



TOWN OF NEW LONDON, NEW HAMPSHIRE

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PLANNING BOARD DRAFT MEETING MINUTES Tuesday, October 14, 2014 7:00 PM

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

MEMBERS ABSENT: Emma Crane

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 and asked Elizabeth Meller, Alternate, to sit in for Emma Crane.

Review of Minutes September 9, 2014 (Work Session), September 23, 2014 (Regular Meeting) and September 24, 2014 (Regular Meeting continued from September 23, 2014)

Board members agreed to defer approving the minutes until the next meeting, as there wasn't enough time to review them prior to the meeting.

Public Comment

Chair Helm invited public comment about any items not already contained in the agenda, and there were none.

Tree Cutting Application

- **Charles and Cynthia Lawson. Property located at 1549 Little Sunapee Road. Tax Map 030-007-000.**

Chair Helm noted that he and Lucy St. John had discussed earlier in the week whether it was necessary for petitioners to show up at a meeting just to cut down one single tree, and they both agreed it was not. Chair Helm then called for a motion.

MOTION WAS MADE (Peter Bianchi) AND SECONDED (Liz Meller) to grant permission for the Lawsons to cut down the dead tree located on their property. THE MOTION PASSED UNANIMOUSLY.

Other Business

- **Invoice from Clough Harbor Associates (CHA).** Lucy St. John explained the invoice in the amount of \$2,660 has been received. This was for the review of the Cherry Hill Subdivision plan (approved on Sept 24, 2014), as requested by the Planning Board during the review of the Subdivision application. She asked the Board to acknowledge receipt of the invoice and to authorize payment of the invoice.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Liz Meller) to authorize payment of the invoice. THE MOTION PASSED UNANIMOUSLY.

- **CIP Process- Tour of New London Police Station.** Lucy St. John reported that there has been some interest expressed in having board members tour the Police Department before the next CIP meeting scheduled for Thursday, October 23 at Whipple Hall. A tour of the Police Department was scheduled for Thursday, October 16, at 8 AM.
- **CIP- Update on next meeting and other information.**
 - The next CIP meeting is scheduled for Thursday, Oct 23 at 8:30 a.m. at Whipple Hall. Staff will prepare a summary/table of the project information presented to date. It was noted that the CIP meetings have generated some good discussion and other ideas for consideration.
 - Chair Helm would like to make some progress at the Oct 23rd CIP meeting because the Budget Committee meetings begin on October 29 and they will be interested in the Planning Board's recommendations.
 - Paul Gorman said he was struck by the process of deciding if we have to do something now and pay for it, or if it's better to kick the can down the road and let someone else do it.
 - It was discussed that both the Budget Committee and Board of Selectmen have the responsibility to continue discussion on how to fund the projects.
 - Liz Meller mentioned that a current issue is the lack of public parking spaces in town. She also noted that additionally both the Police and Fire departments feel they need more space. It was noted that the Kidder Building is currently for sale and parking may be less available once a new owner comes in.
- **Forest Laws for Municipal Officials Workshop.** Lucy St. John referred to the agenda attachment list, and noted that pre-registration is encouraged for the upcoming forestry workshop.
- **Schimberg property. Tax Map 135-004-000. Located at 196 Pike Brook Road.**

Ms. St. John explained that the Conservation Commission had received complaints about the tree cutting and vegetation that has been cut on the property. The Planning Board approved the cutting of one dead tree on August 26th. The Schimbergs had also received a State Shoreland permit. Ms. St. John visited the property on Tuesday, Oct 14th with Deb Langner, the Town Health Officer. The Town Health Officer was very familiar with the property, having witnessed a test pit and her familiarity with the area. Ms. St. John explained that that more than one tree has been cut down. Some of them may be in the waterfront buffer and in the streams buffer area. She noted that she had not seen the site prior to the cutting so could not attest to what was there before the cutting, however it appeared that a considerable amount of underbrush was removed, some of which is in the area of the septic system. Ms. St. John referred to the language in the Zoning Ordinance, regarding "normal trimming, pruning and thinning" and asked for clarification of "what is normal". The area of the lake and stream high water mark was also questioned.

Ms. St. John asked the Board how they wanted to address the concerns and complaints raised. She noted that there are still plenty of trees and vegetation on the property. Chair Helm asked

Ms. St. John to contact the owner and or his representative and ask that they attend the October 28th meeting. Lucy St. John noted that one really needs to walk around the property to see the tree stumps and vegetation removed, as a photograph doesn't really capture the vegetation concerns.

Home Business Site Plan Application for Pierre Bedard Land Use Consulting Business. Owner, Ann Beardsley Bedard for Ann Beardsley Bedard Trust. Located at 810 Bunker Road, Tax Map 077-003-000. Applicant proposes to use an existing garage for a Land Use Consulting Business

The application was deemed complete and is not considered a project of regional impact. Peter Bianchi noted that he had already seen the site. Ms. St. John noted that she had also visited the site, and referred to the staff report.

Pierre Bedard presented the plan, and photographs of the site were displayed. Mr. Bedard pointed out that the office is above the garage and access will be through the stairs on the outside, and he can access the garage from inside the house as well. He discussed the view easement and the access to the lot next door (owned by Ann Bedard).

Mr. Bedard said that he is required to have 1.65 parking spaces on the property based on the size of his office, but he has dedicated three spaces for parking. He stated that there is adequate parking area along the driveway. Mr. Bedard indicated he was aware that two abutters of this property had expressed concerns about allowing the business on a residential property, and asked to read a statement into the record. *I would like to read the following statement to address some of the abutter concerns that the board received.*

I have been in business for 27 years. Other than my current temporary location of the past 7 months, my offices have always been located at my home property. I do not have a large business nor do I intend to expand my business. I do hope to keep working full time for several more years and part time thereafter for as long as I can.

Archived plans and client information folders will occupy much of my office space. I am frequently asked for information on a particular property for which we have survey plans, boundary research, septic system plans, and various permits. These requests are frequently sent via email, phone, or US Postal Service. The nature of our business does not require frequent office visits by clients and others. Although I have not kept track of visits to my office, I would say that on average, there are not more than 5 visits a month by clients, contractors, engineers, colleagues or others needing service or information. The visits usually last less than 10 minutes. Most of my direct contact with clients is usually at their property to discuss their needs and allow me to evaluate the work and provide input. My office will be set up, as it is now for producing our work product with very little dedicated space for client conferences.

Although our site plan shows three off street parking spaces that meet the requirements, there is room for three or more additional parking spaces. They exist along the side of the driveway and in front of the garage. Under the site plan review regulations, we are required to have 1.65 or 2 spaces. Although there is concern about on street parking for safety reasons, we have provided ample room to avoid this situation for the business. There is ample room for vehicles to turnaround in front of the garage and along the driveway.

I might note that often there are landscape vehicles with trailers at our neighbors property parked on Bunker Rd that reduces the traffic to one lane, often in front of our driveway. I would think this would be a safety concern that occurs on more regular basis than any remote chance that we would have six or more visitor vehicles at our office.

I included a sign to our site plan, as it is an allowable request for a home business. Our proposal is for a 2 square foot sign. According to the sign regulations, a 4 square foot sign is allowable. It seems that many GPS programs including my own puts our address location at the upper end of Bunker Rd closer to Pleasant Street. This electronic misinformation is confusing. I am aware of several home businesses with signs in residential neighborhoods. Among them are:

1. Michael Todd, Attorney at Law;
2. R Wendell Phillips, Architecture;
3. George Chait Construction and Burpee Hill Cabinets;
4. Country Cats;
5. Crozier & Crozier Orchids;

I was not trying to deceive this application submittal by noting that the garage was an existing structure. Yes, its construction occurred over the last several months. I was stating fact. The garage is shown on our septic system design, shoreland permit, and building permit applications, which have all been reviewed and approved by the town.

Thank you for your consideration of this application. I hope that I have addressed and allayed the concerns of our neighbors.

Chair Helm thanked Mr. Bedard for his presentation. Chair Helm then reviewed the specific criteria which must be addressed for a home business, page 16-17 of the Zoning Ordinance. He asked Pierre if he had no more than two non-resident employees, and Pierre answered in the affirmative. Chair Helm noted the size of Mr. Bedard's proposed sign would be approved. Chair Helm observed that there would not be excessive traffic if Mr. Bedard expected no more than 10 customer visits per month. There is only one company vehicle. The business would be conducted within the structure and does not exceed the square footage of the liveable area, which is about 18%. Mr. Bedard does not do outside work or use heavy equipment. Nuisance provisions regarding unnecessary noise would not apply. No activity taking place that would interfere with TV reception. No classes being held on the property. The business is compatible with residential use. Chair Helm cautioned that the business should not detract from the residential character of the neighborhood. He told Mr. Bedard that if he anticipated making any changes, he would have to come back before the board, but at this time, it appears everything is in order.

Public Hearing Opened:

The Board acknowledged receipt of the letters from Ron and Mary Rakow of 828 Bunker Road and the letter from Robert and Kathryn Ruggles of 823 Bunker Road.

David and Beverly Payne were in attendance. Mrs. Payne asked if she could assume that everyone had read the letters from the Rakows. She feels they presented an appropriate case. In addition, Mrs. Payne is challenging the plans for outdoor lighting, which she and her husband have concerns about. Mr. Bedard said there would be a light at the entrance to the garage and other outside lights on the house. Mrs. Payne clarified that this would basically be just house lighting, and Pierre said yes.

Mrs. Payne mentioned the executive summary refers to the garage as an “existing” garage, but she said the building of the garage is still in progress. Chair Helm commented that this was really a question of semantics. Both Mr. and Mrs. Payne said they want to make sure there is no parking on the street, and they are asking the board to address that issue. They also have problems with a business sign being displayed. The Paynes said they live in a residential area. If Mr. Bedard wants to have a private home-type of sign, that would be fine, but the abutters have a great deal of opposition to a business sign. Mr. Bedard replied that at his previous residence on Andover Road, he did not have a business sign, and it was a problem for people to find his office. He does not want the same problem at the new location.

Michele Holton commented that she has been a realtor for over 20 years and she could only recall one instance when she had to visit Mr. Bedard at his office. Mrs. Payne responded that since he has so little traffic to the house, Mr. Bedard should not need a sign. She feels a small sign that says BEDARD – 810 on it would be sufficient. Michele Holton asked Mr. Bedard what he would like his sign to say. Mr. Bedard said he’d like his business name on it, and that it would have to be visible to people driving by. Mr. Bedard noted that many residents have family name signs up on a six-foot pole. Mr. Bianchi concurred, saying that he had such a sign at his home. He indicated he would be concerned if Mr. Bedard wanted a flashing sign, but Pierre is just asking for a size comparable to anyone else’s home name sign. Mr. Bianchi did not see why a sign saying “Bedard Associates” with his street address on it would be objectionable. Michele Holton agreed, saying if Mr. Bedard complied with all the regulations, it stands to reason he should have his business name on the sign.

Mr. Payne said he knew Mr. Bedard had a right to put up such a sign, he just wishes he wouldn’t. Chair Helm confirmed Mr. Bedard had a right to post a business sign. He suggested the Paynes and the Bedards chat more about this privately, because the board cannot deny Mr. Bedard’s request for a sign. Mr. Bedard asked the Paynes if he put his name, with “LLS” (Licensed Land Surveyor) after it, on the sign, would that work. The Paynes said yes. Chair Helm emphasized that this is not anything the Planning Board can act on.

Public Hearing Closed.

Lucy St. John referred to the comments included in the staff report, and some additional concerns she had shared with Pierre Bedard since visiting the site.

- The need to address potential safety concerns about driving over the concrete slab bridge which is part of the driveway. This needs to have some guard rails, as this is a safety concern and may be an issue for your home and business insurance.
- The existing vegetation along the driveway, provides some nice screening to the property uphill of your site (Tax Map 077-002-000 Rakow). Considering they are looking down into your site and how this existing landscape buffer be maintained. She noted this was an issue when discussing the Marshall property on Elkins.
- The view easement, and what you have done to be sure it is “maintained” as a view easement.
- Sign complies with the Ordinance.
- Parking along the driveway, and having adequate room to turn round without backing out into the road.
- Questioned where does everyone park? Bunker Road is a winding road, with few opportunities to turn around, and some parcels have very limited parking areas.
- Pierre had stated that his neighbors often have landscape services, and these vehicles block the road.

- The Board may want to limit further expansion of the area used for the home business office.

Mr. Bedard responded that when they were in the early stages of planning the house, a guard rail was not a priority, but he acknowledged having a fence/rail in that area would be a good idea.

The vegetation along the Rakows' view easement was briefly discussed. Mr. Bedard says the easement allows the Rakows to view the lake and they have a horizontal and vertical limit, and every five years they are required to let the Bedards know when they are doing any cutting.

Lucy St. John observed that many people have visitors to their homes, and Bunker Road seems to have parking issues already. She felt that Mr. Bedard had sufficient room to accommodate his customers' parking needs.

Chair Helm outlined some ideas as conditions for an approval:

- Hours of operation of the business must be 8 AM-5 PM, Monday through Friday
- No clients will be allowed to park along Bunker Road
- Three parking spaces will be reserved for visitors or customers
- The existing vegetation will be maintained within the conditions of the view easement
- The Bedards will install a guard rail along the ridge of the driveway within the next 12 months

After further discussion among board members, it was agreed that the limitations contained in the view easement should be enough reason to remove the condition regarding vegetation since putting in a home business would not really change anything.

MOTION WAS MADE (Jeremy Bonin) AND SECONDED (Michele Holton) to allow Pierre Bedard to open a land use consulting business at 810 Bunker Road, on the top floor of the existing garage, with the following conditions:

1. Hours of operation shall be from 8 AM-5PM;
2. Clients of the business will not be allowed to park along Bunker Road;
3. Three (3) parking spaces will be reserved on the property for visitors/clients of the business;
4. A guard rail shall be installed on both sides along a section of the driveway over the area which drops off, within the next 12 months. THE MOTION PASSED UNANIMOUSLY.

Other Business

Zoning Ordinance (ZO) Amendment Discussion: The Planning Board acknowledged that sections of the Zoning Ordinance need to be clarified. The discussion focused on the definition of family, student population, how to address unrelated people and the number of unrelated persons, census definition, provisions related to Fire and Life Safety Code definitions and the letter sent to Sandra Rowse regarding the definition of family. Some of the definitions include terms that are not clear, for example domestic servants and legally related. Discussed the Town of Hanover's rental housing provisions related to three (3) unrelated persons.

Lucy St. John noted that the word family is used several times in the ordinance, and if changed, this may necessitate the need for other amendments. She suggested that the word household or occupancy be discussed as well. Peter Bianchi noted that Bob Messer has long rented a large house with rooms to people on the low end of the totem pole in the Town of New London, and that has served a real purpose. He noted that one of the Board of Selectmen's concerns is the amount of parking in front of a residential home, citing the houses along Seamans Road. There

are cars parked on the lawns and on the side of the road, and the town has no rules to restrict it. Selectman Bianchi said he did not think it was the town's responsibility to do bed checks.

Chair Helm asked Lucy St. John to get copies of current zoning ordinances for Henniker, Plymouth, and Hanover, and provide copies of these ordinances to Planning Board members. She was also asked to contact Jay Lyon, Fire Chief, to get his input related to Fire and Life Safety Code issues and definitions. Michele Holton noted that the board has to be careful in restricting numbers of people in the house if there are a certain number of bedrooms in the houses.

The Board then discussed the definitions related to accessory uses/structures noting these need to be clarified. Two words difficult to define are "use" and "structure." The board needs a good definition for "accessory use" and "accessory structure." Jeremy Bonin noted that a building is a structure. Questions arose about what constitutes an "accessory" use? Would it be a home business? What is an "accessory" structure – a garage? Staff will provide examples of zoning language on this subject, from other communities including Hanover and Andover.

➤ **2015 Planning Board Meeting Schedule:**

Lucy St. John will prepare a draft schedule for discussion at the next meeting.

➤ **Other Business:**

Signing mylars for Kozain and Cherry Hill Subdivisions. Discussion if the whole Board or just the chair needs to sign the plan. Selectman Bianchi confirmed that usually the whole Planning Board signs the mylar. Chair Helm asked staff to review this issue with the Town Administrator. Ms. St. John commented that the plan would be available for signing at the Oct 23rd meeting.

Motion to Adjourn

Motion to adjourn made by William Helm and seconded by Michele Holton. The motion passed unanimously.

Meeting adjourned at 8:20 PM.

Respectfully submitted,

Chris Work, Recording Secretary
Town of New London