



TOWN OF NEW LONDON, NEW HAMPSHIRE

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PLANNING BOARD APPROVED MEETING MINUTES October 23, 2012

MEMBERS PRESENT: Tom Cottrill (Chair), Paul Gorman (Secretary), Tina Helm (Board of Selectmen's Representative), Emma Crane (Conservation Commission Representative), Michele Holton, John Tilley, Michael Doheny (Alternate)

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

STAFF: Lucy St. John (Planning and Zoning Administrator), Kristy Heath (Recording Secretary)

Chair Cottrill called the meeting to order at 7:00pm. He asked Mr. Doheny, alternate, to sit in for Jeff Hollinger, who was absent.

Yelton Tree-Cutting Request (Tax Map/Lot 076-033)

Ms. St. John explained that Ms. Yelton wanted a tree removed that was located at the back of her house because it is dead at the top and at the bottom. It is alive in the middle. Ms. Yelton had a similar tree at another property that fell and created damage and she feared the same would happen in this instance. Pictures had been distributed to the Planning Board by Ms. St. John. Chair Cottrill noted that it was one tree and was within 15 feet of the lake, well within the 50' setback. He asked if they had any plans to replant the area with blueberry bushes. Ms. Yelton said they have already planted the blueberry bushes, which were not growing very quickly, and they have also planted some cedar bushes which were doing well. In the section where the tree is located, she calculated there would be 50 points after it was removed.

IT WAS MOVED (Paul Gorman) AND SECONDED (Michael Doheny) to approve the Yelton tree-cutting request. THE MOTION WAS APPROVED UNANIMOUSLY.

Cundy Tree-Cutting Request (Tax Map/Lot 030-002)

Ms. St. John said that she went with Ms. Hallquist to look at the trees in question, the day following the last meeting when it was decided to table the request by the Cundys. They did not take pictures but found that the owners have a nicely landscaped area that includes the tree in question, that they had planted some years ago. In looking at the tree, she said it wasn't dead or diseased but had lots of branches and was flourishing. They want to remove the tree to get a better view of the lake. She said there were a few little branches close to the house that could probably be trimmed. Ms. St. John said that they advised Mr. Cundy that if the request to cut was approved, that the stump was not to be removed as it helps with decreasing storm water runoff. Other parts of the property have plenty of trees. The Cundys feel it would be reasonable to take the tree down as it had been planted by them initially. They are willing to plant a fruit tree in another area of the property.

Chair Cottrill read that the south section of the property has 110 points. To the north are three sections that have 70, 78 and 90 points. He didn't see how those points added up to the plan provided, which showed the points as being 35, 43 and 86. Ms St John clarified that there are a total of seven sections and that those sections with 70, 78 and 90 points are not shown on the map. The section from which the tree is to be removed has 43 points. Ms. Helm asked if the tree could be pruned to enhance the view. Ms. St. John said it would need quite a bit of pruning and she felt the Cundys wanted to put something else in that landscaped area and didn't want the tree there.

Mr. Tilley read from the ordinance that stated each 50' section needed at least 50 points. As long as they add sufficient plants to bring the section up to 50 points, they should be able to could cut the tree. Mr. Doheny agreed that this was a reasonable suggestion.

IT WAS MOVED (John Tilley) AND SECONDED (Paul Gorman) to approve the tree cutting request contingent upon additional vegetation being planted in that 50' segment of land, to bring the total score of that section, presently at 43, up to 50 points in a configuration that is suitable to the landowner. THE MOTION WAS APPROVED UNANIMOUSLY.

Kent Tree-Cutting Request – Lamson Lane (Tax Map/Lot 049-015)

Ms. St. John showed photos of the trees the Kents wished to cut. They are not dead trees but are very close to the buildings. The property owners are concerned with limbs coming down during storms and harming the buildings. They would like to remove one tree close to the home, and then several others that are further back, outside of the 50' buffer.

Mr. Tilley was uncomfortable making this decision as there wasn't enough information available to them with regard to the total points in adjacent waterfront sections. Ms. St. John said that the owner has shown all the trees in this segment of land on the diagram, which is what he is required to show for this segment. Mr. Doheny said he wasn't opposed to the cutting, but thought they should ask the landowner to resubmit the request, showing trees and points for the other section along the shore. They need to maintain their standards and be consistent in the information they request and receive from applicants. Mr. Tilley said he would feel differently if the nearby 50' section was loaded with trees, but there is not enough information about the surrounding land. It was felt that this was an incomplete application.

Chair Cottrill suggested that they could let them cut the tree with the condition that they complete the application. If they are found to have insufficient points, they could be required to re-plant. He agreed that the application is incomplete.

Mr. Gorman suggested allowing him to cut the tree close to the house and require him to submit a plan to bring the points up to 50. Ms. St. John said that she didn't feel people knew that these things had to be put on the agenda and approved. Some believe they only have to give notice.

Chair Cottrill asked how the members of the Planning Board felt. Ms. Crane suggested they table this for a month until they get more information. Mr. Gorman feared that the tree-cutters, who were supposed to cut the following day, may get there and cut the tree before they are able to tell them not to. Mr. Tilley said the town voted to have this as a regulation and they are not making it up. It is their job to follow through with the regulations.

Mr. Tilley suggested approving the cutting contingent upon Ms. St. John finding out if there are adequate points. If there were enough points, they could cut. If not, they would not be allowed to. Ms. St. John said it isn't always clear where property lines are when you are looking at things like this. She thought they should put the oneness on the applicant and not leave it up to the Town to verify this information. Mr. Tilley said he appreciated that point of view.

Ms. Holton said if they approve this request they will set precedence so other haphazard applications will go through. It was agreed that this was an incomplete application and they would table it until the next meeting. They need a complete application with a map of the waterfront and points within the surrounding area.

IT WAS MOVED (John Tilley) AND SECONDED (Emma Crane) to table the Kent tree cutting request until the next meeting, when the applicant would have submitted a complete application. THE MOTION WAS APPROVED UNANIMOUSLY.

Messer Subdivision and Lot Line Adjustment (Tax Map/Lot 131-006)

Ms. St. John said it was brought to the town's attention that there were some issues with the Messer subdivision. They followed up with a meeting with Peter Messer and Cliff Richards. Ms. Hallquist had noted

that any additional information the Planning Board members had that would help shed light on the situation would be helpful. She has spoken with Town Counsel on how to resolve the issue. Chair Cottrill said that he recently spoke with Peter Stanley, who checked with Town Counsel about a year ago and was told that everything was in order. Apparently, a letter was sent by Joe Messer's lawyer but the Town has no record of receiving the letter. The question is in regard to the lot line adjustment. The minutes from March, 2011 were referenced and in those minutes, there was no mention of a letter. Joe Messer would like the southerly line put back where it was. Ms. St. John said that the northerly line was also in question. Chair Cottrill said he reviewed the deed for quite some time and noted that the hand-drawn angled line adjacent to the well house was wrong. He was not sure about the angled line from one tree to King Hill Road. Chair Cottrill thought that Mr. Peter Messer and Surveyor Richards would be attending the meeting that night. Ms. St. John said that if the Board would like him to attend the next meeting, they could invite him. Joe Messer was not involved in this adjustment as a property owner; he was notified as an abutter but that was not sufficient.

Mr. Gorman noted that Joe Messer was notified, even as an abutter, and never came forward that he objected to the lot line adjustment that appears to be a benefit to Joe Messer. Ms. St. John said that it is not a legitimate subdivision, legally, because Joe Messer was not a party to the lot line adjustment. She said that the options are: not do anything and let the Town be open to a lawsuit. They could also ask Peter Messer to revoke the plan and start the process over. Additionally, the Planning Board could revoke the plan and start over or revoke a portion of the plan. It was said that Peter and Joe could also agree upon the plan and leave it as is. Ms. St. John said that Joe Messer feels that none of the property lines were correct and also is complaining that waivers were granted at a conceptual meeting. Mr. Gorman was frustrated that Mr. Messer waited until now to complain. It was noted from Peter Stanley that he recalls that Joe Messer's son was present at the meeting while this was discussed and didn't say anything

Mr. Doheny asked what would happen if they put the lot line back where it was. Ms. St. John said he is not just contesting the lot lines, but the entire survey. Mr. Doheny asked if the lot line could be moved 12-15' to comply with Joe Messer's lot. Ms. St. John said that Peter Messer is on board with this idea, but Joe Messer still wouldn't be happy because he is dissatisfied with the entire survey.

Ms. St. John said she could call Joe Messer and a surveyor to discuss how they would resolve the problem along with the Planning Board. Mr. Doheny said that Joe could have the lot surveyed and they'd put it on the subdivision plan also that Joe would have to prove that the survey is wrong and they are more than willing to overlay his lot on his bounds, on the subdivision plan. It was noted that Peter Messer and Cliff Richards still need to come in to approve this suggestion.

Ms. St. John said that Town Counsel suggested Peter Messer tender a deed to Joe and if he agrees to accept the land as part of his lot, it could be recorded. Either that or Peter could request that the Planning Board revoke the plan or the Board could decide to revoke a portion of the plan. She asked for direction from the Board.

Mr. Doheny thought they should revoke a portion of the plan. Chair Cottrill said that they would need to urge Peter Messer to request this. Mr. Tilley suggested he try to have Joe accept the lot adjustment and record the change. If that doesn't happen, he could ask for a partial revocation.

Ms. St. John said that Peter Messer and Cliff Richards would be asked to the next meeting. Chair Cottrill asked how the King Hill Road line got moved. Ms. St. John wasn't sure but that was where Joe's concern was with the other lot lines. They weren't sure where the old bounds were.

Mr. Doheny left at 7:59pm.

CIP Update

Ms. St. John said that CIP meetings were held on October 2nd and October 4th. Drafts of the minutes were sent to the committee members and department heads. They were asked to reply to her with either approval or

a request for another meeting. November 13th would be the first meeting date and November 27th was a possibility, if necessary. Ms. St. John noted that the college may be bringing in a plan in November so the later date would work better for them. It was suggested by Chair Cottrill that they have a short meeting on the 13th and then they could meet December 11th. Ms. St. John suggested meeting twice in January as they would be starting the zoning amendment process.

Ms. St. John referred to the draft calendar she sent around for 2013. She felt it would be helpful to know exactly what dates the meetings are and what the deadlines are for applicants to be put on the agenda. Other communities she has worked with and has researched do something similar. Meetings can be cancelled if necessary or added, but she felt this additional information was useful. It was agreed to remove the later meetings in the summer months to show just one meeting/month.

RPC Representative Update

Ms. Helm said that letters went out to those people who had been suggested as possible representatives. She was hoping they would hear back by the following Monday. She shared that the Selectmen wanted to know what value the RPC provides to New London from the Planning Board's point of view. Ms. Kidder had wondered if a membership with the RPC was worth maintaining and keeping in the budget. The membership is \$5,500 per year. Ms. St. John said the fee is typically based on the town's population. The RPC has a lot of mapping resources, educational sessions, and they have assisted the Town with the CIP and the Master Plan in the past. She wasn't sure what the Town's history with the RPC was. Ms. St. John said that the RPC offers circuit-riding services if the Town doesn't have an in-house planner.

Chair Cottrill said the main idea was to better utilize the town's planning and zoning administrator saving the RPC for more difficult situations. Ken McWilliams (past Town Planner thru the RPC and later thru his own business) and Peter Stanley (past Planning & Zoning Administrator) worked together on the process. The Master Plan is done, the CIP is back under the Town's own management and in the current climate, there is far less activity requiring the expertise from the RPC. Mr. Tilley said that for the past few months, they haven't had to use the RPC but when they need them, they need them. It isn't something consistent and presently the Planning Board is in a time period where they aren't utilizing the RPC but they might in the future.

Ms. Helm noted that health and retirement costs are going up 14% so there will be some major budget issues. They are looking at every possible area to see what they can cut. Chair Cottrill said they have made good use of the RPC in the past especially with major subdivisions.

Ms. Helm said she would respond to the Board of Selectmen that when they need them as a resource, they are good to have. Mr. Gorman said if they decide they don't need the RPC, where will the money come from when they do need them? He wondered if there was any give somewhere that would allow for this expense. Chair Cottrill suggested Ms. St. John contact the RPC to get a run-down of what the Town gets for their membership. Ms. St. John said that they can handle subdivisions in-house unless there was a regional impact. She said that she would contact Christine at the RPC to get details. Ms. Helm asked Ms. St. John to send her a memo with the results of the talk with the RPC.

Food Truck Vendor Request

Ms. St. John said that someone called with an interest of having a food vendor truck in the area. They said they would like for it to be run after the restaurants in town are closed and have it located somewhere close to the college. Ms. St. John said she could talk to other communities about this and asked for the input of the board. Mr. Tilley said that this is a popular thing and it should be on their radar. Ms. St. John said they would need to think about where they would park the truck, who they would serve, etc. She wanted them to give thought to this.

Ms. St. John said that if this is something the town is interested in, it has to be defined. They would have to decide what zone it would go in, define the particular use and have it go in as an amendment to the zoning

ordinance. Mr. Tilley asked if they would ask the college for their input and require a public hearing. Ms. St. John said they would have to have a public hearing for any amendment to the ordinance. They could write the amendment first or could have a discussion first and then write the amendment. Ms. Helm felt public meetings were always beneficial. Ms. Holton thought it would be good to contact local restaurateurs to see how they feel about it.

Ms. St. John said a discussion of amendments can begin any time even though the deadline is January 14th. Chair Cottrill said that they usually set aside an entire meeting to discuss the amendments. Ms. St. John noted that the shoreland section of the ordinance needs work as did the sections on non-conforming/structures, definitions, uses listed in the districts (they that didn't match their definitions), parking, signage, temporary signage, special events signage, banners, wetland provisions, there were organizational changes she could suggest in the order of the ordinance, she would like to add a table of uses to the ordinance, talk more about erosion control, accessory uses and definitions. Ms. St. John said that she and Ms. Hallquist have offered to put something together as a refresher of planning and zoning issues.

Review of Minutes

IT WAS MOVED (Paul Gorman) AND SECONDED (Emma Crane) moved to approve the minutes of August 28th, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.

IT WAS MOVED (Emma Crane) AND SECONDED (John Tilley) to approve the minutes of September 25, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

With no other business, Chair Cottrill called for a meeting to adjourn.

IT WAS MOVED (Paul Gorman) AND SECONDED (Tina Helm) to adjourn the meeting. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 8:40pm.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London