

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
OCTOBER 23, 2007**

MEMBERS PRESENT: Karen Ebel (Chairman), Dale Conly, Jeff Hollinger, Michael Doheny, Ken McWilliams (Planner), Larry Ballin (Selectmen's Representative), Michele Holton (Alternate). Tom Cottrill joined the PB at 8:03, after the public hearings.
MEMBERS ABSENT: Celeste Cook, Deirdre Sheerr-Gross (Alternate)

Chair Ebel called the **MEETING TO ORDER** at 7:30 PM. She asked Alternate PB Member Michele Holton to sit on the PB as a replacement for PB Member Cottrill, who was expected to arrive late.

Chair Ebel surveyed the audience to ascertain how many people were in attendance solely for the public hearing on the Revised Site Plan Review Regulations and Amended Land Subdivision Regulations. Only Todd French, Facilities Director for New London Hospital, responded. Chair Ebel asked if there would be any objection to the PB taking up two very short and straight-forward items before moving to the public hearing on the regulations. There were no objections.

**I. KAREN BRESNAHAN – Final Site Plan Review: Home Business – Jewelry Design Instruction
(Tax Map 95, Lot 45)**

Karen and Henry Bresnahan were present. Ms Bresnahan advised that she would like to offer jewelry design instruction two to three nights a week for three to four hours. She said that she planned to convert the back of the garage for a studio to be used by herself and, occasionally, by a student. She advised that there would be no retail activity conducted.

PB member Conly asked how many students would be involved. Ms Bresnahan responded that the regulations allowed no more than four students at one time. Chair Ebel asked if any concerns had been raised at the meeting with municipal department heads. Ken McWilliams replied that no issues were raised.

Abutter Karen Hoglund told the PB that the proposal was fine with her.

It was **MOVED** (Ballin) and **SECONDED** (Conly) **THAT THE FINAL SITE PLAN REVIEW FOR A HOME BUSINESS FOR JEWELRY DESIGN INSTRUCTION AT 427 KNIGHTS HILL ROAD (TAX MAP 95, LOT 45) BE APPROVED AS PRESENTED BY KAREN BRESNAHAN. THE MOTION WAS APPROVED UNANIMOUSLY.**

II. ANNE CARROLL – Lot Merger (Tax Map 117, Lots 6 & 7)

Ken McWilliams presented an application on behalf of Anne Carroll, 37 Tracy Road, for a Voluntary Merger of Lots of Record, Tax Map 117, Lots 6 & 7.

Chair Ebel asked where the lots were located. Mr. McWilliams replied that the lots were on Tracy Road.

It was **MOVED** (Hollinger) and **SECONDED** (Conly) **THAT THE APPLICATION FOR A VOLUNTARY MERGER OF LOTS OF RECORD, TAX MAP 117, LOTS 6 & 7, BE APPROVED AS PRESENTED. THE MOTION WAS APPROVED UNANIMOUSLY.**

The Voluntary Merger of Lots of Record form was presented to be signed by the PB and, thence, to be forwarded to the Merrimack County Registry of Deeds by the Town of New London.

III. PUBLIC HEARING – Revising & Re-adopting the Site Plan Review Regulations and Amending the Land Subdivision Regulations

Chair Ebel opined that most of the comments in the October 18, 2007 memorandum sent by Town Administrator Jessie Levine to her and Ken McWilliams were editorial. Copies of the memorandum were provided to members of the PB. Chair Ebel asked Ken McWilliams if he agreed that the only substantive changes were items 17, 19, and 20 in the memo and those required further discussion.

Temporary Outdoor Lighting (Levine Memo Item 17): Chair Ebel said that Town Administrator Levine did not want to insert the Board of Selectmen into the midst of what was a PB procedure. Ken McWilliams said that the building permit process might need a more rapid response than would be possible if it were dependent upon the PB meeting schedule.

PB member Hollinger noted that the Board of Selectmen was only mentioned in regard to temporary lighting, yet Ms Levine's memo indicated that she was okay with the temporary lighting for construction. Zoning Administrator Peter Stanley opined that if events required temporary lighting, there should be a Site Plan Review (SPR) and it should be the PB's responsibility to determine whether it should be permitted or not. PB member Ballin said that Hospital Day was the only event that came to mind. Zoning Administrator Stanley suggested that perhaps a timeframe could be included. Chair Ebel said that she and Mr. McWilliams would follow up on the comments.

Outside Display or Storage of Merchandise and Materials used in the Business (Levine Memo Item 19): Town Administrator Levine opined that this section should refer back to the tent sale regulations contained in the New London Zoning Ordinance. Her memo stated that the regulations had to be clear that outside storage could not "intend to expand the area of retail, since parking relates to the inside footprint and does not include the extra outside space".

Zoning Administrator Stanley advised that there was a great deal of outside display of product in the New London Shopping Center. He opined that such display served the same purpose as a sign. Chair Ebel added that Mesa frequently displayed wares outside. Other PB members commented on the display at Artisan's Workshop and the use of a dress form to attract prospective buyers. Zoning Administrator Stanley opined that in the case of Clarke's Hardware it was outside storage. PB member Doheny opined that it was a seasonal issue. Mr. McWilliams raised the question of where does the line get drawn? He said that he thought the PB had discussed the issue with Mesa when it last appeared before the PB. PB member Ballin advised that Mesa had come to the PB to discuss the possibility of having outside benches for people/customers to sit on, not sale of product.

Chair Ebel said that the provision could be related back to the tent sale regulations and asked if that would resolve the issue. Mr. McWilliams pointed out that doing so would limit any outside displays to a few times a year. Chair Ebel wondered if the PB should address the Mesa issue separately. PB member Hollinger opined that displays at Mesa were not tent sales, thus they were inappropriate. He said that Mesa could come to the PB for SPR.

John McKenna, New London resident and businessman, said that he had been told that outside dining did not require additional parking spaces. Chair Ebel responded that the total number of seats allowed, whether inside or outside, was limited by the number of parking spaces available and those were based upon the interior floor space. She said that if a business wanted to add outside seating, it would have to reduce inside seating accordingly. Mr. McKenna thanked the PB for the clarification.

PB member Ballin asked at what size sale the regulation would be abrogated. Zoning Administrator Stanley quoted from the tent sale regulation regarding the requirement that the display could not inhibit access to sidewalks or infringe on parking. Chair Ebel asked for a sense of the PB regarding tying the outside display requirements back to the tent sale provision in the New London Zoning Ordinance. The consensus of the PB was not to tie it to the tent sale regulation. PB member Ballin opined that the PB could encourage enforcement

of the requirements. Zoning Administrator Stanley opined that placing a mannequin outside was the same as having another sign.

Occupancy Permit (Levine Memo Item 20): Town Administrator Levine wrote that she would prefer a much stronger statement on security and bonding. She opined that it should be a requirement of SPR, subject to waiver by the PB, and not something to be used at the PB's discretion. Mr. McWilliams opined that there seemed to be a race to finish in a timely fashion. Ms Levine would like the PB to routinely collect security for site improvements in advance. Zoning Administrator Stanley advised that people routinely move in prior to getting occupancy permits. He opined that an occupancy permit would be more readily sought if security was on deposit. He said that without having security on deposit, the town must either chase the property owner for the money or sue for it. He said that the property owner always claims to be unaware of the requirement.

Chair Ebel asked how the amount of security could be calculated. Mr. McWilliams replied that it could be calculated the same way that it is now. PB member Ballin asked if security was calculated as a percentage of estimated cost. Mr. McWilliams responded affirmatively. PB member Hollinger asked how often the issue arose. Zoning Administrator Stanley replied that issues arose three or four times a year. He said that pursuit was very time consuming and involved many visits to the sites. PB member Hollinger asked if requiring security would create more work. Zoning Administrator Stanley opined that it would probably create less work because there would no longer be a need to chase after and/or sue people and it would also avoid a lot of unpleasantness.

PB member Ballin said that the owner would need to be involved and an agreement would have to be signed by all involved, i.e., both the owner and the general contractor. He said there needed to be a written contract spelling out all expectations. Zoning Administrator Stanley responded that the process needed to begin with the PB and needed to be recorded in the Minutes of the PB that the owner was informed of all requirements. PB member Ballin opined that if the security was not an onerous amount, it would be okay. Chair Ebel sought a sense of the PB, and all agreed.

Water Drainage (Levine Memo Item 15): Chair Ebel said that in addition to the sections originally noted for discussion, Town Administrator Levine's comment on language re drainage easements should be discussed. Ms Levine wrote that she strongly thought language should be added regarding drainage easements. Chair Ebel noted that the drainage easements were addressed in the Land Subdivision Regulations and recommended that a similar provision should be included in the SPR regulations.

Phase I: Non-binding Consultation and Conceptual Site Plan Review (Levine Memo Item 8). Town Administrator Levine recommended adding to the statement that "Abutters are not notified in this step in the process" that "although the PB strongly encourages applicants to communicate with abutters prior to any meeting with the PB". PB Alternate Member Holton asked if it was the PB's policy that abutters not be "Noticed" regarding conceptual SPR. Mr. McWilliams responded that it was the way it was set up under state law. He advised that it was standard policy with all planning boards.

Katherine Fox from Environment New Hampshire introduced herself to the PB. She said that Environment New Hampshire completely supports low impact development (LID) techniques and designs. She opined that the action taken by the NLPB would have a major impact on Lake Sunapee. She said that Environment New Hampshire was very pleased with the direction that the NLPB was going and complimented the PB for being so forward thinking. She presented Chair Ebel with a letter of support signed by Environment New Hampshire, the Lake Sunapee Protective Association, the New Hampshire Lakes Association, and Trout Unlimited of New Hampshire. Chair Ebel thanked Ms Fox, and stated that the PB appreciated the support of these state organizations.

Ms Fox told the PB that the state of Maryland had passed the Maryland Stormwater Management Act of 2007 that requires LIDs for new development statewide. She opined that other states would follow that example. She opined that the action by New London would provide an important and much needed example for the rest of the state of New Hampshire.

Chair Ebel recapped NLPB's experience at an LID conference where she and former PB member Sue Andrews had been very impressed with a presentation made by Professor Robert Roseen of the UNH Stormwater Center. Based on that presentation and further investigation, she recommended to the PB that it investigate the incorporation of these techniques into the subdivision regulations. She said that the PB believed that the terrain of New London made it a very good place for LID techniques. She told Ms Fox that the PB had hired an engineer with a great deal of LID experience and recommended by the UNH Stormwater Center to assist it with formulating the pertinent portions of the Land Subdivision Regulations.

Chair Ebel thanked Ms Fox for coming to the meeting and conveying the support from Environment New Hampshire. She asked PB member Conly to give a copy of the letter of support to the Conservation Commission.

Chair Ebel asked if there were any other members of the public who would like to speak on the proposed regulations. There were none.

It was **MOVED** (Conly) and **SECONDED** (Hollinger) **THAT THE PUBLIC HEARING ON REVISING & RE-ADOPTING THE SITE PLAN REVIEW REGULATIONS AND AMENDING THE LAND SUBDIVISION REGULATIONS BE CONTINUED TO NOVEMBER 13, 2007 AT 7:30 PM. THE MOTION WAS APPROVED UNANIMOUSLY.**

It was **MOVED** (Hollinger) and **SECONDED** (Conly) **THAT THE LAND SUBDIVISION CONTROL REGULATIONS BE APPROVED AS PRESENTED. THE MOTION WAS APPROVED UNANIMOUSLY.**

PB Member Tom Cottrill joined the PB. Alternate Member Holton stepped down. Chair Ebel asked Alternate Member Holton to join the PB in place of PB Member Cook, who was absent.

IV. REVIEW & ADOPTION OF THE CAPITAL IMPROVEMENTS PROGRAM (CIP)

Ken McWilliams advised that the Capital Improvements Program Committee had held a follow-up meeting with the Recreation Department and the Recreation Committee in regard to the land acquisition fund. He said that he had rewritten that section of the CIP Report and had sent it to members of the CIP Committee for approval.

Mr. McWilliams said that John Wilson, a representative of the Budget Committee on the CIP Committee, disagreed with the revision and opined that the intent was to zero-fund that line item in the report for 2008 and all future years. Mr. McWilliams said that he thought the intent was to make no contribution to the fund in 2008, but thereafter, to allocate \$25,000/year. Mr. Wilson opined that the intent was to allocate no additional monies until the fund was renamed. Mr. McWilliams asked the PB representatives to the CIP Committee (Hollinger, Cottrill, Ballin) what they thought the intent was. PB member Ballin responded that he recalled that there would be no monies allocated for this budget year and the Recreation Department would be required to identify specific needs for funding. He said that the CIP Committee needed to see clearly identifiable goals. Chair Ebel referred PB members to the chart on page 43 of the CIP report.

PB member Cottrill referred to a statement in item **6. Recreation Land Acquisition** on page 8 of the report. He said that the CIP Committee did not find a plan from either the Recreation Department or the Recreation Committee; no plan was presented to the CIP Committee. PB member Ballin opined that land acquisition was not a priority item at this time for recreation. He said that the fact that the funds are there does not mean that they must be spent. Chair Ebel suggested adding language such as "based on its communication with the Recreation Department and Recreation Committee . . ." Mr. McWilliams said that he would re-write the report based on the consensus that no monies are to be allocated in 2008, but the future allocations are still in the plan.

It was **MOVED** (Hollinger) and **SECONDED** (Conly) **THAT THE CAPITAL IMPROVEMENTS PROGRAM REPORT BE APPROVED, SUBJECT TO THE DRAFTING BY KEN MCWILLIAMS OF NEW LANGUAGE REGARDING THE RECREATION ACQUISITION FUND. THE MOTION WAS APPROVED UNANIMOUSLY**

The cover page of the CIP Report was circulated for PB members to sign.

V. OTHER BUSINESS

- A. PLANNING BOARD SCHEDULE REVIEW:** Ken McWilliams presented a proposal beginning in 2008 to have the first PB meeting each month dedicated to working on the Master Plan Update and the second PB meeting each month for the regular business to come before the PB. He said that the PB could always schedule an additional meeting, if necessary. Chair Ebel said that she would prefer not to have three meetings each month. She opined that one business meeting each month should work based upon the recent business work load.
- B. MASTER PLAN SCHEDULE REVIEW:** Chair Ebel asked if the draft of the Vision Chapter would be circulated to the PB for review. Ken McWilliams advised that he planned to present the draft at the December workshop with no advance viewing by the PB.
- C. ZONE BOUNDARY SURVEY:** Ken McWilliams reported that three proposals for conducting a zone boundary survey had been received. He advised that PB member Doheny had reviewed the proposal and recommended the Upper Valley Lake Sunapee Regional Planning Commission's proposal as the one that seemed to have an eye on the scope of the engagement and the most reasonable estimate of hours.

Chair Ebel asked about the source of the funds to pay for the survey. Mr. McWilliams replied that the funds would come from the 2008 budget.

It was **MOVED** (Conly) and **SECONDED** (Cottrill) **THAT THE PROPOSAL SUBMITTED BY THE UPPER VALLEY LAKE SUNAPEE REGIONAL PLANNING COMMISSION TO CONDUCT A ZONE BOUNDARY SURVEY BE APPROVED. THE MOTION WAS APPROVED UNANIMOUSLY.**

- D.** The MINUTES of the SEPTEMBER 25, 2007 MEETING of the PLANNING BOARD were APPROVED, as amended.

The **MEETING** was **ADJOURNED** at **8:50 PM**.

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

DATE APPROVED _____

CHAIRMAN _____