Mr. Conway stated that the lease would state one truck at a time for 15 minutes. Vice-Chair Cottrill asked what would happen if Dead River was non-compliant with the one-truck-at-a-time condition. Mr. Conway opined that a single truck in the designated parking spot should be able to exceed 15 minutes. He said that he would like to change the 15 minutes to one hour. He advised that drivers would stop by the site to pick up or drop off a day's delivery tickets. He said that the lease prohibits overnight parking.

Ken McWilliams reported that Richard Lee, Town Road Agent, said that parking spaces 1-3 did not measure accurately with the measurements indicated on the plan. He said that parking space #3 actually contained a staircase. Mr. Conway advised that the stairway would be moved. Mr. McWilliams recommended that the

measurements noted on the plan be verified by actual measurement. Mr. Jesseman replied that all parking space measurements would be verified. Mr. McWilliams advised that Road Agent Lee had noted that parking spaces 4-6 had configuration problems. Mr. Conway said that he would correct the plan. Zoning Administrator Stanley said that parking in the southwest corner with adjacent businesses should be verified.

Mr. McWilliams advised that Jay Lyon had submitted a letter containing the Fire Department's concerns. Mr. Conway assured the PB that all of issues outlined in Mr. Lyon's letter would be addressed. In response to a question from the PB, Mr. Conway said that there were two apartments on the second floor and one on the third floor. PB member Cook asked if all of the apartments exited through the building. Mr. Conway replied that the second access for all of the apartments, now a series of ladders, would be replaced by fire escapes.

Mr. Conway advised that he planned to remove the vegetated circle located in front of Country Houses. Mr. Jesseman added that people were driving over it right now. PB member Andrews said that it appeared to be in the middle of the driveway. She opined that the PB needed to review parking for the adjacent properties in order to assess the plan proposed by Mr. Conway. Vice Chair Cottrill said that the property had been in for PB review previously and at that time the parking plan for the entire area was reviewed. PB member Andrews said that perhaps PB members should visit the area before deciding on the future of the small circle and the strip between C.B. Coburn parking and Colby-Sawyer College parking. Mr. Conway advised that there was no grass between his property and that of the college. He said that there was gravel right at the edge. He opined that removal of the strip would facilitate plowing and parking. Vice Chair Cottrill observed that the driveway seemed to encroach on the parking. He again asked if the width was consistently 16 feet. Mr. Jesseman pointed out the existing pavement and the proposed pavement on the plan displayed. PB member Andrews said that if the college needed a 16-foot wide driveway, the plan presented did not support that. Jesseman opined that traffic would be only one way; therefore, the driveway only needed to be 12 feet wide. PB member Hollinger opined that the PB needed more information regarding the existing approved parking plan. Mr. Conway responded that the parking on the plan was approved and he was only asking to enlarge one space to 10' x 25' and to extend paving to the property line as his neighbor had done. PB member Cook asked if the proposed parking would take care of his proposed tenants. Mr. Conway replied affirmatively. He said that 16 spaces would be required and he had that many spaces.

PB member Ballin asked Mr. Conway to verify that he was no longer proposing any retail use; rather, he was proposing office use. Vice-Chair Cottrill said that the site was now approved for retail and it would be going to a less intense use. He said that the PB needed to review the parking agreements with Colby-Sawyer College, Los Quatros Amigos, and Woodcrest.

PB member Andrews stated that the plan presented did not display correct measurements and location of columns at the rear of the building. Mr. Conway advised that the columns would be moved and the plan would be re-drawn. Vice-Chair Cottrill asked if any of the PB members had a problem with Mr. Conway's plan to expand one parking space to 10' x 25'. No PB member objected to the enlargement of one space.

Zoning Administrator Stanley opined that PB approval should contain a requirement that any truck parked on an incline must have its wheels chocked. He said that it was a tremendous safety issue. Kim Wieland, District Manager for Dead River, opined that the plans needed to be correct for Final Site Plan Review. Mr. Jesseman assured Mr. Wieland and the PB that they would be.

Final Site Plan Review was tentatively scheduled for June 12, 2007.

IV. STEVEN & SUSANNE GREENBAUM – Voluntary Merger of Lots of Record (Tax Map 42, Lots 5 & 6)

Ken McWilliams presented a Voluntary Merger of Lots of Record on behalf of Steven and Susanne Greenbaum, 500 Otterville Road. He advised the PB that the procedure called for PB members to sign the merger form and the town to forward it to the Merrimack County Registry of Deeds to be recorded.

Zoning Administrator Peter Stanley said that the merger involved two non-conforming lots that would become one less non-conforming lot when combined. PB member Cook asked if the property could ever go back to two

lots. Mr. McWilliams advised that, in this case, the property would not meet the minimum lot size required for subdivision.

It was **MOVED** (Hollinger) and **SECONDED** (Conly) **THAT THE VOLUNTARY MERGER OF TWO LOTS OF RECORD, TAX MAP 42, LOTS 5 & 6, BE APPROVED AS PROPOSED BY STEVEN AND SUSANNE GREENBAUM. THE MOTION WAS APPROVED UNANIMOUSLY.**

The Voluntary Merger of Lots of Record form and a Mylar were circulated for signing by the members of the PB and forwarding to the Merrimack County Registry of Deeds by the Town of New London.

V. JONATHAN FEINS – Stonehouse Road Access to the Harborview Subdivision in Sutton: Payment for Review by Independent Engineer

Ken McWilliams advised the PB that he had received an e-mail message from Jonathan Feins on Wednesday, May 2, 2007, in which Mr. Feins said that he didn't believe that he should have to pay for the independent engineering review.

Mr. McWilliams recommended that the PB research the Minutes and PB approvals. He opined that G. Dana Bisbee, attorney for Mr. Feins, had agreed to the payment, but that Mr. Feins was now baulking. He said he wanted more information before writing a letter and recommending that the PB refer the matter to legal counsel. He advised that Mr. Feins' refusal to pay the fees for the consulting engineer's review of Stonehouse Road construction plans would be grounds for the PB to rescind its February 27, 2007 approval.

PB member Cook asked why Mr. Feins was objecting to the payment of the fees. Mr. McWilliams replied that Mr. Feins opined that there had been too many meetings as well as unnecessary review and recommendations. Ms Cook asked if the e-mail had come from Mr. Feins or from his attorney. Mr. McWilliams reiterated that it had come from Mr. Feins.

VI. DRAFT SUBDIVISION REGULATIONS - Continued Review & Discussion

Vice-Chair Cottrill asked PB members if they wanted to continue the review of the draft Subdivision Regulations in the absence of Chair Ebel. PB member Andrews opined that the Chairman might have the most comments on the proposed revisions. Consensus was that the review should continue.

Section V – APPLICATION SUBMITTAL REQUIREMENTS.

A. MAJOR SUBDIVISIONS

8. Erosion and Sedimentation Control Plan (page 30):

PB member Cook asked if the Erosion and Sedimentation Control Plan requirement would apply to individuals. Ken McWilliams and Zoning Administrator Peter Stanley both responded that the requirement under review applied only to subdivisions. Zoning Administrator Stanley advised that the newly adopted Driveway Regulations contained some erosion and sedimentation control provisions and those would apply to individuals.

Zoning Administrator Stanley said that recent experience had shown that there was no accurate way to determine how water would run over ledge. Vice-Chair Cottrill asked if there were any PB comments on the proposed regulation. Ken McWilliams advised that the draft had already gone two departmental reviews. PB member Conly commented that a PB member had to know an awful lot. Mr. McWilliams replied that it was a good reason for the PB to have a consulting engineer.

PB member Ballin asked if two-foot intervals were common (Section 8.b.6.). Mr. McWilliams responded in the affirmative and added that two-foot intervals were also used in other town regulations. PB member Cook asked for clarification regarding the meaning of “hydrologic group”.

9. Stormwater Management Plan (page 34): Section c. 4) Annual Report Submittal. PB member Andrews asked about the annual report requirement. Mr. McWilliams replied that any situation regarding storm water treatment techniques would require an annual report. PB member Hollinger asked to whom the report would be submitted. Zoning Administrator Stanley said that the report would go to Town Administrator Jessie Levine and then either to him or to Richard Lee, Director of Public Works. PB member Hollinger asked who would keep track of the need for and submission of the reports. He said the burden for follow up would rest with the town. Zoning Administrator Stanley said that one issue would be maintaining continuity between PB decisions and follow up by the town. PB member Andrews asked if annual reporting was necessary. She opined that this could become a full-time job. Zoning Administrator Stanley responded in the affirmative. He said that developers needed to report on the inspection and maintenance of the Best Management Practices for which they were responsible. PB member Hollinger asked how many reports would be submitted in any given year. Zoning Administrator Stanley identified Great Pines as a recent subdivision. Ken McWilliams added that Snowcrest was developed even more recently than Great Pines. Zoning Administrator Stanley said that any subdivisions going forward would be subject to the reporting requirement, if/when adopted. He advised that there were still some large tracts of land that could be subdivided.

12. Wildlife Habitat Impact Report (page 39): PB member Cook asked who would get the report. Mr. McWilliams replied that the report would be submitted to the PB. Ms Cook asked if there were wildlife biologists available. PB member Ballin and Mr. McWilliams both responded affirmatively. Mr. Ballin advised that wildlife biology had become an entirely new career path.

14. Subdivisions located within “Special Flood Hazard Areas” (page 40): PB member Cook where any Special Flood Hazard Areas were located in New London. Mr. McWilliams replied that there were a few, but not many. Vice-Chair Cottrill asked if there were any existing maps identifying them. Mr. McWilliams replied that the State of NH and FEMA both had maps identifying Special Flood Hazard Areas. PB member Andrews questioned the wording in 14.b. Mr. McWilliams advised that it had been taken directly out of FEMA documents.

15. Legal Documents Required (page 40): Zoning Administrator Stanley opined that there needed to be easements for water supplies for fire prevention. In e. Security and/or performance bond. 1) Amount: Mr. Stanley recommended that the term “Town Agents” be changed to be consistent with the Site Plan Review Regulations. In h. Maintenance Until Acceptance (page 42) PB member Conly recommended that “him” be changed to “them”.

16. Agency or Permit Approvals (page 43): c. A 485-A:17 – Vice-Chair Cottrill recommended inserting “the” between “when” and “project”. In e. Zoning Administrator Stanley recommended inserting “System” between “Water” and “Precinct”. In f. he recommended replacing New London Sewer Commission with New London Public Works Department. He recommended making global changes of those two revisions throughout the document.

B. MINOR SUBDIVISIONS (page 43)

Vice-Chair Cottrill asked if all dimensions cited had double-checked. Mr. McWilliams replied that they had been. PB member Cook asked if the fees referred to in B. 4. changed. Mr. McWilliams replied that the fees had not changed recently; however, they were subject to change.

The review of the draft Subdivision Regulations stopped at the end of Section V. It was agreed that the May 22 review and discussion would continue to page 69.

VII. OTHER BUSINESS

- A. MAY 1, 2007 EXPENDITURE REPORT: PB member Andrews asked about the Year-to-Date expenditures for office supplies. She noted that line #620 of the report indicated that \$202 of the \$250 allocated had been spent and the year was less than half over. She wondered if the amount was correct. Ken McWilliams said that he would look into the matter.

- B. The MINUTES of the APRIL 24, 2007 MEETING of the PLANNING BOARD were APPROVED, as amended.

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

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

DATE APPROVED _____

VICE-CHAIRMAN _____