

**BOARD OF SELECTMEN
MEETING MINUTES**

JANUARY 3, 2006

PRESENT:

Douglas W. Lyon, Selectman
Ruth I. Clough, Selectman
Jessie Levine, Town Administrator

ABSENT:

Mark Kaplan, Chair, Board of Selectmen

OTHERS PRESENT:

Bob & DJ Lavoie
Peter Stanley, Zoning Administrator
Debbie Cross, Intertown Record

Mr. Lyon called the meeting to order at 8:05 AM.

Meeting Minutes: Mr. Lyon moved to approve the minutes of December 10, 2005. Second Ms. Clough and approved 2-0.

Zoning Amendments: Ms. Levine said that the Planning Board is holding the first public hearing on the proposed zoning amendments tonight. As has been done in the past, she asked Peter Stanley to attend this morning's Selectmen's meetings to discuss the proposed amendments with the Selectmen.

Mr. Stanley explained that the first couple of amendments are housekeeping in nature. The first amendment clarifies that the Zoning Ordinance is permissive in nature; if it a use is not specifically identified as allowed, then it is not allowed. Ms. Clough observed that this has changed 180 degrees since the Ordinance was originally adopted; it used to be prohibitive, listing things that were not allowed. Ms. Levine said this clarification will be helpful in reviewing the regulations with residents, who sometimes say "it doesn't say I can't do such-and-such." Ms. Clough said it would be nice to put that explanation in the next Link newsletter. Mr. Stanley asked if he could have a "zoning corner" in every link, and all agreed that would be helpful.

Amendment 2 updates the septic approval process to reflect the current names of state agencies that are involved. Amendment 3 clarifies the temporary structure regulation; even though the existing regulation already states the specific uses allowed for temporary storage trailers, the ordinance could be more clear. Ms. Lavoie asked if this regulation applied to recreational vehicles, and Mr. Stanley said that owners of r.v.s are permitted to have one parked and unused on their property, and the zoning ordinance also allows guests to visit in an r.v. for up to 30 days.

Amendment 4 contains a series of changes to the Wetlands Overlay District. Mr. Stanley said the current regulation does not expressly state that structures cannot be built in a wetland, although it was there by inference. There was also no requirement for erosion or sediment control plans like those required in the Shoreland Overlay District. The most notable proposed change is the Planning Board's recommendation to eliminate wetlands from the lot size and density calculations; right now a property owner can use 25% of wetlands towards lot size and density. For example, Mr. Stanley said, right now in the ARR zone,

which has a 4-acre minimum lot size, the Planning Board would require a 10-acre lot with 4 acres of wetlands to have 3 acres of dry land for each of two lots. With the proposed change, the property owner would need four acres of dry land for each lot. Another significant change is that this would apply not just to mapped or buffered wetlands, but to all wetlands. Another change in the Wetlands Overlay, but less restrictive, is to allow the removal of vegetation in the wetlands buffer upon approval by the Planning Board of a cutting plan; the current regulation does not allow for the removal of vegetation.

Amendment 5 proposes similar changes to the Steep Slopes Overlay District. This amendment started as a change to not allow steep slopes to count towards density calculations, as Newbury did. Newbury does not allow slopes over 25% to count towards density, and the New London Planning Board had proposed that regulation as well as a regulation to limit slopes from 15-25% to counting towards 50% of density. Mr. Stanley said that in order to effectively present these changes, the Planning Board would need an idea of the impact, but was unable due to the timeframe and cost to have a map showing the effects of the proposed change, so it's possible that the portions of the amendment relating to 15-25% could be eliminated. The other regulation proposed in the Steep Slopes Overlay District is to require erosion and sediment control for construction projects. Ms. Clough said that in addition to having a map, other visuals would be useful. Mr. Stanley said this would effect lot size and also the number of families per unit area. Mr. Lyon said it appears that the last two amendments are designed to reduce development in the more fragile areas of town, and Mr. Stanley agreed that these amendments deal with water and runoff issues.

Bob Lavoie commented that when put in the context of overall zoning regulations, the Planning Board should look at these amendments all together because it affects the amount of development, and the Planning Board should look at regulations in the remainder of town at the same time to make up for the loss of density in the more sensitive areas. If New London wants an economically diverse community, then it will not achieve that by requiring larger lots. Mr. Stanley noted it is already expensive to develop on steep slopes, and those lots command higher sale prices. Ms. Clough said the basis for these changes is the fragility of land and the effect of building without guidelines. She asked Mr. Lavoie if he is suggesting modifying lot size requirements elsewhere in town. Ms. Levine said the Zoning Ordinance already allows smaller lot sizes and higher density towards the center of town, especially where public water and sewer are available. Bob Lavoie said changes should be made in parallel because the conservation people will never allow a backslide of regulations. Mr. Lyon said that Planning Board reduced lot sizes in areas in which the environment can handle higher development. Ms. Levine said that zoning changes should correspond with the goals of the Master Plan.

Mr. Lavoie asked what 15% slopes look like and said a photograph would be helpful for the discussion. Mr. Stanley agreed, and noted that the Fire Department will not put a fire truck in a driveway with a slope over 15%, so folks who build in those areas are diminishing the ability of the Fire Department's ability to respond to emergencies. Mr. Lyon pointed to the loss of houses in California built on slopes.

Mr. Stanley said Amendment 6 proposes a roll-back in regulations. Currently, property owners cannot put a new foundation under an existing home in the 50-foot shoreland setback. Through experience with building permit applicants, the existing regulation does not allow people to perform necessary maintenance of their buildings, so Mr. Stanley proposed this amendment that would permit foundation work under certain circumstances. The second part of the amendment creates a definition for building maintenance; currently property owners who want to improve non-conforming buildings must comply with the zoning regulations if they plan to spend more than 50% of the value of the home. This discourages people from repairing existing properties. The proposed amendment would allow property owners to maintain and repair buildings to a limited extent without having to comply with the non-conforming building regulations and without having to get a variance. Ms. Clough clarified that neither amendment would allow disturbance with the 50-foot shoreland setback, and Mr. Stanley agreed. Mr.

Lavoie asked if decks would be allowed under the proposed amendment, and Mr. Stanley said that this would allow the maintenance of existing decks, but new decks are not allowed within the 50-foot zone. Mr. Lavoie asked if a deck could be made into an enclosed porch, and Mr. Stanley said that the state and town do not allow that increased intensity of use. Mr. Stanley said that he has tried to be consistent in reviewing applications for work in the shoreland overlay district, and has contacted the State Department of Environmental Services when there are questions about certain projects. He gave examples to the Selectmen of projects that were considered acceptable and not acceptable under the state regulations.

Amendment 7 adds a requirement for erosion and sediment control to the Streams Overlay District. This applies to mapped streams only. Bob Lavoie asked why the ordinance couldn't simply refer back to the wetlands language, and Ms. Levine said that it is consistent to include the language with each overlay, which would prevent the reader from having to flip back to another section and possibly miss the regulation.

Amendment 8 proposes to eliminate the words "if possible" from the erosion control requirement in the Shoreland Overlay District.

Finally, Mr. Stanley referred to the petitioned amendment that seems to relate to the Selectmen's zoning action against the Todd property on Old Main Street regarding the plywood panel onto which electric meters were mounted. The amendment proposes the words "Equipment providing necessary utilities servicing Buildings" to the items excluded from the definition of Structure. Mr. Stanley said he is not sure if the proposed amendment has any effect, since it excludes the utility equipment but does not address the panel it is on. Bob Lavoie asked if the petitioners could be asked to reword the language, and Ms. Levine said that the petition cannot be withdrawn once submitted; it can only be voted up or down.

Zoning Violations: Ms. Levine said she wanted to bring the Selectmen up-to-date on a couple of zoning violations.

- Jack Hughes has indicated that he will comply with the Zoning Board's ruling that the deck within the 50-foot zone be limited to 160 square feet. He will do so within 30 days of the Notice of Violation, or January 14, 2006.
- Ms. Levine has sent a letter to an alleged home business on County Road, instructing the tenant to either reduce the level of activity at the house or apply to the Planning Board for a site plan review, which will be subject to abutter notice. One of those two options must also take place within 30 days, or January 29, 2006.
- Ms. Levine sent a Notice of Violation to the Gibsons on Balsam Acres regarding the temporary storage trailer in their driveway. The Gibsons have 30 days (January 16, 2006) to remove the trailer or apply for proper permitting, and their written response to the Notice of Violation does not appear to adequately address the violation. Ms. Levine will follow-up with another letter. This led to a discussion about wet basements and the high water table throughout New London.
- Hannaford has complied with the Planning Board's site plan review, avoiding the need to pursue a zoning violation on that property. Hannaford has located the cart corrals in the spaces identified on its site plan, and has restored the use of the overhang for covered pick-up.

Ms. Clough suggested that the next *Quicklink* newsletter include a zoning update, reminding residents of zoning regulations that are frequently overlooked.

Town Website: Ms. Levine said that she had e-mailed the Selectmen information about GovOffice.com, a web provider that specializes in local government websites. She said the Peterborough, Plaistow and Swanzey town managers highly recommend the website, and the pricing is actually better than what the

Town currently budgets. The start up cost will be about \$2400, and the annual cost will be about \$600. Currently, the Town pays \$2300 per year for website maintenance and hosting. The Board of Selectmen approved the change in web providers. Ms. Clough suggested that the website include links to state agencies and other resources.

Dispatch Fees: Ms. Levine referred to a spreadsheet of proposed dispatch fees to the other local agencies that use New London's Communications Center. The budget has increased 11%, primarily due to staffing costs, and as has been the Town's practice, she increased the 2005 fees by 11%. The Board of Selectmen approved the proposed revenue.

Public Works Proposal: Ms. Levine referred to a proposal from Municipal Resources, Inc. (MRI), to perform a study on the feasibility of combining the Highway and Sewer Departments into a Public Works department. The study will also include the Water Precinct, although it is unlikely that there will be a discussion of combining the water department at this time. Mr. Lyon said he had spoken to Ken Jacques, one of the Water Precinct Commissioners, and told him that the Water Precinct had been included in the proposal and it would be useful to look at the results, although the Selectmen have no intention of asking to combine the Water Precinct with the other departments. According to MRI's proposal, the study would "undertake an organizational and operational assessment of the activities of the Highway, Water and Sewer operations and to identify and evaluate the potential benefits of consolidation into a municipal public works department." Ms. Levine said that the primary consultant on the study is Wally Stickney, a former commissioner of the state Department of Transportation and former director of FEMA.

Mr. Lyon said that the Selectmen and Sewer Commissioners need to meet soon to start the project. Ms. Levine asked whether the goal would be to expedite the findings to make a proposal to 2006 Town Meeting, or work towards the 2007 Town Meeting. Mr. Lyon suggested going ahead with the study as soon as possible and making a decision once we have a better idea of the findings. Ms. Clough said she is reluctant to bring a vote to Town Meeting without time to make a better presentation to voters, and while Mr. Lyon agreed, he said that it is premature to talk about going to Town Meeting with no idea of what the study will show. If significant action needs to take place within the next year, the Town could think about adopting provisions of the study with a goal towards ratification at the next Town Meeting.

The Selectmen talked about the Sewer Commission's response to the Attorney General's investigation of the spill in Georges Mills, and the hard work that has gone in to hire an engineer and bring plans and procedures into compliance. Mr. Lyon said that while he speculates that money will be saved by combining the two departments, there is some reluctance on the Town to take over the sewer operations while they are still dealing with the Attorney General's office. Mr. Lavoie said it is his understanding that the purpose of the study is not to address problems in the sewer department, but to find economies of combining the two departments. Mr. Lyon agreed that the expectation is that there will be significant economies in combining the two departments. Ms. Levine said that the concern from a publicity standpoint is that some may think it proposes a more streamlined government, while others may interpret that it is a consolidation of power. Mr. Lyon said that the decision will come down to budget: is it a good idea or not?

Ms. Clough asked if there had been any discussion of this study in public or on the street. Mr. Lyon said that the fund for the study was opened at Town Meeting and was subject to discussion at that time. Ms. Clough said "let's get it done and see what it says," concluding that if the study is not complicated perhaps it could be discussed at the 2006 Town Meeting. The Selectmen reiterated the need to meet with the Sewer Commissioners as soon as possible. She also suggested making it a topic of discussion at the next Citizen's Advisory Committee meeting.

There being no further public business, Mr. Lyon moved to go into non-public session pursuant to RSA 91:A-3 II (e) to talk about property tax litigation. Second Ms. Clough. Roll call vote: Lyon – yes; Clough – yes.

Upon returning to public session the Board of Selectmen signed the documents listed below.

Building Permits:

- Domenic & Molly Ferrante, 53 Lighthouse Road (Map 126, Lot 005) permit to construct various decks, landings, stairs and bridges accessing the second floor of the building – Denied (Permit 05-155)
- John & Joan Hughes, 63 White Pine Lane (Map 105, Lot 008) permit to build freestanding platform (10' x 16') to be placed over rock area near the shoreline – Approved (Permit 05-153)

Sign Permit Applications:

- NONE

Other Items for Signature:

- Disbursement & Payroll Voucher for the week of January 3, 2006 – Approved
- Supplemental Warrant Property Tax Levy State of New Hampshire – Approved
- Application for use of the Town Office Sydney Crook Conference Room for Adventures in Learning on Thursday, January 5, 2006 at 3:00 p.m. to 4:30 p.m. - Approved.
- Application for the use of Town Office Sydney Crook Conference Room for Adventures in Learning on Monday's from 1:15 p.m. to 3:45 p.m. starting on April 17, 2006 for six weeks – Approved
- Application for the use of Town Office Sydney Crook Conference Room for Kearsarge Lake Sunapee Community Center on Thursday, January 5, 2006 from 7:30 a.m. to 9:00 a.m.
- Notice of intent to cut wood or timber for Gerard & Jane Gold, 525 Shaker Street (Map 124, Lot 001) – Approved
- Abatement Recommendations:
 - Colin & Margaret Waldon, 38 County Road (Map 059, Lot 019) Approved
 - Brier Roberts Revocable Trust, 779 Sugarhouse Road (Map 034, Lot 008) - Approved
 - Phillips Family Trust, 650 County Road (Map 082, Lot 011) – Approved
 - Marshall S. Price Trust, 127 Little Sunapee Road (Map 059, Lot 035) – Approved
 - Joseph Healy Trust, 301 Little Sunapee Road (Map 046, Lot 007) – Approved
 - Janice Baron, 331 Bunker Road (Map 062, Lot 019) – Approved
 - Margaret Holliday, 33 Fenwood Drive (Map 058, Lot 001) Approved
 - James & Carol Messenger, 870 Lakeshore Drive (Map 051, Lot 001) – Approved
 - Murray & Marjorie Forbes Trust, 1 Cricenti Lane (Map 058, Lot 006) - Approved
 - David & Janet Jones Trusts, 56 Fenwood Drive (Map 058, Lot 014) - Approved
 - Manfred & Elke Wiese, 28 Fenwood Drive (Map 058, Lot 022) – Approved
 - Christine Cricenti, 10 Ledgewood Lane (Map 059, Lot 011) – Approved
 - Mary Perry, 14 Cricenti Lane (Map 058, Lot 002) – Approved
 - Roger & Judy Sullivan, 13 Cricenti Lane (Map 058, Lot 005) – Approved
 - Joseph & Denise Kneeland, 62 Cricenti Lane (Map 058, Lot 018) – Approved

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Robert & Agnes Reynolds, 32 Cricenti Lane (Map 058, Lot 021) – Approved
Doris Huntley Revocable Trust, 2 Cricenti Lane (Map 058, Lot 004) – Approved
Beatson Blair Wallace Trust, 62 Fenwood Drive (Map 058, Lot 013) – Approved
Andrea Heinlein, 82 Fenwood Drive (Map 058, Lot 010) – Approved
Elizabeth Buzby Trust, 90 Fenwood Drive (Map 058, Lot 009) – Approved
Ralph & Mary West, 470 Route 103A (Map 080, Lot 002) – Approved
Julia Ann Canuto, 53 Elkins Road (Map 087, Lot 006) – Approved
Kimberly Tuthill, 15 Fieldstone Lane (Map 093, Lot 008) – Approved
Edith C. Newcomb et al, 480 Burpee Hill Road (Map 057, Lot 005) – Approved
Mildred Bruns Trust, 37 Hilltop Place (Map 144, Lot 001-037) – Approved
Thomas Keily, 100 Hilltop Place (Map 144, Lot 001-100) – Approved
David E. Marshall, 351 Pingree Road (Map 023, Lot 008) – Approved
Everett & Madelyn Yelton Trust, 585 Bunker Road (Map 076, Lot 033) – Approved
Brian & Eileen Brennan, 156 Davis Hill Road (Map 055, Lot 008) – Approved
David Sheldon Trust, 28 Hilltop Place (Map 144, Lot 001-028) Approved
Judith Richards Qualified Trust, 75 Fieldstone Lane (Map 093, Lot 009) – Approved
Judith Richards Qualified Trust, Fieldstone Lane (Map 093, Lot 010) – Approved
Abbott Lahti Trust, 17 Deacon Hill Road (Map 122, Lot 009) – Approved
David & Patricia Morse, 250 Woodland Trace (Map 093, Lot 003) – Approved
Westwind Trust, 596 Lakeshore Drive (Map 050, Lot 006) – Approved
Robert & Linda Friedlander, 64 Little Sunapee Road (Map 060, Lot 006) - Approved

There being no further business, the Selectmen voted to adjourn the meeting at 9:50 AM.

Respectfully submitted,

Jessie Levine
Town Administrator