



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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NEW LONDON PLANNING BOARD
MEETING MINUTES
Tuesday, November 3, 2015

Work Session Meeting

PRESENT: Bill Helm (Chair), Paul Gorman (Vice Chair), Michele Holton, Bill Dietrich, and Jeremy Bonin, Elizabeth Meller (Alt.) and Marianne McEnrue (Alt.)

ABSENT: Janet Kidder (Selectmen's representative) and Tim Paradis.

OTHERS IN ATTENDANCE: Robert H. Scott of South Cove Road, Steve Root of Job Seamans Acres, Jack and Pat Sheehan of Checkerberry Lane, John Wilson of Lamson Lane, Dale Conly of Little Sunapee Road, Charlie & Carol Foss of Camp Sunapee Road, Deb & Peter Stanley of Burpee Hill Road, Sue Andrews of Pleasant Street, June Fichter from LSPA and Jeff Hollinger of Bunker Road.

CALL TO ORDER: Chair Helm called the meeting to order at 6:30 pm.

Approval of Minutes

William Dietrich suggested a couple editorial corrections.

IT WAS MOVED (Paul Gorman) AND SECONDED (Michelle Holton) to approve the minutes of October 6, 2015 with corrections and to approve the minutes of October 20, 2015 as presented. THE MOTION WAS APPROVED UNANIMOUSLY.

Public Comments: No public comments.

Zoning Amendment Discussion – Shoreland Overlay District, Article XVI

Chair Helm commented:

- ✓ The goal of the Board is to simplify and clarify and not to change the meaning of Article XVI, Shoreland Overlay District.
- ✓ He referred to the comments previously submitted by John Wilson and the draft prepared by staff for tonight's discussion.
- ✓ That both the Planning Board and ZBA have found the Ordinance, and in particular these provisions difficult to read and many sections are incorrectly cross referenced, and simply do not make sense.
- ✓ Discussed the need to review the Subdivision Regulations as they are specifically referred to in the Zoning Ordinance. This will be a topic for future discussion next year.

Board comments and corrections discussed:

- ✓ Proper letter case in the sentence structure- change the word "Use" to use, just one example.
- ✓ Section A. change the word ...limited to the "regulated"

- ✓ Staff to review authorization RSA 64:21. Dr. Wilson believed the State Shoreland provisions referenced are the authorizing statute.
- ✓ Section B- referred to the current definition # 126 “reference line”. Staff to review current State definition and compare to existing Town definition,
- ✓ Remove all references to when other sections were amended.
- ✓ Section C, Permitted Use, regarding docks and boathouses change to say... subject to State Requirements instead of state permits, standards and regulations. Suggest changing will not increase the use, to say will not alter the use.
- ✓ Discussed need to clarify the 50 or 60 feet setback in the waterfront buffer. Discussed the current language is not actionable.
- ✓ Temporary 12 foot path discussed, and that there is really no need to have the Planning Board review and comment as the State will allow it anyways subject to their review, and that it seems like a waste of applicant’s and the Board time.
- ✓ Discussed why make an applicant come to the Town for review if the State has the authority and the Town does not have any authority to grant or deny an application when the town ordinance is exactly the same as the state.
- ✓ Tree cutting provisions discussed that some lots cannot support large trees and points should be given for other vegetation. The Town point score is higher than the State point score and this will take into consideration that other plantings can be made.
- ✓ The Board supports the compliance officer position which is proposed, and will be discussed during the upcoming budget meetings.
- ✓ Impervious Surfaces- staff to research requirements in other towns. Staff stated that the allowable 30% of lot size for impervious surface is very high compared to other towns.
- ✓ Is 50 feet is a sufficient waterfront buffer area to protect water quality. Need to clarify the 50 foot and 60 foot provision.
- ✓ Staff to amend draft, per discussion and notes and reorganize as presented.

John Wilson commented:

- ✓ Redundancy in definitions
- ✓ Sections should not be moved as it will make the document open to more mistakes and that the document is only 7 pages long as is.
- ✓ Disagreed with Jeremy Bonin on the Planning Board relinquishing it ability to comment and review the provisions regarding the 12 foot temporary access path.
- ✓ The State Shoreland Act and provisions have been reduced in scope over the years and this is why the Town needs to have more stringent regulations.
- ✓ Does not think the Town should give up on the tree cutting review.
- ✓ Discussion on “funnel development” Section (E). Does not think the Planning Board should be involved in property lines issues. He also likes the current definition of family/household.

Peter Stanley commented:

- ✓ Provided a brief history of the State Shoreland Act, and amendments over the years, noting the State Shoreland provisions have been watered down over the years. He explained that in 2010, a wealthy landowner on Lake Winnepesaukee named Paul Montrose, convinced senators in our legislature to whom he had donated money, that they should adopt his version of the State Shoreland Regulations.
- ✓ Towns need to have their own Shoreland provisions.
- ✓ Believes the Town can and should review the 12 foot temporary access provision, believes this is like a Site Plan application. The use of the word “temporary” 12 foot path was never really an issue before, so why now. It is really about what is happening during construction.

- ✓ Towns shouldn't pass anything off to the State, as the State NHDES does not enforce anything, and there really isn't any enforcement statewide.
- ✓ Asked, what if the State continues to water down the State requirements, what will the Town be left with.
- ✓ Towns cannot have regulations that are less stringent than the State Shoreland provisions.
- ✓ Up to the Board of Selectmen to enforce that regulation.
- ✓ The town has the authorization by state statute.
- ✓ It is assumed that in a well forested shoreline you will have a mixture of shrubs and ground cover so no credit was given to ground shrubs, and explained that the reason credit was given for shrubs was to accumulate points to allow for more tree cutting.
- ✓ Noted that "funnel development", per Section E. were a big concern for waterfront properties years ago, but the State legislation changed.
- ✓ Tree cutting provisions noted to get rid of trees people will replace with shrubs to get the points and suggested possibly increasing the scoring system (points). Suggested increasing the base score to the tree cutting provisions to 75 points if the shrubs were added in.
- ✓ Explained that the term "exposed mineral surface" refers to beaches.
- ✓ Stated "normal" pruning means not trimming to death. Suggested language to perhaps state that only a certain percentage of total can be pruned, or included language - non-life threatening pruning to the tree.
- ✓ An extra 10 feet was required for this equipment. He explained that 300 feet was needed to really protect the shorefront based on scientific studies. The Town of Newbury has 75 feet set-back. Thinks there would be opposition to any increase.
- ✓ Suggested that whatever language is presented for a proposed amendment that it be reviewed by Town Counsel, and not rely on just input from staff.
- ✓ It would be helpful to have the three (3) towns of Sunapee, Newbury and New London to have similar shoreland provisions.

Robert Scott commented:

- ✓ If the protection of water quality is really a goal, why not require septic system to be further away, suggested 300 feet.

Steve Root commented:

- ✓ Asked about the term "temporary".
- ✓ Is there any real substance to the Planning Board approval when the State addresses these same issues?
- ✓ Asked about language referring to diseased trees "shall be removed" and wanted to know if it is in the current regulation. Should this be worded as "encouraged" or "shall be removed?" Wanted to know who determines if a tree is diseased and board replied that it will be by a certified arborist with photographs to be submitted to the Conservation Commission.
- ✓ Stated that the changes will weaken the shorefront protection.
- ✓ Is concerned that the draft tree cutting application of October 20, 2015 no longer requires a visit from the town. It is his impression that tree-cutting happens a lot without application, approval or anything so we do have a compliance issue. Asked if the Board believes removing this part will help with compliance.
- ✓ Stated that changing the provisions especially the tree cutting provisions is risky and premature as the Town has not voted on a Code Compliance Officer yet.

Sue Andrews commented:

- ✓ Thought the Planning Board would want to be informed of what was going on relative to temporary access areas.
- ✓ Asked if the section on “funnel development (Section E.) Is removed as suggested by John Wilson, what controls if any would the Planning Board have and if the lot sizing would remain the same, and if the ordinance would be sufficient to retain strength.

Charlie Foss commented:

- ✓ Need to have compliance, the Town doesn't want any situation like the Byrne property on Little Sunapee Lake.

Jack Sheehan commented:

- ✓ Tree count is important to maintaining the water quality of the lakes.
- ✓ Question on issue of diseased trees, and would they need to replace the vegetation.

Jeff Hollinger commented:

- ✓ Asked if it wouldn't be better to have more control since we are in an area with so many lakes which make the area so vibrant and thought the town would want to have the final say.
- ✓ Asked if there could be some allowance language to allow people to replace with shrubs, tree cutting discussion. If people can count shrubs they will cut the trees.
- ✓ Stated that we should not weaken any provision and that our lakes are the most important resource.
- ✓ It is the Board's job is to protect our resources and the lakes are these are important resources to the Town.

Deb Stanley commented:

- ✓ Agreed the tree cutting application process is good in that it makes them aware of what they are cutting.

June Fichter commented:

- ✓ Shrubs and ground cover should be combined within the point system. Suggest that a certain % of the site and waterfront should be left in a natural state and that ground cover should not be removed.
- ✓ The town should consider the educational aspect of making people aware that the quality of the water is declining.

Nonconforming Provisions Discussion

- ✓ Chair Helm referred to the draft dated Nov 3, for discussion, noting this discussion will be continued to the Dec 1st meeting.
- ✓ Ms. St. John shared Janet Kidder's comment received via email, as Ms. Kidder was not in attendance. Janet Kidder stated in her email that non-conforming uses shall not be made more non-conforming covers the whole gamut of issues. It is simple and easy to understand and it has worked in the past.
- ✓ Ms. St. John said it has been her experience that communities do not like to have non-conforming structures and non-conforming uses expanded.

Other Business

- ✓ Stahlman-Greaney Subdivision mylar signed by the Planning Board members.

- ✓ Tax Map Correction Project update- Ms. St. John explained that Norm Bernaiche (Assessing) has requested an update on the mapping project. The estimated cost has gone from \$75,000 to \$114,000. This does not include site visits or field visits or the public portion of it. Chair Helm estimated the cost to be more like \$150,000 and more delay will probably raise the cost.
- ✓ Signs- Webinar by NHMA on Supreme Court Case- Ms. St. John reminded Board members of the upcoming webinar tomorrow, Nov 4th.
- ✓ 1941 Building –School Board Meeting Update- Chair Helm stated the school board has scheduled a meeting on November 12, 2015 at 6:30PM to give the public a chance to understand their proposal for the 1941 building and there will be a tour of the building at 5:30PM.
- ✓ ZBA- Stahlman Public Hearing update- The ZBA will continue their hearing on November 10, 2015. Lucy St. John noted she received a phone call from an abutter concerning possible changes which have been done to the site. Ms. St. John visited the site and talked with the abutter, Margaret McFadden. Ms. St. John said he did not level the area but he has cut trees which he is allowed to do. Mr. Stahlman has submitted a Site Plan application for the Nov 17th meeting. Chair Helm made verbal note that Mr. Stahlman' s property does not directly abut the condominium property but still falls within the 200 feet.

Future Meeting Dates: December 1 and December 15, 2015.

Motion to Adjourn

IT WAS MOVED (Jeremy Bonin), AND SECONDED (Michelle Holton) to adjourn the meeting. The meeting adjourned at 8:50 PM.

Respectfully submitted,

Jennifer Vitiello,
Recording Secretary
Town of New London, NH