

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
April 12, 2005**

PRESENT: Sue Ellen Andrews, Dale Conly, Celeste Cook, Tom Cottrill (Vice-Chairman), Mark Kaplan (Selectmen's Representative), and Kenneth McWilliams (Planner)

ABSENT: Karen Ebel (Chairman) and Jeff Hollinger

Vice-Chairman Cottrill called the **MEETING TO ORDER** at 7:30 PM.

I. BRIDGET LEROY – Concept Site Plan Review: Need for Site Plan Review for Converting One Guest Room to Small Gift Shop (Tax Map 84, Lot 89)

Bridget LeRoy described the alterations involved in converting one ground floor guest room into a small gift shop. She advised that a door had been moved to create an access off the common room.

Ken McWilliams opined that the change was minor and noted that there would be no external access. He explained that, if the gift shop would be solely for New London Inn guests, there would be no need for site plan review; however, because there could be occasional off-the-street customers, the PB should rule on the matter. A brief discussion ensued.

It was **MOVED** (Andrews) and **SECONDED** (Conly) **THAT NO SITE PLAN REVIEW BE REQUIRED FOR CONVERSION OF ONE GROUND FLOOR GUEST ROOM INTO A GIFT SHOP AT THE NEW LONDON INN (TAX MAP 84, LOT 89). THE MOTION WAS APPROVED UNANIMOUSLY.**

Peter Stanley, Zoning Administrator, recommended that Ms LeRoy submit any future request *before* the modification is made, *not after* the fact.

II. DISCUSSION OF CALCULATING DENSITY FOR CLUSTER DEVELOPMENT WITH MULTIPLE UNDERLYING ZONE DISTRICTS

Ken McWilliams directed the PB's attention to a "handout" containing provisions from the New London Zoning Ordinance. He advised that the Density provision from Article XVIII Cluster Development (page 47) was adopted in 1989 and preceded the Lots with Overlapping Zone Districts provision found in Article IV Establishment of Districts and District Regulations (page 27).

Vice-Chair Cottrill opined that, in typical zoning, the more restrictive of the two provisions would apply. Mr. McWilliams explained that the density of a cluster development spanning multiple zones needed resolution. He added that, taking both provisions into account, town counsel had recommended applying the most restrictive requirements to the entire parcel. He noted that it would still be possible for the owner/developer to subdivide the parcel along district boundaries so that lots would be totally in one zone and density could be calculated accordingly. Mr. McWilliams explained the interpretation and recommended modifying the language if the PB wanted to change that interpretation.

Zoning Administrator Peter Stanley advised the PB of two potential cluster developments that would involve property in multiple zones. He stated that town counsel had noted that the common land goes around the entire cluster development and a buffer would be required around the entire development. There was general discussion regarding the location of the two properties cited, the acreage in each zone, and the amount of useful land in the parcels. Ken McWilliams gave examples of the number of units that would be permitted with and without the Zoning Ordinance clause relating to overlapping districts and noted that it has the effect of reducing density. PB member Andrews opined that the ordinance forces the owner/developer to establish separate developments. Mr. McWilliams advised that the cluster development regulations permit placement of buildings wherever on the property the owner/developer wishes. Mr. Stanley opined that the last sentence in Article V. A. 3. Density requires the developer to abide by the regulations for whatever zone in which the cluster is placed.

PB member Kaplan clarified that, should cluster development of property spanning multiple districts occur, existing rules would reduce the number of dwellings permitted or would permit the developer to subdivide along district boundary lines and develop the subdivided parcels separately. He requested, and received, confirmation that his

understanding was correct. If the property were to be developed as one entity, the most restrictive regulation would apply. PB member Andrews expressed agreement with the intent of the regulation. Mr. Kaplan asked if town counsel had cited any court cases in relation to the expressed opinion. Mr. Stanley replied in the negative.

Zoning Administrator Stanley opined that it would become an issue in situations where it would not be possible to fully use the property due to dimensional limitations and/or wetlands. He suggested that the relevant section of the zoning ordinance could use clarification when the next amendments are drafted.

Mr. McWilliams voiced his conclusion that the PB would support the more restrictive interpretation of the regulations. PB member Conly asked if placement of the dwellings on the property would have any effect. Mr. McWilliams replied that the basic issue is the number of dwellings, not the placement. He opined that it is important for developers to know the rules well in advance of planning development.

III. CHRISTOPHER J. BROOM – Concept Site Plan Review: Need for Site Plan Review for Small Addition – Village Green (Tax Map 85, Lots 42 & 43)

Christopher Broom displayed a plan and described the addition made approximately one year ago. He also pointed out the proposed new addition of just under 500 sq. ft. and measuring approximately 25 feet in width and approximately 20 feet in length. He advised that the addition would stay below the 500 sq. ft.

Zoning Administrator Stanley advised that there was adequate space in the parking lot when the calculation was done for last year's addition. PB member Andrews asked why Mr. Broom wanted to stay under 500 sq. ft. and asked if he simply wanted to eliminate the need for SPR. Mr. Stanley noted that the guideline is less than 500 sq. ft. or less than 10%, whichever is lesser.

PB member Cook asked the reason for the addition. Mr. Broom replied that Walt Reney would like to move his business to the first floor and, thereby, leave the upstairs space for a new tenant. PB member Andrews asked about the connectors depicted on the plan. Mr. Broom replied that there are currently three separate buildings with no connectors.

Ms Andrews asked if parking would still be adequate. Mr. McWilliams and Mr. Stanley both replied in the affirmative. Mr. Stanley, however, expressed concern that the parking area is now owned by three different parties. He recommended that there should be written documentation of whatever agreements exist. Mr. Broom replied that he holds a right of first refusal should the current owners decide to sell. Ms Andrews observed that one party could build more or make a change in use that could eat up all of the available parking without the other parties knowing anything about it. Mr. Stanley inquired about the intent of the new tenant. Mr. Broom replied that it would be some type of accounting business. Mr. Stanley observed that in this instance, the demand for parking would decrease; however, if the entire site were to become retail, parking problems could arise.

Mr. McWilliams opined that it would be senseless to cut off a jog of the addition just to stay under the 500 sq. ft. minimum. He advised that he had viewed the site and opined that available parking would be more than adequate. Fire Chief Peter Stanley advised Mr. Broom that any new construction would have to comply with all applicable fire code regulations.

Vice Chair Cottrill asked what dimensions were being requested. Mr. Broom replied that he was waiting for the builders to advise him. Mr. Cottrill suggested that given the amount of parking available, the layout of the lot, and the proposed addition, it might be reasonable to allow a maximum of 560 sq. ft. rather than 500 sq. ft. Following discussion, other PB members agreed. Zoning Administrator Stanley advised that, if Mr. Broom were to apply for a building permit in excess of 28' x 20', he would refer Mr. Broom back to the PB.

It was **MOVED** (Andrews) and **SECONDED** (Conly) **THAT THE VILLAGE GREEN (TAX MAP 85, LOTS 42 & 43) BE PERMITTED TO BUILD AN ADDITION NOT TO EXCEED 28 FEET BY 20 FEET (560 SQ. FT.) WITHOUT A SITE PLAN REVIEW. THE MOTION WAS APPROVED UNANIMOUSLY.**

IV. DISCUSSION OF “PAPER SUBDIVISIONS” AND THEIR DISPOSITION

Ken McWilliams opened the discussion by advising the PB of several subdivisions approved very long ago and for which there has been no further action. He referred the PB’s attention to a “handout” relating to Local Land Use Planning 674:39 Four-Year Exemption and 676:4a Revocation of Recorded Approval. The former refers to subdivisions on which progress is being made, and the latter provides for the revocation of approval when the owner/developer has failed to make any progress. He and Zoning Administrator Stanley identified two such subdivisions in New London. Mr. McWilliams noted that changes occurred when the ARR District regulations were amended.

PB member Andrews asked if the owners were being taxed on individual lots or on one parcel. Mr. Stanley replied that individual lots were taxed; however, the rate would be lower because they are undeveloped lots. PB member Kaplan opined that threatening to revoke subdivision approval might force the owners to develop the lots and suggested that it would be better to let the issue lie. Ms Andrews asked if the owner could object if the PB moved to revoke the plat. She also noted one additional subdivision that would qualify. Ms Andrews asked if the time frame was different for the various lots identified. Mr. McWilliams advised that different ownership would make it difficult to revoke. Mr. Kaplan reiterated his advice to tread lightly and opined that, since the subdivisions were not doing anyone any harm, it might be best not to stir things up.

PB member Conly suggested notifying the owners that the PB was reviewing all such cases. The consensus of the PB was that doing so could result in forcing development. Zoning Administrator Stanley opined that the issue would not go away. He opined that the land would be very attractive to many developers, although the current owners probably would not develop.

Mr. McWilliams recommended that the PB take the issue under advisement. He added that one of the appraisers had suggested that larger lots may actually be more attractive to potential buyers.

The **MEETING** was **ADJOURNED** at **8:30 PM**.

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

DATE APPROVED _____

CHAIRMAN _____