



TOWN OF NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

BOARD OF SELECTMEN MEETING MINUTES

June 1, 2010

PRESENT:

Tina Helm, Chair, Board of Selectmen
Mark Kaplan, Selectman
Peter Bianchi, Selectman
Jessie Levine, Town Administrator

ALSO PRESENT:

Mary Eysenbach, New London resident
Michael Todd, New London resident
John Wilson, New London resident
Bob & DJ Lavoie, New London residents
Michael Doheny, New London resident
Debbie Cross, the *Villager*

Chair Helm called the meeting to order at 8:00 AM.

Meeting Minutes: Chair Helm opened discussion on the minutes of May 17, 2010. Ms. Levine noted that the Lavoies had not been listed as present on the original draft, and had since been added. On Page 11, Mr. Kaplan asked to replace the word “instill” with “install.” Mr. Bianchi moved to accept the minutes as corrected, seconded by Mr. Kaplan and approved 3-0.

Recreation Department Awards: Ms. Levine announced that the Recreation Department had received two awards for the Winter Wild uphill/downhill racing series. The first award was from the Governor’s Council on Physical Activity & Health, which gives awards each year to organizations and individuals who have made a significant impact on the health of NH residents by promoting healthy lifestyles through physical activity and fitness programs. The second award was from the NH Parks & Recreation Association, which gave the Recreation Department its second Shelnut Perkins Award (the first award was received in 2006 for the Dinner with Jack Frost).

The Selectmen commended Chad Denning and the Recreation Department for their work in receiving these awards.

Leadership NH: Tina Helm congratulated Jessie Levine on being selected for the 2011 Leadership New Hampshire class.

Pleasant Lake Dam: Ms. Levine informed the Selectmen that on May 17, she and Richard Lee had met with two representatives from the NH Department of Environmental Services Dam Bureau, as well as with the engineer from Clough, Harbour & Associates who had been providing free professional advice with respect to the Letter of Deficiency (LOD) on Pleasant Lake Dam. Ms. Levine reminded the Selectmen that she had provided a written response to the LOD in December, but the Town had not received a written response. She said that after the meeting on-site on May 17, all agreed that the next

step would be for the DES to respond to the Town in writing so that the Town may budget for any engineering services in the next budget year.

Bob Lavoie asked what concerns were included in the State's Letter of Deficiency. Ms. Levine said that the LOD included the following requirements:

1. Operation, Maintenance & Response Plan: The State asked for an updated OMR, which the Town provided in December 2009.
2. Trees on Footprint of Dam: The LOD instructed the Town of New London to "remove all trees from the footprint of the dam and for a distance of 15 feet beyond the footprint of the dam and establish hearty grass cover on all portions of the embankment that are not protected by other erosion resistant materials." The Town disagrees with this recommendation, as it has found that the winds coming off Pleasant Lake make it almost impossible to grow hearty grass. Furthermore, Ms. Levine said, the inspection on May 17 revealed that there may be significant ledge between the trees and the dam, which would protect the dam in the event that the trees were blown over.
3. Update Emergency Action Plan: The State asked the Town to update and test its EAP and to update the dam breach analysis and inundation map.
4. Discharge Capacity: The State upgraded the dam from a significant to a high hazard risk, which means that the Town must evaluate and update its discharge capacity to meet at 2.5 x 100 year storm event, or show that the dam currently meets this capacity.
5. Monitor Cracks: The Town must continue to monitor the concrete cracks in the dam and spillway and make a plan to seal the cracks, which Ms. Levine said it would do during the next partial drawdown in the fall of 2013.

Ms. Levine said that in her written response, she had asked for an extension on most of the requirements due to the need for engineering assistance. The letter from the State had come too late in the 2010 budget process to add funding at that time.

Peter Bianchi said that he talked to his neighbor and dam engineer Jud Donaghy, who has an interest as a concerned citizen. Mr. Donaghy advised that one consequence may be making the spillway bigger to accommodate the 2.5 x 100 year storm. Mr. Bianchi said that it is primarily the downstream people who are concerned. He added that he thought the work required could be done in-house at little expense. Mr. Donaghy told him that it would not be a catastrophic cost and would solve the problem of what would happen downstream.

Ms. Levine said that she agrees that most likely the work could be done in-house, but the State generally requires a professional engineer (PE) stamp on engineering work, and the Town does not have that in-house. She added that the existing design does not take into account the additional outflow capacity over the boat ramp, which may address some of the capacity concerns. She said that the inspection on May 17 also identified a second possible outflow area near the Dunning's property.

John Wilson asked if the bridge over Elkins Road is a restrictive element, and Ms. Levine said that she does not believe so.

Chair Helm said it sounds like all should stay tuned until the loop is completed with the State.

Bob Lavoie asked if the Town will end up employing a consulting engineer, and Ms. Levine said that it is likely and it will have to be included in the next budget.

Mary Eysenbach: Chair Helm welcomed New London resident Mary Eysenbach, who was on the agenda to talk about bicycle safety and road design. Ms. Eysenbach thanked the Board of Selectmen for meeting with her this morning and said she knows there have been complaints from others about bicycle safety and she hopes the Selectmen will take the complaints seriously. She is not only a bicyclist but an organizer of a 40-member senior bicycle group run by the Council on Aging. She said that a senior bicycle group of that size in a town of this size with hills of this size says something about the interest in bicycling around here. She said that we are lucky in New Hampshire that most drivers are either naturally courteous or they know that legally bikes are a vehicle with the same rights and obligations on the highways as any other vehicle, and are not expected to ride in ditches and are not required to ride on the shoulder if it is not adequate. She said that a publication from the State Department of Transportation (DOT) says that if the road is not wide enough to be shared (with a vehicle), then the bicyclist should take the road so as to not induce vehicles to drive by until it's safe. She said that most NH drivers will slow down and swing wide to pass bicyclists, and most, if there is oncoming traffic, will wait until oncoming traffic passes to pass a bike. She repeated that we are fortunate in NH, but there are nevertheless some problems.

First, Ms. Eysenbach said, highway engineers do not naturally think about bicyclists. They do not think about them by training or culture. She said she had specific examples of this: she agreed to serve on the Town's Sidewalk Committee when the first Newport Road project was underway because of the lack of crosswalks at that end of town. The plan was to take the shoulder on one side and turn it into a sidewalk, which we did and it's very nice. The plan initially laid out, she said, did not mention what would happen to bicyclists once the shoulder was removed, and since she was there at the planning stage, she made suggestions and the engineers were able to come up with a solution that moved the lanes and widened the shoulders to allow adequate shoulders on both sides. She said that Richard Lee told her at the time that he was glad she mentioned bicyclists, as he was talking to the State DOT about repaving Main Street and they were not giving any thought to bicyclists. Ms. Eysenbach said that Main Street now for bicyclists is simple: you get into the middle of the traffic lane and stay there, and that's safe.

Ms. Eysenbach said that they did not think about bicyclists when they redid Route 11. She said that Ms. Levine had said the State DOT won't listen to suggestions. Ms. Levine disagreed with that statement, and said the State had been cooperative throughout the design process. Ms. Eysenbach said that she then e-mailed Rep. Randy Foote. When her complaints got back to Ms. Levine by the DOT, she said that Ms. Levine replied that she "did not know" that the lanes would be narrowed. Ms. Levine again disagreed with Ms. Eysenbach.

Ms. Eysenbach said that designing for bicycles is not part of the natural thinking, and when people do think about it, they think about it inappropriately, as if all they need is a separate bicycle lane. She said that a separate bicycle lane is not needed, but people forget that a bicycle is not a narrow vehicle. They are used to judging cars by the width of the vehicle, but bicycle tires are 1" wide while the handle bar is 2.5', and a bicyclist does not ride in a straight line. Ms. Eysenbach said that a 4' lane is fine as long as there's no guardrail, but if there's a guardrail, she's got to keep her pedals and handlebars clear of that metal, which means that on a 4' lane, she's within 6" of the painted line, and sometimes closer. She emphasized that when they think about bicyclists, they forget just how wide the track is that bicyclists have to have.

With respect to the intersection at Crockett's Corner, Ms. Eysenbach said that it used to have a separate lane for slow vehicles, such as bicyclists, going up hill. That lane was eliminated, and the 6-8" shoulder

was eliminated as well, and the median was replaced with the concrete median. So, she said, for half a mile there's a travel lane at 11' wide next to a shoulder that's only 4' wide with a guardrail on an uphill, posted at 35 and traffic going at least 40 MPH. At 40 MPH, a truck is supposed to leave 4' clearance, and to do that, his wheels have to be on the concrete. She said that does not improve safety for bicyclists; in fact, every one of the measures reduced safety for bicyclists, so she cautioned the Selectmen not to be surprised if bicyclists are upset. She cannot believe that with the width they had to start with, that was the best that could be done. In her opinion, the intersection is "schizophrenic" -- they said they wanted to slow traffic, but the turning lanes allow through traffic to continue straight through the middle without slowing.

Ms. Eysenbach said that she has a friend who was struck by a vehicle that was too close to her, and another friend whose daughter was struck on the head by the mirrors of a bus in a parking lot, and both received very serious brain damage. She noted that the new configuration does not accommodate wider vehicles, such as RVs and trucks with wide mirrors, all of which endanger bicyclists.

Ms. Eysenbach said that it is a poor piece of design that endangers bicyclists on a very popular route. She thinks that we as a town need to be active in understanding that what keeps bicyclists safe is space, and that's what they did not do on Route 11. They tried to slow the traffic by squeezing the cars, bicyclists and pedestrians into a narrow space. She said that this town could do better, and perhaps we have to yell and scream at DOT. She hopes the Selectmen will yell and scream on behalf of bicyclists. She said that we have a lot of citizens who are bicyclists, and posting a lower speed limit would help (going to 25 MPH instead of 35 MPH). She also recommends signs and publicity to remind people that there are bicyclists around.

Chair Helm thanked Ms. Eysenbach for the presentation and asked Ms. Levine if she had anything to add.

Ms. Levine said that it is unfortunate that Ms. Eysenbach could not attend the May 25 meeting on-site with DOT to discuss the line painting. Ms. Levine said that the DOT engineers on-site, including Larry Keniston, the State's Intermodal Transportation engineer whom Ms. Eysenbach brought into the conversation, said that the new configuration was more than adequate and an improvement over the previous conditions. Ms. Levine said that at no point during the measurements was the shoulder narrower than 4'8", which even Mr. Keniston said was adequate. Ms. Eysenbach asked if "adequate" is enough in this town. She said that it is scary to be passed by an RV with mirrors hanging over. If the State hadn't put the concrete barrier in, there could have been room to move, but a 4' shoulder when people are going 45 MPH is not comfortable or safe.

Chair Helm asked if there was a conversation about signage. Ms. Levine said that it did not come up on May 25, but we could propose adding signage to the State.

Mr. Bianchi said that he is a "truck person" and is sympathetic to what Ms. Eysenbach is talking about, as all have to navigate some difficult roads. He said that the town has worked with DOT but couldn't get a blinking light put in at that intersection. Ms. Levine said the light had been removed by agreement during the design process.

Ms. Eysenbach said she was hoping for a roundabout. Ms. Levine explained that the State was supportive of a roundabout, but there were no funds to build one at this time. She said that the State DOT had conducted a Context Sensitive Solution (CSS) process to redesign the intersection using funds that had already been allocated for the resurfacing project. Ms. Helm said that there were a number of public hearings at the time and people could have given comment.

Ms. Eysenbach said her friends who live there are horrified and their concerns were not listened to during the design phase. She said that to make it safe for bicyclists, there needs to be visibility. She said that it is a very popular bicycle route from Hominy Pot to Route 11.

Ms. Eysenbach thanked the Selectmen for their time. Chair Helm said that the Selectmen can discuss this and see if there should be some proactive response, such as signage. Ms. Eysenbach said that the Selectmen should reduce the speed limit, which tells people that this is a serious intersection. She said that 35 MPH means that there is no physical reason to stop.

Old Main Street: Chair Helm recognized Michael Todd, who was here to request additional road signage for Old Main Street. Mr. Todd said that this started in 1974, when he received a letter from Bob Siegfried stating that there are now “no thru trucking” signs on Old Main Street, and since they’ve gone up it’s been a struggle to keep trucks at a minimum. When he moved back here 5-6 years ago, he was talking to a former police officer and lamenting that trucks are using the road despite the signs. The officer suggested swapping the “no thru trucking” signs with the speed limit sign at the Route 11 end, so that truckers see the “no thru trucking” sign before they make the turn. Mr. Todd said there are still a lot of trucks going through there, which might be in part because the signs are too far in and in part because truckers have the lowest IQ of any profession. Mr. Todd said that the plain definition is that if the destination is not Old Main Street, then it is considered thru trucking.

Mr. Todd said that this is not just about trucking, but also about saddle horses. There are horses that are kept on Old Main Street, and they do not have a through path from their barn to South Pleasant Street, so they have to go down South Pleasant Street to get to their pasture. He thinks that putting up “saddle horses” signs on South Pleasant and Old Main streets would alert motorists, as the horses on occasion have been spooked by the traffic.

Also, Mr. Todd said, in an effort to reduce speed on Old Main Street, the squiggly arrow signs were put up, which he appreciates. However, he thinks there should be a “pavement ends” sign where it goes from pavement to gravel so that drivers are better prepared for the change in surface.

Ms. Levine said that she had spoken to Richard Lee, who could not be here today due to jury duty. He had no objection to changing the placement of the “no thru trucking” signs, although he is concerned that the property owner at the Route 11 end of Old Main Street may object to having the larger sign in front of his property.

With respect to the saddle horses signs, she asked how often the horses are in the road, because if it is not a daily occurrence, then the signs may not have much effect. Mr. Todd said the horses are moved twice daily on the days that they are in that pasture, usually in the morning and at night when traffic is heavier. Ms. Levine said that Richard Lee did not outright recommend against the signs but asked how frequently they would be needed and cautioned that the signs may not be heeded if drivers are more used to not seeing horses than seeing them.

Mr. Kaplan asked if there is a standard for what a truck is with respect to “no thru trucking.” He asked if it applied to pick up trucks as well as 18-wheelers. Mr. Todd said that one-ton trucks are okay, but anything larger than a one-ton (tandem axle, tri-axles, etc.) is way too big. He said that he’s talked to Scott’s Yard Care about speed, and they have cooperated, but those size trucks are okay. He added that UPS trucks are box trucks but small enough that they are no problem. His primary concern are the trucks coming from furniture stores, etc., that make deliveries to Bog Road, as well as oil trucks that go straight through to Woodland Trace and other streets. He has even followed them and they go straight through to other roads.

Michael Doheny said that if “no thru trucking” means different things to different people, the Selectmen could adopt a maximum gross vehicle weight, which would stop trucks above that weight from going down the road. Mr. Todd said we should make sure not to confuse “no thru trucking” with the spring posting of the roads, and all agreed that spring load limits are not what we were talking about. Mr. Doheny said that a maximum of 12,000 lbs would eliminate the oil trucks. Mr. Kaplan said that Seamans Road is posted as well, and he goes up and down the road 2-3 times a day, and often there is a truck in front of him.

Chair Helm asked Mr. Todd to help her prioritize his requests. She said that he would like: 1) the no thru trucking sign moved out to the end of the road so it's the first sign seen when someone is making the turn; 2) “caution saddle horses” signs on Old Main Street and South Pleasant Street; and 3) “pavement ends” signs on Old Main Street. Mr. Todd said he supports Mr. Doheny's suggestion to pick a limit for trucks. Mr. Kaplan said that he would want to hear from the Public Works Director and the Chief of Police, and that people would then know if the truck is appropriate for that road. Mr. Todd says he would like to take a street map and highlight the roads that are posted and send it to the dispatchers for the area trucking companies.

Chair Helm thanked Mr. Todd for coming and speaking about this situation. She said it is now incumbent on the Selectmen to talk about it.

Mr. Lavoie said that the proposal is not only to switch the location of the sign but to adopt a truck size limit. Ms. Levine said that the truck size limit would be an ordinance change and would require a public hearing.

Skatepark: Ms. Levine updated the Selectmen regarding the request to put the skatepark on School District property, near the elementary school (behind Country Press). She said that she had spoken to School Board Chair Dan Wolf, who had cautioned her that there would likely be some push back from the School Board on four points: 1) the use of the park during elementary school hours; 2) wetlands; 3) the use of the driveway by kids skateboarding to the park; and 4) the fact that the School board has not finished the master plan for the property. Ms. Levine said that in her opinion, the first three points could be addressed by the skatepark committee, but the fourth point would keep coming back up unless it was addressed by the School Board. Ms. Levine added that there is some preference on the School Board to use the site of the SAU building for the skatepark.

Mr. Kaplan asked why the School Board could consider the two properties separately. Ms. Levine said that there had been a School District vote to sell the SAU building, so the School Board had already planned to part with it. Mr. Kaplan said that he does not see how they have the right to say we'll give you one piece but not another. He asked if the school property was donated to the school district by the town, and Mr. Bianchi said that it was, just like in the other towns, but in the other towns the unused property was sold back to the town for \$1. He said that the Town of New London should be getting some consideration and getting some of the land back, but he was told that since the parcel is used by the whole District, the whole District should benefit. Ms. Levine said that the SAU building was not given to the District by the Town – it used to be a church. She said that the entrance on Cougar Court was given to the District by Ray Heath, and other portions of the property have been given or sold over time, so not all was given to the District by the Town.

Chair Helm said that it sounds like we need to get through the June 10 meeting and then take stock. She said that she has been supportive of the skatepark but has not been supportive of the Town financially supporting it, and there's a lot more to be discussed before we have a completed deal. Mr. Bianchi asked

if the land at the SAU needs to be subdivided. Ms. Levine said that it is zoned residentially and would need to be subdivided to be sold for residential use, and would need to meet zoning requirements. She said that if that property is subdivided, then the main portion of the school property would not have adequate road frontage.

Northeast Towing: Ms. Levine updated the Selectmen on her conversation with Darren Carter regarding his allegations that town employees are improperly running businesses and violating the Town's conflict of interest policy.

Committee Reports:

Budget Committee: Mr. Kaplan reported that the Budget Committee met on May 19 and elected Jim Wheeler as chairman after John Wilson declined to run again. The Committee also filled Doug Baxter's vacant position by appointing Ben Cushing. Mr. Kaplan said that the Committee set up a schedule close to Ms. Levine's original proposed schedule, with minor alterations to that. Chair Helm noted that the minutes are on the website. Bob Lavoie asked if the budget cycle involved the 18-month budget preparation, so there will be significant difference in the numbers. Chair Helm said that it would and that was a major part of the discussion.

Planning Board Report: Mr. Bianchi said the Planning Board is not very busy. Peter Messer came in again because there had been some confusion about the results of his last visit to the Board. In addition Peter Stanley and Ken McWilliams presented, for thought, a new approach to control the size of building and growth in residential districts, the gist being a square-foot-area ratio that would mean that the total size of a building on a lot would be a ratio of the total size of the lot. For example, if a 20,000 SF lot (R1 with water & sewer) had a ratio of .1, the maximum size of all building square footage -- all floors and garage -- could be 2000 SF. That concept was discussed. Mr. Bianchi said that it seems like a knee-jerk reaction to a problem in a previous meeting in which Jack Akin put up a large building on a small lot and the neighbors complained about the size of the building, which met all zoning requirements. This new proposal was not voted on, but it generated good discussion. For instance, would it constrain what we currently allow, would there be different ratios for different zones, would it apply to existing lots or just new lots, etc.? Mr. Bianchi said he hates to see a regulation made as a knee-jerk reaction to a single situation and thinks the long-term ramifications need to be thought through. He said that Mr. Stanley also gave an update on changes of use of commercial buildings around town, as requested by the Planning Board.

Upcoming Meetings:

EMC Meeting: Ms. Levine distributed the draft Powerpoint that would be presented on Wednesday, June 2 by the Emergency Management Committee. She also distributed the emergency guide that the Committee had prepared. She encouraged the Selectmen to attend the information session to support the department heads who would be presenting.

Chair Helm complimented Ms. Levine on the e-mail and use of the CodeRed phone system on Monday regarding the Quebec forest fires. Ms. Levine said that Newbury had used the system and she was glad it worked well.

Assessing Forum: Chair Helm noted that the Assessing Forum was scheduled for Tuesday, June 29 at 7:00 PM

Other business:

Peter Bianchi asked about the zoning violation and denial of the building permit for SDB Properties (Georges Mills Cottages). Ms. Levine said the first violation is that he did not apply for a building permit before beginning work. Some of his application is in compliance (i.e., replacing windows), but some of his project is not in that it expands the volume of the building within the shoreland overlay. She said that Peter Stanley had advised him on how to complete the project without being in violation, or referred him to the Zoning Board of Adjustment for relief.

Application for Building Permits:

- Rocky Point Lodge, Inc. 233 Elkins Road (Map & Lot 077-009-000) construction of deck & paving of walkway – Permit #10-041 – Approved.
- SDB Investments, 1876 Newport Road (Map & Lot 041-001-000) fix roof leak, vent & insulate, replace windows – Permit #10-044 – **DENIED – referred to ZBA**

Application for Temporary sign:

- Northeast Shakespeare Ensemble, sandwich board sign at Information Booth, Othello, May 21-30, 2010 – Approved.
- St. Andrews Church, 52 Gould Road, sandwich board sign at Information Booth, Summer Fair, July 3, 9AM – 2PM – Approved.
- The Fells, sandwich board sign at Information Booth, Garden Tour July 17, 2010 – Approved.
- LSRVNA – sandwich board sign at Information Booth, Renaissance shop sale – May 29, 2010 8AM-4PM – Approved.
- NL Garden Club, sandwich board at Information Booth, Antique show July 24, 2010 – Approved.
- COA – Chapin Senior Center, sandwich board at Information Booth, Book Sale, July 24 & 25, Approved.

Application for use of NL Inn Common:

- NL High School Reunion – 8/7 4:00 pm – 10:00 pm & 8/8 10:00 am – 2:00 pm – Approved (no alcohol allowed on Town property).
- St. Andrews Church Fair – 7-2 – 7/3 daily – approved.

Application for use of Whipple Memorial Town Hall:

- Community Garden of Tracy Library, performance of an author, Sunday June 27, 2010 1:00-5:00 – Approved.

Other:

- Disbursement voucher week of May 31, 2010 - Approved.
- Veterans Exemptionss – Approved.
- Notice of Lien for Welfare Assistance - Approved
- Highway Safety Project Application – Police Department DUI patrols – Approved.
- Wastewater Tax Abatement– Mark Brady – 419 Little Sunapee Road (Map & Lot 046-016-000) billed incorrectly by Water Precinct – Approved.

Respectfully submitted,

Jessie Levine
Town Administrator