

APPROVED Minutes of the Planning Board Meeting of January 25, 2011

Members Present: Tom Cottrill (Chair), Jeff Hollinger (Vice-Chair), Peter Bianchi (Board of Selectmen Representative), Emma Crane (Conservation Commission Representative), John Tilley, Michele Holton

Members Absent: Michael Doheny (Secretary), Deirdre Sheerr-Gross (Alt.), Paul Gorman (Alt.)

Others Present: Peter Stanley (Planning & Zoning Administrator)

Chair Cottrill called the **MEETING TO ORDER** at 7:30pm.

Mr. Stanley noted that it was discovered that the previous meeting of January 4, 2011, at which motions had been made to place zoning amendments onto the ballot for Town Meeting, had not been properly noticed. Therefore, he asked for the motions and voting to be repeated.

Chair Cottrill suggested taking the proposed amendments one at a time and asked for comments for each. There being no comments,

IT WAS MOVED (John Tilley) AND SECONDED (Jeff Hollinger) to place the first zoning amendment on the ballot. THE MOTION WAS APPROVED UNANIMOUSLY.

IT WAS MOVED (John Tilley) AND SECONDED (Jeff Hollinger) to place the second zoning amendment on the ballot. THE MOTION WAS APPROVED UNANIMOUSLY.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Emma Crane) to place the third zoning amendment on the ballot. THE MOTION WAS APPROVED UNANIMOUSLY.

2. Joseph DiClerico, Final Annexation, Pierre Bedard, Pierre J. Bedard & Associates, LLC representing.

Pierre Bedard, representing Mr. DiClerico, displayed the properties on an overhead slide. The subject property is listed as parcel 18 on tax map #33 and is 2.88 acres. The plan is to annex roughly half of the lot to Map 33, Lot 9 (owned by the town of New London) and the other half to Map 33, Lot 17 (owned by Joseph A. DiClerico). He showed the current dwelling, the brook that goes back to the stump dump, a wetland boundary, and the proposed annexation point. Mr. Stanley explained that they were requesting a waiver to require a survey of the town portion of the property that is west of Little Lake Sunapee Road (the beachfront). In his request letter, he explained that there were two parcels involved in the Town ownership, the beachfront and the section along the Dump Road. To include the beachfront would require an extensive survey and there is already detailed information on the beachfront They have surveyed the DiClerico property and the property (Lot 18) for annexation. Mr. Stanley said he didn't feel they needed to survey the beach front. The Board of Selectmen and the Conservation Commission have both approved the concept. Once the actual plan is completed and accepted by the Planning Board, the Board of Selectmen will have to accept it as a gift. Mr. Bedard said the intent was to convey this lot to the town, as it is wetlands. It was noted on the plan that it would need to be used for conservation purposes only and that no buildings were to be built on it.

IT WAS MOVED (Michele Holton) AND SECONDED (Jeff Hollinger) to approve the waiver. THE MOTION WAS APPROVED UNANIMOUSLY.

IT WAS MOVED (Jeff Hollinger) AND SECONDED (Emma Crane) to approve the annexation as presented. THE MOTION WAS APPROVED UNANIMOUSLY.

The Mylar was signed by those Planning Board members present at the meeting.

3. Thomas Little, Final Minor Subdivision, Clayton Platt, Pennyroyal Hill Land Surveying and Forestry, representing.

Mr. Platt showed the property in question which was 13.8 acres in size. He is proposing a three lot subdivision in the field along Barrett Road. Mr. Stanley pointed out a zone boundary on the map. The two smaller parcels are zoned R1. The remaining lot is in a mixed R1 and R2 zone and is subject to the more restrictive zoning of R2. Mr. Platt showed the topography of the lot and the wetlands in the area in the rear of the larger lot. Mr. Stanley noted that there were wetlands along the edge of the property as well. He noted that the road frontage requirement was overly sufficient. He ran the numbers for wetlands percentage and each lot far exceeds the 15,000 square foot for contiguous dry ground requirement. The larger lot far exceeds the requirement with about four acres of dry ground.

Mr. Hollinger asked if they would subdivide the larger lot. Mr. Stanley said if they did they would have to create a road that had frontage. Given the amount of wetlands on the site, it was impractical to get too involved with subdividing further. They decided to go with a three subdivision plan. Ms. Holton asked if Dixie Drive would be wide enough to be used for an access road. Mr. Stanley said that it would not, and in consultation with Richard Lee (Highway Department), Mr. Lee had said this road could not handle any more traffic. Further, Mr. Lee had requested certain language to be placed on the plan in an effort to make the most efficient connections to utilities.

Mr. Platt requested waivers for wetlands mapping and topography. He requested limiting the topography mapping to the areas of the lots where it could be possible to develop house sites.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Emma Crane) to waive the requirement for topographic mapping over the entire site in order to limit topographic mapping to where is will be possible to develop house sites.. THE MOTION WAS APPROVED UNANIMOUSLY.

IT WAS MOVED (John Tilley) AND SECONDED (Jeff Hollinger) to waive the requirement for soils mapping, as each of the proposed lots of the subject property will be served by public water and sewer. THE MOTION WAS APPROVED UNANIMOUSLY.

It was noted that in this case, there was no useful purpose for this mapping, as soils mapping is meant to show that the soils would be appropriate to handle a sewer system.

Richard Lee submitted a letter requesting deeded access to the ditch along each property since the ditch is very wide and hard to reach from the road bed. He suggests a waiver to put water in the ditch and to access the ditch lines from lots 1, 2 and 3 in order to maintain the ditch, which is something that would likely occur infrequently. Mr. Platt explained that the drainage easement was included, but that Mr Lee also wanted to include language on the plan that equipment would be allowed to come in and clean the ditches, as needed, from the lot-side of the ditch. Mr. Stanley said that this could be conditional as the language had not yet been created. He felt they should come up with an appropriate measurement from

the center of Barrett Road in toward the lots or from the property line along Barrett Road to allow for maintenance. Mr. Stanley and Mr. Lee would come up with that number and it would be recorded on the Mylar.

The utility plan shows two water/sewer crossings on Barrett Road: one crossing for lot 3 (having its own water and sewer) and one crossing for both lots 1 and 2 (lot 2 will give an easement to lot 1 for water and vice versa for sewer). Mr. Bianchi asked why lot 1 couldn't have a sewer connection directly to the main. Mr. Stanley said it was Mr. Lee's choice as he would rather not cut the pipe any more than he had to, and he'd rather it go directly into the man hole. There was another issue with the depth of the line that prompted him to go with a direct route to the man hole.

Mr. Stanley explained that lot 3 would be developed first. The other two lots would be developed if/when they were sold. If one is sold, utilities for both remaining lots would be installed at the same time.

Scott Griswold, abutter from 34 Hayes Road asked if there was any way to know if someone would be constructing multi or single family dwellings. Mr. Stanley said that there was not but that any of the three lots could have a duplex on them as they all satisfy the requirements, which is one family per 10,000 square feet. Chair Cottrill noted that apparently the owner plans to build a dwelling on the larger parcel and no duplex was mentioned.

Mr. Griswold asked if any additional street lighting would be needed for the new houses. Mr. Stanley said that there was no plan or requirement in their subdivision regulations to require additional lighting. Mr. Griswold said that they live on the corner and currently it is a dark field. Three houses will change the character of the neighborhood. He wondered if there were any regulations for residents to build to comply within in a certain lighting requirement. Mr. Stanley said that there were no regulations. Ms. Holton asked if the public nuisance regulation was there for this sort of potential problem. Mr. Stanley said that the regulation wasn't specific enough, but could possibly be an avenue that could be taken.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Michele Holton) to grant conditional approval subject to stormwater and utility easement language to be shown on the plan and approved by the Public Works Director, obtaining a special exception by the Zoning Board of Adjustment for wetland crossings for a driveway over the roadside ditch for each of the three lots at the location shown, and the receipt of approval of wetlands applications for each of the three lots from the New Hampshire DES. THE MOTION WAS APPROVED UNANIMOUSLY.

Mr. Stanley added that Senate Bill 21 was going before legislature this year which will hopefully eliminate the need for permitting crossings at roadside ditches. He thought it would pass. Mr. Stanley noted that the Mylars would be signed once the conditions were met and cautioned that they Stanley had one year to comply for conditional approval.

Cole Merger

Mr. Cole owns four lots of land on Murray Pond. He is combining the three parcels (12, 13 and 14). They are currently substandard lots and this merger will make them less non-conforming. The merged lots cannot be subdivided in the future, as any subsequent lots would be too small to comply with current zoning regulations.

Mr. Bianchi asked why one parcel is a 30' lot. Mr. Stanley said that the owner bought a lot and kept buying increments of more land from the person who owned it. He had bought 30 more feet in one increment. In this same neighborhood they have eliminated quite a bit of these substandard lots that were purchased piecemeal.

IT WAS MOVED (John Tilley) AND SECONDED (Jeff Hollinger) to approve the merger of three lots of record for Robert Cole. THE MOTION WAS APPROVED UNANIMOUSLY.

Crowell Merger

Mr. Stanley said he has recently found a lot of mistakes from various surveyors, and this is one example of such a finding.

The late Peter Crowell owned a home, which his son Ben purchased. With the house lot there were several other small parcels of land that came to Mr. Crowell from a variety of means (gifted/purchased). The parcel in question is one that is predominantly in Springfield but one corner is in New London. Another bit of land was gifted to the Crowell's from the Lynches. Five parcels of land on one side of the interstate are what he is wishing to merge. When the Crowell's bought the property, the person preparing the deed did not include a skinny strip of land. After a title search, they found that the strip of property was theirs and now they would like to gift the land to New London. They have a deed in hand but have not yet executed it. They plan to merge the parent lot 17-1 with 16-3, 17-2, 29-9 and 29-3. Their tax map doesn't show it correctly because the assessor assumed they were already merged, which they were not. This request will execute the merge and is being done as a request from the property owner.

IT WAS MOVED (Jeff Hollinger) AND SECONDED (Michele Holton) to approve the Crowell merger. THE MOTION WAS APPROVED UNANIMOUSLY.

Robert Ewing Subdivision

Charlie Hershberg was there to ask for an alternative to setting granite or stone bounds and setting iron pipes (rebar) instead. This subdivision was approved some time ago, with conditions which were met except for the setting of the bounds. There were 15 bounds in total. Some were along a stone wall and would be pins or drill holes in the wall to show a bound. The three lots that were created in the subdivision have a development envelope associated with them. Mr. Hershberg explained that there was a fair amount of wetlands in this property. Within 25' of the wetlands is a "no-cut zone." In order to reach some of the bounds locations with the tractor to dig the holes for the posts, trees would need to be cut, of which were in this no-cut zone. Doing this work would require a permit to dig in the wetlands. His request was to place 10 bounds in the ground using iron pipe, and to drill holes or put pins in the stone walls.

Mr. Stanley said that he is asking to use 5/8 rebar as opposed to granite posts. Mr. Hershberg explained that the rebar pipe would be driven into the ground 30" and would be exposed 6". The pipes would be covered with caps that would display property information.

Chair Cottrill asked Mr. Stanley what the Planning Board had done in the past regarding this sort of request. Mr. Stanley said they have been pretty reasonable. He said that if the corners of the town rights of

way were marked by granite bounds, he would be fine to have the rest be rebar. Mr. Stanley reminded the Planning Board that they went through a lot of trouble to protect the wetland by passing this no-cut zone, so it wouldn't make sense to go in and cut the trees down to put a bound.

Chair Cottrill asked why two of the bounds were very close to one another in the lower right. Mr. Hershberg said that there had been some plans for conservation land in the past and this marks where a trail would go. Over 100 acres of Mr. Ewing's land was going to be conservation but it has not happened yet.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Jeff Hollinger) to waive section VI.K.2 of the Land Subdivision Control Regulations to allow an alternative to the bounds by requiring five granite or concrete on five bounds adjacent to the hammerhead area as outlined, and allowing the rest of the bounds as outlined to be rebar in-ground or drill holes as appropriate. THE MOTION WAS APPROVED UNANIMOUSLY.

Tree cutting Request – Terry Dancy

Mr. Stanley explained that Mr. Dancy has two trees on his property on Pleasant Lake that he is requesting to cut. The photos illustrated the trees in question and after recognizing that Mr. Dancy's waterfront has more than enough points needed to satisfy the requirement, Mr. Stanley opined that the request was reasonable. The dead trees in question could take out other trees, as well as Mr. Dancy's docks, if they fell.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Emma Crane) to approve the tree cutting request by Terry Dancy. THE MOTION WAS APPROVED UNANIMOUSLY.

Tree cutting request – Scott Bateman lighthouse View Road 126-009-000

Mr. Stanley went to the property and saw that the owner has 96 points in the 35' segment. He has ample points on both sides of the house and has a dead tree that needs to be removed. He had no issue with it at all. They want to fell it onto the ice this winter.

IT WAS MOVED (Jeff Hollinger) AND SECONDED (John Tilley) to approve the tree cutting request of Scott Bateman. THE MOTION WAS APPROVED UNANIMOUSLY.

Master Plan Schedule

Mr. Stanley explained that the Regional Planning Commission would not be prepared to discuss anything until March. New London's Town Meeting is the same night as the Master Plan work session in March. He suggested that they could discuss the chapter during the business meeting in March or wait until April. After some discussion they opted to deal with this scheduling during the February 22nd meeting.

Minutes Approval

Minutes of December 8, 2010:

IT WAS MOVED (John Tilley) AND SECONDED (Michele Holton) to approve the minutes of December 8, 2010, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.

Minutes of January 4, 2011:

Ms. Crane suggested correcting a mis-spelling.

IT WAS MOVED (Emma Crane) AND SECONDED (John Tilley) to approve the minutes of January 4, 2011, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

The Points Cottages – Mylar Signing

Mr. Stanley explained that on the previous Mylar, the bounds were there but it turns out that when the engineer put the numbers in, he used the wrong numbers. Three errors were on the plan but the boundaries are unchanged, as are the subdivision and acreage. He considered it to be a minor change that didn't require noticing and said that they were correcting an error on the Mylar.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Emma Crane) to approve the corrected Mylar for the MacDonald Trust, Elkins, New London. THE MOTION WAS APPROVED UNANIMOUSLY.

CIP Approval from the Planning Board

Mr. Stanley asked the Planning Board to sign off on the CIP approval that they had voted on previously.

With no other business, a motion to adjourn was requested by Chair Cottrill.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Jeff Hollinger) to adjourn the Planning Board meeting of January 25, 2011. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 9:00pm.

Respectfully Submitted,

Kristy Heath, Recording Secretary
Town of New London