

**BOARD OF SELECTMEN  
MEETING MINUTES**

**February 14, 2005**

**PRESENT:**

Ruth I. Clough, Chair, Board of Selectmen  
Douglas W. Lyon, Selectman  
Mark Kaplan, Selectman (arrived at 7:15 PM)  
Jessie Levine, Town Administrator

**OTHERS PRESENT:**

David Seastrand, Police Chief  
Peter Stanley, Fire Chief/Zoning Administrator  
Richard Lee, Road Agent  
Wayne Miller, QROE Companies  
Charles Adams, Castle Lane resident  
Lance Hanson, Castle Lane resident  
Carolyn Dube, Argus Champion

Chair Clough called the meeting to order at 7:00 PM.

Castle Lane Public Hearing: Due to the fact that only Police Chief David Seastrand, Fire Chief Peter Stanley, and Road Agent Richard Lee were present, Chair Clough waited a few minutes before opening the public hearing. At 7:05 PM, Wayne Miller appeared on behalf of QROE Companies, and Chair Clough opened the public hearing on the proposal to layout Castle Lane as a town road.

Chair Clough asked for a brief background about the layout process for this road. Ms. Levine said that the petition to layout the road was received in July 2004, but the owners of the road (QROE Companies) had not yet received a final certificate of compliance from the Planning Board, which is one of the requirements of acceptance by the Board of Selectmen. QROE Companies received that approval from the Planning Board on January 4, 2005. Ms. Levine then sent out the notice for this public hearing. Ms. Levine said that there had been an issue with boundaries changing at the hammerhead, and that has since been resolved.

Chair Clough referred to the map and noted that the hammerhead served four lots. Peter Stanley said that the frontage for Lot #5 and #6 is on King Hill Road. Chair Clough noted that the subdivision plan did not show frontage for Lot #6 on King Hill Road. Peter Stanley said that this is not the final subdivision plan. The plan before the Board of Selectmen was the original subdivision that was approved in 2000. The following year, a portion of the subdivision was bought by Burton Burton and put into conservation easement. Lot #6 was redrawn and recorded at that time, and this plan does not reflect the current configuration of Lot #6.

Mr. Lyon asked if there were any issues other than the inaccuracies in the map. Richard Lee said that the road is fine and the boundary has stayed in the same place since it was re-set by Clayton Platt. Peter Stanley said that the cistern has been tested and is fine. Ms. Levine said that she already has a copy of the deed, which has been executed by QROE Companies.

Mr. Lyon made a motion to accept Castle Lane as a town road, contingent on the submission of the final approved plans. Chair Clough seconded the motion and it was unanimous 2-0. Ms. Levine said that when

she receives the final plan, she will record the deed and the plan together, and then the Town will own the road. Until then, it will remain private.

Chair Clough closed the public hearing at 7:15 PM. Mr. Miller, Chief Stanley, and Richard Lee departed, and Chief Seastrand remained. Mr. Lyon moved to go into non-public session to discuss a personnel matter in the Police Department, seconded by Chair Clough (roll call vote: Lyon – yes; Clough – yes). Mr. Kaplan joined meeting just as the non-public meeting began.

Upon returning from public session at 7:50 PM, the Selectmen were joined by Charles Adams and Lance Hanson of Castle Lane. Mr. Adams explained that he and his neighbor thought that the hearing was at 7:30 and apologized for being late. They asked the Selectmen for an explanation of the public hearing, and Chair Clough explained that the road had been accepted contingent on the submission of the final plans.

Meeting Minutes: The Board of Selectmen approved the minutes of February 7, 2005.

Local Government Center Wage & Classification Study: Ms. Levine presented the Selectmen with the towns recommended by the Local Government Center (LGC) to use as comparison in the wage & classification study. The Board of Selectmen should pick eight of these 17 proposed towns. Ms. Levine noted that New London's operating budget was \$5 million in 2004, not \$1.4M as it states in the chart from LGC. Mr. Kaplan noted that Alton's equalized value is listed as only \$111 million, which seems very low for a larger town on Lake Winnepesaukee. He said that there were three mistakes on this one page, and asked what else is wrong that we're not aware of. Ms. Levine said that she would bring the errors to LGC's attention and ask them to resubmit their recommendations.

Paper Subdivisions: Ms. Levine said that she had received a call from Town Planner Ken McWilliams, who had been approached about the status of certain "paper subdivisions" – subdivisions that had been approved a long time ago but the developer had never made improvements to the property. Under New Hampshire law (RSA 676:4-a), a Planning Board can vote to revoke subdivision approval only under certain circumstances. Two of those circumstances are: 1) in RSA 676:4-a I(c), when the developer has failed to perform any condition of the approval within a reasonable time specified in the approval or within four years, as specified in RSA 674:39, and 2) at (d), when the four years has elapsed without the "vesting of rights" or when the plat, plan or other approval no longer conforms to the applicable ordinances. Ms. Levine said that she had given the Selectmen copies of the applicable statutes and copies of Planning Board minutes from 1996, when the Planning Board revoked Lloyd Littlefield's subdivision on Pleasant Street.

Ms. Levine said that there are a few subdivisions in New London that were approved quite a long time ago, and no improvements have been performed and the zoning has subsequently changed. She said that the Planning Board will have to take up this question, and Ken McWilliams wanted the Board of Selectmen's input before the discussion took place. Ms. Levine said that one question that needs to be answered is whether the Planning Board is *required* to revoke approval under these circumstances, or whether they have the authority to consider revocation but do not have to do so.

Mr. Lyon said that he would recommend that the Planning Board revoke approval where appropriate, because subdivisions should comply with current zoning ordinances and some of these no longer comply. Chair Clough asked if the property owners were aware of these provisions, and Ms. Levine said that in one case, she believes that they were aware. Mr. Kaplan said that he sees no reason why the property owners couldn't be notified that the Planning Board would conduct a hearing on each subdivision. Ms. Levine said that RSA 676:4-a requires the Planning Board to notify the property owner and abutters of a

revocation, and then follow with a public hearing upon the request of the property owner or abutters, or the Planning Board chooses to do so.

Chair Clough said that she is hearing consensus from the Selectmen that they would ask the Planning Board to have the property owners or developers come forward to meet with the Planning Board. Mr. Lyon said that he would like to advise the Planning Board to revoke the subdivision approval on the grounds that the subdivisions no longer conform to the Zoning Ordinance. Mr. Lyon added that he has another concern about RSA 676:4-a, and that is that the law allows revocation only under the circumstances listed below, and does not say "one of the circumstances," nor does the word "or" appear on the list. Mr. Lyon questioned whether all of the circumstances had to apply in order to revoke approval, or whether only one had to apply. Ms. Levine said that she would check with Bart Mayer on that question.

Chair Clough repeated that it sounds like the Selectmen would recommend that the Planning Board consider revocation of the old subdivisions that are no longer in compliance. Mr. Lyon suggested that the Planning Board set a date of revocation during the approval process and note it on any future subdivision plans.

Presite Built Homes: Ms. Levine said that she had spoken to a realtor who said that there is some concern in the community that Planning Board proposed zoning amendment #8 would exclude manufactured homes from being built in New London. Ms. Levine referred to the draft zoning amendment and stated that the purpose of the amendment was to replace the definition of and references to "mobile home" with "manufactured home," which mirrors the state statutes, and add a definition of "presite built housing," which is a higher building standard. She said that currently, mobile homes are allowed in all zones except R-1 residential, institutional, and commercial. The zoning amendment would apply the same regulations to manufactured homes, but presite built housing would be allowed in all zones for residential uses. Mr. Lyon suggested that a letter to the real estate community may clear up the confusion. Ms. Levine also suggested a letter to the editor in the local papers, which the Selectmen approved.

Sign Town Meeting Warrant: Ms. Levine presented the Selectmen with the original Town Meeting warrant, and asked if the Selectmen wanted to change anything before they signed it. Mr. Lyon said that he liked the longer warrant article regarding the gift of the land to the Community Center, and asked if Ms. Levine had made any changes. Ms. Levine said that she agreed with Peter Stanley that a shorter article would be easier communicated at Town Meeting, but she was concerned that voters should know at least some of the conditions of the gift, and that if they were not contained in the article it would raise the question as to whether the Selectmen intended to assert those conditions. The Selectmen agreed that the longer article should be included. Mr. Lyon said that he thinks that it is important that those conditions be listed as the "minimum conditions," and he is glad that language was included in the article.

Ms. Levine said that the only other change she made to the warrant was to move the two Veterans' Credit warrant articles up to Articles 31 & 32, so that they would come earlier at Town Meeting. The Board of Selectmen voted to approve the 2005 Town Meeting warrant and signed it.

Citizen's Advisory Committee: Ms. Levine said that the CAC meets on Saturday, February 26 at 7:30 AM, and asked the Selectmen if they would like to discuss a particular topic. Ms. Clough said that she would like to review the warrant with CAC and do a preview of Town Meeting.

David Hitchcock: Ms. Levine said that she has pulled together a package of background material for Bart Mayer and that the question is on his desk. She hopes to hear from him within the week.

**SIGNATURES:**

**Building Permits:**

- Schwartz-Barr Realty Trust, 217 Burnt Hill Road (Map 29, Lot 5), permit to construct a four bedroom, single family residence with attached two-car garage – approved (Permit 05-008)
- Christopher and Nancy Tatum, 493 Burpee Hill Road (Map 070, Lot 12), permit to finish part of basement and add gates on utility shed to conceal a/c condenser – approved (Amendment to permit 04-097)

**Sign Permits:**

- Broom Properties, 176 Newport Road (Map 59, Lot 28), permit for a permanent sign 6'3" x 4' – Approved with the condition that the existing granite "Sigma Data" sign is either removed, covered or filled in.

**Other Items for Signature:**

- Disbursement Voucher for the week of February 14, 2005
- 2005 Town Warrant
- Application for Use of the Town Office Conference Room by the New London Outing Club for a strategic planning meeting to be held on April 4, 2005
- Perambulation of the New London/Wilmot Border
- Perambulation of the New London/Sutton Border
- Agreement for Capitol Alarms Systems, Inc. for the installation of an alarm system at the New London Highway Department
- Abatement for Hunter's Hill Trust, 717 Lakeshore Drive (Map 51, Lot 15) over charged on timber tax bill – Approved
- Appointment card for Edward G. Andersen as Sergeant for the New London Police Department

There being no further business, the Board of Selectmen voted to adjourn the meeting at 8:45 PM.

Respectfully submitted,

Jessie Levine  
Town Administrator