

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
JUNE 12, 2007**

MEMBERS PRESENT: Dale Conly, Celeste Cook, Tom Cottrill, John Hollinger, Michael Doheny, Ken McWilliams (Planner), Larry Ballin (Selectmen's Representative). Chairman Karen Ebel joined the PB in session at 8:20 PM.

Vice-Chairman Tom Cottrill called the **MEETING TO ORDER** at 7:30 PM. He advised that Chair Ebel would be joining the PB later.

I. KATE TALKINGTON/MESA – Concept Site Plan Review: Outdoor Patio, Seating & Merchandise Display (Tax Map 84, Lot 73)

Kate Talkington (Mesa) advised that the reason for the concept site plan review was to determine whether or not a Site Plan Review would be required for Mesa to establish patio seating at 11 Pleasant Street. She said that Mesa would like to place two to four Adirondack chairs or benches on a patio near the Pleasant Street entrance to the store. She said that originally Mesa had wanted to place tables and chairs on the proposed patio; however, that would have made seating on the patio "destination seating" instead of the intended seating for Mesa customers only and would have impacted on parking requirements.

PB member Ballin asked about Mesa's insurance. He said that he would be worried about the danger presented by traffic on Pleasant Street and proximity of the patio to a very busy intersection. PB member Hollinger asked if there would be any curbing to separate the patio area from Pleasant Street. Ms Talkington replied that the town was planning to install curbing. Mr. Hollinger asked when the curbing would be installed. Ken McWilliams responded that the curbing would be installed during August. Ms Talkington said that Mesa would not create the patio seating until after the curbing was in place. Vice-Chair Cottrill asked if the proposed curbing would be higher than normal sidewalk curbing to provide protection from nearby traffic. PB member Doheny recommended installing pillars connected by chains at a height to deter driving through the proposed patio. Ms Talkington opined that the same result could be achieved with landscaping. PB member Cook opined that the height should not block anyone's view at the intersection.

Ken McWilliams reported that the municipal department heads had been concerned about the proposal to place table and chairs on the patio; however, they found placing benches or chairs for use by customers on the patio acceptable. Jay Lyon of the Fire Department had recommended putting some type of reflector on the flower pots placed at the corners of the proposed patio. Mr. McWilliams said that Director of Public Works Richard Lee wanted the flower pots moved further out toward Pleasant Street until the curbing was installed in order to block drivers from using the area as an additional travel lane.

Vice-Chair Cottrill asked if the original site plan approval had not included the requirement that the area under discussion be maintained as "green space". He noted that the current request was only for chairs/benches for use by Mesa customers. Ms Talkington asked about the possibility of having a small table with an umbrella to create a shaded area. PB member Cook reiterated that patio furnishings should not block the view of vehicles at the nearby intersection. Zoning Administrator Peter Stanley asked how small a small table would be. PB member Ballin said that he liked the idea of Adirondack chairs, but not a table. Zoning Administrator Stanley advised that there were shade umbrellas without tables that could be purchased. Ms Talkington said that she was reluctant to move the planters further out toward traffic on Pleasant Street. Ken McWilliams advised that the question before the PB was to determine whether site plan review would be required for the proposed patio seating.

It was **MOVED** (Cook) and **SECONDED** (Conly) **THAT NO SITE PLAN REVIEW BE REQUIRED FOR INSTALLING PATIO SEATING FOR NO MORE THAN FOUR PEOPLE AND WITH NO MORE THAN TWO SHADE UMBRELLAS AT 11 PLEASANT STREET AS PRESENTED BY MESA. THE MOTION WAS APPROVED UNANIMOUSLY.**

II. NEW LONDON HOSPITAL – Concept Site Plan Review: Proposed Changes to the Approved Site Plan: Sidewalk & Water Line Upgrade (Tax Map 59, Lot 4 & Tax Map 72, Lots 16 & 17)

PB member Cook recused herself from the PB.

Lori Underwood, New London Hospital's Senior Director, Planning and Projects, advised that New London Hospital had committed to Town Administrator Jessie Levine that it would include in its expansion plan the extension of the sidewalk from the end of the proposed roundabout at Hubert's entrance to the New London Hospital entrance. She said that the hospital had been working with town officials to design a plan that would work for both the hospital and for the town. She said that the plan proposed by the hospital would preserve some mature trees and a stone wall along County Road, although it would eliminate two of the proposed new parking spaces. She said that the plan also included planting a couple of additional trees along the sidewalk.

Ms Underwood advised that at the meeting with municipal department heads, Town Administrator Jessie Levine and Director of Public Works Richard Lee had stated that they did not like the hospital's plan because it proposed having a portion of the sidewalk passing over private property. They also advised that some changes would be necessary in order to extend the water main upgrade beyond the roundabout to the hospital. Ms Underwood said that the hospital would now go back to the drawing board to bring the sidewalk along County Road to the New London Hospital entrance, although to do so would be more expensive for the hospital.

Ken McWilliams suggested that Ms Underwood demonstrate on the plan displayed where the water main was located. Ms Underwood advised that, subsequent to Final Site Plan Review (SPR), New London Hospital had talked with the New London-Springfield Water System Precinct to determine whether or not existing water flows and hydrants were adequate. As a result of those discussions, the hospital was now planning to extend the water main upgrade from 6-inch pipe to 12-inch pipe from the end of the roundabout to the hospital property and to install another hydrant at the Parkside-County Road corner of the hospital property. She said that, although the existing infrastructure was adequate, it seemed like a good opportunity to upgrade.

Vice-Chair Cottrill asked where the water main ended. Zoning Administrator Peter Stanley replied that the water main extended all the way to the hospital and that the proposal was simply to enlarge the pipe from 6" to 12". PB member Ballin asked how much of the proposed water main upgrade was dependent upon the roundabout. Zoning Administrator Stanley responded "all of it". PB member Ballin advised that the roundabout was not a "done deal". PB member Hollinger asked what would happen if the roundabout was not constructed. PB member Ballin opined that the hospital would have to wait until the New London-Springfield Water System Precinct decided to upgrade the water main along County Road, whenever that might be.

Vice-Chair Cottrill asked if digging in connection with the hospital expansion project would kill the roots of the trees along County Road. Ms Underwood replied that Director of Public Works Lee believed that it would. PB member Hollinger asked why Jessie Levine and Richard Lee wanted the sidewalk to go along County Road. Mr. McWilliams replied that they were looking at a long-term plan that would connect the sidewalk along Parkside Road with the sidewalk along County Road. PB member Ballin commented that he did not see that happening anytime soon, if ever. He said that he did not foresee a sidewalk going further down on County Road. Vice-Chair Cottrill stated that the PB was trying to preserve green space on the hospital site. Ms Underwood advised that the hospital would work with the engineers to see what green space would remain if the sidewalk were to go along County Road. PB member Ballin and Zoning Administrator Stanley said that they would be concerned about a minimum impact of weakening the root structure of the trees and a maximum impact of killing the trees. Mr. Ballin asked if the trees were healthy. Zoning Administrator Stanley advised that pine trees did not have a long lifespan. PB member Hollinger reminded the PB that originally it was concerned about the loss of green space as a result of the hospital expansion project. Vice-Chair Cottrill said that he was speaking in favor of preserving green space and the stone wall, with replanting if the trees were sacrificed.

PB member Conly stated that he did not see the need for the sidewalk to go along the road. PB member Ballin said that the town would probably need to have an easement of some kind for the sidewalk, but he did not have a problem with the sidewalk going over private property. He asked if the hospital would have any problem with

the public using the private sidewalk. Ms Underwood replied in the negative and opined that most pedestrian traffic would be headed to or from the hospital. She advised that the hospital would like to have an approved plan to include as an addendum when the roundabout goes out to bid in August. PB member Hollinger asked for, and received, confirmation that sidewalk construction would not occur before spring. Ms Underwood said that the hospital was trying to get some idea of the construction cost. Ken McWilliams said that Town Administrator Levine thought that keeping the sidewalk within the County Road right-of-way might be eligible for some state funding.

Vice-Chair Cottrill asked if New London Hospital had a plan for the trees and other landscaping. Ms Underwood showed him the map that had been included with in the PB mailing. She said that the hospital would continue to work with the town to develop a plan that would work for all. PB members agreed that they liked the original plan approved by the PB.

Celeste Cook returned to the PB

III. STEPHEN JESSEMAN – Concept Site Plan Review: Filling of Land (Tax Map 116, Lot 6)

Stephen Jesseman described Hastings Landing Road and the four acres of land that he owns near his boat storage. He pointed out the location of a small wetland area. He said that the four acres originally went with the house in which he now lives; however, it had later been split between his neighbor and himself and, subsequently, his neighbor had deeded his share of the parcel to Mr. Jesseman.

Mr. Jesseman described the four acres as bumpy, with many ups and downs. He said that he now had the opportunity to obtain fill from Colby-Sawyer College, and he would like to use it to level the four-acre lot. He advised that Zoning Administrator Peter Stanley had suggested loaming the filled area and grassing it over.

Ken McWilliams reported that at the meeting with municipal department heads, Zoning Administrator Peter Stanley had raised two issues: (1) was there a timeframe connected to the College's offer of fill and (2) future use of the property for boat storage must be for private use, i.e., storage of his own boat(s), not for commercial use, including storage of boats belonging to neighbors. Mr. Jesseman advised that there were a couple of neighbors who had stored boats there in the past and he would want to continue that practice.

Zoning Administrator Stanley stated that storage of boat not belonging to the property owner was not a typical permitted use in a residential zone. He said that he had pursued the matter with town counsel in regard to other properties, and town counsel had advised that it would not be considered a typical permitted use. PB member Doheny opined that the PB should not allow storage of boats not belonging to the property owner if such activity was not a permitted use. He opined that if the restrictions are in place, there was no need for the PB to address the issue. Zoning Administrator Stanley emphasized that the permitted use was for storage of the property owner's own boat(s), not those belonging to neighbors.

PB member Ballin asked if the Conservation Commission had seen the request to move fill material from Colby-Sawyer College to spread over the four-acre area. Zoning Administrator Stanley replied in the negative. He said that there was no requirement for the matter to be reviewed by the Conservation Commission. Mr. Jesseman said that the fill material would be taken from the staging area located behind the tennis courts. PB member Hollinger asked how much material would be moved. Mr. Jesseman replied that he was committed to move 2000 yards. Zoning Administrator Stanley estimated that 2000 yards would be about 200 dump-truck loads. Vice-Chair Cottrill asked if there were any side elevations that the PB could view. Mr. Jesseman replied that there would be no significant change in elevation; rather, the bumps and humps would be filled in. Vice-Chair Cottrill asked if the filled land would still slope or would it be flat, and what would be the depth of fill. Mr. Jesseman replied that the maximum depth would be three feet and the land would still drain toward the wetland.

PB member Ballin asked Mr. Jesseman if he was committed to take the entire 2000 yards. Mr. Jesseman responded affirmatively. PB member Ballin said that he had done a quick calculation that showed that 2000 yards would be the equivalent of 152 truck loads and would seem to be enough fill to spread three feet deep

over the entire four acres. Mr. Jesseman advised that the 2000 yards was an estimate and that he did not know exactly how much fill was in the staging area. Vice-Chair Cottrill asked if the Board of Selectmen was concerned about the impact of trucking on town roads. PB member Ballin replied in the negative, but added that it seemed to be a lot of volume. Zoning Administrator Stanley suggested that the PB could require Mr. Jesseman to return to the PB if the fill exceeds three feet in depth above the existing elevation at any location..

PB member Ballin noted that the PB had not discussed silt fencing. Zoning Administrator Stanley advised that the property was not located in an area that would receive drainage from other areas. Vice-Chair Cottrill asked what the hours of operation would be. Mr. Jesseman replied that the fill would be moved during the hours of 8:00 AM to 3:30PM, Monday through Friday. He estimated that the trucking would be completed during July, and he said that he expected that the site would be stabilized by September.

PB member Cook asked if the neighbors had been notified of Mr. Jesseman's plans. Zoning Administrator Stanley said that abutters would have to be "Noticed" for the Final Site Plan Review. PB member Ballin asked Mr. Jesseman if he wanted to go directly to Final Site Plan Review. Mr. Jesseman replied that he had thought that PB approval could be granted without Site Plan Review; however, since that was obviously not the case, he would like to go directly to Final Site Plan Review. Zoning Administrator Stanley suggested that the final site plan show elevations so that progress could be measured/monitored.

Chair Karen Ebel joined the meeting in progress at 8:20 PM, just as review of Stephen Jesseman's Concept Site Plan concluded. Vice-Chair Cottrill turned the meeting over to Chair Ebel at 8:25 PM.

**IV. MATTHEW T. CONWAY, LLC (C. B. COBURN BUILDING) – Final Site Plan Review: Change of Use
(Tax Map 84, Lot 3)**

PB member Doheny recused himself on the basis of personal friendship.

Matthew Conway was accompanied by Stephen Jesseman (Jesseman Associates, PC) and Kim Wieland (Dead River).

Stephen Jesseman advised the PB that he was submitting copies of a letter from Colby-Sawyer College stating that it did not object to Mr. Conway channeling drainage from the C. B. Coburn parking area through the college drainage system and a letter from George Souliotis stating that he did not object to the proposed increased encroachment of C. B. Coburn parking on the setback/green space where the properties abut.

Mr. Jesseman briefly recapped Mr. Conway's plans to eliminate C. B. Coburn's retail activities and to lease space to Dead River Company on the street level and a beauty salon on the lower level. He advised that the change in use would require 16 parking spaces. He demonstrated the proposed parking spaces and Colby-Sawyer College's right-of-way on the plan displayed. Mr. Jesseman told the PB that some discussion regarding parking was on-going between Mr. Conway and Los Quatros Amigos. He pointed out the one proposed parking space large enough to accommodate a Dead River fuel delivery truck. He advised that the parking area would be paved and would drain, via a new to-be-constructed catch basin, into Colby-Sawyer College's drainage system. Mr. Jesseman said that Mr. Conway was asking for PB approval to move one parking space from one corner to another (the Souliotis corner) and to discontinue one parking space in order to provide one parking space large enough to accommodate a fuel deliver truck. He said that approval of the latter would enable Mr. Conway to move forward with a lease agreement with Dead River Company.

Reporting on the meeting with municipal department heads, Ken McWilliams said that Director of Public Works Richard Lee had judged any drainage impact to be minor inasmuch as drainage would be directed to and through Colby-Sawyer College's existing drainage system and the college would provide all snow removal and storage on land it owns. Mr. McWilliams advised that, following up on questions regarding the preliminary parking measurements, Mr. Lee had checked parking measurements and found them to be accurate. He said that Zoning Administrator Peter Stanley had expressed concern about the columns and boxing on the lower level at the rear of the building. He reported that Mr. Conway planned to excavate to provide more height for parking spaces #6 and #7. Mr. McWilliams advised that Note 16 on the plan addressed the requirement that all

fuel delivery trucks parked on an incline have one set of wheels chocked. He also advised that there would be a new exit, including stairs, along the side of the building heading toward parking space #1. Mr. McWilliams pointed out that the punctuation in Note 14 on the plan should be corrected (change a period to a comma) to accurately indicate 60,000 square feet. Jay Lyon of the Fire Department had stated that the bollards in parking space #7 would need to be moved out a ways. Mr. McWilliams also advised that parking #9, as proposed, would encroach even more on the perimeter green space than parking already does.

Chair Ebel asked if there were any abutters present who wished to speak. Karen Baker, representing Lost Quatros Amigos, asked to look at the revised parking plan. She said that parking space #9 was not on the plan reviewed by their lawyer. Douglas Atkins, Colby-Sawyer College Vice-President for Administration, said that the college had approved Mr. Conway's request to connect to its drainage system and had no further comments.

PB member Ballin opined that the proposed new catch basin would collect drainage from more than the C. B. Coburn parking area. PB member Cottrill asked if railroad ties were used to hold up the banking along parking space #9. Mr. Jesseman replied that nothing was holding up the banking. PB member Cottrill asked what would happen when Mr. Conway dug two feet into the banking. Mr. Jesseman replied that a stone wall would be used to support the banking. Zoning Administration Stanley opined that the very abrupt cut near parking space #1 will require special attention.

PB member Cook asked if there would be any overnight parking of fuel trucks. Mr. Conway responded in the negative. He opined that the one delivery truck at a time restriction made good sense, but it didn't believe that the 15 minute time limit was as important. Mr. Jesseman opined that Dead River should commit to the chocking of wheels on fuel delivery trucks. Zoning Administrator Stanley advised that it would only be necessary to chock one wheel on the downhill side. Kim Wieland, District Manager for Dead River, advised that propane delivery trucks need to have two wheels chocked. He advised that drivers of Dead River oil delivery trucks are instructed to always chock one wheel when parking on an incline. PB member Cottrill stated that he didn't want a fuel delivery truck waiting on the side of Main Street for a truck to vacate the one fuel delivery truck parking space.

Matt Conway advised the PB that Dead River would have to install a whip antenna on the side of C. B. Coburn next to the mini-mart.

It was **MOVED** (Hollinger) and **SECONDED** (Conly) **THAT THE FINAL SITE PLAN FOR A CHANGE IN USE OF THE PROPERTY AT 375 MAIN STREET, TAX MAP 84, LOT 3, BE APPROVED, CONTINGENT UPON THE PLANNING BOARD RECEIVING FINAL PLANS SHOWING (1) THE LOCATION OF THE BOLLARDS, (2) CORRECT PUNCTUATION IN NOTE 14 TO SHOW 60,000 SQUARE FEET, (3) THE ADDITION OF A NOTE REGARDING THE RESTRICTION THAT THERE BE ONLY ONE FUEL DELIVERY TRUCK ON THE PROPERTY AT ANY ONE TIME, AND (4) THE PROPOSED EXIT ALONG THE SIDE OF THE BUILDING THE MOTION WAS APPROVED UNANIMOUSLY.**

Michael Doheny returned to the PB.

V. **SUBDIVISION & SITE PLAN REVIEW REGULATIONS – Schedule for Completion**

Ken McWilliams distributed a schedule for the completion of the review and revision of the Site Plan Review Regulations and the Subdivision Regulations.

Mr. McWilliams asked if the PB wanted to have the "Notice" of the Public Hearing published anywhere other than in the *Intertown Record*. He advised that sometimes a notice has also been placed in the *Kearsarge Shopper*. PB member Cook asked if a notice could be placed on the town website. Mr. McWilliams said that it could be put on the website; however, that would not meet the "Notice" requirements.

PB member Cottrill asked when the revised regulations would become effective. Mr. McWilliams replied that the regulations would become effective upon adoption by the Planning Board. Mr. Cottrill asked what would happen to someone who was in the process at that time. Mr. McWilliams responded that there has been no secret that the PB has been working on revisions to the regulations. He said that he was aware that Harry Snow and Peter Blakeman would be bringing projects in prior to the adoption of the revisions. He advised that subdivision regulations were not like zoning regulations which take effect at the time the PB decides to place an amendment on the ballot, unless the town votes the amendment down.

Zoning Administrator Peter Stanley commented that the revised regulations would make additional work for the Zoning Administrator and the Planning Board. Chair Ebel spoke briefly about the newly passed legislation revising the Shoreland Protection Act that was now awaiting the governor's signature. Zoning Administrator Stanley advised that enactment of that legislation would require amendments to the New London Zoning Ordinance; however, during the interim the more restrictive requirements would apply.

VI. OTHER BUSINESS

A. ANNOUNCEMENTS

Ken McWilliams advised that the Upper Valley Lake Sunapee Regional Planning Commission would be having its Annual Meeting on June 27, 2007. The meeting will include a dinner cruise on Lake Sunapee.

Ken McWilliams reminded PB members about the Transit Study meeting to be held on June 28, 2007 in the Sydney Crook Meeting Room. Chair Ebel said that since the PB had received a formal invitation to attend, it would be good for the PB to be represented. PB member Doheny said that he would attend.

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

Ken McWilliams advised the PB that a certified letter, return receipt requested, was mailed to Jonathan Feins on May 24, 2007. As of June 12, 2007 the requested return receipt had not been received. Discussion ensued regarding the issue of non-payment by Mr. Feins. Chair Ebel said that she would discuss the matter with legal counsel.

C. MASTER PLAN – Visioning Workshop: Ken McWilliams advised that the visioning workshop would require a venue that would provide a meeting space for 100-150 people as well as space for 11 breakout groups. He said that originally the PB planned to use the Kearsarge Regional Middle School. He said that he now would like to look into the possibility of using the Ivey Science Center at Colby-Sawyer College and any other possible locations as well. Other locations suggested were the First Baptist Church and the Presbyterian Church.

D. BUDGET – Chair Ebel reviewed the latest budget report and asked Ken McWilliams if expenditures were “on track”. He confirmed that they were. In response to an inquiry about the expenditures for office supplies, he said that he had not yet requested a detailed listing from the Finance Officer, but he would do so.

E. The MINUTES of the MAY 22, 2007 MEETING of the PLANNING BOARD were APPROVED, as circulated.

F. APPOINTMENT TO THE PLANNING BOARD – PB member Ballin advised that the Board of Selectmen had appointed Deirdre Sheerr-Gross to be an Alternate member of the PB. PB member Cottrill, noting that Alternate Michele Holton was absent from the meeting, asked if alternates were required to attend all meetings. He recalled a 1998 vote regarding PB attendance at meetings. PB member Hollinger asked if alternates could vote on issues if they did not attend all PB meetings on a related case. Mr. McWilliams advised that they could vote if they had familiarized themselves with all aspects of the case under review, if they were filling in for PB members at a meeting where a vote was being taken. He said he encourages full

participation in discussions. Chair Ebel said that town counsel had advised that although alternates could ask questions, if they were not present as voting members, they should not participate in the discussion by PB members leading to a decision. PB member Ballin advised that the Zoning Board of Adjustment used to separate the meeting into two parts: discussion and voting. Discussion ensued about where alternate members should be seated for most effective participation in PB business.

The **MEETING** was **ADJOURNED** at **9:20 PM**.

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

DATE APPROVED _____

CHAIRMAN _____