



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

**PLANNING BOARD  
MEETING MINUTES  
Tuesday, January 13, 2015**

**MEMBERS PRESENT:** William Helm (Chair); Paul Gorman (Vice Chair); Michele Holton (Secretary); Peter Bianchi (Board of Selectmen's Representative), Jeremy Bonin; Emma Crane, William Dietrich, and Elizabeth Meller

**MEMBERS ABSENT:** None

**STAFF:** Lucy St. John (Planning and Zoning Administrator), Chris Work (Recording Secretary)

**Call to Order:** Chair Helm called the meeting to order at 7:00 PM.

**Review of Minutes**

The December 16, 2014 minutes were reviewed and one correction requested to page 4: In the 2nd paragraph, 4<sup>th</sup> line, "... simple to flow" should be changed to "simple to follow."

**IT WAS MOVED (Michelle Holton) AND SECONDED (Emma Crane) to approve minutes from December 16, 2014, as corrected. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Public Comment**

There was no public comment on any items not on the agenda.

**Tree Cutting Application**

- Tree Cutting Application for **Brian Byrne**. Property located at 1891 Little Sunapee Road. Tax Map 043-026-000.

Everett Pollard of Northcape Design was present to represent Brian Byrne, who was not in attendance. The property is located next to the dam and boat launch. Mr. Pollard advised board members that Mr. Byrne had received prior approval from the Planning Board for tree cutting in September 2014. He explained the recent improvements to the site included a new house, septic and well. The owner was subsequently contacted by the NH Dam Bureau, who informed him that the property lines as shown on the town's tax map were in error, having something to do with the State Right-of-Way. The owner learned that some of the improvements were now on State property, which the State won't allow. The owner also learned after some further investigation, that indeed his property lines were not as he thought them to be, and the property lines as shown on the Town's tax map were incorrect. Thusly the point system for calculating the

“points” of the tree cutting requirements needed to be recalculated, resulting in the need to revise the initial tree-cutting plan.

Mr. Pollard explained the changes from the September 23, 2014 tree cutting approval compared to the application being discussed now, showing the changes to the grid system and points. Emma Crane and Paul Gorman asked specific questions regarding the diagrams presented, and the replanting scheme proposed. Mr. Pollard responded they would be multi-stem birch trees, which are native to the Sunapee region. Chair Helm then called for a motion to approve Mr. Byrne’s new tree-cutting application.

**IT WAS MOVED (Michele Holton) AND SECONDED (Jeremy Bonin) to approve Brian Byrne’s tree cutting application for property located at 1891 Little Sunapee Road. THE MOTION WAS APPROVED UNANIMOUSLY.**

### **Site Plan Regulations**

Chair Helm referred to some draft language prepared for discussion. The draft amendment would be to replace Article 1 (d) (4) of the Site Plan Regulations with the following wording:

- 4. A change in Use or Layout of non-residential property or Building(s) including changes to the exterior site layout and/or changes to the interior floor plan layout, except Site Plan Review will not be required if:*
- (a) a change of Use and/or changes to the interior floor plan layout occur in a space of less than 1,000 square feet, and*
  - (b) the owner of the property obtains written approval of the Fire Chief as to the adherence of the space to all state and local fire and safety regulations.*

The proposed change deletes reference to a Fast Track Application. The proposed change must be presented at a public hearing prior to adoption, per RSA 675:6.

Chair Helm asked board members for comments regarding the threshold being set at 1,000 sq. ft.

Jeremy Bonin noted that if there is a change of use, the parking requirement changes. If there is a pre-set threshold, this might allow someone to get around parking requirements. He wondered if the Planning Board was shooting itself in the foot. Board members studied the parking regulations on page 35 of the Site Plan Regulations. Four parking spaces are currently allotted for a retail business with 1,000 sq. ft. Mr. Bonin wondered if town would automatically round up the number. Ms. St. John noted that parking requirements are typically included in Site Plan regulations, not the Zoning Ordinance to allow some flexibility in review plans relative to the site and surrounding area.

Peter Bianchi said he wished to clarify that the Planning Board is saying if someone has a non-residential property and wants to change the use or layout, and it’s under 1,000 feet, then the owner does not have to go through a site plan review? What would prevent someone from doing this two or three more times on down the line? It seems like this is open-ended to get around any

site plan requirements. Or would this be a one-time deal? Selectman Bianchi commented that if no site plan or notification to the town is required, no one will know what is going on in non-residential use.

Lucy St. John explained that the property owner would still be required to meet applicable Fire and Life Safety Code requirements. She noted that applicants are currently told they should talk with the Fire Chief. Chair Helm reiterated that the purpose of rewording this amendment is to facilitate the process of making changes to the use or floor plan layout of spaces under 1,000 sq. feet of non-residential property less cumbersome for the general public. They would not be required to provide the town with a site plan or notify abutters of the property.

Selectman Bianchi questioned whether this draft definition would allow a property owner to go from a one-person office to a five-person office? Jeremy Bonin reminded him the owner cannot change the square footage of the property. Chair Helm reiterated that the amendment just concerns the internal square footage. Selectman Bianchi noted that he still had reservations about allowing someone to change from retail space to office space, or vice-versa, without any requirements.

Bill Dietrich asked if someone had a non-residential property of about 5,000 sq. ft. and the owner wanted to make a change to just 900 sq. ft., then later to another few hundred square feet, does that add up to more than 1,000 sq. ft.? Are they making changes in pieces?

Chair Helm suggested the board look at the Galleria as an example. They have multiple offices. So Space A gets changed, and then B, and then C, and then cumulatively you might have five changes that did not require a site plan. Why would the Planning Board care, unless they exceeded 1,000 sq. ft.?

Chair Helm said it sounds like there is concern people would eliminate small uses and combine them in larger spaces.

Liz Meller offered the opinion that this should not be an issue, and if anyone noticed something out of the ordinary going on, they should just inform Lucy so she can investigate.

Selectman Bianchi pointed out there are many situations where parking is tight, and people really try to get around parking regulations. Other than for fire safety, no one would know what was going on. Paul Gorman asked Mr. Bianchi what he would change. Peter Bianchi said there would be notification when there is a change of use, because over time the town could end up not having any idea what is there for non-residential use. He feels the amendment as written could create this possibility.

Paul Gorman commented that he feels it is a waste of the Planning Board's time to listen to site plan reviews for many of these spaces, or when someone just moves his office across the hall. He noted we are putting citizens to some expense and hassle. He asked how the Planning Board could expedite this process and reduce the requirements.

Bill Dietrich suggested that instead of worrying about multiple changes occurring beyond 1,000 sq. feet, the Planning Board could simply say to an owner that in lieu of a site planning review, send a simple statement to the Planning and Zoning Administrator detailing changes being made. She could then have the option of bringing the situation before the Planning Board if necessary.

Selectman Bianchi agreed that some sort of paper trail was needed.

Michele Holton commented that if a town official inspects the property, the town should be covered.

Lucy St. John referred to the draft language, item (b), referring to how fire and life safety concerns would be addressed. Mr. Bianchi said he felt this should not be Jay Lyon's job. He noted that fire safety is a different from building safety. Liz Meller commented that she thought this new amendment would encourage development instead of discourage it – people are changing offices or uses regularly.

John Wilson, a member of the audience, asked if the regulation says a space of 1,000 feet – if someone has a 3,000 sq. ft. office, can that person change only 1,000 sq. feet of it, say if they were increasing their practice? He feels this might allow people to make changes in small steps under the radar, while gaining additional parking.

Chair Helm stated that the Planning Board needs to better define the word “space.”

Mary Beth Angeli, also a member of the audience, offered that she is reading the amendment as saying anything over 1,000 sq. feet would not apply. She agrees changes in use or to the interior under 1,000 feet should not require a site plan review.

Chair Helm said the Planning Board will make some changes to the draft language to address how parking and some of the issues discussed could be addressed. He explained that once the board finalizes some draft language, a public hearing could be scheduled to amend the Site Plan Regulations, but these are not proposed as zoning amendments. He noted that he had not heard from anyone that the board should go to town meeting on the subject of a “fast track application.”

### **Signs – draft zoning amendment language**

Chair Helm commented following the last discussion on this topic several changes were made to the draft text, including suggesting having some uniform sizes such as 6 feet, 20 ft. or 36 ft. The Board members offered other comments:

- ✓ Clarify which signs need Board of Selectmen or Planning Board review/approval
- ✓ Correct some typos
- ✓ Prohibited Sign- remove signs on vehicles.
- ✓ Awnings-remove requirement of need for a structural engineer

- ✓ Peter Bianchi had concerns that so many signs will not require a permit, and he thinks this could be a problem. He feels people do not want to see a mass of signs throughout town.

Chair Helm asked for audience participation in this discussion. Several individuals offered comments including Mary Beth Angeli, Marilyn Kidder, Mark Vernon, Bob Vachon of Colby Sawyer College (CSC) and John Wilson.

Key issues discussed included:

- Real Estate open house sign- one or two, if off-site real estate signs along a main road should be allowed. Some feel unfair advantage.
- Event Directional Sign- what about signs for events not in New London.
- Residential Neighborhood or Name of Development Sign” – suggest one be permitted at each entrance of a development.
- CSC- The college is looking to develop their brand and 2” x 3” foot signs will not do what they need them to do, brick entrance signs, decorative banners, banners used on their property and number of flagpoles permitted.
- Concern that there are more and too many already signs in New London. Dr. John Wilson, of New London, noted that when he came into town in 1971, people were already complaining about the number of signs in town. He thinks there are many more sign in town now. Marilyn Kidder commented that she agrees the size of signs should be kept simple, but she also wanted the board to know she was on the side of fewer signs in New London.
- Illuminated “during the hours of business” - how the town could enforce that rule since many businesses are illuminated after business hours.
- Concern about how these regulations were going to be received by the general public.
- Enforcement
- Retaining wall signs
- Prohibited Signs: it says that any sign not mentioned in the ordinance is prohibited.

**Overlay Districts**

Chair Helm explained that the Natural Resources Protection draft overlay district is an attempt to streamline and to address the issues from a more comprehensive perspective, as each of the current overlay districts need some attention. A map displaying the overlaying four districts was displayed. Chair Helm’s first question to the group tonight was how they felt about having one resource overlay district instead of four?

Lucy St. John said that one of the reasons for doing this is that the town has various maps with different data sets and different boundary maps, and many people come in to look at the maps and find it overwhelming. She felt the board could look at this from a resource protection perspective.

The report prepared by Conservation Commission Water Resources Working Group was mentioned. Staff will provide a copy to the new Planning Board members. This report was discussed last year during the zoning amendment process.

Selectman Bianchi said his first impression is that the town is trying to put everything in one big category and this would be as confusing, if not more, than leaving the various overlay districts as they are. Why not address the contradictions, he asked. He felt it would be cumbersome to mix them all together. He said he was not opposed to clarifying what the town already has. He noted there are different setbacks in different districts, but agreed consistency does need to be addressed. Mr. Bianchi felt one district might not have anything to do with the other and combining them could contribute to the confusion.

Chair Helm responded that the purpose here tonight is to give staff direction. Jeremy Bonin indicated that he thought the idea of consolidating the map was a good one, but it might be too unwieldy to meld all the districts together. He suggested instead the board go through the four subsections to determine where the inconsistencies are. Paul Gorman suggested the board articulate common ideas that cut across all these districts so that people could see there are certain general principles, and that some are specific to each district. Mr. Bonin felt there should be a chart for setbacks for each district as opposed to having to go to multiple maps and documents to find this information. Bill Dietrich agreed that people should not have to flip through various documents to get the information needed. He asked if the town has any areas where districts overlap, and Lucy answered in the affirmative. Mr. Dietrich recommended we make a note of that also.

Michele Holton stated that she agreed with Mr. Bonin and Mr. Dietrich. Liz Meller said she just follows the septic systems and found in one area they are permitted, and not in another, but the rules in each district are totally different. She also asked about wetland provisions and the streams and wetland map. She asked what wetlands are protected by the Zoning Ordinance. Lucy St. John agreed that the board needs to make clear that all wetlands are not shown on this map. However, even if they are not shown on the map, they still warrant protection and may be subject to NHDES State wetland provisions. Individual site specific wetlands currently do not have a defined buffer per the current zoning ordinance provisions. There are inconsistencies between the maps and ordinances, and they need to be corrected.

Mark Vernon said that, as a citizen, he would support anything that can be done to simplify and clarify regulations.

Staff noted that the Conservation Commission asked the Planning Board to discuss and clarify the boathouse/seasonal canopy issue and address camping on Town property. Chair Helm replied that camping is really a Town policy issue that is a matter for the Board of Selectmen to handle.

Chair Helm stated that seasonal canopies are currently not addressed in our regulations. This topic can be addressed at another meeting, but won't be addressed this evening.

Will Kidder recommended that the overlay districts be kept separate.

John Wilson noted that he lives on a lake with a protected stream and he does not want to see shoreline protection tinkered with. The Master Plan says we are one of three towns who adopted these provisions, but these towns are not all in agreement. Dr. Wilson felt New London has the best shoreline protection right now. He said he is strongly in favor in keeping the four overlays, but he does see the conflict in them. His recommendation is to eliminate the inconsistencies, and don't mix everything into one Article. Simplify, make them more consistent – that's important. He pointed out that wetlands and streams are a lot different, and each has unique aspects.

Chair Helm thanked everyone for their comments. Ms. St. John noted the intent is not to water down the ordinance. There are many inconsistencies and ambiguous language, so those will need to be clarified. Chair Helm noted that he hears the board saying a combined approach is worth looking at, but to be careful that it does not throw out the original intent.

The board discussed the maps and the need for clarification. The board should also discuss what resources should be shown, as all the streams are currently not on the map, nor are all wetlands shown on the map.

### **Meeting Schedule**

Chair Helm discussed the meeting schedule and need to consider amending the schedule to accommodate the zoning amendment public hearings. He suggested the March 10<sup>th</sup> meeting be changed to March 3<sup>rd</sup>. The Board agreed to cancel the March 10<sup>th</sup> meeting and reschedule it to a March 3<sup>rd</sup> meeting date. The Planning Board meeting calendar will be amended.

### **Training Opportunities**

Lucy St. John noted that she had sent board members e-mails about some upcoming workshops/training opportunities. The town will pay the cost for board members to attend. She also informed the board of webinars and encouraged board members to take advantage of them.

### **Motion to Adjourn**

- Motion to Adjourn was made by Bill Dietrich and seconded by Michele Holton. Meeting was adjourned at 8:50 PM.

Respectfully submitted,

Chris Work  
Recording Secretary