

**NEW LONDON PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
NOVEMBER 8, 2005**

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

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

I. R. PUTNAM, et al. – Continued Preliminary Minor Subdivision (Tax Map 136, Lot 9)

Chair Ebel called the PB's attention to a letter from Douglas Sweet (Bristol, Sweet & Associates, Inc.) requesting that the public hearing on this matter be continued to December 13, 2005.

It was **MOVED** (Hollinger) and **SECONDED** (Cottrill) **TO CONTINUE THE HEARING ON THE PRELIMINARY MINOR SUBDIVISION OF TAX MAP 136, LOT 9, AS SUBMITTED BY R. PUTNAM, et al, TO DECEMBER 13, 2005 AT 7:30 PM.** The **MOTION** was **APPROVED UNANIMOUSLY.**

II. ARISTOTLE SOULIOTIS – Final Site Plan Review: New London Mini-Mart (Tax Map 84, Lot 2)

Ross Stevens (Stevens Engineering) referred PB members to two plans submitted: (1) the existing conditions on the site and adjacent to it, and (2) the proposed shape of a sidewalk around the building, proposed grading and spot elevations, and the proposed canopy. He advised that the Zoning Board of Adjustment had granted Aristotle Souliotis a Variance relative to the setback requirements for the canopy on the condition that it be 20'x 30' instead of the size noted on the plan. Mr. Stevens stated that there would be six lights in the canopy and that all fixtures would be recessed and flush with the canopy. He added that all would have 175 watts, the lowest wattage available. Mr. Souliotis advised that the Jiffy Mart has six 175-watt lights, but those lights are not recessed. Mr. Stevens stated that he had evaluated drainage issues and would be requesting waivers of some SPR requirements. He said that the number of parking spaces remained unchanged. He finished his summary by indicating that Mr. Souliotis would be speaking about letters of agreement regarding traffic flow, parking, and trash removal, as well as the interior floor plan of the Mini-Mart.

PB member Cottrill asked if the lighting would be at the center of the canopy. The response was affirmative. Chair Ebel asked what type of roofing would be used on the canopy. Mr. Souliotis displayed a drawing of the proposed canopy. He stated that he had had photographs, but the ZBA retained all of them after its hearing re the Variance. He advised that the canopy would have a slanted roof with wood shingles, approximately two feet on the side with provision for drainage. He added that the canopy would be entirely white, with no logos.

Mr. Souliotis stated that the façade of the building would be brick half way up and there would have large windows in front. He said that he wanted the appearance to be in keeping with the surroundings and with New England. Mr. Cottrill asked if the siding would be clapboards. Mr. Souliotis replied affirmatively. Chair Ebel observed that the building was block shaped. Mr. Souliotis advised that the siding would be the same as that used on the canopy. He stated that the building has a flat roof and said that he would try to ameliorate its appearance. He advised that the roof would have an overhang and the building would be handicapped accessible. Mr. Souliotis stated that he would be adding a door in the area where the bays are now and a second door in the rear of the building.

Mr. Souliotis reviewed the hand-drawn floor plan with the PB. Mr. Cottrill asked if there would be any food preparation inside the building. Mr. Souliotis replied that there would be none, other than the coffee made to be sold in the proposed coffee shop. Mr. Stevens advised that the Sewer Commission had recommended that the existing sewer pipe be encased in plastic pipe and that a grease trap be installed if food is to be prepared inside, either now or in the future.

Chair Ebel asked who would be running the business. Mr. Souliotis replied that he and his brother would be running the business. PB member Andrews asked if there would be different management for the coffee shop. Mr. Souliotis replied that there would be two different vendors, but the management would be the same. Ms Andrews asked if there would be any coffee shop employees. Mr. Souliotis replied affirmatively, but advised that there were no contracts as yet. PB member Cook requested, and received, confirmation that the donuts would be delivered each morning at 6:00 AM.

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PB member Clough asked about the five employees mentioned in the Executive Summary. Mr. Souliotis replied that there would be only two at the beginning, but he was hopeful that the business would grow and that soon there would be more. Ms Clough asked the gas pumps would be self-service. Mr. Souliotis replied affirmatively. He added, however, that he was exploring the possibility of having a half day, or some other timeframe, of full service. Ms Clough inquired about employee parking. Mr. Souliotis replied that employees would park in back of the building. He advised that he had signed agreements for all issues except snow removal, which had been omitted by oversight. Ms Clough asked if the estimated number of employees included those working in the coffee shop. Mr. Souliotis replied that the coffee shop would use 600 square feet and would have two employees.

PB member Cook asked if the lights would be turned off at night. Mr. Souliotis replied that the lights would be turned off at closing. He added that there might be an arrangement for accessing the gas pumps after the closing time for the market.

Chair Ebel asked what type of signage would be used. Mr. Souliotis replied that the existing sign would be moved to a new location and prices would be added. He indicated that signage would be similar to that for Arctic Dreams. Chair Ebel asked if the coffee-shop tenant would have its own signage. She suggested that the tenant's corporation might have its own signage protocol. Mr. Souliotis replied that the tenant would have to agree to what was offered. Chair Ebel cited an Irving gas station in Meredith as a good example. Zoning Administrator Peter Stanley advised that the Mini Mart must comply with the 15-square-foot maximum contained in the Zoning Regulations. He added that, if there were two businesses on the sign, the maximum would be 25 square feet. Chair Ebel asked how the sign would be lighted. Mr. Stanley suggested spotlights. Mr. Souliotis stated that he planned to light the sign internally. He reiterated his plans to use the existing sign, but to relocate it on the site. Mr. Stanley advised that the sign is "grandfathered" in its current location. The PB and the Zoning Administrator consulted the regulations and found that the regulations do permit internal lighting for filling station signs.

Abutter Matthew Conway (C.B. Coburn) stated that he was interested in the plans for lighting and for the parking lots. Although the size of the building would be unchanged, he said that he had some questions about the canopy. He stated that his specific concerns were that he would not want his sign to be blocked and he wouldn't want any lighting to be focused on the C.B. Coburn apartment tenants. PB member Andrews asked if there would be any lighting located on the building. Mr. Souliotis and Mr. Stevens replied that there would be two 175-watt lights behind the building. Chair Ebel asked if the security lights would be on motion detectors or if they would be on all night. Mr. Souliotis replied that they would be similar to the lights at Pizza Chef. He said that one light at the rear of the building would be on a motion sensor and would be "on" all night, although only lighted when activated by motion, while two lights in the parking area would go out at the end of the business day. Chair Ebel asked about lights on the building. Mr. Souliotis replied that lights on the building would be on the same idea as those at Pizza Chef. Chair Ebel commented that there is a concern in New London about "over lighting". Mr. Souliotis said that he understood that and would keep that in mind.

Ross Stevens stated that Mr. Souliotis was seeking four waivers, a change from the five referred to earlier.

- A. Article IX. A.1. – Perimeter boundary survey by licensed land surveyor: Mr. Stevens opined that the site was well defined by an existing survey. He stated that an iron pipe had been located and existing deeds permitted the boundaries to be defined. He added that the only area where there the proposed plan might exceed the boundaries was on the Pizza Chef side, a property owned by other members of his family. PB member Clough asked for clarification of that statement. Mr. Stevens replied that landscaping and the sidewalk would be over the State right-of-way. He pointed out the drainage location behind Pizza Chef. Mr. Stevens advised that all else would be within the existing footprint. Chair Ebel asked if there was a joint-use agreement. Mr. Souliotis replied in the affirmative, but advised that the agreements inadvertently omitted drainage and snow storage.
- B. Article IX. A.6. – The shape, size, and location of existing and proposed structures within 200' of the property: Mr. Stevens advised that the plan picked up most items surrounding the site, but had not kept to the statutory 200 feet.

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- C. Article IX. A.8. – Existing and proposed grades, drainage systems, structures, and topographic contours within 200’ of the property: Mr. Stevens advised that he had gone to 100 feet outside the property and had recorded all prominent features.
- D. Article IX. A.15. – Formal and detailed drainage computations based upon a 25-year design storm: Mr. Stevens advised that most of the drainage patterns were established and would be unchanged. He said that landscaping would be added in front; however, no impervious surface would be added. He advised that the employee parking area behind the building would be paved and would drain toward the detention pond on the Pizza Chef property. Ken McWilliams advised that Town Road Agent Richard Lee saw no major change in drainage. Mr. Stevens added that the drainage pond had excess capacity. John Souliotis stated that the pond had been constructed with double the capacity needed. Mr. Stevens advised that there would be some increase in drainage, but very little. He stated that drainage on the C. B. Coburn side of the property would be unchanged. PB member Clough asked if there would be any curbs along the C. B. Coburn property line. Mr. Stevens replied in the negative. Ms Clough asked if the drainage would all be surface drainage. Mr. Stevens confirmed that it would be. He advised that the drainage would pass through a stone-lined swale to a new catch basin and, thence, to the existing drainage system. PB member Andrews asked if there would be a guard rail at the end of the lot. Mr. Stevens pointed out that it was shown on the plan. Abutter Conway asked about snow removal. Mr. Souliotis explained that snow would be moved onto the Pizza Chef property.

Ken McWilliams reported that the municipal department heads had discussed the proposed sidewalk construction, and he noted that Mr. Souliotis seemed to be amenable. Mr. McWilliams advised that the department heads wanted a notation on the plan regarding the agreements relating to drainage, solid waste, parking, and snow removal. He said that there had been no comments from the New London/Springfield Water System Precinct or from the NH DOT regarding access. Ross Stevens said that the Water Precinct had discussed the matter and had spoken with Mr. Souliotis about the demand for water. Mr. Souliotis stated that there would be one unisex, handicapped-accessible rest room. He viewed the elimination of one restroom and the addition of a sink in the coffee shop as demand neutral. Mr. Stevens advised that an application had been submitted to NH DOT and DOT had visited the site. Chair Ebel also noted that a Certificate of Occupancy would be required.

It was **MOVED** (Cottrill) and **SECONDED** (Conly) **TO APPROVE THE WAIVER OF ARTICLE IX. A. 1. PERIMETER BOUNDARY SURVEY BY LICENSED LAND SURVEYOR, ARTICLE IX. A. 6. THE SHAPE, SIZE, AND LOCATION OF EXISTING AND PROPOSED STRUCTURES WITHIN 200’ OF THE PROPERTY, ARTICLE IX. A. 8. EXISTING AND PROPOSED GRADES, DRAINAGE SYSTEMS, STRUCTURES AND TOPOGRAPHIC CONTOURS WITHIN 200’ OF THE PROPERTY, AND ARTICLE IX. A. 15 FORMAL AND DETAILED DRAINAGE COMPUTATIONS BASED UPON A 25-YEAR STORM DESIGN, AS REQUESTED BY ARISTOTLE SOULIOTIS. The MOTION was APPROVED UNANIMOUSLY.**

It was **MOVED** (Hollinger) and **SECONDED** (Cottrill) **TO APPROVE THE FINAL SITE PLAN FOR A MINI-MART AT 384 MAIN STREET (TAX MAP 84, LOT 2), AS PRESENTED BY ARISTOTLE SOULIOTIS, SUBJECT TO RECEIPT OF AN AMENDED JOINT-USE AGREEMENT TO INCLUDED DRAINAGE AND SNOW REMOVAL, IN ADDITION TO PARKING, SOLID WASTE REMOVAL, AND TRAFFIC FLOW, A NOTATION ON THE PLAN REGARDING THE JOINT-USE AGREEMENTS, A DEPARTMENT OF TRANSPORTATION ACCESS PERMIT, AND A SIGNED CERTIFICATE OF OCCUPANCY. The MOTION was APPROVED UNANIMOUSLY.**

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Gregory Gutsell and Ross Stevens (Stevens Engineering) appeared to discuss proposed plans for 292 Main Street. Doctors Darren Phipps, Greg Baker, and Gregory Gutsell propose to purchase the property and utilize the building space primarily for dental offices.

Mr. Stevens advised that at the meeting with municipal department heads issues relating to access and parking were discussed. He stated that the drive that presently passes over and through property of an abutter (McSwiney) would need to be enlarged and parking for the building would need to be expanded. He advised that the options were shown on a drawing distributed just before the meeting. Lovering Lane would need to be upgraded and/or a new access created. Mr. Stevens said that Dr. Gutsell had talked with Graham McSwiney about the issues involved.

PB member Cottrill asked about the parking available behind the building. Mr. Stevens replied that the parking consisted of a long strip of bluestone and would need to be expanded. Mr. Cottrill asked how many spaces would be required. Mr. Stevens replied that the building has an estimated 4000 square feet and there are 20-22 spaces available. He advised that they had also discussed extension of the sidewalk and creation of two handicapped accessible parking spaces with ramp access in front, indented in a manner similar to the spaces at Whipple Memorial Town Hall rather than at the curb. The impact of any changes on Lovering Lane would have to be investigated.

Greg Gutsell advised that the first floor has 2500 square feet and the second floor is smaller. He stated that he currently operates out of 3000 square feet and Dr. Baker uses 1200 square feet at the front of the building. There would be 600 feet downstairs at 292 Main Street that could allow Dr. Baker to have separate access. Dr. Gutsell advised that there are 10 rooms on the first floor, all of which would be used by Gutsell and Phipps. Dr. Gutsell opined that an additional 300-500 square feet would be needed to allow for widening hallways. He also advised that they would like to have a large meeting room for use by their 19 employees and for continuing education courses, not for patient use. He stated that 800 square feet in the existing location is directed toward offices and support areas and is not generally visited by patients. Using the parking guideline of 4.5 spaces per 1,000 square feet, he opined that the available parking area could accommodate both the employees and patients. He stated that he would not like to be penalized by parking requirements for the meeting room.

Chair Ebel asked if Dr. Baker was still in New London one day per week. Dr. Gutsell replied affirmatively. Chair Ebel asked if Dr. Cohen would remain in the same space. Dr. Gutsell replied that Dr. Cohen doesn't like the space where he is now; however, John Wilson has already contacted him in regard to his changing spaces in the event that Baker and Gutsell move out of the building. Chair Ebel asked if Dr. Baker had four employees. Dr. Gutsell replied affirmatively. He advised that they currently have a total of 27 employees. PB member Andrews asked where the employees currently park. Chair Ebel clarified that not all employees are present every day. Of the 27, approximately 16 are on site every day. PB member Cook asked where Dr. Baker's four employees parked. Dr. Gutsell replied that Dr. Baker's employees parked on the street and that however the other employees were parking, available spaces seemed to be adequate to accommodate both employees and patients.

PB members Clough and Andrews both discussed potential problems relating to residences on Lovering Lane. Ross Stevens advised that widening Lovering Lane would improve the situation, although it would require cutting into abutting properties. Dr. Gutsell stated that he had discussed many things with abutter McSwiney, including construction of a one-lane driveway on the north side of 292 Main Street for access to parking behind the building that would continue through McSwiney's parking lot and then exit through Lovering Lane. He added that all traffic would be one-way and would provide access and egress for both properties.

PB member Cottrill asked how many spaces could be provided behind the building. Mr. Stevens estimated that 25 spaces could be constructed without resorting to compact spaces. He added that the exact number would depend upon access requirements and landscaping. PB member Clough opined that landscaping would be very important as the property abutted Lovering Lane residences. Discussion ensued regarding required and available parking. Dr. Gutsell stated that the reality was that the existing parking worked and there would be a

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net gain to the town of 25 spaces. Chair Ebel advised that there should be no parking along Lovering Lane or in McSwiney's parking lot, unless Dr. Gutsell reached a long-term agreement to lease space from Mr. McSwiney. Dr. Gutsell compared the proposed traffic flow to the existing situation in which employees and patients must drive through the Jiffy Mart parking lot to access the offices of Gutsell and Phipps. Chair Ebel advised that the parking regulations are based on square footage of the building and, on that basis, they would be required to have 18 spaces. Ken McWilliams advised Dr. Gutsell that he should plan for the maximum. Dr. Gutsell was also advised that municipal parking could not be designated as parking for a private facility and that his employees should plan on parking in the parking lot, not on the street.

Chair Ebel inquired about access to the building from the parking lot. She asked if there would be an elevator or a walkway up and around the building. Mr. Cottrill opined that there should be a balance between the parking area and green space. He asked how many spaces were there now. Mr. Stevens replied 10-12. Mr. Cottrill asked if there was an existing right-of-way over McSwiney's property. Dr. Gutsell replied that the access was based on a handshake, similar to access at the Wilson property where he is currently located. He added that McSwiney favored the improvement and had commented that it would encourage him to make improvements on his site.

**IV. ROBERT KNIGHT – Concept Site Plan Review: Add Parking for Multi-family Residence
(Tax Map 85 Lot 13)**

Robert Knight stated that he had purchased property located at 75 Seamans Road in September 2004. He displayed a small drawing showing the location under discussion. He said that he was seeking a waiver pertaining to front yard landscaping and parking in order to install parking in front of the building.

Mr. Knight advised that the area has been used for parking since 1999. He also stated that there are four parking spaces and six spaces are necessary to accommodate the tenants of the four rental units. Last summer he wanted to improve the driveway apron and add hard-pack. He said that, until he applied for a driveway permit, he wasn't aware that the parking area was not an approved parking arrangement. He acknowledged that his request to improve the access would require a waiver. He described the hardship of creating parking behind the apartment house. He pointed out that the side yards were very narrow and access would be problematic, that a town sewer line and access cover lie in the pathway, and that the property behind the building slopes steeply, all of which leaves him with few options. He also commented that he would hate to replace a nice front lawn containing two beautiful maple trees with a parking lot.

Chair Ebel asked if he was looking for two additional parking spaces. Mr. Knight responded affirmatively and led the PB through the proposal to improve the parking area in front of the fence and between the two maple trees. Parking would be parallel to the fence and Seamans Road. He said that there were 11 feet from the trees to the property line and that 27 feet would allow parking and access/egress. Although Mr. Knight stated in his letter that the proposed increase in parking in front of the building would be clear of the sidewalk area, he commented in his presentation that there was no sidewalk in front of his property or that of his abutters on either side. He also pointed out the area for snow storage/removal.

Reporting on the meeting with municipal department heads, Ken McWilliams advised that the Highway Department was concerned about parking parallel to the street during snow removal. He pointed out the regulatory requirements for a 25-foot front yard setback (Article VI.C.1. of the New London Zoning Ordinance; Article XI.C.2. of the Site Plan Review Regulations). He also cited Article Site Plan Review Regulations Article XI.C.4. Location of Landscaped Open Space regarding landscaping. The Highway Department encouraged parking in back or at the side of the building. Mr. McWilliams advised that he had visited the site and that he disagreed with the opinion that parking behind the building would be difficult. He recommended that the PB abide by the regulations, unless the owner demonstrates that complying with the regulations would not be feasible. Mr. Knight responded that anything is feasible with enough money. He said that, to him, the necessary site work and the need to use heavy equipment were not feasible.

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PB member Hollinger asked if the property was an investment property. Mr. Knight responded affirmatively. PB member Cook questioned where the tenants were parking six cars now. PB member Andrews asked if the parking faced inward. Mr. Knight replied that, since the problem came to light, the six cars have been parking parallel to the street and out of the right-of-way. Mr. Hollinger asked if the existing parking area was dirt. Mr. Knight replied affirmatively. Chair Ebel pointed out a possible alternative parking area. Mr. Knight replied that an existing stone wall would impede parking. PB member Cottrill stated that the property had an odd shape and that the property line did not go straight out. Mr. Knight stated that there would be no way to turn around in the back. He advised that the back was composed of a lot of fill that would require a retaining wall, which would be very expensive.

PB member Hollinger opined that the PB needs to be consistent; therefore, permitting parking in front would not be appropriate. Mr. Knight responded that a number of properties on Main Street had many parking spaces right in front of buildings. Mr. McWilliams advised that those spaces had been "grandfathered" and would be changed as the properties come up for site plan review. After getting a sense of the PB members' views, Chair Ebel advised Mr. Knight that the PB was really not willing to grant an exception. Mr. Knight stated that Town Road Agent Richard Lee only wanted cars out of the right-of-way. Mr. McWilliams clarified Mr. Lee's position by explaining that, if the cars must be parked in front, the proposal to get them out of the right-of-way would work.

Mr. Knight said that he would be looking for forbearance while a solution to the problem was being sought. Chair Ebel asked Mr. McWilliams for guidance. Mr. McWilliams advised that Mr. Knight would need to negotiate with the Board of Selectmen and recommended that the PB set a timetable for resolution. Chair Ebel recommended that the issue be resolved by July 31, 2006. Mr. Knight asked if that meant that a plan must be submitted by that date or if the entire project must be completed by that date. Chair Ebel again sought a sense of the PB members and replied that the entire project must be completed by that date. In response to Mr. Knight's comment that traveling from Manchester, CT could be burdensome, PB member Clough advised Mr. Knight that he could communicate with the Board of Selectmen by letter. Chair Ebel recommended that any letter be addressed to the attention of Jessie Levine, Town Administrator.

V. CAPITAL IMPROVEMENTS PROGRAM (CIP)

Chair Ebel asked the PB members on the CIP sub-committee, Hollinger and Cottrill, for a report. Mr. Hollinger stated that he was able to attend only the first of three meetings. Mr. Cottrill stated that he had attended only one or two of the meetings.

PB member Clough advised that the Highway Department had requested a 10-wheel truck. Ken McWilliams advised that pages 7 and 8 of the report highlighted the major changes. PB member Andrews commented that the graph on page 14 made it appear that the Highway Department expenditures increased dramatically. Ms Clough explained that the increase resulted from inclusion of the new Highway Department building.

PB member Cook said that she was pleased with the addition to land acquisition for recreation. Chair Ebel asked if there was any piece of property identified. Mr. McWilliams replied in the negative and advised that the available funds would make it possible for the town to secure property that might become available until the voters could approve the purchase at town meeting. Ms Cook asked if the funds could be used to secure property for conservation. Mr. McWilliams replied "no, only for recreation".

PB member Andrews asked if monies were being put aside for conservation. Mr. McWilliams replied that \$150,000 would be reserved in 2006 and referred the PB to page 37 for additional details. He added that the amount had been increased from \$75,000 per year. The intent of the reserve is to be prepared in the event that some property were to become available. PB member Cottrill related the history behind the reserve fund. PB member Clough, Chair Ebel, and Mr. McWilliams discussed anticipatory bonding and advised that to date the PB philosophically has preferred a reserve fund rather than anticipatory bonding, although many towns were now preparing for land acquisitions in advance by approving a bond in anticipation of land becoming available.

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Chair Ebel expressed amazement over the projected 138% increase in property tax to support school, town, and county services over the next ten years (page 10 of the CIP report). Mr. Cottrill opined that the Selectmen need to become more assertive re the monies paid for education and the value received. Ms Clough responded that the responsibility lies with the KRSD Board representatives. Mr. Cottrill questioned whether New London was being adequately represented. PB member Cook spoke about the school board's reliance on 55% state funding for construction of a new middle school and expressed concern about what would happen if the state had no funds to distribute. Vermont's experience last year was cited as an example of what could happen when a state has no funds to pay its expected share. Mr. Cottrill stated that he had attended the most recent KRSD budget meeting and encouraged others to attend future meetings.

Mr. Cottrill opined that all of the department heads had been well-prepared when they met with the CIP Committee and that the model works well. Ms Clough spoke in support of the philosophy of taking care with capital improvements, and she said that the town is supportive of that effort.

It was **MOVED** (Andrews) and **SECONDED** (Cook) **TO ADOPT THE CAPITAL IMPROVEMENTS PROGRAM FOR 2006-2015 AS PRESENTED**. The **MOTION** was **APPROVED UNANIMOUSLY**.

The cover page of the Capital Improvements Program report was circulated for PB signatures.

VI. DISCUSSION OF ZONING AMENDMENTS FOR BALLOT VOTE AT THE 2006 TOWN MEETING

Ken McWilliams led discussion of the proposed amendments for which he had submitted draft language.

Amendment 1: Article II General Provisions, Paragraph 8 Sanitary Protection. Draft approved.

Amendment 2: Article XIII Wetlands Conservation Overlay District, Paragraph H. Prohibited Uses. Draft approved with typographical correction.

Amendment 3: Article II General Provisions, Paragraph 11. Temporary Structures. Zoning Administrator Peter Stanley opined that the inclusion of the word "storeroom" in 11.b. seemed to be a disconnect since trailers could be used as storerooms in connection with construction and the intent of the amendment would be to prohibit using trailers for storage at any other time. Chair Ebel suggested substituting "not permitted except as provided in "b" above."

Amendment 4: Article I Preamble. Chair Ebel asked if there was an RSA reference that could be cited to show that the connection between the proposed amendment and state law. PB member Cottrill questioned the need to have this statement approved by the voters. He asked why it couldn't simply be placed at the front of the ordinance. Ken McWilliams responded that any change in the Preamble constituted an amendment to the zoning regulations. Chair Ebel reiterated that she would like an RSA reference so that people would not think that the PB was clamping down. She doesn't want the amendment to create more problems than it would solve. It is simply a statement of law and not changing anything. PB member Andrews stated that the intent was to clarify/inform the public. Mr. Cottrill opined that the rationale should explain the purpose. PB member Clough observed that if the amendment should fail, it would not change the fact that the Zoning Ordinance is permissive in nature.

Amendment 5: Article XXII Streams Conservation Overlay District. In third line of I.a. change "form" to "from". PB Cook wondered if there anyone had any control over clearing under the power lines. Mr. McWilliams stated that PSNH did not need any sort of approval to clear under the power lines. Chair Ebel asked if the wording was taken from the Shore Land Overlay District and adapted for the Streams Conservation Overlay District. Mr. McWilliams replied affirmatively. Zoning Administrator Stanley recommended separating the final sentence in 5.c. and making it 5.d. He also recommended deleting "if possible". Chair Ebel asked if the Shore Land Overlay District contained the same wording. Mr. Stanley replied affirmatively and said that it should be changed. Chair Ebel agreed that it should be amended. She also recommended checking the RSA references.

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Amendment 6: Article XIII Wetlands Conservation Overlay District. Addition of a new paragraph J. Erosion and Sediment Control Plan. Mr. Stanley recommended separating the final sentence in J.c. and making it J.d. He also recommended deleting "if possible".

Amendment 7: Article XIII Wetlands Conservation Overlay District. Addition of new paragraph K. Effect on Minimum Lot Size. The amendment needs to incorporate density as well as lot size. PB member Cook asked if setbacks and buffers were the same thing. PB member Clough replied in the negative and explained that setbacks relate to property lines and buffers relate to streams, shore land, and wetlands. Ms Clough asked what determined "wetland". Messrs. Stanley and McWilliams replied that a wetland was determined by hydrology, soils, and vegetation. Ms Clough asked if there should be a minimum size for a jurisdictional wetland. Mr. McWilliams replied in the negative. Mr. Stanley advised that there was at one time, but that it had been removed at some point. PB member Cottrill submitted possible wording to Mr. McWilliams.

Amendment 8: Article XIV Steep Slope Overlay District. PB member Andrews questioned the reason for including a Special Exception as in XIV.D. Following discussion, the Special Exception was removed. Zoning Administrator Stanley recommended separating the final sentence in E.c. and making it E.d. and eliminating "if possible". The PB was supportive of the ranges suggested and the concept of "contiguous area".

Amendment 9: Ken McWilliams advised that UNH had published guidelines for housing area for animals that contains tables addressing exercise areas, housing areas, pasture areas, boundaries, and setbacks. He also advised that Bow, NH had adopted guidelines. He advised that he would copy and distribute the materials. He opined that the guidelines provide a rational basis for zoning. He recommended careful review of the regulations. He also cautioned that agriculture in NH has been supported by laws, courts, etc. Chair Ebel and Mr. McWilliams agreed that the issue might be too challenging to address this year. Zoning Administrator Stanley advised that there needs to be some way to separate commercial raising of animals from the rest.

Zoning Administrator Stanley advised that he would formalize his draft of language for Article XVI. (1) d. regarding foundations and distribute to the PB via e-mail.

VII. OTHER BUSINESS

A. The MINUTES of the OCTOBER 25, 2005 meeting were APPROVED, as amended.

The **MEETING** was **ADJOURNED** at **10:15 PM**.

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

DATE APPROVED _____

CHAIRMAN _____