

**NEW LONDON PLANNING BOARD  
REGULAR MEETING & PUBLIC HEARING  
OCTOBER 28, 2008**

**APPROVED**

MEMBERS PRESENT: Karen Ebel (Chairman), Dale Conly, Celeste Cook, Tom Cottrill, Michael Doheny, Ken McWilliams (Planner), Larry Ballin (Selectmen's Representative), Michele Holton (Alternate)

MEMBERS ABSENT: Jeff Hollinger, Deirdre Sheerr-Gross (Alternate)

Chair Ebel called the **MEETING TO ORDER** at 7:30PM. She asked Alternate Michele Holton join the PB as a replacement for regular PB Member Jeff Hollinger. Chair Ebel welcomed newly appointed Selectman Tina Helm to the meeting, thanked Ms Helm for her service to the community, and said that the PB looked forward to working with her in the future.

**I. NEW LONDON INN – Concept Site Plan Review: Need for Site Plan (Tax Map 84, Lot 89)**

Bridget LeRoy, proprietor of the New London Inn, briefly related the history by which an apartment in the Inn had been converted to a SPA. She advised the PB that the SPA had not attracted as much business as had been anticipated and that she wanted the space to revert back to an apartment. Ms LeRoy advised that Mindy, the Inn's general manager, was willing to live at the Inn and rent the apartment.

Chair Ebel asked if any issues had been raised at the meeting with municipal department heads. Ken McWilliams reported that Fire Chief Jay Lyon had recommended that an adjacent hall to be compartmentalized. Ms LeRoy responded that she would talk with the fire chief the following day.

It was **MOVED** (Cook) and **SECONDED** (Conly) **THAT NO SITE PLAN REVIEW BE REQUIRED FOR A CHANGE IN USE FOR SPACE IN THE NEW LONDON INN OCCUPIED BY A SPA TO REVERT BACK TO AN APARTMENT AS PRESENTED BY BRIDGET LEROY, CONTINGENT UPON COMPLIANCE WITH ALL STATE AND LOCAL FIRE CODES AND REQUIREMENTS. THE MOTION WAS APPROVED UNANIMOUSLY.**

**II. WOODCREST – Preliminary Site Plan Review: Addition (Tax Map 84, Lot 8)**

Linda Brenner, Woodcrest owner, was accompanied by Bill Andrews of Old Hampshire Designs.

Mr. Andrews advised that the original plans presented at the Concept Site Plan Review had been scaled back. He said that the current plan consisted of adding an activities room for residents, removing an octagonal apartment, and adding an improved apartment. Mr. Andrews displayed a plan for the proposed addition. He stated that it would not be possible to put in a sloped roof and keep the existing apartment. He advised that there had been problems with the flat roof and dormer. He said that the plan was to add a floor on the Main Street Level and a sloped roof. He said that the flat roof drained in the same direction as the sloped roof. Mr. Andrews advised that there would be no additional residents.

Ken McWilliams reported that at the meeting with municipal department heads, Director of Public Works Richard Lee had advised that there would be additional sewer costs related to the larger apartment. He reported that Fire Chief Jay Lyon had advised that the sprinkler system and fire alarm system would have to be extended to serve the addition, a fire-rated door and protected stairwell would be required as would panic hardware on the doors. Fire Chief Lyon had further advised that the occupant load would be 50.

PB Member Cottrill asked if there would be any change in parking requirements. Mr. McWilliams responded in the negative. He said that the activities room would be for the residents, not for the public.

Ms Brenner advised that Woodcrest's licensing agency required compliance with all state and local fire codes before the area could be occupied.

Mr. Andrews asked what else would be required for Final Site Plan Review. Mr. McWilliams advised that there needed to be notice sent to abutters regarding a hearing on the Final Site Plan. He further advised that they needed to comply with the checklist of requirements for Final Site Plan Review and submit an application and supporting materials two weeks before the requested hearing date.

**III. COLBY-SAWYER COLLEGE – Concept Site Plan Review: Addition to Danforth, Parking Lot, & Infrastructure (Tax Map 85, Lot 33)**

Douglas Atkins (Vice-President for Administration) and Stephen Jesseman (Jesseman Associates, P.C.) appeared on behalf of Colby-Sawyer College.

Mr. Atkins advised that all three things were related. He said that the college was not entirely sure of fall 2009 enrollment; however one projection indicated a need for 60 additional beds. He advised that Danforth Hall had been designed to accommodate growth.

PB Member Doheny asked where a future residence hall would be located. Mr. Atkins replied that it had not yet been determined.

Ken McWilliams said that Fire Chief Jay Lyon wanted to have access for fire equipment all around the building. At the meeting with municipal department heads, there had been discussion about extending the fire lane and also extending the sidewalk to assure pedestrian safety. Mr. McWilliams reported that Public Works Director Richard Lee had advised that there would be increased sewer fees. The water system representative had said that it might be possible to grid the water line to connect with the Seamans Road main and said that the college should look at all options. Fire Chief Jay Lyon had recommended adding a hydrant. Zoning Administrator Peter Stanley had discussed the need to employ Low Impact Development (LID) techniques to the greatest extent possible. He also discussed infiltration and storm management issues.

PB Member Ballin asked if the college had a Master Plan. Mr. Atkins responded that it did, but that changes continually occur. He advised that the college was authorized to grow to 1000 students and has been working toward changes in the complexion of the student body, but was not there yet. He said that growing beyond 1000 students would involve many changes. PB Member Cottrill asked what the current enrollment was. Mr. Atkins replied that the total enrollment was 1004 and 891 were resident students. He said actually the number of students hadn't increased that much, but there were over 50 more resident students, which required more residence hall space.

Mr. Atkins advised that the second part of the concept proposal was the location of the related additional parking near the tennis courts in the area currently used for construction material storage, as it was closest to existing parking. He said that there were two options under consideration: one was to construct 42 parking spaces required for the 60 additional residence hall beds created by adding on to Danforth Hall; the second was to construct 112 parking spaces to accommodate another 100-bed residence hall and parking for a proposed new building to house Windy Hill, as well as the additional 60 beds in the Danforth addition. Mr. Atkins advised that there were plans to build a new Windy Hill School building and that would vacate the basement of Abbey Residence Hall, which could then be renovated.

Chair Ebel asked if Colby Farm were no longer being considered for Windy Hill. Mr. Atkins replied that Windy Hill had always adapted to the site available. He said that the college now had a \$1,000,000 challenge grant to build a space specifically designed for Windy Hill. He pointed out that Windy Hill was an integral part of the college's Early Childhood Education major. Chair Ebel asked where such a building would be built. Mr. Atkins responded that it would be built between Colby Farm and the tennis courts and would be accessed by the same road as the proposed parking.

Chair Ebel stated that the PB was really very interested in the use of LID techniques in site development. She said that she had noted a detention pond on the plans displayed. Stephen Jesseman responded that there were two detention ponds shown on the plan and those were both existing detention ponds. PB Member Conly advised that the Conservation Commission urged strict adherence to LID development. Mr. Atkins and Mr. Jesseman both said they would do everything possible, keeping in mind their fiscal responsibilities, to comply with the LID requirements.

Mr. McWilliams advised that municipal department heads also pointed out that it would be important to provide for pedestrian circulation back to the campus and recommended constructing a sidewalk along the drive. Director of Public Works Lee and Zoning Administrator Stanley had reiterated the issues of LID and drainage.

Mr. Atkins said that the third part of the proposal related to the relocation of the construction material storage toward the tennis courts. He estimated that the amount of storage material entering the site would be balanced by materials leaving the construction staging site.

Chair Ebel asked if the road denoted on the plan already existed. Mr. Atkins replied that it did. Ken McWilliams advised that the slopes below the new location would need to be stabilized by seeding and mulching. He reiterated that drainage was a very important issue to be addressed. PB Member Conley agreed and noted that the wetland was right there at the edge of the proposed new staging area. Zoning Administrator Stanley recommended constructing a berm to block anything from leaving the site.

**IV. DAVID CAHILL – Concept Annexation**

**(Tax Map 77, Lots 10 & 11)**

David Cahill advised that he owned property at 52 Elkins Road, otherwise known as “The Point Cottages”, which currently consisted of two lots of record. He advised that one lot contained 2.66 acres and the other 1.2 acres.

Mr. Cahill displayed a plan of the existing two lots and a survey showing the proposed new configuration that would create two lakefront properties. He said that the goal was to create two lakefront lots, one of which would have 2.56 acres and the other 1.32 acres, which could be sold as house lots. He said that his property extends to Chandler Brook.

Ken McWilliams advised that one of the existing lots was less than two acres making it a non-conforming lot; however, it was an existing lot of record and the proposed change would make it less non-conforming. He advised that each lot would need road and lake frontage.

Mr. Cahill said that the property contained only one building without water and sewer services. He said that all of the other buildings fed off the same water line and had sewer facilities.

Zoning Administrator Peter Stanley advised that there could not be multiple dwelling units on the lots created, so some of the existing buildings would have to be removed. He opined that the removal should happen before the subdivision or plan was recorded by the Registry of Deeds. Chair Ebel suggested that the PB could approve the subdivision subject to the removal of the buildings. Zoning Administrator Stanley said that entering into a non-compliant situation would not be allowed. Ken McWilliams advised that the PB could decline to sign the plan until the buildings were removed.

Chair Ebel asked what the existing sizes of the lots were. Mr. Cahill responded that one was 2.66 acres and one was 1.2 acres.

PB Member Cook asked if the cottages had been rented during 2008. Mr. Cahill responded affirmatively. PB Member Cook asked if he would no longer rent the cottages. Mr. Cahill said that he would rent the cottages until the property was sold.

**V. CHRISTOPHER & MARIA ELENA LYNCH and TOWN OF NEW LONDON – Final Annexation**

**(Tax Map 88, Lot 7 & Tax Map 100, Lot 2)**

Ken McWilliams presented a corrected mylar prepared by Pierre Bedard (Pierre J. Bedard & Associates, P.C.) for Christopher & Maria Elena Lynch and Town of New London. He explained that on the mylar presented to the PB earlier, the original bearings were a mix of magnetic north and true north. He advised that all bearings had to be the same and, in the case of the corrected mylar, they were all magnetic north.

The mylar was circulated for PB signatures. Mr. McWilliams advised that the signed mylar would be forwarded to the Merrimack County Registry of Deeds along with the signed property deeds when those deeds become available.

## VI. DISCUSSTION OF PROPOSED 2009 ZONING AMENDMENTS

Ken McWilliams directed the PB's attention to his memo of October 15, 2008 containing drafts of proposed zoning amendments for consideration by the voters in March 2009.

- A. **Amend ARTICLE 111 DEFINITIONS to add a definition of "Seasonal Use".** PB members accepted the amendment as drafted.
- B. **Amend "Forestry" as a permitted use in the RESIDENTIAL DISTRICTS.** Mr. McWilliams advised that paragraph 6 had been added. Chair Ebel asked if the abbreviation BMP were used elsewhere in the ordinance. Mr. McWilliams responded affirmatively. There was no further discussion.
- C. **Rename ARTICLE II General Provisions, Section 14. Temporary Ancillary Sales as Section 14. Temporary Events.** Mr. McWilliams advised that to date there had been events not covered by sales or non-profit fund-raising, e.g., wedding receptions, graduations. He said that he and Zoning Administrator Stanley had worked on the proposed amendment together.

PB Member Cook asked if a permit would be required for a private part of more than 50 people. PB Member Ballin opined that a permit would be required only if parking along a road presented a problem. Zoning Administrator Stanley advised that there could be a fire code issue if there were more than 50 people inside at the same time. He said that there were state fire codes that would pertain.

PB Member Cottrill asked if the 48 consecutive hour limitation would apply as written in 14.a.1). He recommended replacing the consecutive hours with "consecutive working days" or two days. He also recommended making a similar change in 14.b.2) by saying "four days" instead of "96 consecutive hours" and again in 14.d.3) replacing "48 consecutive hours" with "two days".

PB Member Holton asked if there were ever another "Show house" event, what would be required. PB Member Ballin opined that a special permit would be required. Zoning Administrator Stanley reiterated that a permit would be required for any event for more than 50 people. PB Member Ballin asked who would monitor the requirement. Zoning Administrator Stanley responded that permits would not be monitored unless there was a problem. After considerable discussion, it was agreed that "excluding gatherings at private residences" should be added to 14.f.3).

PB Member Holton wondered if there were some way in which people/organizations could be advised that they were not in compliance before an event happened.

- D. **Amend Article XVI Shore Land Overlay District.** Zoning Administrator Peter Stanley distributed a draft of Article XVI showing the proposed amendments.

In Section B. he recommended changing the 300 feet to 250 feet to agree with the recently adopted State regulation.

In Section F.1. Stormwater he advised that he had added "consistent with Section VI. L, 2 of the New London Land Subdivision Control Regulations, Revised October 22, 2007."

In Section H. 2., 3., 4. re the woodland buffer, he advised that changes had been made to bring the ordinance into agreement with State law. PB Member Cottrill asked what “unaltered” meant in H. 3.

In Section I. Impervious Surfaces. Zoning Administrator Stanley advised that the 20% and 30% were in compliance with State law. He advised that he had added “as determined and approved by the Planning Board” to Section I. 2.

In Section J.2.b. Zoning Administrator Stanley advised that the deletion of “first 50 feet inland from the Normal High Water level” was a correction not caught last year.

Zoning Administrator Stanley also advised that he had removed imbedded definitions on some. He said that there was a whole list of definitions that needed to be added to the ordinance. He distributed a list for PB members to review.

- E. Small Wind Energy Systems Ordinance** PB Member Cottrill asked where the wind ordinance came from. Zoning Administrator Stanley replied that it had come from the NH OEP.

PB Member Cottrill asked if the limitation of three years in Section B. referred to three years to build. Zoning Administrator Stanley responded affirmatively. Ken McWilliams clarified that it was not three years to build the turbine itself; rather, it was three years to build the temporary meteorological system.

Zoning Administrator Stanley opined that the tower would have to be higher than 100 feet in order to work. He said that a 10 kilowatt unit would cost \$50,000. He said that did not include producing power and selling it to PSNH. When energy produced is not needed it would go back into the system.

Mr. McWilliams advised that he was working with the town of Newbury on a similar regulation. He said that OEP had held a hearing and the question was raised regarding whether a building permit could be issued by someone other than the building inspector. He advised that Town Counsel had advised that the law states “the building inspector shall”, so that the responsibility could not be under some other land use board. Chair Ebel wondered if that wording was purposeful. Mr. McWilliams opined that it was.

PB Member Cottrill asked about the minimum setback chart. Zoning Administrator Stanley explained that the factor is multiplied by the system height to determine the setback.

- F. Workforce Housing** Ken McWilliams reviewed the Senate Bill 342 that requires the town to provide reasonable opportunities for workforce housing, including rental multi-family housing. He advised that he had prepared a list of options for complying. He said that it was not necessary to do them all.

Mr. McWilliams said that multi-family housing was not the same as apartments. The ordinance defines multi-family housing as a building or structure containing five or more dwelling units, each designed for occupancy by an individual household. Chair Ebel opined that workforce housing was not always the same as multi-family housing. She said that she would like to discuss the matter with town counsel, but provisions for workforce housing must be addressed in this amendment season. Zoning Administrator Stanley opined that the state law could also be tweaked upon further consideration. Chair Ebel stated that she believed that New London should provide *affordable* workforce housing that remains affordable over the long term which might require some sort of subsidy.

Chair Ebel cited an extensive article by Benjamin Frost of the New Hampshire Housing Finance Authority as stating that municipalities are not required to make sure that workforce housing remains affordable and can't be held accountable for economic conditions. PB Member Ballin opined that it really required that there be a non-profit group willing to manage affordable housing. Zoning Administrator Stanley advised that there was a group called Twin Pines that works with municipalities. Chair Ebel opined that the Planning Board was required to provide the opportunity and it behooved the PB to make sure that it

remained affordable. PB members agreed that the PB and the Town wanted to assure that affordable housing remained affordable.

Ken McWilliams advised that the easiest option was #6 on his list, inclusionary zoning. He said that when a development is proposed, the PB could encourage the developer to include a certain percentage of the development would be affordable housing. He said that the town could offer incentives for the developer to do so. Zoning Administrator Stanley said that #2 on the list had existed at an earlier time by Special Exception, and he opined that it could be resurrected. PB Member Ballin opined that #1, #2 and #6 would allow the town to provide affordable housing in the near term. Chair Ebel asked Mr. McWilliams to look into drafts of Inclusionary Zoning. She opined that 20% density incentive seemed like the minimum meaningful incentive. She said that the incentive would need to be big enough to encourage the developer to do the extra work involved.

Zoning Administrator Stanley advised that the Upper Valley Housing Coalition would probably be willing to come down to talk with the PB. Mr. McWilliams opined that Twin Pines might be willing to make a presentation to the PB. Chair Ebel stated that she would contact Town Counsel Bart Mayer about the requirements, and said she strongly believed that he should review whatever was the PB decided before it went forward with an amendment. PB members concurred that this was a wise approach considering the potential liability for violating the New Hampshire statute.

## VII. OTHER BUSINESS

- A. MASTER PLAN: PB Member Ballin and Selectman Tina Helm noted that there had been some complaints at the Citizen's Advisory Council (CAC) meeting from people who thought there had not been enough follow-up with community members interested in working on the Master Plan. PB Member Ballin wondered if the PB should be more pro-active in trying to engage people who attended the initial workshops. Zoning Administrator Stanley said that when the Master Plan was last updated, no one wanted to work on the details. Chair Ebel was sorry to hear that people were disappointed in the process thus far. She expressed some surprise that people felt there had been unsatisfactory follow-up. She said that for every Master Plan meeting, Recording Secretary Judy Condict sends out an e-mail to all those who signed up to work on the Master Plan, that e-mail notices sent out by Town Administrator Jessie Levine regarding the Community Survey included an invitation to Master Plan meetings, and that similar notices had been published in the *Intertown Record* and the *Kearsarge Shopper*. Chair Ebel said that she understood that a Quick Link to be published soon would also invite participation, and that information was always on the website. She said that she wasn't sure what else to do, but certainly didn't want the process to be exclusionary in any way. Recording Secretary Judy Condict agreed to work with the Town Office to review and update the interested-persons list. PB Member Ballin said that the Board of Selectmen had decided to make printed copies of the community survey available at the voting center. He emphasized that they would be distributed after the voting. Chair Ebel said that she had discussed that option with Town Administrator Levine, and agreed that it was a good one. She asked for the PB members' input, and they concurred. She said that Mr. McWilliams needed everything in by mid-November to incorporate it into the chapters, and they had determined that November 10 had to be the absolute deadline. She said that approximately 500 surveys had been submitted so far, compared to 695 the last time the community survey was distributed.
- B. ECONOMIC DEVELOPMENT CONSULTANT: PB Member Ballin reviewed the decision of the Board of Selectmen to look into the hiring of an economic development consultant. He said that Stephen Heavener of CRDC Economic Development Solutions had already submitted a proposal, but the Board of Selectmen had to review his work for the Kearsarge Community Center assessment before making any decision. Chair Ebel said if it was intended to be part of the PB budget, the PB should participate in the discussion. She opined that more than one consultant proposal should be considered. She also noted that it might be useful to see how the Economic Base chapter of the Master Plan evolved to determine the extent of the need for a consultant. She noted that \$100/hour for Mr. Heavener might be the going rate, but it was not cheap. PB Member Ballin and Selectman Helm noted

that the CAC members had urged the Board of Selectmen to look into what is available in the community for economic advice. They agreed to communicate with the PB on the issue going forward.

- C. The MINUTES of the SEPTEMBER 9, 2008 MEETING of the WETLANDS SUBCOMMITTEE of the PLANNING BOARD were APPROVED, as circulated.
- B. The MINUTES of the OCTOBER 14, 2008 MEETING of the PLANNING BOARD were APPROVED, as circulated.

The **MEETING** was **ADJOURNED** at **9:25 PM**.

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

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

CHAIRMAN \_\_\_\_\_

DRAFT