

**NEW LONDON PLANNING BOARD  
REGULAR MEETING & PUBLIC HEARING  
April 25, 2006**

PRESENT: Karen Ebel (Chairman), Sue Ellen Andrews, Dale Conly, Celeste Cook, Tom Cottrill, Jeff Hollinger, Sue Clough (Selectmen's Representative), Ken McWilliams (Planner).

Chairman Karen Ebel called the **MEETING TO ORDER** at 7:30 PM.

**I. C. B. COBURN BUILDING – Concept Site Plan Review (Tax Map 84, Lot 3)**

Jeremy Menard (Foremost Builders) presented a plan to convert the space below the candy store to additional retail space. He advised the PB that the candy store was supported by pilings and the space beneath it was open. He said that originally the plan was to enclose the area and use the newly created space for a nail salon; however, the owners now wanted to use it to expand their retail business. Mr. Menard said that the owners wanted to know what the ramifications would be with regard to egress and access.

Ken McWilliams replied that there would be no real difference in the use of the building. Mr. Menard said that customer egress would be via an exterior staircase for customers who would enter through the street level. PB member Andrews asked how that would work. Mr. Menard replied that because of staffing issues, the lower level would have emergency egress, but no access. He added that the exterior staircase would extend to the apartments above the retail space. PB member Andrews opined that the staircase and enclosed area would impact on the square footage. Mr. McWilliams agreed. He explained that there were two plans displayed: a copy of the approved site plan for the existing use of the building and a plan showing the proposed changes. He advised that the approved site plan shows some parking extending under the building into the area that the owners now want to convert to retail space.

Matt Conway, owner of the C. B. Coburn building, said that he was not aware of any setback requirements for parking. Ken McWilliams advised that there was a 10-foot setback for parking in the Commercial District. Mr. Conway advised that the parking area on the abutting Colby-Sawyer College property was paved whereas his was gravel; however, the two arrears seemed to run together. PB member Andrews asked if there were any grass between the two parking areas. Mr. Conway responded in the negative and asked if the college had a setback requirement. Mr. McWilliams replied that it should have one. Mr. Conway also said that college-related vehicles parked right up to, and occasionally over, the property line.

Karen Conway asked if there would be any "grandfathering" in regard to setback requirements. Mr. McWilliams pointed out that the property was already non-conforming in regard to setback requirements on two sides. Chair Ebel asked what the calculated parking requirement would be. Mr. McWilliams replied that 19 spaces were required. PB member Cottrill asked if the 19 included the proposed new retail space. Mr. McWilliams replied that the 600 square feet of additional retail space would require 2.5 more spaces than indicated on the approved site plan.

Mr. Menard pointed out where they were able to add more parking. He said that the approved site plan was based upon an agreement for two parking spaces in "Churchs'" lot; however, parking in those spots blocked access to parking at Country Houses. Mr. Conway advised that he has a copy of the written agreement, even though Country Houses has declared that the agreement became "null and void" upon the sale of the property because it had not been recorded with the deed. Mr. McWilliams asked if the agreement stated that it was binding on successors and heirs. Mr. Conway replied that it did not. Chair Ebel advised that unless the agreement was binding on successors and heirs, the agreement was not binding on subsequent owners. Mr. Conway said that the maximum number of spaces used was usually about five, other than at Christmas or on Hospital Day. Chair Ebel asked if Country Houses was not interested in leasing any of its spaces. Mr. Conway replied that Country Houses used all of its spaces. Zoning Administrator Peter Stanley added that Country Houses also used some of C. B. Coburn's parking spaces.

Chair Ebel asked if the Conways were planning to expand their own retail space. Mr. Conway replied that originally they had wanted to open their own nail salon, as they viewed such an operation to be a money-maker; however, since neither he nor his wife were licensed and since they had been unable to find staff for a nail salon, they were now planning to expand their retail business to offer bedding, bath, and home accessories. Chair Ebel asked about the possibility of the PB exercising flexibility in redevelopment of a commercial site pursuant to the New London Site Plan Review Regulations. PB member Andrews stated that she was not concerned about flexibility in regard to setback requirements. Chair Ebel stated that she was not as concerned because the proposal under discussion was for expansion of an existing use.

Ken McWilliams referred the PB to Article XI.C.5. of the Site Plan Review Regulations for the text of the flexibility provision. PB member Clough opined that a trouble would be that the goal of maximizing green space would get lost. Chair Ebel said that she was not concerned about exercising flexibility in regard to parking, but she asked if there would be any way to get one more parking space. Zoning Administrator Stanley questioned if there shouldn't be a plan to encourage off-street parking. Ms Clough asked what would happen if the PB used flexibility and approved the plan and the situation were to change. Chair Ebel responded that the matter would have to come back to the PB. Mr. Conway said that he would not want to mislead any future owner. Chair Ebel stated that since the proposal was not for a separate retail operation, but for an expansion of an existing business, flexibility might be in order.

PB member Andrews said that there were two issues to be addressed: (1) the lack of 2.5 parking spaces, and (2) compliance with setback requirements. Zoning Administrator Stanley stated that, in reality, the area at the rear of the building was one continuous parking lot. He said that the C. B. Coburn parking area met the college parking area with nothing to separate the two. Mr. Conway advised that he owned "quite a bit" of property along the slope behind the former Texaco station. He said that he wanted to build a three-foot retaining wall behind the former Texaco station and pave up to the wall, thereby creating parking that would only be one space shy of the requirement. He also said that it would permit picking up one full-size parking space on either side in place of two compact spaces and limit compact spaces to the front of the building. He said that his ability to do this would depend upon the elimination of setback requirements. Mr. Conway said that he wanted professional expertise to lay out the parking and do the grading.

PB member Cottrill observed that expanding the retail operations to the space below the candy shop would exacerbate the lack of required parking, as some of the existing parking spaces extend under the building. Zoning Administrator Stanley replied that the aisle width could be reduced to 23 feet if those spaces were to be pushed outward. He there were 17 parking spaces on the plan now. He asked, inasmuch as Mr. Conway had stated that only five of the C. B. Coburn parking spaces were usually used, why create more unused spaces. Zoning Administrator Stanley also said that he saw no sense in enforcing setback requirements when the area is all one paved area. He said that it could be an issue if the building were used for some other retail purpose. PB member Clough advised that parking was allowed along both sides of Main Street in that area. PB member Cottrill asked if there was any entrance other than from Main Street. Mr. Conway replied that someone could climb the fire exit stairs and enter through the candy shop.

Chair Ebel asked for clarification regarding the proposed use of the additional space. She asked if it would be a nail salon. Ken McWilliams replied that it would be for expansion of C. B. Coburn's retail operation. PB member Clough asked if all PB members were comfortable with the elimination of the green bank behind the former Texaco station. Mr. Conway interjected that only three feet of the bank would be eliminated, not the entire bank. PB member Andrews observed that that side of the service station property had been used very little. She asked about the impact the proposed change would have on the stability of the bank. She suggested that it might be better to allow fewer parking spaces and leave the bank undisturbed. Chair Ebel said that it might be interesting to view the former Texaco property parking plan. Mr. McWilliams briefly described the plan. Ms Clough said that some of the spaces would be compact. Ms Andrews noted that the change would only be a driveway, but it would be used much more.

Ken McWilliams said that he was hearing support for 17 parking spaces and moving parking right back to the Colby-Sawyer College property line. Consensus of the PB was that abutters should be notified of the potential

changes and have an opportunity to comment. Mr. Conway advised that he had spoken with abutter Souliotis. PB member Cottrill suggested that Mr. Conway show the plan to abutters prior to the PB SPR. Zoning Administrator Stanley recommended that Mr. Conway contact Jason Lyon of the Fire Department for input as changes to egress are considered. Chair Ebel reviewed the timing for submitting a site plan for review by the PB. She advised Mr. Conway that the PB usually meets on the second and fourth Tuesdays of each month.

## **II. ROBERT EWING –Concept Annexation**

**(Tax Map 96, Lots 15 & 15.4)**

Ken McWilliams displayed the plans submitted in conjunction with the concept annexation.

Charles Hirschberg appeared on behalf of Robert Ewing to discuss the owner's plans for the property that had been subdivided by a previous owner. Mr. Hirschberg advised that Mr. Ewing currently wanted to achieve three objectives: (1) to grant a conservation easement on 60 acres of the property to the Ausbon Sargent Land Preservation Trust; (2) to break away a two-acre lot on Main Street (He pointed out the respective locations on the plans provided), and (3) to create two lots from the 23 acres located within the R-1 and R-2 districts.

Mr. Hirschberg advised that Mr. Ewing had built a driveway and a carriage house and was now building a house. Chair Ebel asked him to locate the house on the plans. Zoning Administrator Peter Stanley advised that Mr. Ewing had created a lot of open space which should be grassed over. Mr. Stanley added that Mr. Ewing had also basically created a glade by cutting trees and removing stumps. He added that there is also now a pond that was not shown on the plans before the PB. Zoning Administrator Stanley opined that it would be really helpful to have all features represented on the plans.

Mr. Hirschberg advised that Mr. Ewing would like to annex to the house lot a 10-acre lot created by subdividing the 23 acres located in the R-1 and R-2 districts. He said that Mr. Ewing wanted to break off a portion of the 23 acres with municipal water and sewer and frontage on Balsam Acres, but he did not have enough road frontage; therefore, he would have to construct a hammerhead. Ken McWilliams advised that the road construction would make the subdivision a "major subdivision". Zoning Administrator Stanley stated that the precise location of the zoning district boundaries was not known. He said that all boundary locations were approximations. Mr. Hirschberg said that the boundaries appeared to be along property lines. Mr. Stanley replied that, in this instance, that was true, but that the exact location of boundaries was an issue all over town. He opined that the PB needed to determine the precise location of zoning district boundaries. PB member Andrews requested, and received, clarification regarding the location of the boundaries of the entire Ewing parcel. Mr. Hirschberg advised that the remainder of the 23-acre lot would be annexed to Mr. Ewing's existing lot in order to enable him to create a conservation easement that requires frontage on Main Street. Zoning Administrator Stanley calculated that the lot with frontage on Main Street would contain 76 acres.

Discussion ensued regarding the changes in the location of driveways. It was noted that the current drive ended in a hammerhead and would, therefore, be classified as a service road. PB member Cottrill tried to compare the proposed and existing subdivisions to the original Bolger subdivision of the property. He said that it appeared as if the original five lots still existed. Zoning Administrator Stanley and Mr. Hirschberg pointed out the locations on the plan. It was noted that only three of the lots would have access off the service road. Mr. McWilliams advised that the applicant would need to design the proposed hammerhead off Balsam Acres.

Mr. Hirschberg advised that ultimately Mr. Ewing wanted to sell the 23.28-acre lot to a builder to develop as clustered development. Chair Ebel asked how many houses would be built in the R-2 District where municipal water and sewer are available. Zoning Administrator Stanley advised that the developer would need to follow the new standards adopted by the voters in March 2006. PB member Cottrill opined that there was "lots of wet land back there". He asked why Mr. Ewing was not proposing to put the conservation easement on that portion of the property. Mr. Hirschberg replied that Mr. Ewing sought to recoup some of his investment. He said that he did not have a topographical map of the proposed conservation easement and asked if such a map was really necessary. PB member Andrews advised that the conservation easement had not yet been finalized and that the exact location of the easement could not be determined until the easement was finalized. PB member Clough asked about the dividing line between the R-1 and R-2 zoning districts. Zoning Administrator Stanley replied that the location was as close as it could get.

Zoning Administrator Stanley advised that both he and Road Agent Richard Lee were concerned about the amount of ground that was open and unstable. He advised that the disturbed area needed to be stabilized. He pointed out the area on the plan for Mr. Hirschberg's benefit. PB member Cottrill asked about the maximum disturbed space that was allowed. Mr. Stanley replied that the maximum on any one lot was 100,000 square feet without a site specific permit. He advised that Mr. Ewing was way over the site specific maximum, but the open area was spread over several lots. He said that Mr. Ewing needed to plant something in order to stabilize the open ground. Mr. Hirschberg said that Mr. Ewing had removed a significant amount of the basal wooded area, but had ordered new plants to "re-wood" the area. PB member Cottrill advised Mr. Hirschberg that the neighbors had been very concerned about drainage when the Bolger subdivision was approved.

**III. GREG BERGER – Concept Site Plan Review: Need for Site Plan for Greenhouse and Arbor**  
**(Tax Map 73, Lot 53)**

Chair Ebel, an abutter to the Berger property, and PB member Clough recused themselves from the PB.

Greg Berger advised that he wanted to construct a cold frame in back of the Spring Ledge Farm property in the "mum" area. He said that the structure would have no electricity and no furnace. By comparison, he said that the greenhouse has both of those features plus a double plastic cover. He advised that the cold frame would be in use approximately six months of the year. He further advised that the cold frame would not increase the retail area of the property.

PB member Cottrill asked how many acres the property contained. Mr. Berger replied that the total acreage was 63 acres that was split between a 50-acre conservation easement and a 13-acre house lot. Mr. Cottrill asked Ken McWilliams what the issues were. Mr. McWilliams replied that the cold frame would not be a residential structure and the zoning regulations state that accessory buildings in the residential district are subject to Site Plan Review (SPR). He said that the agricultural regulations would classify the proposed cold frame as an accessory structure.

PB member Cook asked if the cold frame would be a permanent structure. Mr. McWilliams replied in the negative. Zoning Administrator Peter Stanley advised that Article III. A. of the Site Plan Review Regulations indicates that the issue technically requires PB review. PB member Cottrill asked if the PB defined accessory buildings. Zoning Administrator Stanley replied that they are defined in Article III. Definitions: Item 3. of the Zoning Ordinance. Mr. Cottrill observed that the Zoning Ordinance defined Farm Buildings in Article III. Definitions: Item 44 of the Zoning Ordinance. Mr. Stanley stated that the definition would fall into Article II. General Provisions: Section 1. Agriculture: Paragraph a. PB member Andrews opined that the cold frame would not have an impact on neighboring properties.

Ken McWilliams suggested that the PB might want to look at the broader picture and determine whether the PB wants to require SPR for any accessory structures. PB member Andrews asked if the PB had the authority to make that decision. Mr. McWilliams replied affirmatively. Zoning Administrator Stanley advised that the proposed cold frame was a permitted use.

It was **MOVED** (Cook) and **SECONDED** (Conly) **THAT NO SITE PLAN REVIEW BE REQUIRED FOR CONSTRUCTION OF A COLD FRAME AT 37 MAIN STREET (TAX MAP 73, LOT 53) AS PRESENTED BY GREG BERGER. THE MOTION WAS APPROVED UNANIMOUSLY.**

Mr. Berger asked what the impact would be of erecting a pergola/arbor to provide shade and protection for the perennials at the farm stand. He advised that it would be a permanent structure and that he might hand plants from it. PB member Cook opined that the addition of a pergola would be enhancing the site. Zoning Administrator Stanley advised that it would be a permitted use; however, setback requirements would have to be met. PB member Cottrill advised that Mr. Berger should return to the PB to discuss the necessity for SPR for the pergola/arbor.

Chair Ebel and PB member Clough returned to the PB.

**IV. SCOPE OF SERVICES FOR THE UPDATE OF THE NEW LONDON MASTER PLAN**

Ken McWilliams distributed copies of a proposed Planning Services Agreement for the New London Master Plan Update. He asked the PB to review the proposal in preparation for discussion at the May 9, 2006 meeting of the PB.

**V. OTHER BUSINESS**

**A. ELECTION OF OFFICERS:**

The Planning Board elected the following persons to serve in the offices indicated for the ensuing year:

Chairperson:	Karen Ebel
Vice-Chairperson	Tom Cottrill
Secretary	Sue Ellen Andrews

**B. SITE PLAN REVIEW REGULATIONS: Size of Plans Submitted**

Ken McWilliams sought guidance from the PB regarding the size of plans submitted in conjunction with Site Plan Review applications. He advised that staff wanted full-size plans submitted for their purposes; however, copies of full-size plans cannot be mailed to the PB along with other materials in preparation for scheduled meetings. He advised that 11"x 17" plans could be mailed; however, they are no longer "to scale" and the comments are often difficult to read. He asked if the PB preferred to continue deferring any review of plans until the full-size plans are presented at meetings or if members would like to receive 11"x 17" copies in their pre-meeting materials. PB members indicated that they would prefer to receive 11"x 17" copies in advance of the meetings.

**C. MINUTES OF THE APRIL 11, 2006 PB MEETING:** The PB deferred consideration of the Minutes of the April 11, 2006 meeting until May 9, 2006.

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

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

DATE APPROVED \_\_\_\_\_

CHAIRMAN \_\_\_\_\_