



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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PLANNING BOARD  
DRAFT MEETING MINUTES  
Tuesday, December 16, 2014  
7:00 PM

**MEMBERS PRESENT:** William Helm (Chair); Paul Gorman (Vice Chair); Michele Holton (Secretary); Peter Bianchi (Board of Selectmen's Representative), Jeremy Bonin; Emma Crane, William Dietrich, and Elizabeth Meller.

**MEMBERS ABSENT:** None

**STAFF:** Lucy St. John (Planning and Zoning Administrator), Chris Work (Recording Secretary)

Chair Helm called the meeting to order at 7:00 PM. He noted the Dec 9<sup>th</sup> meeting was cancelled due to inclement weather.

**Review of Minutes**

**IT WAS MOVED (Michelle Holton) AND SECONDED (Emma Crane) to approve minutes from November 18, 2014, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Public Comment**

Chair Helm asked those present if there were any issues they wished to discuss which were not included on tonight's agenda. No comments were received.

**Lot Merger Applications**

- Lot Merger Application for **Harold F. Oberkotter, Jr.**, Trustee of the Harold F. Oberkotter, Jr. Revocable Trust. Located on Checkerberry Lane. Tax Map 044-017-000. Zoned R-2. Proposal to merge two lots into one lot. Chair Helm noted there was no one present to represent Mr. Oberkotter this evening. He asked board members if they had any comments, questions or issues with regard to this application to merge two lots into one and there were none.

**IT WAS MOVED (Michele Holton) AND SECONDED (Emma Crane) to approve the lot merger application. THE MOTION WAS APPROVED UNANIMOUSLY.**

- Lot Merger Application for **Patricia and Theodore Hopkins.** Located on Barton's Way, off of Lakeshore Drive. Tax Map 064-004-000 and 064-004-100. Proposal to merge two lots into one lot. Chair Helm noted there was no one present to represent the Hopkins this evening. Chair Helm asked if there was any discussion necessary regarding the Hopkins' lot merger application. There was none.

**IT WAS MOVED (Jeremy Bonin) AND SECONDED (Michele Holton) to approve the merger of said two lots into one. THE MOTION WAS APPROVED UNANIMOUSLY.**

Chair Helm noted that other business items would be discussed, as the public hearing is identified on the agenda for approximately 7:15.

### **Other Business**

#### **Site Plan Regulations, discussion and clarification of Change of Use and Change of Occupancy in offices and other uses.**

Chair Helm explained that at the November 18, 2014 Planning Board meeting the Board discussed the provisions of the Site Plan Regulations and concerns raised on how to make the site plan regulations more user-friendly to businesses. Specifically, the discussion concerned new tenants moving into an established office where there were no plans for a change in use or a change in layout.

Chair Helm referred to the Article I, (D), of the Site Plan Regulations. He noted that these provisions have generated much discussion, and there appears to be inconsistencies in the interpretation of this section regarding Change of Use, Change of Occupancy and Change in Layout. He referenced some recent applications, including Dr. Gregory Curtis at the Gallery; the Kidder building occupants and the occupants at the Stahlman Building at 74 Pleasant Street. Some business tenants move from one office to another. This was illustrated by a photograph of the signs at the Stahlman building showing the current tenant, and the 176 Newport Road (sign showing tenants- World Clinic, Horizons, Connolly and others).

Chair Helm questioned whether those tenants not planning a change in use or in layout needed to come before the Planning Board at all. Paul Gorman asked why a site plan review is required for a change in the floor plan. He asked, if the new tenant is using the same square footage, why the Planning Board is involved. Lucy St. John said that provisions are typically included to address the review for fire and life safety issues. Staff noted that the Fire Department can exercise and require that fire and life safety issues be addressed even without Site Plan Review.

It was suggested that perhaps the Planning Board should review the site plan regulations to determine whether some can be changed without having to go to Town Meeting. Chair Helm remarked that there are half a dozen empty spaces in town and if people are simply moving from one office to the other, this is not a situation requiring a site plan review. Peter Bianchi wondered whether increasing employees at a business would require a review because the interior layout was being changed, or more parking spaces might be necessary. Jeremy Bonin responded that parking needs are determined by the square footage of the retail or business space. He did not think it mattered who was the actual intended occupant.

Peter Bianchi said that if the town is going to have site plan requirements, someone needs to keep track of what is happening. Chair Helm replied that the Planning Board could ask the Selectmen to enforce a rule that everyone must have a site plan review, but he prefers that if there is no change in use, a site plan not be required. Selectman Bianchi disagreed, saying the Town could end up not knowing who is where.

Staff suggested that if the Planning Board did not want to have Site Plan review for change of use/occupancy, the Planning Board could amend the Site Plan Regulations. They might also want to consider something like a simple "Business Registration" form, so the Town would know the occupants of the various buildings located in Town.

Jeremy Bonin emphasized that a business is different from a retail operation. Paul Gorman proposed that staff prepare a one-page sample form, and work with the Chamber of Commerce, so that new tenants will know the form must be completed. He noted that most of the time, people are not aware of the Town's

local Site Plan Regulations. It was also suggested that the Planning Board solicit input from Chamber of Commerce and area businesses to learn their concerns about the regulations and how to make them more user friendly. Elizabeth Meller emphasized that fire safety issues are important and knowing the location and uses of buildings in Town is important.

The Planning Board agreed that if an office is changing a tenant without any changes to the layout or use, that until they can amend the Site Plan Regulations the position of the Planning Board is that Site Plan Review would not be required. There will be no formal action other than further discussion in January and February. In the meantime, the Planning Board will not pursue site plan review for change in tenant in an existing building.

### **Public Hearing**

**New London Wood Products Site Plan.** Located at 1554 King Hill Road. Tax Map 129-015-000. Property owned by Dean and Pamela Larpeneter. Proposal is to build a 30 x 34 square foot horse barn for two horses. Activities currently conducted on the site include a sawmill operation, manufacturing of grade stakes and selling of kiln dried firewood. Zoned ARR. Waivers requested.

Chair Helm noted that this was a continuation of the public hearing that the Planning Board began earlier in the fall. The abutters were notified previously and there is no need for additional notification. The Larpeneters have been to the ZBA and received two variances to build a barn and a determination that the pasture was adequate.

Pam Larpeneter explained that initially the barn was going to be attached to the existing building on the property, but since the initial application, it is shown to be detached and is approximately 100' from the property line. She explained that the barn has nothing to do with the wood products business, and will not be used to store any materials or uses associated with the business, it is solely a barn for their two draft horses.

Chair Helm confirmed that the Larpeneters had met all requirements – no wastewater issues, no landscaping, no difference on utility plans, storage, snow removal – and asked for a motion that all necessary waivers be granted.

**IT WAS MOVED (Michele Holton) AND SECONDED (Emma Crane) that all necessary waivers be granted and the Site Plan be approved to build a horse barn on the property for two horses. THE MOTION WAS APPROVED UNANIMOUSLY.**

Peter Bianchi reminded the applicant that a building permit would be required. The Larpeneters affirmed they understood this.

### **Public Hearing Opened (noted continued)**

Chair Helm noted this public hearing was continued from the previous meetings. Ms. St. John referred to the November 20, 2014 ZBA minutes and the abutters referenced in the minutes. She noted for the record, that abutter Scott Fitzgerald provided comments on December 11, 2014 and he has no issues.

### **Public Hearing closed.**

Chair Helm said he would like the motion to reflect that approval is subject to the provisions discussed by the by the ZBA.

**IT WAS MOVED (Bill Helm) AND SECONDED (Bill Dietrich) that all necessary waivers be granted to the Larpenters, and the Site Plan be approved to build a horse barn on the property for two horses, subject to the provisions required by the Zoning Board of Adjustment. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Zoning Amendment Discussion- draft Sign Provisions discussed**

Chair Helm referred to the draft Sign Regulations dated Dec 9, 2014. He noted that the proposed draft takes a new look and approach to how the Town will address signs and sign permits, the intent is to delete the current sign provisions and replace them with a new Article.

Chair Helm, Jeremy Bonin and other board members suggested the board consider the document a starting point and work on simplifying it or condensing the language further. All agreed. They acknowledged the draft is simpler than the current sign provisions. The goal is to make it easy to understand, simple to flow, and reduce the amount of time Town staff members spend on signs and sign enforcement. Chair Helm noted that the board is trying to set forth regulations so that at the next town meeting, they can simplify the process of determining what's allowable and what is not allowable. He also referred to some other amendments staff suggested be discussed.

Purpose statements reviewed. It was noted the current sign provisions do not include a purpose statement, and the text and Quick Table Reference, page 120 need clarification.

Related Sign Definitions were discussed.

- ✓ Remove Pennant, balloons,
- ✓ Paul Gorman suggested that the last sentence under Sign on page 1 be deleted.
- ✓ Paul Gorman suggests adding a space between the definitions of "sign" and put another heading titled "Types of Signs."

General comments about signs included.

- ✓ Maybe only allowing one certain kind of sign. Signs should be reasonable for the purpose of a business without having all these sizes and types.
- ✓ Look at the State signs on Route 11 as an example of how simple a sign can be, hotel, gas, etc. Does the Town want to say a sign can only be a certain size and color, for example- no bigger than 3' x 6' and must have a blue background?
- ✓ Some people in town want more signs and others don't want any or fewer.
- ✓ Peter Bianchi observed that the more one tries to nail things down, the more exceptions one comes up with.
- ✓ Jeremy Bonin feels it is important to define as many different signs as possible, and then say what is allowed, and what is prohibited.
- ✓ Paul Gorman suggested it might be useful to have categories for commercial signs. Could a restaurant have a bigger sign than other businesses? Paul Gorman observed that there are a variety of business functions that go down Main Street – real estate offices, restaurants, an eye doctor's office, an interior design store, a pre-school, a farm/garden shop – all the way down to Hannaford's, which has one of the most discrete signs in town. Mr. Gorman feels that there are different types of functions and one sign is not going to fit all of them. He asked, can we determine what type of signs might be appropriate for these business functions?

- ✓ Michele Holton asked what would be considered an objectionable sign – a banner, billboard, rotated sign, and balloons. Chair Helm noted the liquor store was a good example of such a sign.
- ✓ Peter Bianchi remarked that the Gallery has signs that show through the outside windows. One Chinese restaurant has an indoor neon sign that says “open” or “closed.”
- ✓ Liz Meller commented that she thought signs were interesting and to permit only one type or size would make the town boring.
- ✓ Michele Holton commented that the board does not want the area down by Hannaford’s to look like South Willow Street. Signs need to be appropriate to the location.
- ✓ It was suggested that a chart showing different sizes of signs be included in the draft.

Placement, Conditions and Construction section, page 2.

- ✓ Jeremy Bonin commented that this section was well done.
- ✓ Unsightly – It was noted that this word might be offensive to some residents. Chair Helm asked how one determines if something is “unsightly.” Is this unreasonable? Paul Gorman asked if this would an instance when someone came before the Board of Selectmen to complain that a sign was unsightly. Do the Selectmen then have to make a decision on something that is really just a matter of opinion? Lucy St. John recommended the words “dangerous,” “hazardous,” or “public nuisance” be considered and she will work on finding a synonym for “unsightly.”
- ✓ Peter Bianchi felt the “Public Safety” definition gave too much discretion to the Board of Selectmen. Chair Helm commented that the Selectmen have to authorize the use of town property, so they must also control the signs.
- ✓ Replacement of Existing Sign, Jeremy Bonin recommends changing the word “existing” to “existing, conforming” sign.

Prohibited Signs

- ✓ Chair Helm recommends the board add an additional prohibition of “backlit” signs.
- ✓ General agreement that pennants should be deleted as a prohibited sign.
- ✓ Bill Dietrich asked the rationale for the dates listed in #7 – Tree mounted Signs (Nov. 1-May 1). Lucy said this was in the former regulations and she believed it was included because these are winter months when signs cannot be put in the ground and therefore are mounted on trees until spring.
- ✓ What about signs such as “pick-your-own blueberries” if the use is not in New London?

Signs Requiring Planning Board Approval

- ✓ Chair Helm thought the Planning Board could put “more teeth” in the master sign plan regarding process. He felt a master sign plan could deal with the differences in business district signs and those in residential areas.

Signs Requiring A Permit

- ✓ It was decided to omit “Any sign which is permitted by Special Exception.”

Signs Not Requiring A Permit

- ✓ Jeremy Bonin asked whether pennant signs would be appropriate for residences; for example, a large 4<sup>th</sup> of July sign to celebrate the holiday?
- ✓ Peter Bianchi wondered if residences would be allowed to put up a large “It’s a Girl/Boy” sign on their lawn, with balloons on the mail box. Or would that be restricted? These types of signs are

usually only kept in place for a couple of days. Selectman Bianchi felt the town might have difficulty enforcing these types of restrictions.

- ✓ Chair Helm suggested that a definition for “signs of a celebratory nature” could be added.
- ✓ Signs placed in front of the Information Booth was discussed. This area has been an issue for years. Anyone can advertise there. Michele Holton noted the building is owned by the Chamber of Commerce, but is located on town property. Michele Holton suggested that only Chamber members be allowed to put signs there. Liz Meller asked why anyone would object to any sign being put there. Paul Gorman noted there is an economical value to this town to advertise activities going on in surrounding communities that are going to have a spill-down effect. He is thinking that this is a small, controlled commercial advertising area in town. It can be limited – perhaps by a first-come, first served requirement.
- ✓ Selectman Bianchi asked the board what the town’s philosophy should be about using town property for private signs, even non-profits or out-of-town activities.
- ✓ Business Operations Sign, it was suggested that the language be revised, since “Sidewalk Sale/Auction” signs are addressed on page 6. Chair Helm asked board members to send their recommendations to Lucy St. John.
- ✓ Political signs were addressed, and it was agreed this is a difficult issue. Michele Holton noted that it has been a policy on Election Day not to put any political signs on in front of Whipple Hall until 7 AM, which is always observed by both political parties. This year, Michael Todd (Town Moderator) removed all the election signs sometime during the day, and said he was required to do so by the Secretary of State’s office.
- ✓ Home Business or Home Occupation Sign, need to clarify.
- ✓ Real Estate Signs promoting an Open House, Paul Gorman asked if everyone was okay with the definition given. He said he did not understand why the number of balloons were being limited. He feels the Planning Board should not even mention balloons or their size. Lucy St. John explained that people do call and ask about balloons being attached to sign, some people in Town find this objectionable, and it can take a good deal of time to address these issues. It was decided to remove any references to balloons.
- ✓ Sign Acknowledging Contractors. Peter Bianchi asked why it says “the sign shall not extend more than 3 feet above the ground surface”. Ms. St. John noted that this provision is currently in the ordinance. Peter Bianchi and Jeremy Bonin noted they don’t think this provision is needed. Both agreed that the provisions about the sign extending more than 3 feet above the ground is not needed, and that a sign could be allowed on the site during the duration of the construction.
- ✓ Sporting Event Signs, a requirement that the sign be removed at the end of the event, instead of “within 24 hours” be substituted. Peter Bianchi remarked that he did not feel the term “property owner” was really accurate, when the board was talking about Colby Sawyer College or other school/Outing Club athletic functions. Jeremy Bonin pointed out that this provision allows a banner or flag to be displayed.
- ✓ Tag Sale Signs, a sign is allowed to be posted at the intersection nearest the house where the sale is taking place, and one is allowed to be placed on the property. It was noted that current town regulations prohibit more than two yard sales in a calendar year, but this does not necessarily pertain to signs. It was recommended this sentence be deleted. It was also suggested that the signs should be taken down as soon as the event ends.
- ✓ Agricultural and roadside signs for sale of agricultural products, some language will be added.

Staff will amend the draft sign provisions, and provide a revised draft for review and comment prior to the January 13<sup>th</sup> next meeting.

Chair Helm reminded board members that after the holidays, the Board will be busy addressing zoning amendments, possible development near the hospital and amendments to the Site Plan Regulations to address the issue of change of use/formerly fast track option provisions.

Selectman Bianchi cautioned there may be pushback from groups about the new sign regulations and suggested that the Board send copies of the proposed changes to the Chamber of Commerce, businesses, College and realtors in town before putting this on the town warrant. Chair Helm agreed the Planning Board should be proactive and solicit input from these entities. All agreed that it was important to receive input from residents and businesses as early as possible.

**Future Meeting Dates – Jan. 13<sup>th</sup>, Jan. 27<sup>th</sup>, Feb. 3<sup>rd</sup>, Feb. 10<sup>th</sup> – Refer to 2015 Meeting Schedule**

**Motion to Adjourn**

Motion to adjourn made by Emma Crane and seconded by Peter Bianchi. Meeting adjourned at 8:55 PM.

Respectfully submitted,

Chris Work  
Recording Secretary