



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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APPROVED

**Town of New London
Planning Board Meeting
Public Hearing on Zoning Amendments and Business Meeting
January 27, 2009**

Present: Chair Ebel Ebel, Dale Conly, Tom Cottrill, Larry Ballin, Ken McWilliams

Also Present: Peter Stanley, David Kidder, Bill Dowd, Rosemary Fulton, M. Elizabeth Williamson, Harry Snow, Anthony Strabone, Chris Lizotte, Eric Palson, Dan Noyes, Howard Hoke, D.J. Lavoie, Bob Lavoie, John Melia

Chair Ebel opened the meeting at 7:00 p.m. by stating that there were three amendments that they were revisiting tonight.

ARTICLE XXV Small Wind Energy Systems Ordinance -

- 1) PAGE 3 NUMBER B- changes the wind tower height
- 2) PAGE 2 NUMBER I - change the application requirements
- 3) PAGE 3 C.1.a - editorial change- added a reference to the table below

Chair Ebel asked if there were any comments and there being none, asked for a motion.

It was **MOVED** (Conly) and **SECONDED** (Cottrill) **TO PUT PROPOSED AMENDMENT NUMBER ONE ON THE BALLOT.** The **MOTION** was **APPROVED UNANIMOUSLY.**

ARTICLE XXVI Workforce Housing Overlay District -

- 1) PAGE 13 NUMBER 1 - the Project will be designed in a manner that is harmonious with the neighboring developments, natural surroundings, and housing contexts, that being the housing type, density, and land use in the surrounding area.

Chair Ebel stated that she was glad State Rep. David Kidder was present because she had read that a bill was introduced that would postpone the effective date of the Workforce Housing bill. She added that another bill was introduced suggesting a commission to study this because when the legislation was passed last year, the State gave the Town(s) a year to come up with a very complicated ordinance with very little guidance. She said that lot of towns are either electing not to do anything or they're scrambling to put together a workforce housing ordinance. Chair Ebel said that she'd called Town counsel, Bart Mayer, because she was concerned about what would happen if the Town passed this ordinance and the legislature changed it or delayed the effective date by a year. Town Counsel strongly recommended that the Town put a provision in the

ordinance that the effective date be delayed until the effective date of the current legislation (July 1, 2009) and also suggested that the Town also add a contingency provision in the ordinance such that the effective date of the Town ordinance would be delayed until the new legislation passes. This would permit the Town additional time to study this further. The New Hampshire Municipal Association is supporting the delay of the effective date very strongly because a lot of towns have not had an opportunity to work on it. She recommended making the change recommended by Town Counsel and suggested language to make that change.

Chair Ebel said that this addressed Virginia Soule's concern regarding this issue by giving the Town a little more time to study the issue. Virginia Soule commented that the Town hadn't had time to even look at the new amendment either. Zoning Administrator Peter Stanley commented that because the commission might be set up, there might be a postponement for even longer until the commission has a chance to report back. The NHRPC is in favor of postponement. Chair Ebel also confirmed with Town Counsel that effective date language was a procedural amendment, which the Town can make at this time without having to go to another hearing.. She recommended making the change recommended by Town Counsel and suggested language to make that change.

Virginia Soule stated that Newbury and Sunapee are doing zero and she wanted to know if there was a hearing being scheduled on the proposed state legislation. Chair Ebel responded that there was a hearing scheduled for January 29th.

Larry Ballin read aloud the amendment to the Workforce Housing:

The Effective Date of this ordinance shall be July 1, 2009. Contingency: should the New Hampshire legislature enact legislation postponing the effective date of RSA 674:58-61, this amendment to the New London Zoning Ordinance shall not become effective until the date required in any such legislative amendment.

Tom Cottrill stated that it sounded okay to him. He asked whether, if this language is included the Town votes it in, and the State changes provisions, the Town can come back a year from now and re-amend it. He clarified that another option is to not put it on the ballot at all. Chair Ebel responded yes, but Town Counsel under current law the workforce housing provision had to be in place by July 1, 2009. Larry Ballin stated that he had attended a Municipal Association meeting last week. At the meeting, those towns that are working on an ordinance were commended and those towns that have not are behind the eight ball. He thinks the Town should go ahead and include it as an amendment and be happy that they've done that. He didn't think, because of legislative issues, that anything was going to happen for enforcement any time soon. But he suggested that the PB let it stand because the work had been done. , and it's a good ordinance. , and it has He said he's satisfied that the concerns of those neighborhoods that thought they were going to be affected are truly not, so he would like to see a motion for the ordinance, as amended to be approved to go on the ballot.

Bob Lavoie asked if there was an inconsistency between Page 9, D Setback Reductions, buffer of fifty feet, and Page 12 K.1.a, a landscaped buffer one hundred feet in width. Ken McWilliams clarified that the second one referred to is for multi-family housing, and the other is for any other

type, in other words for a single family housing project. He stated that the only one that has a greater setback is for the multi-family housing.

Virginia Soule commented that the 100 foot buffer sounds great until you get to the conditional permit provisions, which enables the PB to nullify the one hundred foot buffer. She stated that after granting all the reductions, the whole buffer disappears, and that the whole thing is geared toward developers.

Chair Ebel responded that the buffer would not disappear because it's required that the one hundred foot buffer remain for multi-family housing project. She stated that Mrs. Soule should feel comfortable with the buffer requirement the changes because it requires a bigger lot for a multi-family housing project.

Bob Lavoie asked if anybody had figured out where it would be feasible to place such a project with public water and sewer. Chair Ebel responded affirmatively. Larry Ballin stated that he could identify two locations: 1) one just past Woodward Park, and; 2) the Messer property on Little Sunapee asked what the incentives for developers to build workforce housing and Chair Ebel responded that the primary one was profit. She said that the development requirements aren't as stringent and that the developers find ways to make it work. The law requires that the Town provide a reasonable opportunity for the workforce housing to go in a majority of the town where residential uses are permitted, so that's what the Town has provided in the proposal.

Virginia Soule stated that she had gone down to the Public Works and there are sewer lines in R2 and that's why she thinks it should be considered for workforce housing.

Chair Ebel responded that they couldn't make any more substantive changes to the ordinance tonight, but she advised Virginia to hold onto that information and present it at a later date where they would be talking about this some more in connection with the Master Plan. She said arguably the Master Plan meeting was a better place to discuss this. She asked for a consensus of the PB that it was supportive of the legislative delay of the effective date. Rep. Kidder said that he would look into the matter.

Bob Lavoie commented that the word municipality in several sections should be changed to say town. Chair Ebel responded that it was the State wording, but that it could be changed to town. Mr. McWilliams said he would make that editorial change.

It was **MOVED** (Ballin) and **SECONDED** (Cottrill) **TO PUT ARTICLE XXVI Workforce Housing Overlay District on the ballot, as amended including a new Section P:**

The Effective Date of this ordinance shall be July 1, 2009. Contingency: should the New Hampshire legislature enact legislation postponing the effective date of RSA 674:58-61, this amendment to the New London Zoning Ordinance shall not become effective until the date required in any such legislative amendment.

The MOTION was APPROVED UNANIMOUSLY.

PLANNING BOARD PROPOSED AMENDMENT NUMBER 9:

1) Adding a definition of Seasonal Use - changing to read ‘residing in a condominium during the summer or winter seasons.’

It was **MOVED** (Ballin) and **SECONDED** (Conly)**TO PUT PLANNING BOARD PROPOSED AMENDMENT NUMBER 9 ON THE BALLOT AS AMENDED. The MOTION was APPROVED UNANIMOUSLY.**

Chair Ebel then closed the hearing on the zoning amendments and opened the PB’s Business Meeting.

1. Harry Snow – Request to Reduce Amount of Security for the Rocky Ridge Subdivision

Harry Snow, Request to reduce amount of security for the Rocky Ridge subdivision. Harry Snow stated that all the requirements were met, the reductions were for \$17,000, and all the work had been done.

It was **MOVED** (Cottrill) and **SECONDED** (Conly) **TO REDUCE THE SECURITY FOR ROCKY RIDGE SUBDIVISION TO \$17,000. The MOTION was APPROVED UNANIMOUSLY.**

2. Kearsarge Community Center - Concept Site Plan Review for Old Middle School

Larry Ballin stated that he should recuse himself because he was the KCC Board, but Chair Ebel asked him to reconsider because responded that if he recused himself they the PB would not have a quorum. . Larry stated that he felt he could be objective on the matter. .

Chris Lizotte and Eric Palson gave a presentation for the concept site plan review. Eric stated that the focus of the project would be the old gymnasium which would be converted into a theater, which will seat about 217 people. The old stage would be converted into an elevated seating area, with half the gymnasium also converted into raised seating area and the remaining part of the gymnasium will become a flat stage. He said that the basement below which used to be a woodshop would be used by the theater for storing sets, etc. The four classrooms will remain as such and the restrooms will be redone to accommodate children as well as adults. There will be stairs installed and a lift for egress to and from the stage area, as well as installation of exit lights. He said that the shaded areas on the site plan will remain off-limits to the public for the time-being, but would be expanded once the project was successful, maybe two to five years down the road. He went on to discuss the parking necessities, stating that the Community Center will require 112 parking spaces and the theater area will require 82 parking spaces. The third option would be to have 174 parking spaces for the entire complex, but he said that would be excessive as there would not be simultaneous activities occurring (at the theater and the Community Center). He stated that he was not sure if Ken McWilliams had added in the non-

public areas or not and Ken stated that he had not included any future space, only the space that was being proposed.

Ken said that brought him to the second level of this discussion, something that Peter Stanley had raised at the department meeting today: the Town needed to look at the demand for KCC's portion of the building. He added that they also needed to look at how the school district is using the site and how their uses either overlap with KCC's. He stated that the Planning Board needed clarification regarding use by school district and the Community Center, especially regarding and what activities would be taking place and when, in order to have enough parking onsite so that it wouldn't overflow into the surrounding streets.

Mr. Paulson stated that he had spoken with Dan Noyes of the SAU offices. Mr. Noyes confirmed that the SAU office might be moving and would open up 25 spaces. He also said that another issue is the current zoning which would require either a special exception or use variance and that they would like some direction on how to approach that issue. Chair Ebel requested more background information on that issue. Ken McWilliams said that in the Zoning Board Adjustments section of the Zoning Ordinance, is an outline of special exception uses and that the first one listed is for recreational facilities. He noted that as defined, this includes tax-exempt non-profit recreational facility in the R1 district, such as KCC.

Peter Stanly responded that there was enough ambiguity that he would be more comfortable if this was discussed with Town Counsel., especially since the proposal no longer included a gym. Larry Ballin stated that it was multi-use; there was a theater there before (along with the gymnasium). After some discussion, the PB directed Mr. Stanley to ask Town counsel for his view, to relay it to Chair Ebel who would determine whether it qualified for a special exception or would require a variance. She said she'd let Chris Lizotte know of the decision. She then asked how much parking was available onsite now. Eric responded that there were about 148 spaces, including the unpaved spots where people were parking now, but that they would lose about 6 spaces on one side where there is currently parallel parking.

Chris Lizotte stated that no one really wants to park where they will have to come all the way around to get to the entrance and in the long run, the Community Center will want to provide parking near the entrance, but if there is a need for additional parking, that would be the place to have it.

Chair Ebel asked Ken McWilliams if there was anything else from the department head meeting and he responded that they talked about sprinkling the entire building, including the Community Center and the rest of school building. He went on to say that Dave Seastrand was concerned about the public accessing the upper level before that was finished off and they talked about locking doors to prevent access. Ken said that Fire Chief Jay Lyon had a number of comments from the fire department, reiterating support of the idea of sprinkling the entire building, separating the fire alarm panel for the different uses, updating the fire alarm system, emergency lighting, fire doors, stand pipe system/office sprinkler system, and tie into the hydrant off Cooper Court, this was requested by the Water Precinct and could be fairly expensive. He said that Richard Lee and Dave Seastrand both supported the proposed traffic circulation plan presented tonight.

Eric responded that they had called the water precinct and it would be about 1500 feet to connect the two hydrants, and, depending on what type of pipe is used, it could be in excess of \$100 per foot, making it unaffordable and keeping the project from happening. Chris Lizotte interjected that there is a reserved space on the site plan for an elevator in the future and there will be a fund raiser to get the monies needed.

Chair Ebel asked to have the business plan discussed. Bill Dowd, one of the trustees of the Kearsarge Community Center Board, stated that the vision they had was for a community gathering place, that would support four functions: 1) the arts/cultural program, which would absorb the entire first floor of the 1941 building, the old gymnasium, and the stage that was at the rear of the 1941 building; they were going to flip the orientation of the building to have a stage that is the full width of the building and to build up tiered seating that will include the old rear stage area for additional seating; 2) in the main building, there will be an acting/screening room, which will initially be used for some administration rooms and a painting and drawing room; 3) on the second floor, there will be reserved spaces and allocations in the old cafeteria area. The other three programs are basically a broad educational program that could be composed of lectures, session groups, a series of how-to programs on the second floor, and in the basement, woodworking, pottery, glass-blowing, and jewelry classes. The third floor would be a series of wellness classes and possibly an exercise facility for seniors. He said that the hospital and the VNA were interested in offering some programs. Mr. Dowd further stated that several of the meeting rooms will be kept for general purposes and that a commercial kitchen could be incorporated for various events as well as offering cooking programs.

Chair Ebel asked if they were considering membership fees and/or fees for programs. Bill Dowd responded that the principal revenue driver was fees for programs. He said it was uncertain if there would be any kind of membership program, but that it was possible. He added that the lease with the school district was for 55 years at \$1 per year. Under its agreement with the school district that KCC was supposed to meet with the school board to show sufficient funding for renovations. He said that the KCC was originally required to start the renovation work by April 30th. Mr. Dowd said that they have met with the school board and told them they will not be able to meet either of those deadlines and would not have the funding in place, which was about \$3.5 million, for the project. Originally, the project was to be funded with \$2 million in private funding and \$1.5 million with a bond from New London. He said that because of the economy it would be inappropriate to have the Selectmen propose to the townspeople to underwrite and vote for a bond at this time. The \$2 million in private funding is no longer feasible, either, but the KCC proposed a phased approach. He said Phase I was presented tonight -- the renovation of the entire first floor of the 1941 building, including the old gymnasium and stage, plus making some improvements to the leased area overall, like the sprinkler system for the whole property.

On that basis, Mr. Dowd said the KCC is looking to the school district for an extension of time (to August) for the start of the construction period and want to have a ribbon-cutting ceremony in December 2009. They hope to have Christmas performances in the new Performing Arts hall in 2009. He explained that at this time they do have enough money lined up for Phase I. and

those they have reached an oral understanding with the school board to do the project in phases. They will still have to meet with the board on April 30th to submit proof of funding, however.

Chair Ebel thanked Mr. Dowd for his explanation. She said she wanted to clarify for those in attendance that by state statute, the Planning Board acts only in an advisory capacity regarding school district projects, but when, as in this case, a municipal building is being used for a strictly private purpose, the Board has approval authority just like they would over any other private project...

David Kidder stated that the building was an iconic New London landmark. He said that the town had let King Ridge collapse and that he felt the Town should do this project to save this building as it was.

Chair Ebel stated that the first step was to decide if this was a special exception or variance situation. Mr. McWilliams said that if only a special exception was required KCC would not need a referral from the Planning Board. Larry Ballin suggested that if a variance might be needed, the Board should grant a referral tonight so KCC would not have to come before the PB again to get the referral. Chair Ebel said that was a good idea.

Ken McWilliams stated that he thought the Board should set up a process to have a discussion about the parking and other related issues. He suggested a subcommittee, but Chair Ebel stated that unfortunately there weren't enough Board members present to create one that night. She said she'd assign members to the subcommittee after the meeting. She said that they should have two KCC representatives, a representative from the school district and two PB members on the subcommittee. Christ Lizotte said he would be the point person for the KCC group.

It was **MOVED** (Conly) and **SECONDED** (Cottrill)**TO REFER THE KEARSARGE COMMUNITY CENTER GROUP TO THE ZONING BOARD FOR A VARIANCE CONTINGENT UPON FURTHER RECOMMENDATIONS BY TOWN COUNSEL. The MOTION was APPROVED UNANIMOUSLY.**

3. Public Service of New Hampshire (Tax Map 84, Lot 73) Preliminary Site Plan Review: Electrical Substation

Thomas Henaghan presented the proposal to replace the current substation with a larger building to satisfy the demand load as well as to upgrade the 1950s equipment in the current substation, located behind the public works on the south side of the street. The footprint of the current substation is 40x50 feet, located behind the public works garage and adjacent to the wetlands. The proposed new substation footprint will be 70x100 feet. The need for a wider larger station is to accommodate a mobile substation for use in the case of an outage. In addition, the back corner will house a control shelter. There will be an eight foot fence topped with barbed wire for security purposes and two gates to allow vehicular access. The site will be graded very similarly as is currently out there, with a finished surface of gravel and crushed stone. He addressed the Town's concern regarding the wetlands resources by stating that they were proposing two retaining walls, approximately one to two feet high, to maintain the grading without impacting

the wetlands. The other concern was the expansion of the substation encroaching on the dry land and what they propose to do is extend the gravel surface to allow access to the area behind the substation.

He went on to say that they had heard some comments at the department head meeting today that would require some modifications to the layout. One of the issues is a gravity sewer line that goes right through the proposed footprint and the equipment foundation is closer to the sewer line than the Town would permit. In order to have a separation from that sewer line and further protection from encroachment on the wetlands, they propose to set fence quarters on either side and still be able to get around the equipment. The other issue was the placement of the control shelter which they will move in order to comply with the setback requirements.

Tom Cottrill pointed out that the existing substation was closer to the sewer and Tom Henaghen stated that in order to get away from the sewer line (they need to be 10 feet away from the line), they would probably get closer to the existing footprint in those areas. For the gravity sewer, they are about 8 or 9 feet away from that.

Ken McWilliams commented that in the cover letter, they had stated that they would have approximately 600 square feet more of impervious surface coverage than they have currently and that most of this is along the 12 foot gravel access driveway that they are proposing. Ken suggested that they think about some LID technique that they could infiltrate that water into the ground instead of trying to add that to surface storm water drainage system, i.e. some type of infiltration trench. Ken went on to say that the committee appreciated the positive effort to rework the plan that the engineers had put forth.

John Melia wanted to know if the substation was going to be built in essentially the same location as there was an easement onto his property and Tom Henaghen responded yes. Tom asked when they should submit their revisions and Ken responded that the next meeting was Feb. 24th and they needed to submit their plan by Feb. 9th.

4. Wallula Subdivision (Tax Map 33, Lot 16): Concept Subdivision

Ken McWilliams stated that there were three or four changes being proposed that could be considered significant changes: 1) the concept of adding road frontage to lots (lots 3 & 4) and 2) eliminating some of the perimeter common area (lots 1, 8, and 9 and sites 4 and 5). Extending lots to the state highway would eliminate common area between the internal lots and the road and potentially allow for individual driveway access from those lots directly onto the state highway. Eliminating or reducing the perimeter common area by extending lots to the perimeter of the site would allow for development to occur closer to abutters and provide for potentially greater impacts to those abutters. 3) there are a number of lots (13 out of 16) are increasing in lot size and the applicant had indicated at the last Planning Board meeting that they would put in provisions that would not allow more development on those larger lots than what could have taken place on the existing lots, through either building envelope restrictions, covenants, or a combination of those, and the details have not been shown to the Board yet. Ken stated that he

thought that in order for the increased lot size to even be considered not a significant change, they needed to show the Board in detail specifically how they are going to restrict that. Peter Stanley pointed out that there are seven lots that are in the shoreland overlay district and they need to meet all the provisions regarding percentage of lot coverage, undisturbed amount of land within the Natural Woodland Buffer, etc. Some of the shore land lots may be restricted more than the back lots outside the shoreland and be even less developed because of those shore land restrictions. In short, they need to show the Board in detail how that would be managed so that eventually they cannot put up bigger houses, have more impervious surface, and have a greater impact on the land.

Ken stated that the applicant is proposing to extend site 13 to connect with the internal road and in the process they have included a steep slope area as part of that lot. His comment was that he did not see an issue with connecting the drive in that area to the lot, but wondered why they are adding a steep slope restrictive area to the lot. He thought that a steep slope area should stay in the common area as opposed to putting it into part of a lot where it could be more readily developed. He went on to say that there was some question as to that area being a steep slope area and they were re-looking at some of their mapping in order to be able to give the Board more accurate information as to whether some of these areas are not steep slopes.

Steve Jesseman stated that it was suggested that no more area can be disturbed on the lot than was originally shown in the original rectangle on the PUD plan and they didn't have a problem with that. Tom Cottrill clarified that the building footprint stays the same and the undisturbed area stays the same. Dale Conly asked if there is public water, but not sewage and Steve responded that was correct, each lot would place its own septic system. Steve went on to say that the question had come up of ownership of the water frontage and asked Brad Cook to speak to that issue.

Brad Cook stated that most times the State takes fee title ownership of the land underlying the entire road and always has right of way to the road. At Camp Wallula, the State does not own the underlying fee title to the half of the right-of-way on the camp side of the road. Camp Wallula owns that half of the road and the state highway has a right-of-way over that half of the road. Ken McWilliams asked to have something in writing clarifying that.

Chair Ebel asked if the building footprint would go higher and Larry Ballin stated that the Town did not have any volume restrictions, although it did have height restrictions. Tom Cottrill asked if they could make an overlay to the existing map that would show the new suggestion that would be dedicated to the lot sizes, so that they could see the proposed changes. Chair Ebel stated that she thought the Board needed to go through site by site to really understand each site, because it appears that they may be getting into the buffer zone and that would be substantive change that would require PB approval.

Brad Cook stated that no new any new access to Route 114 was anticipated. Nathan Fogg stated that they would be happy to restrict additional vehicular access to Rt. 114. Steve Jesseman suggested going back and laying out the lots again so that the buffer would be included, etc. and it would shorten the discussion about each lot. Chair Ebel suggested that one or two members of the Board work with them as a subcommittee to understand what is going on and make

recommendations to the Board. She stated that she thought that would be helpful to go through each site and review in detail what is happening.

Brad Cook clarified that they would re-establish the buffer, reconfigure the lots to make sense, but not to extend to or allow access to Route 114, and the issues discussed at the meeting would be addressed correctly.

Peter Stanley commented that if they increase the size of the lots to within 250 feet of the lake, they increase the potential amount of impervious surface and he wanted the Board to be aware of the potential impact. Larry Ballin asked if the Board could restrict the amount of impervious surface already intended on those lots and Dale Conly interjected that it would include things like driveways or other impervious surface coverage. Nathan Fogg responded that it wouldn't exclude them, but it would limit them to what would be allowed today with the current lot configurations within that shoreland zone.

Tom Cottrill inquired about restrictions on the types of septic systems allowed and Steve Jesseman responded that they were recommending using the Presby system. Peter Stanley stated that the best choice to use for being so close to the lake was an aerobic system. Steve responded that their only restriction was to use a system that would minimize the impact. Nathan Fogg stated that they had to prove to the State that they didn't exceed a certain amount of sewerage per acreage per day.

Chair Ebel asked Dale Conly and Tom Cottrill to be subcommittee members to meet with the applicant's representatives. She asked Ken McWilliams to attend the first subcommittee meeting and Peter Stanley to attend all subcommittee meetings. She also stated that they were required to have a recording secretary present at the meetings and would have to make arrangements for that. She suggested the daytime recording secretary, Kathy Colby and Steve offered to have his secretary, Lynn Walker, take notes and send them to the Board. It was decided that they would meet on Tuesday, Feb. 3 at 4:00 p.m. at the offices of Jesseman Associates.

It was **MOVED** (Ballin) and **SECONDED** (Conly) to **APPROVE THE MINUTES FROM THE JANUARY 6, 2009 MEETING.**

It was **MOVED** (Ballin) and **SECONDED** (Conly) to **APPROVE THE MINUTES FROM THE DECEMBER 15, 2008 MEETING.**

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Camille Holmes
Secretary, Town of New London

Approved by the Planning Board on _____, 2009

Chair Karen Ebel, Chair