



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## NEW LONDON PLANNING BOARD MEETING MINUTES

Tuesday, November 28, 2017  
6:30 PM

**PRESENT:** Chair Paul Gorman, Selectman's Representative Janet Kidder, Elizabeth Meller, Jeremy Bonin, Tim Paradis and Alternate Joseph Kubit.

**ABSENT:** Vice Chair William Dietrich, Michele Holton and Alternate Marianne McEnrue

**STAFF:** Adam Ricker, Town Planner

### **OTHERS IN ATTENDANCE:**

Susan B. Stuebner, President of Colby-Sawyer College  
Karen Cornwall, Colby-Sayer College Interim Vice-President  
Bruce Hudson, President of the Great Pines Owner's Association  
Mike Gelcius, New London Conservation Commission  
Frank Anzalone, Architect

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

**REVIEW OF MINUTES:** Chair Gorman asked for a review of the minutes of the November 14, 2017 meeting and a motion to accept.

**MOTION TO ACCEPT the minutes of the November 14, 2017 Planning Board meeting was made by Marianne McEnrue AND SECONDED BY Liz Meller. THE MOTION WAS APPROVED UNANIMOUSLY.**

**PUBLIC COMMENT:** Chair Gorman asked for comment from the public on items other than those included on the public agenda.

Susan B. Stuebner presentation: The college currently leases the housing cottages on Cottage Lane from Harry Snow. These properties have been an integral part of residential life at the college since 2011/12. The college currently owns the properties that are contiguous to the duplexes/cottages on three sides. Although the college does not own the cottages, the college does maintain the day to day operation including security, lighting, Internet service and parking. These duplexes were designed for 8 occupants but the zoning in that particular residential zone only allows for 5 unrelated individuals. Ms. Steuber said she understands there are some building deficiencies including fire safety but those will be addressed allowing an occupancy increase to 8 students (from current maximum number of 5 students.) This change would permit an increase of 36 students in the cottages. Additionally, this would allow living arrangement rotation so that maintenance could be achieved easily.

As part of the colleges financial recovery plan there is now a 4-year residency requirement for students applying to attend Colby-Sawyer College. It is felt that an upgrade to apartment style living would be much more attractive for potential students compared to the common corridor double-occupancy rooms. Having a variety of housing options is a huge part of the recruitment and retention plan. Currently Harry Snow receives the rental payments on the units but Ms. Steuker suggested the

college would like to purchase the units as part of a five-year financial plan. The college bills an additional cost for apartment style and suite accommodations.

Board discussion:

Chair Gorman commented there has been criticism by residents in the past about the behavior of the students. He stated the fire code issue (only one exit) would have to be addressed and abutters should be heard. This is not a decision the Board can make as the occupancy limitations are stated in the Zoning Ordinance. Ms. Steubner went on to say it is more profitable to rent the houses on the contiguous property to college faculty. Mrs. Kidder was concerned the college might change its financial plan after the zoning modification and the next potential buyer will then get the benefits that were meant for the college. Ms. Steubner suggested the occupancy change only be changed for the college and if the property goes back into private hands the change could be revoked.

Adam Ricker stated the town would have to do some research with legal counsel. Mr. Ricker has never seen a zoning ordinance that specifies who the owner can be. He felt this would be giving preferential treatment over the rest of the community. It is feasible to place a contingency on the unit's ownership that requires a relationship with the college. Maybe create a institutional resident zone that takes the zoning that is allowed in a R-1 zone and add 3 individuals so that if some day the college does not own the property the zoning will default back to the original residential zone.

Jeremy Bonin explained the current configuration of the duplexes. Each unit (two duplex per unit) has 3 double bedrooms, 3 bathrooms and a single kitchen. If the additional occupancy were allowed, the college would get the funds and not Harry Snow although the current lease will be up for renewal in May. It was also noted by Mr. Ricker that there is still a buildable lot that was not used when the subdivision was approved in the past. Chair Gorman cautioned introducing private investment as this might appear to enhance a developer's financial situation. It was agreed the first step to have a lease document in hand. The Board stated its desire that the college be successful and it is more likely the town will agree to a zoning change if the property is actually owned by the college.

**Great Pines Owners' Association, review of amended by-laws.** The subdivision approval of April 9, 2002 requires the New London Planning Board to approve the Bylaws of the Great Pines Owners Association. Town Received November 1, 2017.

Bruce Hudson presentation: Mr. Hudson made available copies of the Great Pines Owners Association by-laws as well as the Second Amendment to the by-laws and the Second Amendment to the Covenants and stated these original by-laws and covenants were generated back in the 2001/2002 time frame for 22 homeowners. Over the course of time there have been many changes in ownership so that the new homeowners now outnumber the original homeowners. Many of the items are no longer applicable to the new owners. It was decided at the 2016 annual meeting to form an ad hoc committee to review the by-laws and covenant. In October of 2017 the changes and edits were written to reflect today's neighborhood environment. Some of the changes made are the architectural review language, an update on the indemnity language, updates on the lien language, and increase of the quorum to fifty percent, deletion of treasurer and secretary to the board of directors, the clarification of voting rights for owners who have more than one property, clarification of maintenance responsibility of culverts, clarification of lamp post description and some new propane tank language. The documents distributed to board members are final documents and approval of these documents by the Planning Board is a requirement. Once the Planning Board has approved, the documents go the Merrimack County Deeds to be registered.

Board discussion: Mr. Hudson said the members had approved the documents when questioned by Joseph Kubit. Janet Kidder questioned the Planning Boards authority in this matter. Chair Gorman referred to the original documents that require Planning Board approval and signatures. Although no

historical documentation could be found in the town's files, Adam Ricker thought perhaps the town was looking to establish some oversight concerning the brook water quality that flows through the property and that this oversight is not removed from the by-laws. Mr. Hudson stated this oversight is done by the Little Lake Sunapee Protective Association (which abuts Great Pines) at least once a year and there is no intent to remove this stipulation.

**MOTION TO ACCEPT the report and changes to the by-laws of the Great Pines Owners Association was made by Jeremy Bonin and SECONDED by Janet Kidder. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Kidder-Cleveland Conservation Land** – Review of the Property Evaluation Report commissioned by the Conservation Commission.

Mike Gelsius, New London Conservation Commission presentation: Mr. Gelsius informed the board he was filling in for Bob Brown who could not be present at the meeting tonight. He continued on to give a short history of the land. A couple of years ago the land was purchased by a warrant article petition at the Town Meeting. After the purchase there was discussion about doing a conservation easement. The west side of property abuts a current conservation easement so the extension of that with Ausbon-Sargent was very straightforward and easy. Because the property on the east side is not contiguous with the property on the west side it needs a stand-alone conservation easement. The issue came up when the Conservation Commission voted to put an easement in place and speculated what the property might be used for. There were discussions with the recreation department as well as private citizens about the possible uses for the property given its proximity to other town structures. It was decided to be prudent and order a property evaluation from Will Davis of Horizon Engineering. It was found that twenty-five percent of the property is wetland. Mr. Gelsius referred to a section in the report that prohibits any additional run-off of water as a result of adding more impervious surface. This would impact the west parcel and Red Brook and eventually Pleasant Lake. The Conservation Commission is very concerned about run-off and concluded it would be detrimental to the east parcel to add any impervious surfaces because of its situation, its slope and the amount of wetlands.

It is proposed that the trail system be extended from where it ends on the west side. This would create a trail that starts at Spring Ledge Farm and continues all the way to the college. Of utmost importance is the ability to get a straightforward easement. This property does not lend itself to development. Any proposals to create a community center would not be blessed by the Conservation Commission, as any additional run-off would adversely impact Pleasant Lake. Additional planting in the area is recommended to instigate bog like activity. It is inevitable that some parking will be needed to service the area but it would be minimal. Mr. Gelsius would like the support of the Planning Board before the recommendation is submitted to the Board of Selectmen for a warrant article for a conservation easement.

Board discussion: Janet Kidder stated there is a need for some parking. Many times when trails are added there is no accommodation made for parking so it is important to find a way to do this. It is unfortunate that the area that is most suitable for the parking is too wet although some of that can be relieved by the addition of a catch basin. Joseph Kubit wondered where the run-off was coming from and it was explained the slope starts somewhere in the residential area including Birch Acres and the college. It was noted that the leach fields associated with the housing area create other contamination. More planting as well as a catch basin could mitigate some of this run-off contamination. Chair Gorman asked for a motion from the Planning Board to support the Conservation Commission presentation to the Board of Selectmen for a warrant article.

**MOTION TO SUPPORT the Conservation Commission application to the Board of Selectmen for a warrant article to petition for an easement on the east side of the Kidder-Cleveland Conservation Land was made Liz Meller AND SECONDED BY Janet Kidder. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Zoning Amendment Review** – Following will be included on the agenda for the next Planning Board Meeting on December 12 to give final vote on the following changes/additions to zoning amendments before a public hearing in January.

a. *Bike Rack Ordinance*

This is considered an accessory structure and easy to incorporate into the existing ordinance. Currently there is no regulation for installation of a bike rack. Although there are very few bike racks in town, this would allow the Planning Board some consideration when there is a new installation and visually promote the town's endorsement of alternative energy transportation.

b. *Solar Energy System Ordinance*

Need to get language from Fire Chief Lyon. Would like to see an industry standard. Chief Lyon agreed that roof-mounted solar panels are a concern to fire fighters. When there is a need to ventilate by going through roof, panels have to be penetrated also. Panels should be mounted in such a way as to give room for ladders. There should be a shut-off valve on the ground, which is actually a requirement in the electrical code. Mr. Ricker to follow up with Chief Lyon so that language in place by the meeting on December 12, 2017. Tim Paradise thought the solar company might have installation standards also.

c. *Small Wind Energy System Ordinance*

- Tim Paradis stated system should be single tower and setback requirements should be defined.
- Tim Paradis stated only area currently not permitted is the conservation district.
- Tim Paradis stated the ordinance should be user-friendly.
- Changed R-2 to ARR.
- Mr. Bonin suggested a small addition to section B-1 in that the definition should include the height.
- Mr. Bonin suggested taking entire abandonment definition and copy into number six so that all definitions are consistent.
- These changes will require applicant to have a site plan review.

d. *Institutional Zone – Review Institutional Districts and the creation of a Theater District to include the New London Barn Playhouse*

A subcommittee was formed including Jeremy Bonin, Bill Dietrich, Paul Gorman and Adam Ricker who worked on a draft. Would do a proposed map change and language should not identify the proper name of the institution. This should remain generic. Steve Ensign (president of the Barn Playhouse board) has contacted abutters within 200 feet. Frank Anzalone distributed copies of the proposed language for the Theater District and neighbors are happy with the document language. Mr. Anzalone felt this would ensure that a theater will remain vibrant in the district and will not go back to office space or other commercial space. Janet Kidder asked about possible parking on the small lot that abuts Pressey Court. Mr. Anzalone declared this will not be used for parking and the size and situation of the lot will not allow for any development without a variance. The creation of a Theater District only affects two lots on Main Street. Janet Kidder asked that the language reflect the theater should be an enclosed structure and not an open-air venue. Mr. Bonin will make several language changes to make definitions consistent and then he will post for review.

**Master Plan Update discussion:**

- Next Meeting - will be Thursday morning, November 30, 2017 at 8:30 AM.
- Tim Paradis to join the existing committee.
- Paul Gorman invited all to attend and said the committee will be working on a questionnaire and welcomes any input from the board.

**Other Business:** No other business. There was an informal discussion about taxation and exemptions from taxation such as a Veteran's Tax Credit. Joseph Kubit stated he requested a tour of the police facility and was provided with some statistics concerning arrests. Of the 300-400 arrests a year, 150 to 200 are college students. He stated the college is a major impact for the police department. Janet Kidder informed the board that one of the big problems with the police department now is that in order to get to a cell, you have to walk outside and around the building. People are not always as cooperative as they should be once they get arrested. It was agreed this discussion would continue at another time. Mr. Bonin presented more suggestions to amend the language of the zoning amendment.

**Correspondence Received:** Mr. Ricker stated he has not received any more contact from the hospital concerning the senior citizen housing. The Department of Heritage and Historical Resources (exact name unsure) has requested a review of the property. Been quiet for over a month so nothing to report at this time.

**Agenda Attachment List:** See list for details including correspondence, State applications, informational items and other items.

**Future Meeting Dates:** Refer to the Planning Board Meeting Schedule and the Town's website for updated meeting information. Next meet scheduled for Tuesday, December 12, 2017.

**MOTION TO ADJOURN**

**IT WAS MOVED (Janet Kidder) AND SECONDED (Tim Paradis) TO ADJOURN the meeting at 8:14PM. The motion was APPROVED UNANIMOUSLY.**

Respectfully submitted,

Jennifer Vitiello, Recording Secretary  
Town of New London