

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
June 13, 2006**

PRESENT: Tom Cottrill (Vice-Chairman), Sue Ellen Andrews, Dale Conly, Celeste Cook, Jeff Hollinger, Ken McWilliams (Planner). Sue Clough (Selectmen's Representative) arrived shortly after the meeting opened.

ABSENT: Karen Ebel (Chairman)

Vice-Chairman Tom Cottrill called the **MEETING TO ORDER** at 7:00 PM.

I. JONATHAN FEINS – Preliminary Plans for Stonehouse Road Access to the Harborview Subdivision in Sutton

Jonathan Feins was accompanied by G. Dana Bisbee (Pierce Atwood), his attorney, and Kim Hazarvartian (TEPP LLC), a traffic/transportation engineer.

At the request of Vice Chair Cottrill, Ken McWilliams gave a brief overview of the project history with the New London Planning Board (NLPB). Mr. McWilliams advised that in September 2005, Jonathan Feins had presented to the NLPB a conceptual proposal for a subdivision to be built in Sutton with the sole proposed access to be via Stonehouse Road in New London. By means of a letter dated January 20, 2006, the Sutton Planning Board advised the New London Planning Board (NLPB) of its decision to declare the proposal by Jonathan Feins "a project of regional impact pursuant to RSA 36:55 and solicited comments from the NLPB. At its February 14, 2006 meeting, the NLPB met with Mr. Feins and Mr. Bisbee, following which the NLPB conveyed its comments on the proposed Harborview subdivision to the Sutton Planning Board in a letter dated February 23, 2006. RSA 674.53-IV requires that a plan showing land or streets in more than one town be approved by the planning boards of all towns involved. Mr. McWilliams stated that Mr. Feins has, subsequent to the original proposal, identified a secondary access through Sutton, and, therefore, maintains that the NLPB has no regulatory authority, because Stonehouse Road is not the sole access to the proposed subdivision. However, by letter date March 14, 2006, New London has asserted that it has regulatory authority because Stonehouse Road was at the time of application and continues to be the sole maintained access to the subdivision. Mr. McWilliams said that Mr. Feins was before the PB that night as a result of that letter, although he contests the NLPB's approval authority. He further explained the NLPB's authority. Mr. McWilliams advised that the only part of the site plan review over which the NLPB had regulatory authority was the access road from the Sutton town line to the intersection with King Hill Road in New London.

Mr. McWilliams then reported on the meeting of municipal department heads. With regard to the Traffic Assessment, Ken McWilliams, Town Planner, reiterated the comment previously made by the NLPB regarding the directional splits in the traffic generated by the Harborview Subdivision proposed in Sutton. The Traffic Assessment assumes two-thirds of the traffic would use Stonehouse Road and one-third would use roads to the south through Sutton. The NLPB opined that the assumption should be 95% using Stonehouse Road and 5% using the roads to the south through Sutton, which would affect the estimated peak hour trips using Stonehouse Road.

Mr. McWilliams advised that there had been considerable discussion about the sight distances and the Town Planner noted that the New London Subdivision Regulations (Section VI-M.4.c) require a safe sight distance at street intersections of 13 times the posted speed limit. With the posted speed of 35 miles per hour, the safe sight distance would be 455 feet in both directions. Mr. McWilliams said that it was the consensus of the Police Chief, the Fire Chief, the Road Agent, and the Town Planner that the intersection design as proposed would not meet the sight distance standard and would not be a safe intersection as proposed to be improved.

Mr. McWilliams advised that Richard Lee, Town Road Agent, had several concerns with the drainage as proposed, including: (1) Where would the discharge be for the drainage between station 300 and station 500? (2) The drainage design for the first 300 feet along Stonehouse Road from King Hill Road heading south had

not been provided. (3) There were several places where a culvert had been added to carry water from an under-drain pipe next to an existing culvert crossing the road. A drainage easement would be needed for these new discharge points or the drainage system would need to be redesigned to combine the surface and sub-surface flows into the existing culverts.

In addition, Mr. McWilliams said, Road Agent Richard Lee had the following additional concerns: (1) The road design for the first 300 feet along Stonehouse Road from King Hill Road heading south had not been provided. (2) The section of Stonehouse Road in New London would need to be paved, not gravel. (3) The proposed vertical wall with stone face would limit the amount of snow storage along that section of the road.

PB member Cook asked what sight distances had been proposed at the intersection. Mr. McWilliams replied 296 feet from the west and 220 feet from the east on the west leg and 275 feet west and 700 feet east on the east leg.

G. Dana Bisbee advised that he was representing Jonathan Feins with regard to the subdivision proposal, and he introduced Kim Hazarvartian as the traffic engineer for the project. He added that David Eckman (Eckman Engineering, LLC) was not in attendance because he was presently at a meeting of the Sutton PB where the proposed subdivision was on the agenda. He thanked the NLPB for the consideration it had given by scheduling a meeting time one-half hour earlier than usual to facilitate Mr. Feins' appearance at both the NLPB and the Sutton PB, which meet on the same nights.

Mr. Bisbee said that he wanted to update the NLPB on the status of the proposal and respond to issues of concern raised at previous meetings. He said that the application had been submitted on May 30, 2005. He said that Mr. Feins disagreed with the sole access position of the NLPB. He said that the February 14, 2006 letter from the NLPB had surprised them. He stated that there would be two access points and that both would be maintained. He stated that he disagreed with New London's counsel's opinion that the NLPB has any judicial authority. Mr. Bisbee opined that the NLPB did not have legal jurisdiction for anything other than the 1000 feet of road and the intersection in New London and cited the width and drainage as issues. He said that the proposal was presented in order to move the application along, even though he opined that the NLPB had no regulatory approval authority under RSA 674:53, IV.

Mr. Bisbee advised that the Sutton PB was looking at the proposal as scattered and premature. He said that the PB was concerned about the cross-sectional width of the road, drainage, and the adequacy of the road. He said that it was the "sense of the Sutton PB" that an 18-foot travel way and a 2-foot shoulder would be adequate in the sections where the full 22-foot width may not be possible and that a subgrade of 12 inches of bank run gravel, 6 inches of crushed gravel, and 3 inches of hot bituminous pavement was approvable. Mr. Bisbee stated that paving would not be required for the New London section of Stonehouse Road. He said that the Sutton PB had advised that paving would help to maintain the road on inclines. He advised that the portion of Stonehouse Road located in Sutton had been designated as a scenic road pursuant to RSA 231:157 and that a request to remove trees would be heard that night by the Sutton PB. Mr. Bisbee advised that the Sutton PB was reviewing the plan as a whole, both the Sutton and the New London portions.

Mr. Bisbee acknowledged that the final drainage plan was not shown on the plans displayed and the final 300 feet of the plan was not shown. He said those would come later in the process.

Mr. Bisbee said that there was second legal question to be addressed. He opined that the New London on-site regulations did not apply to the proposal. He said that the road was not located within the subdivision. He also said that New London was not conducting a scattered and premature subdivision review; rather, it was only reviewing access through a pre-existing road and intersection. He opined that adequacy of the access was the only thing that the NLPB had the right to review, if it was determined that the NLPB had approval authority. Mr. Bisbee said that the NLPB should determine what would be necessary to make the road adequate and that neither the subdivision regulations nor the NH Department of Transportation (DOT) regulations applied. He opined that there needed to be joint sessions with the NLPB and the NH DOT and that its driveway-permit/curb-cut sight distances do not apply. He advised that the regulations provide for no more than one driveway to a 400-foot parcel, so even if the driveway permit regulations should apply, Mr. Feins was only

seeking one drive (road) to the subdivision. Mr. Bisbee reiterated that on-site subdivision regulations would not apply to an off-site road. Mr. Bisbee advised that cross-sectional width data had been included in the materials submitted.

In regard to drainage, Mr. Bisbee advised that the post-construction drainage would be the same as the pre-construction drainage. He said that the drainage would be in all the same places and peak flow and drainage patterns would be unchanged as the result of very thorough engineering. He opined that any increase in drainage would be imperceptible and were addressed in the engineering study submitted. He further opined that the abutting properties would not be impacted. He said that the applicant would review any particular location identified if the NLPB believed there was a need for review.

Kim Hazarvartian, traffic engineer for the project, addressed the directional split and trip generation calculations. He advised that the number of trips had been calculated in accordance with Institute of Transportation Engineers (ITE) guidelines. He said that the subdivision of 37 houses would generate a total of 416 trips per day, with the heaviest traffic occurring in the morning and late afternoon/early evening. He said that in the peak morning hour there would be 35 trips for the road (9 into the subdivision and 26 out; in the peak afternoon hour there would be 44 trips (28 in and 16 out). He opined that the proposed subdivision would be a low trip generator and the calculation did not warrant additional study. Mr. Hazarvartian advised that the ITE suggests that developments generating at least 100 peak-hour trips are candidates for consideration of traffic impact analysis. He opined that the both Stonehouse Road and King Hill Road would continue to be low volume roads with the proposed subdivision. He also opined that there would be minor impact on the intersection. Mr. Hazarvartian advised that a potential distribution of trips in and out of the proposed subdivision would be for two-thirds of the traffic to travel over Stonehouse Road and one-third over King Hill Road. He said that Stonehouse Road would remain a low volume road, even if all of the traffic were to go over the New London portion of the Stonehouse Road. He said that the calculation was not sensitive to split variations.

Mr. Hazarvartian advised that all sight distances indicated at the intersection were existing sight distances. He said that the traffic study showed that there were 1100 trips per day on King Hill Road, a low volume for a two-lane through road. He said that the posted speed was 35 mph and the traffic study revealed a westbound median speed of 37mph and an eastbound median speed of 33 mph. He added that the 85th percentile speed westbound was 41 mph and the 85th percentile speed eastbound was 37 mph. Mr. Hazarvartian commented that much of King Hill Road was fairly open; however, the intersection with Stonehouse Road was in an area of a curve at the crest of an incline, so drivers already were slowing down as they approach the curve.

Mr. Hazarvartian advised that Stonehouse Road intersected with King Hill Road in a "Y" formation. He said that on the west turning, the sight distance along King Hill Road was 296 feet to/from the west and 220 feet to/from the east. He noted that a snow bank on the north side of the King Hill Road horizontal curve interfered with the sight distance. He said that the sight distances on the east turning were 275 feet to/from the west and more than 700 feet to/from the east. He said that the worst sight distances were the 220 feet toward the east due to the snow bank and 275 feet toward the west.

Mr. Hazarvartian advised that the assessment of sight distances at the intersection were based on policy of the American Association of State Highway and Transportation Officials (AASHTO). He advised that the AASHTO equation used to calculate safe stopping distances took into consideration: (1) Perception-Reaction Time (2.5 seconds), (2) Deceleration Rate for Vehicles (11.2 seconds), and (3) Grades – both are upgrades on King Hill Road. He advised that the 275-foot sight distance would safely accommodate a speed of 39 mph (greater than the 33 mph median or the 35 mph posted speeds) and the shortest 220-foot sight distance would accommodate a 33 mph speed (posted speed of 35 mph, median speed of 33-37 mph, and 85th percentile speed of 37-41 mph). Mr. Hazarvartian said that, per AASHTO, sight distances to the west to/from King Hill Road were adequate; however, sight distances from/to the east were limited. He advised that the AASHTO sight-distance measurements used eye and object heights of 3.5 feet, as opposed to the less conservative 3.75 feet provided by the NH DOT. He also advised that, per AASHTO, the measured speeds did not point to the need for NH DOT's generally preferred 400 feet for a new site driveway intersection. He said that the intersection is not a new site driveway intersection; rather, it is an intersection that has existed for a long time. He opined that

controlling speeds would be an appropriate approach to provide design compatibility to/from the east. He suggested that speeds might be controlled by using signs, for example signs showing a curve in the road or a turn sign to indicate an intersection or oversize signs. Another type of sign he suggested might be used was a highly visible warning sign with an advisory speed plate, with or without flashers.

Mr. Hazarvartian advised that Mr. Feins would be willing to change the "Y" configuration of the intersection to a "T" configuration. Such a change would increase the worst sight distance of 220 feet to 269 feet. He advised that NH DOT Accident Data Location Reports for the Town of New London showed no accidents at that location for the three-year period 2000-2002. Mr. Hazarvartian said that the proposed subdivision would increase traffic, but would not operationally increase demand on the intersection.

Town Planner Ken McWilliams asked what the sight distance numbers would be for the other direction. Mr. Hazarvartian replied that he had not calculated them, as those distances were okay. He said that the "T" configuration would improve sight distances. Vice Chair Cottrill asked where the intersection would be located if the Y-configuration were to be changed to a T-configuration. The location was indicated on the plan displayed. PB member Hollinger asked if there had been any effort to approach NH DOT requirements or New London regulations. He opined that the proposal needed to take into consideration the volume of older drivers with slowed reaction times living in the area. He said that it was a matter of safety and that he was surprised that the sight distances proposed were so much lower than New London regulatory or NH DOT minimums. Mr. Hazarvartian replied that he had used standard calculations from AASHTO and the Manual, which includes all types all types of drivers.

Town Planner McWilliams advised the PB that there were two issues to be considered at the outset. First, did the NLPB want to retain Louis Caron (L.C. Engineering Company, LLC) to consult on the New London section of Stonehouse Road? He advised that Mr. Caron was already working with the Sutton PB. Secondly, he suggested that the NLPB might want to consider having a joint meeting with the NH DOT and the applicant.

Vice Chair Cottrill asked if the applicant was willing to pay for New London to hire Mr. Caron. Mr. Bisbee replied in the negative. He said that he was not sure that a PB could require a subdivider to assume the cost for off-site improvement of an existing road and intersection, even assuming that NLPB has any regulatory authority.

PB member Andrews asked if sole access needed to be resolved before going further. Mr. McWilliams replied that because the sole maintained access was through New London at the time of the original application, New London believes the NLPB does have authority to require its approval and New London's signing of the plat.

PB member Clough noted that Mr. Caron had commented on several sections of the proposed improvements to Stonehouse Road. She asked if he had included any part of the New London segment of Stonehouse Road in his evaluation. Mr. Caron responded that he had looked at only the 300 feet toward the proposed development. He advised that NH DOT comments on any impact on any state road, and King Hill Road is a state road. He opined that Sutton has to consider the entire access to the subdivision without regard to town lines. Mr. Caron said that the Sutton PB was looking at the total project, not just the road in Sutton. He advised that the Sutton PB was very concerned about the access for "first responders". He said that the plan showed 200 feet of paving, then gravel, and then paving from 300 feet onward on Stonehouse Road. He opined that a 110-foot gap between the paving made no sense. Mr. Bisbee advised that Mr. Feins had not agreed to any paving. Mr. Bisbee said that Mr. Feins would prefer not to pave anything. Mr. Caron responded that the plan displayed indicated "proposed paving" and that he was not aware that there was any question about the paving.

Vice Chair Cottrill asked if there were any abutters present who would like to speak. Abutter Mason Delafield said that he was surprised that most of the presentation was very hypothetical and that the standards deemed to be adequate were so far below recommended levels. He said that a 270-foot sight distance was adequate; however, he opined that "adequate" was not "safe". He further opined that the focus needed to be on safety.

PB member Clough questioned the comment that NH DOT had no authority over the intersection. Mr. Bisbee replied that he referred to the fact that NH DOT had no authority under the sole access regulations. Vice Chair

Cottrill advised the PB that it needed to determine whether to hire an engineer at either the cost to the town or, if New London's authority is proven, to pass the cost to the developer. PB member Andrews asked if that didn't have to be decided first. Mr. McWilliams replied that the PB could review the authority situation with its attorney. In response to a question from the PB, he advised that the budget included approximately \$2000 for engineering studies. Mr. McWilliams said that regardless of whether New London has authority, Sutton certainly does have authority. PB member Clough pointed out that the Sutton PB was asking the NLPB to provide support and advice. Vice Chair Cottrill opined that it was necessary to resolve the safety issue and to define "adequate". Mr. Bisbee responded that those were separate from the issue of whether New London has authority to assess a fee if its position is only that of an abutter or even if it has approval authority. Vice Chair Cottrill opined that the NLPB needed to have a member of the PB attending the Sutton PB meetings.

It was **MOVED** (Clough) and **SECONDED** (Hollinger) **THAT THE NEW LONDON PLANNING BOARD HIRE AN ENGINEER, LOUIS CARON, AT NO COST TO THE TOWN, TO ASSESS THE IMPACT OF THE PROPOSED HARBORVIEW SUBDIVISION IN SUTTON, WITH ACCESS OVER STONEHOUSE ROAD IN NEW LONDON, ON THE 1000 FEET OF STONEHOUSE ROAD LOCATED IN NEW LONDON AND ON THE INTERSECTION OF STONEHOUSE ROAD AND KING HILL ROAD. THE MOTION WAS APPROVED UNANIMOUSLY.**

PB member Conly opined that the NLPB should first try to get the developer to fund hiring an engineer. PB member Andrews said that the PB needs to go to counsel to determine if New London has the authority to require the developer to fund the expense. Mr. Caron said that the NLPB needed to understand what the NLPB's role in the project was. He advised that Sutton could not require any work to be done on a road in New London. He added that Sutton could, of course, require that the road be improved.

Town Planner Ken McWilliams said that the second issue to be addressed was how the PB wanted to coordinate with NH DOT. PB members Conly and Andrews volunteered to be on a subcommittee to meet with NH DOT regarding the intersection of Stonehouse Road and King Hill Road. It was suggested that Chair Ebel should also be on the subcommittee. Mr. Bisbee asked if he was correct in assuming that the applicant would also be included in the subcommittee's discussions with NH DOT. He received an affirmative answer.

PB member Andrews asked if there were any questions for the PB's lawyer. She asked if the PB wanted to authorize Mr. Bisbee to talk directly with the NLPB's lawyer, as he had requested. The PB did not authorize the applicant's lawyer to communicate directly with the NLPB lawyer.

PB member Andrews asked if the applicant was proposing to pay for improved signage on King Hill Road. PB member Cook stated that she would have a problem with the type of signage suggested by Mr. Hazarvartian because it would detract from the rural nature of the area.

PB member Andrews asked what topics regarding Harborview were on the Sutton PB agenda for the meeting that night. Mr. Bisbee replied that the applicant was requesting permission for tree cutting on a scenic road and intersection. PB member Clough asked about the coding represented by the ribbons seen on trees along Stonehouse Road in Sutton. Mr. Feins replied that red ribbons indicated that the tree was in an area of thick woods and should be removed, blue indicated a sick or damaged tree, etc.

Ms Clough encouraged other PB members to travel along Stonehouse Road because the NLPB would need to determine the adequacy of the road. She said that she wouldn't want a superhighway, but she would want the road to be safe. Mr. Bisbee replied that the applicant wanted the road to be safe. He opined that adequacy included safety. He opined that he believed the proposals for both the road and the intersection were both adequate and safe. Planning Board member Clough said that she interpreted Mr. Bisbee's comments to mean that the road would be constructed to lesser requirements than those used for roads within the subdivision. Mr. Bisbee replied that the Sutton subdivision regulations were very demanding. He questioned whether it was reasonable to require an applicant to apply the same design requirements to improve an off-site road as those used for a road within the subdivision.

PB member Clough asked if the NLPB should consider having its counsel attend PB meetings when the proposed Harborview subdivision is on the agenda. She noted that the applicant had his lawyer actively engaged in the presentation.

Vice Chair Cottrill asked what speed would apply to have a sight distance of 400 feet. Mr. Hazarvartian replied that the speed would be 50 mph. Zoning Administrator Peter Stanley replied that the safe speed for the worst sight distance would be less than 20 mph. PB member Andrews asked what the safe speed would be at a sight distance of 269 feet. Ken McWilliams replied that at 269 feet, just over 20 mph would be the posted limit. Mr. Bisbee said that the on-site regulations apply to trucks. Ms Andrews replied that Stonehouse Road would have trucks. Mr. Hazarvartian recommended that speed limits be based on standards of adequacy. PB member Hollinger said that it didn't make sense to have such a large discrepancy between recommended safe sight distances and the sight distances proposed as adequate by the developer. Zoning Administrator Stanley advised that there have been accidents at the intersection of Stonehouse Road and King Hill Road, just not during the three years covered by the state records. Mr. Bisbee said that the regulatory requirements applied to new roads, not existing roads. He also reiterated that the statutes allow one driveway without 400 feet. Vice Chair Cottrill responded that Stonehouse Road was not a driveway, it's a road. PB member Clough opined that a driveway should have a lower standard than road access to a subdivision. PB member Cook opined that the access road needed to be the very highest standard.

Vice Chair Cottrill asked if the PB wanted to discuss drainage. PB member Andrews opined that drainage was a huge topic and discussion should be deferred to another meeting. PB member Clough said that she was surprised by the statement that there would be no increase in peak flow. PB member Andrews observed that there was no total flow data in the materials presented. Zoning Administrator Stanley advised that no drainage plans were available yet. Mr. Bisbee said that the applicant wanted to submit the drainage plans to the Sutton PB on Friday (June 16). Louis Caron advised that discussions were on-going and another meeting was needed to work out final details before drafting final drainage plans. He opined that the meeting on final details might be scheduled for Friday.

Vice Chair Cottrill asked Town Planner McWilliams if he was conveying NLPB's concerns to the Sutton PB. Mr. McWilliams replied affirmatively. He opined that the proposal would not be final in time for the NLPB to review it at its next meeting on June 27, 2006. He advised that the review should be continued to the July 25, 2006 meeting of the PB. Louis Caron opined that it would make no sense to go forward with final plans without NH DOT involvement.

It was **MOVED** (Conly) and **SECONDED** (Andrews) **TO CONTINUE REVIEW OF PRELIMINARY PLANS FOR STONEHOUSE ROAD ACCESS TO THE HARBORVIEW SUBDIVISION IN SUTTON TO TUESDAY, JULY 25, 2006, AT 7:00 PM. THE MOTION WAS APPROVED UNANIMOUSLY.**

PB member Clough said that by then the subcommittee would have met and Louis Caron would have done some more work.

II. JANET KIDDER –Concept Site Plan Review (Tax Map 84, Lot 73)

Town Planner Ken McWilliams announced that Janet Kidder had taken herself off the agenda after meeting with municipal department heads. He said that she had wanted to replace the gas pumps with four back-up parking spaces closer to the intersection than those that already exist. Police Chief Seastrand had advised her that back-up parking spaces were illegal; those currently on-site at that location were "grandfathered."

III. JOHN MCKENNA (HAYWARD PROPERTY) – Concept Site Plan Review (Tax Map 59, Lot 1)

Vice Chair Cottrill asked Town Planner Ken McWilliams to give an overview of the proposal. Mr. McWilliams advised that John McKenna was appearing on behalf of Patrick Hayward, who would like to be have permission to sell the contents of the building located at 23 Newport Road over a period of 90 days.

PB member Clough wanted to clarify that the permission would be to sell only whatever was in the building at that time, not any additional items and not any items belonging to other people.

John McKenna advised that Mr. Hayward was trying to clean up the site. He advised that all the old cars had been removed from the rear of the building and the other junk was diminishing. He said that items from his parents' house had been taken to the Newport Road location when the house was sold. He said that there was also some plumbing equipment. In response to a question from the PB, Mr. McKenna advised that the plan to sell baseball cards was no longer under consideration.

Vice Chair Cottrill asked if there was anything hazardous on the grounds that needed to be removed. Mr. McKenna replied that there was a 1000-gallon oil tank that was about 10 years old and there was asbestos on two sides of the building as well as some asbestos inside the building.

PB member Clough advised that Mr. Hayward had been referred to the PB by the Board of Selectmen for a determination of the need for Site Plan Review to sell items in the building. Vice Chair Cottrill and PB member Andrews emphasized that any permission would only be for what was in the building right then; that nothing could be brought in and there could be no items from other sites or from other parties.

Zoning Administrator Peter Stanley spoke in support of the request on the condition that someone in authority be allowed to preview the building and its contents to assure that no additional items could appear – no friends, no flea market. Vice Chair Cottrill opined that any request for an extension of the 90 days would necessitate a return to the PB for review. He asked Mr. McKenna if there were any hazardous materials inside the building. Mr. McKenna replied that there was some Freon that needed to be sold to a refrigeration company.

Mr. McKenna advised that Mr. Hayward wanted to display items outside the building during the hours of operation. PB member Hollinger spoke against the idea opining that the property was already an eyesore. Vice Chair Cottrill recommended that the PB consider some flexibility with regard to this request in light of the current practices of other town merchants regarding the display of merchandise outside their places of business. Mr. McKenna said that the items could be located right next to the building. Vice Chair Cottrill recommended that any items displayed outside be located within 10 feet of the door in front of the building to avert sprawl, and be brought in at the close of business each day. PB member Clough opined that the four parking spaces needed to be protected. PB member Andrews said that she didn't want items all over. PB member Cook questioned whether items really had to be displayed outside. Ms Clough opined that the PB should compromise. Vice Chair Cottrill asked if displaying items at the rear of the building might be an alternative. The other members of the PB soundly rejected that idea.

Zoning Administrator Stanley advised that Mr. Hayward would be allowed two signs. He also advised that sign permits would be required.

PB member Clough said that she was hearing PB members saying that the Fire Department wanted to go through the building to mark the exits and that the sale would only be permitted during daylight hours. Vice Chair Cottrill recommended 7:00 AM to 5:00 PM. Zoning Administrator Stanley said that he would, at the direction of the Board of Selectmen, walk through with a camera to document the initial inventory. Mr. McKenna agreed to the recommended hours of operation, the walk-through with a camera to record the initial inventory, and the requirement for periodic inspections thereafter.

It was **MOVED** (Clough) and **SECONDED** (Conly) **THAT THE REQUEST FOR PERMISSION TO SELL THE CONTENTS OF THE BUILDING LOCATED AT 23 NEWPORT ROAD, TAX MAP 59, LOT 1, OVER A PERIOD OF 90 DAYS BE GRANTED, SUBJECT TO THE CONDITIONS THAT (1) THERE CAN BE NO EXTENSION OF THE 90-DAY PERIOD WITHOUT RETURNING TO THE PB, (2) THE ZONING ADMINISTRATOR CONDUCT A WALK-THROUGH WITH A CAMERA TO DOCUMENT THE CONTENTS PRIOR TO THE SALE, (3) THERE BE PERIODIC INSPECTIONS DURING THE 90-DAY PERIOD, (4) THE FIRE CHIEF WALK THROUGH THE BUILDING AND MARK THE EXITS PRIOR TO THE SALE, (5) THE SALE HOURS BE 7:00 AM TO 5:00 PM, (6) ANY ITEMS**

DISPLAYED OUTSIDE MUST BE LOCATED WITHIN 10 FEET OF THE DOOR IN THE FRONT OF THE BUILDING, (7) THERE BE NO INFRINGEMENT ON THE FOUR EXISTING PARKING SPACES, AND (8) ANY ITEMS DISPLAYED OUTSIDE MUST BE BROUGHT INSIDE EACH NIGHT. THE MOTION WAS APPROVED BY A VOTE OF 3 IN FAVOR (Clough, Cook, Conly), 2 OPPOSED (Hollinger, Andrews), 1 ABSTENTION (Cottrill).

IV. MYRA FERGUSON – Tree Cutting Request

(Tax Map 50, Lot 7)

PB Member Dale Conly presented a request by Myra Ferguson to cut two trees located within the 50-foot buffer at 584 Lakeshore Drive. He described the house as being very near the water. He said that one ash approximately 8.5 inches in diameter had been girdled by a steel cable used to hold a birch tree, and it was dead. Mr. Conly said the other tree was a big basswood that was beginning to deteriorate and leaning over the house. He said that Ms Ferguson had done a great job with planting blueberry bushes to replace the trees. He recommended that the PB approve the request.

It was **MOVED** (Cook) and **SECONDED** (Hollinger) **THAT THE REQUEST TO REMOVE ONE DEAD ASH AND ONE LARGE BASSWOOD TREE LOCATED WITHIN THE 50-FOOT BUFFER AT 584 LAKESHORE DRIVE BE APPROVED AS PRESENTED. THE MOTION WAS APPROVED UNANIMOUSLY.**

V. OTHER BUSINESS

A. MINUTES of the MAY 23, 2006 MEETING were APPROVED, with one editorial correction.

The **MEETING** was **ADJOURNED** at **9:10 PM**.

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

DATE APPROVED _____

VICE CHAIRMAN _____