



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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NEW LONDON PLANNING BOARD

Regular Meeting

Tuesday, January 3, 2017

6:30 PM

**PRESENT:** Paul Gorman (Chair), Bill Dietrich (Vice Chair), Janet Kidder (Selectmen's Representative), Tim Paradis, Jeremy Bonin, Casey Biuso (Alt), Marianne McEnrue (Alt) and Joseph Kubit (Alt).

**ABSENT:** Michele Holton and Liz Meller.

**OTHERS IN ATTENDANCE:** Joe Cardillo, Steve Root and John Wilson.

**APPOINTMENTS:** Chair Gorman appointed Casey Biuso to replace regular member Michele Holton. Chair Gorman appointed Marianne McEnrue to replace regular member Liz Meller.

**CALL TO ORDER:** Chair Gorman called the meeting to order at 6:30 PM

**REVIEW OF THE MINUTES:**

- ✓ **Motion to APPROVE the minutes of the regular meeting of the Planning Board on November 1, 2016.**

Chair Gorman stated the need to amend the minutes of the Soo-Nipi Hollow Blueberry Farm on King Hill Road, concerning the condition related to the dry hydrant. He went on to remind the Board that they had discussed this condition at a previous meeting (as the Notice of Decision was amended at the Dec 6, 2016 meeting) and had agreed to withdraw the conditions pertaining to the dry hydrant.

- ✓ It was **MOVED** (Marianne McEnrue) and **SECONDED** (Bill Dietrich) to approve the minutes as amended to remove the condition related to the dry hydrant. The motion was **APPROVED UNANIMOUSLY**.
- ✓ **Motion to APPROVE the minutes of the regular meeting of the Planning Board on December 6, 2016.** It was **MOVED** (Jeremy Bonin) and **SECONDED** (Janet Kidder) to approve the minutes as presented. The motion was **APPROVED UNANIMOUSLY**.
- ✓ **Motion to APPROVE the minutes of the regular meeting of the Planning Board on December 13, 2016.** Janet Kidder noted that Dan Bruzga name in incorrectly spelled on page 2 (Dan Bruega) and made motion to correct the spelling. It was **MOVED** (Janet Kidder) and **SECONDED** (Jeremy Bonin) to approve the minutes as amended. The motion was **APPROVED UNANIMOUSLY**.

- ✓ **Motion to APPROVE the minutes of the Sign Subcommittee meeting of the Planning Board on December 28, 2016.** It was MOVED (Janet Kidder) and SECONDED (Marianne McEnrue) to approve the minutes as presented. The motion was APPROVED UNANIMOUSLY.
  
- ✓ **Motion to APPROVE the minutes of the Accessory Dwelling Unit Subcommittee meeting of the Planning Board on December 29, 2016.** It was MOVED (Marianne McEnrue) and SECONDED (Janet Kidder) to approve the minutes as presented. The motion was APPROVED UNANIMOUSLY.

**PUBLIC COMMENT:** The Chair may allow public comment for items not listed on the agenda and may limit the amount of time for public comment. None.

**Petitioned Zoning Amendment to Change Zoning District Boundaries** located on the Northerly end of Main Street zoned R-1 Urban Residential be rezoned Commercial.

Chair Gorman stated a petitioned zoning amendment was received by the Town as noted on the agenda. The Planning Board must set the date of the public hearing, and following the public hearing the Board will vote either to support or not support this. The Board set the date of the Public Hearing to Monday, January 23, 2017.

Chair Gorman noted that if a 2nd public hearing is anticipated, the last day to hold the first public hearing is Monday, January 23, 2017 and Monday, February 6, 2017 is the last day for the Planning Board to hold a final public hearing (if a 2<sup>nd</sup> public hearing is held). Thusly the Board set January 23, 2017 as the date of the first public hearing, and reserved February 6, if a 2<sup>nd</sup> and final public hearing is to be held.

**Zoning Amendments and schedule public hearing date(s).** The Board will finalized the proposed zoning amendment language at this meeting and set the date of the Public Hearing(s) for:

**Signs -zoning amendment**

Chair Gorman described the Sign Subcommittee membership, which included Janet Kidder, Liz Meller, and himself, expressing his appreciation for the hard work of the subcommittee and staff in constructing the proposed amendment. He went on to further discuss the issues that the Committee had faced, which include conforming to a US Supreme Court Decision, Reed v. Town of Gilbert, Arizona, which held that all signs must be content-neutral. He noted that the Sign Subcommittee meetings a couple years ago were well attended, but the current Sign Committee meetings were not well attended. He stated the underlying desire of the Town to remain a traditional New England Town. He detailed the amendment, highlighting certain sections for the Board.

Marianne McEnrue inquired regarding the prohibition of banners. Much discussion was had among the Board regarding banner, noting potential safety concerns such as distracting drivers, how and where a banner would be posted, citizens input in the past, and Joe Cardillo's recent email to the Board.

Chair Gorman recognized members of the public and asked for input.

- ✓ Joe Cardillo, a member of the public, noted that he is not a member of the Chamber of Commerce, referring to the email correspondence (Dec 15, 2016) provided to the Planning Board regarding signs/banner. Much discussion was held between Joe Cardillo and the Board Members regarding issues such as sign placement, message conveyance, and discretionary regulations over certain entities, as well as the timing of input regarding the proposed sign amendment language. He referred to a time, a few years back when numerous American flags were posted on Main Street, and how other communities have banners and other celebratory/event banners and signs. Chair Gorman extended an invitation to the Chamber of Commerce to attend the Zoning Amendment Public Hearing on January 23, 2107.
- ✓ Steve Root, a member of the public, asked the Board about language regarding political signs. Chair Gorman noted that the Planning Board was advised not to specifically address this issue or include it in the text, as political signs are addressed under the State Statutes (RSAs) and is complicated by the issues of freedom of speech.

The Board and staff reviewed changes to the draft language including:

- ✓ Signs Lit Internally will be included in the Section under Prohibited Signs, with the exception for emergency situations or emergency facilities or as permitted by the State. And will not include any reference to a Conditional Use Permit, as no conditions are included. The Board discussed several scenarios in which internally lit signs would be used, as well as the definition of internally lit signs. The Board noted that existing nonconforming internally lit sign would be allowed to continue, as they are existing nonconforming signs.
  - ✓ Discussed the current provisions of (d)- Signs Not Requiring a Permit (d,2.and 3), and how the proposed new sign language will be addressed, content- neutral, said signs are now included in the proposed language- Signs Not Requiring a Permit (a).
  - ✓ Added a comma, in the paragraph regarding signs in the Institutional District, so it would then read "internal to the said land, shall not need Planning Board approval".
  - ✓ Any time within the Amendment the words "content neutral sign" came up, that "content neutral" should be hyphenated, therefore reading "content-neutral sign".
- ✓ **Motion to approve and include the changes discussed this evening, and post the proposed Zoning Ordinance sign amendments for the Planning Board public hearing on January 23, 2017.** It was MOVED (Chair Gorman) and SECONDED (Bill Dietrich). The motion was APPROVED UNANIMOUSLY.

#### **Accessory Dwelling Units (ADUs)- Attached Only zoning amendment**

Chair Gorman indicated that since the last ADU subcommittee meeting, the proposed zoning amendment language has been amended, and he asked Jeremy Bonin, Subcommittee chair to provide an overview of the proposed zoning amendment language, including that an ADU shall not exceed 1,000 square feet. Jeremy Bonin spoke about the efforts taken, as well as the reasons

for said revisions, which boiled down to creating clarity to readers, as well as enabling a more streamlined process in terms of reviewing proposals for ADUs.

Marianne McEnrue inquired regarding the definition of an ADU, in which it shall not exceed 1,000 square feet, and whether the decision was made previously to drop the language "gross living area". Much discussion was had among the Board Members regarding their rationale for keeping it at 1,000 square feet, maximum. The purpose is to keep it simple and straightforward. The Board noted that there are other definitions in the Zoning Ordinance which will need to be revisited in the future, when the Board takes a more comprehensive review of the Zoning Ordinance in relation to the Master Plan, and updating both, which will hopefully happen in the next couple of year.

Chair Gorman recognized members of the public.

- ✓ Steve Root reiterated several comments/concerns from his previous correspondence to the Board and offered some additional comments including:
  - Inquired about changing "dwelling unit" to "dwelling"
  - Septic systems, Article II, # Sanitary Protection (8, c), his concerns regarding current "hip pocket design" regulations that allowed for existing septic systems to be left in place until they failed, and argued that ADUs are a more compelling case to require the improved septic system.
  - Suggestion to include ADU in the definition of Accessory Building
  - Suggested several other editorial comments
  - Administration of the Conditional Use Permit, and correct citation to the new ADU law of RSA 674:71 to 73. Suggested the word "Ordinance" should be replaced with the words "section of the Ordinance", to create greater clarity and specificity. This led to the decision to also change the word "Article" under Number 4, to "section".
  - Where the definition of ADU should be placed in the Ordinance. The Board noted that the definition of ADU would be included in the ADU provisions and in Article III, Definitions.
  - Questioned the Board regarding the maximum amount of people permitted to reside in an ADU, and argued that the language was vague, because someone could argue this allows more persons without a limit within an ADU. A dialogue was sparked regarding the provision and how it states under 5(i) that "An ADU shall conform to the requirements of a Single Family Dwelling", which would therefore encompass the limit of five unrelated persons permitted to reside within the structure.
- **Motion to approve and include the changes discussed this evening, and post the proposed Zoning Ordinance ADU amendments for the Planning Board public hearing on January 23, 2017. MOVED (Jeremy Bonin) and SECONDED (Marianne McEnrue). The motion was APPROVED UNANIMOUSLY.**
- Other housekeeping measures (no substantive changes) zoning amendment. The Board discussed that the Article II, General Provisions, Sanitary Protection will be renamed as previously discussed, Individual Sewage Disposal System.

**FUTURE MEETING DATES:** The Board discussed changes to the meeting calendar. Staff will update and post the amended calendar.

- ✓ Jan 10, 2017 meeting cancelled, as this was a placeholder for the ongoing- zoning amendment discussions.
- ✓ Jan 17, 2017 meeting cancelled, as this was a placeholder for the ongoing- zoning amendment discussions.
- ✓ January 23, 2017 (Monday) - Regular Meeting and Public Hearing on the proposed zoning amendments. To be held at Whipple Memorial Hall at 6:30 pm.
- ✓ January 24, 2017- Regular Meeting
- ✓ January 31, 2017 – Meeting Cancelled.
- ✓ February 6, 2017 (Monday) - Regular Meeting and Zoning Amendment Public Hearing, if a 2<sup>nd</sup> Public Hearing for the proposed zoning amendments is needed. To be held at Whipple Memorial Hall at 6:30 pm.
- ✓ February 14, 2017- Meeting Cancelled.
- ✓ February 28, 2017- Regular Meeting.
- ✓ March 14, 2017- Meeting cancelled, as this is the Town voting day and Town Meeting is the following day.
- ✓ March 21, 2017- Regular meeting added to the calendar (instead of March 28 meeting)
- ✓ March 28, 2017- Meeting Cancelled
- ✓ April 11, 2017- Meeting Cancelled, Board will set April and other meeting dates at another meeting.
- ✓ April, 29, 2017- Meeting Cancelled, Board will set April and other meeting dates at another meeting.

Refer to the Planning Board Meeting Schedule and the Town's website for updated meeting information. Next meeting scheduled for January 23, 2017- Zoning Amendment Public Hearing at Whipple Hall at 6:30 p.m.

**MOTION TO ADJOURN the meeting at 8:14 PM. IT WAS MOVED (Marianne McEnrue) AND SECONDED (Bill Dietrich) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY.**

Respectfully submitted,

Victoria O'Connor  
Recording Secretary  
Town of New London, NH