

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
NOVEMBER 27, 2007**

MEMBERS PRESENT: Vice-Chairman Tom Cottrill, Dale Conly, Celeste Cook, Jeff Hollinger, Ken McWilliams (Planner), Larry Ballin (Selectmen's Representative), Michele Holton (Alternate), Deirdre Sheerr-Gross (Alternate)

MEMBERS ABSENT: Karen Ebel (Chairman), Michael Doheny

Vice-Chairman Tom Cottrill called the **MEETING TO ORDER** at 7:33 PM. He asked Alternate PB Members Michele Holton and Deirdre Sheerr-Gross to sit on the PB as replacements for Karen Ebel and Michael Doheny, respectively.

I. LINDSAY HOLMES – Final Minor Subdivision: Two Lots (Tax Map 85, Lot 10)

Lindsay Holmes was accompanied by Wayne McCutcheon (Wayne McCutcheon Associates, Inc.).

Mr. McCutcheon displayed a plan for the proposed subdivision. He advised that one lot, consisting of 37,270 square feet, would contain the existing house and services. He advised that the second lot would contain 20,840 square feet and have 100 feet of frontage on Gould Road. He stated that there was an easement in the deed for a sewer line that passed through both proposed lots. Mr. McCutcheon said that he had contacted the water and sewer departments and had been advised by both that there would be no problem obtaining connections for the proposed second lot. He said that he had been unaware until earlier in the day that it was necessary to talk with the highway department about road access; however, upon learning of the requirement he had spoken with Richard Lee, Director of Public Works, and been advised that there would be no problem. Mr. McCutcheon pointed out that two-foot contours and improvements to the property were shown on the plan displayed. He added that one abutter, Yvette Rock, was present.

Ken McWilliams reported that Director of Public Works Richard Lee had advised that the sight distances along Gould Road would be meet requirements and had recommended that the sewer service for the new lot tap into the 8-inch line before it gets into the street, thereby eliminating the need to dig up the road. Mr. McWilliams advised that there was nothing in writing from the New London-Springfield Water System Precinct as yet. He recommended that any PB approval be made contingent upon receipt of written approvals from the departments. Mr. McCutcheon stated that he had spoken with the sewer department and the water department in September and had been given verbal approval.

Vice-Chair Cottrill asked abutter Yvette Rock if she had any questions. Ms Rock said that she was concerned about how close any house built on the new lot would be to her house. Ms Holmes responded that she had no choice in that matter.

PB member Ballin asked if a PB motion to approve should be contingent upon the new lot accessing the 8-inch sewer line before it gets into the street. Mr. McWilliams responded that the recommendation to tap into the pipe before it goes into Gould Road was Director of Public Works Lee's preference and advisory in nature, rather than a requirement.

It was **MOVED** (Conly) and **SECONDED** (Hollinger) **THAT THE FINAL MINOR SUBDIVISION:TWO LOTS AT 107 GOULD ROAD (TAX MAP 85, LOT 10) BE APPROVED AS PRESENTED, CONTINGENT UPON RECEIPT OF WRITTEN APPROVALS FROM THE DEPARTMENT OF PUBLIC WORKS AND THE NEW LONDON-SPRINGFIELD WATER SYSTEM PRECINCT. THE MOTION WAS APPROVED UNANIMOUSLY.**

Mr. McCutcheon produced a mylar of the subdivision plan to be signed by the PB and recorded at the Merrimack County Registry of Deeds. Mr. McWilliams advised that the mylar would be held until the contingent approvals were received and would thereafter be presented to the PB for further action.

II. GUTGSELL & PHIPPS, DDS – Final Site Plan Review

(Tax Map 59, Lot 1)

Michele Holton recused herself from the PB due to her involvement with the Lake Sunapee Region Visiting Nurse Association, an abutter.

Gregory Gutsell was accompanied by Peter Blakeman (Blakeman Engineering, Inc.).

Dr. Gutsell advised that he and Dr. Phipps wanted to purchase the Hayward property and convert the building use to dental offices. He said that there would be no appreciable change in form while adapting 4100 square feet on the street level for dental treatment activities and 800 square feet on the second floor for offices for Dr. Phipps and himself. He said that the site would accommodate more capacity and provide more space, thereby increasing the number of treatment rooms from nine to ten. He advised that there would be one additional employee and there could be 16-17 employees on site at one time. He estimated that there might also be 10 patients on site at one time. Dr. Gutsell said that the conversion would be done in at least two phases, perhaps more. He opined that the employee cars would not move much during the day. He advised that the normal hours of operation were Monday through Friday, 8:00 AM to 5:00 PM, and emergencies were addressed as needed. He said that the practice could expand to evening and/or Saturday hours, if future demands warrant expanded hours. He estimated that patient traffic could be as much as 20/hour. He estimated utilization at 60%.

Dr. Gutsell said that he had just learned that a 12.5-foot strip on the VNA (south) side of the property was a separately deeded lot owned by three different parties, one of whom was Dan Wolf. The site plan presented to the PB earlier by Mr. Wolf included the 12.5-foot strip. Dr. Gutsell said that Mr. Wolf owned one-sixth of the strip and had advised that he would not grant permission for his one-sixth to be used by the dentists. Dr. Gutsell advised that he has asked Peter Blakeman to design the plan without the 12.5-foot strip inasmuch as although the dentists would own two-thirds of the property shown in the previous plan, full ownership in the immediate future was doubtful. On the revised plan, the north-side drive had been eliminated as well as employee parking. Dr. Gutsell said that a proposed Phase II 5280-square-foot addition was also now in doubt, because they couldn't afford to build it on speculation. He stated that there was plenty of parking available for Phase I.

Ken McWilliams advised that he had provided the PB with copies of his memo to Peter Blakeman in which he outlined the Site Plan Review application deficiencies. He opined that the dentists needed a couple of weeks in which to address the deficiencies. Mr. McWilliams advised that the proposed Phase II addition would require the applicants to return to the PB for Site Plan Review before proceeding. He emphasized that the final site plan review under consideration would apply to Phase I only. At the meeting of municipal department heads, Fire Chief Jay Lyon advised that the applicants should design the fire protection and alarm systems to accommodate Phase II, in case it is built. Town Administrator Jessie Levine had stated that the town had money for plantings along the Newport Road sidewalk, and she suggested that the applicants contact the sidewalk committee to coordinate efforts. Mr. McWilliams recommended that the Site Plan Review be continued to December 11, 2007.

Dr. Gutsell said that they were inclined to calculate parking requirements on the basis of five spaces per 1000 square feet. Vice-Chair Cottrill asked if the applicants could be ready for final review on December 11, 2007. Mr. Blakeman asked when the plans should be submitted. Mr. McWilliams responded that the deadline had passed; however, he said that he would agree to a one week extension. He said that the parking, utilities, landscaping and drainage would not change. He said the only changes would be connected with the elimination of the 12.5-foot strip. He reiterated that the applicants wanted to design parking for both Phase I and Phase II. PB member Ballin reiterated that Phase II would require a new Site Plan Review (SPR).

Dr. Gutsell advised that New London Hospital still wanted to use the parking area on the site during the hospital's parking lot construction project. He said that the dentists would agree to that in the short term as long as their contractors had access. He opined that there would be no earth moving on site until spring.

PB member Hollinger asked if there were any architectural renderings available for PB review. He opined that the applicants had a great opportunity to be a hero or a goat, depending upon what changes they did or did not make to a very unattractive site. Dr. Gutsell said that there would be a great many more windows, as each offertory would have a window, but no major changes to the structure were planned.

Ken McWilliams asked how soon elevations would be available. He advised that the information had to be available at least one week in advance for the municipal department heads and municipal utilities to review. He pointed out that the one week was less than the usual two-week requirement for submission of information. Mr. Blakeman said that Director of Public Works Richard Lee had copies of the water system plans. Mr. McWilliams said that the plans Mr. Lee had were conceptual. Dr. Gutsell said that the dentists would like access to the site in December, if possible, but no later than January.

It was **MOVED** (Sheerr-Gross) and **SECONDED** (Cook) **THAT THE FINAL SITE PLAN REVIEW FOR GUTSELL & PHIPPS DENTAL OFFICES AT TAX MAP 59, LOT 1, BE CONTINUED TO TUESDAY, DECEMBER 11, 2007 AT 7:30 PM. THE MOTION WAS APPROVED UNANIMOUSLY.**

Michele Holton returned to the PB.

III. CHRISTIAN BOTTINGER – Concept Site Plan Review: Discussion of Camp Wallula
(Tax Map 33, Lot 16)

Vice-Chair Cottrill asked Ken McWilliams to outline the issues for PB consideration.

Ken McWilliams told the PB that in the early 1970s approval was granted for a Planned Unit Development (PUD) consisting of 17 rental units on the Camp Wallula site. (1) He said that Mr. Bottinger now wanted to convert the approved PUD units from rental to ownership units. Mr. McWilliams advised that changes in the zoning regulations had made the camp an existing non-conforming use in that district (2) Mr. McWilliams said that the original plans for the approved PUD depicted six to-be-built units as small boxes, and Mr. Bottinger now wanted to know if the shape of the units could be different from the boxes depicted and what size the units could be. (3) Mr. McWilliams advised that Mr. Bottinger also wanted to know if all 17 units could have access to the waterfront. He said that Mr. Bottinger maintained that he had ownership under the road and along the lakefront, as well as the land across the road from the lake. Mr. McWilliams said that discussion by the municipal department heads had focused on the change from rental to condominium ownership of units. He opined that the PB needed to seek the advice of town counsel.

Chris Bottinger said that the subdivision started in 1972 at the request of the PB just before adoption of the minimum requirement of 200 feet of Shore Frontage for each dwelling unit. He advised that the PUD plat had been recorded at the Merrimack County Registry of Deeds. Mr. Bottinger said that Bristol & Sweet had prepared the original plat, and they have advised that using small boxes to denote buildings was the standard operating procedure at that time and the boxes were not intended to dictate size or shape of buildings. He said that he would like clarification from the PB regarding this issue. Mr. Bottinger said that he also wanted to clarify that condominium owners would have the ability to make improvements to the units.

Realtor Pam Perkins asked whether future owners would have access to the waterfront. Mr. Bottinger advised that the plat referred to two deeds: (1) the lakeside property and (2) a 28-acre back lot. He also advised that the Conservation District (10 acres) in 1972 was not the same as the 2007 Forest Conservation District that has a 25 acre minimum. Ken McWilliams advised that the difference in conservation district minimums would come into play if someone wanted to start with a totally new plan.

Vice-Chair Cottrill asked what issues should go to town counsel for review and advice. Mr. McWilliams replied that Mr. Bottinger's letter outlined the issues pretty well. He recommended sending the entire package to town counsel to review.

PB member Sheerr-Gross asked about the land beyond the area to be used by the PUD units. Mr. Bottinger replied that it would not be developed. Ms Sheerr-Gross noted that the amount of land under discussion was 14 acres, not 28 acres. PB member Conly asked about the impact of the six units not yet built. He asked if the current PB was required to comply with the prior PB approval. Mr. McWilliams responded that there had clearly been adequate physical changes made to assure that the prior approval should be upheld. PB member Holton opined that it would be a terrible hardship on the owner if he was not able to use the plan approved in 1973. Mr. McWilliams advised that if the lakefront property was not included in the original approval, it would not meet the current regulations regarding joint access.

Vice-Chair Cottrill asked if any abutters were present. There were none.

It was **MOVED** (Hollinger) and **SECONDED** (Cook) **THAT THE ENTIRE MATTER, INCLUDING CHRISTIAN BOTTINGER'S LETTER AND ALL RELEVANT DOCUMENTATION, BE FORWARDED TO TOWN COUNSEL FOR REVIEW AND ADVICE. THE MOTION WAS APPROVED UNANIMOUSLY.**

IV. SUSAN HANSEN – Concept Site Plan Review: Need for Site Plan (Tax Map 84 Lot 55)

PB member Larry Ballin recused himself from the PB.

Susan Hansen, Vice-President for Operations & Marketing, Oliver Wight Americas, Inc., explained that Oliver Wight was a global consultancy firm that worked with manufacturing companies to improve their business processes. She advised that Oliver Wight was currently leasing space on Newport Road and was considering purchasing the property located at 292 Main Street to accommodate eight of its 35 employees. She said that the balance of the employees worked out of their homes.

Ms Hansen advised that Oliver Wight would use the post-and beam (left) portion of the building, approximately 3500 square feet, for its employees and would lease approximately 1000 square feet in the right (older) side of the building to professionals. She said that the planned repairs were primarily cosmetic and were outlined in her memo to the PB. She advised that two "non-bearing" walls would be removed to create a larger office in the same area and a door would be cut in a wall upstairs. Ms Hansen advised that the hours of operation would be 8:00 AM to 5:00 PM, Monday through Friday, and that there would be no client visits to the site.

Vice-Chair Cottrill asked Ken McWilliams for his evaluation of the request. Mr. McWilliams advised that some of the items on the list contained in Ms Hansen's memo would require a building permit and a sign permit would be required. He opined that the proposed use by Oliver Wight would be a less intense use of the property than that of the previous real estate agency occupants. He said that there would be less traffic and less demand for parking than when occupied by the realtor. He advised that Oliver Wight would have to meet all fire codes and recommended that any decision by the PB not to require a Site Plan Review (SPR) should be contingent upon compliance with all state and local fire codes.

Ms Hansen asked about an existing sign post and the requirement for a sign permit. Mr. McWilliams reviewed the types of signs, the number of signs, and the size of signs permitted in the Commercial District. Ms Hansen advised that there was sufficient parking for 15 cars in back of the building. Vice-Chair Cottrill asked what the parking requirement would be for the proposed use. Mr. McWilliams replied that the requirement would be 3.3 spaces per 1000 square feet per g.f.a. (gross floor area) and, therefore, 14 spaces were required. Zoning Administrator Peter Stanley asked how Oliver Wight would access the parking lot behind the building. Ms Hansen replied that access would be via property owned by the McSwiney law practice. She said that Oliver Wight might, at sometime in the future, want to pursue an alternate access plan previously approved by the PB. Zoning Administrator Stanley advised that a SPR would be required at that time if a new driveway were to be constructed.

It was **MOVED** (Hollinger) and **SECONDED** (Cook) **THAT NO SITE PLAN REVIEW BE REQUIRED FOR A CHANGE IN USE FROM REAL ESTATE OFFICE TO CONSULTANCY OFFICE OF PROPERTY LOCATED AT 292 MAIN STREET, TAX MAP 84, LOT 55, CONTINGENT UPON COMPLIANCE WITH ALL STATE AND LOCAL FIRE CODES AND A RETURN TO THE PB FOR SITE PLAN REVIEW FOR ANY CHANGE IN THE DRIVEWAY LOCATION. THE MOTION WAS APPROVED UNANIMOUSLY.**

Larry Ballin returned to the PB.

V. CONTINUED REVIEW AND DISCUSSION OF PROPOSED AMENDMENTS TO THE ZONING ORDINANCE

- A. **ARTICLE XVI. SHORE LAND OVERLAY DISTRICT**: Ken McWilliams advised that the proposed amendment had been initiated as the result of a new State of New Hampshire law that will become effective on April 1, 2008.

Mr. McWilliams spoke about impervious surface requirements and his experience regarding land use and the impact on surface water and referred to a slide presentation on Open Space, Imperviousness and Water Quality. He also cited a U. S. Geological Survey on the Effects of Urbanization on Stream Quality at Selected Sites in the Seacoast Region in New Hampshire, 2001-2003 and an article on *The Importance of Imperviousness* published by the Center for Watershed Studies. Mr. McWilliams advised that all of the sources cited indicated that 10%-15% was the point at which stream degradation occurs and described the science behind his recommendations. He said that he would like to revise his earlier recommendations for impervious surface percentages to 10% in the 50-150-ft. range and 15% beyond 150 feet.

Jonathan Connolly asked why Mr. McWilliams was working under a directive from the PB to find the science to support a percentage lower than the 20% contained in the new NH state law. Mr. McWilliams clarified that he had advised the PB that the science supported a 10% limit on impervious surface and the PB had asked him to bring the science to the PB for consideration. He said that was the reason for his presentation of the documents cited.

PB member Sheerr-Gross advised that she would recuse herself from any vote on the proposed amendment, but she had information on the topic that she wanted to share with the PB.

PB member Holton observed that Table 2 in the article from the Center for Watershed Studies contained no New England States. Mr. McWilliams referred her to the U.S.G.S. article that included towns along the New Hampshire seacoast. PB member Sheerr-Gross asked how many of the towns had Low Impact Development (LID) requirements. Mr. McWilliams and Zoning Administrator Peter Stanley both replied that none of the towns had LID requirements. Ms Sheerr-Gross pointed out that New London had recently adopted LID requirements.

Bo Quackenbos, a local realtor, questioned reducing impervious surface on waterfront lots when the problems originate in the entire watershed. He opined that applying watershed science to individual lots did not make sense. He said that it was his understanding that the existing watershed was already 4%-5% impervious.

PB member Sheerr-Gross advised that George Pellettieri, a landscape architect who served on the Governor's Commission to revise the Shoreland Protection Act of 1994, was in the audience. She said that he had a well-balanced view of the issues and was well versed regarding where the problems are and what the issues are for scientists, wildlife, forestry, realtors, builders, etc. Mr. Pellettieri said that in regard to impervious surface, it was the general consensus that 10% of impervious surface coverage would lead to degradation of water quality in the watershed. He opined that the appropriate percentages all related to soil conditions. He said that much of the study had been done in other parts of the country with very different

types of soil. He said that some members of the commission wanted 30%-40%; however, the consensus was that 20% was a reasonable percentage acceptable to a broad representation on the commission. He advised that he and others had wanted some flexibility for specific sites, thus the 20%-25%-30% in the new state law. He said that the consensus of the commission was that the 50-foot buffer was critical to water quality and including that requirement in the law was a major factor in allowing some flexibility beyond the 50-foot buffer.

PB member Conly asked what criteria might warrant a change in the percentage. He opined that it would require the individual assessment of each lot. Mr. Pellettieri replied that LID would address that issue. Mr. Conly responded that the subdivision regulations addressed LID, but there was nothing that related to individual lots, which is what the PB's proposed amendment was trying to do. Mr. Pellettieri said that most of the projects in which he had been involved had been below the 20% level.

Deirdre Sheerr-Gross recounted her professional credentials, identified her partner in Sheerr & White Residential Architecture, Inc. in the audience, and produced a visual aid to show why she thought what was being proposed was not a very realistic. She opined that it was unrealistic to expect all building to be beyond 150 feet from the shore land. She asked how much shore frontage was used in the calculation of impervious surface percentage. Ken McWilliams replied that the regulations required a minimum of 200 feet of shore frontage for residential development with waterfront access. Ms Sheerr-Gross advised that most existing lots had less than 200 feet of shore frontage. She demonstrated a sample calculation to show that the area remaining after meeting the 50-foot buffer requirement plus a requirement that the impervious surface be no more than 10% of the area within the proposed 150-foot natural woodland buffer would be very inadequate for a house, two-car garage, driveway, walks, etc. She recommended going with the 20% in the new state law. She said that some property owners were walking away from developing their properties. Mr. McWilliams reminded everyone that the property owner could locate some of the building in the area beyond the 150-foot natural woodland buffer. Ms Sheerr-Gross recommended that the PB try requiring LID practices as a first step and study the issue more thoroughly before adopting a lower percentage than that found in the state law. PB member Holton asked if any other towns were using it. Ms Sheerr-Gross responded in the negative.

Ms Holton asked how long New London's Shore Land Overlay District had extended to a line 300 feet inland from the normal high water (*Reference Line*). Zoning Administrator Stanley replied that the 300-foot boundary was adopted in 1996. Ms Holton opined that the State of NH Department of Environmental Services would be very strict in enforcing the state regulation and questioned the need for the New London Zoning Ordinance to have 300 feet if the state law contained 250 feet. Zoning Administrator Stanley said that, on the contrary, the state was not at all strict when it came to enforcing its environmental regulations.

Greg Grigsby (Pellettieri Associates, Inc.) advised that in the past the regulations did not contain enforcement provisions. He said that new regulations limit the amount of disturbance within the Natural Woodland Buffer to 50% of the area outside of impervious surfaces. In other words, 50% of the area outside the impervious surfaces must be maintained in an undisturbed state. He advised that the "basal area" concept had been scrapped and a point system established.

Zoning Administrator Stanley suggested that since the NH law was based on 250 feet and New London regulations used 300 feet, perhaps the amount of square footage used in the calculation should be increased. He recommended following the state's general scheme and keeping the approach simple whatever percentages are used. He opined that by using the technology previously available and LID techniques, it would be possible to build a good-sized house. He said that the state's scheme was more liberal than the one suggested by Mr. McWilliams and himself.

Realtor Pam Perkins said that the bulk of the remaining lake properties were non-conforming lots on which the building would be limited or eliminated by the stricter recommendation. Jean Connolly reiterated that it was the entire watershed, not the waterfront properties, that impacts on water quality. She opined that it was very unfair to penalize property owners by limiting impervious surfaces. She said that she and her husband had been working with the state's 20% in developing the plans for their waterfront home and it would be

very difficult to adjust to 10%. Jay Tucker (Old Hampshire Designs) asked the PB to think the matter through and to allow flexibility, using LID techniques, etc.

Ken McWilliams responded that he liked the suggestion made by Ms Sheerr-Gross, and recommended that the PB go with the state's percentage and process for defining the allowable impervious area for now and study the issue during the upcoming year. He said that he had thought that he should bring the impervious surface issue up for discussion. PB member Conly advised that the issue of impervious surface area had not just come up; rather, it was something on which the PB had been working for quite some time. PB member Holton opined that more discussion and research was needed.

Zoning Administrator Stanley took issue with the statement that waterfront lots have no impact on the watershed. He said that waterfront lots have the most profound affect on water through drainage, erosion, etc. He said that the first 100 feet of shore land is the most fragile. PB member Hollinger recalled that algae blooming had been tracked to the use of phosphates on waterfront properties.

Peter Schiess, a landscape architect, spoke about the recommendation to use LID techniques. He opined that if the regulatory requirements were too tight, it wouldn't be possible to use creative solutions and would eliminate development of some lots. He opined that compliance with the state regulations would be a good first step.

Mr. Pellettieri said that he agreed with Zoning Administrator Peter Stanley. He said that the Governor's Commission wanted some agreement on how to protect the water quality throughout the state. He said that the law extended coverage to a large number of streams in order to protect water quality. He said that there were discussions about pervious pavement, but the technique had not been tested in this climate. He opined that it might or might not be long-lasting and, thereby, really providing flexibility. Mr. Pellettieri suggested studying how the pervious pavement acts in this area.

Vice-Chair Cottrill asked if there had been any discussion by the Commission regarding different impervious surface limitations at 100 feet or 150 feet from the water. Mr. Pellettieri opined that people did not want to build far back (more than 150 feet) from the waterfront. He also suggested that it might reduce the property values, as waterfront property would no longer be as desirable. Zoning Administrator Stanley stated that it was possible to go from 20% to 30% impervious surface if pervious pavement materials were used. He said that the discussion was about the starting point, be it 10% or 20%. He advised that maintenance was necessary in order for per pervious pavement to continue to be effective.

Mr. McWilliams asked if there were any directions for him from the PB. PB member Holton said that she was very confused about the issue, and asked why not adopt the state regulations. PB member Ballin recommended staying with the new state regulations coupled with LID techniques as presented in the proposal before the PB. PB member Sheerr-Gross said that New London's regulations were more restrictive in that they allow *no disturbance* within the 50-foot buffer. She said that other towns prohibit any disturbance within the 50-foot buffer for work outside the buffer. PB member Conly said that he would like to see a 15% limitation on impervious surface area.

It was **MOVED** (Ballin) and **SECONDED** (Holton) **THAT THE PROPOSED AMENDMENT TO NEW LONDON ZONING ORDINANCE ARTICLE XVI. SHORE LAND OVERLAY DISTRICT, SECTION I. IMPERVIOUS SURFACES BE ACCEPTED AS PROPOSED. THE VOTE ON THE MOTION WAS TIED** (3 in favor: Ballin, Holton, Cottrill; 3 opposed: Cook, Conly, Hollinger; Sheerr-Gross recused herself from the vote).

Ken McWilliams said that, having heard the testimony given by members of the audience and having seen Ms Sheerr-Gross' presentation, he recommended amending the Shore Land Overlay District regulations to comply with the new state law that will become effective on April 1, 2008 and studying the issue more thoroughly during the coming year to determine the best course of action. He said that it was possible that during that time the Lake Sunapee Protective Association might have completed its research.

Discussion ensued regarding what change in the percentage of impervious surface permitted would be acceptable to PB members who voted against the motion. PB member Hollinger said that, although he initially would have liked a flat 20% limitation, he could agree to a 15% to 25% to 30% scale. Vice-Chair Cottrill said that he would need to know the impact of any changes in the proposed percentages. PB member Ballin suggested that the PB could go with the state model for this year, study the issue to determine if a more restrictive regulation was needed, and amend the regulation to make further changes next year, if necessary. PB member Hollinger said that he would go with the "as written" recommendation, if a study of the issue were undertaken. PB member Cook said that she would also go with the "as written" recommendation if a study were undertaken, but the study had to start much earlier in the year than fall. Zoning Administrator Stanley pointed out that there was always the possibility that the State of NH could make changes in its regulations, as well.

Mr. Pellettieri opined that a lower percentage of impervious surface becomes very, or prohibitively, restrictive on small, non-conforming lots.

It was **MOVED** (Ballin) and **SECONDED** (Hollinger) **THAT ARTICLE XVI. SHORE LAND OVERLAY DISTRICT, SECTION I. IMPERVIOUS SURFACES OF THE NEW LONDON ZONING ORDINANCE BE AMENDED TO AGREE WITH PROVISIONS IN THE STATE OF NH SHORELAND PROTECTION ACT EFFECTIVE APRIL 1, 2008 AND THE TOWN OF NEW LONDON LAND SUBDIVISION CONTROL REGULATIONS, PROVIDED THAT THE PLANNING BOARD CONTINUES TO LOOK AT THE NUMBERS DURING THE NEXT YEAR AND BY JUNE 1, 2008, FORMS A COMMITTEE TO STUDY THE ISSUE. THE MOTION WAS APPROVED.** [5 in favor (Ballin, Cook, Hollinger, Holton, Cottrill); 1 opposed (Conly)]

- B. ARTICLE III. Definitions:** Ken McWilliams advised that Town Administrator Jessie Levine had requested that "renovation" be added to the list of items covered by the term "Alter". He recommended inserting "renovation," just before "addition of". Vice Chair Cottrill advised that the term would need to be defined.
- C. ARTICLE XX. Legal Nonconforming Uses, Nonconforming Buildings & Structures and Nonconforming Lots, paragraph B. Nonconforming Buildings and Structures, sub-paragraph 3.b.2. For use with all the remaining ARTICLES of the Zoning Ordinance:** Ken McWilliams advised that Town Administrator Jessie Levine and Zoning Administrator Peter Stanley requested that "or relocation" be inserted after "voluntary replacement", that "assessed valuation" be replaced with "footprint", and that the final sentence be deleted.
- D. ARTICLE XV. Floodplain Overlay District:** Ken McWilliams advised that the NH Office of Energy and Planning has recommended that the text presented on pages 9-16 of the handout be adopted to be in compliance with state regulations.
- E. ARTICLE II. General Provisions, paragraph A, sub-paragraph 1.d.:** Ken McWilliams advised that his memo dated November 27, 2007 presented a re-write of the statement regarding kennels. Following discussion, it was the consensus of the PB that a limit of 6 dogs should be added to the proposed wording. PB member Ballin recommended inserting the word "commercial" before "kennels" to provide greater clarity.

Mr. McWilliams explained the difference between a Zoning Board of Adjustment (ZBA) Variance and a ZBA Special Exception. He opined that a ZBA Variance was very difficult to obtain. An inquiry was made about using minimum lot size as a criterion. Mr. McWilliams responded that a PB referral to the ZBA for a Special Exception results in a review of the request. PB member Ballin added that it also allowed neighbors to comment.

Mr. McWilliams advised that in sub-paragraph 1.e. "Street" had been replaced by "Right-of-Way". PB member Sheerr-Gross recommended a revision in the TABLE of MINIMUM PASTURE, ENCLOSURE, & SHELTER REQUIREMENTS for LIVESTOCK to add "Free-Range" to the Outside Enclosure column for Poultry. He advised that "commercial" would also be inserted in **ARTICLE XXI. Board of Adjustment,**

Paragraph G. Special Exceptions, Sub-paragraph 4. n. to be consistent with **ARTICLE II. General Provisions**, paragraph A., sub-paragraph 1.d.

F. ARTICLE II. General Provisions, Section 10. Sign Regulations: Zoning Administrator Stanley advised that in Section 10. c. SIGN PERMIT PROCESS a paragraph (4) had been added to advise that signs in the Institutional District, the Institutional/Recreational District, and the Hospital Institutional District shall be approved by the PB through Site Plan Review. He advised that in Section 10. f. SIGNS REQUIRING A PERMIT (1) (a) "institutional" had been deleted. He advised that Section 10. g. SIZE AND NUMBER OF PERMANENT SIGNS PERMITTED BY ZONE DISTRICT. (3) had been revised to address signs permitted by the PB through Site Plan Review. Vice-Chair Cottrill recommended eliminating the phrase beginning with "Because of . . .".

VI. OTHER BUSINESS

A. JOHN C. RYAN – Tree Cutting Request (Tax Map 62, Lot 9)

PB member Conly presented an application by John Ryan to cut a dead birch located within the 50-foot buffer at 295 Lamson Lane. The birch is half gone already and is approximately two feet from his deck. Mr. Conly advised that there was plenty of vegetation in the area so no replanting would be necessary.

It was **MOVED** (Cook) and **SECONDED** (Hollinger) **THAT THE REQUEST TO CUT ONE DEAD BIRCH LOCATED WITHIN THE 50-FOOT BUFFER AT 295 LAMSON LANE, TAX MAP 62, LOT 9, WITH NO REQUIREMENT FOR REPLANTING BE APPROVED. THE MOTION WAS APPROVED UNANIMOUSLY**

B. The MINUTES of the NOVEMBER 13, 2007 MEETING of the PLANNING BOARD were APPROVED, as circulated.

C. SIZE OF MEETINGS IN CHURCH MEETING ROOMS: Ken McWilliams advised that he had received a request from a church to increase the size of meetings held in the church meeting rooms. Mr. McWilliams reminded the PB that the size would not be limited by the size of the sanctuary. He asked the PB if there was a need to limit the size of meetings/occupancy loading. Following discussion, the consensus of the PB was that it was not necessary for the PB to limit meeting size. Vice-Chair Cottrill questioned who would count the number of people in attendance. Zoning Administrator Stanley responded that the Fire Department would count. He advised that the meeting size could not exceed the Occupant Load, which the Fire Department monitors closely. He opined that the PB needed to monitor activities in order to eliminate the possibility of people using church meeting rooms for profit-making ventures.

D. ANNOUNCEMENT: Final Master Plan Community Workshop is scheduled for Saturday, December 1. All PB members are urged to attend.

The **MEETING** was **ADJOURNED** at **10:30 PM**.

Respectfully submitted,
Judith P. Condict, Recording Secretary
New London Planning Board

DATE APPROVED _____

CHAIRMAN _____