



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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PLANNING BOARD
MEETING MINUTES
March 22, 2011

Members Present: Tom Cottrill (Chair), Jeff Hollinger (Vice-Chair), Tina Helm (Board of Selectmen Representative), Michele Holton, Deirdre Sheerr-Gross (Alt.)

Members Absent: Michael Doheny (Secretary), John Tilley, Emma Crane (Conservation Commission Representative), Paul Gorman (Alt.)

Others Present: Peter Stanley (Planning & Zoning Administrator), Rachel Ruppel (UVRPC)

Chair Cottrill called the **MEETING TO ORDER** at 7:30pm. He asked Deirdre Sheerr-Gross to sit in for John Tilley, who was absent, and Mr. Gorman to sit in for Michael Doheny, who was also absent.

Review of Minutes

Minutes from January 25, 2011

IT WAS MOVED (Jeff Hollinger) **AND SECONDED** (Michele Holton) **to approve the minutes of January 25th, 2011 as circulated.**

THE MOTION WAS APPROVED UNANIMOUSLY.

Minutes of February 22, 2011

IT WAS MOVED (Michele Holton) **AND SECONDED** (Tina Helm) **to approve the minutes of February 22nd, 2011 as circulated.**

THE MOTION WAS APPROVED UNANIMOUSLY.

Allenby Merger of Map 049, Lots 011-000 & 031-000

Mr. Stanley explained that this merger has to do with a strip of land on Lamson Lane which was considered a separate lot of record from another piece owned by Mr. Allenby. The owner would like to formerly merge the two pieces. It is a single lot by deed and they need to make it so for tax purposes now.

IT WAS MOVED (Michele Holton) **AND SECONDED** (Paul Gorman) **to merge lots TM 049 Lots 11 and lot 031. THE MOTION WAS APPROVED UNANIMOUSLY.**

Thomas Little Mylar Signing

The Thomas Little minor subdivision had been conditionally approved by the Planning Board. He was required to get wetlands permits, special exceptions for wetlands crossings, and meet requirements spelled out by Richard Lee (Public Works Director) for utilities. Mr. Stanley explained that all of these conditions had been met.

IT WAS MOVED (Michele Holton) **AND SECONDED** (Jeff Hollinger) **to approve the signing of the Mylar for the Thomas Little minor subdivision, as the conditions have been met. THE MOTION WAS APPROVED UNANIMOUSLY.**

Telecommunications Chapter for Master Plan

Rachel Ruppel from UVRPC was there to present her first draft of the telecommunications chapter. She said there were sections of the chapter she did not touch because they seemed well thought out and researched.

Section D – Ms. Ruppel’s approach was to list out the basic requirements of a tower all in one section so it would be clear about what is permitted and whether a variance would be needed. She moved the yard requirements and the height standards to another section of the document, and brought in some language from the town of Henniker describing telecommunications facilities in wooded areas, open fields and areas, and for new or existing structures.

Ms. Ruppel explained that the 150’ height mentioned coincides with the small wind energy system requirement. She looked at existing towers in the area between Lebanon and Davisville on I-89. The towers were between 80’-292’. Most towers tend to be less than 200’ because anything taller requires FAA lighting. There is a 190’ tower on King Hill, and a 150’ tower on Eaton Grange Rd. in Sutton. On Deer Hill in Springfield there is a tower that is 199’ high. Mr. Stanley noted that the lease agreement for the proposed tower at the transfer station was for 120’. Chair Cottrill commented that section 3a read well but he was looking for a reference of the average tree canopy height. He thought it should be in parenthesis: (see definition, page “x”). Ms. Ruppel said that Mr. Stanley suggested taking out the 20’ height and change to “minimum height required to achieve the coverage required.” If a tower is proposed at 120’ as long as that is the minimum height necessary to provide coverage needed, it would be accepted. The third party review will figure out this information. Mr. Stanley’s thought was that no matter what height was that they decided upon, it will almost always generate a need for a zoning variance. If they allow the towers, they need to be functional. If the height does not allow the functioning of the device, they will not grant a variance. They have it stated as “not to exceed 150’.”

Ms. Ruppel said that the Planning Board would like to direct towers where they will get the most “bang for their buck.” They need to be tall enough to serve enough area so another tower isn’t needed ¼ mile down the road. The language would put the burden on the applicant to prove that they are requesting the minimum height required. Ms. Sheerr-Gross didn’t think it would be much of a burden for the tower builders. They have to do this type of thing everywhere. Chair Cottrill didn’t like the word “goal” that was used. Ms. Sheerr-Gross asked if the very tall towers could be replaced by shorter ones in the future. Mr. Stanley said that the tower going in is going in a hollow, because that is the only place that they have been granted permission.

Ms. Ruppel said that if an applicant comes in proposing a 130’ tower, there is no way to camouflage it. Ms. Sheerr-Gross asked if the town says that they are complying with one part of the regulation and another part is not done, would one part of the regulation trump another. She would not like to see a lot of the big towers put up. Mr. Stanley said they wouldn’t see a lot of big towers. Something will happen somewhere in New London but they don’t want to waste their time with lawyers and courts. Courts almost always side with the tower companies. The country wants telecommunications and this is how it is achieved. His goal was to get to something that was sensibly technical.

Ms. Sheerr-Gross wondered if because technology was changing so fast that if the towers become obsolete, will the towers be taken down or merely abandoned. Mr. Stanley said they have a provision for this scenario in the agreement so that towers would be removed if obsolete. Ms. Ruppel noted that she would look further into the Henniker language and find out background behind the 20’ height standard they used to find out the reason it was chosen.

Telecommunication in fields or open areas. Ms. Ruppel explained that the way the regulations are now, a facility could not be located in a field or agricultural area and it must be in a wooded area. Henniker's language says they can site a facility in a field, but it can't look like a tower; it must look like a silo, fire tower or other structure. This language gives the opportunity to use open fields instead of excluding the possibility altogether.

Facilities in or on existing structures. Ms. Ruppel said that a cellular facility could be placed on a church steeple, an existing silo or barn. Chair Cottrill referenced the language "acceptable to the Planning Board" and thought it should be the same for both locations of cell facilities.

Section E – Ms. Ruppel said that with regards to permitting regulations, she attempted to clarify what levels of review were required for whether they are co-locating a facility or putting something on a new tower. Co-location would involve putting a facility on an existing structure or on a new building, but not a tower. For that they would need site plan review and several additional requirements met. For a new tower, they will need a conditional use permit, site plan review, and she suggested they require that if an applicant is proposing a new tower, they need to evaluate the existing structures first and prove that none of them would work.

Section F – Ms. Ruppel explained that there were some additional requirements for site plan review. These are the same as what was written before in the chapter, but she just moved things around a bit. A co-location application will require regional notification, site plan requirements, they must demonstrate that the radio frequency exposure complies with FCC standards, and the third party consultant can be brought in to review. In the current language of the ordinance it is not clear that the five items are needed for co-location permits.

Mr. Gorman wondered what kind of presence the municipalities that were referenced, that lie within 20 miles of the location of the tower have. Ms. Ruppel wasn't sure if the municipalities were given abutter status or if they were just given notification. Mr. Gorman thought that would be important to include. Mr. Stanley said it is RSA 12:K7. The abutting town can come in and comment at any public hearing but cannot challenge any decision. Ms. Ruppel said they should add "pursuant to RSA 12:K7" in the text.

Mr. Stanley said that with regards to the first item in conditional use permits, it needs to be clear that to apply for a variance the applicant would need to be referred by a board.

Ms. Ruppel said that the wording states that an applicant shall obtain approval of a variance before application to the Planning Board. She believed the law had been clarified that the applicant can't hold up a plan review because they are waiting on a variance. Mr. Stanley agreed but added that people just can't simply go get a variance. Ms. Ruppel said that the main concern is that once the application has been filed there is a tight timeframe for rendering a decision on that application. The more they can nail down exactly how to usher these things in a timely fashion, the better.

Visualization and Visual Analysis – E, F & G

Ms. Ruppel said that the intent for including these items is that it is pretty safe to assume that Planning Board, the abutters and the public will be interested to know what the tower is going to look like. This would require up-front the photo simulations of the structure, a completed balloon test, and a visual analysis. One question she had was what vantage points the Planning Board should like to establish when photos are taken during the balloon test. The Planning Board is supposed to come up with a list. She wondered if there was a procedure in place to establish that list, such as important views treasured by the citizens of New London. Some towns list out a dozen features on the landscape that are of great concern whether it be lakes, trails, village

centers, etc. Ms. Sheerr-Gross said that if there had to be a list it could say “including this list, but not limited to...” Chair Cottrill suggested looking to the Master Plan for what views they are trying to protect.

Ms. Ruppel said that another consideration is abutters’ properties. This should be as quantitative and objective as possible. Chair Cottrill said that they should tailor their list once a location is selected. Ms. Ruppel said that the list they come up with will give the applicant a starting point. Chair Cottrill said that it would probably make a difference regarding the time of year. In the winter the trees are bare, as opposed to the summer and fall when leaves are plentiful and can hide certain things from sight. He thought it should include wording such as “seasonally corrected simulated visualization.”

Chair Cottrill had some other points to make with regards to section C and D of section D. He wondered if they needed to say on “C” if they put something on the building if it could exceed the height of the structure guidelines for the district. Ms. Ruppel said that the difficulty would be if they had a structure that has a non-conforming height and pre-dates the zoning. Mr. Stanley said they can’t make it more non-conforming. He suggested adding something about the zoning in both sections.

Under F 2 Chair Cottrill commented on the site plan requirement. He thought if an applicant came in, they should present there all the towers that currently exist in a 20 mile radius with height and coverage details included. Ms. Ruppel said that this requirement is already in the text, but she would move it to this area as well.

Chair Cottrill referenced number 5, the Consultant Review. He thought it should read “The Planning Board may, at its own determination require that the applicant be reviewed by a third party consultant for technical assistance and concern. The cost of the consultant review shall be borne by the applicant in accordance with RSA: 674G.

Ms. Ruppel said that they had talked about having an escrow account being set up in advance for this reason. She wondered if there was similar language for site plan review that could be used in this section to keep it consistent throughout the documents. The wording offered was “such determination for a third party consultant would require the creation of an escrow account in an amount as reasonably determined by the Planning Board.”

Mr. Stanley said that the site plan review regulations and the subdivision control regulations have language which should remain uniform in all regulations. Ms. Ruppel said that as soon as an application has been submitted, they should immediately be able to send it off to a third party review without having to wait for funds. This is important because of the strict timeline. She offered that the application should say something about their escrow account information. Mr. Stanley said the Regional Planning Committee should have pre-contacted some of these third party reviewers to be ready to review any applications as they come up. Ms. Ruppel said that she is currently working on the application and is already in the process of contacting third party organizations to get estimates for initial reviews.

Mr. Stanley said that when held, the first public hearing about changes such as these that are being discussed, they are considered law until they are voted up or down in March at Town Meeting. When site plan review regulations and land subdivision control regulations are being changed, they don’t need the approval of the legislative body. It is relatively easy and can be done at any time.

H – Design Construction Standards

Ms. Ruppel indicated that the height standard and yard requirements have been moved to Section D in the front. Under aesthetics, some towns only want a mono pole or “mono-pine.” They don’t want the lattice work or “pretend” trees. If that is a requirement they would like to include, they could do it. Mr. Stanley thought towers looked nicer in appearance than the lattice work. He thought the mono pole looked better and had a cleaner look. He indicated that the Planning Board may require a mono pole if they desire. The trend is supposed to be smaller and closer together on these towers.

Ms. Ruppel asked if the Planning Board would like to require mono-pole towers. Mr. Stanley said that the Planning Board would require a mono-pole but they may entertain the idea of something else if they deem it appropriate for the setting being considered.

Master Plan – Review of draft schedule – Mike McCrory

Mr. McCrory said he understood the completion of the Master Plan was a priority and noted that they were looking to wrap it up in the present calendar year. His memo, included in the agenda packets, provided a schedule for achieving completion.

Mr. McCrory explained that there were four remaining specific chapters left to work on, of which three exist. The fourth chapter is called an “Implementation Plan” which assembles the recommendations and priorities of the previous 12 chapters. It sets a plan of what groups are responsible for things and what is the timeline. Mr. Stanley said that the last chapter Mr. McCrory was referring to was new. The Implementation chapter is an action plan and takes a strategic approach to what the most important things are to be done. Mr. McCrory said that he would write this chapter. Mr. Stanley thought it was a good idea to have some sort of a plan to move forward. In the last Master Plan, they didn’t have this chapter. Instead, they had Karen Ebel, who followed through with things and made them happen. She was the driver behind every zoning ordinance that was in the Master Plan. It was all within the Master Plan, but making them happen as actual zoning changes took a lot of drive through Ms. Ebel.

Mr. McCrory noted that the only two things required by law to be included in a Master Plan are the vision statement and a Land Use chapter. He commented that a fair amount of work had already gone into the Master Plan and felt that there was some level of detail that he would like to pass before them. This included some text in the Communications and Facilities chapter, which was redundant to the Capital Improvement chapter. He’d like to trim that down a bit.

Mr. Stanley added that one change they had made was to take supporting information and put it into the index. The Regional Planning Commission would support that same concept.

Mr. McCrory noted that the Implementation chapter will focus on the top issues in the chapters, which will be chosen by him and the Planning Board, working together. Chair Cottrill suggested for their own reference, if they had a printed copy of each issue and recommendation, they could look through and choose. Mr. Stanley offered that the Land Use chapter generally contains the most amounts of changes that actually come about.

Mr. Gorman asked who the audience of the Master Plan was. Mr. Stanley said it is a broad assembling of people. Ms. Helm said the completed document is for the whole town. Mr. Gorman thought that they should make it more user-friendly. Mr. Stanley agreed and said the draft is basically going to be a revised version of the 1988 plan. The next plan they would try to make it as thick as the zoning ordinance instead of all of their regulations combined. Chair Cottrill said at the beginning of every section, there should be an executive summary. Ms. Sheerr-Gross said there was an attempt by some people who came in to help them but because

they would have to do the same thing for every chapter, it didn't happen. Mr. Stanley said if they make a departure in format, they should make it in Land Use section and the Implementation section. Cut to chase in both of them and focus on the things that have sifted out as issues. Start with an executive summary. It doesn't matter if it is different; it is what everyone is interested in. The rest of the document is supportive.

Ms. Helm said that a public hearing would be useful to be able to meet with citizens and have them make comments on the text.

Mr. McCrory thought they would plan for July for working on the Land Use and Implementation chapters, along with a public forum. They should advertise and get as many people there to give comments and thoughts as possible. In late fall/early winter they should have a public forum to review the document. Mr. McCrory felt this was a reasonable timeline and was realistic.

Ms. Helm asked if the Master Plan had to be approved at Town Meeting. Mr. McCrory said that it did not; it only needed to be adopted by the Planning Board, but they did welcome public comment.

Mr. Stanley noted that the Energy Committee did not follow through in a timely fashion with their chapter. One month earlier, he requested their latest document, which was from 2009. Mr. McCrory indicated that there was a state-wide grant for municipalities that would include a consultant who would do an assessment of their town buildings. He understood that New London had already done this through MEEP, but he noted that the RPC can, through that funding, help finalize the Energy chapter.

It was decided that the second Tuesday of each month be designated for work on the Master Plan. The meetings would begin at 7pm.

It was decided that the fourth Tuesday of each month be designated for regular Planning Board hearings, also beginning at 7pm. If there are only a few items on the agenda, and Mr. McCrory was available, they could opt to use some time for Master Plan work. Mr. McCrory indicated that even if he was not able to be there during one of the fourth Tuesday meetings, he could send along some "homework" for the Planning Board to consider so that they could continue working on the Master Plan.

Other Business

Mr. Stanley shared that Peter Messer's brother has contacted an attorney relative to the subdivision that occurred. He made a comment about the lot line adjustment on the southerly end of Joe Messer's property in that it "created a cloud over the deed." He suspected the lawyer had to find something but no appeal has been filed. The 30 day appeal time would run out in just two days' time. With the approval of the Planning Board, he would like to run it by Bart Mayor (Town Counsel) to see if there are any issues they should be aware of. Mr. Stanley thought that Peter Messer may have to make an amendment to the deed to show a new description.

IT WAS MOVED (Paul Gorman) AND SECONDED (Deirdre Sheerr-Gross) to adjourn the meeting of March 22, 2011. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 9:28pm

Respectfully Submitted,

Kristy Heath, Recording Secretary
Town of New London