



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## PLANNING BOARD

### MEETING MINUTES

Tuesday, February 10, 2015

**MEMBERS PRESENT:** William Helm (Chair); Paul Gorman (Vice Chair); Michele Holton (Secretary); Jeremy Bonin; Emma Crane; William Dietrich; and Elizabeth Meller

**MEMBERS ABSENT:** Peter Bianchi (Board of Selectmen's Representative)

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

Chair Helm called the meeting to order at 7:00 PM. At that time, he introduced and welcomed Marianne McEnrue and Tim Paradis, who will be joining the Planning Board as new alternate members. John Hurley has also been selected as an alternate, but is not in attendance this evening.

#### Review of Minutes

**IT WAS MOVED (Michele Holton) AND SECONDED (Emma Crane) to approve the minutes from January 13<sup>th</sup>, January 27<sup>th</sup> and February 3, 2015, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY. (No minutes were approved for January 27<sup>th</sup> as the meeting was cancelled due to a storm event).**

#### Public Comment

There was no public comment.

#### Tree Cutting Application

- Tree Cutting Application for **Michael and Laurie Morgan**. Property located at 721 Little Sunapee Road. Tax Map 033-015-000.

Tom Conway of Conway Tree Services was present to represent the Morgan's in their request to cut down one tree, which is located within the 50-foot shoreland area. He explained that the tree leans at a 40 degree angle over Lake Sunapee. Mr. Conway stated he had also consulted the Department of Environmental Services (NHDES) regarding the tree, and DES concurred that the tree poses a hazard. Chair Helm remarked that there are ample trees remaining on the property referring to the diagram submitted. He also noted that a previous tree cutting was approved in 2012. Mr. Conway said he would like to cut the tree down this winter, drop the pieces on the lake ice, and remove them before open water occurs.

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

**Public Comment**- Chair Helm asked if there were any public comments or concerns anyone would like to discuss for items not identified on the agenda. There were none.

**Other Business**

**Senate Bill 146** – This bill establishes requirements for local regulation of accessory dwelling units.

NH Senator Jerry Little was in attendance at the request of the Planning Board per the Feb 3<sup>rd</sup> meeting to discuss NH Senate Bill #146. Chair Helm informed Senator Little that the Planning Board was interested in this bill because the Board had their own discussions about accessory dwellings and structures per current provisions in the Zoning Ordinance.

Senator Little noted that he was a co-sponsor of this bill and it is intended to follow up on existing state statutes relating to workforce housing and/or low to moderate income housing. He noted:

- ✓ The language in the bill would require towns and cities in NH to allow more accessory dwelling units.
- ✓ He was a strong supporter of property rights, observing that many people are anxious to help out relatives by providing what he called “in-law apartments.” He feels increasing the scope of accessory dwelling units would be valuable in providing housing for elderly and disabled citizens, or a staff providing medical/home care, or for grown children who come home to live after college.
- ✓ He explained that the amendment has already been discussed by the NH Municipal Association, NH Housing Authority and NH Home Builders Association, and it is anticipated that further amendments may be proposed.
- ✓ The bill’s goal is to create more flexibility and give people a right to build these units onto an existing home or somewhere else on their property.
- ✓ The bill would allow towns to decide if there was a “right” to build these units, or whether they would require a special exception. He advised that going with a “special exception” provision would give towns’ greater oversight ability.
- ✓ That some towns have had concerns about absentee owner housing and rental housing, but one of the requirements of this bill is to require owner occupancy. If an owner moves out, he/she will be in violation and will not be able to rent the unit.

Chair Helm asked Board members, staff and Fire Chief, Jay Lyon if they had any questions for Senator Little. Questions and concerns included:

- Where the funds would come from to build this affordable housing.
- Concerns about allowing them in all the zoning districts.
- How to address the number of bedrooms in a unit.
- If they had to be attached or could be detached.
- Setbacks.
- Code enforcement and how to enforce the owner occupancy issue requirement.
- Large homes being used for student housing, ski clubs or summer/winter rentals.
- Lots of seasonal rentals in New London.
- Student housing issues in New London from September to May.
- Need for affordable workforce housing to be able to recruit and retain employees for the Town including fire fighters.
- Housing would be located in residential neighborhoods and not regulating the number of occupants in a single unit might leave their neighbors very unhappy.
- Concerns about local controls being trumped by State Regulations and taking away or minimizing local zoning regulations.

- New London has a substantial college student population and New London also has some fairly large properties around their lakes which are owner-occupied, but the owners are not often there. One could see an owner putting up a structure on the back acre which he could rent out to students. Clearly the combination of a large student population and the amount of lakefront property that could be affected is a concern.
- People generally consider seasonal rentals as temporary. There are concerns about college students renting a property which is generally used as a seasonal rental.
- Currently the planning process is being circumvented by builders building large duplexes with many bedrooms, rather than multi-family units (3 or more) which require Site Plan Review.
- Most small towns do not have a Code Violation Officer. Taxpayers will not want to pay for one.
- Someone could still build a 4,000 sq. ft. dwelling with 14 bedrooms and rent it out.
- Fire Chief has concerns about code compliance. He noted the town has a good number of seasonal residents who rent their houses out to college students, and if there are more than four unrelated occupants, the town has requirements. He explained that the town currently has six residences containing more than the number of unrelated persons allowed live in one house.
- Fire Chief is concerned that overcrowded units would put a burden on the Fire Department, which is staffed by volunteers.
- The Fire Department has to deal with preparedness.
- Having an unregulated number of people allowed in a structure is a real safety concern for the town.

Senator Little responded to the concerns noting:

- There will be no new sources of grant money from the State of New Hampshire. The bill only concerns an existing dwelling unit.
- If a sufficient structure is already in existence and could be retro-fitted, that would be permissible.
- There is not a familial requirement – the unit can be for someone totally unrelated.
- No multiple units are permitted, only single.
- Allowed to have more than one bedroom in the unit.
- Unit can be attached or stand alone.
- All current land use and environmental standards will apply.
- Maximum lot coverage cannot be violated.
- All setback rules still apply.
- All relevant permitting is required to be followed, including septic based on the number of bedrooms.
- No limits on the number of people who can occupy unit.
- The proposed bill will trump an individual town's regulations.
- He felt that most folks are not going to build a bunkhouse and hold keggers on the weekend.

Senator Little commented that most towns are not college towns and agreed that New London has a unique situation. The bill is trying to address affordable housing issues. He will take back the concerns he has heard tonight to his colleagues for further discussion.

Chair Helm thanked Senator Little for attending the meeting to discuss proposed SB 146 and looks forward to seeing the final bill. Senator Little noted it was an honor to serve his constituents. Senator Little will forward a copy of the official amended language to Lucy St. John.

**UVLSRPC – Draft Regional Plan**

Lucy St. John reminded board members that public comments on this draft are due to the Regional Planning Commission by Monday, February 16. She explained that the draft plan, pages 5-35 to 5-37 was previously discussed at the Feb 3<sup>rd</sup> meeting and the Board had some questions regarding current use data and how it is classified. She had talked with the Assessing Department staff and will inform the RPC that the numbers used in the MS-1 reported to the State are as follow, and that the data in the draft plan should be corrected.

The most recent numbers for current use are reflected in the MS-1 report:

Farm Land acreage: 617.48  
Forest Land: 4172.94  
Forest Land w/ Documented Stewardship: 1678.51  
Unproductive Land: 314.41  
Wetland: 0  
Total: 6783.34

Bob Crane, one of the Town’s representatives to the RPC was in attendance and commented that current use is a taxation issue.

**Site Plan Regulations Amendment- draft language**

Chair Helm noted that staff had input from Town Counsel on the draft Site Plan language, and Town Counsel thought it was an appropriate response to addressing the “fast track” issue. The draft amendment was discussed.

**MOTION WAS MADE (Bill Dietrich) AND SECONDED (Emma Crane) to call for public discussion. THE MOTION PASSED UNANIMOUSLY.**

There were no public comments.

Chair Helm asked for a motion to consider posting and advertising the amendment for a public hearing on March 3<sup>rd</sup>. He explained that Site Plan amendments do not require a Town vote like a zoning amendment does.

**MOTION WAS MADE (Bill Helm) AND SECONDED (Michele Holton) to accept the proposed draft amendment to the Site Plan Regulations, Item D.(4), which deletes the reference to Fast Track options, clarifies a threshold limit and to schedule a public hearing for March 3, 2015. THE MOTION PASSED UNANIMOUSLY.**

**Zoning Amendment Discussion – proposed draft definition of family**

Chair Helm noted that staff had input from Town Counsel on the draft definition of family and Town Counsel thought it was an appropriate. The draft amendment was discussed. It was suggested that the comma be removed after “residents” in the proposed new definition and that the word “better” be inserted in the rationale statement, to say “ to better align the number.....”

Jay Lyon asked if the intention of this new definition was to reduce the number of unrelated people in one household from 5 to 3, and the answer was yes. Therefore, lodging and rooming houses would not be

affected. Chair Helm said the board is trying to align the number of unrelated persons in one house more efficiently. Chief Lyon responded that from a safety perspective, obviously less people in a building reduces the safety concern. He is in favor of having dwellings with students, as long as all safety issues are addressed.

Marianne McEnrue asked how this will relate to the Senate bill Mr. Little discussed earlier. It was noted that SB 146 is about accessory dwelling units. Jay Lyon, Fire Chief commented that there is no grandfathering in this state.

**MOTION WAS MADE (Paul Gorman) AND SECONDED (Jeremy Bonin) to approve the new definition of “family,” as amended above and to schedule a public hearing for March 3, 2015. THE MOTION PASSED UNANIMOUSLY.**

### **Zoning Amendment Discussion – proposed draft Signs provisions**

Chair Helm asked for comments and edits on the draft language. Several edits and minor revisions were discussed and would be incorporated by staff. Ms. St. John explained political signs and signs which someone may post as an expression of freedom of speech are permitted.

**MOTION WAS MADE (Jeremy Bonin) AND SECONDED (Emma Crane) to incorporate the minor changes to the draft and to schedule a public hearing for March 3. MOTION WAS PASSED UNANIMOUSLY.**

### **Budget Committee’s Review of the Planning and Zoning Budget**

Ms. St. John informed the Board that the Board of Selectmen had reviewed the budget. She will be presenting the proposed budget to the Budget Committee of Wed, Feb 25<sup>th</sup>. During the Board of Selectmen’s review of the budget, additional funding was requested for several items including additional hours for the current part/time secretary position. She noted that having public records organized and the presentation of a professional office environment is important. She also explained that Tax Map Correction project which was included in the CIP was reduced in the BOS budget. She encouraged board members to attend the meeting and advocate that these items be restored and included. She noted the importance of the Tax Map Correction project. She referenced the Byrne ZBA case where the applicant used the tax maps to locate the property lines and site a home, the tax maps representation of this property is incorrect.

### **Agenda Attachment List Items**

Ms. St. John referred to the correspondence and other items included on the agenda attachment list. She noted that the Planning Board has decided not to entertain any zoning amendments this year relative to the Shoreland Overlay District. She noted that the issue of seasonal canopy is likely to be discussed in the future as there are differences in State and Town requirements.

**Planning and Zoning Administrator's Information**

- ✓ Webinar on Agriculture: Ms. St. John reminder the Board of the upcoming webinar on agricultural issues.
- ✓ HB 660: She provided the Board a copy of House Bill 660, which relates to farms and farm stands. The Board may want to discuss this at the next meeting.
- ✓ Bakery: Ms. St. John explained that an interested party is thinking about having a cheesecake bakery in the Scytheville current bakery location. The interested party has been in contact with Jay Lyon, Fire Chief. The Board discussed and agreed that site plan review was not required as this is just a change in use.

**Future Meeting Dates –**

**February 24th Work Session.** Chair Helm proposed that the February 24<sup>th</sup> work session be cancelled.

**MOTION WAS MADE (Michele Holton) AND SECONDED (Emma Crane) to cancel the February 24<sup>th</sup> Planning Board work session. THE MOTION PASSED UNANIMOUSLY.**

**March 3<sup>rd</sup> Public Hearing meeting.** The Board discussed having a snow day for the March 3<sup>rd</sup> public hearing in case of inclement weather. Staff will determine what space is available. Jay Lyon, Fire Chief offered the Fire Station, but would need to check availability. Staff was directed to check availability of spaces in Town and to include a weather event date in the notice when posting the public hearings for March 3<sup>rd</sup> meeting notice.

**Other**

- Michele Holton said the Lake Sunapee Visiting Nurse Association will shortly be approaching the town about renovating the large shed in the back of the building. They want to rewire it and add insulation.

**Motion to Adjourn**

Motion to adjourn made by Bill Helm and seconded by Bill Dietrich.

Meeting adjourned at 8:30 PM.

Respectfully submitted,

Chris Work  
Recording Secretary