

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
JANUARY 4, 2005**

PRESENT: Karen Ebel (Chairman), Sue Ellen Andrews, Dale Conly, Celeste Cook, Tom Cottrill, Jeff Hollinger, Mark Kaplan (Selectmen's Representative), and Kenneth McWilliams (Planner)

Chair Karen Ebel called the **MEETING TO ORDER** at 7:30 PM.

I. ROBERT BALDWIN: QROE COMPANIES – Final Certificate of Performance : Castle Lane

Wayne Miller, representative for Robert Baldwin, requested a Final Certificate of Performance for Castle Lane. He advised that Mr. Baldwin wants everything to be in order so that he can submit a request to the Board of Selectman for acceptance of the road by the Town of New London.

Ken McWilliams advised that reports are on file from the New London Fire Department and the New London Highway Department. He noted that all issues previously identified by Richard Lee, New London Road Agent, have been resolved. PB member Kaplan asked if the road was paved or gravel. Mr. Miller replied that it was paved.

It was **MOVED** (Hollinger) and **SECONDED** (Conly) to **APPROVE THE REQUEST FOR A FINAL CERTIFICATE OF PERFORMANCE FOR CASTLE LANE AS SUBMITTED BY ROBERT BALDWIN/QROE COMPANIES**. The **MOTION** was **APPROVED UNANIMOUSLY**.

II. PUBLIC HEARING ON ZONING AMENDMENTS PROPOSED BY THE PLANNING BOARD FOR MARCH 2005

Chair Ebel opened the Public Hearing by outlining the procedures to be followed in discussing the proposed zoning amendments. She advised members of the audience that there were two handouts available: (1) a copy of the ballot and (2) a document showing the changes to specific zoning amendments by a combination of highlighting the proposed new language and striking out of the existing language to be deleted.

Ruth Clough, New London resident and Chair of the New London Board of Selectmen, commented that the explanatory document was helpful. Ken McWilliams explained that a voter would be permitted to take the explanatory document into the voting booth along with the ballot.

- A. AMENDMENT NO. 1 – CROSS REFERENCES ARTICLE II, PARAGRAPH 8, SUB-PARAGRAPH d. WITH ARTICLE II, PARAGRAPH 2, SUB-PARAGRAPH c. iv.** The amendment cross references the “*fill provision*” in the Sanitary Protection section (Article II, Paragraph 8. Sub-Paragraph d.) with the section providing for an exception for “*filling lands*” when refurbishing or installing a septic system (Article II, Paragraph 2, Sub-Paragraph c. iv. There being no discussion it was

MOVED (Conly) and **SECONDED** (Cottrill) **TO PLACE THE PROPOSED AMENDMENT NO. 1 ON THE BALLOT FOR CONSIDERATION BY THE VOTERS IN MARCH 2005**. THE **MOTION** WAS **APPROVED UNANIMOUSLY**.

- B. AMENDMENT NO. 2 – ARTICLE II, PARAGRAPH 10, SUB-PARAGRAPH c. (2)** proposes a revision in Article II, Paragraph 10, Sub-Paragraph c. (2) to reflect that the sign permit application shall be placed on the agenda for consideration at the next available meeting of the Board of Selectmen. There being no discussion, it was

MOVED (Cook) and **SECONDED** (Cottrill) **TO PLACE THE PROPOSED AMENDMENT NO. 2 ON THE BALLOT FOR CONSIDERATION BY THE VOTERS IN MARCH 2005**. THE **MOTION** WAS **APPROVED UNANIMOUSLY**.

- C. **AMENDMENT NO. 3 – ARTICLE II, PARAGRAPH 10, SUB-PARAGRAPH f. (2) (b) AND ARTICLE II, PARAGRAPH 14, SUB-PARAGRAPH c. 4.** The proposed amendment removes the requirement for organizers of Temporary Fund Raising Events for Non-Profit Organizations to obtain a sign permit. The amendment is proposed to be consistent with an amendment approved last year that placed this under the category of “Signs Not Requiring a Permit” (Article II, Paragraph 10, Sub-Paragraph d. (12) a.). There being no discussion, it was

MOVED (Cottrill) and **SECONDED** (Hollinger) **TO PLACE THE PROPOSED AMENDMENT NO. 3 ON THE BALLOT FOR CONSIDERATION BY THE VOTERS IN MARCH 2005. THE MOTION WAS APPROVED UNANIMOUSLY.**

- D. **AMENDMENT NO. 4 – ARTICLE XIII WETLAND CONSERVATION OVERLAY DISTRICT** proposes to (1) delete the provision that allows by Special Exception “the undertaking or a use not otherwise permitted in the Wetland Conservation District” thereby necessitating a Variance for such use in the future and (2) exempt temporary timber harvesting crossings of wetlands from the requirement to obtain a Special Exception. There being no discussion, it was

MOVED (Cottrill) and **SECONDED** (Hollinger) **TO PLACE THE PROPOSED AMENDMENT NO. 4 ON THE BALLOT FOR CONSIDERATION BY THE VOTERS IN MARCH 2005. THE MOTION WAS APPROVED UNANIMOUSLY.**

- E. **AMENDMENT NO. 5 – ARTICLE II GENERAL PROVISIONS, PARAGRAPH 14. a. 3) AND ARTICLE II GENERAL PROVISIONS, PARAGRAPH 10.** The amendment proposes to amend the ordinance to delete the requirement for single-family yard sales and multi-family yard sales to obtain a permit from the Board of Selectmen. There being no discussion, it was

MOVED (Hollinger) and **SECONDED** (Cottrill) **TO PLACE THE PROPOSED AMENDMENT NO. 5 ON THE BALLOT FOR CONSIDERATION BY THE VOTERS IN MARCH 2005. THE MOTION WAS APPROVED UNANIMOUSLY.**

- F. **AMENDMENT NO. 6 – ARTICLE II, PARAGRAPH 10. SUB-PARAGRAPH d. 3.)** proposes to amend the ordinance to permit the erection of either one construction sign advertising all the contractors at the entrance to the development or subdivision or one sign advertising all the contractors on individual lots, but not both. Ms Clough asked if the signs would still be four feet. Peter Stanley, Zoning Administrator, replied in the affirmative. PB member Andrews commented that the rationale presented was good. There being no further discussion, it was

MOVED (Cook) and **SECONDED** (Hollinger) **TO PLACE THE PROPOSED AMENDMENT NO. 6 ON THE BALLOT FOR CONSIDERATION BY THE VOTERS IN MARCH 2005. THE MOTION WAS APPROVED UNANIMOUSLY.**

- G. **AMENDMENT NO. 7 – ARTICLE XVI SHORE LAND OVERLAY DISTRICT, PARAGRAPH H. NON-CONFORMING BUILDINGS & STRUCTURES** proposes to amend the ordinance to conform to new state legislation prohibiting upward expansions of non-conforming structures in the shore land. There being no discussion, it was

MOVED (Cottrill) and **SECONDED** (Conly) **TO PLACE THE PROPOSED AMENDMENT NO. 7 ON THE BALLOT FOR CONSIDERATION BY THE VOTERS IN MARCH 2005. THE MOTION WAS APPROVED UNANIMOUSLY.**

- H. **AMENDMENT NO. 8 – ARTICLE II & ARTICLE III.** The amendment (1) redefines “Manufactured House” to be consistent with the definition in RSA 674.31, (2) adds a definition for “Pre-site Built Housing” which is referenced in the definition of “Manufactured House”, (3) identifies which zoning districts permit pre-site built housing in Article II, Paragraph 12, (4) replaces the term “Mobile Home” with “Manufactured House” throughout the ordinance, and (5) includes Recreational Vehicles in the definition of “Trailer and Travel Trailer”. Ms Clough commented that the amendment seemed to be

modernizing definitions. Mr. McWilliams confirmed her comment. There being no further discussion, it was

MOVED (Conly) and **SECONDED** (Cottrill) **TO PLACE THE PROPOSED AMENDMENT NO. 8 ON THE BALLOT FOR CONSIDERATION BY THE VOTERS IN MARCH 2005. THE MOTION WAS APPROVED UNANIMOUSLY.**

III. THOMAS DILLON – Tree Cutting Request in Shore Land Buffer at 30 Checkerberry Lane (Tax Map 44, Lot 34)

PB member Dale Conly, as the Conservation Commission representative, presented a request from Thomas Dillon to cut trees within the 50-foot buffer at 30 Checkerberry Lane. Mr. Conly advised that Mr. Dillon had completed all of the requirements, although he did submit a photograph rather than complete the diagram on the newly adopted tree-cutting request form. PB members commented that the photocopy of the photograph was very poor. Ken McWilliams circulated the color copy from which the photocopy had been made. The color copy was very helpful in the PB's review of the request.

Chair Ebel asked for and received confirmation that Mr. Dillon's request was to only cut two birch trees. PB member Andrews commented that there appeared to be a lot of other growth. Mr. Conly recommended that the PB approve the cutting of two birches without requiring replanting.

PB member Cook asked if individuals seeking approval of cutting requests could be required to complete the form with clear penmanship to permit legibility. She suggested that, perhaps, the requester should be required to type the application.

It was **MOVED** (Cottrill) and **SECONDED** (Cook) **TO APPROVE THE REQUEST TO CUT TWO BIRCH TREES LOCATED WITHIN THE 50-FOOT BUFFER AT 30 CHECKERBERRY LANE WITH NO REQUIREMENT FOR REPLANTING. THE MOTION WAS APPROVED UNANIMOUSLY.**

IV. OTHER BUSINESS

- A. JAKE'S MARKET: Ken McWilliams advised the PB that Ed Kerrigan had contacted him to advise that something has been done at Jake's Market to reduce the light pollution. Mr. McWilliams said that Mr. Kerrigan had provided to specifics. PB member Cottrill opined that the light emitted by one of the lamps has been reduced. Chair Ebel commented that it would be helpful to know what had been done. PB members were encouraged to observe the situation prior to the next meeting.
- B. TRAFFIC STUDY: Ken McWilliams announced that there would be a presentation of the traffic study results at the January 18 meeting of the Board of Selectmen. All PB members were encouraged to attend. The presentation is scheduled for 9:00 AM in the Sydney Crook Conference Room.
- C. PB AMENDMENT RE PRELIMINARY SITE PLAN REVIEW REQUIREMENT: Ken McWilliams advised that the proposed amendment to require preliminary site plan reviews for major subdivisions would be discussed at the January 18 meeting of the Board of Selectmen.
- D. LIGHTING AT HIGHLAND RIDGE: PB member Cottrill asked if anyone in town government had given permission for PSNH to install the new light at Highland Ridge. He advised that the light is located right at the wrong level where it shines directly into the eyes of drivers approaching from the south. Zoning Administrator Stanley replied that the town has no enforcement rights over someone installing a light on their own property. He suggested that the issue could be pursued from the point of view that it presents a traffic hazard.
- E. LIGHTING AT COLBY-SAWYER COLLEGE: PB member Andrews opined that the lighting along the front loop of Colby-Sawyer College was much brighter than it had been prior to recent improvements. She asked if the PB could invite the college to a future meeting to discuss the matter. She added that the college had advised the PB that the lighting changes would be in compliance with the "dark skies" criteria; however, she opined that the light pollution seems to be much worse than previously. Chair Ebel opined

that it would be beneficial and informative to invite representatives from the college to a PB meeting to explain exactly what has been installed.

- F. CONSTANCE GRANGER SUBDIVISION: Chair Ebel announced that she had received a copy of the Homeowners' Association documents for the proposed Constance Granger subdivision. She advised that she would be setting up a meeting of the subcommittee to discuss the content thereof and to review the subdivision plans and related issues.
- G. WILL BEGIN ROAD ISSUES: Will Begin was in the audience and asked to address the PB at this, rather than a future, meeting. He briefly reviewed the issues. The plans show a driveway to serve two home sites beginning at the hammerhead. He advised that the extensive clearing necessary to address issues relating to the steep incline and drainage had pretty much cleared the property. He stated that he had initially wanted to take a third driveway off that road; however, he subsequently became aware of the ramifications of a third drive (taking a third drive off the road would turn the road into a service road) and is no longer pursuing that option. Chair Ebel suggested that the matter was too complicated for the PB to review without any paperwork and without visiting the site. Mr. Begin replied that he is no longer seeking approval for the third drive. He stated that Zoning Administrator Stanley had viewed the site. PB member Andrews asked Mr. Begin what the issue he wanted to address was. Mr. Begin replied that, under the original approval, he was supposed to only cut a path through the buffer; however, because of the construction of necessary swales and addressing other drainage issues, he used more property and cut much more vegetation than projected. Ken McWilliams advised that the issue now is what remediation plan/planting plan would be appropriate. He advised Mr. Begin that he must come to the PB with a replanting plan and he should include specifics about what trees and shrubs will be planted.
- H. The MINUTES of the DECEMBER 14, 2004 meeting were APPROVED, as amended.

The **MEETING** was **ADJOURNED** at **8:45 PM**.

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

DATE APPROVED _____

CHAIRMAN _____