



TOWN OF NEW LONDON, NEW HAMPSHIRE

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PLANNING BOARD APPROVED MEETING MINUTES January 14, 2014

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

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

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

Chair Cottrill called the meeting to order at 7:03pm. Bill Helm was asked to sit in for Mr. Hollinger who was absent.

Colby-Sawyer College Campus Master Plan Update for Colby-Sawyer College – President Tom Galligan
President Galligan noted that Todd Emmons, Vice-President of Finance and Administration at the college was with him that evening.

President Galligan thanked the Planning Board for allowing him to present an overview of the campus master plan. He explained that the campus is shown as being segmented into three areas referred on the slide as a residential zone, an academic zone and the athletic zone. The plan is to grow to 1,500 students and they would like 90% of the students to live on campus. They are currently 1,400 students. They need to consider future academic space, an admissions building, faculty office/administration space, and additional parking. He said this plan was their best thinking of what could happen over the next 10-15 years, based on their resources.

President Galligan discussed the three (3) major projects including a new Fine and Performing Arts Center (to be located near the Hogan Center), Reichhold Hall Renovation and Addition and a new Residence Hall (to replace the current arts center). Several other projects were discussed including expansion of the Hogan Center, the addition of a potential admissions building on the vacant two acres next to the president's house and renovations of Austin Hall and Colgate Hall. He noted the college is committed to improving technology with major renovations to the interior of several buildings planned, including new computer labs and science labs (for the nursing program).

President Galligan discussed the College's commitment to sustainability and how this is integrated into the curriculum and several of the most recent projects on campus. He talked about the permaculture garden that is in front of their library, which continues to expand, and the "sugar shack" where they make their own maple syrup. He said they will probably have solar units on the top of some of the new buildings, and there are currently solar panels on other buildings on campus. They have a new 52' wind turbine and are in the midst of building a one-room student designed and built sustainable school house called "The Sun Shack."

Mr. Tilley asked what the top three priorities were for the college, depending on resources. President Galligan said in a scale of high to low, the Fine Arts center would be first, Reichhold Hall second, and the new residence hall third.

Selectman Bianchi said some townspeople have concerns about the changes around Seaman's Road including the houses the College has purchased, those they are renting and the sprawling parking areas in front lawns in what used to be a quiet residential area, which now looks to some, to be a parking lot. He wondered if there would be any attempt in the Master Plan to address this sprawling nature of the campus onto Seamans and Gould Roads. President Galligan stated this would be addressed in the overall parking solution at a later date. A slide of the overall campus parking identifies 1,413 spaces with an additional 500 + new parking spaces. Selectman Bianchi commented that the housing, parking area and students in this area put increased pressure on this area of the Town. President Galligan said they had talked in the past about a sidewalk project in conjunction with the Town to help with the pedestrian issues. They have put crosswalks in and have striped the road to encourage students to walk on the side of the road. These measures seem to be helping the issue.

President Galligan discussed the "athletic zone" and desire to have lights and parking in this area. He noted that continued discussion would be needed to address the concerns of the area residents, Planning Board and taxpayers. Chair Cottrill asked what their plans for parking surfaces were. President Galligan said they haven't thought this far ahead yet but as green permeable materials become more efficient, the possibilities grow.

President Galligan said they would like to limit the number of cars brought onto campus. Selectman Bianchi asked if they had thought about underground parking or parking garages. President Galligan said they had but it is very expensive to get through the granite. Above-ground parking lots are also out of the question because they have limited resources and have other capital projects they want to complete. He explained that the College has taken some steps to alleviate some of the need for having a car on campus, they now have and offer the use of two rental cars. They also offer shuttle/vans that frequent places like the grocery store, Boston, New York, and the airport. They are making an effort to let students know they don't need their own cars.

Rick Anderson, Water Resources Working Group

Mr. Anderson said he is a member of the Conservation Commission and the Pleasant Lake Protective Association. Mr. Anderson said he organized the working group due to some interpretation issues with the ordinances. The working group included: Emma Crane, Conservation Commission and Planning Board member; Bob Crane, representative to the Upper Valley Lake Sunapee Regional Planning Commission; June Fichter, Lake Sunapee Protective Association and NH Lakes Association; Dave Hennig, Messer Pond Protective Association; John Wilson, Pleasant Lake Protective Association and NH Lakes Association; Steve Wolf, Little Lake Sunapee Protective Association; and Lucy St. John, Planning and Zoning Administrator.

He explained that there were some suggestions that ordinances were in need of a major overhaul, but he didn't agree. Water resources are important to the Town and the tax base. The working group reviewed provisions of the Zoning Ordinance focusing on the Wetland Conservation Overlay District (Article XIII), Shoreland Overlay District (Article XVI) and the Steams Conservation Overlay District (Article XXII). Their objective was to form an opinion with regard to areas needing clarity. Compared with other towns, it was found that New London's ordinances were pretty good. Their report was reviewed and endorsed by the Conservation Commission and he offered that it was a thoughtful work product of about 15 people.

He was there to provide some background on the project, to summarize their report and provide some recommendations. He explained the major conclusions and summarized that the report is organized into three groups. Group One- quick fix and error correction; Group Two- clarification recommendations; and Group Three- a more detailed list of recommendations for consideration. He also discussed a list included in the report of other references and how the resources should be protected based on science.

Mr. Anderson shared the three conclusions captured by the group:

1. New London Water Resource Ordinances are clear and effective as written. No major changes are needed but clarification of certain issues should be made
2. Water resource ordinances are heavily supported by science in all towns
3. Site visits can be valuable for education and clarification

He explained that two priority issues of clarification include boathouses and tree cutting in the stream buffer. He explained at the December Conservation Commission meeting, the Conservation Commission (NLCC) outlined some suggested draft zoning amendment language they would like the Planning Board to consider. A copy of the NLCC recommended zoning amendment language was discussed. In summary, the Conservation Commission supports clarification of the following issues:

- 1) Boathouses – the current ordinance says boathouses are permitted over the water. The State standards say they cannot be built over water, but can be dug in. New London’s ordinance says there is to be no disturbance of the shoreline. Due to these two restrictions, it should be stated that no new boathouses should be allowed.
- 2) Cutting & Clearing requests within 100’ of stream’s (in the woodland buffer zone) – the current ordinance says cutting requests of this nature shall be reviewed by the Conservation Commission and shall be reviewed and approved by the Planning Board. The word “shall” is used twice. The Conservation Commission feels they should include the words “regardless in purpose.”

Mr. Anderson asked the Planning Board to consider these findings.

Mr. Helm asked if it had been determined if the State’s rules supersede the Town’s ordinances. Mr. Anderson said the preamble to their ordinance states whichever ruling is stricter would apply. If the State always overrules, why have local ordinances? They would always rely upon the State to determine what could be done. Mr. Helm thought they should answer that question definitively.

Ms. St. John explained that the boathouse issue is not simple. She noted that she recently received a call from NHDES Shoreland Bureau regarding the Guimond dug-in boathouse application, and that she anticipates receiving a letter from NHDES on this soon.

Mr. Bianchi referred to the latest issue of New Hampshire Town and City magazine article, “State Preemption of Local Regulations” which was provided to the Planning Board. He commented that this article was helpful in understanding the issues, and that it wasn’t how he had always thought it was.

Mr. Bianchi asked Rick Anderson if the working group discussed docks. Mr. Anderson said they didn’t discuss docks. He commented that docks are permitted per the Ordinance, subject to required state permits and standards. Mr. Bianchi noted that docks are attached to the shoreline, and asked how this is different from boathouses. Mr. Bianchi thought if they have their own ordinance that applies to the shoreline and boathouses, they should address the dock issue as well, as it is a shoreland disturbance. John Wilson said he agreed with Mr. Bianchi on this point.

New London Hospital – Continuing Care Retirement Community (CCRC) – Bill Helm

Mr. Helm said although he no longer had any association with the hospital, he has been working with the Trustees on this project. The Hospital would like to have a dialogue with the Planning Board about a retirement community in New London that would encompass hospital-owned land. Mr. Helm noted that he would be giving the presentation on behalf of the Hospital and not as a member of the Planning Board, and that other representatives from the hospital were in attendance including David Marshall, Trustee and Lori Underwood.

Mr. Helm referred to the presentation board showing the land area owned by the hospital. The hospital has approximately 60 acres of land, with most of it located in the R1, residential zone. He explained that the idea of a retirement community, has been in the hospital plans since 1991, referring to the “Glengae plan” which was discussed with the Planning Board, but didn’t get built. He referred to some discussion with staff in 2007 about the project as well. He noted that with the financial crisis several years ago and other changes at the hospital, discussions were put on hold, and now the Hospital is here to discuss moving forward again

Mr. Helm explained that the Hospital would like the Planning Board to consider a zoning amendment for a new zoning district for a Continuing Care Retirement Community (CCRC). He noted that the hospital is

familiar with provisions in other zoning ordinances where similar facilities are located including the towns of Exeter, Hanover, and Peterborough, NH. They would like to discuss having a district similar to the Peterborough Retirement Community District and presenting it as an amendment for consideration at the May 2014 Town Meeting. Without this change in zoning, the financial and development partners can't move forward. Their plans will all be subject to Site Plan Review, as usual. Their plan is to create an overlay district to allow the retirement community to be built on the hospital's land. Mr. Helm asked if the Planning Board would be supportive of creating this change in zoning and if they would like the hospital to come up with some proposed wording for such an amendment.

Chair Cottrill asked if the Hospital had plans to reach out to the community about this. Mr. Helm said they did. Ms. Holton said the Glengae development was very well-received in the Town. Mr. Helm said it is a commonly-asked question from residents about how the hospital is going with regard to a retirement community.

Lori Underwood, a Hospital representative, said in 2007 they had a conceptual plan of how such a community would fit on the property. They met with a lot of neighbors at that time. The wetlands on the property lend themselves to giving adequate buffers to the community and the neighbors. Conversations had started and would need to be reopened. It was thought between 100-120 units with between one and two people living in each unit would be constructed. There would be an assisted living component to this community as well.

Mr. Bianchi asked if the Hospital had taken into consideration any infrastructure improvements needed including roads, water and sewer. Ms. Underwood said it cost more than \$100,000 to extend the water main several years ago (2007) as a means to plan for the future development of the property. They extended the water main down the road to the end of their property and installed another fire hydrant at that point in time. They made an investment then, knowing they would need these improvements in the future.

Mr. Bianchi commented that this project would be a big load on the sewer system, and that this was something to think about.

Mr. Helm said they had talked in the past with Lyon Brook about merging their entities. There was also talk with Mr. Lee about the hospital helping with the sidewalks on Parkside Road, which would surely be impacted by this development.

Mr. Helm said they would rather work with the Planning Board to accomplish this instead of bringing it to Town Meeting as a petitioned zoning amendment request. Chair Cottrill said it would be helpful for the Hospital to draft something and bring it forward to the Planning Board at an upcoming meeting. He hoped they could accomplish this together.

CIP Review and Approval for FY 2015

Ms. St. John explained that the draft CIP was provided to the Planning Board at the December 10, 2013 meeting. At that time the Planning Board discussed the need to learn more of the 1941 Committee ideas for the community center. The 1941 Committee provided an update to the Board of Selectmen. Ms. St. John provided a brief overview of changes incorporated into the draft CIP document such as changes to the gravel road program and some items of the Fire Department will now be included in their regular operating budget.

Terri Bingham commended Richard Lee for suggesting the addition of \$50,000 for the gravel roads program and encouraged the Town to keep this line item funded and perhaps even increase it. John Wilson said this amount was not an added cost to the taxpayer, but was transferred money from extending vehicles out and not purchasing an additional dump truck. Two or three years from now the fund is due to jump to \$75,000.

Mr. Bianchi reminded those at the meeting that the CIP was only a planning tool created by the Planning Board. The Board of Selectmen and Budget Committee are responsible for determining the funding amounts.

Mr. Helm commented that he had previously asked that the CIP not be adopted by the Planning Board until they heard more on the 1941 Building. He provided a brief overview of what the 1941 Committee had presented in a recent meeting to the Board of Selectmen. He said the 1941 Committee had asked for no capital funds. They are asking the Town to add a warrant article to provide \$75,000 annually for operating costs. He didn't think there was any reason to have a long debate about it at this point as there are so many things in flux. Mr. Bianchi agreed.

Chair Cottrill said the concept of the viability of a community center in the Town is what the Planning Board needs to determine. Mr. Bianchi wasn't sure the Town should be responsible for a community center. Mr. Tilley said he wasn't against a community center but was in a neutral position. Mr. Bianchi was worried that if a repair (roof) needed to be done before the committee had raised enough funds, the Town would be on the hook to pay for it.

IT WAS MOVED (Emma Crane) AND SECONDED (Bill Helm) to approve the CIP as presented. THE MOTION WAS APPROVED UNANIMOUSLY.

Other Business

Liquor Store Sign- Tax Map 059-008-000

Ms. St. John said she has received some complaints about the new lighted sign at the liquor store. She noted that the liquor store canopy was discussed at the November 13, 2012 meeting, and a waiver of Site Plan Review was granted. She noted that the canopy building permit was approved, however no sign permit application has been submitted. She explained the provisions of Article II, signs on pages 9 & 10 of the Zoning Ordinance, lit signs are prohibited. She also referred to RSA 674:54 – Governmental Land Uses. Chair Cottrill suggested that since there was no sign permit issued, the Store is in violation of Zoning Regulations.

Tree-Cutting – Tax Map 091-015-001. Bemis property

Ms. St. John said a neighbor contacted her and expressed concern that the tree cutting was more extensive than what had been approved. She referred to the August 27, 2013 minutes. Chair Cottrill asked Ms. St. John if she could go inspect the cutting. Mr. Bianchi thought this put an extra load on Ms. St. John when she is only in the office so many hours/day. Others are capable of going to look at trees. The Planning Board should have a standing committee that takes turns looking at trees and such. Chair Cottrill suggested that whomever looks at a property initially should be the one that follows up during or after the cutting is complete.

Ms. St. John explained that the Zoning Ordinance provisions in the Shoreland Overlay District do not require or ask for input from Conservation Commission on tree cutting. Input from the Conservation Commission on tree cutting is discussed in the Wetlands and Streams Overlay Districts. Ms. St. John commented that in other communities she has worked in, tree cutting requests are something the Conservation Commission deals with. Mr. Rick Anderson said shoreland is different because there is a point scoring need. If points are there, the approval is given.

Paul Gorman agreed to contact the owner and arrange a visit to review the extent of the tree cutting. Ms. St. John said the property owner would need to be contacted. She would provide the contact information to Mr. Gorman.

Taxi service in New London

Ms. St. John explained that she has received several calls about starting up a taxi service in New London. She explained that there isn't any specific language regarding this type of use or where it is permitted. Chair Cottrill suggested that type of business operation would trigger an application for either a home business or occupation or a commercial site plan. Ms. St. John asked the Planning Board if this is something they would like to discuss as a possible zoning amendment.

Review of Minutes from December 10, 2013

Chair Cottrill asked for a review of the minutes of the December 10th meeting. Kevin Baum, attorney for Marshall's Garage, said he didn't recall language requiring the side door of the main garage to be locked from the outside. Chair Cottrill noted in the paragraph above the motion there was discussion about locking that door. Mr. Helm thought that the Recording Secretary had taken careful notes and had been asked to repeat the motion back to the Planning Board before it was approved. He thought it was correct. Chair Cottrill reviewed each of the motions, and asked if there were any comments or corrections. There being none,

IT WAS MOVED (Emma Crane) AND SECONDED (Paul Gorman) to approve the minutes of December 10, 2013, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.

Attorney John Arnold (for McChesney's) and Attorney Baum (for Marshall's) were in attendance with their client.

Zoning Amendments Discussion

Ms. St. John distributed a handout dated Jan 14, 2014 regarding proposed zoning amendment language, identifying 16 proposed amendments, and noting there may be others. Chair Cottrill suggested grouping the amendments together by topic and creating subcommittees to discuss them further. Chair Cottrill thought seven or eight amendments should be the maximum presented. Mr. Gorman said the ones they should address are the ones Ms. St. John gets the most questions about.

Ms. St. John provided a brief overview of each. Chair Cottrill thought maybe the amendments having to do with signage could be consolidated into one amendment.

Mr. Tilley thought the proposed amendment regarding septic tank replacement was a great one. Mr. Bianchi said the Town doesn't regulate septic systems; they could just go by the State's regulations.

Ms. Crane would like to see amendments include the hospital being able to move forward with their retirement community.

The Planning Board decided to establish subcommittees to review the draft language and report back to the full Planning Board at the January 28th work session. Ms. St. John said they are required to notice and record any subcommittee meetings. Subcommittees were established as follows:

- Natural Resources amendments- (Conservation Commission) #1, 2 3 (and 16) and to discuss tree cutting provisions
- Sign amendments- Michelle and Paul, amendment # 6, 9, 10 and 15
- Building size, height etc. amendments- John and Bill # 5, 7, 8 and 14
- Other/Miscellaneous – Peter and Tom amendments # 4, 11, 12, 13 and 16.

Mr. Anderson said Ms. St. John worked within the water resource working group and contributed. He wasn't sure how the Conservation Commission would respond to suggested amendments #1 and #2, relative to the streams overlay. St. John said they are not talking about redefining the overlay. She is suggesting adding intermittent streams to a map with a 20' buffer from them, not a 100' buffer.

There was discussion on whether or not the ordinance was a permissive ordinance. Ms. St. John commented that there are several sections of the ordinance that identify a list of prohibited uses. Chair Cottrill referenced the first paragraph of the ordinance which states it is permissive use ordinance.

With regard to the dug- in boathouse, the Conservation Commission and the Working Group feel that it is not permitted. Their idea to prohibit these is to say "no new boathouses." Mr. Anderson said it was OK to maintain and repair existing boathouses.

The hospital will prepare a first draft of possible zoning amendment language, and submit this to Ms. St. John by January 24th, so the draft can be distributed to the Planning Board prior to the work session.

The Planning Board meeting scheduled for January 28th will be a work session.

Sustainability Audit by Regional Planning Commission

Ms. St. John explained that the Planning Board is scheduled to hear a presentation on the Sustainability Audit which New London agreed to participate in. The Planning Board noted that the work session will be to discuss the proposed zoning amendments, and to reschedule the date for the presentation.

Motion to Adjourn

**IT WAS MOVED (Bill Helm) AND SECONDED (Emma Crane) to adjourn the meeting.
THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 9:50pm.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London