

**NEW LONDON PLANNING BOARD  
REGULAR MEETING & PUBLIC HEARING  
NOVEMBER 14, 2006**

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

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

**I. JOHN REGO– Final Site Plan Review**

**(Tax Map 85, Lot 44)**

John Rego presented a re-design of the proposed floor plan/drawing showing placement of the proposed stage on the opposite side of the room. He advised that, after talking with Town Administrator Jessie Levine and Zoning Administrator Peter Stanley, he was proposing a smaller stage in order to ease traffic flow and lessen congestion.

Chair Ebel asked if there had been any issues raised at the meeting with municipal department heads. Ken McWilliams replied that he had nothing to add to the information already presented. Chair Ebel asked if there were any abutters present who wished to speak. Abutter Steve Coy said that it sounded like a good idea and he had no problem with it. Mr. Rego advised that the property of two other abutters faced Barrett Road and only the very back of their properties abutted the back of the College Café property.

Chair Ebel asked what the hours of operation would be. Mr. Rego replied that the hours would extend from 4:00 PM to 12:00 Midnight seven days per week. He advised that the front part of the College Café closed at 5:00 PM; therefore, there would be one hour during which the two operations would overlap. Chair Ebel inquired about noise. Mr. Rego replied that he did not think noise would be a problem. He said that there would be music only on Friday and Saturday nights from 9:00 PM to 12:00 AM and that it would not be raucous music that would bother the neighborhood. PB member Cook asked if the tavern would be open on Sunday. Mr. Rego responded affirmatively.

Fire Chief Peter Stanley advised that the tavern would have to comply with all State and local fire codes. He noted that Mr. Rego wanted to open the tavern before the required fire alarm was operational, and Chief Stanley advised that Mr. Rego could do so, but must have a fire watch posted. He also advised that the permit of assembly was for 60 people. Mr. Rego responded that he had a contract with TASCOS for installation of an alarm. He said that the requirement had been newly added, but he anticipated that the alarm would be installed and operational by December.

PB member Clough asked if the available parking met the regulatory requirements. Mr. McWilliams replied that it had been reviewed previously and found to be adequate. Mr. Rego asked that the records reflect that Justin Snyder was a principal of the tavern, which would be known as Snyder's Tavern.

It was **MOVED** (Conly) and **SECONDED** (Cook) **THAT THE FINAL SITE PLAN FOR SNYDER'S TAVERN AT 420 MAIN STREET (TAX MAP 85, LOT 44) BE APPROVED AS PRESENTED, SUBJECT TO COMPLIANCE WITH ALL STATE AND LOCAL FIRE CODES. THE MOTION WAS APPROVED UNANIMOUSLY.**

**II. JONATHAN PAUL –Concept Plan of Road Realignment & Annexation**

**(Tax Map 91, Lots 7, 8 & 14)**

Ross Stevens (Stevens Engineering) and Kevin Vollnogle (Pellettieri Associates, Inc.) appeared on behalf of Jonathan Paul to discuss a proposal to move an existing road further away from the Paul house. Mr. Stevens advised that Mr. Paul owned three lots and the relocated road would be encompassed by one of those lots, Tax Map 91, Lot 7. Mr. Stevens circulated a copy of the proposed relocation for PB review.

Mr. Stevens advised that the existing road was approximately 10-12 feet wide throughout and 13 feet wide at its widest point. He opined that the proposed action was similar to a project previously approved for the Wilson

property. He said that in the course of moving the road, the road would have to be up-graded. Mr. Stevens said that the existing location was not a defined road; rather, it was a right-of-way. He said that the road through the Paul property was defined and moving the road would involve lot line adjustments. Mr. Stevens advised that Mr. Paul wanted to merge recently purchased property into one lot. He said that the existing road was owned by abutter Anne Bemis.

PB member Cottrill asked what road improvements were planned. Mr. Stevens replied that the road would be constructed to the standard width required by the regulations. PB member Clough asked about the rear of the lot on which the road would be relocated. Mr. Stevens replied that the rear of the lot was wetland that was currently maintained as manicured lawn. Ken McWilliams asked if there were any existing buildings on any of the lots. Mr. Stevens advised that each of the three lots had a house and a garage. Mr. McWilliams asked if the only change proposed was the location of the road. Mr. Stevens responded affirmatively. Mr. Stevens said that there would be a little wetland encroachment in the area that was currently maintained as lawn. He advised that Mr. Paul's garage was located across the road from the Paul house and that would go. PB member Clough opined that moving the proposed curve down would get the road away from the wetlands.

PB member Andrews asked if there had been any conversations with abutters Clarke and Carey. Mr. Stevens replied that Mr. Paul had spoken with the Clarkes and the Careys and they seemed to be agreeable to the proposed change in the location of the road. Mr. McWilliams advised that if the lots owned by Paul were not merged, the proposed change would make Tax Map 91, Lot 14 a non-conforming lot and such a change would not be allowed under the regulations. Zoning Administrator Peter Stanley said that Mr. Paul would need to acquire the land on which the road was located in order to merge his three lots. He advised that Mr. Paul could not take land away from the Bemis lot (Tax Map 91, Lot 15) that would make that lot non-conforming or more non-conforming. Mr. Stevens replied that Clayton Platt and Michael Feeney would be working with Mr. Paul to address those issues.

PB member Clough opined that the road location should be kept away from the lake and the wetlands. Mr. Stevens replied that in the Wilson project the encroachment had gone well and had been addressed by mitigating measures. Chair Ebel asked how close to the lake the proposed road would be. Mr. Stevens replied that it would be approximately 65 feet from the lake. Ms Clough said that she would like to view the work on the Wilson road in regard to encroachment. Chair Ebel asked if the area where the road would be relocated was forested or planted. Kevin Vollnogle replied that it was currently maintained as lawn. PB member Cottrill asked where the tree line was on the plan presented. Mr. Vollnogle responded that the tree line was approximately 100 feet back, at a minimum. Chair Ebel advised that the PB encouraged moving any disturbance away from the lake and the wetlands. PB member Cook observed that the driveways would also be moved back, thus providing more privacy.

Mr. Stevens advised that the plan did not show a significant paved drive running from the Paul house down to the lake. PB member Cottrill hypothesized that additional planting would follow relocation of the road. Mr. Stevens said that the next step would be to speak with the Conservation Commission. PB member Conly advised that the Commission would be meeting the next day from 1:00-3:00 PM.

### **III. CATE FAMILY TRUST – Preliminary Major Subdivision & Annexation (Tax Map 103, Lots 2-1 & 2-2)**

Vaughn Cate Grubbs and Mark Grubbs were accompanied by Erin Darrow (Darrow Civil Engineering). Ms Darrow displayed a plan for the proposed subdivision and annexation and briefly recapped prior PB action in regard to the property.

Ms Darrow advised that the intent was to provide each Cate family member with a lot on which a house could be built and still have some land eligible to be put in "current use". She informed the PB that High Intensity Soils (HISS) mapping had been done and the town health officer had advised that the proposed lots would meet the regulatory standards. Ms Darrow said that the Cates were not proposing a cluster development; however, the houses and ancillary accoutrements would be clustered near the road.

Chair Ebel asked how one would access the upper lot shown on the plan. Ms Darrow replied that it would be necessary to obtain a Minimum Expedited Wetlands Permit and a four-way stop would have to be created. PB member Andrews asked how many lots would be served by the access. Ms Darrow replied that two lots, proposed lots 103-2-5 and 103-2-6, would be served. PB member Cottrill asked about access to the next lot on the plan. Ms Darrow responded that there were two options: the drive north of the Hayward house would serve two lots and would need a right-of-way. It would also be possible to use an existing driveway permit for the "yellow house". She said that the latter would have a greater impact on the road.

PB member Cottrill asked what the previous minor subdivision had been. Ms Darrow displayed a plan that showed that the minor subdivision had created two lots. She pointed out how the two plans interacted. She advised that the proposed subdivision would create a 13.52-acre lot, a 13.2-acre lot, an 8.5-acre lot, and a 7.69-acre lot. She said that the latter two lots would be under the same ownership. Ms Darrow advised that there were no immediate plans to build on all the lots. Mr. Cottrill asked what the minimum lot size was for current use eligibility. Ms Darrow replied that current use regulations required a minimum lot size of 10 acres. She reiterated that the intent of the subdivision was to provide each family member with a lot on which a house could be built and with sufficient acreage to qualify for current use designation.

Ken McWilliams reported that, at the meeting with municipal department heads, the Fire Department would require a water supply on site. The Cates needed to submit a plan for review. Mr. McWilliams advised that the Cates would also have to define the .75 acres of contiguous building area on each lot to meet the regulatory requirement. PB member Clough asked if building envelopes would be required. Mr. McWilliams replied in the negative; however, he opined that the contiguous building area would be a logical place to locate a house.

Ms Darrow advised that she was seeking waivers of the subdivision regulatory requirements for HISS mapping of the entire 103-2-1 property, topographical mapping of the entire 103-2-1 lot, and the requirement that monuments be visible to a standing person. She stated that the requirements would place an undue hardship on the landowner. Ken McWilliams reminded the PB that discussion of these issues had occurred when the PB had reviewed the earlier minor subdivision. PB member Clough recalled that the PB had granted the waivers. PB member Cottrill noted that monuments at all corners of the property were shown on the plan displayed. Ms Darrow said that she wanted a waiver of one monument placement. She said that she would prefer not to put another monument in the middle of the actual boundary line. She advised that there was already one monument on the boundary line.

It was **MOVED** (Conly) and **SECONDED** (Cottrill) **THAT THE REQUEST FOR WAIVER OF THE LAND SUBDIVISION REGULATORY REQUIREMENT FOR HIGH INTENSITY SOILS SURVEY AND TOPOGRAPHICAL SURVEY WITH TWO-FOOT CONTOURS OF THE ENTIRE LOT (TAX MAP 103, LOT 2-1) BE GRANTED. THE MOTION WAS APPROVED UNANIMOUSLY.**

It was **MOVED** (Hollinger) and **SECONDED** (Conly) **THAT THE REQUEST FOR WAIVER OF THE LAND SUBDIVISION REGULATORY REQUIREMENT THAT ALL MONUMENTS BE VISIBLE BY A STANDING PERSON BE GRANTED. THE MOTION WAS APPROVED UNANIMOUSLY.**

PB member Clough asked when additional monumentation would be needed. Ken McWilliams responded that it might be needed 50-100 years hence, if the corner monument was lost. PB member Andrews asked if GPS or GIS would eliminate the need for monuments. Ms Darrow advised that a survey could determine the location of the monuments. Zoning Administrator Peter Stanley asked what type of monument had been used. Ms Darrow replied that the monuments were granite. Zoning Administrator Stanley opined that the only threat to the monuments would be logging or construction operations. He said that if monuments had metal on them, they could be located with a metal detector.

It was **MOVED** (Conly) and **SECONDED** (Cook) **THAT THE REQUEST FOR WAIVER OF THE LAND SUBDIVISION REGULATORY REQUIREMENT REGARDING PLACEMENT OF BOUNDS BE GRANTED AND THAT ONLY THE CORNERS OF THE SUBJECT PROPERTY BE MONUMENTED. THE MOTION WAS APPROVED UNANIMOUSLY.**

Abutter Catherine Jones said that she was concerned about the impact on Herrick Cove of the Cate family shared frontage. She said that the frontage has a boathouse and asked if there were any plans for sharing or renting the property. Vaughan Cate Grubbs responded that the frontage would be used only by family members. Abutter Patricia King said that she shared the concern expressed by Abutter Jones.

Ms Grubbs advised that she and Mr. Grubbs were the only family members who had immediate plans to build on the property. She further advised that one brother owned the Hayward house and another brother owned the "yellow-house" lot. PB member Conly opined that there could be additional houses built on the property. PB member Clough opined that the PB needed to assume that there would be additional building on the property.

Ms Grubbs advised that the Herrick Cove property was not connected to the house lots. She said the boathouse was only shared because they were family. She advised that there was no deeded right to share the lake property. She emphasized that the Herrick Cove property had always been separate. PB member Hollinger opined that a deeded right to the lake property would increase the value of the lots to be created by the proposed subdivision. Ms Grubbs reiterated that if the property were to be sold by a family member, no deeded rights to lake access could be conveyed because none existed.

Erin Darrow directed the PB's attention to the requirement that there be fire protection with 1500 feet of a house. She asked if there could be some kind of document that would say that fire protection would be provided at the time the lots were developed rather than at the onset of the subdivision. Ken McWilliams suggested reviewing the Covenant Restricting Lot Sales to determine if it would allow fire protection to be provided later, rather than at the time of subdivision. Fire Chief Peter Stanley suggested that a dry hydrant at Herrick Cove might work. He noted that the town could withhold granting a building permit until fire protection was available. It was noted that there already was a dry hydrant slightly more than 1500 feet away.

Chair Ebel asked when the Cates would like to return to the PB with additional information. Ms Darrow advised that she would be appearing before the PB on November 28, 2006 in regard to a lot line adjustment. She asked if fire protection would mandate additional preliminary review. Discussion ensued regarding whether the PB should select a date on which Zoning Administrator and Fire Chief Peter Stanley could be present. Mr. Stanley cited other similar issues, and opined that the matter was not complicated.

It was **MOVED** (Cottrill) and **SECONDED** (Conly) **THAT THE CATE FAMILY TRUST PRELIMINARY MAJOR SUBDIVISION & ANNEXATION (TAX MAP 103, LOTS 2-1 & 2-2) BE CONTINUED TO TUESDAY, NOVEMBER 28, 2006 AT 7:00 PM. THE MOTION WAS APPROVED UNANIMOUSLY.**

#### **IV. KIDDER/CLEVELAND – Concept Subdivision Plan (Tax Map 101, Lot 9 & Tax Map 114, Lot 1)**

Hilary Cleveland and Marilyn Kidder were accompanied by Pierre Bedard (Pierre J. Bedard & Associates, P.C.). Mr. Bedard directed the PB's attention to the drawings provided for review. He advised that the property had been held jointly for quite some time, but the families would now like to separate the land and each have title to their portion of the property. He advised that a brook flowing to the old landfill site would provide a boundary for the subdivision. Mr. Bedard advised that the property was shown on the New London Tax Map as two separate parcels: Parcel 114-1 would be wholly owned by the French Project/James C. Cleveland Trust; Parcel 101-9 would be owned by the Marilyn Kidder Trust.

Mr. Bedard advised that prior to subdividing the entire property a 30-acre parcel would be created and divided into two lots. He said that the lots would be sold to finance the subdivision of the larger tract of land. Mr. Bedard advised that he would seek waivers to the Land Subdivision Regulations requirements for a High

Intensity Soils Survey (HISS) and topographical mapping with two-foot contours for the entire property. He stated that the land was currently used for forestry and land conservation. Mr. Bedard said that the issue in Sutton would be the lack of frontage; however, he cited section 674.153 of the New Hampshire Planning and Land Use Regulations that permits using frontage in another town to meet frontage requirements. He advised that frontage in Wilmot would be used to provide frontage for the property in Sutton.

Mr. Bedard said that the map provided contained a great deal of extraneous detail because it was the same map that had been used during the review of landfill requirements. Referring to the colored outlines on the maps provided, Mr. Bedard advised that there were two tax map parcels in New London, divided by the combined yellow and green lines on the map. He said that the "blue" 30-acre parcel was currently part of the larger "green" parcel. He advised that the applicants would be coming to the PB for a three-lot subdivision. PB member Andrews observed that all of the frontage for the "yellow" parcel would be in Wilmot, although some of the land lies in New London and some in Sutton. Mr. Bedard agreed that that was the case.

**V. RON BROWN – Site Plan Review: Need for Site Plan Review (Tax Map 72, Lot 40)**

Ron Brown advised the PB that The Banks Gallery, LLC was seeking to operate a Fine Arts Gallery in the single-story building next to Colby Real Estate. He explained that The Banks Gallery, LLC had existed in Portsmouth for two years and now wanted to branch out. Mr. Brown said that since he resides in Wilmot, New London appeared to be a good location. He stated that the building had originally been a pizza parlor and more recently had housed real estate agents.

Mr. Brown advised that the gallery would display mostly paintings, and he said that it handled only original oil paintings with values ranging from \$600 to \$200,000. He explained that the gallery would be a "destination" business, not a "walk-in" business.

Chair Ebel asked if the paintings would have a New England emphasis. Mr. Brown replied that in Portsmouth the gallery displayed many seascapes; however, in New London the display would be mostly landscapes. He stated that a December 9, 2006 opening was planned and the first big exhibition would be in January. He said that the exhibition would include four local artists and showcase property in New London.

Fire Chief Peter Stanley asked when the shows would be scheduled. Mr. Brown replied that the shows would be all-day shows. He explained that an exhibition consisted of a pre-show for 100 top contributors of the local land trust, one day for the remaining members of the trust, and a third day for the general public. He then referred to the Ausbon Sargent Land Preservation Trust. At that point, PB member Andrews recused herself from the PB.

Zoning Administrator Peter Stanley asked what plans Mr. Brown had for event parking. Mr. Brown replied that there were 16 parking spaces behind the building and that Colby Realty only used five or six of the spaces. He said that the gallery generally would have only 25 people in attendance at any one time now that hours had been extended to include all afternoon and evening. Zoning Administrator Stanley advised him that there was no on-street parking permitted along Newport Road. Mr. Brown advised that he had been thinking of collaborating with the Millstone restaurant for a combined dinner and gallery visit offering.

PB member Cook asked if the gallery would operate on Saturdays and Sundays. Mr. Brown responded affirmatively. He said that individual exhibits would hang for 45 days.

Chair Ebel asked what the "fire load" for the building was. Fire Chief Peter Stanley replied that it would be calculated based upon the square footage. Chair Ebel asked Mr. Brown if he knew the square footage of the building. He responded that the building consisted of 1300 square feet all on one level. He said that in Portsmouth The Banks Gallery, LLC has had a "fire watch" to monitor the number of people in the building.

PB member Clough said that she was worried about parking. She opined that the PB needed to know that The Banks Gallery, LLC has agreements with neighbors for additional parking. PB member Cottrill opined that if

there were no parking available, people would not stop. Chair Ebel asked how many employees there would be. Mr. Brown replied that there would be two. Chair Ebel emphasized that the property borders a residential zone. Zoning Administrator Peter Stanley added that Harry Snow was in the process of developing the property behind the building. PB member Cottrill asked what would be the hours of operation. Mr. Brown replied that the gallery would be open Wednesday through Sunday and would host four to five exhibitions each year. He stated that the gallery would be open during the afternoons and evenings. PB member Clough reiterated her concern regarding event parking.

It was **MOVED** (Conly) and **SECONDED** (Cottrill) **THAT NO SITE PLAN REVIEW BE REQUIRED FOR THE ESTABLISHMENT OF A FINE ARTS GALLERY AT 35 NEWPORT ROAD (TAX MAP 72, LOT 40) AS PRESENTED BY RON BROWN ON BEHALF OF THE BANKS GALLERY, LLC. THE MOTION WAS APPROVED, 5 IN FAVOR** (Ebel, Cook, Cottrill, Conly, Hollinger), 1 **OPPOSED** (Clough).

Sue Ellen Andrews returned to the PB.

**VI. ROBERT EWING – Major Subdivision: Sign Mylar (Tax Map 96, Lots 15 & 15-4)**

On behalf of Robert Ewing, Ken McWilliams presented the mylar of the Ewing major subdivision for PB signatures. Chair Ebel noted that the mylar did not contain the required signature block and asked how the PB should proceed. Mr. McWilliams replied that the applicant would have to submit a new mylar with the required signature block.

**VII. REVIEW, DISCUSS, AND ADOPT THE CIP REPORT 2007-2016**

Chair Ebel reminded PB members that PB members Hollinger and Cottrill had been members of the Capital Improvement Program (CIP) subcommittee.

Ken McWilliams advised that page 7 of the Report highlighted changes. For 2007, a 10-wheel dump truck was included, as was \$35,000 for a van for the Recreation Department. There was some question as to whether the intent was to fund continuing replacement of the recreation van by setting up a capital reserve fund or whether it was to be a one-time purchase. Chair Ebel noted that the draft language was unclear. PB member Cottrill advised that some members of the subcommittee questioned whether it should be purchased at all. PB member Clough spoke on behalf of the recreation department's need to transport kids around from one venue to another. PB member Cook advised that it would be possible for the Recreation Department to write, in conjunction with the Council on Aging (COA), a grant proposal to the State for transportation at no cost to the town. Ken McWilliams advised that the van could be found on page 39 under the general fund.

PB member Cottrill said that the subcommittee had also talked about the lack of coordination between the New London Outing Club, the proposed Community Center, and the New London Recreation Department. He said including the van in the CIP might be "jumping the gun".

PB member Clough said that it was hoped that the New London Recreation Department would have an office in the soon-to-be-vacant middle school. Zoning Administrator Peter Stanley said that \$3.5 million would be needed in order to renovate the portion of the middle school building that the community center proposed to take over. He said that the New London Outing Club would be located in the middle of the building with the gymnasium. When asked how much it would cost to renovate the gymnasium, he replied \$250,000. He advised that the "pit" would not be renovated; in fact, it would probably be torn down.

Chair Ebel asked if the New London Recreation Department was expanding such that \$35,000 needed to be spent on a van. She wondered how children were being transported now. PB member Clough replied that the director wanted to expand activities to include rock climbing, individual sports, people doing things together, and expand opportunities. She said programs were available to all area children and that currently children were being transported in personal vehicles. PB member Hollinger stated that revenues did not keep pace with

expenditures and that this was known at the outset. He advised that page 41 of the Report showed the impact on the tax rate, and he opined that it would not be going down.

Mr. McWilliams referred the PB to page 7 and the comment regarding including the expense as a capital reserve that the committee did not have enough information. He said that he understood that to mean that there was not enough information to decide on whether to put money in the CIP for a replacement van. PB member Cottrill reiterated that he didn't think the CIP had decided whether to fund it at all and that was what that comment meant.

PB member Cottrill asked if the van would be used by and for New London folks only. PB member Clough responded that the entire recreation program served many communities. Mr. Cottrill asked if New London taxpayers would really want to support activities for the benefit of other towns. PB member Andrews asked if PB approval of the CIP Report would mean that the PB was recommending expending \$35,000 on a van. Mr. McWilliams replied in the affirmative. Ms Andrews asked if it would be voted on as a separate item at the town meeting in March. Ms Clough responded that as a new item in the CIP, it would be voted on separately. Mr. Cottrill asked if the Recreation Director Chad Denning had attended a CIP meeting. Mr. Hollinger replied that Mr. Denning had attended a CIP meeting and had mentioned use of the van by other groups and even town employees attending meetings out of town. Various PB members wondered if that should be worked out in advance. Chair Ebel also asked about costs related to ownership of the van, like insurance and registration fees.

Ken McWilliams referred the PB to page 33 of the Report and to Table 7A on page 34 regarding the Sewer Department. He noted that \$175,000 had been put in this year to address deferred maintenance issues. PB member Cottrill asked if the sewer fees paid would not meet expenses. PB member Clough replied that the fees are not paid by the entire town, only by those property owners who actually use the sewer service.

Chair Ebel noted the comments that indicated the CIP committee also needed more information from the library regarding its requests and wondered why the money had been included in the CIP. PB member Cottrill responded that the requests were estimates for furnace replacement and air conditioning. Chair Ebel asked if those were really needed. Mr. Cottrill replied that the library didn't really know what type of furnace was needed. Mr. McWilliams referred the PB to Table 11 on page 38 that indicates a reserve of \$40,000 in 2007 for carpeting and furnace expenses. Mr. Cottrill asked how much of the \$40,000 was for the furnace. Mr. McWilliams replied that \$25,000 was for the furnace. Chair Ebel asked why the Report still said that more information was needed. Mr. McWilliams said that Town Administrator Jessie Levine had provided additional information.

PB member Clough noted the comment below the library Table stating that monies were "not approved by CIP". PB member Cottrill said that he had thought that there would be another meeting of the subcommittee before the report was finalized. Ms Clough asked if Town Administrator Jessie Levine should be asked to attend the next PB meeting to explain the requests. CIP subcommittee members Hollinger and Cottrill said that they believed the funds for the van and for the furnace were to be dropped unless additional information was provided. The note refers back to page 7 of the Report. Chair Ebel and PB member Andrews asked why, if the capital reserve for the van and the library were not approved, the items were in the CIP document at all. Ken McWilliams advised that he would get back together with Town Administrator Levine. Chair Ebel said she did not think Town Administrator Levine had to attend the meeting if she could just explain the conflicts in the CIP draft to Ken McWilliams and he could relay them to the PB.

PB member Hollinger offered an alternative view of funding the van and spoke in favor of the request for a van. PB member Cook said that she agreed if the van could be used throughout the community. PB member Cottrill opined that if it were a request in a business operation, the request would be reviewed to determine if the cost of the van was justified by the cost of transportation. Mr. Hollinger opined that it would allow for program expansion. Mr. Cottrill asked what the "payback" would be. He asked if New London was now paying out a lot of money for mileage due to the use of private cars. He wondered if a van could just be rented for the days it was needed. Mr. Hollinger opined that there should be no transporting in private cars and pointed out that there was liability involved. Mr. Cottrill said that the town needed to recoup the cost of the van and might need to

increase the fees to participate in various programs and that liability was an issue either way. PB member Clough advised that Recreation Director Denning wanted to keep the participation fees as low as possible. Chair Ebel stated that it seemed as if quite a few people found the cross country ski arrangement to be a bit extravagant, although she recognized that wasn't at issue here.

PB member Clough advised that the Cemetery Commission was not requesting money to purchase additional land at this; however, the existing cemeteries were getting full.

Chair Ebel noted the average growth rate stated in the Report and asked if the stated rate was the same as it has been in recent years. PB member Hollinger also noted the prospective tax rate increase with dismay. Various PB members and Zoning Administrator Peter Stanley stated that increased taxes were yet another result of growth.

### VIII. DISCUSS ZONING AMENDMENTS

Zoning Administrator Peter Stanley said that he had many requests for amendments to the Zoning Ordinance on his "wish list". He said that Article XXV absolutely needed to be amended to permit the Board of Selectmen to delegate authority to the Town Administrator or to the Zoning Administrator, at its discretion. Mr. Stanley said that he would draft an amendment to that effect.

A second necessary amendment would permit residential chimneys to exceed the 35-foot height limitation, i.e., exclude residential chimneys from the ridgeline height limitation in the Zoning Ordinance (Article II, Section 5).

Thirdly, Zoning Administrator Stanley recommended amending the definition of a "Structure" to exclude hot tubs, air conditioners, generators, trail bridges, air-handling equipment, and porta-potties. Chair Ebel asked if these items were excluded from the definition, could they be located in the setbacks. Mr. Stanley opined that if they weren't excluded, anything on the ground, e.g., a hot tub, would require a building permit as it would meet the definition of a "structure" and would have to comply with setback requirements. Discussion ensued regarding utilities. PB member Cottrill observed that "utility" was not defined in the ordinance. Zoning Administrator Stanley opined that utilities were water, sewer, and power. PB member Clough opined that the inclusion of hot tubs could be confusing. She said that the tub would not be a structure, but the pad on which it was placed would meet the definition. Chair Ebel said her concern was permitting the placement of hot tubs in a setback and not so much the building permit issues. Zoning Administrator Stanley said that if a hot tub had a base, as it would have to in order to be outside, that base would need a building permit. PB member Andrews stated that she hadn't needed a building permit to put the hot tub in her house. Chair Ebel stated that she was comfortable excluding free-standing hot tubs, i.e., those without a base, from the definition because they would be associated with the house or deck and wouldn't be put in the setback. She said that it seemed that the issue was the base and the base would be a structure. Zoning Administrator Stanley advised that Town Administrator Levine had disagreed with the inclusion of walkways and hot tubs in the list of exclusions. He said that he had, therefore, dropped walkways from the list of exclusions but he felt that hot tubs should be dropped, as well. Chair Ebel said again that she wanted to include them so they couldn't be placed in setbacks. Ken McWilliams suggested that the permit requirements would be a tip off for assessors and that the real issue was taxation. Zoning Administrator Stanley said he'd thought of that and looked at various tax files for homes that he knew had hot tubs. He said that it did not appear that hot tubs increased property valuation, because they weren't mentioned. PB member Clough suggested adding a sentence to the effect that none of the items excluded from the definition of structure may be located within the setback. Zoning Administrator Stanley disagreed because setbacks refer to "structures". He also said that this presented major enforcement problems. Chair Ebel and PB member Andrews opined that there was a distinction between hot tubs that were free-standing and those that were part of a primary structure. Zoning Administrator Stanley said he would work on this issue some more.

PB member Cottrill agreed that those three amendments were needed and asked if there were other issues that needed to be addressed. Zoning Administrator Stanley replied that four additional amendments would be (1) the definition of "bedroom", (2) the definition of "reside" or "owner occupied", (3) increase in side-yard

setbacks in the R-1 District, and (4) the definition of “light industry” and “wholesale establishment”. He said that the Master Plan chapter regarding land use contained recommendations, but nothing has been done.

Chair Ebel asked how much would be involved in drafting the proposed amendments. Zoning Administrator Stanley said that he thought the PB did not want many amendments. Chair Ebel responded that the budget was the issue and that if it was a simple matter of changing a few words, that was fine. She said if there were the same number of zoning amendments as usual, that would be fine as well. She reiterated that the budget was the issue. Zoning Administrator Stanley said that he would draft wording for PB review.

PB member Cottrill opined that separate buildings for furnaces, now a “structure”, would become more prevalent.

Zoning Administrator Stanley said that the sign regulations pertinent to institutional districts needed to be amended. He said that the hospital and the college had special needs and required a separate section within the sign regulations. He opined that amending the regulation would take time and energy. He recommended amending the ordinance to provide greater clarity by using “only one residential structure per lot” to replace “one dwelling unit”.

Zoning Administrator Stanley advised that other issues included revamping the anti-funnel development section of the Shore Land Overlay Section to address the issue of who constituted “additional parties”, the Conservation Commission was interested in a limit on the amount of impervious surface by means of some calculation and a regressive steep slopes formula, and the animal issue re what is an appropriate type and number of animals to have on a lot in a residential zone. PB member Andrews added the issue of how many unrelated people could live on a lot. She opined that there needed to be a limit on the number of college students that could live in one house. Zoning Administrator Stanley said there already was a five-person limit, and PB member Andrews said she thought it should be four. Zoning Administrator Stanley said the problem eventually resolved itself because college students frequently trashed many rentals so badly the owners would never rent to students again. The small house next to the KRSD SAU building was offered as a case in point. PB member Andrews reiterated that the issue regarding the number of college students that could live in one house needed to be investigated/studied.

## IX. OTHER BUSINESS

- A. SNOW SUBDIVISION SUBCOMMITTEE: Chair Ebel reported that the PB subcommittee for the proposed Snow subdivision had met. She advised that Mr. Snow was very upset about the definition of wetlands and the setback requirements.
- B. POPULATION MAP: Chair Ebel advised that *USA Today* had published a population map and shared the map with PB members, who observed where New Hampshire ranked. The PB members concurred that, from the map, it appeared that central New Hampshire was poised to feel a great deal of development pressure from the south.
- C. MINUTES of the OCTOBER 24, 2006 MEETING were APPROVED, as circulated.

The **MEETING** was **ADJOURNED** at **10:15 PM**.

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

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

CHAIRMAN \_\_\_\_\_