

**NEW LONDON PLANNING BOARD
PLANNING BOARD WORK SESSION
JUNE 7, 2007**

MEMBERS PRESENT: Karen Ebel (Chairman), Celeste Cook, Tom Cottrill, Dale Conly, Michael Doheny, Jeff Hollinger, Ken McWilliams (Planner), Larry Ballin (Selectmen's Representative),
Alternate Michele Holton

Chair Karen Ebel called the **MEETING TO ORDER** at 7:00 PM.

I. SUMMER SCHEDULE

Ken McWilliams reminded the PB that it had not yet determined the summer meeting schedule.

Chair Ebel advised the new members of the PB that usually the PB met only once a month during the months of July and August. She said that the PB should also determine whether or not there was a need for a meeting on June 26, 2007.

JUNE: Ken McWilliams advised that there was currently only one agenda item, a boundary line adjustment, scheduled for June 26, 2007. Chair Ebel and PB members Cook and Hollinger advised that they would not be available for a meeting on that date. Given the lack of agenda items and the projected absence of PB members, Chair Ebel recommended not having a meeting on June 26. Zoning Administrator Peter Stanley said that Harry Snow might ask to be on the June 26 agenda. Mr. McWilliams stated that all materials would have to be submitted by Tuesday, June 12. Following discussion, the PB decided that it would meet on June 26, 2007.

JULY: Chair Ebel reiterated that the PB usually met only once during July. Mr. McWilliams reminded the PB that it had consistently spoken about finishing the regulatory revisions before beginning work on the Master Plan Update. He advised that the revised Site Plan Review Regulations and the revised Land Subdivision Regulations needed to be reviewed one more time. PB member Ballin suggested using the second meeting in July for the final review of the proposed revisions to the regulations. Chair Ebel advised that the PB would have to keep the agenda open for other items as well.

AUGUST: PB members agreed to schedule only one meeting in August.

II. REFERENCE MATERIALS

Ken McWilliams distributed a list of Low Impact Development (LID) Consulting Engineers provided by Dr. Robert Roseen, Director of the University of New Hampshire Stormwater Center. Mr. McWilliams suggested that the PB might want to consult with an LID engineer regarding the proposed revisions to the regulations; i.e., have an LID engineer review and comment on the proposed regulations.

Mr. McWilliams also distributed copies of Scientific Investigations Report 2005-5103, a report prepared in cooperation with the New Hampshire Department of Environmental Services regarding the Effects of Urbanization on Stream Quality at Selected Sites in the Seacoast Region in New Hampshire, 2001-2003. Mr. McWilliams advised that the study showed that an even smaller amount of impervious surface than previously believed has a negative impact, thus making erosion control regulations more important.

Chair Ebel advised that legislation had recently been passed in the NH House and Senate, HB 383, that would upgrade the Shoreland Protection Act. She said that its passage would impact on New London's regulations. Zoning Administrator Peter Stanley added that the legislation would make the State legislation more restrictive and would use a point system, rather than basal area, as a basis for cutting in shoreland districts. Chair Ebel said that she would distribute copies of the bill to PB members via e-mail.

III. DRAFT SUBDIVISION REGULATIONS – Continued Review & Discussion

SECTION V – APPLICATION SUBMITTAL REQUIREMENTS

A. MAJOR SUBDIVISIONS

13. e. Security and/or performance bond (page 41): Chair Ebel asked if there had been any input from Louis Caron regarding the proposed revision. Mr. McWilliams replied that Mr. Caron had an entirely different approach. Chair Ebel said that she thought Mr. Caron's approach had been used in the PB's review of the Harborview Subdivision in Sutton with Access via Stonehouse Road in New London. Mr. McWilliams confirmed that it had been used. He said that he would revise the draft.

D. VOLUNTARY MERGERS.

1. PB member Hollinger noted that the Appendix number was missing from the reference (page 46) and asked if the numbers for the appendices would be added at a later time. Mr. McWilliams responded affirmatively.

SECTION VI – STANDARDS FOR SUBDIVISION DESIGN

A. CRITERIA FOR PLANNING BOARD ACTION

1. Best Use of Land (page 47): Chair Ebel asked if buffers, soil erosion, wetlands, wildlife, and steep slopes should be included in the list of issues that the PB can review.

B. CHARACTER OF LAND FOR SUBDIVISION

1. General (page 47): PB member Conly opined that the language was very open. Zoning Administrator Peter Stanley replied that there was no science, no criteria, no way to measure the character of the land. Chair Ebel said that the General section was an introductory paragraph and that the following sections were more definitive. Zoning Administrator Stanley reiterated that there were no tools to measure the character of the land.

2. Minimum Lot Size by Soil Type (pages 47-48):

PB member Hollinger asked if the referenced Exhibit C was something that would be added later. Mr. McWilliams responded affirmatively.

Chair Ebel noted that there were several references to the zoning ordinance. She recommended citing the "regulations, as amended" to prevent being in conflict.

PB member Ballin said that he was somewhat confused by "Lots With Multiple Soil Types". Zoning Administrator Stanley opined that it should be the "sum of all soil types". PB members agreed to the change in wording.

C. PREMATURE SUBDIVISION DEVELOPMENT (page 49)

Chair Ebel advised that Town Counsel Adele Fulton had advised in her March 27, 2007 memo how to further define "premature subdivision". Attorney Fulton had recommended that the scattered and premature regulation be strengthened. Chair Ebel opined that since legal counsel had recommended it, the regulation should be revised accordingly. Mr. McWilliams said that he would draft a proposed revision.

- F. PROHIBITION AGAINST RESERVE STRIPS (page 50): PB member Cottrill asked how someone would know if he had a “reserve strip”. Mr. McWilliams responded that this was a standard provision, but he had never seen it called into use.

FIRE PROTECTION (page 50): Zoning Administrator Stanley advised that “Board of Fire Engineers” should be changed to “Board of Firewards” in this section, as well as elsewhere in the document.

- J. DRIVEWAYS (page 50): Chair Ebel stated that the Driveway section should refer to the Driveway Regulations, *as amended*.

- K. BOUNDS (pages 50-51): Zoning Administrator Stanley asked if there should be something about the timing of monumenting. He and PB member Hollinger both opined that monumenting should be completed before construction begins. Mr. McWilliams responded that monuments should be set before the plat is signed. Zoning Administrator Stanley said that did not happen in the Great Pines subdivision. He said the subdivision monuments were set; however, the individual lot monuments were not set until much later. PB member Doheny opined that the monuments should be set before final approval.

- L. STORMWATER & EROSION CONTROL DESIGN STANDARDS (page 51): Chair Ebel asked if the term “town inspector” had been defined. Zoning Administrator Stanley replied that it had been changed in the earlier review of the proposed regulations. He suggested a global change be made. PB Cook asked if there were any fees involved in the inspections. Zoning Administrator Stanley replied affirmatively and said the fees were paid by the applicant. Mr. McWilliams advised that Inspection Services on page 5 outlined the fees.

1. Hydrologic and Hydraulic Criteria for All Designs (page 51):

1. a. Chair Ebel asked if the proposed regulation would limit the PB’s option to get a hydrological engineer if it didn’t want to be limited to a civil engineer. Mr. McWilliams replied that the wording suggested was standard language.

2. Stormwater Recharge (page 52):

2. b. Chair Ebel asked about the use of a 1.0 inch storm. Mr. McWilliams replied that all the engineers have been advising that they are now addressing small storms.

2. e.4. (page 53) Chair Ebel commented that many of the activities on the list were not even allowed. Mr. McWilliams replied that they might be allowed by Special Exception. Discussion ensued regarding SARA 312 generators.

3. Pretreatment:

3. b.6) (page 54): Chair Ebel asked about the sand calculation. Mr. McWilliams advised that he had checked the calculation with Richard Lee, New London Director of Public Works.

4. Flooding Protection

4. b.1. (page 54) Zoning Administrator Stanley advised that the area was experiencing 50-year storms frequently and asked that 50-year storms be added to the list. Mr. McWilliams agreed to make the addition.

4. b.8 (page 55) PB member Cook asked what the meaning of TR-55 was. Mr. McWilliams replied that it was the standard method used to establish flow rates. PB member Cook opined that it would be good if the applicant would give the PB a succinct summary of the major points during site plan review. Mr. McWilliams said that sometimes information could be found in the Executive Summary.

7. Erosion Control

7. c.2) (page 57) Zoning Administrator Stanley asked if there should be a provision for inspection included. PB member Cook asked inspection by whom. Chair Ebel responded that the inspection would be by the designated town inspector. Zoning Administrator Stanley advised that the problems arose from improperly installed systems. Chair Ebel asked if one-half acre was adequate. Mr. McWilliams replied that one-half acre was the standard allowance.
7. c.5) (page 57) Zoning Administrator Stanley opined that mass clearance should either be prohibited or not addressed. He opined that advising someone to avoid an action does not work. NH Department of Environmental Services looks at the driveway and the lots as separate projects. Chair Ebel also recommended that “disturbed” be changed to “initiated”.
7. c.8) (page 58) Chair Ebel asked if 14 days was a reasonable timeframe. Zoning Administrator Stanley said that it was. PB member Conly observed that a lot of checking would be needed. Mr. Stanley agreed, but advised that checking needed to be authorized by the Board of Selectmen.
7. c.9) (page 58) Zoning Administrator Stanley recommended that there be a requirement for inspection prior to the initial disturbance.
7. c.11) (page 58) PB member Cook asked how dust would be controlled. Zoning Administrator Stanley opined that dust should be controlled by Best Management Practices (BMP) established by the PB. Chair Ebel advised that the section needed to be revised to be more definitive. Mr. McWilliams said that he would look into standards established by other regulations.
7. c.14) (page 58) Chair Ebel noted that the proposed regulation addressed slopes steeper than 3:1. She wondered if it should track the New London steep slopes ordinance. The verbal consensus of the PB was the proposed regulation would be adequate.
- 7c.19) (page 59) Chair Ebel noted that the proposed regulation provided for an inspection. Ken McWilliams said that he would do a global change to bring all references to inspections into agreement. Chair Ebel recommended including a statement that “unless otherwise indicated all inspections will be conducted by the town inspector”.
- 7c.21) (page 59) Chair Ebel asked if this was where a homeowner’s association should be mentioned. Mr. McWilliams replied affirmatively, and said that he would make the change.
9. Storm Frequency Design Requirements
9. a.-9.e. (pages 62-63) PB member Hollinger asked about increasing the design requirements to include 50-year storms. Mr. McWilliams advised that he would need to get some feedback from engineers. He said that the data presented was the standard engineering measure. Chair Ebel, PB member Cottrill, and PB member Hollinger all asked Mr. McWilliams to check for 100-year storm data. Mr. McWilliams responded that the PB could include the requirement in the proposed regulation and then allow engineers to comment on the 50-year and 100-year storm inclusion.
10. Culvert Design: 10.d. (page 63) Chair Ebel asked if the culvert sizes were the standard. Mr. McWilliams said that he would check. PB member Conly opined that New London was especially susceptible. Zoning Administrator Stanley opined that the regulatory requirement needed to be conservative.
12. Ditches (page 68) Chair Ebel asked if Director of Public Works Richard Lee had had any input to this section of the proposed regulation. Mr. McWilliams responded affirmatively.
- 14.7 Off-Site Drainage Considerations (page 69) Chair Ebel asked if the language should be updated. Mr. McWilliams replied that the language agreed with parts of existing regulations. Chair Ebel asked if the PB had decided whether or not to have the proposed regulations reviewed by town counsel.

Mr. McWilliams said that it had not and the regulations could be reviewed. The PB decided to take this under advisement.

M. LANDSCAPE DESIGN STANDARDS FOR STORMWATER TREATMENT

8. Parking Lots (page 73) Chair Ebel asked PB members if they liked the standard presented. Zoning Administrator Stanley opined that it was "pretty liberal". Mr. McWilliams advised that the proposed standard was consistent with the revised Site Plan Review Regulations. Zoning Administrator Stanley said that the regulation spoke to only one location in town. Chair Ebel asked if it should be "20" contiguous parking spaces instead of "30". Zoning Administrator Stanley opined that parking lots were more attractive with intermittent plantings. Mr. McWilliams advised that the Site Plan Review Regulations required lots having greater than 10 spaces to have plantings. PB member Cottrill suggested changing the "30" to "10" to be consistent with the Site Plan Review Regulations. Mr. McWilliams said that he would check.

N. STREET DESIGN STANDARDS

5. Right-of-Way (page 80) Chair Ebel asked PB members if right-of-way should be left as an alternative. Consensus of the PB was to leave it.

O. CONSTRUCTION OF STREET OR ROAD

3. b.2) c) Waste Material (page 89) Chair Ebel opined that the section on waste materials seemed confusing. PB member Ballin said that he liked it. Zoning Administrator Stanley opined that the developer should and could find legal places for materials to be processed. PB member Ballin suggested that the regulation could state "or legal disposal service", but not specify. Zoning Administrator Stanley said that there could be no dumping in New London unless the dumping is in adherence to the regulations. Consensus of the PB was that the section was okay.

7.b Pavement Surface (page 95) Chair Ebel asked if 75% completion was the correct standard or did the PB want to require 90% of the dwelling units to be completed before the wearing coat is laid down. PB member Doheny opined that development of one last lot could destroy the wearing coat; however, it's possible that the development of all lots might not be finished for several years. PB member Cottrill asked if the road would be subject to inspection prior to its being turned over to the town. PB member Cook asked who maintains the road during development. Mr. McWilliams opined that the PB needed to set a standard now so that there would be no need to negotiate. Chair Ebel asked if there should be a time limit. PB member Doheny asked if there was any inspection by the highway department. Mr. McWilliams reviewed the existing process for road completion and issuance of a Certificate of Performance. Zoning Administrator Stanley advised that it was a minimum number, not an absolute number. Mr. McWilliams suggested that perhaps the PB wanted to wait for 100% of the lots to be developed. PB member Cottrill opined that the road should be required to be developed in a manner suitable to the town; however, the developer could decide whether or not to put on the wearing coat. Mr. McWilliams again suggested that all lots be completed.

PB member Ballin asked what would happen to a speculative lot that someone might buy with no plans to develop for 10 years. Zoning Administrator Stanley opined that funds would need to be withheld. PB member Cottrill asked if Director of Public Works Lee had viewed the regulations. Mr. McWilliams replied that he had reviewed them at least twice. Zoning Administrator Stanley opined that the existing standard was better than it had ever been and noted the political aspects. Mr. McWilliams suggested that perhaps the town should not accept a road until all lots have been developed. He said that the issue arises from the type of equipment moving over the road to develop the lots.

Chair Ebel asked if 75% was high or low. Mr. McWilliams replied that it was on the upper end. PB member Hollinger opined that the PB could always review the requirement later. Chair Ebel

recommended leaving it at 75%. Mr. McWilliams opined that 75% would be better than what the regulations require now, since now they require nothing.

Q. ENVIRONMENTAL MEASURES GOVERNING DEVELOPMENT OF NEW LOTS IN THE SHORE LAND OVERLAY DISTRICT (page 98)

Chair Ebel asked if this section was the existing PB policy re-stated. Mr. McWilliams confirmed that it was. Chair Ebel reiterated the need for the PB to watch action on HB 383 that would upgrade the Shoreland Protection Act. She advised that HB 383 still had to be signed by the governor.

3.b. Chair Ebel asked if the setback information was accurate and appropriate. All present confirmed that it was.

IV. ELECTION OF OFFICERS

PB member Hollinger nominated Karen Ebel for Chairman. PB member Cottrill seconded the nomination. Her election was unanimous. Before accepting the position, Ms Ebel asked each of the continuing PB members if he/she was interested in being the chairman of the PB. She advised that the Board of Selectmen strongly recommended rotating chairmanships. PB member Ballin responded that only one member of the Board of Selectmen strongly recommended rotating chairmanships. PB member Cook stated that the authority to select a chairman rested with the PB, not with the Board of Selectmen. Tom Cottrill advised that he would be unable to serve as chairman of the PB for the next two years because of his other responsibilities, as well as other commitments he had. Celeste Cook and Dale Conly declined the opportunity to serve as chairman. PB member Hollinger also stated that he could not take on the job at this time. Mr. Conly said that it was because they were aware of how much more work the chairman did than regular PB members did and because Chair Ebel had the respect of all PB members.

Chair Ebel described the responsibilities of the Secretary of the PB and nominated Jeff Hollinger for the position. The nomination was seconded by Celeste Cook. Jeff Hollinger was unanimously elected to be Secretary of the PB for the ensuing year.

Celeste Cook nominated Tom Cottrill to be Vice-Chairman of the PB. Dale Conly seconded the nomination. Tom Cottrill was unanimously elected to be Vice-Chairman of the PB for the ensuing year.

V. OTHER BUSINESS

A. The MINUTES of the MAY 8, 2007 MEETING of the PLANNING BOARD were APPROVED, as circulated.

The **MEETING** was **ADJOURNED** at **8:45 PM**.

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

DATE APPROVED _____

CHAIRMAN _____