

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
June 14, 2005**

PRESENT: Sue Ellen Andrews, Dale Conly, Celeste Cook, Jeff Hollinger, Sue Clough (Selectmen's Representative), and Kenneth McWilliams (Planner). Karen Ebel (Chairman) joined the PB after Item IV.

ABSENT: Tom Cottrill

PB Secretary Sue Ellen Andrews called the **MEETING TO ORDER** at 7:30 PM.

I. VICKIE BRANCH – Concept Site Plan Review: Need for Site Plan (Tax Map 73, Lot 50)

Vickie Branch stated that she plans to relocate her therapeutic massage therapy and integrative bodywork business downstairs and in the back of the 19 Newport Road building owned by William and Barbara Green. She referred the PB to her letter requesting a waiver of Site Plan Review and the accompanying PB May 13, 1997 Minutes approving a waiver of Site Plan Review when Katherine Stearns, the current occupant, had originally leased the space from William Green. Ms Branch stated that her office would occupy 900 square feet with a total of eight parking spaces behind the building. She advised that there would be two on-site employees. She added that office hours would be by appointment only, usually between 8:00 AM and 7:00 PM, Monday through Friday, with occasional hours offered on the weekends. She opined that the use would simply be a change in offices and would have little impact on traffic flow.

PB member Clough asked if there would be any lighting provided for evening appointments. Ms Branch replied that there are outside lights on the building. PB Secretary Andrews asked if the proposed use constituted any change in use. Ken McWilliams replied that medical office space required a slightly higher number of parking spaces than required for general office space; however, available parking would be more than adequate. He advised that the total parking spaces required for the entire building would be eight and that 14 spaces were available on site. Mr. McWilliams added that the proposed change in use from a lawyer's office to a medical office raised no municipal department issues.

It was **MOVED** (Clough) and **SECONDED** (Hollinger) **THAT NO SITE PLAN REVIEW BE REQUIRED FOR THE LOCATION AT 19 NEWPORT ROAD OF A THERAPEUTIC MASSAGE THERAPY AND INTEGRATIVE BODYWORK BUSINESS, AS PRESENTED BY VICKIE BRANCH. THE MOTION WAS APPROVED UNANIMOUSLY.**

II. ARISTOTLE SOULIOTIS – Concept Site Plan Review: Change of Use to Convenience Store with Gas (Tax Map 84, Lot 2)

Aristotle Souliotis outlined his plan to convert the New London Service Center located at 384 Main Street to a convenience store with gas pumps. He stated that Stevens Engineering had been hired to do survey work. He advised that he would renovate the existing building, making cosmetic changes in keeping with other structures along Main Street. He emphasized that he wanted to preserve the village appearance of the property. Mr. Souliotis advised that two of his business partners currently own the abutting business (Pizza Chef) and that he plans to remove a fence separating the properties to provide additional parking for the convenience store and a change in the entrance and egress to the property.

PB Secretary Andrews asked how he planned to create one entrance and one exit. Mr. Souliotis replied that parking for the convenience store would be combined with Pizza Chef parking and one exit would serve both businesses. PB member Hollinger asked if there would be any change in the building footprint. Mr. Souliotis replied that a walk-in freezer would be located at the rear of the building; however, there would be no change in the external footprint. PB member Conly asked if there would be any increase in the size of the building. Mr. Souliotis replied in the negative. PB member Cook asked if he would continue to sell gasoline. Mr. Souliotis replied affirmatively. Ms Andrews asked if the convenience store would have a deli. Mr. Souliotis replied in the negative. Ms Clough asked if the site would be primarily a convenience store. Mr. Souliotis replied affirmatively.

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Ms Andrews advised that the proposed change in parking would require PB review. Ken McWilliams added that the change in traffic flow, the elimination of parking spaces at Pizza Chef, and the need to evaluate the drainage impact on both sites would require PB review. Ms Clough asked if Mr. McWilliams had met with Mr. Stevens on these issues. Mr. McWilliams replied in the negative and that he had urged Stevens to talk with the PB. PB member Hollinger asked what kind of canopy lighting would be used. Ms Andrews asked if any overhead canopy was planned. Mr. Souliotis replied in the negative. He commented that limited full-service gas pumping might be offered on certain days to accommodate the town's older residents. Ms Clough asked what the hours of operation would be. Mr. Souliotis replied that probably the business would not be open any later than 10:00 PM. He advised that Mr. Stevens planned to attend the next meeting with the PB.

Ms Clough asked if the land did not drop off sharply where the property abuts Colby-Sawyer College property. Zoning Administrator Peter Stanley demonstrated on the map the location of 384 Main Street and showed that C.B. Coburn, not Colby-Sawyer College, was the abutter at the rear. Mr. Souliotis advised that he had approached C.B. Coburn regarding the purchase of the property between 384 Main Street and the Colby-Sawyer College property. Mr. Stanley asked what use would be made of that property, if purchased. Mr. Souliotis replied that originally he had thought to level off the site and use it as a dumpster location. Ms Andrews asked where the dumpsters were currently located. Mr. Souliotis replied that the dumpsters were currently located behind the building on property owned by the service station.

PB Secretary Andrews stated that she would like a clearly defined traffic flow. Mr. Stanley advised that traffic would enter on the right, as one faced the building, and exit through Pizza Chef. As a result, he stated, there would not be an entrance and an exit right next to one another. Ms Andrews asked if there would be any landscaping. Mr. Souliotis replied that there would be a sidewalk and a small island with landscaping.

PB member Clough asked if there was any requirement for snow storage. Zoning Administrator Stanley opined that snow storage should be taken into consideration. Ms Clough asked if the Pizza Chef site could accommodate snow removal from another site. Ken McWilliams advised that the standard was that 25% of the impervious surface should be allowed for snow storage. Ms Clough asked if there was any green space requirement. Mr. McWilliams replied that the maximum space covered by buildings should not exceed 85%. Ms Clough inquired about the ownership of the slope between the service center and C.B. Coburn.

PB Secretary Andrews requested, and received, verification that the ownership of the proposed convenience store would be different from that of Pizza Chef. Ken McWilliams emphasized the need for any agreements between property owners to be in writing. PB member Cook asked who owned the gas pumps. Mr. Souliotis advised that Johnson & Dix owned them.

Ms Andrews advised Mr. Souliotis that the PB would want to review traffic flow, agreements with other property owners, landscaping, and lighting plans. Mr. McWilliams suggested that some "grandfathering" of existing conditions might be in order.

III. PAM PERKINS – Concept Development Plan: Pelfor Property

(Tax Map 84, Lots 40 & 26)

Pam Perkins (New London Agency) introduced Richard Reeves (Hayward-Reeves Enterprises, LLC) and Dave Eckman (Eckman Engineering, LLC). She advised Hayward-Reeves would like to build 18 duplex units on 33.8 acres on Barrett Road. She added that the property abuts the New London Outing Club (NLOC); in fact, there is a foot trail through the property to the NLOC. Ms Perkins stated that cluster development regulations would require 100-foot setbacks on all sides; however, building the units under the PUD regulations, as suggested at the meeting with municipal department heads, would permit 75-foot setbacks. She advised that the developer wanted the appearance from Barrett Road to be "natural" and the heavy vegetation between the units and the road to be preserved.

Ken McWilliams stated that the piece of property with the buildings would be just shy of 34 acres in size. PB member Cook asked how many acres would be used for the buildings. Ms Perkins replied that 10.8 acres would be

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used for the buildings and the remainder would remain as open land. PB member Clough asked if there would be any change in density requirements as a result of the proposed development involving property in both the R-1 and R-2 Districts. Mr. McWilliams replied that the more restrictive requirements would apply to both districts. PB Secretary Andrews asked if all parcels were currently owned by Pelfor. Ms Perkins replied affirmatively. She identified the location of the abutting Arnold property and the "cornfield" to assist the PB in placing the site.

Ms Andrews inquired about PUD conditions. Mr. McWilliams replied that PUDs must use municipal sewer and municipal water, as well as being located in a district in which PUDs are permitted. He advised that building the units as PUDs would permit the developer to have 75-foot setbacks on each side. He also advised that the difference between the 100-foot setback requirement for cluster development and the 75-foot setback requirement for PUDs would allow for a curve in the proposed road. Zoning Administrator Peter Stanley stated that Town Road Agent Richard Lee recommended eliminating viewing straight down the road to the duplexes. Ms Clough spoke in favor of that idea. She stated that she would like to see it be a bit less structured and more natural. PB member Cook asked if the units would be moved if the road curved. Mr. McWilliams advised that the reduction of the perimeter setback to 75 feet, as allowed in a PUD, would permit some flexibility in the location of the road and the dwelling units.

Ms Clough asked about the size of each unit. Ms Perkins replied that each unit would be approximately 2000 square feet with a two-car garage. In response to a question about the number of bedrooms, she replied that there would be a master suite downstairs and two additional bedrooms upstairs. She advised that the units would be "very New England" in appearance.

PB member Hollinger asked if there were any wetlands on the property. Mr. McWilliams replied affirmatively and advised that issues related to the wetlands must be addressed prior to any density calculations. PB member Conly asked about traffic. Mr. McWilliams advised that the site plan review regulations require that traffic impact be addressed.

Ms Andrews inquired about an earlier statement by Mr. McWilliams regarding a "gravity-feed" sewer system. Mr. McWilliams replied that there appeared to be two approaches that could be used to the municipal sewer system: (1) connecting at Barrett Road with a pump station or (2) accessing an existing sewer line that Richard Lee believes runs along the power lines crossing the property. The latter approach could be accomplished via gravity-feed.

Ms Andrews asked if there would be a homeowners' association. Ms Perkins replied affirmatively. She advised that the association would be responsible for exterior maintenance. She also said that she thought the road would be a private road. Ms Perkins advised that the intent would be to keep the fees as low as possible. Ms Andrews asked why Ms Perkins believed that the fees for this development would be lower than the fees charged by other developments in New London. Ms Perkins replied that the units would all be new and would be built with higher grade materials; therefore, she opined that maintenance costs would be lower. Mr. Reeves advised that it had not yet been decided whether there would be a condominium association or a homeowners' association; however, it would be one or the other. He also stated that units would be sold only to persons who would live in the units. He said that it would not be their intent to sell units for rental purposes. He reiterated that fees would apply to exterior maintenance.

PB member Hollinger asked what demographics would be targeted for ownership. Ms Perkins replied that, originally, the thought was to target the elderly; however, the proximity of the NLOC and the schools now indicates that a mixture would be desirable. Mr. Reeves stated that the units would be moderately priced. In response to a question from the PB, he defined "moderately priced" as somewhere in the \$300,000s. Ms Clough expressed her interest in the results of the density calculations.

Reporting on issues raised at the meeting of municipal department heads, Mr. McWilliams advised that the Fire Department wanted information on fire walls between units, smoke detectors between contiguous units, fire hydrants to specifications, and accommodation for turning radii required for fire fighting equipment. Town Road Agent Richard Lee wanted information relating to drainage, since all would go into Lyon Brook. The setting of the

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proposed development in a residential neighborhood should also be considered. Mr. McWilliams noted, however, that its location would encourage residents to walk, rather than drive, to destinations within the town. Ms Clough opined that the buffers would be very important.

Attorney Richard Uchida (Hebert & Uchida) asked for clarification on two issues. He said that the PUD regulations seemed to suggest a necessity to establish individual lots and he wondered how New London would apply the regulations. Ken McWilliams advised that there would be no need to establish individual lots. Mr. Uchida also asked about the requirement to comply with the more restrictive requirements when a development involved multiple zones. Zoning Administrator Peter Stanley replied that town counsel had advised that if a PUD approval was sought, the entire parcel would become a new lot by creating a condominium under new ownership. However, nothing would prevent the developer from dividing the property into the separate zones and developing each piece according to the individual zone requirements.

Mr. Stanley urged Mr. Reeves to check all of his calculations carefully and to be careful of wetlands, as those classified as fresh water marshes may not be counted toward density requirements and only 50% of other wetlands may be counted toward density requirements. Ms Clough opined that it appeared that the wetlands mapping would be very complex. Mr. Stanley concurred.

IV. ANDREW E. ROOT – Concept Site Plan Review: Need for Site Plan Review (Tax Map 60, Lot 10)

PB member Clough recused herself from the PB.

Andrew Root appeared, along with his parents, to ascertain whether or not his plans to teach 15 to 20 students how to play the guitar, bass, or saxophone over a period of approximately six weeks during the summer would constitute a home business and, thereby, require a site plan review.

Ken McWilliams advised the PB that it should determine if the very temporary endeavor would qualify as a home business. He directed the PB's attention to the requirement within the home business regulations that the activity constitute an "on-going" business.

Mr. Root advised that he currently has five students, but hopes to attract 10 to 15. He stated that he expects to give lessons on Mondays, Tuesdays, and Wednesdays until approximately August 15, at which time he must leave to enroll in college. He emphasized that this is his summer job and that he has no plans to continue teaching after he leaves for college.

PB Secretary Andrews asked how late the instruction would be given. Mr. Root replied that lessons should not be later than 6:30 PM, except in special circumstances. PB member Cook asked where the lessons would be given. Mr. Root replied that he would use a corner of the living room and referred Ms Cook to his letter, which contained more detail. PB member Hollinger asked if he would have come to the PB if his mother had not been a member. Mr. Root replied that he doubted it, but that it was good to clarify this issue because he knew of similar activities that are going on with no awareness of PB review requirements.

Sue Clough questioned the reason for PB review for a six-week summer endeavor. Ms Andrews asked Mr. Root if he might like to teach in the summer in the future. He replied in the affirmative. Ms Andrews wondered if this qualified as doing business on an on-going basis. Mr. McWilliams opined that even if Mr. Root wanted to do the same thing next year, it did not qualify because the time period every year would be so brief. Additionally, the neighborhood impact would be negligible, and many of Mr. Root's neighbors had submitted letters supporting his proposal. Mr. McWilliams also opined that the regulation was designed to regulate on-going home businesses that have an impact on municipal services, traffic flow, neighborhood impact, etc. He opined that it was conceivable, however, that even a home business operating for a brief period could have a major impact on services and on the neighborhood and should be reviewed by the PB.

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Zoning Administrator Peter Stanley opined that proposals like Mr. Root’s created enforcement problems because they were so brief and had little impact.

It was **MOVED** (Conly) and **SECONDED** (Hollinger) **THAT, DUE TO THE TEMPORARY NATURE OF THE ACTIVITY, NO SITE PLAN REVIEW BE REQUIRED FOR ANDREW ROOT TO GIVE MUSIC LESSONS TO 10-15 STUDENTS AT 151 JOB SEAMANS ACRES FOR APPROXIMATELY SIX WEEKS DURING SUMMER 2005, BECAUSE THE ENDEAVOR DOES NOT MEET THE “ON-GOING BUSINESS” PROVISION OF THE HOME BUSINESS REGULATIONS AND WILL HAVE LITTLE OR NO NEIGHBORHOOD IMPACT. THE MOTION WAS APPROVED UNANIMOUSLY.**

Sue Clough returned to the PB. Karen Ebel joined the PB.

V. MARK & DONNA REED – Voluntary Merger of Lots of Record (Tax Map 42, Lots 16 & 17)

Ken McWilliams presented a request by Mark and Donna Reed to merge two lots of record located on Goose Hole Road.

PB Secretary Andrews asked if all required paperwork was correct. Mr. McWilliams confirmed that it was. PB member Clough asked what the total acreage involved would be. Mr. McWilliams replied that the total was approximately three-quarters of an acre. Discussion ensued regarding the location and the abutting properties.

It was **MOVED** (Clough) and **SECONDED** (Hollinger) **THAT THE REQUEST SUBMITTED BY MARK AND DONNA REED TO MERGE TWO LOTS OF RECORD, TAX MAP 42, LOTS 16 AND 17, BE APPROVED. THE MOTION WAS APPROVED UNANIMOUSLY.**

The Voluntary Merger of Lots of Record form was presented for PB signatures and for forwarding to the Merrimack County Registry of Deeds by the Town of New London.

VI. OTHER BUSINESS

A. AUSTIN EATON/CONSTANCE GRANGER PROPERTY: Ken McWilliams advised the PB that Austin Eaton had requested that the hearing be continued to August 9, 2005. He further advised that abutters would be re-noticed and notice of the continuance would be posted in the customary two public places. In light of the significant interest in the project and the multiple continuances, he asked the PB if any additional action should be taken. He suggested that a newspaper ad or an ad in the Kearsarge Shopper might be appropriate. PB consensus was to place a one-quarter page ad in the Kearsarge Shopper. Chair Ebel provided the PB with additional detail regarding the hearing continuance and the subcommittee meetings. PB member Clough asked if there was anywhere that one could find all of the information relating to the project. Arrangements were made for her to review the PB file.

B. The MINUTES of the MAY 24, 2005 meeting were APPROVED as circulated.

The **MEETING** was **ADJOURNED** at **8:45 PM**.

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

DATE APPROVED _____

CHAIRMAN _____