



TOWN OF NEW LONDON, NEW HAMPSHIRE

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BOARD OF SELECTMEN MEETING MINUTES July 6, 2015

PRESENT:

Nancy Rollins, Chairman
Peter Bianchi, Selectman
Janet Kidder, Selectman
Wendy Johnson, Finance Officer

ALSO PRESENT:

Lucy St. John, Zoning Administrator

Chair Rollins called the meeting to order at 6:00pm.

Discuss Zoning Violation at 1891 Little Sunapee Road – Byrne Property

Lucy St. John, Planning and Zoning Administrator, explained that a letter was sent to the Mr. Byrne of 1891 Little Sunapee Road via mail and email on July 1st noting the violation. They were informed that they would be on the agenda but no one from the Byrne family was present at the meeting.

Selectman Bianchi feels the Town needs to fine the property owner. He said \$275 for the first offense and \$550 for each subsequent event, per day, is what they are able to fine violators. Chair Rollins asked Selectman Bianchi for a specific proposal. She noted that the Mr. Byrne had come into their June 29th meeting. Selectman Bianchi said they should be fined for the complete disturbance of the area within the 50' buffer. Ms. St. John said Mr. Byrne did have previous permission from the Planning Board in 2014 and 2015 to cut some trees. He also received approval from the Zoning Board to reduce the setback for a garage and also for a well within the waterfront buffer. There were various contingencies put on the approvals he received, which were granted in February of 2015.

It was noted that the Mr. Byrne stopped the work as soon as they received the initial notification from the Town. Selectman Bianchi said it was hard to argue that they did not violate the Town's zoning ordinance. The pictures show that they used heavy equipment on the waterfront. His proposal was to fine the property owner \$275 for the one day of disturbance. The other two Selectmen agreed with this idea.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Janet Kidder) to fine the Brian Byrne at 1891 Little Sunapee Road \$275 for excessive disturbance of the 50' waterfront buffer. THE MOTION WAS APPROVED UNANIMOUSLY.

Discussion of Zoning Violation at 47 Moyahs Lane – Breed Property

Chair Rollins said this was with regards to movement of a rock retaining wall on the waterfront. The property owners were to file an application for permit from the Department of Environmental Services by June 29th. The Town has seen nothing in this regard yet. Ms. St. John said she went to the property that day. She knocked on the door to make her presence known but it didn't appear that anyone was there.

Chair Rollins said it also appears that they have not stopped working on the property and have since added a ramp down to the beach. It was noted that another ramp attached to the house had been built, which they did not get a building permit for.

Selectman Bianchi feels the Town needs to fine the Breeds as well. Every day they work on the property after having received a cease and desist letter was a violation. Chair Rollins said the letter was sent on May 26, 2015. A photo taken from the water showing further work to the shoreline was provided to the Town on July 2, 2015. She asked the Board for their suggested course of action. The Selectmen were in agreement that the Town's efforts to work out the problem at the last meeting were completely disregarded. Any person violating the ordinance in this regard is subject to a fine of \$275 for the first offense and \$550 for subsequent offenses for each day the violations continue. The letter sent to the Breeds said they were looking forward to receiving a building permit by June 1st, which has not come in. May 26th was the first violation notification by the Town.

The Selectmen calculated that the fees that could be applied, considering the 36 days the work had remained going on, would be \$20,075. Selectman Bianchi suggested that if they impose these fees on the Breeds, it may prompt them to come to the next meeting to discuss the situation. He suggested sending a letter via email and certified mail to notify the Breeds that they have not taken the appropriate measures to obtain the proper permits and have continued to do illegal work to the waterfront. Due to these factors, the Selectmen are considering the maximum penalties offered by the New London Zoning Ordinance and statute, which would be \$20,075. It should be stated that the Town is not considering this penalty lightly but it seems that there has been a blatant disregard for the regulations of the zoning ordinance. The property owners should notify Ms. St. John or the Town if the information the Town has is incorrect. It was noted that a building permit was not applied for to build the newest ramp.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Janet Kidder) that the Selectmen inform Mr. Breed relative to his zoning violations that per his previous discussion with the Selectmen they have had no notification that he has followed through with what he said he would and there is further evidence that he has continued with more work. In accordance with the New London Zoning Ordinance, the Selectmen are investigating a fine, allowable per statute that, as of that day, July 6, 2015, would be \$20,075. THE MOTION WAS APPROVED UNANIMOUSLY.

Ms. St. John said that she would prepare a first draft of the letter and Chair Rollins would sign it.

New Business

Chair Rollins said she has received a request from the Pleasant Lake Protective Association to schedule a public hearing regarding the adoption of the lake level schedule. Ms. Hallquist had suggested adding this hearing to the end of the Non-Resident Taxpayer Meeting in August.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Janet Kidder) to schedule a hearing to determine the policies for the Pleasant Lake water levels schedule. THE MOTION WAS APPROVED UNANIMOUSLY.

Committee Meetings & Reports

There were none.

Approval of Minutes

The Selectmen agreed to review the minutes of the last meeting at the next meeting, as they had not had a chance to review them.

Upcoming Meetings & Special Events

Next Selectmen's Meeting – July 20th – 6:00PM

Recreation Commission – Tuesday, July 7th – 5:00PM – Whipple Town Hall

Planning Board – Tuesday, July 7th – 6:30PM

Nonresident Taxpayers Meeting – August 3rd – 6:00PM

Other Business

Selectman Bianchi asked if any correspondence had come in from Nicole Densmore from the New London Bandstand Committee. Chair Rollins said nothing has come in yet but it hasn't been that long since a letter was sent to Ms. Densmore.

Rules of Procedure

Chair Rollins said Ms. Hallquist had provided the Selectmen with a draft document of the Rules of Procedure. She suggested they go through the draft, page by page.

Public Comments, Section II,C(2): Selectman Bianchi suggested adding the names of those speaking during the public comment time. Chair Rollins read some language from another town's "public hearing" section which requests that people speaking identify themselves by name and why they are there to speak. This would be applicable during the public hearing and public comment sections.

Vice Chair, Section II,D(1),i.: Selectman Bianchi believes they should have a vice-chair elected at the first meeting that a chair is elected. Historically, the first year someone serves on the board, they also sit on the Planning Board. The second year they sit on the Budget Committee, and the third year they chair the Selectman. Selectman Kidder suggested deleting the text after "Vice Chair." She also said that selectmen who do a good job as chair and want to continue should be able to continue.

Chair Rollins said the Town of Barrington's rules say that the Board may, by majority vote, change the officers or ex officio appointments. If someone could no longer serve, this could be helpful. Selectman Kidder said they cannot plan for every eventuality and they could figure out who would be chair if it were to happen that the chair became incapacitated.

Meeting Agenda , Section II,G – to be set by noon by the prior Friday to the meeting. Selectman Kidder thinks if someone has something vital that needs to be addressed, it should be. Selectman Bianchi agreed that the agenda did not need to be signed by the Chair. Nothing can be denied being put on the agenda.

No action can be taken on items not put on the agenda by 12pm the business-day prior to the meeting. Chair Rollins was concerned about the depth of information the Selectmen would have to digest and make a decision. There was discussion as to possible instances when a citizen could come forward to the board without being on the agenda. Chair Rollins said they can always hear from citizens but would not be required to make any decisions. Selectman Kidder said there could be instances when a decision could be made that night; it would depend on the situation. Chair Rollins said they need to think of ways to get people to adhere to the agenda so they can have a deliberative process. They need to consider emergency instances and she would come back to the Selectmen with some different language.

With regards to materials that are to be provided to the Board, it was suggested in some wording that materials must be in the hands of the Selectmen by Saturday proceeding the meeting. Ms. St. John asked if this would pertain to building permits as well; sometimes permits are not ready to be given to the office assistant to be processed until the morning of the meeting. Selectman Bianchi said he feels if a building

permit was not ready by Friday at noon, it would need to wait another two weeks to be signed. The agenda should be closed by Friday at noon. He did not feel comfortable discussing and making a decision on anything he hasn't had a chance to read over and think about first.

With regards to allowing people to speak for an allotted amount of time, it was determined that the language in the draft could be changed a bit to emphasize that the board would attempt to avoid repetitious comments. The Board agreed to remove the last sentence in the paragraph, Section II,G(8).

Selectman Kidder asked if these rules were being discussed and set so that they could limit how much people could speak, etc. She wondered if they hadn't been able to handle these circumstances in the past. She thought New London had done a good job in the past letting people speak and give people their chance to be heard. Chair Rollins said she would think more on this.

Chair Rollins believes they should add a section about amendment procedure and another about an effective date following Town Meeting.

Project List

Chair Rollins said at the last meeting they reviewed the town's project list. She asked if there were any suggestions for prioritization or additional projects to add.

Selectman Bianchi suggests organizing some projects into deferred maintenance. Chair Rollins suggested grouping those buildings in the "space plan" that the CIP group is considering. She thought they could also group the employee items, and also differentiate between active projects and inactive.

New Business

Ms. St. John said she received a call that day about some moorings on Pleasant Lake. She suggested contacting the State as the water is their jurisdiction. Selectman Bianchi said there is no mooring jurisdiction on Pleasant Lake. Anyone can moor their boats on the lake. Ms. St. John said the individual had heard that some people are trying to "rent" mooring spaces. Selectman Bianchi did not think that was possible.

Signatures

**IT WAS MOVED (Peter Bianchi) AND SECONDED (Janet Kidder) to adjourn the meeting.
THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 7:50pm.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London