



TOWN OF
NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
NOVEMBER 25, 2008

APPROVED

MEMBERS PRESENT: Karen Ebel (Chairman), Dale Conly, Ken McWilliams (Planner), Larry Ballin (Selectmen's Representative), Michele Holton (Alternate), Deidre Sheerr-Gross (Alternate), Jeff Hollinger, Michael Doheny

Members Absent: Tom Cottrill, Celeste Cook

Attendees: Pete Stanley, Mr. Brian Zanghi, Mr. Jim Buchan, Mr. and Mrs. William Kozain

Chair Ebel called the **MEETING TO ORDER** at 7:30 p.m. and asked Michele Holton to sit in for Tom Cottrill and Deidre Sheerr-Gross to sit in for Celeste Cook.

I. WOODCREST VILLAGE - Final Site Plan Review: Addition (Tax Map 84, Lot 8)

Bill Andrews of Old Hampshire Designs reiterated that the second floor addition would not change any of the exits or entrances or the lighting situations, and that the flat roof causes leakage and there is no way to prevent that other than to remove it and build the new sloped roof. He stated that the addition would have minimal impact on the existing structure. There were no representations from any abutters to the property.

Chair Ebel asked if any issues had been raised at the meeting with the municipal department heads and Ken McWilliams responded with a negative. With no questions from the Committee members, Chair Ebel asked for a motion to approve the final site plan for Woodcrest Village addition.

It was **MOVED** (Ebel) and **SECONDED** (Ballin) **TO APPROVE THE FINAL SITE PLAN ADDITION FOR WOODCREST VILLAGE, THAT BEING TO REMOVE THE EXISTING SECOND FLOOR APARTMENT AND REBUILD THE SECOND FLOOR TO EXTEND ACROSS THE MAIN STREET LEVEL AND ADDING A SLOPED ROOF TO THAT SECTION OF THE BUILDING.** The **MOTION** was **APPROVED UNANIMOUSLY.**

II. WILLIAM AND NINA KOZAIN - Concept Site Plan Review: - Home Business/Wellness Business (Tax Map 117, Lot 21)

Board of Selectmen P: 603-526-4821 x 10 F: 603-526-9494	Town Administrator P: 603-526-4821 x 13 F: 603-526-9494	Town Clerk-Tax Collector P: 603-526-4821 x 11 F: 603-526-9494	Finance P: 603-526-4821 x 21 F: 603-526-9494	Assessing P: 603-526-4821 x 20 F: 603-526-9494
Planning/Zoning P: 603-526-4821 x 16 F: 603-526-9494	Fire Department P: 603-526-6073 F: 603-526-6079	Police Department P: 603-526-2626 F: 603-526-2782	Public Works P: 603-526-6337 F: 603-526-9662	Recreation P: 603-526-4821 x 14 F: 603-526-9494

Nina Kozain stated that she and her husband, William, were asking for a variance on a stipulation for their home business that would allow an increase in the number of people to park/visit the proposed wellness center to be located on their 19 acre property at 55 Page Road. The wellness center would be situated in the back part of the barn, would have ample parking for the increased attendance and would not be disruptive to the surrounding neighborhood. The variance being requested was to include more than the 10 vehicle trips per day and/or the 4 students per class because they intended to have seminars, yoga classes, and mediation classes in the evenings and on weekends. She stated that their neighbors had been consulted and were supportive of this venture and had no objections to the increased traffic to the Kozain property.

Ken McWilliams responded that he wanted to clarify what the Kozains had contacted him for, that being to review a site plan for their home business. In going over the proposal, they realized that for their purposes they needed to request that, instead of the allowable class size of 4 students, 8 students be allowed and that was where they discovered that they needed to go to the ZBA regarding the variance on that criteria. He stated that the Kozains were meeting with the Planning Board conceptually to see if the Planning Board had any other issues and/or concerns, but most importantly, so that the PB could refer them to the Zoning Board for a variance. If the Kozains are successful with their petition, they would come back for a site plan review for the home business with the Planning Board, following that outcome.

Nina Kozain stated that for the time being, she and her husband would be giving no more than two classes per week, but they did plan to have at least one other person as an employee in the near future. Chair Ebel recommended that the Kozains consider adding enough employees to their variance petition so that they wouldn't have to re-apply to the Zoning Board at a later date if and when their business changed and/or grew larger. Ken McWilliams added that the ordinance states that 'no more than 2 non-resident employees or sub-contractors who use the site of the home business as their base of operations are permitted in association with the business. Non-residents employees or sub-contractors who do not come and go from the site are permitted.'

Deidre Sheerr-Gross asked what the site contained and what the boundaries were, to which Stanley responded that it was pretty much wetlands and Bill Kozain said that the land sloped down to Route 103. There was some discussion of the possibility that this could set a precedent which could turn out to be a sticky wicket in allowing home businesses in that area, but it was brought out during the discussion that another home business already existed in the area and the PB decided that it wouldn't be any more of an issue than the first business has been. Pete Stanley stated that the Zoning Board has 5 legal points that are criteria/conditions for approval and that would help control any influx of other home businesses. He recommended that the Kozains be prepared to know these points and present their petition within those guidelines and asked if the Kozains knew which part(s) needed to be applied for. He stated that Amy Rankins, Land Use Coordinator, would be the person to get the application(s) from. He also asked if the Kozains knew what sections of their petition needed the variance because as they were not applying to have a variance on the whole petition, they needed to be very explicit in their request(s).

Ken McWilliams responded that it was under Home Business, Number L, that deals with the limitation of the number of students for instruction and then he passed it back to the Kozains to determine if they met the number of employees or not. After some discussion and advisement, Nina Kozain responded that Article 215, Section A, (the number of employees), Section C, (the number of visits per day), & Section L, (the number of students), applied to their variance petition and would be the issues presented to the Zoning Board Association.

Chair Ebel asked for a motion to refer the Kozain petition to the Zoning Board Association.

It was **MOVED** (Ebel) and **SECONDED** (Doheny) **TO APPROVE THE REFERRAL OF THE KOZAIN HOME BUSINESS/WELLNESS BUSINESS TO THE ZONING BOARD ASSOCIATION FOR CONSIDERATION OF A VARIANCE ON ARTICLE 215, SECTIONS A, C, & L.** The **MOTION** was **APPROVED UNANIMOUSLY.**

III. JIM BUCHAN - Final Site Plan Review: Home Business: Garage Door Business (Tax Map 73, Lot 48)

Jim Buchan introduced himself as the owner/resident at 10 Main Street and stated that he had been working with Ken McWilliams on obtaining all the guidelines to establish a home business and was ready to answer any questions the PB might have regarding the garage door installation home business that he was requesting the review for. Chair Ebel asked if he had looked over all the regulations and Mr. Buchan responded that he had and didn't see where any regulation would prohibit his venture. He also stated that he only had one employee, no traffic in or out of his business due to the fact that it was not a retail business requiring on-site customers, and that the trucks used were a box van and a pickup truck, both of which are backed into the driveway. Mr. Buchan related that the corner of Rt. 114 and Main Street was a heavily trafficked area and he and his employee were very careful when going in or out of the driveway and that, with the exception of Wednesday mornings at 5:30 a.m., he did not have any deliveries made to the house. He stated that he would be willing to meet his delivery man at the park and ride if the PB objected to that delivery.

Deidre Sheerr-Gross commented that she felt the sight line was questionable, especially if someone was backing out of the driveway and Mr. Buchan agreed. However, he thought that with backing both (his and his employee's) vehicles into the parking area and having the delivery truck do the same, that the risk was minimal because at 5:30 in the morning there is virtually no traffic. Mr. Buchan also stated that they do not try to turn to the left when exiting the parking area; the traffic is too difficult to deal with, so he and his employee make a right turn out of the parking area.

Ken McWilliams said that there is a requirement for review and comment by two agencies: the fire department (Jay Lyon) and the Department of Transportation, concerning increased/changed usage and a safety issue because the egress is directly onto a state highway. He also stated that nothing had come back from either agency that he has seen as yet. Ken asked Mr. Buchan if he had in fact contacted the State and Mr. Buchan replied that yes he had and that there was supposed to be some type of documentation there at the meeting. Mr. Buchan said that he would

contact the NH Department of Transportation again to get them to sign off on it. Ken said that he had received a concern from Dave Seastrand about the safety of truck deliveries and that he felt it was not a good situation because he had witnessed one truck delivery that was not a good safe situation. Mr. Buchan agreed that there had been one delivery made the previous week during the day because the driver was not the regular one, didn't know the appropriate delivery method, and because Mr. Buchan was away at the time of the delivery, it was out of his control. However that was the only time it had ever happened and that was why he had scheduled first delivery with his supplier(s), so that it would not become an issue.

Chair Ebel suggested that the PB could approve the site plan subject to the contingency that no scheduled deliveries be made after 6:00 a.m. or before 12 midnight and called for a motion to do so.

It was **MOVED** (Holton) and **SECONDED** (Ballin) **TO APPROVE THE SITE PLAN FOR DISTINCTIVE DOORS OF NEW ENGLAND, INC., THE HOME BUSINESS LOCATED AT 10 MAIN STREET, SUBJECT TO THE RECEIPT OF APPROVALS FROM THE STATE DEPARTMENT OF TRANSPORTATION AND THE NEW LONDON FIRE DEPARTMENT AND THAT NO SCHEDULED DELIVERIES BE MADE AFTER 6:00 A.M. OR BEFORE 12 MIDNIGHT. The MOTION was APPROVED UNANIMOUSLY.**

IV. STANLEY FARM - Final Minor Subdivision - Two Lots (Tax Map 57, Lot 4)

Mr. Brian Zanghi, 176 Gay Farm Road, stated that he owned the land abutting (which is his backyard) Stanley Farm and it was his understanding that the land would remain forested and under conservation protection in perpetuity. Peter Stanley stated that the farm house and its immediate surrounding acreage would be divided into two lots, to be divided amongst the Stanley family and that subdivision approval had been received from the State. A conservation easement will be placed on the remaining land that allows farming and normal land use, but no further subdivision would be allowed. There were two waivers requested: one is a waiver from providing topography of the entire property and the other waiver request was from providing the high intensity soil survey information for the entire lot areas. There being no further questions or concerns, Chair Ebel asked for a motion to approve the two waivers.

It was **MOVED** (Sheerr-Gross) and **SECONDED** (Ballin) **TO APPROVE THE WAIVERS FOR THE TOPOGRAPHY OF THE STANLEY FARM IN ITS ENTIRETY AND THE HIGH INTENSITY SOIL SURVEY. The MOTION was APPROVED UNANIMOUSLY.**

The mylar subdivision proposal was then passed around for each Board member's signature.

V. Discussion of Annexations and Lot Mergers.

Ken McWilliams said that Norm Bernaiche, Tri-Town Assessor, had sent him an e-mail stating that 'a process needs to be put in place to not assess nor place on the maps any lot-line

adjustments or annexations until there is a deed recorded.’ Ken related that in some instances the Town had approved annexations for different owners and then for whatever reason, when the agreements that those people had to annex or merge lots falls through, the deeds never get recorded, but there is a recorded plan that says the boundaries of the lots were changed. Norm suggested that the approved annexation or merger be held until the deeds are signed and submitted so that they can then be recorded them together. If they don’t follow up with the deeds, then nothing gets recorded and you don’t end up with confused lot-lines on tax maps, etc. Ken McWilliams noted a simple amendment needs to be made to the subdivision regulations. Amending the Subdivision Regulations will require one public hearing followed by a majority vote of the Planning Board.

Chair Ebel stated that the Board wanted the records to accurately reflect what the lot-lines are and Ken agreed that it would help eliminate the need to have to go back and correct any records. He stated that he would put together a drafted amendment that dealt with this issue and bring it to the Board for review and then move forward with a public hearing to take care of that.

VI. Review and adopt draft of the Capital Improvements Program 2009-2018.

Ken McWilliams introduced the CIP Report 2009-2018 that had been sent to the Planning Board for review. He stated that the process of getting to the PB had been delayed because the Capital Improvements Program (CIP) Committee wanted to redefine some of the capital tables into future dollars and that took quite a bit of time by each department. As a result, the budget committee and the selectmen have started their process of dealing with the capital end of that budget. They have received some of the preliminary tables and have already started talking about cutting some line items even before the Planning Board has approved the plan. The PB then reviewed the CIP as recommended by the CIP Committee Mr. McWilliams clarified that the PB was to approve that document and not what the Budget Committee was doing in connection with the annual budget process. Larry Ballin corrected the record by stating that it was the Budget Committee, not the selectmen, which had made decisions to start cutting the capital budget. Ken McWilliams highlighted the changes in this year’s plan (the text of which is outlined on pages 7 & 8) as follows:

The Public Works Department is proposing to purchase of both the backhoe and the excavator in this coming year. Richard Lee found that by working with the dealer he could save the town \$26,000 off the purchase price of the two pieces of equipment plus another \$5,000 savings on extended warranties for a total of \$31,000 if the purchase was moved ahead to 2009. The CIP Committee felt that even in a tight budget year, it was a significant enough savings to make that suggestion to the community;

- 1) This year the CIP Committee started hearing from the highway, fire, and police departments about the costs of their equipment and that the inflation on those pieces of equipment was going up faster than the 3% inflation that had been historically built into the program. Part of what had happened midway through the year is that the departments were asked to go back and recalculate the future costs of their equipment, not by just

adding a 3% inflation, but to try to identify what the future costs might be either by information from dealers or by applying a higher percentage growth rate, and to look at the cost of equipment over the last five years. What they ended up with was the equipment costs escalating at a faster rate as determined by the individual departments in comparison to the traditional 3% inflation rate.

- 2) The fire equipment replacement program discussion focused on the ladder truck and when to purchase that piece of equipment. Ultimately, the CIP Committee recommended that purchase be made in 2012 instead of 2017 based on the calculations that Jay Lyon had made with regard to increased trade-in value and the lower cost of equipment in 2012 as compared to five years later in 2017;
- 3) Another new component for this year's CIP is a proposed gravel road paving schedule included in the program as Table 19 that proposes to pave some of the gravel roads over an eleven year timeframe.

Ken McWilliams then turned the floor over to Jeff Hollinger and Larry Ballin, Planning Board and Board of Selectmen representatives respectively on the CIP Committee, to contribute any comments that they felt the Planning Board should be made aware of. Larry Ballin said that the arguments on all of the CIP issues are valid and he thinks the program needs to be kept in place, even with the cuts that are being made this year. He felt that if the town was in better shape next year, these line item cuts could be revisited and possibly brought back up to speed. He also did not think there was anything in the CIP document that was a concern for the PB, that it was a good document and should be left intact.

Chair Ebel asked if the CIP was different since the town took over the Sewer Department and Jeff Hollinger responded that the Public Works Department was much more organized since the town took it over, they know what they are talking about and are doing a good job of planning capital improvements. Larry Ballin said that it has been a great transition and the town was saving money as well as the users; however there is a real problem over in Sunapee with the plant needing replacements in the next few years and they are trying to figure out how to pay for the upgrades. Ken McWilliams concurred with Jeff Hollinger that the town has a good handle on the planning and management as compared to before. Chair Ebel asked when the transition took place and Ken McWilliams responded that it was about two years ago. With regard to the CIP draft, Jeff Hollinger said that the other thing worth noting (he believed it was started last year) is that the committee is trying to be more consistent in the way that everybody presents their budgets (by using the same formatting) making it easier and quicker to comprehend. Chair Ebel asked if there was anything in the document that stated that the town had taken over the sewer department and that it might be worthwhile to include a paragraph or a footnote at least. Ken McWilliams replied that he didn't think there was anything included in the present document as the Public Works Department had already taken over the sewer operation prior to this year's CIP Report. He indicated that on page 6 there is a section on sewer and a statement could be added there. Ken McWilliams agreed to make this addition to the CIP Report.

Chair Ebel asked if there were any other questions or issues that Board needed to be made aware of and if not, did the Board concur with the CIP document? She then asked if Ken McWilliams was prepared to go ahead and have the PB approve the document and he responded in the affirmative.

It was **MOVED** (Hollinger) and **SECONDED** (Conly) **TO APPROVE THE CAPITAL IMPROVEMENT PLAN FOR 2009 TO 2018.** The **MOTION** was **APPROVED UNANIMOUSLY.**

The cover page of the CIP Report 2009-2018 was then passed around for each Board member's signature.

VII. Continued review of draft zoning amendments for 2009.

Ken McWilliams (at the recommendation of Chair Ebel) started with the memo regarding:

ARTICLE XXV Small Wind Energy Systems Ordinance - He asked if there were any changes/comments to Amendment Number 1? Chair Ebel asked if it basically reflected the suggestions from before and Ken McWilliams stated that he had made changes from the last meeting. There were no other questions/comments and the Board moved on to the next section for review on page 7.

Article XVI Shore Land Overlay District - Ken McWilliams asked if there were any comments on the draft. He noted the intent was to try to mirror the new provisions of the State Comprehensive Shoreland Protection Act. Jeff Hollinger stated that, due to the fact that he was currently going through this process, he should recuse himself from the discussion. Peter Stanley suggested that Jeff may have a good perspective on the topic to which

Jeff Hollinger stated that:

- 1) It is a very costly process;
- 2) Only one person is employed by the State to inspect/process the work;
- 3) There is a minimum waiting period of 30 days and if there are any variances, it becomes a 75 day waiting period;
- 4) Jeff also stated that at the earliest, any site work he could do would be in January.

Peter Stanley stated that he believes it is important to have the same regulations as the State in order to prevent working at cross purposes; at the least, when a builder has to go through the State's process, they will have gone through the Town's process first, and he can prepare them for what needs to be done for the State approval.

Deidre Sheerr-Gross concurred and added that the Town regulations could change every year and that would be even more expensive as opposed to the State regulations possibly changing every 5 years.

After some further discussion, Chair Ebel asked if the Article was okay the way it was to which all present agreed and the Board moved forward to the next topic(s) on page 10:

3. **Amend ARTICLE III DEFINITIONS to add a definition of “Seasonal Use** – There were no questions or issues.

4. **Add “Forestry” as a permitted use in the RESIDENTIAL DISTRICTS** – There were no questions or issues.

5. **Rename ARTICLE II General Provisions, Section 14. Temporary Ancillary Sales as Section 14. Temporary Events and amend as follows:**

Michael Doheny took issue with number 5 Temporary Events section, stating that he didn't see why it was necessary to dictate how many people can or cannot attend a private party, without having to obtain a town permit (for parties with 50 or more guests); his argument being that it is on private property and not on the town's public land and that it appeared that the town was restricting private homeowners' activities. He also asked what exactly was being restricted and why. Ken McWilliams responded by quoting the Article's wording that says 'private weddings, grand openings, dedications, graduations, and other similar activities' are included.

There was a lengthy discussion about the difference between private and business events, the allowable number of people that should require a permit, and the reasoning behind the town's temporary event permit regulation, that included:

- 1) Parking issues;
- 2) Traffic issues;
- 3) Safety issues; and
- 4) Town liability issues.

Larry Ballin suggested that the Article specify that it was not applicable to private residences. Jeff Hollinger argued that he thought even private residences should have some type of control in place and that the 50 or more people was too small in number and should be made a higher number to accommodate private residences. Ken McWilliams responded that parties and gatherings at private residences was not the issue that generated the need for the proposal on temporary events Ken McWilliams indicated the intent of creating the temporary events proposal was to address the needs of businesses or non-profit agencies. Deidre-Sheerr-Gross interjected that she thought the business non-profit part of the debate should be addressed further and questioned what other towns had in place. Ken McWilliams responded that other towns did not address it or have anything in place (at this time). Chair Ebel proposed that the Board stick with what it had in the Article, with the exception to make a note that it excludes private residences. Other PB members concurred and Ken McWilliams said he would make the change.

6. **ARTICLE II General Provisions, Section 10. Sign Regulations** - Ken McWilliams and Peter Stanley re-worked Bill Green's approach on this amendment about wanting to add a sign out on the common land that might be a part of a cluster PUD, a house for sale, etc. There were no questions or comments.

7. **ARTICLE VII Commercial District** -The proposal is to add multi-family dwellings and mixed-use as permitted uses in the Commercial District. Chair Ebel interjected that she thought

this section along with the next proposal to amend the Residential Districts to permit multi-family housing should be discussed with the Workforce Housing Overlay District. Proposal

ARTICLE XXVI Workforce Housing Overlay District - Chair Ebel stated that she and Ken McWilliams had been working on this very extensively and they had put together a very good draft that Bart Mayer, Town Counsel, had reviewed. That draft was now being presented to the Board. She stated that Ken McWilliams had come up with a great idea of using a workforce housing overlay district approach. She said that the statute requires the town to provide reasonable opportunities for the development of workforce housing in the majority of the land mass where residences are permitted in the town. Karen Ebel, Peter Stanley and Ken McWilliams together sketched out a proposal for the boundaries of the overlay district which Peter Stanley presented to the Planning Board.

Deidre Sheerr-Gross interjected that if they took 50% to include all the areas, that was different (being a larger area) than 50% of land mass without the exclusion. Ken McWilliams stated that the only exclusions at this point were water bodies. Chair Ebel responded that the standard was for reasonable opportunity where housing could be built, but it would be extremely difficult to map the town and specifically exclude areas that were too steep or wetlands where housing could not be established, etc.

Chair Ebel also said noted that she understood that the Town has to provide some reasonable opportunities for the development of Multi-Family Housing, including renal apartment units.. In discussing this aspect with Bart Mayer, they felt that putting multi-family housing in the commercial and R1 districts where there was public water and sewer service available was the most appropriate and feasible plan. Karen Ebel noted another part of regulation regarding permitting of workforce housing. The permitting procedure allows the PB to negotiate with workforce housing contractors to grant more incentives to develop workforce housing: i.e. permit smaller lot sizes, grant density bonuses, and waive fees, etc. Deidre Sheerr-Gross asked if there was another way to take an overlay approach (prioritize the choosing of development sites) for more incentives/bonuses if the housing was put in denser areas, such as the core of the town, as opposed to the outlying areas and thereby have more control on where the housing would be. Chair Ebel stated that the team had not thought of that.

Ken McWilliams stated that the other component needing to be addressed was that the law that requires the town needs to put something in place this year, which Bart Mayer recommends doing. In the master plan land use chapter the Planning Board will be considering how that might grow and expand in the future and where the town may want to target areas for higher residential density. It would involve re-zoning some areas that are now R2 and ARR into R1 areas. Once these evaluations have been made, the town will have a better idea of where it might want to target some of these higher density areas. The worst case scenario is that the Town does nothing and a developer comes into town wanting to build Workforce Housing, stating that the law adopted last year required the town had to have something in place by July 2009 and it does not. Bart Mayer has expressed his concern for this legal exposure and recommends the Town propose Workforce Housing regulations for the 2009 Town Meeting.

Deidre asked if the town could put in a sunset clause. Chair Ebel stated that she did not think the town attorney would recommend that. Ken McWilliams stated that the town has to adopt regulations in 2009 and amend it, if needed, without putting in any sunset clause. Deidre pointed out that if someone was already into six months of building and the law in place was being amended, how that would affect approval and cause more delay in getting approved; her point being to get something on the books that complied with the law without having to put the town in a situation that it wouldn't want to be in three or four years from now. Ken McWilliams responded that the town could amend it any year. Larry Ballin stated that the town just had to make a good faith effort now to comply with the law this year. He thought the economic downturn was in the town's favor and Chair Ebel agreed, stating that it was why a lot of the towns were just not doing this for now. She reiterated that the town attorney advised that because the State law requires towns to comply by July 2009, the town needs to do it.

Chair Ebel noted that a challenging aspect of trying to maintain affordability is that it makes it difficult for the property owners to invest in capital improvements to maintain the property and then be able to recoup any monies for maintenance when they sell it. Rental increases are only allowed according to specific federal percentages and in order to do repairs/maintenance, the owners might have to go beyond the federal regulations. Ken McWilliams interjected that Bart Mayer has suggested that for apartments some of the rent go into a capital reserve or long-term building maintenance fund with some type of oversight built into it. Bart Mayer also suggested a provision be added to allow property owners of Workforce Housing to recoup capital investments in basic needed improvements.

Michael Doheny commented that he was not comfortable with the lack of a specific percentage of affordable housing being in place. He cited that Massachusetts law required 10% and if a town didn't meet that criteria, the federal government could come in with a project that required 25% be set aside for affordable housing and a developer could then build more units and dictate that to the township. Chair Ebel asked how the developer could keep it affordable; Mike responded that was an issue and Chair Ebel replied that was what the town was struggling with. Mike then stated that if the town had a specific percentage and had lived up to that percentage, it could then deter developers that would try to over-develop affordable housing in the New London area. As it stands now, there are no thresholds in the state to stop or limit development of affordable housing.

Deidre Sheerr-Gross asked if Bart had indicated if the town could set the percentage and Chair Ebel stated that when the legislation was evolving, certain legislators had tried to put a percentage in and it was fought by the municipalities because they didn't want anybody dictating to them about what the percentage amount should be. The end result was that no percentage was included in the final statute. Ken McWilliams interjected that there was a section in the law that stated, 'the municipality's existing land stock shall be taken into consideration in determining its compliance with this section. If a municipality's existing housing stock is sufficient to accommodate its fair share of the Workforce Housing, the municipality shall be deemed to be in compliance with this subdivision.' Ken McWilliams explained that, 15 years ago, the Upper Valley Lake Sunapee Regional planning commission (UVLSRPC) did an affordable housing needs assessment on a region-wide basis and then backed those numbers down to individual communities. This approach identified how many units of affordable housing was needed in each

community. in order to meet their “Fair Share” of the need. The approach was not well received since the towns did not want to be told how much affordable housing each one had to supply. The current approach defines what the housing need is for low and moderate income households region-wide, but is not broken-down by town. This approach has helped produced a positive impact to the identified housing need. Now the new law (Senate Bill 342) has the NH Office of Energy & Planning working with a private consultant to re-evaluate and improve the “fair share” model used in the mid-1990s. The state will pass that along to the different regional planning commissions so they can re-do the “fair share” affordable housing needs assessment for each town. It will take approximately two years or more, so that component isn’t available now.

Deidre asked what the amount was for housing to be considered affordable and Ken responded that it was defined as being the combined rental and utility costs or for homeowners it includes the combined mortgage loan debts, property taxes, and required insurance that do not exceed 30% of a household’s gross annual income. The workforce housing definition is defined by those families owning and/or renting figures published annually by county.

Chair Ebel revisited the maintenance issue and Larry Ballin offered the suggestion to have a bond put in place to pay for the maintenance/improvements. Chair Ebel pointed out that there is nothing in the statute that says the housing has to remain affordable after the initial sale, but felt that if the town was going to make concessions to ensure the creation of workforce housing, the PB should make sure it remains affordable; otherwise the whole exercise could be pointless. Chair Ebel agreed that the capital reserve fund was one option, but that she would like to see a mechanism whereby the homeowners could recoup their reasonable capital expenses. Ken noted that the retail prices should permit the cost recovery for capital improvements for basic needs including heating, water, septic, and roof and not frills or non-basic items like a hot tub. Ken stated that the ordinance needed to try to strike a balance between proper maintenance and affordability. Chair Ebel asked how that would impact taxes and Peter Stanley replied that tax assessments are controlled by the home sales in different areas/neighborhoods. Jeff Hollinger stated that part of the problem of affordable housing is in trying to keep property values low. Peter said that no matter how small the lot, if someone builds something fancy, that won’t allow for affordable housing. Larry Ballin stated that the town will need a housing trust to administer the whole thing. Chair Ebel said the next step is to take the draft overlay map to the UVLSRPC to have them calculate the area. Ken agreed to work on the capital cost recovery section of the regulation draft.

Ken McWilliams had a couple of announcements before the meeting adjourned:

- 1) Land Use Tool Handbook that the UVLSRPC along with NH Department of Environmental Services has put together. It’s an excellent resource that the Board should look at their convenience;
- 2) He reviewed the schedule of upcoming meetings in December and January:
 - a. One is on December 9th at 7:00 p.m. in the Syd Crook Room and is a public hearing on the zoning boundary study and recommendations;
 - b. Another meeting is on December 11th, at 7 pm at the Library Meeting Room. This will be the last work session on the zoning amendments before noticing the public hearing on January 6, 2009 meeting.
 - c. The public hearing on all the zoning amendments is on January 6th.

- d. The last public hearing on the zoning amendments will be January 27^h, 2009.

Ken McWilliams clarified that further substantial changes cannot be made to the amendments as presented at the January 27th public hearing. To be clear with everyone, the last public hearing in January is where there will not be an opportunity to make changes. The decision at that point will be whether or not to put it on the ballot as it's worded or to continue to work on it next year or drop the amendment altogether.

Chair Ebel asked Ken McWilliams if he had any information regarding the remediation shed at the Kidder Building site. Ken responded that the problem concerned the old gas tanks leaking into the soil and that a recovering company was vacuuming the vapors out of the soil, a process that would take up to three years to complete. He stated that there were some monitoring wells surrounding the area where the gas plume was being extracted and the good news is that the area is served by public water and sewer with no known wells in the immediate area.

The meeting adjourned at 9:30 p.m.

The next Planning Board meeting is scheduled for Tuesday, December 9, at 7:00 p.m.

Respectfully submitted,

Camille Holmes
Secretary, Town of New London

Approved by the Planning Board on _____, 2008

Karen E. Ebel, Chair