

New London Planning Board – Minutes of Meeting of November 24, 2009

APPROVED

**MEMBERS PRESENT:** Tom Cottrill (Chair), Michael Doheny (Secretary), Karen Ebel, Tina Helm (Board of Selectmen Representative), Emma Crane (Conservation Commission Representative), John Tilley (Alternate) – arrived at 7:25pm

**MEMBERS ABSENT:** Jeff Hollinger (Vice-Chair), Michele Holton (Alternate)

**ALSO PRESENT:** Peter Stanley (Zoning Board Administrator), Ken McWilliams (Town Planner)

Chair Cottrill brought the meeting to order at 7:00pm. The first item on the agenda was the Colby Point Easement Plan. He asked Mr. McWilliams to bring the Planning Board (PB) up to date.

#### **Colby Point Easement Plan**

Mr. McWilliams noted that this issue had been brought forth by the New London/Springfield Water Precinct commissioners last spring. At that time, the PB had no issues with the plan but it was suggested that the property owners, the Clevelands, should either appear at a PB meeting or would need to send in a letter to give their approval of the easement. A copy of such a letter was included in the packet that was sent to the Planning Board members to note that they approve of the easement plan. Mr. McWilliams explained that the next step was to have the PB sign the easement plan, where it would then go to the Springfield PB for signatures. From there it would go to the State to be recorded with the Registry of Deeds.

**IT WAS MOVED** (Karen Ebel) **AND SECONDED** (Emma Crane) **to sign the mylar for the Colby point easement plan. THE MOTION WAS APPROVED UNANIMOUSLY.**

The members of the PB proceeded to sign the Mylar and then gave it back to Mr. McWilliams for processing.

#### **Discussion of a memo from Peter Stanley regarding Notices of Decision**

Peter Stanley explained that he had been attending an annual lecture series regarding common practices for Town Boards, and he noted that article 676-3 repeatedly indicated that the PB should be providing a notice of decision to applicants who appear before them. The PB is responsible for issuing a final written decision that states approval or disapproval for a local permit. If the application is not approved the notice should provide the reasons for denial. Mr. Stanley noted that the minutes from the meeting, including the written decision containing the reasons shall be placed on file. He added that the minutes and the notice shall be made available for inspection within 144 hours, which they have been keeping to with the minutes. Mr. Stanley shared that the Zoning Board has been producing a written notice of decision and of late, have started to make theirs more detailed, giving reasons for their decisions. He stressed that the PB should be doing the same thing and that it was not optional. He opined that it didn't seem to be a burdensome thing to do. The PB would have a draft of the notice of decision for approval, as they do with the minutes from the meetings. Conditions of the decisions are also to be listed.

Mr. Stanley said that he would glean the language for the notice from the wording in the minutes and that to begin with, he would be creating them. He would get a format created and would then hand the process over to the recording secretary. He explained that there would be a draft notice of decision that went along with the minutes for PB review. Ms. Ebel opined that she did not feel it would be as easy as Mr. Stanley thought to come up with the wording in the notices and that careful thought would have to go into the content. Mr. Stanley said that this was why the notices would have to ultimately be reviewed and approved by the PB. Chair Cottrill asked if the PB members in attendance of the meeting for which the notice of decision was written were required to approve the draft of the notice of decision. Mr. Stanley said that the chair could handle the approval and that all those present at the initial meeting need not be present to approve the notice draft(s).

### **Continued review and discussion of the 2010 Zoning Amendments**

Mr. McWilliams noted that the only thing that changed in the hard copy draft before the PB was the amendments to number 4, regarding the Workforce Housing Overlay District. He and Ms. Ebel had some additional comments from Bart Mayer and had changed some of the wording.

Chair Cottrill started the review of the document with Amendment #1, regarding Structure. He felt that it read fine with the exception with the 6<sup>th</sup> line down. The allowable sheds size and the allowable animal shelter size should consist of the same dimensions. Mr. Stanley agreed that this was what had been agreed upon during the previous discussion, and so Mr. McWilliams said that he would adjust the figures to both reflect “40 square feet.”

The next amendment had to do with #2, regarding Non-Conforming Lots. Mr. McWilliams said the definition of Legal Non-Conforming Lot was added. Chair Cottrill asked why the definition was not in the just after the introduction of article #20 under “a”. Mr. McWilliams said that definitions are defined in a different place in the ordinance. He said words that were capitalized are defined.

Mr. Stanley felt that they should expand the definition of a legal non-conforming lot even further. He said that the definition should include the text “a lot created prior to a given provision in the zoning ordinance which does not now comply with the regulations.” He wanted it to be clear that a lot that does not comply is not necessarily a legal lot. He said they should be very specific and added this would need to be applied to all three definitions.

#3 Enforcement. There were no changes here.

#4 Workforce Housing Overlay District. Mr. McWilliams said that the first change, suggested from Bart, was “H2” which was on page 6 within the underlined portion. It said that the “Developer shall insure this by securing a third party administrator approved by the Planning Board and paid for by the developer to administer, and support this ...” He noted that this was added to make it clear that this would be administered by a third party and not by the Town. A housing authority or a housing trust is the kind of establishment to handle these situations.

Chair Cottrill asked why the timeframe of 30 years was used. Mr. McWilliams said that it was something that the PB had agreed upon earlier. He noted that at the end of the 30 years anyone could buy one of those units at market value. Ms. Ebel suggested looking at the minutes to see how they decided on 30 years. Mr. Stanley reminded them that only qualified buyers could purchase the properties. Chair Cottrill asked what could happen after 30 years... is there a call for action by the future PB to re-establish the property as workforce housing? ... or would the third party administrator help to ensure the property remains as workforce housing? Mr. Doheny said that sometimes people will build an apartment building and say that it has to remain as such for 25 years. After year 26 they can turn the apartments into condos.

Mr. McWilliams explained that Section I made it clear that it was the administrator that had to get the documentation of income and to determine whether the purchaser or renter qualified for workforce housing.

On page 11 at the top, #2, Mr. McWilliams said that both he and Ms. Ebel felt that it really wasn’t clear that they were providing a professional review for parts of the workforce housing project. The text was modified from the current subdivision regulations to fit in this section. In the rest of the sections, the term “administrator” was added to make it clear who was taking care of all of the details. The administrator was also defined at the end and would be added into the article 3 definitions. Ms. Ebel said also included was a provision that the PB would be in charge of choosing the administrator.

Mr. McWilliams said that the next step, if the PB was comfortable with he and Mr. Stanley making the one change that was brought up that night regarding the more detailed definition of a non-conforming lot, he would set this up for the first hearing at the January meeting. Ms. Ebel asked Mr. Stanley if he had looked at the overlay district again to see if there was anything that should be updated. Mr. Stanley said that he

felt it was fine and that they had done the initial calculations correctly and that it fit. He felt it was a reasonable approach to the mandate. Ms. Ebel added that Bart noted that a lot of towns were using Inclusionary Zoning but that he liked the method of using the overlay and commended Mr. McWilliams for thinking of it. He felt that New London did a good job. Ms. Ebel shared that New London was one of only nine towns in New Hampshire that complied with the statute this year.

John Tilley arrived at 7:25pm. Chair Cottrill appointed him to sit in for Michele Holton, who was absent.

### **Tree Cutting Request**

The next item on the agenda was a tree-cutting request by resident, Charles Lawson. Mr. Stanley explained that Mr. Lawson had divided his lot into segments as required to calculate the amount of points to determine his ability to cut some trees. The trees he would like to cut are designated on the supplied map with "x" s. Mr. Stanley went on to share that what was so unique was that all the trees were Hemlocks that had been topped and trimmed some time ago and have since developed no understory. Since they no longer allow this practice, Mr. Lawson wanted to remove the trees and plant shrubs. Mr. Stanley verified that Mr. Lawson has more than enough points to comply with the proposed cutting. In one section he started with 62 points and would end up with 59 points when he was done cutting. In another section he would go from 158 points to 121 points when the project was complete. Mr. Stanley said that he had gone onto the site and had done the point counts himself and felt that they were correct. He shared that all the trees to be cut were less than six inches in diameter and that Mr. Lawson wanted to fill in the areas with blueberry bushes and other shrubbery. Mr. Stanley felt that it was a reasonable request and that since Mr. Lawson was willing to plant, he felt it was OK.

Chair Cottrill asked Mr. Stanley if there should be a time deadline for shrub planting. The timeframe of one year maximum was suggested by Chair Cottrill and Mr. Stanley agreed that this would be sufficient, others thought planting should be complete by mid-summer. Mr. Stanley suggested requiring one small indigenous shrub to be planted per stem removed. He also indicated that once the light was able to get through to the surface of the land, where the dense canopy of hemlock had blocked it, things that are planted will grow rapidly.

**IT WAS MOVED (Michael Doheny) AND SECONDED (Tina Helm) to approve the tree cutting request by Charles Lawson, provided that one indigenous shrub be replaced for each tree removed, such planting to be completed by August 1<sup>st</sup>, 2010.  
THE MOTION WAS APPROVED UNANIMOUSLY.**

### **Public Service of New Hampshire - Continued Public Hearing – Trimming & Cutting of Trees on Scenic Roads: Davis Hill Road and Camp Sunapee Road**

Mr. McWilliams noted that PSNH had said they were going to flag some trees that were to be cut in these areas so that PB members could drive by and take a look for themselves. They were also going to contact the property owners to see what their positions were with regards to tree removals. Mr. Enman from PSNH said that anything flagged in green were the trees that they had permission to cut and that the only one that was taken off the list was the big Pine at the bottom of Davis Hill Road. He said that to cut this tree down, it would require the use of a crane, which would be very expensive. Chair Cottrill asked if there were any property owners or abutters present at the meeting. There were none. He asked for comments or questions from the PB. Ms. Helm asked if it was required to have written approval from homeowners on record with regards to the cutting of the trees. Mr. McWilliams said that it was not. It was reiterated that anything that had been flagged in green had been approved for cutting by the homeowners.

**IT WAS MOVED (Michael Doheny) AND SECONDED (Karen Ebel) to approve the tree cutting request by PSNH for trees on Davis Hill Road and Camp Sunapee road, both being scenic roads.  
THE MOTION WAS APPROVED UNANIMOUSLY.**

## **New London Hospital – Revised Final Site Plan Review**

Laurie Underwood from New London Hospital was present at the meeting to give an update of the Hospital's ongoing project. She said that they were moving towards completion of the project and were trying to get closer to their certificate of occupancy. She said that as in the past, anything that had come up during the course of construction that differed from their original plan would be brought forth to the PB. She said that they began in April of 2007 with the original site plan review and have been working closely with the Town on temporary certificates of occupancy along the way. Included in the packet she provided to PB members were two maps showing the changes. There was also one item currently under discussion that will be soon modified and Ms Underwood explained their options. She noted that they have also been working with Town to keep a letter of credit of \$275,000 open. Ms. Underwood explained that the current letter of credit is due Nov. 30 2009. She said that they would like to get an extension to cover the final walk-through with Town officials so that they can get a certificate of occupancy.

Referring to the maps and the key, Ms Underwood started with change number 8.1. She said that in their original lighting plan in the 8.1 area, the location of the lights presented a safety issue, and therefore relocated the lighting to the other side of the lot. She indicated that there are the same kind, intensity and number of lights.

Item 8.2: In the original plan near the main entrance, four handicapped parking spaces were planned. One was van accessible and three were ADA approved regular spaces, which were not van accessible. They have since determined these four spaces were not adequate due to user complaints about the lack of handicapped spaces. They have recently tried to determine how many spots were really needed by putting out some temporary signage to provide more handicapped parking. They figured that six spots would suffice. Ms. Underwood said that their engineers have re-striped the spots by moving some spaces to allow for two more van accessible handicapped spots which meet ADA and Town requirements. She added that they were able to meet everyone's needs without changing the major components of the parking lot. Ms. Underwood said that they could not do this work until the spring, so they would use some temporary signage through the winter to get them through until they could properly stripe the spots. She indicated that they may need to do something to the curbing to allow for getting into the building easier from these new spots.

Mr. Cricenti, resident, said that there were people in wheel chairs who need to get into the hospital, and in the winter they will have to go into the main entrance to get dropped off and then have their rides park their cars. Ms. Underwood said that if people call ahead someone would always be available to meet the patients at the entrance with a wheel chair. Mr. Cricenti said that wheeling across the parking lot from a handicapped spot would be difficult, if going into old entrance. Ms. Underwood said that they may find an even greater need for additional spots as time went on.

Item 8.3: Ms. Underwood said there were seven Oak trees to be planted. She said that they did plant those Oak trees twice and they all died. They decided to replant with Maple, which were the same size and color. It was not a significant change, but was a change so she wanted to let the PB know.

Item 8.4: Ms. Underwood noted that they worked with Jay Lyon (Fire Chief) and Todd Cartier (Water Precinct Department Head) on changing the configuration of a fire hydrant. It was a change in their original plan, so she wanted to make the PB aware.

Item 8.5: Ms. Underwood mentioned a change in the location of a transformer. A three-foot "cube" which housed the transformer was moved due to a steep grade. It was relocated and they are planning to do some plantings around it to hide it from view. She said that it was visible from some of the patient's rooms, but that they have not had any complaints.

Item 8.6: Ms. Underwood said at the suggestion of the zoning administrator, they have designated a place for brush and debris storage. She said they don't believe there will be much brush, but felt if they were required to have a place designated for it, they would comply.

Item 8.7: Ms Underwood said Mr. Stanley and Richard Lee (Public Works Director) identified a section of land directly off the back side of the helicopter pad that had been used as a place where there had been some fill from different projects in the past. She reported they have not found any permits or variances for this section of land and the use it has lent itself to. They've had some additional fill placed there from the current project that was not on their current site plan. Ms. Underwood said that they have worked with Mr. Lee, their engineers and Mr. Stanley to improve the area and to limit erosion. She said that they would propose working with Mr. Lee and Mr. Stanley next spring to stabilize the area and complete the work. They are unsure of the future plan for that area but for now they want to be sure it is properly prepared to stop erosion and damage.

As they are moving towards final certificate of occupancy, Ms. Underwood said that they would create a new open letter of credit for the Town for the value of the work to be done. She opined that this new letter would be for approximately \$10,000 and this credit would remain in place with the Town until the certificate of occupancy was granted. She added that they would extend the current letter of credit so as to complete inspections. Upon satisfactory completion of the inspections, the current letter of credit would end and a new letter of credit would start.

Mr. McWilliams said that Mr. Lee had a couple of comments on the part of the project regarding the fill. He suggested eliminating the silt fence for that part of the project. The berm at the top of the slope could be a maintenance issue. The other issue was that the whole area extended down into the Residential Zone district. This was not a use that was allowed in that district. When they propose that use, they will need a variance, as well as a variance regarding the fill in the area.

Chair Cottrill asked Mr. McWilliams for a summary of the motions needed. He said one motion would be needed to grant approval of the revised site plan, subject to taking care of getting the variance. The other motion would be needed to refer the hospital to the Zoning Board for a variance and then to come back to the PB to continue the process. Mr. Stanley asked if they could approve all of the changes that pertain to the hospital itself at the present meeting to not hold up their work, and then deal with the other issues afterwards. Mr. McWilliams said that this could be accomplished. He added that none of the department heads had any questions with anything proposed at this time, other than the fill area.

Mr. McWilliams summarized that the approval of items 8.1 – 8.6 could be treated as one issue in a motion, and item 8-7 could have its own motion.

Chair Cottrill asked Ms. Underwood how long they would extend the current letter of credit. Ms. Underwood said she'd like to extend it for one month but if they get the work done before that time, they could drop it down to the \$10,000 amount. Chair Cottrill suggested using an extension date of Jan 15<sup>th</sup> to get them through the holidays. Ms. Underwood agreed.

At this time, Ms. Helm recused herself from the vote, as she is associated with the hospital.

**IT WAS MOVED (Michael Doheny) AND SECONDED (Karen Ebel) to extend the letter of credit from New London Hospital until Jan 15, 2010. THE MOTION WAS APPROVED UNANIMOUSLY.**

**IT WAS MOVED (Michael Doheny) AND SECONDED (Karen Ebel) to approve the revised final site plan for items 8.1 – 8.6 on plan C-101. THE MOTION WAS APPROVED UNANIMOUSLY.**

**IT WAS MOVED (Michael Doheny) AND SECONDED (Karen Ebel) to approve the final site plan for item 8.7 on table C-102 subject to Zoning Board approval for residential use and filling of land with the condition that security be provided in the amount of \$10,000. THE MOTION WAS APPROVED UNANIMOUSLY.**

### **Public Hearing to Consider Revocation of the Milmore Subdivision Plat**

Mr. McWilliams explained that this was a two-lot subdivision that had been approved on April 26, 1991. The plan was recorded. The plans called for a road to be built to provide access to the back of lot #2. The road had never been built and the Milmores had not been vested in the subdivision process. Since April 26, 1991, the regulations have changed so that one of the lots no longer complies with the minimum lot size. From the RSA's, if the subdivision is not vested in four years, the PB can revoke the subdivision and make it null and void.

No one was present at the meeting to speak regarding the Milmore subdivision and there were no comments from the PB. Mr. McWilliams noted that notices had been served and no response had been received. Mr. Doheny asked if they had any idea if the letters had actually been received. Mr. McWilliams said that the notice had been sent but that he didn't know if it had actually been received by the recipients. Mr. Stanley said that this issue had been around for a long time. The road was the entire front yard of the property. The back lot was 10 acres and is now in a 25 acre minimum zone. What is needed is for this subdivision to go away and let the land become a one-parcel property again. Mr. McWilliams said that there were two lots and now they will come back together again. Mr. Cricenti asked if it would change the property valuation for the owner and wondered if it would change the tax income from the Town. Mr. Stanley said that he wasn't sure if it was in current use or not. If it wasn't, there would not be an effect. If it was, there would be an effect.

**IT WAS MOVED (Emma Crane) AND SECONDED (Tina Helm) to approve the revocation of the Milmore subdivision plat, as described.**

Mr. Doheny said he wasn't comfortable with approving this due to the fact that there was no proof that they had received the notice.

Mr. Stanley said that when you revoke a subdivision, you are not required to have a notice sent up front. Mr. McWilliams said that they were sent a public notice of the hearing this evening to revoke the subdivision. Ms. Ebel asked if the same procedure was used as was for abutters' notices. Mr. McWilliams answered in the affirmative and added that there had been no response from the Milmores. He said that they could either notify all the parties involved and leave it up to one of them to ask for a hearing, or the PB could just agree to have a hearing. They decided to set up the hearing and notify them of it. This procedure requires, by RSA 674 1:D, a 10-day standard of service by notified mail. No return receipt is required for certified mail and the law does not require a return receipt. Mr. McWilliams noted that it was quite a bit more expensive to send the certified mail with the return receipt option used.

Ms. Ebel asked if there was no mechanism to indicate that the recipients had not picked up their mail. Recording secretary, Kristy Heath, noted that some letters are returned if the address is insufficient or incorrect, or if the recipient has passed away. Other than that, the letters are not returned. She noted that letters generally are returned quickly if the post office deems them undeliverable.

Chair Cottrill called for the vote on the subdivision revocation.

**THE MOTION PASSED. 4 votes were for APPROVED, Michael Doheny OPPOSED, and John Tilley ABSTAINED from the vote.**

While the next applicant was on his way to the meeting, the PB decided to go through the minutes from November 10, 2009.

Ms. Helm had a question on page 2, regarding public education. It should be "League of Women Voters" and not "Women's Commission of Voters."

Ms. Ebel pointed out that the name "Rousoff" should be changed, globally, to "Ourusoff."

**IT WAS MOVED (Emma Crane) AND SECONDED (Karen Ebel) to approve the Planning Board minutes from November 10, 2009, as amended.  
THE MOTION WAS APPROVED UNANIMOUSLY.**

**David P. Cahill – Final Annexation – The Point Cottages**

Mr. Cahill started off his presentation by noting that both Peter Stanley and Ken McWilliams had helped him to get everything for the annexation. He said that they were looking at lots 11 and 10 off of map 77, which he had provided to the PB. The proposed annexation was to make the lot that was 1.2 acres into a 1.61 acre lot. This would be done by taking some land from the second larger lot, reducing that lot's size to 2.4 acres. This change will give the newly created 1.61 acre lot just over 300' of lake frontage. Mr. Cahill had also given copies of the deeds from Jewell Excavation, who will work with him and his family to tear down the current buildings on the two lots, and remove all of the septic tanks. He said that there were ten buildings on one property. With the annexation, they would leave one building on the 1.61 acre property, making it a conforming lot. On the larger piece of land, there would be two buildings left. One they would use as a dwelling and one would be used as a storage facility.

Mr. Cahill went on to explain that the cottages that were to come down were about 480 sq. feet each, and were seasonal cottages on concrete pillars. He specified that the two buildings staying on the larger lot would be cottage #3, which was just under the tree line. This was in addition to the main cottage. They want to leave the larger cottage for tools to maintain the land, and the smaller cottage will be their seasonal cottage.

Mr. Cahill shared that all nine of the septic tanks associated with the cottages were holding tanks. Six were concrete and three were steel. All tanks would be drained and removed from the site. He added that the other cottage on the second piece of land would be separate and that PSNH would come in and put a new pole in. The cottage would also have its own septic system.

Mr. Stanley reminded Mr. Cahill and the PB that both properties would require State approved and built septic systems before anyone could occupy the buildings.

Ms. Ebel asked if there was a leach field. Mr. Cahill said that there were no leach fields as they were all individual holding tanks. She then asked if Jewell Construction was certified and wanted to make sure whoever did this work knew what they were doing. Mr. Cahill felt confident of the construction company and explained that they were establishing a silt fence to go around the buildings. Nothing would get intruded into the lake, itself. For cottage #51, which sits just about 6" from the stone wall near the lake, they plan to wrap it in a tarp and then remove all glass ahead of time to assist in an easier clean up. He had met with the Department of Environmental Services that day and filed for a shoreland permit. Mr. Cahill mentioned that they don't need a permit to remove the cottages because they stand on cement blocks, but the shoreland permit is for the removal of all septic systems for which they must dig. He said that he has gone through all the applications and only need to send out certified letters to the State with copies of the letters that they had sent to abutters. An NHB form also has to be filed to make sure there were no inhabitants, or animals on the property which may be disturbed or put at risk due to this change in the land. He said that he is waiting for the response from the State. He has filed for a building permit with the Town to take the cottages down.

Mr. Cahill shared that Jewell Excavation has been around for a long time. He said that Richard Lee looked at the proposal and is very familiar with the area, what Mr. Cahill wants to do, and with Jewell Construction. He added that the package of documentation he provided to the PB contained a letter of credit, as was requested by the Town at this stage in the process.

Ms. Ebel asked if after the houses were removed they would re-seed the land. Mr. Cahill said that the shoreland permit would hopefully tell him what they need to do for shrubbery and the normal growth that could exist on the property was, and how much he would have to plant. He understood that there were certain restrictions due to the property being so close to the lake. Mr. Cahill stated that he was prepared to

do whatever the permit requires him to do. Mr. Stanley said that the shoreland permit wouldn't tell them specifically what to do. He added that PB approval could be contingent upon the planting of indigenous species of shrubs. Ms. Ebel agreed that approval should include such a contingency.

Mr. Doheny asked if they would be removing the cement piers, which the cottages were placed on. Mr. Cahill answered in the affirmative. He said that Jewell Construction had given him an estimate of needing between two and three 50 yard containers to haul away all the debris from the demolition. He noted that they may use GDS in Newport for this service.

Mr. Cahill explained that he had removed some shingle samples and window glazing samples from each building on the property. One of the window glazings came back saying that it contained lead. There was no asbestos. He noted that he called Gobin, GDS and Casella dumpster companies to ask if they could handle these kinds of hazardous materials. They said that as long as the materials are in the container with all of the other debris, they can handle it. They cannot accept the materials if they have been sanded into a granular form. Mr. Cahill provided copies of the lab results from his shingle and window samples.

Mr. Cahill shared that six of the septic tanks were 750 gallon tanks made of concrete. Three were 350 gallon steel tanks. The steel tanks would be crushed and taken away. He noted that he has never experienced any overflow, spillage or smell from the tanks. He has had the tanks pumped every other year. Ms. Ebel asked if the pipes connecting each tank to its cottage would also be removed. Mr. Cahill answered in the affirmative. He said they would all be removed and would be filled in with sand and banking material. Mr. Stanley added that the soils on this property were particularly good. They had a high perk rate and were relatively level.

Chair Cottrill asked about the planting plan upon the removal of the cabins and tanks. Mr. Cahill said he will do that even if he wasn't required to. He wants it to look as nice as it can. Mr. Stanley added that this lot does not receive drainage from any other parcel and that it stands alone. The soil is so sandy and gravelly that the water just soaks in.

Mr. McWilliams explained that Mr. Cahill was coming before the PB and asking for something out of the ordinary in terms of how they would proceed from this point. With all of the nonconforming buildings and holding tanks on the property, normally they would approve the annexation after all of these nonconforming items were removed. Then the subdivision plat would be signed. Mr. Cahill was requesting for the PB to approve, sign and record the plat all before completion of the work to the property. Mr. Cahill noted that the reason for this was to allow a sale of one lot, as they have an interested buyer who is ready to close and that will provide the cash for the removal of the cabins and septic tanks. Otherwise, he said he and his family would be risking their own income by tearing down the buildings and if something was to not be approved in the future, they would be left without rental income from this property. The approval of the annexation, as well as the plat being signed and recorded before the work is done allows them to be able to close and get the income from the sale of the lot. Mr. Cahill reiterated from an earlier meeting that he was a man of his word and was not playing games with the Town of New London. He asked that they proceed forward with his request.

Chair Cottrill asked how soon he anticipated lot #10 to be sold. Mr. Cahill said the sale would take place very soon and that with any sale, there would be a 30 day window of appeal. Mr. McWilliams agreed with this sentiment. Mr. Cahill said that considering this window of time, it was conceivable that the interested party would be ready to close during the first week of January. Mr. Tilley added that it also takes 30 days to obtain a shoreland protection permit. Mr. Stanley pointed out that if they approve this annexation contingent on acceptable security, and if after that 30 day period it is recorded, there was no going back for Mr. Cahill at that point. The buildings would have to come down regardless of the pending sale of lot #10. Mr. Cahill said that the terms of the purchase and sales agreement they have in place hinges on the approval of the PB. Chair Cottrill noted that the closing could take place somewhere beyond 30 days from the date of approval. Mr. Stanley said that if they have the security, there would be a date associated with it. Mr. Cahill reiterated that they are agreeing to remove the buildings whether the sale goes through or not.

Mr. McWilliams added that Mr. Cahill is required to submit the deeds for the new lots. The standard procedure is to submit the deeds before they record the plat. He wants to do this after the plat is recorded. If the plat is signed and recorded first, he still must submit the deeds for the two lots. He also must complete the removal of the buildings and holding tanks. In the letter of credit, he has requested a time frame of 12 months. Chair Cottrill opined that the bank had given Mr. Cahill some flexibility. Mr. Cahill said that if the sale goes through and they close the end of January, 2010, they'll get together with Jewell Construction to get the buildings taken down by the end of December. He said that he wants the project done by May 1<sup>st</sup> for summertime enjoyment. Chair Cottrill asked if a May 1, 2010 would be a good date to require the work to be complete. Mr. Cahill wasn't sure.

Mr. Cahill summarized that there were two dwellings to remain, one on each lot, as well as one cottage to serve as a storage area. Only electricity would be going into the storage building; no water or sewer. The timeframe for Jewell Construction's work was anticipated at five days. The houses were approximately 24' x 24'. They would need three 50 yard containers, at most, to haul away the debris. Ms. Helm asked if they would leave the septic tank for the cottage they would be leaving on the land as their dwelling. Mr. Cahill said that they would not be leaving any septic tanks and that they would have to install new septic system prior to occupancy.

In retrospect, there were eight rental cottages on the lot, one main cottage and a shed on the property. To be removed would be six cottages and one shed. Three buildings would remain; two on the larger lot and one on the smaller lot. All septic tanks would be removed from the property.

Mr. Cahill said that Jewell Construction was not convinced that the concrete tanks would come out without breaking, as they were installed during the 1960's.

Chair Cottrill asked Mr. McWilliams if he saw any concerns with this proposal. Mr. McWilliams didn't feel that there were.

After a bit more discussion, Mr. Cahill and the PB decided on July 1, 2010 as a sunset date for completion of work on this property. Mr. Cahill said that there were new bounds put in place with a surveyor. These bounds were shown on the map that he provided.

Mr. Stanley noted that the setback problems that had existed on the property were being resolved by having these changes take place.

Mr. Doheny said that he wasn't sure how they would handle the replanting on the property. Mr. Cahill confessed that his biggest problem would be covering up the driveways that will go to nowhere once the cottages are removed. He said they want to make it look more appealing and attractive.

Mr. Cahill said that next year they may look at applying for a building permit to have a permanent residence put in on the bigger lot. He, his mother and his uncle own the property with him and they may decide to build on it at a later date. Mr. Stanley felt they should landscape the property before any building was planned. He said that they should first remove the buildings and tanks. There would be nothing more to do this winter but to maintain erosion control devices. If the PB wanted to review Mr. Cahill's planting plan for the site, there were lists of indigenous species available. He felt the approval should be also subject to a planting plan.

Ms. Ebel asked what would be an appropriate deadline for a landscaping plan. Mr. McWilliams said that they would want to plant prior to July 1, 2010. Mr. Stanley suggested an April 1, 2010 deadline. Mr. Cahill asked that the date not to exceed be July 1, 2010 to allow for flexibility in case something came up. Mr. Doheny explained that what they needed was nothing formal, but just a sketch. Mr. Stanley agreed.

Mr. Cahill indicated that the permit he had acquired for digging the tanks out gave him a 15' x 18' area to dig to allow for the possibility of needing to dig out crumbling tanks.

Mr. Stanley noted that a previous property owner along the shoreline planted hundreds of trees in sandy gravelly soil and added that there were lots of things that will grow in such soil. He indicated that it might cost only a couple hundred dollars to do the whole thing.

**IT WAS MOVED (Karen Ebel) AND SECONDED (Michael Doheny) to approve the final annexation for David P. Cahill for The Point Cottages, subject to the following:**

- 1. The removal of seven buildings identified as cabin #s 1, 2, 4, 5, 6 and 8 and the shed adjacent to cabin #2 by July 1, 2010.**
- 2. The removal of all nine septage holding tanks and piping associated with them by July 1, 2010.**
- 3. The approval from the Planning Board by April 1, 2010 of an overall landscaping plan to be installed by July 1, 2010 specifically to replant areas exposed by cottages, septic tanks and driveways.**
- 4. A revised letter of credit in the amount of \$8,820.00, terminating on July 1, 2010.**
- 5. The receipt of all pertinent State permits including a shoreland permit.**
- 6. Submission of executed deeds to the Town of New London for recording.**
- 7. Installation of a State approved septic system prior to occupancy of any residential structure on either lot.**
- 8. Subject to the agreement by the applicant that all prior nonconforming uses must cease on the property as of the date of this annexation approval and cannot be resumed.**

**THE MOTION WAS APPROVED UNANIMOUSLY.**

Mr. Cahill noted that there had been permission granted in the past to some people to allow them to cross the land to access their moorings and the lake. He said that he has spoken with these individuals and has sent certified letters to them, revoking this permission, as it would be a nonconforming use.

At this time, Chair Cottrill asked if they should go into an Executive Discussion to discuss the Budget Committee's recent decision with regard to the Town Planner's salary for 2010.

Mr. McWilliams admitted that he felt upset about the Budget Committee's decision and not getting notice of it until an hour before the meeting was to start that night. He said that he has been working for the Town of New London for 23 years and didn't understand this lack of communication.

Ms. Ebel asked what would have happened if the Planning Board had decided on this last week before the Budget Committee had made this decision. Ms. Helm said that the numbers were all subject to the Budget Committee. Chair Cottrill admitted that he was not aware that he had to go to the Budget meetings. He indicated that they were clear about inviting all the other staff from the Town but no invitation was extended to the PB. He noted that December 14<sup>th</sup> was the next Budget meeting and said he would be attending. He wondered how the budget committee could make this decision when they were not involved in the process of the Planning Board. Ms. Ebel also indicated that nowhere in the minutes did it mention that the PB actually brought in revenue for the Town.

Ms. Helm said she felt it was very important for the PB to be present at the next budget meeting with a rebuttal. She noted that the budget committee was being very strict this year and are cutting things right, left and in-between.

Ms. Ebel asked if Mr. Stanley's hours had increased in the last year, since Mr. McWilliams' position had decreased. Mr. Stanley's position was to be increased to 35 hours per week. Mr. Stanley said that he was working between 38-40 hours per week at the moment. Ms. Ebel said that points were being made at the meeting that he was picking up all kinds of additional work and that there was more capacity in-house to get even more work done. Mr. Stanley said that the PB-related things, including mergers and fast track site plan reviews, were taking up approximately 20% of his time. It was determined that he was already working in excess of the hours that were allotted.

Ms. Helm said that it was felt from the Town that he was doing more than 35 hours per week. Mr. Stanley said that he was getting all of his work done right now, but if things change and there is a building boom, it would be another story. Several on the PB expressed frustration with how things were agreed upon at the

Budget Committee Meeting. Ms. Ebel opined that it felt like a problem in the process. Mr. Stanley said that people who have a problem with the way things are done have to go to the meetings and voice their opinions. Ms. Ebel felt it was unfair to vote on something and then open it back up again later on to cut it. Ms. Helm felt that it was still negotiable.

Chair Cottrill said that if they are going to be required to trim the budget even more, they could cut down the number of meetings but that may slow up the process and frustrate applicants.

Ms. Ebel felt that Ms. Levine's comment regarding quarter-hour billing by Mr. McWilliams could be adjusted to just billing for tenth-hour increments. Mr. McWilliams agreed that this could be done.

Chair Cottrill said that one hard-to-budget situation is that some applicants have complicated plans and do quite a bit of conversation with Mr. McWilliams directly. When this is done, the Planner bills the Town. Mr. Stanley explained that he doesn't forward people to Mr. McWilliams. His line of demarcation was clear. He can consult with someone as to what the process is and what the legal requirements are but when they embark on the application they work with Mr. McWilliams. Any kind of subdivision, site plan review, etc., will go to Mr. McWilliams. Mr. Stanley is only the initial contact.

Ms. Helm opined that when Mr. McWilliams gets calls that Mr. Stanley should be handling, he should forward them to Mr. Stanley. Mr. McWilliams stated that he was already doing this. She also said that the numbers in the budget are still negotiable. In the interim, she added, if they wanted to talk with the Selectmen, she felt that would be a reasonable conversation to have.

Ms. Ebel asked, regarding Ms. Levine's memo, if monthly department head meetings could be run in-house, meaning that Mr. McWilliams would not be involved. Mr. McWilliams said that he only attends department head meetings when projects are being discussed for the PB's consideration. Ms. Ebel asked if Ms. Levine was suggesting that Mr. Stanley do this instead. Mr. Stanley said that he already does attend those meetings, as well.

Mr. McWilliams said that in the last bullet item from Ms. Levine's memo, he is already providing assistance "as-needed." Ms. Levine suggested eliminating him from the afternoon department head meetings. If Mr. McWilliams was cut out of these meetings, Mr. Stanley would come to the PB meeting to give comments. Unless there was something like a major subdivision that he would be handling, Mr. McWilliams would come meet someone, but that would be on an "as-needed" basis.

Mr. Cottrill opined that it is good to have someone from out of town in the position of Town Planner. He felt that Mr. McWilliams knew his "stuff," knew the history of the Town and is very helpful when the PB faces contentious issues by stating facts and laws in a calming manner.

Ms. Ebel asked Mr. McWilliams if being at department head meetings made him more effective at PB meetings. Mr. McWilliams answered in the affirmative and added that he doesn't charge the Town for the time he is not working for them, including the time between the department head meetings and the PB meetings.

Ms. Helm opined that this was really is a personnel issue and was a conversation to be had with the Board of Selectmen so everyone could get on the same page. Chair Cottrill agreed Ms. Helm said that she would ask for the discussion between the PB and the Board of Selectmen to get on agenda for Monday the 30<sup>th</sup> at 6pm. She felt that it would be appropriate to go to the selectmen first and added that it would be a non-public discussion. Ms. Ebel felt this was how such things had been handled in the past. Ms. Helm assured the PB that she would ask Jessie if time could be made in the next agenda for the discussion.

Mr. Tilley asked if it would be better if wasn't a non-public discussion. He thought it might be helpful to help shed light on the budget process. It was believed that they could talk about the process publically, and then the personnel issue in a private session.

**IT WAS MOVED (Emma Crane) AND SECONDED (Tina Helm) to adjourn the Planning Board meeting of November 24, 2009. THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 9:45pm.

Respectfully Submitted,

Kristy Heath, Recording Secretary  
Town of New London

Approved on: \_\_\_\_\_ December 22, 2009 \_\_\_\_\_

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