



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## NEW LONDON PLANNING BOARD REGULAR MEETING & PUBLIC HEARING December 9, 2008

APPROVED

**MEMBERS PRESENT:** Karen Ebel (Chairman), Dale Conly, Ken McWilliams, Larry Ballin, Tom Cottrill, Jeff Hollinger, Michael Doheny, Peter Stanley

**Members Absent:** Michele Holton (Alternate), Deidre Sheerr-Gross (Alternate), Celeste Cook

**Attendees:** Rachel Rupel, Jane Armstrong, Sherry Goldberg-Keenan, Will Kidder, Marilyn Kidder, Jerry Barnes, David Cleveland, Heidi Deacon, Muriel Deacon, Tony Constantino, Dave Kidder, Bill Clough, Wendy Johnson, and other private citizens.

Chair Ebel called the **MEETING TO ORDER** at 7:00 p.m. She introduced Rachel Rupel, Upper Valley/Lake Sunapee Regional Planning Commission, who gave a presentation of the mapping overview and a summary of the current zoning districts and the results of the surveying proposed for the zoning changes in the Town in an effort to make the boundaries issue less arbitrary and more logical.

Ms. Rupel opened her presentation by stating that the last boundaries established in the 1970s did not have a clear indication of the locations of those boundaries and that the survey is the only way to determine the current boundaries for the zoning districts. She also indicated that the downtown boundaries are simple and clearly defined, with parcel boundaries established by a 300-500 foot setback from the road.

Peter Stanley answered a question concerning the appropriateness of having this survey done at this time by stating that it made sense to establish these property lines now that lending institutions and lawyers were involved in the new land purchases because it is important to be precise in the deeding of these properties.

Ken McWilliams stated that this was the first public hearing and the next one would be the first Tuesday of January, January 6<sup>th</sup>, in which this proposal along with all the other zoning amendments would be presented to make any changes to the survey, with a final public hearing (if needed and at which point no more changes could be made) sometime in the last week of January. He also said that at that point the Planning Board would decide whether or not to put the proposal on the ballot at the Town meeting for vote.

Jane Armstrong inquired about how the determination was made regarding what properties were involved in the survey changes. Chair Ebel responded that 180 letters had been sent out to the

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

appropriate property owners whose land was affected by the changes. Changes were suggested where current zoning boundaries were difficult to place with specificity.

Will Kidder asked how the zones changes had been determined and Ken McWilliams responded that in order to answer his question, they needed to go to the specific areas on the survey map. Peter Stanley interjected that it is not the goal is not to dramatically alter any zone district, but to come up with defining boundaries for properties by scaling off the existing map(s).

Chair Ebel stated that objective criteria for this project were adopted before the actions were taken and that the PB had no particular goal in mind other than clearly defining zoning boundaries. She stated that most existing properties should be adversely affected, and boundaries clarified for proper zoning. She further explained that that was why there was a public hearing -- to allow discussion(s) and input from the community. Peter Stanley reiterated that the goal of the Planning Board was to follow the property lines, not to create more or less of any one particular zone.

Marilyn Kidder asked why there had not be more adequate notification about these zoning changes. Ken McWilliams stated that the zoning statute requires only that a public hearing be held with appropriate public notice in a newspaper. Additional notifications were at the option of the Planning Board. Chair Ebel clarified that each property owner received a first class letter notifying them of the proposed changes involving their property and that the Board had advertised the proposed changes in the Kearsarge Shopper and the Intertown Record. She said the Planning Board had originally planned to send registered letters, but discovered it would cost \$500-\$600, so decided not to to it. She said she felt there was more than adequate notice given of the proposed changes. If there are questions regarding zoning changes after they are approved by the Town vote, a petition can be presented to the Zoning Board in order to make and/or reverse any further changes.

Chair Ebel asked if there were property owners present at the hearing who would like to individually look at and discuss their property. Jerry Barnes (Lot # 51-18) asked if small building lots (6 acres or less) should be included in one zoning area, following the abutting property line(s). He cited Lot # 51-17 that was bought a few years ago and the misunderstanding between the Town and the owners regarding where the property/zoning line was, and which ended up having a variance obtained to resolve the issue. Peter Stanley responded that in that particular case, the Town was not trying to rezone anything, but was only trying to determine where the boundary actually was. Mr. Barnes responded that by having properties with different or multiple zoning areas would cause the Town more problems in the future because eventually some building plans would require complicated building permits and common sense would be that certain parcels should be in one zone.

Rachel Rupel stated the zoning parcel requirements for split parcels is: if two or more zoning districts are in a parcel, the more restrictive zoning applies, citing an example on the survey map of Lot # 51-18 where it showed part of that zone overlapping into the forested conservation district. Peter Stanley clarified that according to the new zoning law, if anyone wanted to do anything in the conservation area, they would have to abide by the setbacks from the old zoning

law. He stated that zones had been added at different times, from 1958 to the present, creating eight different zones.

Chair Ebel asked Ms. Rupel to explain the hierarchy of the criteria and how choices were made for a particular zoning boundary change. She stated that the Zoning Board had set a 300 foot buffer from the center of the road as a locational aspect; however, following that line makes it more difficult to find the boundary and requires surveying. Chair Ebel interjected that the goal was to do the minimum necessary in any given line to find an identifiable reference. David Cleveland stated that the zoning was ending up a random process and that the Town should remain the way it is at present until surveying could be done to define the boundaries better. Peter Stanley commented that, to have surveying done, would have cost the Town \$100,000; the overlay had cost \$11,000 by comparison.

Larry Ballin asked how many lots are currently bisected and would the number decrease substantially to which Rachel responded yes, that most notably those parcels that are currently bisected and that would be altered so that they would no longer be, are in the downtown area, zoned commercial and R1 districts.

Muriel Deacon asked if her property, Lot # 68-09 was all the same zoning and Peter Stanley responded in the affirmative, stating that it had not changed, it would remain ARR. Heidi Deacon asked if these changes would affect property taxes and Peter said that very little if any changes would occur between R2 and ARR zoning. He had spoken with the Assessor that day and according to the Assessor, the change from R2 to Commercial would be a significant change due to the increase in value, whereas a change from Residential 2 to Agricultural/Rural Residential would only have a slight change in the setbacks and not a change in land value(s).

Jim Cricenti asked if the lines could migrate and Peter responded that none of the lines currently could, but if a new subdivision or new lot was created that had overlapping boundaries, then it would be possible. He cited a parcel that had R2, R1, and ARR and what a problem it was to try to distance off, so it had to follow the property line.

Marilyn Kidder asked if anyone had calculated or taken into consideration the loss of density to some of these changed lines and Peter responded no. She commented that a substantial loss of area where affordable housing could be located was indicated by the re-zoning from R1 to ARR in lot # 96-15.

Heidi Deacon asked if her property line at Barrett and S. Pleasant would be crossed by 350 feet and Rachel explained that the reason for the gap on the mylar was an error in the mapping and that her property would not be affected by the changes.

Tony Constantino asked if there was any discussion regarding the zoning on the deeds to which Peter Stanley replied no.

Rachel then explained that there was a commercial area that was a double offset of 345 feet north of Gould Road and another 500 feet north of that on Pleasant Street in which they had to think hard about how to apply zoning to because there wasn't a setback from either of those roads that

they could measure the area(s) by, so they decided to make it a single zone district. She clarified that if the land was subdivided, the majority of it would be R2.

David Kidder commented that if the land (lot parcel 74-47) was to be all R1, the area delineated as boundary between the commercial versus residential areas should all be R1 as well. Tom Cottrill responded that 700 feet off the center line and 500 feet up defines that corner and that preserves some of it as commercial zoning. Peter Stanley commented that they weren't trying to take away or add anything, only that they were trying to follow some type of commercial space/boundary.

Chair Ebel asked Ken McWilliams if, from a procedural standpoint, the Board had to go to a second hearing and that being the case, could not make any changes between this hearing and the second hearing. Ken responded that was correct. Chair Ebel also stated that any changes had to be recommended at this hearing in order to take them to the second hearing. Ken responded that there was a working session on Thursday that they could continue their deliberations at, but by the time the notice in the paper was printed, he would have to have directions as to the information that was available to the public so they could see the changes that had been made to the initial recommendations from the study. He stated that the notice publication date was December 23<sup>rd</sup>.

David Cleveland added that lot # 74-47 was a huge piece of non-developed commercial property that would make for a big change in the Town of New London and that it had been set aside with the intention of having it be potential commercial property (i.e. affordable housing) and to have it randomly wiped out was something that he found to be interesting, i.e. that the planners thought it wouldn't have an impact on the Town or the families involved with the property.

Chair Ebel proposed that it be discussed further so that everyone's input was listened to; she stated that the Board did not have to make those changes as indicated on the overlay, but that whatever changes were going to be made had to be done at this hearing, so that the changes could be brought to the next hearing. She recommended that the Kidders and Clevelands step outside to discuss how they would like their property treated because it really had to be decided tonight. She reemphasized that there was no hidden agenda and that the Planning was willing to work with property owners. Hilary Cleveland stated that she just wanted everything left the way it was. Members of the Kidder and Cleveland families stepped outside to discuss a proposal for their property.

Bill Clough wanted clarification of his property line, determining if a portion had been moved into the commercial zone and Peter Stanley confirmed that it had not been moved.

Russ McDonough stated that he was not being affected by these changes, but that he recognized that some people seemed to be greatly affected. He said he appreciated having been notified so that he could attend the hearing this evening and thanked the Board for their efforts in presenting the zoning overlay.

Shari Goldberg-Keenan asked to have an explanation regarding property in Elkins from Wilmot Center Road to Lakeshore Road. Rachel Rupel stated that the center line extended east 500 feet

from Wilmot Center Road and that it was a difficult line to rotate because it curves along to Lakeshore Road. Peter Stanley stated that they can't find the line, only that it is 500 feet off the road and that the way it is defined now, it will become ARR. Currently it is zoned as a combination of R2 and ARR. Larry Ballin asked if it was a frontage or right-of-way lot and Peter responded that it was a ROW lot. Shari asked what the difference was between R2 and ARR and Peter stated that essentially it was the setbacks.

Wendy Johnson (on her mother's behalf) asked about changes to Parkside Road and Barrett Road, to which Peter responded that nothing would be changing and that the split in the lot would remain. She asked about the property, Country Houses, across the street from the Town offices and Whipple Court becoming part of the green zone that is commercial and Peter responded that was correct. She stated that a very small sliver of her mother's lot would be included in that and Peter responded that the depth along Main Street would be 350 feet.

Jim Cricenti asked about the next meeting and Ken McWilliams responded that it depended upon the Board and whether they had any changes at this meeting. He said the Planning was scheduled for a working session regarding all zone changes on Thursday, December 11. The next public hearing on the zoning changes would be the first Tuesday in January (6<sup>th</sup>). Jim asked if any changes made other than what was discussed tonight would result in re-notification to those people affected and Ken responded that yes, but it was up to the Board as to the manner in which these changes would be made public, either in letters to property owners or as a public notice in the paper. Chair Ebel then interjected that she thought a letter to those people affected by the changes would be sufficient notification.

Jerry Barnes asked if his property would be affected by changes because he had received a letter that it would be and Rachel Rupel responded that, because the 350 foot setback on Main Street had been improperly drawn, it looked like his property was affected, when in fact it was not.

The Kidders and Clevelands rejoined the meeting. On their behalf, David Kidder then asked to have some type of defining scaling for the commercial corner of the lot # 74-47. He proceeded to show on the overlay what lines he recommended be followed to accomplish this and it was determined that these changes would be appropriate. The changes recommended left the zones essentially as they were. The PB decided to take the second hearing. Peter Stanley stated that he would scale the changes with numbers that were fairly even with the setback and would follow in one straight line along Main Street.

Rachel Rupel stated that she would have a clearer map drawn before the next hearing and it would be available for public viewing before the 23<sup>rd</sup> of December. Currently the commercial district shows a boundary of 250 feet on the backside of the parcels included on Main Street and Pleasant Street that also includes parcel 73-82, but since there was shifting of lines in parcel 73-83 it would make sense to include the 250 foot area for both parcels. Ken McWilliams added that it would be including the extension from across the street on the northern side.

Tom Cottrill asked if there were any more questions from the floor and Larry Ballin asked about the backside of Pleasant Lake, in particular Jerry Barnes' property, and making some boundaries in that area to solve some of the property line issues. Tom Cottrill suggested that with lot 51-18

being in the all green zone that they should follow the line all the way down to 51-22 because at the last meeting Peter had indicated that he used that as a majority of property in that zone and followed it from there. Tom stated that if they were following the original guideline, it would be logical to make all the property in 51-18 through 51-21 green and the property in 51-22 purple. Chair Ebel interjected that it wasn't necessarily the goal to not split lots, but to define boundaries and she thought that Mr. Barnes wasn't asking for the Board to fix it, so much as a general question in regard to split lots and where the boundaries are located. Mr. Barnes agreed. Chair Ebel then asked Rachel to re-do the overlay so that the Kidders could be notified.

Peter Stanley mentioned one article that would need to be voted on in the ballot, that being Cindy Adie's property (a 10 acre parcel which is not available for subdivision) that had a section that was to become conservation land and that she was requesting that it all remain ARR. It was determined that it would not be a problem to grant her request as it involved an area that was a combination of wetlands and ROW to Interstate 89 anyway.

Tony Constantino asked how someone could get a petition on the ballot and Ken McWilliams responded that there were two ways: 1) come to the hearings and get the Planning Board to propose it on the ballot; 2) a petition amendment with a minimum of twenty-five citizens' signatures on the petition amendment.

Peter Stanley stated that another aspect was that the Board was reviewing the Master Plan and in that process, in the land use section, there is some effort to evaluate what's left in the community that has the potential to be one thing or another and not just arbitrary lines drawn on a map.

Chair Ebel then asked Rachel Rupel if she would re-calculate the density for the various zone districts based on the zoning boundary changes. Rachel responded that she would find a way to show those changes and email it to Chair Ebel so that she could see it before the next hearing.

Chair Ebel then asked if there was any other business and Ken McWilliams stated that the meeting for the workforce housing would follow this meeting and a reminder that the next working session for the Board was on Thursday, December 11, at 7:00 p.m. at Tracy Library meeting room.

**MOTION TO ADJOURN** was made at 8:45 p.m.

Respectfully submitted,

Camille Holmes  
Secretary, Town of New London

Approved by the Planning Board on \_\_\_\_\_, 2009

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Karen Ebel