

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
May 10, 2005**

PRESENT: Karen Ebel (Chairman), Celeste Cook, Tom Cottrill, Jeff Hollinger, Sue Clough (Selectmen's Representative), and Kenneth McWilliams (Planner)

ABSENT: Sue Ellen Andrews, Dale Conly

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

I. JAMES SMITH – Continued Final Site Plan Review: Home Business (Tax Map 82, Lot 6)

James Smith presented a diagram of the garage that he proposes to build to house his equipment and truck. He advised that he had modified his plans and now proposed to use only the downstairs for his business. The area would be 38 feet by 40 feet or 1520 square feet.

Ken McWilliams advised that the zoning regulations limit the amount of space that can be used for a home business to 35% of the total finished floor area of the Dwelling Unit or a maximum of 1000 square feet, whichever is less. He added that, based on information provided by Mr. Smith, the latter limitation would apply. That being the case, he advised that the proposed area to be used for business purposes exceed the allowable maximum by 520 square feet. Mr. McWilliams also advised that Mr. Smith would have to more clearly define the area to be used for business purposes.

Mr. Smith pointed out on the diagram the area to be used for his business and stated that one bay of the garage would be for personal use. PB members Clough and Hollinger requested, and received, confirmation that one bay of the garage would be reserved for personal use and under no circumstances be used for the business. PB member Cottrill calculated that eliminating an area 17' x 19' would reduce the total square footage by 320 square feet and eliminating an area 17' x 20' would reduce the total by 340 square feet. PB member Hollinger suggested that an area 19' by 27' (513 square feet) should be the minimum amount of space to be used for personal use, not for the business. His calculation reduced the area used by the business to 1007 square feet. Chair Ebel demonstrated the PB calculations to Mr. Smith.

PB member Clough asked if there would be an interior wall to define the work space from the office area. Mr. Smith replied affirmatively, stating that he would like to have a small room for an office and the remainder of the downstairs would be open. Chair Ebel advised Mr. Smith that he would be required to have an area in the garage solely for personal use and that the business would not be permitted to take over more of the garage than the amount approved by the PB. However, she also advised him, the area designated for personal use could expand.

Chair Ebel asked if there would be any employees. Mr. Smith replied in the negative. Chair Ebel asked if there would be any deliveries. Mr. Smith replied that an occasional UPS delivery might be made; however, he usually goes to pick up whatever he needs for the business. Chair Ebel asked if there would be any customers coming to the home business site. Mr. Smith replied that customers coming to the home site would be rare, as generally he goes to the site where the work is to be done. Chair Ebel asked if there would be any company vehicles. Mr. Smith replied that he has one truck, which would be parked in one bay of the proposed garage most of the time; however, there could be times when it would be parked on the driveway. Chair Ebel asked about the excavating equipment that had been seen in his yard. Mr. Smith explained that the excavating equipment belonged to his son, who had been doing some site preparation work for him. Mr. Smith said that, since his son lives in Vermont, he had left the equipment on site during the period in which the work on the home site was being done.

Chair Ebel asked if there were any outstanding issues. Mr. McWilliams advised that there were unpaid fees of \$79.37. Mr. Smith submitted payment at the meeting.

It was **MOVED** (Hollinger) and **SECONDED** (Cottrill) **THAT THE SITE PLAN FOR A HOME BUSINESS AT TAX MAP 82, LOT 6 BE APPROVED AS PRESENTED BY JAMES SMITH, SUBJECT TO THE REQUIREMENT THAT A MINIMUM 19-FT BY 27-FT CONTIGUOUS AREA OF THE PROPOSED NEW GARAGE BE USED ONLY FOR PERSONAL USE. THE MOTION WAS APPROVED UNANIMOUSLY.**

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II. PETER DZEWALTOWSKI, UVLSRPC – Presentation and Discussion of the New London Parking & Traffic Study

Peter Dzewaltowski opened his presentation of the parking and traffic study done by the Upper Valley Lake Sunapee Regional Planning Commission for the town of New London by stating that the study had two primary purposes (1) to look at the existing supply and demand for parking and (2) to look at traffic and safety issues. He stated that the study inventoried both off-street (private) parking and on-street (public) parking taking into account both delineated and unrestricted parking. A total of 928 spaces (30% public, 70% private) were identified; a number greater than that found in many towns.

PB member Clough asked if the private spaces were connected to specific businesses. Mr. Dzewaltowski replied affirmatively. He advised that occupancy counts had been conducted on one weekday in each of four months (July, August, September, and October). PB member Cottrill asked by no counts had been done on a Saturday. Peter D. replied that peak parking demands occurred during weekdays. He advised that the heaviest demand occurred between 11:00 AM and Noon. The study also showed that demand was higher in the fall than in the summer months. Chair Ebel suggested that picking children up after school could account for the increased demand in the fall. The study showed that the highest occupancy (52%) occurred at noon in the fall. Peter D. advised that the upper guideline for effective supply is 10% availability, noting that New London was well below that level. He also advised that one method of estimating the adequacy of the parking supply would be to review both local land uses and local regulations and to estimate the amount of parking that those uses demand. PB member Clough opined that Colby-Sawyer College parking along the Main Street pushes up the demand in September and October. Peter D. replied that the study found this to be true.

PB member Cottrill identified three areas of public off-street parking, the municipal parking lot at the corner of Main and South Pleasant Streets, parking at the town offices, and parking at the town hall. Peter D. advised that the study excluded certain areas where there were no factors for comparison. Those areas included the Colby-Sawyer College maintenance facility, the Council on Aging building, the daycare that shares the Lake Sunapee Bank parking lot, the forestation, gas stations, home businesses, and residences within the commercial district.

Chair Ebel asked when the occupancy counts had been taken. Peter D. replied that counts were taken at peak demand time. The study revealed that there were more spaces available by far than demanded and more than local regulations required. Peter D. said that the results were true for total parking and for off-street parking. He suggested that the study results would be a good guide to use whenever the PB contemplated making changes to the parking regulations. He added that the study could be supplemented by using surveys and by determining the length of time the parking is occupied, i.e., turnover time. PB member Clough opined that many on-street parking spaces were occupied by employees who arrive early in the morning and remain all day.

Peter D. then presented the results of the traffic study. He stated that the counts were conducted in the summer and again in the fall. Results showed that increased fall traffic related to the KRES/KRMS patterns. It also showed some variation in the traffic along Pleasant Street.

PB member Hollinger opined that traffic would increase if the proposed community center and Granger subdivision come to fruition. Peter D. stated that the study showed some congestion and potential problems at the intersection of Main Street and Pleasant Street. The level of service on Main Street was judged to be very high. The difficulty met by Pleasant Street drivers trying to enter or cross over Main Street earned an "E" grade for the intersection. Peter D. advised that a signal warrant analysis revealed that Pleasant Street warrants a signal or turning lanes or other options.

Peter D. reported that the study also identified safety problems. One problem arises from the location of a convenience store within the functional area of the Pleasant Street-Main Street intersection. Also at that intersection sight distances are limited by parking in front of the bank and activity at the convenience store. Chair Ebel asked how much functional area was lost at the intersection. Peter D. replied that he did not have that answer. He suggested that the safety problem could be mitigated by the use of bollards to limit entrance to the gas pumps at the convenience store. The sight distances could be improved by elimination of the parallel parking in front of the bank. Eliminating the spaces would address the safety issues that arise when drivers who park in front of the bank

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create an additional lane of traffic upon exiting. Peter D. stated that a review of accident reports did not reveal any significant safety issues. The most frequent accidents involved rear end collisions, pedestrian crosswalks, parking maneuvers, the size of cars in relation to available parking, drivers trying to pass through gaps in traffic, and parking at the convenience store. A recommendation would be to have setback from intersection requirements. Chair Ebel commented on safety issues regarding the pedestrian crosswalk at the intersection of Main and Pleasant Streets.

Peter D. advised that the study also encompassed issues relating to parking at the New London Barn Playhouse. Those issues included parking in a residential zone and bus parking. The study included counting both the number of arrivals and the way in which people arrived for performances. The Playhouse parking lot is dirt, spaces are not striped, and parking is unmanned, all of which results in parking that is not efficient. As a result of the study, bus parking was moved from the designated spot along Main Street (which blocked the sight line for drivers exiting Williams Street) to a new spot along Williams Street. It was also suggested that the Playhouse use lime to stripe the grass parking lot and providing manual parking directors.

Recommendations: The parking supply is sufficient; however, some could be used more efficiently. More efficient use of existing parking could be investigated before adding parking. The town could employ a parking management program to monitor supply, demand, safety, etc. Peter D. opined that the one-way traffic at the KRES and KRMS creates problems, and he suggested reorganizing traffic flow to separate children from buses, e.g., incorporate the KRES parking lot to create a different entry/exit pattern. He pointed out that there are a number of under-utilized private parking areas and suggested cooperative parking arrangements. Also, the town could adopt setbacks for parking spaces adjacent to intersections. Other recommendations included increasing the number of handicapped accessible parking spaces in the downtown area and using signals or turning lanes.

Chair Ebel stated that cars going to the KRES/KRMS in the morning are generally required to stay in the left lane and the buses remain in the right lane. She said that, unfortunately, when the buses are unloading, cars cannot pass them on the left and Cougar Court becomes congested. She and Mr. Cottrill suggested that, because the buses unloaded solely to the school on the right, traffic could probably pass safely on the left while the children are unloading, but cars cannot do so. Chair Ebel further stated that, in the afternoon when all of the buses are lined up in Cougar Court, no cars are permitted to pass through at all until the buses leave. She stated that no one can pass through Cougar Court for approximately a half hour at the end of the day and that is why so many people pick up their children from surrounding parking lots. Zoning Administrator Peter Stanley opined that a road around the school would help. Chair Ebel replied that the area beyond the school was a wetland and difficult to use. Mr. Stanley replied that the KRSD could apply for permission to cross a wetland, and, he opined, the request would be considered a reasonable request.

PB member Cook stated that there seemed to be a problem with the width of Main Street in the area near Jack's. She opined that it was risky to open one's car door in that area. Chair Ebel commented that the area was one of very heavy use. Peter D. suggested that plans by DOT to improve Main Street could present opportunities to address these issues. Suggestions for improving visibility of crosswalks included flashing lights, painting crosswalks, and reducing the speed limit. Zoning Administrator Stanley opined that the existing speed limit needed to be enforced.

PB member Cottrill commented that parking regulations exist. He opined that the PB needs to weigh parking requirements against how much blacktop the town wants. He suggested that business owners would come to the PB when they want more parking and recommended letting demand push the issue rather than the PB requiring additional parking. Peter D. recommended development of a fair method for determining parking need and requirements. He cautioned against creating an environment in which everyone drives instead of walking. He opined that shared parking is a good way to go. The PB could identify areas where parking is desired and assess contribution fees from area businesses. The PB could also set parking maximums. Peter D. also recommended enforcement of the "no parking" areas. Mr. Cottrill opined that parking on both sides of Main Street in the narrow area exacerbates traffic problems. He also recommended "cross-hatching" and repainting "no parking" areas. PB member Clough replied that Town Road Agent Richard Lee has plans to do so.

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III. PETER STANLEY – Sewer Lagoons: Need for Site Plan Review

Zoning Administrator Peter Stanley advised the PB that there are three remaining lagoons from the old sewer treatment plant. To demonstrate the location of the lagoons, he displayed a site plan prepared sometime in the past by Pierre Bedard. He explained the tertiary treatment method and acceptable phosphorus limits. He advised that the residual phosphorus under the silt in the lagoons exceeds acceptable limits by far. He also advised that the lagoons always hold water and that it spills over in the spring at a very slow rate into Lyon Brook and, thence, to Kezar Lake. Mr. Stanley opined that the lagoons are a huge liability.

Mr. Stanley advised that the town has thought of filling in the lagoons for quite some time. He stated that DES supports such action; however, the town has no permits yet. The reason for bringing the idea forward at this time is the availability of free soil resulting from the New London-Springfield Water System Precinct's installation of an underground tank on Colby-Sawyer College property. Mr. Stanley asked that the PB grant permission for the free soil to be stockpiled until the necessary permits are obtained. He stated that silt fencing would be installed to prevent erosion. He estimated that the amount of available soil would be approximately 3000 cubic yards, which exceeds the 250 cubic yard maximum permitted by the regulations.

PB member Clough asked how phosphorus would be transported from the lagoons to the brook. Mr. Stanley replied that it is transported by water flowing from the lagoons to the brook. PB member Cottrill asked when the soil would be removed from the Colby-Sawyer College site. Mr. Stanley stated that it would be removed in June. Mr. Cottrill asked at what time of day the soil would be trucked away. Mr. Stanley replied that trucking would be throughout the day for as many days as necessary. He added that the Sewer Commission might have to rent equipment for that period of time. Mr. Cottrill asked if anyone had contacted the Frothingham Lane property owners. Mr. Stanley replied that he would not seek permission from anyone; however, he could advise adjacent property owners that the trucking would take place.

Mr. Stanley advised that the available free soil would fill two of the three lagoons. He opined that the third lagoon could be filled with ditch material gradually over a number of years. He described the situation as a win-win as the Water System Precinct would not have to pay for disposal of the soil excavated from the new water tank site and the Sewer Commission would not have to pay to purchase soil to fill the lagoons. PB member Hollinger asked if it would not be cheaper to purchase gravel and fill the third lagoon at the same time. Mr. Stanley replied that no funds have been allocated for that purpose. He also mentioned that the Precinct would be installing a 12-inch line along a short span of Main Street as part of the water tank installation project.

Ken McWilliams asked if there are any abutters that would be upset by the trucking activity. Mr. Cottrill opined that the residents of Frothingham Lane might be upset. PB member Clough stated that they should certainly be notified. Mr. Stanley stated that he would come back to the PB once the necessary permits have been obtained. He reiterated that the current request related solely to stockpiling the soil and whether or not a SPR would be needed for that. Mr. Cottrill asked what time of day the trucking would begin. Mr. Stanley replied that the crews would start working at 7:00 AM and the first truck would roll approximately one hour later.

It was **MOVED** (Hollinger) and **SECONDED** (Cottrill) **THAT A SITE PLAN REVIEW NOT BE REQUIRED FOR THE TOWN OF NEW LONDON TO STOCKPILE APPROXIMATELY 3000 CUBIC YARDS OF SOIL AT THE SEWER LAGOONS, SUBJECT TO NOTIFICATION OF THE PROPERTY OWNERS OF FROTHINGHAM LANE. THE MOTION WAS APPROVED UNANIMOUSLY.**

IV. DISCUSSION OF THE SUBDIVISION REGULATIONS PERTAINING TO OFF SITE DRAINAGE

The PB discussed the interpretation of a land subdivision regulation (Land Subdivision Control Regulations Section VI. L. 7.) pertaining to off-site drainage, specifically the definition of "increased storm water flow" and the difference between peak flow and total flow.

Zoning Administrator Peter Stanley explained that there are two ways to measure flow: flow volume and flow rate. Planner Ken McWilliams advised that the PB needs to determine whether the regulations refer to "peak" flow or

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“total” flow. He stated that, historically, the PB has considered “peak” flow, not “total” flow. PB member Clough asked why that was so. Mr. McWilliams replied that traditionally that is what most PBs do and added that, in this area, there is a very shallow infiltration layer of soil. Chair Ebel reviewed the regulation in question and stated that it appeared to her that before one got to the issue of the granting of easements permitted, the PB had to determine if a particular subdivision would result in damage to downstream property owners or if it would cause an expenditure of public funds. Mr. McWilliams advised that the PB must determine the flow to be measured. Chair Ebel read the regulation and noted the requirement for drainage easements to remove the town from drainage liability.

Discussion ensued regarding regulatory interpretations and the extent to which the location of a subdivision within the watershed area, the watershed area itself, water coming into the watershed, and water leaving the watershed should be considered. Mr. McWilliams advised that the required storm water drainage study should encompass all of those issues. Chair Ebel added that storm water drainage could also increase expenditure of public funds by impacting negatively on roads and culverts. Mr. McWilliams advised that there are other provisions within the subdivision regulations that refer to storm water drainage and emphasized the need for the interpretation of the regulations to be consistent in all sections. He stated that the regulations require the PB to determine whether “peak” flow or “total” flow is intended. Chair Ebel opined that peak flow is generally considered to be the damaging flow. PB member Cottrill commented that even with total flow, the streams could be overloaded and wetlands created. Other PB members concurred. Mr. McWilliams advised that usually peak flow (gallons/second) cannot be exceeded regardless of the amount of “total flow” exiting the property. He opined that there was no way not to generate more water flowing off a property and, therefore, no developer would be able to meet the requirement for no increase in “total” flow. He advised that Lou Caron would recommend a “peak” flow interpretation of the regulations.

Chair Ebel asked if the impact on downstream drainage properties be included in the drainage study. Mr. McWilliams replied affirmatively. Chair Ebel reiterated that it appeared that the regulation prohibited the PB from approving a subdivision if it determined that increased storm water flow could damage downstream properties, unless the property owners granted easements for water to cross their properties and held the Town harmless for any resulting damage. She stated that this made sense to her, otherwise the property owners might be able to make a claim against the Town for approving a subdivision that it had found would do damage to their properties. PB member Clough asked how far downstream from the subdivision the impact of storm water drainage should be considered. Mr. Stanley replied “all the way to the lake”. Chair Ebel opined that Town Road Agent Richard Lee should be consulted. Ms Clough opined that town counsel should be consulted. PB member Hollinger noted that the regulations address the issue on pages 21, 25, and 57, as well as on page 42. Chair Ebel advised that the PB needs to determine the potential for damage from either “peak” flow or “total” flow or both. She stated that she didn’t understand how the PB could ignore potential damage from an increase in total flow, regardless of whether the peak flow remained the same post development. She stated again the easement issue in this regulation wouldn’t even arise unless the PB determined that downstream drainage could cause property damage. Ms Clough stated that the regulation on page 23 regarding drainage and hydrology seems to address both issues. Chair Ebel stated that she did not understand how the potentially damaging effects of total flow could be ignored and felt that both peak and total flow should be considered when reviewing the potential damage to downstream property owners and the Town.

Mr. McWilliams advised that the PB must determine whether the term “flow” referred to peak flow or total flow regarding the off-site drainage that a developer can generate. Ms Clough asked if the PB could change from peak flow to total flow taking into consideration other attributes of the site. Mr. McWilliams replied that the PB must interpret the regulations. He advised that the interpretation would make a big difference in the way that a developer designed drainage and could result in the determination that some properties could not be developed. He recommended that the PB invite Lou Caron to participate in the discussion. The PB members agreed to continue to review the issue, especially in the context of the other subdivision regulations.

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V. OTHER BUSINESS

A. The MINUTES of the APRIL 26, 2005 meeting were APPROVED as circulated

The **MEETING** was **ADJOURNED** at **10:05 PM**.

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

DATE APPROVED _____

CHAIRMAN _____

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