



TOWN OF NEW LONDON, NEW HAMPSHIRE

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NEW LONDON PLANNING BOARD

Sydney Crook Meeting Room, Town Office

April 9, 2019 - 6:30 PM

PLANNING BOARD PRESENT: Paul Gorman, Janet Kidder, Jeremy Bonin, Elizabeth Meller, Tim Paradis, Paul Vance, Joseph Kubit (Alt), Marianne McEnrue (Alt),

MEMBERS ABSENT: Bill Dietrich, David Royle (Alt)

OTHERS PRESENT: Town Planner Adam Ricker
John Doyle, Messer Pond Protective Associates President
Gabe Bolin, PE, Stone Environmental
Harry Snow, III & Harry Snow (son)
Pete Blakeman, Blakeman Engineering
Jason Reimers, BCM Environmental & Land Law Attorney
Lindsay Holmes & Tom McHugh, residents & abutters

1. Call to Order – Chair Gorman called the meeting to order at 6:30 pm.
Joe Kubit will be filling in for Bill Dietrich who was unable to attend the meeting tonight.

2. Review of minutes

IT WAS MOVED (Janet Kidder) AND SECONDED (Jeremy Bonin) to approve the minutes of the March 26, 2019 meeting. THE MOTION WAS APPROVED UNANIMOUSLY.

3. Public Comment

4. Messer Pond Protective Association

John Doyle president of the MPPA thank the board and town planner for giving their association the opportunity to discuss some of the work they are doing to mitigate and reduce nutrient eroding into Messier Pond. He thanked the board, town planner, town administrator and especially the DPW for all support in terms of acquiring the \$10,000 watershed grant from the state to do this work and getting it done. Mr. Doyle introduced Gabe Bolin, who is working with him on this. He gave an update on the stormwater management improvements being worked on Burpee Hill Road. Maps, verbiage & pictures showing the area and issues that they are targeting and how they will plan to address them were viewed. The first initiative was implementing a stormwater practice on County Road targeting the runoff before it entered County Road Brook which feeds Messer Pond. The second initiative was a more focused survey of the watershed beyond County Road to take a look at other opportunities to catch sediment and any other nutrient loading into streams feeding Messer Pond. Gage is the engineer that developed the initial watershed plan to do the work. He also performed the survey of the watershed beyond County Road identifying six locations on Burpee Hill Road. With that survey they met with the DPW Director, Bob Harrington to discuss the possibilities of implementing a series of check dams along Burpee Hill Road from the top down to County Road. It was agreed upon to install the check dams in all within the Town's right of ways during spring cleanup. As with the County Road work, they will be paying for the design work and material. It is a low impact design to address the issues with the benefit of slows the velocity of water going into the ditches. The reduction of speed reduces the erosion and scouring of the dirt within the ditch and allows for the opportunity to infiltrate into the soil and the dams have the potential of catching the sediment as well. The future maintenance of cleaning out the screens would be done about

ever four to five years by the DPW. A notice letter giving information about this and the starting date was mailed to every abutter with frontage on Burpee Hill.

Two other initiatives funded by the grant:

The first was an outreach program via mail to all of the Messer Pond watershed done to raise awareness was completed. Included with the letter was information for home owners to mitigate stormwater runoff from their properties. The second initiative that will be taken is a septic survey of the watershed area that will go out hopefully in the next couple of months. Once completed an update will be given.

5. PUBLIC HEARING – Snow, Harry III – Final Site Plan Review

Located at 33 Cottage Lane, Map 085-015-000, .54 +/- acres. Zoned Urban Residential (R-1).

6. PUBLIC HEARING – Snow, Harry III – Final Site Plan Review

Located at 63 Cottage Lane, Map 085-016-000, .47 +/- acres. Zoned Urban Residential (R-1).

7. PUBLIC HEARING – Snow, Harry III – Final Site Plan Review

Located at 68 Cottage Lane, Map 085-018-000, .49 +/- acres. Zoned Urban Residential (R-1).

8. PUBLIC HEARING – Snow, Harry III – Final Site Plan Review

Located at 54 Cottage Lane, Map 085-019-000, .53 +/- acres. Zoned Urban Residential (R-1).

9. PUBLIC HEARING – Snow, Harry III – Final Site Plan Review

Located at 42 Cottage Lane, Map 085-020-000, .47 +/- acres. Zoned Urban Residential (R-1).

10. PUBLIC HEARING – Snow, Harry III – Final Site Plan Review

Located at 30 Cottage Lane, Map 085-021-000, .50 +/- acres. Zoned Urban Residential (R-1).

The applicant is applying to convert each duplex into a four-unit apartment building. A variance was granted to allow the conversion to four units from the Zoning Board of Adjustment on November 14, 2018. The Town received all the applications on March 19, 2019.

Chair Gorman noted that the six separate applications should be considered together as an entire entity. Chair asked Mr. Snow to present a very brief synopsis of how they got to where they are now.

Mr. Snow stated that the project started in the 2012 in corporation with Colby-Sawyer College (CSC) to create additional student housing. It had begun with an agreement to build two duplexes with ten persons per unit on Cottage Lane as a trial basis to see how it would work. Students began occupying the spaces in the fall of that year. Once CSC liked how it worked, four more duplexes were proposed on four other lots. In December of 2012 they started building and in August of 2013 it was completed. A lease of five years was made with an option of five more years to lease as well as an option to purchase the properties. The intent was CSC would take ownership at some point. At that time student population was more than the college could hold safely because fire sprinklers were needing upgrading thus creating pressure for safe housing which was the reason behind the development of this project. He began negotiations with CSC who shared that they were not in the position to go ahead with the present program they had agreed to. Their lease was valid until August 31st; students left in May and the units were vacant through the summer. September 1st they began this process leading up to where they are now.

Mr. Snow explained that these buildings were set up for student housing and that there is not a market for six bedroom rentals. Each unit was set up to be isolated between the first and second floors because of life safety code (fire doors and 5” plaster between each floor). Minor modification would needed to create kitchens on the second floor, bathrooms will stay intact. One of the bedrooms and the study area would be changed into the kitchen dining/living area. Conversion could possibly be done in three weeks. A traffic study was done for the approved variance. He felt at full capacity with 24 units less parking is needed. The first floor was easy to separate by blocking off the upstairs access door. In September they were rented out as a first floor two bedroom apartment. One of the buildings was still being rented out to students. However, CSC is in the last year of allowing students to rent off campus except for seniors. Mr. Snow told the board he felt his site plan, which is basically an as-built and has been functioning for the last seven years, is the most valuable solution to keeping this project and the demand for reasonable housing. There is more than adequate parking and good access to the buildings with good drainage control. Each of the buildings are low maintenance with landscaping and brick walkways.

Pete Blakeman noted, as Mr. Snow mentioned, that the site has been fully developed for the six lots and the seventh lot has not been developed but does have a gravel area. The zoning board approved it and referred Mr. Snow to the planning board. The road was constructed in 2002 and part of that construction included municipal water so all the buildings could be sprinkled. It is also tied into the municipal sewer with a pressurized sewer system. The parking usage and traffic will go down drastically. Several of the units have garages underneath that will not be rented with the units do to sensitive carbon monoxide monitors. It is just interior work and that is what Mr. Snow is asking permission to do. Also, the attorney is working up association documents for the water, sewer and parking that cross boundary lines for easements and right of ways.

Mr. Snow said what they are trying to do is lay it out so it could be separated as individual lots though he has no intentions to do that now. The documents should be ready to present at the next meeting.

Mr. Blakeman said the fire chief asked to improve access for fire trucks to get through. The parking spaces on the corner were removed and a barrier free handicap spot was created with no parking and the chief was happy with that. Mr. Snow pointed out which four units have handicap accessibility.

Mr. Blakeman said other work to be done is the removal of the paved access way to the college, replacing it with grass because part of it is the college's property. Also, restoring the buffer along the abutting property line that was taken out during the building of one of the units because the lots are too small with the combination of the slope of the road and the slope of the lot which created a hardship to build on. In order to build on the lot a flat area had to be created.

Mr. Snow said that the properties on that side were very sparsely wooded with no evergreens and passed out pictures to show what the buffer looks like currently, showing trees the abutters planted about a year or two ago. They cleared the twenty foot buffer growth with a weed whacker mostly and chipped the small hardwoods. He noted that last May he met with the neighbors for the first time and it was the first time they mentioned to him that they had trouble with some of the kids cutting through their yard. A wire fence was erected and the police were notified rectifying that problem. Trying to create a buffer Mr. Snow transplanted two spruce trees on their side and the abutters planted small saplings on their side.

Board questions and concerns:

Are the fire escapes that were agreed upon to be installed as a condition to the approval of the zoning board variance shown on the site map?

Mr. Snow answered no but he had met with Fire Chief Jay Lyon today and gave a proposal they would like to work with. He thought it was an agreement to do something and the fire chief had to determine what that is. He had talked with an architect, who looked at the plans and told him that they probably do not need a fire escape because there is a full sprinkler system and full alarm and closed off hallways. Instead he proposed a fire ladder that mounts on the inside which accesses a shallow pitched porch roof that can be walked on. Mr. Blakeman said instead of a built set of stairs on the outside of the building it is a ladder which can be put out and as long as it is an FDA approved Chief Lyon would consider it as a workable solution.

In reference to note 11, it was indicated that there are two ADA parking spots at the entrance to TM 085-19 at 54 Cottage Lane, why would there not be two ADA spaces included for every duplex?

Mr. Blakeman said they can for each duplex that has an ADA apartment and agreed it should be supplied.

How many duplexes are there that are ADA equipped? There are four. Mr. Harry said he will assign specific easy accessible spots as needed.

Will the snow storage impact the required number of parking spaces, drainage or visibility as required? Mr. Snow said it could a little bit though each area has room and good drainage. Mr. Blakeman agreed there is more space than needed and could supply a separate sketch that colors it in.

Is the 50% impervious area, as regulations require in an R-1 district with water and sewer, being fulfilled?

Mr. Ricker said that site plan regulations do allow for some latitude from the planning board through this regulation through redevelopment; recognizing that not all properties that are being repurposed can meet those standards without tearing some things down.

Which way does the water drain and is it maintained within the property? Mr. Snow said it follows the contours into the drainage system. There are around 14 to 15 catch basins; each lot has specific areas for drainage to absorb the run off.

It was noted that these buildings are being called four plexus though they are apartment buildings which has an impact changing from the way they were built as IRC (International Residential Code) to IBC (International Building Code) becoming commercial buildings.

It was asked to see the drawings of the architect, noting the difference between one hour construction under the residential code and two hours of construction under the commercial code.

There are concerns with the changes of use relating to fire safety and without a building inspector these need to be addressed through zoning and planning. Mr. Snow noted that when built it was under the supervision of the fire chief and a number of things were done to make them safe.

In regard to site plan, it was suggested to add to the impervious surface by reducing the excessive parking spaces as the use changes for a better site plan. Mr. Snow agreed that reducing parking in some areas can be done though having the extra parking allows for easier plowing during the winter.

How does what is being done affect the seventh lot? Mr. Snow said it's not affecting it except for the driveway language.

Mr. Ricker has asked for an application for a site plan for that lot because of a driveway being housed on that lot and for three parking spaces from two different lots being located on lot seven since its supporting a multi-family commercial use which is not typical on a residential property.

Is there intentions to build on lot seven? At this time Mr. Snow does not.

Mr. Ricker noted that the variance does not exist on lot seven.

Mr. Blakeman said that when the development was first done, lot seven had been in a commercial zone and could support by code seven units. However, Bill Kidder, who did the development, agreed to knock it down to four. There was further discussion about the zone.

Mr. Ricker pointed out that when there are two zones straddling one lot they have to abide by the stricter zone.

Was it a residential or commercial sprinkler system in the buildings? Mr. Ricker said according to his meeting with Jay Lyon it is commercial and it's a full-scale commercial fire alarm system that goes directly to DCS and the fire department.

Open to Public comments:

Attorney Jason Reimers representing abutter Lyndsay Holmes passed out photos and a landscape plan to the board. Ms. Holmes is not opposed to the plan to repurpose the buildings; she is concerned with the buffer being gone. He spoke about the subdivision and the twenty foot no cut buffer that was on the Snow property. He gave a description of the past and present buffer on the abutting properties. He explained a proposed plan and requested the board to make this particular plan a condition precedent to the board's final approval to assure Mr. Snow's follow through with a sign off by the architect that it has been installed as he visions. If the board is not inclined to reserve final approval until the landscape is complete he asked that they require a bond to ensure performance. Also the maintenance of the fence and buffer on the Snow side of the property should be written into the HOA documents. There was further deliberation about Snow's site plan showing the buffer, the subdivision restrictions, the original deed and the landscaping plan.

Mr. Ricker will consult with town counsel on how they could require landscaping on a property that is not before the board. The concern would be if Ms. Homes sells the property and the next owners cut the trees down and Mr. Snow objects. Mr. Ricker affirmed with Mr. Reimers that the end goal would be for the two neighbors would come to an outside of the town's realm agreement.

For clarification, it was reiterated that since the building is 22 feet off the property line it meets the setback requirement and if the 20 foot buffer had been honored it would be two feet off the buffer line but still meeting the setback requirements.

Mr. Ricker confirmed that the twenty foot buffer could be restored and there was nothing in the way of that happening. Though Mr. Snow would prefer not to remove the driveway that is in the buffer.

Mr. Snow's son gave testimony of what the past buffer encompassed and how he cleared the area with a weed whacker only. Mr. Snow said he would like to work with the abutters and come up with a reasonable plan for a buffer.

Chair asked them to come up with a plan by the next meeting.

IT WAS MOVED (Janet Kidder) AND SECONDED (Tim Paradis) to continue the meeting to April 25th. THE MOTION WAS APPROVED UNANIMOUSLY.

11. Other Business - None

12. Master Plan

Update from the Master Plan Committee – The questionnaire has been finalized and the survey went to the printer.

13. Correspondence Received

14. Future Meeting Dates

Refer to the Planning Board Meeting Schedule and the Town's website for updated meeting information. Next meeting schedule for Tuesday, April 23, 2019.

15. Motion to Adjourn

**IT WAS MOVED (Janet Kidder) AND SECONDED (Jeremy Bonin) to adjourn.
THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 8:30 pm.

Respectfully submitted,

Dianne Bottari
Administrative Assistant
Town of New London