

**NEW LONDON PLANNING BOARD  
REGULAR MEETING & PUBLIC HEARING  
DECEMBER 11, 2007**

MEMBERS PRESENT: Karen Ebel (Chairman), Dale Conly, Celeste Cook, Ken McWilliams (Planner), Larry Ballin (Selectmen's Representative), Michele Holton (Alternate), Deirdre Sheerr-Gross (Alternate). Tom Cottrill joined the PB at 7:35 PM.

MEMBERS ABSENT: Michael Doheny, Jeff Hollinger

Chairman Karen Ebel called the **MEETING TO ORDER** at 7:30 PM. She asked Alternate PB Members Michele Holton and Deirdre Sheerr-Gross to sit on the PB as replacements for Jeff Hollinger and Tom Cottrill, respectively. Upon PB member Cottrill's arrival, Chair Ebel asked Alternate Sheerr-Gross to sit in place of Michael Doheny.

**I. NEIL F. WEATHERS/DUNHAM PUBLISHING SERVICE CORP. – Final Site Plan Review: Home Business – Bookkeeping Services (Tax Map 73, Lot 56, Unit 4)**

Neil Weathers stated that he was coming before the PB because the bookkeeping business that he operated out of his home required a sign and client traffic required review. He said that one room in his condominium was used for the business that was initially small and operated without a sign. He described his bookkeeping business as "low-impact".

Chair Ebel asked where his condominium was located. He responded that it was one of five condominium units, four of which were occupied, in a building opposite the New London Barn Playhouse on Main Street. Chair Ebel ascertained that Mr. Weathers was familiar with the regulations regarding home businesses. Chair Ebel asked what type of clients Mr. Weathers served. He replied that most of his business was conducted via the Internet and computer, with only occasional visits from clients. He said that he had the most assigned outside parking spaces of any of the condominium units, because he had only one garage space instead of the two assigned to the other units. Chair Ebel asked if the percentage of his condo that would be used for business fell within the 35% limitation set forth in the regulations. PB member Ballin said that he had calculated the square footage using data provided by Mr. Weathers, and the area used by the business would be about 15% of the total floor area.

Ken McWilliams advised that at the meeting with municipal department heads, Director of Public Works Richard Lee had noted that the sign post that Mr. Weathers had erected was very close to the sidewalk and might be in the State of NH right-of-way. He said that Mr. Lee had advised that the post might be buried during snowplow operations.

It was **MOVED** (Cook) and **SECONDED** (Conly) **THAT THE FINAL SITE PLAN REVIEW FOR A HOME BUSINESS: BOOKKEEPING/DUNHAM PUBLISHING SERVICE CORP. AT 89 MAIN STREET, UNIT 4, (TAX MAP 73, LOT 56) BE APPROVED AS PRESENTED BY NEIL WEATHERS. THE MOTION WAS APPROVED UNANIMOUSLY.**

Mr. Weathers paid \$123.44 to cover the Site Plan Review Application Fee and required "Notices" sent to abutters.

**II. ALL ELEMENTS HEALING THERAPIES – Concept Site Plan Review: Need for Site Plan for change in use from Apartment to Retail Services at New London Inn (Tax Map 84, Lot 89)**

Present for the hearing were Jessica Hunter (All Elements Healing Therapies) and Bridget LeRoy (New London Inn owner).

Chair Ebel asked where in the New London Inn the apartment was located. Bridget LeRoy advised that the space was located on the second and third floors above the kitchen. Chair Ebel asked how the space would be accessed. Ms LeRoy replied that there were actually four different ways to access the space, including internal access from the inn, one stairway to an outside access, and one access through the front door of the inn. Chair Ebel asked which access would be used by All Elements Healing Therapies. Ms LeRoy replied that customers would enter through the front door of New London Inn, ascend the staircase in the front lobby, and enter through a door at the end of a short hall on the second floor.

Jessica Hunter said that she would be bringing the concept and aesthetics from her Concord business. She said the second floor space would be used for SPA activities and the third floor rooms would be used for massage therapies. She opined that 80% of the clientele would be from New London Inn guests and 20% would be from "day trippers". Ms LeRoy advised that they planned to advertise All Elements Healing Therapies as a "value-added" feature for guests at the Inn.

Chair Ebel asked if there would be any ads to attract local clientele. Ms Hunter replied that there would be some advertising locally, especially during "down" times. PB member Conly asked how many employees would there be. Ms Hunter replied that there would be three employees, including herself. She said that the maximum number of people on site at any one time would be six (6). She advised that there would never be more than three (3) practitioners on site. PB member Cottrill observed that it seemed as if most of the business would be on weekends. Ms LeRoy opined that it would be a great option to offer to guests. Zoning Administrator Peter Stanley opined that most New England hotels offered spa benefits to guests.

Chair Ebel asked Ken McWilliams to report on any issues raised at the meeting with municipal department heads. Mr. McWilliams advised that the existing three-bedroom apartment required two parking spaces, while the proposed change to retail space would require four parking spaces. Fire Chief Jay Lyon wanted to review plans for egress, alarms, and notification. He also wanted to have a floor plan of the entire building. Zoning Administrator Peter Stanley reiterated the need for a floor plan for the entire site inasmuch as there was none currently available.

Mr. McWilliams said that, under the newly adopted regulations, the New London Inn was required to have 67 parking spaces; however it has only 28 on site. He noted that Ms LeRoy had described the various arrangements that she had made to address the lack of on-site parking. Chair Ebel noted that most of the traffic for the proposed use would be guests of the Inn, although there would be no control over the 80%:20% client distribution. Zoning Administrator Stanley opined that parking was not an issue during the day; however, in the evening, when dinner was being served, the parking area was very full. He said that parking could not be expanded because Ms LeRoy had sold the adjacent land to the Town of New London. He advised that the Inn had been using the parking lot at Lake Sunapee Bank. PB member Ballin advised that the Town of New London did plan to go forward with its plan to creating parking on the land purchased from the New London Inn. Ms LeRoy said that if the issue were only the two additional parking spaces required for retail use of the apartment space, those two spaces could be built in during better weather.

PB member Cottrill said that the spa could be considered to be a private club permitted by PB review. Chair Ebel said that the PB could determine during site plan review the amount of parking required. Ms Hunter said that normal business hours would be from 9:00 AM to 4:00 PM; however, it would be possible to modify those hours so that there would be no appointments scheduled for times when special events were planned at the Inn. Ms LeRoy said that there might be a couple of evenings a month when there might be 10 or so people attending a wellness workshop. PB member Cottrill talked about the cumulative impact on parking of Gourmet Garden, Erin's, the proposed spa, the other retail space on the ground level, etc. Chair Ebel again opined that most of the spa business would be from New London Inn guests. She said that she would like to see a sketch of the floor plan. Ms LeRoy responded that they had tried to quickly draw a sketch for Fire Chief Jay Lyon.

PB member Cook asked Ms Hunter if she would be closing the spa in Concord. Ms Hunter replied that she would not.

It was **MOVED** (Ballin) and **SECONDED** (Conly) **THAT NO SITE PLAN REVIEW BE REQUIRED FOR A CHANGE IN USE FROM APARTMENT TO HEALTH SPA AS PROPOSED BY JESSICA HUNTER AND BRIDGET LEROY, CONTINGENT UPON RECEIPT BY THE PB OF A SKETCH OF THE FLOOR PLAN AND COMPLIANCE WITH ALL STATE AND LOCAL FIRE CODES. THE MOTION WAS APPROVED UNANIMOUSLY.**

**III. GUTGSELL & PHIPPS, DDS – Continued Final Site Plan Review**

**(Tax Map 59, Lot 1)**

Ken McWilliams advised the PB that Gutsell & Phipps, DDS had been unable to accomplish all that needed to be done in time for the December 11, 2007 meeting of the PB and had, therefore, requested that the Final Site Plan Review (SPR) be continued to the next earliest PB meeting. He advised the PB that the dentists really did not want to wait until January 29, 2008 to meet with the PB.

Mr. McWilliams reminded the PB that it had determined that in 2008 the first meeting of each month would be devoted to working on the Master Plan and the second meeting would be for regularly scheduled business. He advised that the final Master Plan workshop had been rescheduled from December to sometime early in January; thereby delaying the submission of Master Plan workshop results. The PB could, therefore, consider business issues at its first January 2008 meeting, if it so chose. He advised that the only business scheduled for January 8 was the first public hearing on proposed zoning amendments.

Mr. McWilliams advised that the PB could either *continue* the on-going Final SPR or require that the dentists submit a new application for Final SPR. The latter option would start the Final SPR process over again and would include sending new “Notices” to abutters.

It was **MOVED** (Conly) and **SECONDED** (Cook) **THAT THE FINAL SITE PLAN REVIEW FOR GUTGSELL & PHIPPS, DDS (TAX MAP 59, LOT 1) BE CONTINUED TO TUESDAY, JANUARY 8, 2008, AT 8:00 PM. THE MOTION WAS APPROVED UNANIMOUSLY.**

**IV. FINALIZE DRAFT ZONING AMENDMENTS FOR THE FIRST PUBLIC HEARING & REVIEW OF NOTICE OF FIRST PUBLIC HEARING ON PROPOSED AMENDMENTS**

- A. In the introductory paragraph of the Notice of Public Hearing, the reference to the “Secretary” to the Selectmen should be changed to “Administrative Assistant”.
- B. PROPOSED AMENDMENT NO. 1: **ARTICLE III Definitions. 7. Alter**: Zoning Administrator Peter Stanley presented a revised definition drafted by Town Administrator Jessie Levine. He said that Ms Levine thought that the PB version was not detailed enough. He advised that the amendment had been requested by the assessors. PB member Ballin said that the amendment would result in increased income for the Town of New London. He opined that it was a matter of equity across the property tax base. PB member Cottrill asked what the purpose was of the last sentence of the draft. Zoning Administrator Stanley responded that the intent was not to capture everything. Mr. Cottrill opined that the sentence confused the issue. He said that it would withdraw all that went before it, if the work was classified as maintenance. Mr. Ballin recommended adding “of kind” or “of similar material”. Mr. Cottrill agreed. PB consensus agreed with the modified amendment with the insertion of “using similar materials” in the final sentence after “. . . equivalent building” and before “are not included in the definition of Alter”.

PB member Cook recommended replacing “revise” with “clarify” in the text on the Notice of Public Hearing. PB member Cottrill opined that something more was needed in the text.

- C. PROPOSED AMENDMENT NO. 2: **ARTICLE III Definitions. 110. Right-of-Way**: No changes.
- D. PROPOSED AMENDMENT NO. 3: **ARTICLE III Definitions. 115. Side Yard**: No changes

- E. PROPOSED AMENDMENT NO. 4: **ARTICLE XX Legal Non-conforming Uses, Non-conforming Buildings & Structures and Non-conforming Lots**, paragraph B. Non-conforming Buildings and Structures, sub-paragraph 3. b. Voluntary Replacement or Substantial Improvement of a Non-conforming Building or Structure.

Ken McWilliams said that the proposed amendment would allow a doubling of the original footprint. After further consideration and subsequent discussion with Zoning Administrator Peter Stanley, he opined that the amendment, as originally proposed, could have a substantial impact on small Non-conforming Lots. He suggested that an alternative might be to allow a 50% increase in the square footage of useable floor area.

PB member Sheerr-Gross opined that allowing an increase of 50% of value, as allowed by the existing regulations, was inadequate and difficult to manage. She opined that the proposed amendment would be such an improvement and seemed reasonable. She requested, and received, clarification that the measurement was an exterior, not an interior, measurement. PB member Ballin emphasized that it was the *cumulative* addition. Ms Sheerr-Gross stated that upgrades in services could exceed the limit based on *value*.

Chair Ebel opined that the text on the Notice of Public Hearing should be more descriptive and should make the change seem more positive. PB members recommended adding “to allow for a wider range of improvements” to the text on the Notice of Public Hearing.

- F. PROPOSED AMENDMENT NO. 5: **ARTICLE V Residential Districts**, paragraph C. Yard Requirements, sub-Paragraph 3. No changes.
- G. PROPOSED AMENDMENT NO. 6: **ARTICLE VI Agricultural and Rural Residential District**, section C. Yard Requirements, sub-section 3. No changes
- H. PROPOSED AMENDMENT NO. 7: **ARTICLE II General Provisions**, section 1. Agriculture. PB member Ballin recommended inserting “agricultural activity and” after “...pertaining to” and before “the raising of” on the Notice of Public Hearing.
- I. PROPOSED AMENDMENT NO. 8: **ARTICLE XIII Wetlands Conservation Overlay District**, section G. Wetland Buffers. No changes.
- J. PROPOSED AMENDMENT NO. 9: **ARTICLE XV Flood Plain Overlay District** and **ARTICLE III Definitions**. No changes.
- K. PROPOSED AMENDMENT NO. 10: **ARTICLE II General Provisions**, section 10. Sign Regulations. No changes.
- L. PROPOSED AMENDMENT NO. 11: **ARTICLE XVI Shore Land Overlay District**. Zoning Administrator Peter Stanley recommended changing “correspond” to “comply” in the text of the Notice of Public Hearing. Chair Ebel recommended inserting “stricter” in front of “provisions” in the text in the Notice of Public Hearing. Chair Ebel asked about changes in F.1.a. Zoning Administrator Stanley replied that the wording went back to the State of NH Shoreland Protection Act. PB member Sheerr-Gross said that she recalled that the State went back 250 feet from the Reference Line and the discussion regarding the impact of implementing a 6% impervious surface limitation on property with 250 feet of frontage was a long way from the State’s proposal. She opined that the PB should go with the State requirements for the immediate future and study the issue for a year before recommending changes. Zoning Administrator Stanley opined that allowing 20% of a lot to be impervious surfaces was very liberal and that would become evident when the law was implemented. PB member Ballin recommended that the committee appointed to study the issue should be required to report back to the PB by June 1, 2008.

## **V. MASTER PLAN VISION CHAPTER – Review and Discuss**

Ken McWilliams reported that 20 people had signed up for the December 1 workshop and 60 people showed up to participate in the workshop. He said that participants got only half way through the agenda and wanted to return for another session in early January 2008. He advised that the earliest date on which the Kearsarge Community Presbyterian Church facilities would be available would be January 12, 2008.

PB Member Cook said that one suggestion that had been made at a meeting of the Citizens Advisory Committee was to have a Moderator to manage the meeting. She said that the Committee also suggested that other groups of people, e.g. young people and members of the energy committee, be encouraged to attend the next workshop. PB member Ballin recommended giving participants who wanted to speak on an issue a two-minute limit and enforcing it.

PB Member Sheerr-Gross said that she had heard what she interpreted as hostile comments regarding the absence of young people. She wondered if young people were not in attendance, would older attendees support activities for young people. Chair Ebel responded that the Vision statement would not be limited to only what came out of the workshops. She said that the PB would have to work to fill in any gaps and refine the document as it saw fit. PB Member Conly opined that the reason for holding the workshops was for the PB to get lots of ideas which it could then sift through and filter to create the Vision Chapter of the Master Plan.

Chair Ebel advised that there had been some discussion at the workshop regarding the amount of detail contained in the draft of the Vision Statement. Mr. McWilliams said that opinions expressed were that the specifics should be in an appendix and only concepts expressed in the general vision statement. Chair Ebel asked if there were ways to have more global statements, i.e. generic vs. specific. Zoning Administrator Peter Stanley opined that the PB had the responsibility to take the concepts and find a way to make them possible. He said that it was not possible to make specific recommendations without knowing things like topography, etc.

Chair Ebel said that people had asked about the absence of a build-out study in the documents. She said that she remembered that the numbers would not change from the build-out study done at the time of the last Master Plan update because of the subsequent recommendations for zoning changes. She said that the PB had determined that population growth would be limited to 9500 based upon that information. Mr. McWilliams stated that the statistics indicated that the build-out number would be less than that. PB Member Cottrill said that participants were very concerned about the projected requirement for 380 additional housing units. Chair Ebel opined that it was very important to have the build-out study available for review by interested parties. Mr. McWilliams and Zoning Administrator Stanley advised that the adoption of regulations pertaining to wetlands and stream buffers had reduced the amount of buildable area available.

Chair Ebel opined that the PB needed better estimates from the Kearsarge Regional School District regarding the projected number of school-age children.

The PB agreed to hold another workshop on January 12, 2008 and authorized Ken McWilliams to make the arrangements.

## **VI. TOWN PLANNING SERVICES AGREEMENT FOR 2008**

Ken McWilliams provided an update on the status of the Town Planning Services Agreement for 2008. He advised that the \$40,000 budgeted by the PB had been reduced to \$35,000 by Town Administrator Jessie Levine. He said that Ms Levine had tracked expenditures over the past few years and had found that expenditures had never exceeded \$35,000. He advised that Ms Levine opined that expenditures in 2008 would be even less because work on PB regulations had been completed. Mr. McWilliams disagreed. He opined that expenditures could increase as the result of the newly adopted regulations. He said that the PB had bumped the budget up by \$4,000 to cover such contingencies; however, Town Administrator Levine had recommended reducing the budget by \$5,000.

Chair Ebel suggested splitting the difference between the PB request and the Town Administrator's recommendation. PB Member Cook opined that the PB needed to provide a cushion for planning services. Chair Ebel said that Ms Levine had done a comprehensive analysis and strongly recommended reducing the request by \$5,000. PB Member Ballin advised that Ms Levine had made her recommendation on the basis of what she thought the town planner's hours should be. He advised that the Zoning Administrator position was to become a full-time position, and Ms Levine thought that the Zoning Administrator might be able to pick up some of the daily routine issues. Mr. Ballin opined that Ms Levine's analysis was reasonable and that recourse was available to the PB, if needed. PB Member Cook asked for clarification regarding the Zoning Administrator position becoming a FT position. Zoning Administrator Stanley replied that he would be working full time as of April 1, 2008.

PB Member Cottrill recommended budgeting \$37,500 for the town planner. Chair Ebel and PB Member Only agreed. Consensus of the PB was to request \$37,500 for planning services.

## VII. OTHER BUSINESS

### A. CAMP WALLULA

(Tax Map 33, Lot 16)

Ken McWilliams called the PB's attention to a letter from Town Counsel Barton Mayer regarding the issues referred by the PB for town counsel's legal opinion. He briefly reviewed the salient points that answered the issues raised by the PB. He asked the PB to authorize him to write a letter to Christian Bottinger regarding the legal responses.

Chair Ebel asked for confirmation that the owner could only build what was originally approved; otherwise, a Site Plan Review would be required and current regulations would apply. Mr. McWilliams replied in the affirmative. He said the only exception was that one building could be used as a community center. PB Member Cook asked if the property were sold, would the new owner have to abide by the approved site plan. Mr. McWilliams replied in the affirmative; he said that the approved plan would be binding on all future owners.

- B. The MINUTES of the NOVEMBER 27, 2007 MEETING of the PLANNING BOARD were APPROVED, as amended.

The **MEETING** was **ADJOURNED** at **9:40 PM**.

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

DATE APPROVED \_\_\_\_\_

CHAIRMAN \_\_\_\_\_