

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
DECEMBER 13, 2005**

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PRESENT: Karen Ebel (Chairman), Sue Ellen Andrews, Dale Conly, Celeste Cook, Tom Cottrill, Jeff Hollinger, Sue Clough (Selectmen's Representative), and Kenneth McWilliams (Planner).

Chair Karen Ebel called the **MEETING TO ORDER** at 7:30 PM.

I. PAUL MESSER – Concept Annexation

(Tax Map 123, Lots 27 & 28)

Paul and Linda Messer were present. Mr. Messer displayed a plan of the property. He stated that the map had been drawn by Douglas Sweet (Bristol, Sweet & Associates, Inc.).

Mr. Messer explained that, when his parents married, his grandparents had given them a small piece of land on which to build a house. He advised that he would like to enlarge the small lot on two sides. He said that the house had a new septic system designed by Mr. Sweet. He also said that he planned to remove an old shed on the property at a later time. He advised that he would like to annex 0.4 acres from the larger lot to the smaller lot. He stated that the larger lot currently contained 4.8 acres and would contain 4.4 acres after the annexation. It would, therefore, continue to meet the regulatory minimum lot size of four acres in the Agricultural & Rural Residential District. He stated that after the transfer of 0.4 acres to the smaller lot, the lot would still be non-conforming in size, but less so. The smaller lot would be increased from 0.29 acres to 0.69 acres. He said that the regulations contain a 25-foot setback requirement that would need to be addressed.

Ken McWilliams advised that he had met with Mr. Messer and discussed various options. Option 1: He pointed out a solid line on the plan displayed and advised that it met the 25-foot setback requirement. Option 2: He said that Mr. Messer could go to the Zoning Board of Adjustment (ZBA) to obtain a Variance for less than the 25-foot setback. Option 3: The PB could approve the annexation contingent upon demolition of the building identified by Mr. Messer. If that building were removed, there would be no setback issue.

Mr. Messer stated that he was reluctant to pay the demolition costs to remove the building at this time. PB member Clough asked if he had talked with the New London Fire Department about the possibility of their burning the building as a training exercise. Mr. Messer responded that he had inquired and been told that the Fire Department would not be interested. He opined that the challenge was more than the Fire Department wanted to undertake.

Chair Ebel asked Mr. Messer which of the options he would be inclined to follow. Mr. Messer replied that going with a straighter lot line would be preferable. Mr. McWilliams stated that Mr. Messer could pursue a Variance and use the other PB suggestion as a back-up plan. PB member Clough asked if the PB could approve on the assumption that a Variance would be granted. Mr. McWilliams replied in the negative. He explained that such action would be tantamount to the PB approving a Variance request before the ZBA had a chance to act. Ms Clough opined that it would be neater for Mr. Messer to go to the ZBA first.

It was **MOVED** (Cottrill) and **SECONDED** (Clough) to **REFER THE PROPOSED SETBACK OF LESS THAN THE REGULATORY 25 FEET THAT WOULD RESULT FROM THE ANNEXATION OF 0.4 ACRES TO MAP 123, LOT 27 TO THE ZONING BOARD OF ADJUSTMENT FOR A VARIANCE.** The **MOTION** was **APPROVED UNANIMOUSLY.**

II. RICHARD PUTNAM, et al. – Continued Preliminary Subdivision

(Tax Map 136, Lot 9)

Douglas Sweet (Bristol, Sweet & Associates, Inc.) appeared on behalf of Richard Putnam. He advised that the outstanding issue before the PB related to the 100-foot buffer around the wetlands. His client had wanted him to appeal the PB's interpretation of the regulation to the Zoning Board of Adjustment (ZBA). He reported that he had made such an appeal and the ZBA had denied the appeal. Chair Ebel advised that at the ZBA meeting, the advisory letter written by Town Counsel Burt Mayer had been very helpful. She stated that she had mailed copies of the letter to all members of the Board.

Mr. Sweet displayed a revised plan for the three lot subdivision on which the significant wetlands had been outlined and bounded by a 100-foot buffer. As a result, the revised lot one would be smaller and the revised lot

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three would be larger than previously presented for review. He stated that the houses depicted on the plan were only for a sense of scale.

PB member Clough asked where the septic system would be located. Mr. Sweet pointed out the location on the plan. Ms Clough asked if any test pits had been dug. Mr. Sweet replied that no pits had been dug; however, with the ZBA denial now in hand, he would be working on the HISS mapping and test pits in preparation for Final SPR. Mr. Sweet pointed out the location of the power line running through the property. Ms Clough asked how close development could be to the power easement. Mr. Sweet replied that he thought the distance to be about eight feet. PB member Cook asked if there would be any objection to placing a septic system under the power line. Ms Clough asked what kind of power line it was. Mr. Sweet replied that it was not a high voltage line. He stated that very preliminary HISS mapping showed that the lots would be able to comply, based upon the amount of upland in each lot.

Ken McWilliams advised that he had given Mr. Sweet a copy of the proposed amendment to the New London Zoning Ordinance. Chair Ebel advised that, when a proposed regulation is placed on the ballot, any application that is not "Final" must comply with the more stringent regulation. Mr. McWilliams and Mr. Sweet both opined that the proposed lots would still comply with the minimum two-acre lot size.

PB member Clough opined that the sight distances for the proposed driveways seemed okay. Mr. Sweet stated that, although he had moved driveways one and two over a bit, the line of sight seemed to be good. PB member Hollinger inquired about the well noted on the plan. Mr. Sweet responded that it was an old pump house, perhaps connected to Soo-Nipi Park Lodge. PB member Cottrill added that water was pumped from the lake up into the water tower at Soo-Nipi Park Lodge. Ms Clough asked if the well were covered. Mr. Sweet replied in the negative. Mr. Cottrill asked how deep it was. Mr. Sweet replied 8-10 feet. Ms Clough and Mr. McWilliams both recommended that Mr. Sweet should advise Mr. Putnam to cover the well.

Discussion ensued regarding the scheduling for Final SPR. It was agreed to schedule the Final SPR for the proposed Putnam subdivision for the January 24, 2006 PB meeting.

**III. LEO MASLAN/ELIZABETH GRAHAM TRUST PROPERTY – Tree Cutting Request
(Tax Map 82, Lot 25)**

Leo Maslan appeared to discuss tree cutting on property owned by Elizabeth Graham Trust.

PB member Conly reported that he and Mr. Maslan had had a very productive meeting and had walked the site. He said that he had been impressed by the flagging of trees to be cut within the 100-foot buffer. He reported that Mr. Maslan had marked 31 trees (30 white pines and 1 white ash), some of which were right at the edge of the buffer. He said that Mr. Maslan wanted to protect the temperature of the stream and, therefore, would avoid cutting additional trees in areas where the ice storm had caused damage. Mr. Conly stated that there would be no cutting closer than 25 feet of the stream.

Mr. Maslan added that he would be cutting along less than 700 feet of the 900-foot stream meandering though the property. Chair Ebel asked where the stream would be crossed. Mr. Maslan pointed out that it would be 150 feet in from Columbus Avenue at the narrowest point of the channel on the flat area.

Mr. Conly reiterated that the site walk had been very productive and recommended that the PB use the same process for similar situations in the future.

It was **MOVED** (Hollinger) and **SECONDED** (Cottrill) **THAT THE REQUEST TO CUT 30 WHITE PINE TREES AND ONE WHITE ASH TREE LOCATED WITHIN THE 100-FOOT STREAM BUFFER AT 189 BURPEE HILL ROAD (TAX MAP 82, LOT 25) BE APPROVED AS PRESENTED.** The **MOTION** was **APPROVED UNANIMOUSLY.**

**IV. AUSBON SARGENT LAND PRESERVATION TRUST (ASLPT) – Tree Cutting Request
(Tax Map XX, Lot XX)**

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Sue Ellen Andrews recused herself from the PB.

Deb Stanley, ASLPT Executive Director, presented a request to cut three trees located within the 100-foot stream buffer and one tree located within the 50-foot shore land buffer. She explained that the ASLPT had received the property as a bequest on the condition that the existing buildings located on the property be removed and the land allowed to return to its natural state. Ms Stanley advised that ASLPT would replant; however, the trees identified impede the removal of the buildings. A drawing depicting the site, buildings, and trees under discussion was distributed to PB members.

PB member Cottrill requested orientation and definitions of the abbreviations. Ms Stanley provided both. PB member Clough asked if there would be any public access to the property. Ms Stanley replied in the negative. She stated that the New London Fire Department would be burning the buildings and the trees identified were too close to the buildings.

It was **MOVED** (Hollinger) and **SECONDED** (Cottrill) **THAT THE REQUEST TO CUT THREE TREES LOCATED WITHIN THE 100-FOOT STREAM BUFFER AND ONE TREE LOCATED WITHIN THE 50-FOOT SHORE LAND BUFFER AT 638 NEWPORT ROAD (TAX MAP 45, LOT 1) BE APPROVED AS PRESENTED BY THE AUSBON SARGENT LAND PRESERVATION TRUST. The MOTION was APPROVED UNANIMOUSLY.**

Sue Ellen Andrews returned to the PB.

V. L. S. & M. L. WIGDOR – Tree Cutting Request (Tax Map 31, Lot 7)

PB member Conly presented a request by L. S. and M. L. Wigdor to cut one small (12-inch diameter) pine tree located within the 50-foot buffer and to replace it with four blueberry bushes at 1365 Little Sunapee Road.

Mr. Conly advised that he had visited the site. He said that the tree is alive, but infringes upon the view of Mount Sunapee. He added that Mr. Wigdor had been ill and spends much of the time sitting and looking out the window. Mr. Conly recommended approval.

PB member Andrews asked if the tree was located near the water. Ken McWilliams replied affirmatively and pointed out its location on the diagram attached to the request. PB member Hollinger asked if Mr. Conly would have made the same recommendation if the property owner had been healthy. Mr. Conly replied “probably not”. PB member Clough asked if the fact that the property was heavily wooded had impacted on Mr. Conly’s compassionate recommendation. PB member Conly responded affirmatively. Chair Ebel opined that if the request should be approved, Mr. Conly should advise the owners that such approval is not usual; however, the lot is heavily wooded which affected the PB’s decision to permit the requested cutting.

Chair Ebel and PB member Cottrill suggested asking for additional blueberry bushes to be planted along the shoreline. Following discussion, it was agreed that the owners should be asked to plant eight blueberry bushes in replacement.

It was **MOVED** (Hollinger) and **SECONDED** (Cottrill) **THAT THE REQUEST TO CUT ONE LIVE PINE LOCATED WITHIN THE 50-FOOT SHORE LAND BUFFER AT 1365 LITTLE SUNAPEE ROAD (TAX MAP 31, LOT 7) BE APPROVED, SUBJECT TO THE PLANTING OF EIGHT BLUEBERRY BUSHES, TWO ON EITHER SIDE OF THE PINE ALONG THE SHORE AND FOUR AS INDICATED ON THE PLAN SUBMITTED BY THE APPLICANTS. The MOTION was APPROVED UNANIMOUSLY.**

VI. NEW LONDON HIGHWAY DEPARTMENT

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PB member Conly presented a request made by Richard Lee, New London Road Agent, to remove a tree located within the 50-foot buffer and within the town right-of-way where Bunker Road is very near the lake. Mr. Conly advised that the tree was very dead and was very near the lake and wires. Discussion ensued regarding the location of the tree.

Mr. Conly stated that there were many trees around the dead tree. PB member Andrews recommended that Mr. Lee be asked to leave the understory and not mow it down.

It was **MOVED** (Andrews) and **SECONDED** (Cottrill) **THAT THE REQUEST TO REMOVE ONE DEAD TREE LOCATED WITHIN THE 50-FOOT BUFFER AND WITHIN THE TOWN RIGHT-OF-WAY WHERE BUNKER ROAD IS VERY NEAR THE LAKE BE APPROVED AS PRESENTED BY RICHARD LEE, NEW LONDON ROAD AGENT, SUBJECT TO THE RETAINING OF THE UNDERSTORY. The MOTION was APPROVED UNANIMOUSLY.**

VII. CONTINUED DISCUSSION OF ZONING AMENDMENTS

Ken McWilliams advised that the only major changes on the revised drafts were in the Amendment to Article XIV. Steep Slopes where cross-references to density, cluster, and PUD sections of the ordinances were added and in Amendment 8 to incorporate the sediment and erosion control plan language to agree with language found in the Shore Land and Streams Overlay Districts. He said that all other changes were editorial in nature.

Chair Ebel asked about the status of a steep slopes map. Mr. McWilliams replied that Merrimack County has not completed the 15% to 25% steep slope conversion. He advised that it would cost approximately \$500 for the PB to create a map from scratch, i.e. without benefit of county maps. Chair Ebel opined that the PB could not do proposed regulation without a map. Mr. McWilliams said that the PB needs a map to use in reviewing subdivision plans.

PB member Clough asked what would happen if someone simply wanted to build a house on a steep slope. Mr. McWilliams replied that the impact of new laws would require a sediment and erosion control plan and a steep slope calculation. Currently, slopes of 25% or greater permit no development of any kind. Ms Clough said that would present development problems. Mr. McWilliams responded that, had the regulation been in effect at the time of the Granger Ridge review, the number of lots permitted would have been reduced by about one-third, which is where the subcommittee recommendation finally ended up after the investment of considerable PB time and effort. Ms Clough asked if Granger Ridge access off Bunker Road would have been impacted. Mr. McWilliams replied that the original lot subdivision had revealed problems with that access. He said that he was not sure if the slope was 25%.

Mr. McWilliams advised that the first public hearing on the proposed amendments would be held on January 3, 2006, and the second hearing, if necessary, would be held on January 24, 2006. He also advised that a petitioned amendment proposing a revised definition of a "structure" had been submitted to the Board of Selectmen. He explained that a petitioned amendment bearing the signatures of at least 25 registered voters may be submitted to the Board of Selectmen and the PB must hold a public hearing within 30 days to determine whether the proposed amendment should be placed on the ballot with or without PB approval. He emphasized the fact that the PB does not decide whether or not the petitioned amendment should appear on the ballot; rather, it decides only whether it appears with or without PB approval. Chair Ebel asked Mr. McWilliams to share his thoughts on the petitioned amendment. Mr. McWilliams reminded the PB of its discussion relative to amending the definition of a "structure" in the regulations and the PB's decision to defer any action until next year. He opined that it would be informative to see how the public reacts to the petitioned amendment. He said that the petitioned amendment seeks to exempt something built to support utilities servicing a building from the definition of a "structure", whereas the PB would include it in the definition of a structure.

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VIII. OTHER BUSINESS

- A. The MINUTES of the NOVEMBER 29, 2005 meeting were APPROVED, as circulated.

The **MEETING** was **ADJOURNED** at **8:40 PM**.

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

DATE APPROVED _____

CHAIRMAN _____