



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## BOARD OF SELECTMEN MEETING MINUTES August 19, 2013

### **PRESENT:**

Tina Helm, Chair  
Peter Bianchi, Selectman  
Janet Kidder, Selectman  
Kimberly Hallquist, Town Administrator

### **ALSO PRESENT:**

Doug MacMichael, New London Resident  
Merry Armentrout, *Intertown Record*  
Bruce Hudson & Renate Kannler, New London residents  
Mary Miller, Elkins resident  
Russ Jewell, Builder  
Lucy St. John, Planning & Zoning Administrator

Chair Helm called the meeting to order at 6:01pm.

### *Miller Building Permit*

Ms. St. John informed the Board that property owner Mary Miller received a building permit in 2010 to rebuild her home in Elkins. At that time, it was noted that there were wetlands on the site but there was no reference to the property being within the Floodplain Overlay District (Article XV). In 2011 the property owner was granted a one year extension. A second extension was granted in 2012. That permit expires on August 20<sup>th</sup>. To date, no work has been started on the house. Ms. St. John said she was not sure how many extensions could be granted and thought some new information should be considered.

Ms. St. John said that the property is located in the commercial zone and within the floodplain overlay district, as well as the streams and wetlands overlay district. The location of the property within these various zoning districts places limitations on the property. The two streams on the property require a 100' setback from each. There is also a flood zone, and the ordinance says if a property is in the flood zone, the Selectmen and reviewer of the building permit has to show compliance or provide solutions to avoid flooding. It appears that when the first building permit was issued, Ms. Miller was apparently not told about these limitations.

Russ Jewell, representing Ms. Miller, addressed the Board to discuss how the home could be rebuilt on the site. He explained that a new septic system was put in in 2007 after acquiring a variance. He noted that it is the floodplain issue that is giving them a problem. The wetlands could be resolved with the help of a soil scientist, as he did not think there were really wetlands on the property. Ms. St. John said because the property is in Zone A of the Flood Map, it is

important to make sure the home is constructed in accordance with the floodplain rules. If the Town does not observe the rules the Town will not be able to participate in the national flood insurance program. The insurance rates for the homeowner will also be very high.

Ms. St. John noted that she contacted Jennifer Gilbert, NH Floodplain Management Program Coordinator at the Office of Energy and Planning (OEP), who advised that including a basement in a home in the floodplain is not a good idea as it negates the purpose of building up the area above grade. Ms. St. John read from the e-mail from Ms. Gilbert as follows:

*“As we discussed on the phone this afternoon, below are links to 2 guidance documents about development in Zone A. The first one gives guidance to communities as to what to do. First, community officials should determine if any other agency has developed a base flood elevation for the area. Majority of times you will not find one. So then they discuss under “Small Developments” that the community must determine “if the site is reasonably safe from flooding and ensure the building is constructed with methods and practices that minimize flood damages and other construction requirements.” As stated, “in nearly all cases the only way to do this is to require the building be elevated to above an elevation that the community determines.” It then gives examples of establishing this elevation. One example is requiring protection up to at least 5 feet above grade, which ties into the insurance. On the last page of the second link you will see a table with sample insurance ratings. You will see that elevating the lowest floor of a structure at least 2 feet above grade will give a favorable rating and elevating at least 5 ft will give the best rating.*

*I also recommend requiring an Elevation Certificate (based on construction documents) to be submitted as part of the application process to ensure compliance.”*

Ms. St. John suggested that a new building permit application be applied for so the Town could review what the property owner would like to do, and make a decision. Mr. Bianchi felt it would be unfair not to allow Ms. Miller to re-build on this property as she was told she could and has planned on it for the last few years. The Selectmen were not aware of the limitations that should be applied to the land when it granted the building permit, and then two extensions.

Ms. St. John said that unless some of the floodplain preventative measures are attended to, the flood insurance would be high. Ms. Hallquist observed that when the town voted to participate in the flood insurance program, the town agreed to apply the rules when a building permit is requested within the flood zone. Towns found to be ignoring the rules could be disqualified from participating in the program.

The Board noted that a new building permit application must be submitted and these new facts should be included. Office staff will review materials from the prior Pleasant Lake Dam breach analysis to see if the flood elevation for the area in question is given. Ms. St. John said another factor of this new permit would be the need to alert the abutters of any filling of this area as it could impact their property.

Mr. Hudson wondered who declared the area a flood zone and how long ago it was done. Ms. St. John said these maps were developed in the 70's and are updated by FEMA every 10 years or so taking into consideration flood events.

Mr. Jewell feared that the ZBA would deny the request for the variance to the wetlands and streams overlay district regulations. Ms. St. John said she would be there to explain the issue to the ZBA but ultimately it is a decision for the ZBA. It was noted that the decision of the ZBA could be appealed to Superior Court.

#### *Greystone Building Permit*

Ms. St. John said that in an effort to be accommodating to property owners seeking a permit to construct a shed, she suggested that she would approve the building permit for signature by the Board today, if they would meet the setbacks by moving their proposed shed to the other side of their property. The property owners expressed that since their neighbors don't mind how close the shed is to the property line, that the town should be okay with it having less than required setbacks. Ms. St. John noted that she explained to the property owners why this is not possible.

The Board noted that they would not consider approval of the permit application until the application includes the required minimum setbacks. The application as submitted was denied for lack of setbacks.

#### Colby-Sawyer Letter of Credit

Ms. St. John explained that the letter of credit in question was posted by Colby-Sawyer College for the recent renovations. The Planning Board determined that the project was completed according to the site plan approval and thus the letter of credit could be released.

**IT WAS MOVED (Peter Bianchi) AND SECONDED (Janet Kidder) to release the letter of credit posted by Colby-Sawyer College. THE MOTION WAS APPROVED UNANIMOUSLY.**

#### *Tree-Cutting Requests*

Mr. Bianchi said there was an extensive tree-cutting request on the New London/Newbury town line. A group of Planning and Conservation Commission officials viewed the property with Leo Maslin, a licensed forester. Mr. Bianchi reported that the group learned a lot about the property by viewing it. Ms. St. John said that she has contacted one of the property owners to inform them to have the trees to be cut clearly marked. This is an ongoing issue and they are working on improving the process for this type of request. Mr. Bianchi said the owners want to do this to enhance the view.

#### Consider Paving Quotes for Rowell Hill and Ridge Road

The Board noted receipt of two quotes (Continental Paving and Pike) for paving Rowell Hill Road and Ridge Road. Mr. Bianchi said he went to look at the roads and talked to Mr. Lee to see if he knew why there was such a big difference. Mr. Lee had no idea why the quotes were so different. Pike had 140+ more tons of asphalt than Continental did, and the difference in the quotes was about \$16,000. Mr. Bianchi said this included paving gravel roads, not just shimming

a paved road as was done earlier on other roads in town. He said that Pike was lowest in their price/ton on shimming but has gone up with this bid for paving. Continental is charging \$72/ton and Pike is charging \$75.46/ton.

**IT WAS MOVED (Janet Kidder) AND SECONDED (Peter Bianchi) to award the job to Continental to pave Rowell Hill and Ridge Road. THE MOTION WAS APPROVED UNANIMOUSLY.**

Note Receipt of Anticipated Notice of Highway Block Grant

Ms. Hallquist informed the Board that the amount awarded by the State is \$118,850.16 for FY2014. This goes into the general fund and is based on the miles of roads the town has.

Note Receipt of Decision of Board of Tax & Land Appeals – Deacon Family/Howard Trust

Ms. Hallquist noted that the Board of Tax and Land Appeals has ruled for the Town, upholding the denial of an application to place developed waterfront property into current use. Chair Helm said they appreciate the work that Mr. Bernaiche did on the Town's behalf.

Old/Pending Business

Mr. Bianchi asked if they had heard anything from the Barrett Road situation. Ms. Hallquist said that the storage trailer in violation is now gone. She added that the property owner plans to demolish the existing home but as of yet have no building permit to do so. The property has been reminded that a permit is required prior to demolition.

Mr. Bianchi wondered if the other members of the Selectmen had seen the letter drafted to David Marshall of Marshall's Garage. He spent a long time with Mr. Marshall's his neighbors. Ms. Hallquist reported that Mr. Marshall plans to go to the Planning Board meeting on September 10<sup>th</sup> and they will determine what, if anything needs to be done. The neighbors know about this meeting.

Mr. Bianchi wondered how they were doing with the Fred Slayden noise complaints coming from the Barn Players home. Ms. Hallquist reported that Mr. Slayden recently reported more late night noise from firecrackers being set off that weekend. Chief Andersen has been asked to check into whether his officers observed the excess noise over the weekend.

Chair Helm noted that they received more applications for the facilities manager position. Ms. Hallquist questioned how involved the Selectmen would like to be in the interviewing process for this position. Ms. Hallquist wondered if the Selectmen would like to be involved in the facilities manager interviews. The Board agreed that they would interview the candidates for the facilities manager position.

The Board discussed whether it was possible to combine the facilities manager position with the Sunday transfer hour position. Ms. Hallquist noted that combining the positions might be difficult as the person in charge of the buildings may not want to work part-time for the highway department and transfer station, and, combining the job may bring it up to full-time status. The Ms. Kidder suggested trying to hire more than one part-time person to allow for more flexibility

in scheduling. The Board noted that Richard Lee should select the part-time highway/transfer station personnel according to the normal procedures.

Ms. Kidder wondered where they stood with the roof of the Academy Building. Ms. Hallquist said they need to measure the roof as it shifts. Mr. Lee has an idea of how to do this and would have someone go up into the attic to measure. With regards to the bandstand roof, the builders have been asked to come in with synthetic material quotes.

With regard to the part-time position in the Town Clerk's office, the successful candidate must be a resident of New London. Applications are beginning to come in.

Chair Helm suggested that the Board consider moving forward with the search for a permanent Police Chief. There was general agreement to begin the process. The Board asked Ms. Hallquist to recommend a process for the Board's consideration at its next meeting. The Board will take this issue up at their September 3<sup>rd</sup> meeting.

Mr. Hudson wondered if the part-time hires would have benefits. Ms. Hallquist answered in the negative. Mr. Hudson also noted that the fiscal year closed as of June 30<sup>th</sup>. He wondered how the numbers came out. Ms. Hallquist reported that the auditors began the review in mid-July and it is not yet complete, however, the initial review by the auditors is good.

#### Town Administrator's Report

##### *Library Requests Alcohol Permit*

Ms. Hallquist noted that the Community Garden Group requested a permit to serve alcohol at a luncheon at the Tracy Library. The Library Trustees do not consider such requests until the Selectmen have an opportunity to comment. The Selectmen were fine with this request.

##### *Lakes Management Advisory Committee*

Ms. Hallquist said that NHMA nominated her to replace Dennis Pavlicek, Town Administrator of Newbury, on the Lakes Management Advisory Committee. This nomination is subject to approval by Governor and Council.

##### *Pleasant Lake Drawdown Public Hearing*

Ms. Hallquist said there would be a Public Informational Hearing on September 3<sup>rd</sup> at 8:00am for the Pleasant Lake drawdown.

##### *Employee Committee*

The Employee Committee will meet in the next couple of weeks to discuss the sick-time bank and various other issues.

##### *Budget Schedule for Fiscal Year 2015*

Ms. Hallquist wondered if the Selectmen wanted to consider the upcoming budget schedule for fiscal year 2015 to give some direction to the department heads and to themselves. Chair Helm thought it best to be ahead of the game and decide what would work for them. The Budget Committee has chosen October 9<sup>th</sup> at 7:00pm for their organizational meeting.

Chair Helm suggested the Selectmen attend this meeting and get started in January with meetings with department heads. Then they can target mid-Feb (perhaps the 12<sup>th</sup>) to present the Selectmen's budget to the Budget Committee. That will give the Budget Committee seven weeks to work on their budget. Chair Helm suggested that the Selectmen may have to meet once a week for a while to keep up with their regular business and budget planning. In the end of October or in early November they should start talking about directives for Department Heads. Budgets from the Department Heads should be to Ms. Hallquist by the end of December. Ms. Kidder and Mr. Bianchi felt this was a good schedule.

Ms. Kidder felt it beneficial to meet with employees about benefits before they ask for the department heads' budgets. Ms. Hallquist noted that the employee committee will be ready to report to the Selectmen prior to the start of the budget process. She also noted that the CIP is done by the Planning Board for budgeting purposes. Mr. Bianchi said he would mention this at the next Planning Board meeting.

#### *Committee Appointment/Reappointments*

Ms. Hallquist noted that she has been informed that Jeff Hudkins is interested in joining the CAC. She also noted that Sue Andrews said she would continue to serve as an alternate to the Zoning Board of Adjustment.

**IT WAS MOVED (Peter Bianchi) AND SECONDED (Janet Kidder) to reappoint Sue Andrews to the Zoning Board of Adjustment as an Alternate, and Jeff Hudkins to the CAC. THE MOTION WAS APPROVED UNANIMOUSLY.**

#### Committee Meetings/Reports

##### *Recreation*

Ms. Kidder reported that the Recreation Commission has approved the Recreation Department's Facebook page. It tells people what is going on in the department but comments go directly to the Recreation Director and do not appear on the page for all to see. She said that there are new fire extinguishers at both beaches. There has been more sand to the Elkins Beach playground. Ms. Kidder noted that a child broke an arm at the playground and the response to this incident from the lifeguards and from Linda Jackman, who happened to be at the beach, was great.

Ms. Kidder said that she met with Scott Blewitt and Richard Lee at Elkins to discuss the complaint that it is difficult for people to walk down to the beach from the parking area. The pathway is loaded with roots from trees. Mr. Lee suggested that the highway department add packed bluestone and make sure it is smooth and elevated for water to drain from it properly. This will be tried to see if the problem is resolved.

Ms. Kidder noted that there was discussion of fall programming, including some activities on the Town Common. They will be hosting the Jack Frost dinner again. Mr. Blewitt felt that the staff is doing a great job this summer. Lifeguards will be at the beaches until Labor Day and then after that, one beach will be closed. Most lifeguards will have returned to college/school after that time.

Ms. Hallquist reported that Christina O'Halloran of New London Hospital was very complimentary of Scott Blewitt and the Recreation Department as they really came through during Hospital Days.

Ms. Kidder said that the Bucklin Beach signs have been replaced and disposal of the two old signs was discussed. The Ice House was thought to be one likely place to receive one of the signs. She wondered if the Selectmen wanted to donate one to the Ice House to be put on display. The Board agreed that this would be a good use of the old sign. Chair Helm thought the Historical Society should be asked if they would like one as well. The Recreation Commission will follow-up with the Historical Society.

#### Other Business

##### *Cougar Court Traffic Flow*

Mr. Bianchi observed that the School District changed the entrance at Pleasant Street onto Cougar Court to the school from a one-way street to a two-way street. The Board questioned if this change should have gone through Site Plan Review. Ms. Hallquist will look into the matter and report back to the Board.

#### Approval of Minutes

*July 8, 2013*

**IT WAS MOVED (Peter Bianchi) AND SECONDED (Janet Kidder) to approve the minutes of July 8, 2013, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.**

*July 22, 2013*

**IT WAS MOVED (Janet Kidder) AND SECONDED (Peter Bianchi) to approve the minutes of July 22, 2013, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.**

*August 5, 2013*

**IT WAS MOVED (Janet Kidder) AND SECONDED (Peter Bianchi) to approve the minutes of August 5, 2013, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.**

*August 8, 2013*

**IT WAS MOVED (Peter Bianchi) AND SECONDED (Tina Helm) to approve the minutes of August 8, 2013, as amended. Bianchi and Helm voted yes, Kidder abstained as she was not present at the meeting. THE MOTION WAS APPROVED.**

#### Upcoming Meetings

Planning Board – Tuesday, August 27, 7:00pm  
Board of Selectmen – Tuesday, September 3, 8:00am  
CAC – Saturday, September 7, 7:30am  
Board of Selectmen – Monday, September 30, 8:00am  
CAC – Saturday, October 5, 7:30am  
Board of Selectmen – Tuesday, October 15, 8:00am

Board of Selectmen – Monday, October 28, 6:00pm

Application for Building Permit:

- Leatherwood family Limited Part., 1333 Little Sunapee Road (Map & Lot 031-004-000) interior renovations – Permit #13-087 – Approved.
- Darrah Family, 784 Pleasant Street (Map & Lot 049-002-000) remove & replace shed – Permits #13-088 – Approved.
- George Snow 1993 Trust, 79 Graystone Circle (Map & Lot 046-027-000) install 8 x 12 shed – Permit #13-089 - DENIED
- Jacki Barber, 353 Barrett Road (Map & Lot 096-034-000) demolish existing house and build new house & garage – Permit #13-090 – Approved.
- Glen & Kristine Lohmann, 90 Oxbow Road (Map & Lot 121-027-000) build 28 x 32 barn – Permit #13-091 – Approved.

Tax Abatement Forms:

- Pesando NH Trust, 54 Checkerberry Lane (Map & Lot 044-032-000) – for the amount of \$649.70
- Douglas Carroll et al, 528 Route 103A (Map & Lot 091-029-000) – for the amount of \$1541.32

Other Items to be signed:

- Disbursement voucher
- 1<sup>st</sup> & 2<sup>nd</sup> supplemental Property Tax Billing 2013 – in the amount of \$1030.00
- Emergency Animal Shelter fund – request to spend funds.

With no other business, Chair Helm called for a motion to adjourn.

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

**THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 8: 15pm.

Respectfully submitted,

Kristy Heath, Recording Secretary  
Town of New London