

**NEW LONDON PLANNING BOARD
PUBLIC HEARING & REGULAR MEETING
JUNE 28, 2005**

PRESENT: Karen Ebel (Chair), Sue Ellen Andrews, Sue Clough (Selectman's Representative), Dale Conly, Celeste Cook, Tom Cottrill, Jeff Hollinger, Ken McWilliams (New London Town Planner).

ALSO PRESENT: Robert Daley, Intelligent Banking Solutions; Lynn Walker; Stephen Jesseman, Sublime Civil & Jesseman Associates; Mr. And Mrs. Richard Bott, abutters to the property at 35 Little Sunapee Road; Peter Stanley, New London Zoning Administrator.

Prior to the meeting, the following materials had been distributed to Planning Board members:

- o Draft minutes of the June 14, 2005 Planning Board meeting.
- o Application packet for Site Plan Review for the proposed office expansion at 35 Little Sunapee Road, as submitted by Stephen Jesseman of Sublime Civil & Jesseman Associates, agents for Robert Daley of IBS. Packet included: executive summary; request for waivers of five (5) of the requirements stipulated in Article IX §A of the New London Site Plan Regulations; memo dated May 24, 2005 from the New London Fire Department listing four suggestions relevant to fire safety for the proposed expanded office; copy of the parking lease agreement between Stephen Jesseman and Lucky Leprechaun LLC (Lampighter Motel); copy of the New London Zoning Board's August 17, 1988 approval of variance allowing the entire building complex at 35 Little Sunapee Road to be used for commercial purposes; copy of State of NH driveway permit dated August 25, 1988; list of abutters.
- o Letter dated June 6, 2005 from Marc Reed addressed to Ken McWilliams regarding Mr. Reed's application for a waiver of driveway sight distance requirement for his residence at 75 Goose Hole Road, list of abutters.
- o For the Planning Board's information: List of Native and Shore Land Plantings for New Hampshire.

At the meeting, Ken McWilliams distributed the following materials to Planning Board members:

- o Map showing proposed Reed driveway, accompanied by letters from the New London Highway and Police Departments.
- o Letter (undated) addressed to Karen Ebel, Planning Board Chair from Tammy Williams regarding her question whether or not a site plan review will be required in order for her to operate a hair salon at 188 Main Street.
- o Letter dated June 10, 2005 addressed to Selectman Sue Clough from Ken McWilliams of Upper Valley Lake Sunapee Regional Planning Commission, enclosing an estimate to prepare a Conceptual Land Use Plan for Elkins Village.
- o Memo dated June 27, 2005 from Peter Stanley to Planning Board regarding Agriculture and Animals in the Residential Zones, enclosing copy of relevant sections of NL Zoning Ordinance and NH RSA 21:34-a.
- o Compact disc from NH Housing Finance Authority containing a study conducted by Applied Economic Research, regarding housing and school enrollment in New Hampshire.

Chair Karen Ebel called the meeting to order at 7:30 p.m.

**I. AUSTIN EATON (CONSTANCE GRANGER PROPERTY- TAX MAP 61, LOT 14):
PUBLIC HEARING on PROPOSED MAJOR SUBDIVISION**

Celeste Cook moved to continue the hearing to August 9, 2005 at 7:30 p.m. Dale Conly seconded. Karen Ebel clarified that the continuance was primarily in order to accommodate Mr. Eaton's attorney's schedule. Members concurred that the postponement of tonight's public hearing to August 9th has been adequately advertised, and no further advertising will be necessary. **The motion to continue the Public Hearing for Austin Eaton's proposed major subdivision of the Granger property to August 9 at 7:30 p.m. was unanimously approved.**

**II. SUBLIME CIVIL & JESSEMAN ASSOCIATES – FINAL SITE PLAN REVIEW FOR OFFICE
EXPANSION AT 35 LITTLE SUNAPEE ROAD (TAX MAP 60, LOT 3)**

As an abutter to this property, Sue Clough recused herself from the Planning Board for the duration of this hearing.

Steve Jesseman presented the final site plan review to the Board, pointing out that they have made the changes requested at the earlier preliminary consultation, including noting the location for the two trees that will be planted as screening, and showing the drainages on the plan as required by Article IX §A-8 of the New London Site Plan Regulations. (Originally, they'd requested a waiver of this requirement.) He went on to explain that the drainages on the motel side of the building have been corrected, obviating the need to utilize the easement previously granted for that purpose. Karen Ebel confirmed that information relating to the requested waivers which were not granted are noted on the plan presented tonight. Sue Andrews confirmed that the plan shows the structures on contiguous properties. The plan also includes a note re: waste disposal.

The application packet includes a copy of the agreement with Lucky Leprechaun LLC dba Lamplighter Motel, which resolves that Stephen Jesseman will terminate the (above mentioned) easement in exchange for weekday, business-hours use of five parking spaces at the rear of Lamplighter Motel's building. In response to question from the Board, he said the original of this agreement was signed by both parties but was "still with the attorney." Thus, there will be five parking spaces in the motel's lot, and, as shown on the plan, three parallel parking spaces in front of the building which will be delineated by temporary barriers. These will be for parallel parking only, no "head-in parking." Karen Ebel noted that the reference to these on the plan does not include "striping." The final approval of this site plan should stipulate that these three parallel parking spaces will be "paved and striped."

Abutter Richard Bott asked who in Town sets the zoning lines. Ken McWilliams explained that the zoning map was accepted along with the zoning ordinance. There are three ways that a zoning line can be changed: through the same process used to adopt an amendment to the ordinance itself, through a variance granted by the ZBA, or through a Planning Board process. He noted that, in this case, the portion of this building which is located in the residential zone is allowed to be used commercially vis-à-vis a 1988 zoning variance.

Richard Bott asked about the appeal process, Ken McWilliams said an appeal of the interpretation of the zoning ordinance can be made to the ZBA, but appeal of any other aspect of the site plan would go directly to Superior Court. He added that the process is not outlined in the Town's zoning ordinance, but it is State statute.

Richard Bott asked if previous restrictions (referring to the conditions of approval for the 1988 variance) will be incorporated into this site plan. Ken McWilliams said yes, that is stipulated in note #11 on this plan.

Richard Bott asked about size of the Norway spruces that will be planted. Steve Jesseman said they will be about three-feet tall, and will grow about a foot a year. Richard Bott said he would like to see something taller, perhaps six feet. Sue Andrews asked Ken McWilliams if a requirement for six-foot trees would be prohibitively expensive. Ken McWilliams said it would not, and the consensus of the Planning Board was that a requirement for the tree plantings to be six-feet should be part of the approval, but does not require an amendment to the plan.

Richard Bott asked about reconsidering an access onto Main Street. (Said access previously allowed by the easement in the deed, will be forfeited as part of the above-mentioned parking space agreement.) He said that Little Sunapee

Road is zoned residential zoning, and he reminded the Board that at a certain point in history, the Town approved increasing its zoning from one to two acres (indicating a desire to keep that area residential). He said that by getting out of that easement, the applicants are assuring that more traffic will be loaded onto Little Sunapee Road. He feels that with good planning, they should be able to move the traffic onto Main Street. Steve Jesseman said the deed which contains that old agreement is very vague, but it stipulated that traffic into the Motel parking lot be one-way, not two way.

Richard Bott pointed out that the plan shows fifteen parking spaces, but it was stated earlier that a building this size may have thirty employees. Peter Stanley clarified that that number is based on NFPE standards which stipulate a maximum occupancy level of one person per 100 square feet. Richard Bott said the point is, where do they park the cars. Inevitably they are going to park on Little Sunapee Road. Robert Daley said his company has eight employees based in New London now, and he anticipates hiring another within six months, and perhaps another in a year or two. He added that this application does comply with New London zoning; they are not asking for anything outside the zoning laws. Jeff Hollinger asked what if, down the road, he does have thirty employees, where are they going to park. Ken McWilliams said typically that does not happen in New London. He added that the recent parking study indicated that there is more than adequate parking available, but that there may still be questions about how parking can be worked out on an individual site. Karen Ebel asked Mr. Daley if he anticipates as many as thirty employees in the future. Robert Daley said that they couldn't do it in that building. He would anticipate no more than fourteen or fifteen employees in that building, noting that Steve Jesseman will only be there three more years. Tom Cottrill noted that the base line they are starting with now is eleven employees, eight for IBS, and three for Jesseman Associates.

Richard Bott asked what's going to happen in the future, how will this be controlled? Board members confirmed that if a change in use occurs here, another site plan review would be required; however, if another office use—such as a change to a real estate business, for example—occurs at this location, a site plan review would not be required. Mr. Bott again asked how this will be controlled in the future. He asked, what if next year, the company starts having sales people coming and going. Sue Andrews said the Planning Board must look at this from the standpoint of the Town's zoning ordinance. Another site plan review will be required if another business moves in there. Again, Ken McWilliams clarified that if it is an office business, another site plan review would not be required.

Robert Daley reiterated that applicants are conforming to the laws. Richard Bott said applicants are fronting on a residential area. Steve Jesseman said two adjacent properties on Little Sunapee Road—Powers Point and this, are commercially zoned. Sue Clough said the concern about increasing traffic and the possibility of a change from this office use to whatever comes next, is understandable. She suggested the Planning Board should consider whether it is appropriate to allow entry to a commercial business off a residential street, or in residential zones without more restrictions being placed on the commercial uses. Celeste Cook asked to confirm—and received confirmation—that having this traffic go through the motel parking lot may not be considered.

Dale Conly suggested limiting employees to a certain number, and requiring that applicants return to the Planning Board if they exceed that number. Ken McWilliams said that is not normally done, but the Board can place conditions on a site plan. He suggested a condition stipulating that the site must accommodate the business's parking needs, and that its parking may not spill over onto Little Sunapee Road. Peter Stanley added that if that is made a condition of approval, and if it is violated, that would constitute a zoning violation. Steve Jesseman said they can require that their own people park on site, but not others. The Town would have to make that an ordinance, and post a sign.

Richard Bott pointed out that there are swales on Jesseman's side of the road, but not on his side. Normally, people park on their (the Botts') side of Little Sunapee Road. Robert Daley agreed that there is a ditch on his side of the road. He suggested the Botts could require that people not park on their property. Richard Bott said they are parking in the state's right of way in front of his property. Sue Clough said he would have to draw that to the attention of the Selectmen. Peter Stanley said that it is a state road. Sue Clough said the Town is able to post signs on Main Street. Sue Andrews said it would be reasonable to expect that they can handle their parking on-site. Steve Jesseman said that is not part of the requirements. Karen Ebel said the Board can make that part of an approval. Sue Andrews said

that really is the Planning Board's goal for all its site plans. She pointed out that the plan does show fourteen parking spaces. Steve Jesseman said he could accept a requirement for on-site parking for the employees, but cannot enforce that on any others. Tom Cottrill asked if the two spaces by the door are designated for Visitors. He went on to raise a question about whether the driveway is in the residential or commercial zone. Karen Ebel said the variance allowing commercial use of that part of the building which is in the residential zone is a done deal. She concluded this discussion by suggesting that there be a requirement that the two spaces by the door be posted for Visitors, and that employees be required to park on site. Robert Daley said he has no problem with that.

Richard Bott asked if there will be an increase in lighting on the sign from the current 100 watt bulb being used. Robert Daley said there will be no increase in lighting on the sign and agreed not to exceed what is presently there.

Richard Bott opened discussion of the temporary barriers placed to delineate the three parallel parking spaces on the road. Karen Ebel said it is the understanding that once that is paved and striped, those barriers will be removed. Richard Bott asked how parallel parking is going to be enforced there. Ken McWilliams said parallel parking is easier to enforce with the barriers there, but that this site plan stipulates that those parking spaces will be paved and striped. He suggested a requirement stating that if once the area is paved and striped, it is noted that people are still parking "head-in," the barriers will be replaced. Karen Ebel added that they would have to be removed for snow plowing. Peter Stanley said this is really a minor issue, and Richard Daley pointed out again that they will not have retail traffic and parking. Karen Ebel concluded this discussion by suggesting the Board go with the plan as is, and with Mr. Daley's representation that there will be parallel parking only. There will be temporary barriers there, and those will only be removed for plowing. Eventually, those spaces will be paved and striped. Robert Daley said that will happen in the next couple of years. He agreed to make sure that the spaces are only used as parallel parking spaces.

Richard Bott said their concern is what happens if Mr. Daley leaves. Jeff Hollinger pointed out that the Planning Board has addressed a number of concerns about this site plan, including changes to the parking, and limiting employee parking to on-site. He said the Planning Board's job is to live with the regulations, and to make the neighbors happy as much as possible. Richard Bott said he does not feel enough has been done. Karen Ebel and Sue Andrews questioned what more can be done here. Peter Stanley said the way the Board is addressing these issues is fine, including eliciting support from the property owner. Sue Andrews agreed with the suggestion that the Board require that those spaces be for parallel parking only, and if the plan is violated, some kind of barrier must be put back there. Richard Bott said if parallel parking is not adhered to, some kind of permanent barrier should be installed there. Robert Daley said the barriers cannot be permanent; they must be removed for snow plowing. Karen Ebel asked Mr. Daley for a simple representation that he would do what he could to keep people from parking head on because she did not want to set up a situation where the town was continually called in to deal with such issues. It was a waste of the town's time and money. Peter Stanley concurred. Mr. Daley agreed to do so.

Richard Bott asked if a bond will be required. Ken McWilliams said that is not normal for site plans, but it could be made a condition of approval. Sue Andrews asked who would post the bond; she asked about the timing of the building's sale. Mr. Daley agreed to have the planting done by September 30. It was decided that no bonding was required.

Richard Bott said he would like to obtain copies of the conditional approval, and the meeting minutes. Karen Ebel said the draft minutes will be distributed by Jessie Levine by email to her distribution list if he is on it, he will get them that way. She said the approved minutes will be on the town's website in the Planning Board section. Mr. Bott may get on the email list. He was advised that he can also get copies of the approval and meeting minutes at the Town Offices.

She opened discussion of the waivers. Ken McWilliams said it looked like the Board addressed those at the preliminary. Karen Ebel asked if it is a matter of law that the Board specifically grant the waivers by resolution. Jeff Hollinger moved to grant the waivers as requested in the June 28, 2005 letter from Sublime Civil & Jesseman Associates. Dale Conly seconded the motion. Steve Jesseman reminded the Planning Board that at the preliminary, it declined to waive Section A-8 of Article IX of the Site Plan Review requirements and that that request was still in

the June 28th letter. . Jeff Hollinger so amended the motion to exclude that section, and Tom Cottrill seconded the amendment. There was no further discussion. **The motion to grant the requested waivers of requirements stipulated in Article IX, Section A-1, 9, 15, and 18 be granted, was unanimously APPROVED.** Section A-8 of that Article will not be waived.

Karen Ebel summarized the proposed conditions of approval:

1. A final copy of the parking space lease agreement with Leprechaun LLC will be submitted.
2. Two six-foot tall Norway spruces be planted by September 30 of this year.
3. All employee parking must be accommodated on-site.
4. Signs will be posted restricting the two spaces by the door for Visitors Only.
5. Once the parallel parking space area is paved and striped, the barriers will be reinstalled if the paving and striping of those spaces is not effective in preventing head-on parking.
6. Applicants will comply with state and local fire protection codes, and will follow through on the suggestions made by the New London Fire Chief in his May 24 letter to the Planning Board.

Sue Andrews moved that the Planning Board approve this site plan with the above conditions. Tom Cottrill seconded. Sue Clough asked to confirm that only employee parking is required to be on site. The Board is not worried about visitors parking along Little Sunapee Road? Members agreed to add “and regular client traffic” to condition #3 above. The Botts indicated that they would be satisfied with that wording. Richard Bott asked again, what if the property is sold. He said the zoning regulations are to protect the neighborhood. Sue Andrews said the Board is protecting the neighbors from having employees parking there all the time.

Jeff Hollinger moved to approve the final site plan for office expansion for Sublime Civil & Jesseman Associates at 35 Little Sunapee Road, subject to the enumerated conditions. Dale Conly seconded. There was no further discussion. **The motion to approve this site plan was unanimously APPROVED, subject to the following conditions:**

1. A final copy of the parking space lease agreement with Leprechaun LLC will be submitted.
2. Two six-foot tall Norway spruces be planted by September 30 of this year.
3. All employee and regular client traffic parking must be accommodated on-site.
4. Signs will be posted restricting the two spaces by the door for Visitors Only.
5. Once the parallel parking space area is paved and striped, the barriers will be reinstalled if the paving and striping of those spaces is not effective in preventing head-on parking.
6. Applicants will comply with state and local fire protection codes, and will follow through on the suggestions made by the New London Fire Chief in his May 24 letter to the Planning Board.

III. MARC REED - PUBLIC HEARING FOR APPEAL OF DENIAL OF DRIVEWAY PERMIT (TAX MAP 42, LOTS 16 AND 17)

As Marc Reed was not present, members agreed to go on with the next item of business and return to this, if Mr. Reed arrived.

IV. TAMMY WILLIAMS - INQUIRY RE: REQUIREMENT FOR SITE PLAN REVIEW FOR ONE-STATION HAIR SALON BUSINESS AT 188 MAIN STREET.

Ken McWilliams informed the Board that this will not be an intensive use. Sue Clough confirmed that she will need two parking spaces. Ken McWilliams said the parking study indicated that there is lots of extra space there. Karen Ebel asked to confirm that the business would probably not generate concerns from other people with offices in the building, but then opined that that is a matter for the property owner to resolve. Sue Clough moved that no site plan review will be required for the establishment of Tammy Williams’ New London Hair Studio in the 300 square foot space on the first floor of 188 Main Street. Tom Cottrill seconded. **There was no further discussion, and the motion was unanimously approved.**

V. OTHER BUSINESS

1. Ken McWilliams opened brief discussion on the proposal for a Conceptual Land Use Plan for Elkins Village. This idea was generated last fall, when the Selectmen first asked Bob Andrews to look into the possibility of improving the beach area there. Since then, other issues have come to the table, including a need for enlargement of, or improvements to, the post office there; the placement of the Mesa building on the market; concerns about the park land. The question raised is, what is the long-range picture for that village? Do people want to continue to have a commercial core there, or is that no longer appropriate? Should it be limited to residential and institutional, ie, the post office? He said the plan would become a neighborhood element of the Town's Master Plan, and added that they will be seeking input from the village. Sue Clough said the Selectmen would like to establish an advisory committee for this, to include members from the Planning Board, Elkins residents and the Board of Selectmen. Celeste Cook and Sue Andrews volunteered to serve on that advisory committee.
2. Dale Conly reported that he attended the Main Street Committee meeting. Issues raised there included parking, travel flow, the Pleasant Street intersection. A four-way stop sign has been proposed for the intersection of Newport and County Roads. Also burial of the utility lines will be considered. He added that a suggestion was made at the meeting, that when they get into the Master Plan, there be some consideration to expanding the commercial zone. Planning Board members noted that the last time they proposed an expansion of the commercial zone, it was opposed. Sue Clough said the Main Street Committee member list consists of people who had volunteered, primarily through the Citizens' Advisory Committee. She and Dale Conly said the committee is by no means complete at this point, but should include a wide diversity of people, including representation from the college.
3. Peter Stanley opened brief discussion on the idea of amending the zoning ordinance to address the increasing number of issues being raised regarding animals in the residential districts. Sue Clough advised caution that the ordinance not prohibit too much. It should not exclude things like farming, and kids involved with 4-H. Peter Stanley agreed, but said that the current regulations are unclear, too general, and too subjective. Sue Clough suggested that an ordinance could be acreage-based, that some determination could be made on what is the appropriate size of lot for different species and numbers of animals.. Peter Stanley agreed that it may be a good idea to restrict by acreage in the R1 and R2 zones. He will look into this further, including researching information from the Department of Agriculture and the Natural Resource Conservation Service. Ken McWilliams agreed to assist him.
4. Sue Andrews moved that Jeff Hollinger and Tom Cottrill be the Planning Board's representatives to the CIP Committee. Celeste Cook seconded. No further discussion. Motion unanimously approved.
5. Ken McWilliams and Karen Ebel went over scheduling:
 - The next subcommittee meeting for the Eaton's proposed major subdivision of the Granger property will be on July 12 at 11 a.m. at the fire house.
 - The Kearsarge/Lake Sunapee Housing Coalition will be coming in for a preliminary discussion on July 12.
 - The Kearsarge/Lake Sunapee Area Community Center Committee will be coming in on July 26.Ken McWilliams ascertained that there will be a quorum present for each of the above dates.
 - The Public Hearing for the Eaton subdivision has been scheduled for August 9 at 7:30 p.m. Sue Clough inquired about the timing of the application process. Ken McWilliams said that the Board

has up to 30-days from submission of the final application to get it on its agenda, and 65 days from the date of acceptance of that application as complete, to reach a decision.

- The Planning Board will not hold a meeting on August 23.

6. Dale Conly moved to accept the minutes of the June 14, 2005 Planning Board meeting as drafted. Celeste Cook seconded. No further discussion. Motion unanimously approved.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

S.A. Denz
Recording Secretary *pro tem*

DATE APPROVED _____

CHAIRMAN _____