

APPROVED Minutes of the Planning Board Meeting of October 26, 2010

Members Present: Tom Cottrill (Chair), Jeff Hollinger (Vice Chair), Michael Doheny (Secretary), John Tilley, Peter Bianchi (Board of Selectmen Representative), Emma Crane (Conservation Commission Representative)

Members Absent: Paul Gorman (Alternate), Deirdre Sheerr-Gross (Alternate), Michele Holton

Others Present: Ken McWilliams (Town Planner), and late arrival, Peter Stanley (Zoning Administrator)

Chair Cottrill called the **MEETING TO ORDER** at 7:33pm. He suggested they begin the meeting by reviewing the two tree-cutting requests that were on the agenda.

Mr. McWilliams began by saying that Mr. Stanley had inspected both sites and explained that they will both comply with tree point counts after the desired trees have been removed. Both segments are well-vegetated and well beyond the point count and he wasn't recommending any additional plantings. He supported both requests.

After reviewing the handout with details about each request, Chair Cottrill called for a motion.

IT WAS MOVED (John Tilley) AND SECONDED (Emma Crane) to approve the tree-cutting request from the Stevenson Family Trust. THE MOTION WAS APPROVED UNANIMOUSLY.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Jeff Hollinger) to approve the tree-cutting request by Mr. Woolford. THE MOTION WAS APPROVED UNANIMOUSLY.

Review of the minutes from October 12, 2010.

Mr. Bianchi said that on page 11 at the bottom, it referenced his work of the town's Economic Development Committee, of which he is not actually part of. He clarified that the committee he was referring to was the "ad hoc school board committee created by Dan Wolfe."

IT WAS MOVED (Michael Doheny) AND SECONDED (Peter Bianchi) to approve the minutes of October 12, 2010, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

Zoning Amendments

Mr. McWilliams said that he and Mr. Stanley are trying to get direction from the Planning Board as to whether they'd like to go forward with them for the 2011 town meeting.

1. Pool Fencing: Mr. McWilliams explained that the first proposed amendment deals with amending Article 2, Section 16 for standard for pool fencing. The issue is to require some sort of safety fencing around swimming pools. If the Planning Board would like to go forward with this amendment, they will come back at the next meeting with some language. Mr. Tilley asked how the language would change. Chair Cottrill asked if the purpose is to align the Town's regulations with what is written in New Hampshire's building code. Mr. McWilliams replied that was the intent.

2. Storage Trailers: Mr. McWilliams said that the second proposed amendment deals with confusion in the section in the zoning ordinance that allows temporary trailers to be used for temporary storage during construction. Mr. Stanley is suggesting the addition of the term “storage containers” to the section. In the past, there has been use of semi-truck trailers that were brought on site for storage. Now, there is use of storage containers of similar size brought in on a flat bed trailer used in conjunction with construction. Often, these containers are removed after construction.

Mr. Tilley agreed that the type of trailer was not clear in the zoning ordinance, whether it was a storage or residential trailer. Mr. Doheny suggested using the term “storage container” instead of trailer. Mr. McWilliams thought they’d need to re-work the language in (d) to refer to storage containers or trailers, but not RVs or mobile homes. He said he would work on the wording and come back for review at the next meeting. Chair Cottrill suggested the second part of (b) might need to be re-worded. Mr. Bianchi asked why this would be needed. If he had a garage and wanted to put such a container next to the garage to store his lawnmower, why couldn’t he? Mr. McWilliams said that if he got a building permit to have the container there on a permanent basis, he could. What is being discussed at present is for such items on a temporary basis.

3. Non-Profit Events: Mr. McWilliams said that the reason for suggesting the third proposed amendment is to see if there should be a restriction to the number of sales and fund raising events hosted by non or not-for-profit organizations. He said that at one point in the recent past there was a restriction of no more than 6 events per year for non-profits. Then, some complained that was too restrictive, causing the rule to be less restrictive and the limitation was removed. Now there seems to be daily events that go on and on day after day. He said that one non-profit has had a sale every weekend of the summer and in the fall. The result appears to be that non-profits going to the other end of the spectrum and are taking advantage of the permit as an ongoing use. For a normal business, that activity would be subject to a site plan review as it becomes a change of use for consideration of parking, traffic and other issues, and Mr. Doheny asked about the restrictions of those permits. Mr. McWilliams said that there is no limitation as to the length or frequency of the events despite the fact that the allowance is considered “temporary.”

Mr. Bianchi asked if these sorts of amendments come up as a reaction to something that went wrong. He wondered if it was the result of someone disagreeing with something that was happening. Mr. McWilliams referenced page 12 of the Zoning Ordinance. He summarized the issue as being that non-profits events can go on every day and businesses were restricted to just six events per year.

Mr. Stanley arrived to clarify the issue. The VNA wanted a permit for a fundraiser that was thought to be temporary. However, it occurred every weekend for months like a farmer’s market-type of event on the property. He said this is different from what they normally do and is not their typical fundraiser. Also, that right now there is no limit on fundraisers and if not careful, it can lead them to have a change in use of the property. He said that Mr. McWilliams had some ideas on clarifying the meaning of “temporary,” which may help set guidelines for non-profit events. Other “for profit” people have to go through a site plan review.

Mr. Doheny said he didn't remember seeing anything of this nature this summer at the VNA. Mr. Hollinger said he saw they were selling pumpkins and other things. Mr. Stanley felt the key was to develop a definition of "temporary" that makes some sense and that this would help them get to the issue. Mr. Doheny agreed that they need to clarify the ordinance, but not to change it. The VNA was not going to sell produce all winter. Mr. Stanley agreed and said probably not, but they may decide to do something else like rent skis, which is already done by another business in town, who has already gone through a site plan review.

Chair Cottrill said that paragraph b, #2 talks about tents in the ordinance for regular businesses. The idea of having a site plan review is to go through all the things that are part of the planning process for such actions, including traffic and parking. Businesses are limited to six events per year, and Mr. Stanley suggested that perhaps the same number should be applied to temporary permits. When the events cause there to be a change in property use, the organization needs to come before the Planning Board for a site plan review. Mr. Cottrill said that Mr. Stanley and Mr. McWilliams should come up with some appropriate language and the Planning Board would review it at the next meeting.

4. Cell Towers Applications: Mr. McWilliams noted that there was a change in federal legislation that established a maximum local application review time of 90 days for co-locations and 150 days for new towers. The allotted time begins the day the application is handed in to the town office and ends when the final decision is made. Mr. Stanley noted some additional tweaking of this ordinance could occur in the following year and be brought to the 2012 town meeting for additional revisions. Chair Cottrill thought they ought to be up to date with the federal regulation changes. Mr. Stanley said, for example, they should have escrow money up front for the purpose of hiring consultants because there are only three who represent communities, one of which will need to be enlisted almost immediately to accomplish the process within the timeframe in which they need to accomplish it. These bits of things need to be in there to facilitate the time limitation they have established. Mr. Bianchi noted that the contract for the cell tower has been approved by the Board of Selectmen, so it was obvious that this matter would be coming up soon.

5. Signage: Mr. Stanley said that it had been brought up by Ms. Levine that a couple of businesses, including "Curves" and a local bank have had events where they wanted to put signs out front to advertise. However, there was no mechanism in the Zoning Ordinance to allow for such temporary signage. They allow for events but there are no sign provisions. Ms. Levine wanted to mention this issue to determine if the Planning Board wanted to do anything about it or not. Mr. Stanley said that this issue had come up only twice since he has been working for the town.

Mr. Stanley said Ms Levine has another concern: There are no off-premise signs allowed in town except for a couple of circumstances which included fundraising for non-profits, which happens over a circuitous route. The signs for such an event go up the day of the event and come down the day after. Mr. Stanley didn't want to see them go further than that because then everyone will need an off-premise sign for everything. Then there will be competing realtor and home business signs at every corner. Ms. Levine had asked that this issue be brought up.

Mr. Bianchi asked if off-site yard sale signs were allowed. Mr. Stanley said that they are not allowed and there are a lot of violations. Signs are not permitted for anyone. Mr. Hollinger said that if there were just two situations in the last number of years it is probably not a big enough issue to make any changes right now. However, if there were two in the last two months they should do something about it. Mr. Stanley said that there was a potential fix, which was to do it as part of the event section of the zoning ordinance (article 2, section 14). Mr. Doheny said that if it happens more and becomes an issue, they should act on it. It was the consensus of the Planning Board that they would hold off on this issue for now.

Going back to the proposed amendment about non-profit events, Mr. Doheny said they should create some verbiage about vegetable tables and carts. He said that New London was an agricultural, rural community and such things shouldn't be prohibited. Ms. Crane said that their fundraising could change and be something else. Mr. Hollinger said if someone was operating a legitimate stand they would have to go through a site plan review. Ms. Crane pointed out that such tables were competition for other similar types of businesses. Mr. Hollinger said if someone had a big garden and wanted a stand to sell vegetables they would need a site plan review. Mr. Stanley said that on the contrary, farm stands were not subject to needing a site plan review. Mr. Doheny said that anything other than vegetables would be sold within the Renaissance Shop. Mr. Hollinger asked what would happen if the VNA wanted to sell Christmas trees and wreaths. Mr. Stanley said that if it happens frequently enough so that it was a change of use in the property, they would need a site plan review. He noted that non-profits are getting more creative to find ways to do things in order to raise funds to meet their needs. The town doesn't want to impinge on that but if it amounts to a change of use in the property, they need to go through a site plan review.

Other business:

Mr. McWilliams had an announcement for the Planning Board. After 24 years of serving the town, he will be leaving New London and taking the full-time Planner position with the town of Alton. It will start as part-time as of the first of December, and will move to full-time as of the first of January. He said that he has enjoyed his tenure with the town and has been thankful to have such a good working relationship with the boards he has worked with. Mr. McWilliams felt that they have done a lot of good things together. PB members expressed support and congratulations to Mr. McWilliams.

Chair Cottrill said that they have two meetings left with Mr. McWilliams and in the meanwhile, contact will be established with the Regional Planning Commission. Mr. McWilliams said that he would work with the new planner on the transition. Chair Cottrill, Mr. Stanley and Ms. Levine plan to meet to work on the details.

Mr. Hollinger asked if Mr. McWilliams may be able to stay on with them to complete the Master Plan. Mr. McWilliams said that it would not be possible after first of year once he goes full time with it being a new job. He said he could get a draft of the land use chapter to them and that most of the chapters were done. It was determined that there was almost another year left in the schedule until the Master Plan's completion. Mr. McWilliams said that he would update the Master Plan schedule. Chair Cottrill said that there should be a meeting with the Regional Planning Commission so that Mr. McWilliams could pass on the information to the new planner.

The next meeting would be held on November 9th for a Master Plan work session. They would review the remainder of the Community Facilities Chapter and would discuss the new zoning amendments language that Mr. McWilliams and Mr. Stanley agreed to come up with.

The last meeting of the year that would be held would be December 14th to review the Land Use chapter of the Master Plan.

With no other business, Chair Cottrill asked for a motion to adjourn.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Emma Crane) to adjourn the meeting of October 26, 2010. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 8:28pm.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London