

**NEW LONDON PLANNING BOARD  
REGULAR MEETING & PUBLIC HEARING  
MARCH 13, 2007**

MEMBERS PRESENT: Karen Ebel (Chairman), Sue Ellen Andrews, Tom Cottrill, Dale Conly, Jeff Hollinger, Ken McWilliams (Planner). Sue Clough (Selectmen's Representative) joined the PB at 9:05 PM.

MEMBERS ABSENT: Celeste Cook

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

**I. ROBERT DALEY – Continued Preliminary Site Plan Review: Parking (Tax Map 60, Lot 3)**

Robert Daley advised that during the meeting with municipal department heads that afternoon, eight concerns/issues had been raised. He distributed a draft of his responses to those concerns.

Chair Ebel requested that Mr. Daley explain the revised parking plan before addressing the departmental concerns. Mr. Daley said that after the last departmental meeting he had changed all of the parking to angle parking. He said that he had eliminated the parking space closest to the motel and that change would allow 10 feet of landscaping in that area. He also said that there would no longer be any parking in front of the dumpster. Elimination of that parking would create enough room so that cars could turn to exit frontward, rather than having to back out. Mr. Daley said he had added fencing to provide additional screening. He advised that the railroad ties would be relocated and signs would be placed at the end of each parking space advising that parking was head-in, angle parking.

Chair Ebel asked how many more spaces than the number approved were being requested. Mr. Daley replied that there were now 10 spaces and the proposed plan would provide 12 parking spaces.

PB member Andrews asked if he was proposing to change the tree line in front of the house. Mr. Daley said that he was not. Ms Andrews questioned whether the area was really adequate for snow storage as indicated on the plan. Mr. Daley replied that he currently plows right up to the front door. Ms Andrews questioned the location of the road, the stone wall, and the tree line on the plan presented.

Chair Ebel observed that parking spaces five (5) and six (6) were in an area previously not used for parking. PB member Andrews said that the plan did keep the parking pretty well behind the front of the house. Mr. Daley demonstrated where the 10-foot buffer had been restored. Ms Andrews asked what the setback requirement was in the Commercial District. Ken McWilliams replied that the side setback was 10 feet. He pointed out that the plan presented showed a side setback of only four feet. PB member Cottrill said that parking spaces seven (7) and eight (8) would still be short on the setback requirement.

Zoning Administrator Peter Stanley advised that the existing parking had not really been approved with less than a 10-foot setback, but the actual grading of the driveway ended up much closer to the side boundary than what had been approved. PB member Hollinger asked what number of parking spaces was originally approved for the site. Chair Ebel and Mr. McWilliams both responded that eight (8) spaces had been approved in the original application, and the eight (8) had been increased to 10 in subsequent application.

PB member Andrews questioned why 12 parking spaces were needed. She acknowledged that Mr. Daley had 12 employees in addition to customers, but she wondered why the employees could not be instructed to park in the additional five (5) parking spaces leased from the abutting motel. Ms Andrews pointed out that spaces five (5) through 10 violated the 10-foot buffer. Mr. McWilliams advised that Mr. Daley had originally stated that a concern for safety was the reason. PB member Hollinger opined that Mr. Daley could use the new design and stay with 10 parking spaces. He noted that the site had gone from eight (8) to 10 and now 12 parking spaces. He asked at what point the lot would be considered overbuilt. PB member Hollinger opined that the PB needed to be consistent. He pointed out that the PB had recently sent Dan Wolf back to work on setback issues on the Hayward property.

Mr. Daley said that the old plan contained two spaces that impinged on the green space and that the proposed plan would result in green space being reclaimed. PB member Andrews asked Mr. Daley to identify the area, which he did. Ken McWilliams noted that the plan showed the railroad ties being angled.

Chair Ebel suggested that Mr. Daley could stay with 10 parking spaces and eliminate #11 and #12 where cars seemed to be at risk for “fender benders”. She opined that backing up to turn before exiting the site would improve safety, but she questioned how adding more cars on the site would make the situation safer, especially if the problem was caused by cars backing into each other. Mr. McWilliams advised that the prior parking plan provided a 20-foot aisle width whereas the proposed plan had 14 feet in back of the parking stalls. PB member Cottrill pointed out that that the prior nine (9)-foot width of parking spaces had been reduced to seven (7) feet as well. Mr. Cottrill said that he had been looking at the Site Plan Review Regulations specifications for parking spaces and the regulations call for nine (9)-foot widths for full-sized cars and eight (8)-foot widths for compact cars.

PB member Cottrill said that the parking spaces appeared to be at a 60-degree angle. Mr. McWilliams advised that he had called Stephen Jesseman (Jesseman Associates, P.C.), who claimed that the plan contained 45-degree-angle parking.

PB member Andrews wondered if the PB should give direction to Mr. Daley to come up with a design to increase parking space size and waive the encroachment on the 10-foot setback along the side. Chair Ebel advised that the PB was not looking to increase parking on the site. PB member Hollinger opined that increasing the number of parking spaces would make the lot more non-compliant. Chair Ebel took a sense of the PB, and all agreed that the maximum number of parking spaces should be 10.

Chair Ebel asked what the PB thought about parking near the residential area. Ken McWilliams advised that the plan approved contained a 10-foot buffer on the back and a four (4)-foot buffer along the motel property and was non-compliant with the regulations. Chair Ebel pointed out that the area along the motel property line was now compliant because a shed/garage had been razed. PB member Hollinger said that if the applicant were to stick with 10 parking spaces, he would approve encroachment on the side setback, if the goal was greater safety. PB member Conly concurred.

PB member Andrews pointed out that parking spaces would be lost by increasing the width of spaces to nine (9) feet. Zoning Administrator Peter Stanley said that the applicant would need to gain 12 feet in order to increase the width of six (6) small (7-foot) spaces and that would take up all the space occupied by #11 and #12 on the plan. He opined that fewer spaces would allow maneuverability and, thus, be safer.

PB member Hollinger asked if there were any concerns relating to the property line with Powers Point. PB member Cottrill opined that Powers Point might want a buffer between it and the parking lot. Mr. Daley advised that currently there was a solid wall with one door on the Powers Point property facing the parking area. He said that there was a deciduous hedge up to parking space #7.

Mr. Daley said that he had listened to all of the PB discussions and had responded to issues raised by the PB. PB member Cottrill advised that the plan designed was not accurate. Mr. Daley replied that he had not double checked the engineers’ data, as the engineers were supposed to know what they were doing. Mr. Cottrill opined that the angled parking plan was an improvement. PB member Andrews said that she liked the maintenance of the tree line on the side facing the Residential District. Chair Ebel advised that the PB wanted to have a final plan. She said that the PB was basically approving a plan with 10 parking spaces.

Chair Ebel asked Mr. Daley to run through his responses to the issues raised at the meeting with municipal department heads. Mr. Daley reviewed his draft responses:

1. Richard Lee, Town Road Agent, had expressed concern about drainage to the south onto the Powers Point property. Mr. Daley proposed that the low point between spaces #5-12 and the building would be a swale in the driveway that would direct water to the front of the lot, to the grass space on the south entrance of the driveway and the culvert to the south entrance of the driveway, crossing NH Route 114.
2. A concern was made to be sure there was a “No Parking” sign in front of the dumpster. Mr. Daley advised that a “No Parking” sign would be placed at the front of the dumpster.

3. A concern was made regarding the clear marking that head-in angle parking was required in spaces #5-12. A "Head-In Angle Parking Only" sign would be placed in front of each of the positions #5 through #12.
4. The railroad ties ending parking spaces #5-12 should be angled to further reflect the requirement for angle parking. Mr. Daley said that during non-snowplow months, the railroad ties (or equivalent markers) would be angled to reflect the angle parking requirement.
5. Placement of a "No Parking" sign at the turnaround area abutting the Lamplighter Motel property to ensure that it would remain available for turning around at all times. Mr. Daley advised that a "No Parking" sign would be placed at the turnaround area.
6. The driveway narrows to 10 feet behind parking space six (6) and parking space seven (7). This must be 12-feet wide. Mr. Daley said that the driveway width would be increased to 12 feet in this section and at its narrowest space.
7. The turnaround area abutting the Lamplighter property was too close to position 12. Mr. Daley said that the turnaround section would be moved north (closer to the dumpster) to maintain proper and sufficient back out and turnaround space.
8. Concern was expressed that since a corner lot marker could not be located on the southeast corner, excavation must happen clearly as marked on the map and not infringe on the abutting property. Mr. Daley advised that excavation would first mark off, from the two adjacent marked lot corners, and line/flag the lot line to ensure excavation remained on said property and in accordance with the approved plan.

PB member Andrews asked if the stonewall was the property line. Mr. Daley responded that he would want to personally go out to look for the boundary pins. He said that he was now not confident about the accuracy of the engineer's plan.

PB member Andrews asked if Mr. Daley would need a waiver of the side setback requirement. Chair Ebel took a sense of the PB. She then advised Mr. Daley that the consensus of the PB was to grant a waiver of the side setback requirement if the number of parking spaces was kept at 10 spaces. Zoning Administrator Peter Stanley said that the spaces on the other side of the parking area were actually eight (8) feet wide, but labeled nine (9) feet wide on the plan. He advised that the discrepancy needed to be tidied up as well.

It was agreed that Mr. Daley would come to the PB for a Final Site Plan Review rather than continue the Preliminary Site Plan Review to a future meeting. He was advised that all documents had to be submitted two weeks before the date of the Final Site Plan Review. Chair Ebel recommended giving Mr. Daley a break with regard to the two week requirement. Mr. McWilliams responded that he usually distributed information to the municipal department heads in advance of their meeting with the application. It was decided that Mr. Daley would return for Final Site Plan Review on April 24, 2007.

## **II. DRAFT SITE PLAN REVIEW REGULATIONS – Continued Review and Discussion**

### ARTICLE XI. Standards and Requirements for Proposed Developments, Section R. Noise:

Zoning Administrator Peter Stanley opined that the regulation was unenforceable. The proposed regulation would limit construction to 7:00 AM to 6:00 PM. PB member Cottrill commented that the PB had just approved a 7:00 AM to 7:00 PM timeframe for construction on Stonehouse Road in connection with the Harborview Development in Sutton. He asked if the 7:00 AM start time was the starting time for equipment. He opined that people should not arrive on the site before 7:00 AM.

Zoning Administrator Stanley said that the 7:00 AM start time addressed heavy vehicles, those having three or more axles, and equipment. He opined that there would need to be an absolute prohibition of any activity in order to eliminate backing "beepers", nail guns, etc. Chair Ebel and PB member Hollinger opined that workers needed to make a living. Mr. Hollinger pointed out that roofers liked to start at 5:00 AM so that they could get as much as possible done before it got too hot on the roof. PB member Cottrill asked if there were any regulations regarding construction lighting and limiting its usage.

PB member Andrews opined that the problem was vehicles coming and going from the site. Chair Ebel advised that the PB had limited the Great Pines development to the hours of operation. She opined that workers should be allowed to arrive on site before 7:00 PM. Ken McWilliams said that he would draft more specific language in regard to what can happen when.

#### ARTICLE XIII. INSPECTION SERVICES

Chair Ebel asked if the “account” referred to in the fourth sentence shouldn’t be “an escrow account”. All agreed that it should be revised to read “. . . the applicant shall establish an escrow account with the Town Finance Officer for the inspection services.” PB member Cottrill recommended clarifying the meaning of “establish” as it relates to the requirement that the applicant shall establish an escrow account. He said that someone could establish an account simply by opening an account; however, that interpretation of “establish” would not be correct in the context of Article XIII.

#### ARTICLE XV. ADHERENCE TO APPROVED SITE PLAN

Chair Ebel questioned the references “to the Town Administrator”. She opined that it should read “to the Board of Selectmen or its designee”. All members of the PB agreed.

#### ARTICLE XVI. CONDITIONAL OR PERMANENT OCCUPANCY PERMIT

Chair Ebel said that references to the Town Administrator should be replaced by “to the Board of Selectmen or its designee”. She recommended that Mr. McWilliams do a global find and replace to change “to the Town Administrator” to “to the Board of Selectmen or its designee” throughout the document. Mr. McWilliams agreed to a global search to make sure that all references are identified and revised.

Chair Ebel recommended that the “account” referenced in Section B. Permanent Occupancy Permit be changed to “escrow account”.

#### ARTICLE XVII. SITE PLAN REVIEW FOR HOME BUSINESSES

Section F. Executive Summary. Chair Ebel noted that the first item should read “a description of the proposed business”. PB member Cottrill asked if the wording in the fourth item regarding “non-resident employees or subcontractors” was correct. He recalled a prior Site Plan Review discussion that revolved around the issues of non-resident employees and subcontractors. Ken McWilliams replied that the wording was set forth in the New London Zoning Ordinance and the wording in Section F. simply mirrors that in the Zoning Ordinance. PB member Cottrill suggested ending the sentence in item 4 after “home business” and deleting “as their base of operations”. Mr. McWilliams and Chair Ebel advised that the wording he recommended was not what the Zoning Ordinance said and the Site Plan Review Regulations could not vary from the Zoning Ordinance.

Section I. Department Review. Zoning Administrator Stanley suggested adding the Zoning Administrator to the list of departments/officers from which comments are needed. Chair Ebel questioned whether “as guided by the Town Planner” should be expanded to provide another option. PB member Andrews responded that it’s the Town Planner’s job to provide that guidance. Mr. McWilliams advised that the responsibilities of the Town Planner were outlined in Article VI. Procedure for Site Plan Review. Phase III: Final Site Plan Review. Chair Ebel recommended adding “or other designee of the Planning Board” to avoid subsequent problems where no designee had been provided for, as with the Zoning Ordinance that had recently been amended per Town Counsel’s recommendation. Zoning Administrator Stanley and Mr. McWilliams were concerned that there would be confusion about their respective jobs, but Chair Ebel felt like this was a formality that should be built into any comprehensive regulation. Mr. McWilliams agreed to make the necessary changes.

Chair Ebel asked if the statutory references throughout the document needed to be verified. Mr. McWilliams said that he would double check the references.

ARTICLE XXIV ADOPTION and ARTICLE XXV CERTIFICATION & FILING WITH THE TOWN CLERK. PB member Clough advised that the dates in Articles XXIV and XXV needed to be changed from 2006 to 2007.

#### APPENDIX A

Section A. Standards for the Minimum Number of Off-Street Parking Spaces by Land Use Type: Chair Ebel asked if the Community Recreation Center category should be expanded as Community or Other Recreation Center. She later noticed that the Sports Club/Health Spa/Private Club category made such an expansion unnecessary, so the Community Recreation Center was not amended. It was noted that the minimum standard for Hospital had been changed from a number to "by Board review". Mr. McWilliams pointed out that the Real Estate Office issue and minimum standard were still unresolved, but the demand would seem to be higher than that of General Office. He advised that a category of Showroom-Furniture Sales, Interior Decorating, Carpet Store had been added. He noted that Assisted Living/Extended Care Facility had been changed to "by Board review". Mr. McWilliams advised that the rationale for setting the minimum standard for Sports Club/Health Spa/Private Club "by Board review" had to do with the fact that the number of members varies, the type and number of activities vary, etc. He also advised that Retail Sales and Retail Services had been separated because the two categories were now broken out in the Zoning Ordinance.

PB member Cottrill recommended setting the minimum standard for Real Estate Office at 5.0. The PB agreed by consensus.

PB member Cottrill asked what impact any lease the Kearsarge Regional School District might negotiate for use of the former middle school would have on the Elementary/Junior High School minimum standard. Mr. McWilliams replied that the PB would have full authority if the use was not as a school. Chair Ebel and Zoning Administrator Stanley both advised that if the use were to be deemed municipal, the PB would have no authority, other than advisory. Chair Ebel explained that the school board had approved the community center proposal for the old part of the middle school complex and that was a private use which had to be approved by the PB. She said that the proposal being worked out for the remainder of the building with the New London Outing Club was more complicated due to NLOC's anticipated joint venture with the town. She stated that it is not clear at this point whether, under the NH statute, this sort of mixed use was really a "municipal" use.

Section D. Cross Aisles. PB member Cottrill asked if there needed to be a reference to the chart right above it.

Section F. Off-Site Parking. Chair Ebel asked what would happen at the end of a 20-year lease for off-site parking. She asked if the applicant would need to downsize or would he have to come back to the PB. Mr. McWilliams replied that he advises applicants not to accept leased parking if they cannot live with the loss of the leased parking spaces. PB member Clough recommended setting a maximum of 10% of the total parking that could be leased parking spaces. The PB agreed by consensus. PB member Cottrill asked about the derivation of the 700 feet reference. He recommended 500 feet. Mr. McWilliams opined that 500 feet was the length of a typical city block. All agreed to change the 700 feet to 500 feet.

Table 3: Setbacks & Perimeter Landscaped Open Space Standards. Zoning Administrator Stanley opined that a hospital should have a greater front yard setback. He opined that it should be at least as much as the Commercial setback. He said that the hospital had immediately gone to a maximum footprint in designing its proposed expansion; thereby, providing only the minimum setback from County Road. PB member Andrews asked if any changes had been made in Table 3. Mr. McWilliams replied that the Commercial-Parking Front Setback was 10 feet, while the Zoning Ordinance has a setback of five (5) feet. He said that all the other setbacks reflect the Zoning Ordinance criteria. Zoning Administrator Stanley suggested that the PB might want to review the setback requirements contained in the Zoning Ordinance looking toward future development.

#### APPLICATION FOR SITE PLAN REVIEW

Chair Ebel asked if there were any changes proposed for the Application for Site Plan Review. Mr. McWilliams replied that there were many changes and additions. Chair Ebel asked if Shore Land should be

added to the list of areas that might be impacted. Zoning Administrator Stanley opined that “clueless” property owners needed to be referred to someone, e.g., the zoning administrator or the land use officer. Mr. McWilliams said that the Shore Land should have been included and agreed to add it.

**III. OTHER BUSINESS**

- A. The MINUTES of the FEBRUARY 27, 2007 MEETING of the PLANNING BOARD were APPROVED, as amended.

The **MEETING** was **ADJOURNED** at **9:55 PM**.

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

DATE APPROVED \_\_\_\_\_

CHAIRMAN \_\_\_\_\_