



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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NEW LONDON PLANNING BOARD  
MEETING MINUTES  
Tuesday, December 1, 2015

**PRESENT:** Bill Helm (Chair), Paul Gorman (Vice Chair), Michele Holton, Jeremy Bonin, Tim Paradis, Elizabeth Meller (Alt.), Marianne McEnrue (Alt.) and Janet Kidder (Selectmen's Representative)

**ABSENT:** Bill Dietrich

**OTHERS IN ATTENDANCE:** Steven Root of Job Seamans Acres; Pierre Bedard, surveyor and Bunker Road; Robert Scott of South Cove; Jack & Pat Sheehan of Checkerberry Lane, John Wilson of Lamson Lane and Carol Foss of Camp Sunapee Road.

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

**Public Hearing of Site Plan Regulations:** Continued from November 17, 2015

Chair Helm noted that the public hearing was continued from the Nov 17<sup>th</sup> meeting. The Board had asked for input from Town Counsel on the proposed amendment language regarding exempting certain local institutions from Site Plan Review requirement. Input was received from Town Counsel, and the Planning Board was advised not to incorporate the proposed language. The Board agreed.

Chair Helm asked for any public comment, none was received, and the public hearing was closed.

Chair Helm reiterated that Appendix A, Off – Site Parking Regulations, Section A would be incorporated in the Site Plan Regulations; Appendix A, Off-Street Parking Regulations, Section F, would be kept as is, and that the language regarding the exceptions would not be include.

**MOTION TO APPROVE the Site Plan Review Regulations as amended. IT WAS MOVED (Jeremy Bonin) AND SECONDED (Michelle Holton) TO APPROVE. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Approval of Minutes**

**Minutes of November 17, 2015**

Ms. St. John noted that an email was received form Steven Root regarding suggested changes to the draft minutes. The email dated Nov 29, 2015 was read into the record.

I would like to request a revision to the minutes of November 17, 2015, as they relate to statements I made at the meeting. I meant for a remark concerning past Planning Board actions to be ironic - given that my wife was Chairman of the Planning Board at the time referenced. The minutes as drafted miss the actual point I was making.

The two bullet points I would like revised state:

- Noted that if enforcement of the parking is an issue, shame on the Planning Board.
- Perception is that the Planning Board is lax, why strike this current provision, as parking is needed.

Could you please replace those with the following, which was my intent and I believe the gist of what I said:

- Noted that enforcement of the parking arrangement is not a Board duty that continues; the Board need only examine the parking arrangement at the time of the Site Plan review.
- The current provision contains standards to ensure that the off-site parking is genuinely available and will continue to be.

My apologies if this seems fussy on my part, but I did not intend those remarks as criticism of the Board.

### **Minutes of Nov 17, 2015**

MOTION TO APPROVE the Planning Board Minutes of November 17, 2015. IT WAS MOVED (Janet Kidder) AND SECONDED (Jeremy Bonin) to approve the minutes with comments by Steven Root. THE MOTION WAS APPROVED UNANIMOUSLY.

### **CIP Subcommittee Minutes of July 10, 2015**

MOTION TO APPROVE the Planning Board CIP Subcommittee Minutes of July 10, 2015. IT WAS MOVED (Janet Kidder) AND SECONDED (Michelle Holton) to approve as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.

### **Site Walk Minutes of November 30, 2015**

MOTION TO APPROVE the Site Walk Minutes of November 30, 2015 for the Raoul & Karen LLC (formerly Carr) Property (115-002-000). IT WAS MOVED (Paul Gorman) AND SECONDED (Tim Paradis) to approve with corrections to names of Tim Paradis (not Paradise) and Ryan Carr (not Brian Carr). THE MOTION WAS APPROVED UNANIMOUSLY.

**Tree Cutting Applications Raoul & Karen, LLC (formerly Carr).** Property located at 29 Boulder Point Road. Tax Map 115-002-000.

Discussion continued from the November 17, 2015 Planning Board meeting. Paul Gorman gave a brief update of the site visit conducted on Monday, Nov 30<sup>th</sup> noting that he, Bill Helm, Tim Paradis and Lucy St. John attended the site walk.

Comments from the Board:

- ✓ The seven (7) trees proposed to be cut are dead.
- ✓ Hemlock tree by dock area needs addressing as it was not in original request and is only partially dead.
- ✓ Foliage along embankment has been burned and new vegetation is being reestablished
- ✓ Given the amount of trees that are being taken down there needs to be replacement with some other vegetation and this will be a major change in the appearance of the landscape
- ✓ No issue in that some mitigation is necessary due to the damage done by the fire
- ✓ Suggested as part of the building permit process, since the site is still in the process of being redesigned and no building permit has been submitted to date, to include as a condition of approval coming back to the Planning Board in about six months with a landscape plan for review and approval by the Planning Board.
- ✓ Asked how much shore frontage the area to be cut includes.
- ✓ Noted development is ongoing on the abutting property, and old foundation observed during the site visit is on the abutting lot.
- ✓ Discussed survival potential of replanting with smaller caliper trees and less disturbance to the area.
- ✓ Asked for public comments, no comments received.

Pierre Bedard, representing the owner offered the following comments:

- ✓ The large maples are coming down but that a professional landscape plan is being prepared by Greg Pelletierri, as Greg discussed during the site visit.
- ✓ Sounds like a reasonable request and thought the landscaper would be in agreement.
- ✓ The replanting would include approximately 100 feet of the total 300 feet, of the total shore frontage, primarily the area in front of the house.
- ✓ A two inch tree had a better chance of establishment and survival than a six inch tree.
- ✓ Would be easier, more practical and more cost efficient to remove the partially dead hemlock now, as it is likely it may die, and it would be less impact to remove it before the house is built and cause less disturbance.

**MOTION TO** approve the tree cutting for those trees marked in the field and discussed during the site visit including the hemlock tree, subject to a landscape plan being submitted by April 30, 2016 for review and approval of the Planning Board. The landscape plan shall include the entire frontage (area where the trees are to be removed). **IT WAS MOVED** (Paul Gorman) **AND SECONDED** (Jeremy Bonin). **THE MOTION WAS APPROVED UNANIMOUSLY.**

**Public Comments:** Chair Helm asked if there were any public comments. No comments.

**Surveys and Building Permit Process:**

Chair Helm provided a brief overview of the discussion referring to the September 8, 2015 memo from the Planning & Zoning Administrator to the Board of Selectmen (BOS); the Sept 14<sup>th</sup> and Oct 5<sup>th</sup> BOS minutes; ZBA discussion and input solicited by staff from Plan Link on how other towns address this issue.

Lucy St. John reviewed the key points of the Sept 8<sup>th</sup> memo.

- ✓ Discussed why surveys are important especially for lakefront properties, citing the Byrne property on Little Sunapee Lake which generated a lot of discussion and concern.
- ✓ Discussed a concern about a recent building permit approved on Bunker Road (#823, the Ruggles property), the property has frontage on Pleasant Lake. It was brought to her attention that they may be building too close to the lake. She went to the site, talked to the contractors, noting she found that footings were about to be poured. She asked the contractors to identify the 50 foot waterfront setback and lake reference line. They didn't know where or what this was but told her the surveyor (Clayton Platt) had been to site. Upon returning to the office she contacted Clayton Platt who sent her an email saying the construction is outside the 50' and he visited the site twice to establish the lake reference line and setback lines.
- ✓ She noted this is a situation of why a survey is needed.
- ✓ Reiterated the need for the Tax Map Correction project.

Chair Helm asked for any public comments.

Steven Root distributed a memo dated Dec 1, 2015 to the Board (received at the meeting). The memo was made part of the record. He discussed the memo in detail and suggested some revised language to consider for the building permit process and application. He noted that if staff had reviewed the deeds for the Byrne property, the situation there would not have taken place.

Staff replied that she doesn't review the deeds, nor is it her responsibility to verify where individual property lines are located, noting people rely on the tax maps, which we know are not accurately shown, and this is why it may be prudent to require a survey in some circumstances. She noted that the property owner should retain a professional surveyor; staff is not a surveyor nor going to inform someone where there property lines are located. This is not her function.

He asked if there was follow-up by the Town after construction has started. Ms. John replied the Town does not have a building inspector or anyone to verify if the building is constructed according to the plans submitted. She noted this is why some towns require a certified plot plan.

Ms. St. John clarified the difference between a certified plot plan (where the structure actually is) and a survey.

John Wilson commented about a neighbor on Pleasant Lake who is building which has caused concern with the neighbors. Boat racks and wood sheds are being added without approval.

Ms. St. John asked about the specific location, which she learned is the Chapin property as she received a phone call on this. She noted she visited the site.

Jack Sheehan said this review is a step in the right direction but these changes are rather complex and it would be easier for people to comply if the regulations were a little easier to understand. Mr. Sheehan thinks a survey should be done before the building permit is issued and not after the footings are poured. He noted that he will prepare some comments and submit them to staff.

Pierre Bedard, a licensed surveyor provided some expertise and said the responsibility still falls on the surveyor. He also noted that some banks no longer rely on certified plot plans. He would not do a certified plot plan if he did not have personal knowledge of the property, as a certified plot plan needs to be based on surveying details of the whole site, not just where the building is.

Board comments:

- ✓ Asked about the building permit process, and the information included for which the BOS sign. Ms. St. John explained that she reviews the building permit application based on the information submitted, and then the BOS signs the building permits.
- ✓ Ms. Kidder noted that the ZBA recommends surveys be submitted, especially for variance request for setbacks.
- ✓ Suggested this discussion be continued, and that a formal recommendation from the Planning Board be submitted to the Board of Selectmen.
- ✓ Asked that if anyone has comments or suggestions about surveys or the building permit process to submit their comments to staff.

**Zoning Amendments: Ideas for discussion**

Chair Helm stated the importance of coming to a conclusion tonight as a public notice must be posted early in the new year of 2016.

**Article XVI, Shore Land Overlay District**

Chair Helm explained that we are reviewing the draft language submitted by John Wilson (for discussion Dec 1<sup>st</sup>). He explained that the proposed edits reflect general comments and the intent is not to change the whole format or to combine with other provisions, as there isn't enough time this year. The Board then proceeded to review the suggested changes outlined. Chair Helm suggested that if there are other comments to be considered, to give them to Lucy St. John and she will review them for consideration at the Dec 15<sup>th</sup> meeting.

Board members agreed to take out references to previously amendment dates, for example amended May 2014, many people find this confusing.

Steven Root comments:

- ✓ Objected to un-capitalization of use and the word use.
- ✓ Section E, developments with waterfront access concern funnel development, what are the implications. Discussed Colby-Point and future rights, as there is a waiting list, are lease arrangements transferrable, and how would this be monitored.
- ✓ Section G, Waterfront buffer- don't want to weaken these provisions or reduce the points required. Concerned about vegetation on areas with steep slopes. Need to provide points if vegetation is removed from the waterfront buffer. Conservation Commission has no enforcement authority or desire to be the authority on tree cutting applications. Suggest input from Town Counsel be sought on how to address this issue.
- ✓ Asked how tree cutting is being addressed in the Wetlands and Streams provisions. Chair Helm noted this issue was previously discussed, but for this year only the Shoreland provisions are being addressed.
- ✓ Suggest including provisions to address replacing points if dead and diseased vegetation is removed.
- ✓ Impervious percent now 20% allow up to 30%; if this changes some people may need to apply for variances if other work is proposed on the site.

Robert Scott comments:

- ✓ Section E, developments with waterfront access concern about funnel development, wondered how this would impact Twin Lake Villa. Is this desirable. Noted that future funnel development could have less impact.
- ✓ Section G, Waterfront buffer- commented about how the State defines the top of slope.

John Wilson comments:

- ✓ Section E, developments with waterfront access concern, cited Slope n Shore, asked if someone sells their lot they have rights to the beach and other facilities, most have deeded rights.

Carol Foss comments:

- ✓ Commented on Section H. 4 (Natural Woodland Buffer), concern about allowing the removal of dead trees as they are bird and wildlife habitat.

Board Comments:

- ✓ In discussing residential development with waterfront access cited many examples including Fisherman's Bay in Sunapee, access to Murray Pond, the Lakeside Lodge case, Kidder Point, Wallula, and Ragged Mountain (Elkins proposal some years ago). What is grandfathered, as many old deeds have deeded right-of-way, and implications for multiple units? Are multiple units permitted? Some house lots have access to docks. Asked how removing the provisions of Section E, might impact future development on Kidder Point on Pleasant Lake.
- ✓ If groundcover and shrub should be included in the point count.
- ✓ Need diversity in the vegetation, don't want just large trees
- ✓ Need to include some points if trees are cut due to being dead or diseased.

- ✓ Need to include provisions to allow people to remove diseased trees and vegetation even in the waterfront buffer, including roots and their root system (removal of stumps, if diseased). That stumps that were diseased should be removed (and not left in ground) and this is to be determined by a certified arborist.
- ✓ Remove H4, as there is no permit application required for this area (natural woodland buffer) and one does not need permit or approval from the Planning Board.
- ✓ F. 4. Correction to name of include Natural Resources Conservation Service (NRCS).
- ✓ G.2. C.1. Size (diameter) score should be applied to 10 square feet instead of the existing 4 square feet and adding the word “contiguous” to the square footage so that there are not just patches of ground being counted that have no connection. It was agreed by the Board that shrubs and ground cover will not be counted for points and the ordinance will be left as is.
- ✓ All references to “removal” of trees to be changed to “cutting” of trees. References to “cutting request” are to be changed to a “cutting application.”
- ✓ Other editorial comments including spellings and grammatical corrections, including H.2 and H.3.
- ✓ Impervious surfaces, suggested tightening section #1. And taking out section #2. The goal is to not increase impervious surfaces which impacts water quality and Chair Helm stated anything more than 20 percent of a lot is considered excessive. Remove item 3, as this is in another place.
- ✓ Other comments and suggestion as noted on the draft were reviewed and discussed.

### **Article III – Definition # 23 Boathouse and seasonal boat canopy**

Chair Helm referred to the Planning Board minutes of July 7, 2015; Board of Selectmen minutes of June 29, 2015 and memo of June 28<sup>th</sup> regarding the boat canopy at 179 South Cove Road, and the photograph of a boat canopy. He explained that the BOS has decided this boat canopy is not a boathouse. Chair Helm asked for comments.

#### **Jack Sheehan comments:**

- ✓ His understanding was the people who initially drafted the boathouse language, thought that a boat canopy would be considered a boathouse.
- ✓ The current Town Ordinance definition and language is ambiguous as to the enclosure material and how much of the boathouse has to be enclosed.
- ✓ Believe the definition needs to be clarified, as to whether a canopy is a boathouse.

#### **John Wilson comments:**

- ✓ Explained it is not considered a boathouse when there is no permanent roof per the State regulations.

#### **Steve Root comments:**

- ✓ Noted that boat canopies are becoming popular item on the lake and he counted nine (9) on a recent boat outing over Labor Day on Lake Sunapee.

Board comments:

- ✓ It was decided to leave the provision as is, a boat canopy is not a boathouse.

**Article XX – Nonconforming Provisions**

- ✓ Board discussed the draft, noting that the provisions of Article XVI, Shoreland, (J. 1. & 2. and K) will be taken out and included in Article XX, so that all nonconforming language are in one Article. There is no change to words or meaning, article to remain exactly the same but will be relocated.
- ✓ Reviewed the definitions # 126, Reference Line and # 104, Normal High Water. No changes proposed to either definition.
- ✓ Article XIII, Wetlands Conservation Overlay District, no changed proposed this time.
- ✓ Article XV, Floodplain Overlay District, Section I, can be deleted.

**Zoning Amendment Process Summary:**

Chair Helm asked staff to make the changes, and post the proposed amendments and another copy showing what the text would look like if the amendments were approved. The Planning Board will review the proposed amendments at the December 15, 2015 meeting, and decide which amendments will be put forth for the public hearing to be held in January.

**Sign Provisions**

Paul Gorman gave a brief update, noting that he and Ms. St. John have met to discuss changes to the sign regulations which will be needed as a result of the US Supreme Court case. No changes are proposed this year, but this will be a topic for next year. This Supreme Court case has significant implications for all towns and cities, and enforcement of current provision may be difficult.

**Other Business**

- ✓ Petition Zoning Amendment received from Robert Stahlman to rezone a portion of his property from R1 to Commercial. Petition received Nov 20, 2015. Chair Helm noted that Planning Board must take a position at the December 15, 2015 meeting as to supporting or not supporting the petition signed by 40+ residents. The zoning amendments and petitioned amendment require the Planning Board to conduct a public hearing. The public hearing is scheduled for Thursday, January 14, 2016. Staff explained that the Planning Board must include on the petitioned amendment, if they support or don't support the petition.
- ✓ Colby- Sawyer College building permit application submitted for a Verizon Wireless tower to be located in the cupola. Chair Helm explained that Article XXIII, Telecommunication Facilities of the Zoning Ordinance provisions conflict with RSA Chapter 12-K, Deployment of Personal Wireless Service Facilities. Staff solicited input from Town Counsel, and Site

Plan Review is not required for this wireless communication tower in an existing structure. Chair Helm noted the Zoning provisions should be reviewed again for amendments next year.

- ✓ CIP document and 1941 Building site. Chair Helm reported he met with BOS and they have asked him and Mark Kaplan to have a meeting with the School Board about acquiring the 1941 site. Chair Helm stated Steve Ensign was also at the Board of Selectmen meeting and very supportive of this endeavor.

**Agenda Attachment List:**

See list for details including correspondence, State applications, informational items and other items. Chair Helm asked if there were any comments or questions. No comments or questions received.

**Future Meeting Dates:**

- ✓ Tuesday, December 15, 2015
- ✓ Thursday, January 14, 2016 Public Hearing on proposed zoning amendments
- ✓ Friday, January 15, 2016 Public Hearing inclement weather date
- ✓ Tuesday, January 26, 2016 Regular Meeting and second Public Hearing on Zoning Amendments, if needed.

**Motion to Adjourn**

**MOTION TO ADJOURN the meeting at 9:25 PM. IT WAS MOVED (Janet Kidder) AND SECONDED (Michelle Holton.) THE MOTION WAS APPROVED UNANIMOUSLY.**

Respectfully submitted,

Jennifer Vitiello,  
Recording Secretary  
Town of New London, NH