



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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NEW LONDON PLANNING BOARD

Regular Meeting

Tuesday, December 6, 2016

6:30 PM

PRESENT: Paul Gorman (Chair), Bill Dietrich (Vice Chair), Janet Kidder (Selectmen's Representative), Liz Meller, Tim Paradis, Joseph Kubit (Alt), Casey Biuso (Alt), Marianne McEnrue (Alt)

ABSENT: Jeremy Bonin and Michele Holton.

Chair Gorman appointed Marianne McEnrue as a voting member for Michele Holton.

OTHERS IN ATTENDANCE:

Carol Foss Camp Sunapee Road; Steven Ensign Sawyer Lane; Bob Odell; John Doyle Forest Acres Road; Vicki and Ron Koron Camp Sunapee Road; Joy Kubit; John Wilson and Kittie Wilson Lamson Lane; Sue Andrews Turkey Hill Run; Laurie and Joseph DeClerico Little Sunapee Road; John MacKenna Little Sunapee Road; Kenneth Jacques Water Precinct; Deb Langner Rte 103A; Karen and Steve Ebel Job Seamans; Midge Eliassen Poor Road; Chief Jason Lyon of the New London Fire Department; Terri Bingham Little Cove Road; Peter Stanley Burpee Hill Road; and Jack Sheehan Checkerberry Lane.

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 Sign Subcommittee meeting of November 17, 2016.** It was MOVED (Janet Kidder) and SECONDED (Liz Meller) to approve the minutes as presented. The motion was APPROVED UNANIMOUSLY.
- ✓ **Motion to APPROVE the minutes of the ADU (Accessory Dwelling Units) Subcommittee Meeting of November 9, November 22, 2016 and November 30, 2016.** It was MOVED (Liz Meller) and SECONDED (Tim Paradis) to approve the minutes as presented. The motion was APPROVED UNANIMOUSLY.
- ✓ Nov 15, 2016 minutes: The minutes of the Nov 15th Regular Meeting were not available at this time.

Updates from Chair Paul Gorman:

- ✓ Messer Pond Protective Association (MPPA): Chair Gorman thanked and congratulated the MPPA for their work in obtaining grant funding from the New Hampshire

Department of Environmental Services (NHDES). Grant amount \$10,000.

- ✓ Lake Sunapee Protective Association (LSPA): Chair Gorman referred to a letter received from LSPA and signed by Robert Wood. Chair Gorman noted that the letter does a nice job of articulating the various points of the discussion on the Accessory Dwelling Units (ADU), including both positive vs. negative points. He noted that there was also a recent letter in the Intertown Record by Robert Wood.
- ✓ Procedure for the meeting: Chair Gorman explained how this meeting is for the board members for addressing the work that has been discussed at the subcommittee meetings, and if time permits he may allow public comment, but this is not a public hearing.

PUBLIC COMMENT: Chair Gorman asked if there were any public comments for items not already included on the agenda. No public comments were offered at this time.

Clarification on the Nov 1st Notice of Decision (NOD) requirement regarding the fire pond. Property owned by Deb and Craig Langner. Located at 1850 King Hill Road. Tax Map 128-010-000. Zoned ARR.

This was previously approved at the November 1, 2016 Planning Board Meeting with some recommendations for a fire pond in the Notice of Decision. Board would like to withdraw condition from site plan review, as they did not understand what Chief Lyon was requesting.

Soo-Nipi Hollow Farm, Commercial Farm Site Plan Application. Clarification on the Nov 1st Notice of Decision (NOD) requirement regarding the fire pond/dry hydrant. Property owned by Deb and Craig Langner. Located at 1850 King Hill Road. Tax Map 128-010-000. Zoned ARR.

Staff noted that the Site Plan was approved at the Nov 1, 2016 meeting with six (6) conditions. The Board upon further clarification from Jay Lyon, Fire Chief removed condition # 1 regarding the installation of a dry hydrant. Both Jay Lyon, Fire Chief and Deb Langner, applicant were in attendance.

- ✓ **Motion to WITHDRAW THE CONDITION for a dry hydrant from the previous approval at the Planning Board Meeting of November 1, 2016.** It was MOVED (Liz Meller) and SECONDED (Bill Dietrich) to approve the motion as presented. The motion was APPROVED UNANIMOUSLY.

Zoning Amendments Discussion

Streams Conservation Overlay District, suggested edits offered by John Wilson.

John Wilson had presented several versions of edits, the most recent being Version 3A which the Town received Dec 6, 2016 (morning). He explained that about four (4) years, the Lake Association and others had suggested some possible edits to the Zoning Ordinance regarding

Shoreland provisions and other sections addressing natural resources. He explained that the draft version 3A includes both editorial corrections; suggested changes to the list of permitted uses, including removing forestry/tree farming and agricultural activities; the clarification of Best Management Practices (BMP), which he noted had been an issue of concern in past, as BMPs are interpreted by different people in different ways; and other edits as outlined in the draft document.

Chair Gorman, referred to the Town's current Streams and Wetland map (2001), which does not include all streams; the definition of stream in the Zoning Ordinance- definition # 149; and further noted previous discussions regarding agricultural uses near streams. Chair Gorman asked for a definition of streams as there is one on his property that has not flowed with water in three years. Chair Gorman stated it might be extreme to deny agriculture within 100 feet given the nature of a particular stream flow. John Wilson stated the town voted for the 100-foot distance previously and gave examples of several agencies that already have agreed/approved the 100-foot set-back and high water mark. The Board discussed that forestry and farming are also regulated by State laws, and some of these uses are not subject to Planning Board approval as historically farming and forestry are important to the Town and State, and that is one of many reasons to promote, encourage, and why they are allowed uses. It was noted that people in Town may have a stream on their property, and the 100 foot setback can be onerous on a property owner and other site features should be taken into consideration, noting this topic has been discussed at Conservation Commission and Board of Selectmen meetings. The Board thanked John Wilson for his comments.

Chair Gorman stated these proposals will be sent to Town Counsel, and Board will continue the discussion at the December 13th meeting. To date, there has been no comment from the public concerning the Streams Conservation Overlay District.

Accessory Dwelling Units (ADU) Discussion

Chair Gorman, noted that Jeremy Bonin's (ADU Subcommittee Chair) could not be at the meeting tonight and submitted a letter (email) which he read and summarized noting the work of the subcommittee, thanked residents for their participation in the process, provided an overview of why providing housing options and diversity is important to community development, and meeting the needs of the changing demographics of the State. In the email Jeremy Bonin provided his person opinion on why he believes detached ADUs should be permitted and he also recognized much opposition has been voiced on the subject of detached ADU. He commented that most current planning processes support diversity, mixed use and walkable communities. The environmental impacts are also important.

Chair Gorman the proceeded to provide an overview of the ADU Subcommittee meetings (11 meetings since June), how there is a mismatch in the state between the existing housing stock and needs of the changing demographics of the State, referenced the NH Center for Public Policy-Housing Needs Preferences in New Hampshire, and provided a brief the history of NH Senate Bill (SB) 146 which became law and will be in effect on June 1, 2017. Although state legislation has been put forth to provide additional housing for the work force and an aging

population, both of New London's State representatives voted against it but the law takes effect June 1, 2017. They felt the State was interfering with a local issue.

He explained that there are two (2) major issues – Attached ADU and Detached ADUs, and much of the discussion, opposition has been on the Detached ADUs. He noted that the Subcommittee chose to look at the ADU subject from a more comprehensive perspective (both attached and detached ADUs), and the Subcommittee received a lot of comments and concern much of which focuses on the possible effects on lakefront properties, environmental concerns and concern about density. He then provided a detailed overview the ADU Standards that Must or May Be in the Regulations, and the ADU Standards that Must Not Be in the Regulations (per the Office of Energy and Planning- OEP publication).

Municipalities CAN control appearance so that it looks like a single family home. Can require that one unit be owner occupied. Can require demonstration that the unit is the owner's primary unit. Limit the number of occupants per bedroom; continue to limit the number of unrelated individuals who can occupy. Establish minimum and maximum ADU sizes.

Municipalities CANNOT require an ADU be smaller than 750 sq. ft.; cannot require an ADU to have only one bedroom; cannot require familiar relationship between the occupants of the ADU and principle owners of the main house; cannot require lot standards or other dimension standards for the ADU; cannot require separate water or septic systems; cannot require doors between ADU and principal unit to be unlocked.

The ADU subcommittee has two proposals: one for attached dwelling unit and one for detached. Given the concern of the community for the provisions of the ADU's (attached and detached) the Board has decided to present two separate warrant articles; one for attached and another for detached. He explained the current ADU is allowed by just a building permit, but the proposed amendment would require all ADUs be reviewed and approved by the Planning Board.

ADU attached provisions proposed by Planning Board:

- One attached accessory dwelling unit per lot
- All applicable set-backs shall be met
- ADU's will have a separate 911 address (part of state law)
- One of the dwellings be the domicile of the property owner
- ADU's shall have independent sleeping, cooking and sanitation facilities
- An attached ADU shall have no more than 2 bedrooms
- An ADU shall not exceed more than 1000 sq. ft. of gross living space (although there is a problem with clarifying a gross living space definition.)
- An ADU shall conform to the requirements of a single-family dwelling including provisions for water supply and sewage disposal meeting the requirements of this ordinance and applicable state regulations.
- Off-street parking shall be provided with one space per bedroom (a garage space meets this requirement) and off-street parking shall not be within the front yard set-back.

- Attached ADU's shall have entrances and exits face the side or rear of the property line and shall have an interior door connecting the units and shall not be considered an additional dwelling unit for the purposes of determining lot size or density.

Board/staff comments/concerns

- Breezeway- could someone have or build a breezeway and then attach the ADU to it, is the breezeway considered an internal door.
- Family definition and how many people could live in an ADU;
- Living space- gross living space and other terms in the Ordinance need clarification.
- Lodging house and the possibility of turning the ADU into a lodging house; could someone just rent a room or the entire ADU to anyone or can the Town limit it to only family members.
- Parking for the ADU and parking for the main house, limiting parking in front yards, some property owners (main house) own several vehicles and having an ADU could make parking more an issue on a site.

Chair Gorman then asked for comments from the public:

- ✓ Peter Stanley suggested that domicile definition be included in the attached ADU language which would exclude (by nature of the definition) an Air B&B; noted the importance of keeping the ADU subordinate to the principal structure to maintain the community character, avoid the construction of industrial looking buildings, the appearance of duplexes. Noted that New London was way ahead of the curve when the ADU provisions were initially developed.
- ✓ Steve Root comments on - Gross living area, and what spaces, above or below grade should or shouldn't be included in calculating the square footage allowed; footprint is misleading, and as written someone could have a 3,000 square foot ADU. He would be opposed to any proposal that would allow 2000 SF of living space. Need to keep the ADU subordinate. Mr. Root also asked for a release of information by Town Counsel concerning ADU's as requested and is currently noted on the agenda.
- ✓ Kenneth Jacques of New London-Springfield Water District discussed current use and capacity issues explaining the Colby Point wells have a capacity for 550,000 gallons of water per day and most days 300,000 gallons are used. He commented the water capacity is a function on how people utilize water, including the watering of lawns. He noted that Colby-Sawyer College and the New London Hospital have implemented conservation efforts, which have dramatically reduced the usage. There are not a lot of options, perhaps in the future there may be a need for a surface water treatment facility. We definitely would need a new facility to deal with a need for more water. There are many properties in town that are buildable once they have water and sewer available to them. Mr. Jacques questioned the requirement of sewer and water for the detached dwelling units. He stated there are many dwelling in town that have water OR sewer but not both.

- ✓ Jason Lyon, Fire Chief stated it is important to reference applicable fire codes and standards and this should be incorporated, as there is no reference in the ordinance. Once the number of occupants goes over three unrelated individuals, the Fire Code considers the dwelling a lodging house and then there are applicable codes with respect to sprinkler systems and the alarm system. The local ordinance does not state this.
- ✓ John Wilson stated the definition of Single-Family to include a finished basement questionable. He suggested that living area be no more than 1000 SF of gross living space.
- ✓ Terri Bingham commented that there have been lots of good discussion on the attached ADU units and appreciated the opportunity to comment.

Detached Accessory Dwelling Unit Discussion

Chair Gorman pointed out many concerns have been identified during the discussion on detached ADUs including environmental issues – runoff, lake protection; legal questions (condos); this is a politically complicated issue; where they should or shouldn't be allowed; references in the Master Plan regarding housing and how to best address the complexity of housing needs and housing issues for New London and the State; should they be limited to areas with sewer and water; and appreciates that people might be threatened by this discussion.

Based on the input received and the complexity of the subject, the Planning Board will not include the Detached Accessory Dwelling Unit discussion as a zoning amendment at this time. He noted in 2017 the Planning Board will be reviewing in more detail the current Master Plan and how the Town should best move forward to address a variety of planning concerns facing the Town now and in the future. He thanked the public for their participation and encouraged them to stay involved.

Signs: Draft Zoning Amendment Discussion

Chair Gorman stated the sign subcommittee has met seven times and the draft language is more concise, removes references to content as it needs to be content neutral, provides some flexibility to reviewing signs for both the College and Hospital, the goal was to include references to the signs in one place and tried not to change the size limits.

Board/staff comments/concerns

- ✓ Temporary sign- size and time period to put them up
- ✓ Flags – need definition
- ✓ Banners across roads- why aren't they allowed.
- ✓ Prohibited signs listed in the text including: banners that are put across the street, neon or tubular display with flashing messaging, signs that extend about the roof line, signs on a trailer with the purpose of advertising a business,

- ✓ Lighted neon that are located inside the location- just as an “open” sign. This ordinance addresses outside signs only.
- ✓ LED or digital display. There was discussion as to where to put this, maybe in the Prohibited Signs section, and NH Court case.
- ✓ What if people have an event and need directions? Many times they are left and never picked up. Who will be responsible for enforcing?
- ✓ No office premise signs except in (i.)
- ✓ Existing old signs are grandfathered in.
- ✓ Paul Gorman asked about the height of some of the signs on Main Street (limit currently is 15 feet) and suggested that 12 feet off the ground might be more practical.
- ✓ Need a standard as to how a sign is going to be approved/disapproved. Criteria needs to be established.
- ✓ Agreed that both the Hospital and College should be allowed to put signs on their campus without Town approval, providing the signage isn’t visible from the road as these institutional are unique land uses in the Town, and there must be provisions to address their needs, which they have previously conveyed to the Planning Board. The current sign provisions, require they must go through the Site Plan process, which is time consuming and costly.

Chair Gorman then asked for comments from the public:

- ✓ Peter Stanley commented on several provisions noting there was a court case in Concord regarding signs that move, as this can be a safety issue and distract people; doesn’t want to have real estate signs all over the town and doesn’t want to allow off-premise signs; he provided some history about a sign which used to be located on Pleasant and Main; he noted that banners are tacky looking and they were attached to telephone poles; sign variances have been granted for some businesses on Newport Road for larger signs (travel speed a factor when reading a sign); and he does not want the Hospital or Colby-Sawyer College to be seen as having special privileges and there needs to be guidelines. The Board thanked Peter for his input and for providing some historical context to consider in this discussion.

Other discussion items related to possible zoning amendments:

- ✓ Karen Ebel commented there has been much discussion about the information shown on the Streams and Wetlands map, particularly the streams and how this map was developed. She explained that years ago a Subcommittee was established and included members of the Conservation Commission who took a great deal of time to walk areas of the Town to determine which streams should or shouldn’t be included, and why streams buffer provisions were included in the Ordinance. The overall process to develop the map included a negotiated discussion with the goal to accomplish protection of these streams.

OTHER BUSINESS:

- Lucy St. John said that the Sliter Commercial Farm Site Plan application will be included on the Dec 13th agenda. She suggested, that since the potential owners have a purchase and sales agreement and some time constraints, that if the Board wanted to

review the site in advance of the meeting, that a Site Walk could be scheduled. The Board agreed to conduct a site walk on Monday, December 12, 2016 at 10 am. A notice will be posted.

- Board members were reminded to review the Planning Board meeting schedule, as the coming weeks will be busy with zoning amendments and applications, and the zoning amendment public hearings will need to be posted.

FUTURE MEETING DATES: Refer to the Planning Board Meeting Schedule and the Town's website for updated meeting information. Next meeting scheduled for Dec 13, 2016.

- ✓ **MOTION TO ADJOURN the meeting at 9:25 PM. IT WAS MOVED (Casey Biuso) AND SECONDED (Bill Dietrich) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY.**

Respectfully submitted,

Jennifer Vitiello,
Recording Secretary
Town of New London, NH