



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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**NEW LONDON PLANNING BOARD
MEETING MINUTES
Tuesday, October 20, 2015, 6:30 PM
Sydney Crook Conference Room**

PRESENT: Bill Helm (Chair), Paul Gorman (Vice Chair), Michele Holton, Bill Dietrich, Jeremy Bonin, Tim Paradis, Janet Kidder (Selectmen's Representative), Elizabeth Meller (Alt.) and Marianne McEnrue (Alt.)

OTHERS IN ATTENDANCE: Dr. John Wilson, Rob Prohl and Phyllis Piotrow.

CALL TO ORDER: Chair Helm called the meeting to order at 6:30 pm.

Approval of Minutes: No minutes to approve/review.

Public Comments: No comments.

Tree Cutting Applications

- ✓ **John Bowen. Property located at 1759 Little Sunapee Road.** Tax Map 043-018-000. Received Oct 6, 2015.

Ms. St. John explained that Mr. Bowen was unable to attend. She referred to the plan submitted.

IT WAS MOVED (Michelle Holton) AND SECONDED (Bill Dietrich) to approve the tree cutting application. THE MOTION WAS APPROVED UNANIMOUSLY.

- ✓ **Pleasant Lake Cottages, LLC, Steven J. McAuliffe, member. Property located on Lamson Lane.** Tax Map 049-028/029-000 (lot recently merged). Cutting of trees in Streams Conservation Overlay District.

Ms. St. John provided a brief overview:

- ✓ She had visited the site in response to an email she received from Kittie Wilson in early October. The lot was being cleared for a home site.
- ✓ The tree cutting application is tailored for the Shoreland Overlay District, and does not refer to the Streams Conservation Overlay District.
- ✓ She met Sarah Henderson of "A Cut Above Tree Service", at the site. At the site she confirmed that one of the trees was badly damaged with a split in the main trunk which

presented serious safety concerns. Sarah Henderson said the tree was a serious safety issue and needed to be removed promptly.

- ✓ She noted she agreed, and informed Ms. Henderson that photographs, a tree cutting application and justification would need to be presented to the Planning Board, but did advise her that she could cut the tree now if she thought it was necessary at this time.
- ✓ Referred to the photographs, showing the conditions of the other trees proposed to be cut.
- ✓ Commented that she is not a forester or arborist, but said if it were her property she would want the trees removed, they pose safety concerns with the nearby electrical utility lines and for people.
- ✓ She was informed that people were stopping and taking pictures of the trees on property.
- ✓ Noted that Kim Hallquist, Town Administrator, had talked with Frank Anzalone, the architect for the owner, as he was concerned that people may be visiting the site and the trees present safety concerns. He was advised to post the property, no trespassing.
- ✓ Noted that the application will be discussed at the Conservation Commission meeting scheduled for tomorrow, Oct 21st.

Chair Helm asked for questions from the audience.

- ✓ John Wilson asked about obtaining a professional opinion of a forester. He commented on the provisions of the Streams Conservation Overlay District, and the importance of the provisions to the protection of the lake. He noted that he didn't necessarily agree with staff's assessment of the trees.
- ✓ Peter Swislosky, Granite Root, a contractor for the owner, spoke to the safety of his construction crew and that the trees need to be removed. He stated that these cuttings were an additional safety factor for the owner. There is also the issue of responsibility if someone gets hurt by these trees, and he asked about liability resulting from the danger presented by delay of the tree-cutting application.

Chair Helm asked for comments from the Board.

- ✓ Bill Dietrich noted that the provisions of the Streams Conservation Overlay District states the Planning Board shall request the Conservation Commission to review the plan and make recommendation per Article XXII, D. (3), page 90. He is however concerned about any delay considering the safety issues identified.
- ✓ Chair Helm reiterated the language of the ordinance and the safety of the area where the trees are to be cut as people are using outdoor spaces and this could be hazardous. Chair Helm stated that Board should approve the tree cutting as presented.

IT WAS MOVED (Michelle Holton) AND SECONDED (Jeremy Bonin) to approve the tree cutting subject to recommendation of the New London Conservation Commission (CC) and if the CC does not concur with the Planning Board recommendation the applicant would need to return to the Planning Board for further review and discussion. THE MOTION WAS APPROVED UNANIMOUSLY.

Other Business

✓ **Signs Zoning Amendment discussion and discussion with Colby Sawyer College**

Todd Emmons, Vice President & Treasurer of Financial Services from Colby- Sawyer College spoke. He was accompanied by Kate Seamans, Director of College Communications. They explained:

- ✓ That they was taking the opportunity to respond to the Planning Board's request for CSC to develop a comprehensive Master Plan concerning signage.
- ✓ The College has hired Interface, a company from Atlanta, Georgia to conduct an analysis of all interior and exterior signage on campus which will include surveys, reviews of traffic and pedestrian patterns, existing sign conditions, and how to present a better student and visitor experience for those visiting campus. Initially the main focus will be about events that are going on such as lectures, dances, theater shows and art events. The analysis will address the entire campus but the Kelsey Athletic Campus will be addressed later. He noted that signs for an Institutional District, may not be the same as those needed in a Business District. The sign analysis is expected to be completed this spring.

Chair Helm asked the Board for comments:

Paul Gorman, Chair of the Planning Board Sign Subcommittee gave an overview of the Planning Board and Sign Subcommittee meetings in discussing the current sign provisions. He explained that some amendments to the Town's sign provisions were voted down in 2014. The Sign Subcommittee has received input from many people on that draft and were considering some other possible zoning amendments for this year. However a United States Supreme Court decision of this spring has prompted towns to reevaluate their sign provisions. Input from staff and Planner's Association has prompted the Sign Subcommittee to take a step back considering the Supreme Court decision regarding the content of signs. Members of the Planning Board will participate in a webinar on Nov 4th sponsored by the New Hampshire Municipal Association (NHMA). He stated it is not clear if NHMA, or the Office of Energy and Planning (OEP) are going to propose some kind of model ordinance for town's to consider. Following the upcoming NHMA webinar they will meet to discuss these issues. He does not think there is enough time before the March Town Meeting, but thinks that some sign provisions may be introduced in for 2017 Town Meeting.

School Board Subcommittee Update:

Chair Helm informed Planning Board members that he, Janet Kidder and Bill Dietrich had attended a meeting of School Board Subcommittee on Facilities, made up of two members, Emilio Cancio-Bello and Andrew Pinard. New London School Board Representative Kevin Johnson, Director of Facilities Todd Fleury and School Superintendent Winfried Feneberg were also present. Chair Helm shared his notes: School Board plans to raze 1941 building in the next 12 to 18 months.

- ✓ They will refinish the interior wall of the cafeteria and the cafeteria will become a multi-purpose space for the school and others to use.

- ✓ Grounds to be used for parking including redesigning the traffic flow and entrances and exits to Main Street
- ✓ They want to preserve the mural but cost is high, so perhaps they will document it with photographs or other digital means.

Chair Helm informed the School Board Subcommittee that a high priority for the CIP is to have the property available to the Town, including where the old SAU office used to be located. He noted that although the School Board Subcommittee felt the old SAU space too small for any structure given the traffic flow plan, Chair Helm encouraged them to have a meeting to have a closer look at the site in general. He also encouraged them to have a conceptual site plan discussion with the Planning Board and that the site is subject to Site Plan review.

Chair Helm also informed Planning Board members that Lyndsey Lund, a member of the Recreation Commission, was also in attendance at this meeting and she reinforced the need for better recreation facilities in New London.

Chair Helm asked for comments from the Board:

Janet Kidder:

- ✓ Commented that the School Board had expressed to her that they would like a letter of support for their proposal from the New London Board of Selectmen and the New London Planning Board.
- ✓ She thinks this is a matter that should go before the voters and other School District voters who will make their decision.
- ✓ She would like a plan illustrating what is going to happen to the building and site, and this should be presented to the voters in a meeting at Whipple Hall and not at a School building.
- ✓ Shared that at the subcommittee meeting, Bill Dietrich suggested the property be available for a new police facility and members of School Board Subcommittee were surprised at his suggestion.
- ✓ Said it is important that the School Board talks to the town. School Board meetings are public but unless you check an agenda you won't know what they are doing. What is the relationship between School Board and Town?
- ✓ Ask what can the School Board do, what are the rights and noted they could not spend money without the approval of the Town. Voters will not be happy and not supportive if information is not shared.
- ✓ Suggested the New London representatives to the School Board need to better represent the concerns of New London to the School Board.
- ✓ Stated that any proposal that comes from the School Board Subcommittee should be communicated with the Town.

Michelle Holton commented:

- ✓ She was disturbed that there are only two people on the School Board Subcommittee for the 1941 Building Site.
- ✓ Wondered if this was some sort of plan to get the Town to purchase property but Janet Kidder did not think so.
- ✓ Asked if other towns were in agreement of this decision to raze the building.
- ✓ Stated that over the years New London residents have supported teachers, and other building improvements.
- ✓ Asked if there is anyway the Town can gain control of the building.
- ✓ Asked how many people in the other School District towns would object to the building being razed.
- ✓ Asked for list of School Board members, which Chair Helm noted is on their website or he could provide it.

Rob Prohl, CIP Subcommittee member and Budget Committee member:

- ✓ Noted there should be some sort of compensation because the property was given to the School Board by the Town.
- ✓ The field and lands associated with the site are of interest.
- ✓ Need to have a conversation with the School Board.
- ✓ He does not support the idea that the Police Station needs a new location, and the statement in the draft CIP that reads: “The current police facility is substantially inadequate for its purpose.” Chair Helm noted it has been made clear in the past discussions that Rob Prohl does not agree with this part the report.

Marianne McEnrue commented:

- ✓ Will they need Planning Board approval to raze the building?
- ✓ What kinds of checks and balances are in place in the system to be sure comments are heard and addressed, if the School Board Subcommittee only has two members.

Liz Meller commented:

- ✓ Asked if five years ago, was the School District willing to sell the building to the Town? Ms. Kidder said they were only willing to lease the building. The School Board wanted to retain ownership of the building in case the school population increased.

Tim Paradise commented:

- ✓ No cost estimate given to raze the building but he thought he had heard about \$300,000.

Chair Helm commented:

- ✓ This is a repurpose of the site as there are safety issues related to traffic flow, need to repurpose the cafeteria and parking needs to be addressed.
- ✓ His purpose was to get information and there needs to be communication on a massive scale.

- ✓ He and the other two attendees to the School Board subcommittee meeting should write a letter urging School District to have a public meeting and said they will attend future meetings.
 - ✓ Encouraged Michelle Holton to talk with Carter Bascom and Kevin Johnson about the Town's interest and to better represent the Town's interests.
 - ✓ Chair Helm said this new information should not change the CIP priorities.
- ✓ **Capital Improvement Program (CIP) - discussion of priorities and draft document**

CIP Public Hearing Scheduled:

Chair Helm referred to the draft CIP (2016-2022) which is four pages and is posted on the website. He noted that the Planning Board will be conducting a public hearing on the draft document on Nov 17th. He also explained that the Planning Board is not required to hold a public hearing on the draft CIP document, but the Planning Board believes it is important to keep residents informed and for the public to participate in the process.

Lucy St. John commented:

- ✓ She had recently talked with Norm Bernaiche, Town Assessor, who asked to keep tax map correction project a priority. She noted that this project is important to the Town.

Discussion of Editorial or other changes to the draft report:

- ✓ Phyllis Piotrow referred to "Recommendation, item C on page 4" she expressed concern about language where the tax map project and investment in heavy equipment were lumped together as one project. The Board agreed and item C on page 4 will be identified two divided into two parts.

Motion made by (Michelle Holton) AND SECONDED by (Jeremy Bonin) to approve the document with editorial comments. THE MOTION WAS APPROVED UNANIMOUSLY.

- ✓ **Shoreland and Tree Cutting provisions - Zoning Amendment discussion**

Chair Helm noted this is a continuation of previous discussions about the tree cutting, shoreland and nonconforming provisions of the Ordinance. He noted that the Planning Board discussed including all of the nonconforming provisions in one place in the Ordinance, including the provisions of Article XVI, Shoreland Overlay District, Section J.

John Wilson, Lamson Lane- discussion of his draft changes for consideration

- ✓ He discussed how a couple years ago a "Working Group" has drafted some changes and this is continuation of that discussion.

- ✓ Noted that the draft prepared by staff had some appealing provisions, but it was too comprehensive, and thus he is just suggesting some minor changes to the provisions.
Discussed the handout he prepared showing proposed changes and clarification he thought the Board should consider.
- ✓ Explained how difficult and time-consuming the review had become in that there is so much detail and need for fixing in the language

Chair Helm asked the Board to review Dr. Wilson's draft in more detail for discussion at the November 3rd Work Session. Take out I-3.

✓ **Tree Cutting Zoning Amendment discussion.**

Chair Helm stated that the Planning Board has been reviewing changes to the tree cutting provisions. The Board was asked to review the draft provisions prepared by Jeremy Bonin and be prepared to continue the discussion at the Nov 3rd meeting. Jeremy Bonin said that New London tree cutting points were greater than the state point requirements. Suggested changes to include points for shrubs and bushes. Suggested changes which would allow residents to remove trees without Planning Board or Conservation Commission approval as long as they maintain the 50 points. Some sort of mechanism would need to be established to document what is there before the tree cutting is done. Jeremy Bonin suggested that the resident would still need to file an application but if it is a conforming tree-cutting application, it does not need to come before the Board.

John Wilson states this was abused and that tonight's application by Pleasant Lake Cottages was a good example. Chair Helm pointed out the difference between an approval and enforcement.

✓ **Nonconforming provisions - Zoning Amendment discussion**

Chair Helm referred to the handout of draft Zoning Amendments language regarding the Nonconforming provisions for discussion dated Oct 20th. He explained that the Planning Board and ZBA recognize the need for some changes to these provisions, and reorganization of the text. He asked that members to review the draft as this will be discussed at the Nov 3rd meeting.

John Wilson asked Jeremy Bonin if he thought putting all the nonconforming provisions in one zoning Article, would this be easier for people who use the Zoning Ordinance. Jeremy Bonin confirmed that the current Zoning language is difficult to understand and he thinks the proposed changes would be better.

✓ **Planning Board Meeting Calendar draft for October 2015 to Feb 2016.**

The Board discussed the draft schedule and approved for posting. The Nov 3rd meeting will be a work session, no application will be reviewed. Nov 17th will include the public hearing on the CIP document and Site Plan amendments.

Other Items

- Stormwater Workshop Update by Janet Kidder. Janet Kidder shared that she had attended a Stormwater Run-off seminar. At the NHDES workshop they also discussed that diseased trees are not desirable on a property because of invasive species. Pests could attack other healthy trees so that it is not beneficial to leave diseased trees on property. This also applies to diseased stumps. Ms. Kidder pointed out that the velocity of run-off water should be considered when large homes are built. Jeremy Bonin said New London has addressed this and it is at zero percent. Chair Helm asked Janet Kidder to give an update to Kim Hallquist, Town Administrator and to possibly include some information in the “Municipal Matters” newsletter about stormwater and removing diseased trees.
- Lake Sunapee Protective Association (LSPA) meeting and discussion of a compliance officer. Staff noted she attended the recent meeting conducted by LSPA. The LSPA sent an email requesting a meeting with the Planning Board and Board of Selectmen. Chair Helm does not think there is anything the Planning Board can consider or discuss as there is no compliance officer in New London as yet. Lucy St. John noted that Kim Hallquist has allocated 16 hours in next budget for consideration of a compliance officer and she has been working on a job description.
- Ms. St. John showed pictures of free lending libraries from Google images. People would like to put these small houses in front of their house so that books can be shared in the residential district. What if people wanted to put in commercial zone, would they have to come in for site plan review? Jeremy Bonin thought “yes” there is a need for site plan review as they may be an obstruction of view while driving and members agreed.
- New London Early Learning Center at 24 Pleasant Street has previously obtained a special exception from the Zoning Board to open for pre-school age children in 1991. At this time they would like to extend program for older children between the ages 6 to 15. There is no reference in the ordinance to a day-care facility but a school is permitted. Ms. St. John will advise the NL Early Learning Center they can come to discuss this idea with the Board and may need Town approvals from the Planning Board and/ or ZBA.
- Ms. St. John showed photos of Elkins Beach and a tree stump and several bushes within 50 feet of the lake with remaining stalks that were sticking up. Scott Blewitt, Director Parks and Recreation Dept., contacted her and they visited the site. It is a safety issue. She referred to the provisions of Article XVI, Shoreland Overlay District, (G) Waterfront Buffer. Bill Dietrich thought the safety issue should be addressed and that the stalks should be cut flush and covered with dirt and members agreed.

- Greaney and Stahlman Annexation and Subdivision Plan, approved by the Planning Board on Oct 6th. Ms. St. John shared that the mylars were submitted Oct 19th, but she has not reviewed as yet.
- Feins Subdivision (Sutton, NH), most recently discussed at the Sept 15th meeting. Ms. St. John said she has not received any mylars from the Town of Sutton yet. She will inquire as to the status in Sutton.

Motion to Adjourn

IT WAS MOVED (Tim Paradis), AND SECONDED (Janet Kidder) to adjourn the meeting. The meeting adjourned at 8:30 pm.

Respectfully submitted,

Jennifer Vitiello,
Recording Secretary