



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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NEW LONDON PLANNING BOARD
Sydney Crook Meeting Room, New London Town Office
December 10, 2019 – 6:30PM

PRESENT: Paul Gorman (Chair) Tim Paradis, David Royle, Paul Vance, Marianne McEnrue, Joe Kubit, Jeremy Bonin, Janet Kidder (Selectmen's Representative)

MEMBERS ABSENT: Katie Vedova

OTHERS PRESENT: Adam Ricker, Town Planner, Shelby Blunt, Peter Stanley

- 1. Call to Order** – Chair Gorman called the meeting to order at 6:34PM.
- 2. Public Comment** – None
- 3. Conceptual for Subdivision - 700 Route 103A - Blunt, Shelby** - Tax Map 91-11-0-0-0, 10+/- acres, Zoned Residential R2. The owner would like to discuss the possibility of a two lot subdivision.

Peter Stanley attended the meeting to speak on behalf of the Blunt family. Mr. Stanley stated they can comply with all the regulations. This is a parcel of land that is along 103A and fronts on Lake Sunapee. It is 10.09 acres and will be subdivided into a 7.25 acre lot in the ARR Zone and a 2.84 acre lot in the residential zone. The house is further away from the lake than any other properties on Lake Sunapee by a significant margin. The goal is to split off the lot leaving the larger parcel separate, not connected in any way without any rights to the waterfront. The unusual issues are an irregular waterfront. Shore frontage is defined as an actual measurement in footage along the normal high watermark. The state's regulation, the shoreland ordinance definition is the shoreland frontage and also measured along the reference line. This measures 338 feet if you follow the literal definition of shore frontage in the town and state's ordinance. On the tax card, it is 136 feet. This does not represent the frontage but is what has been on the tax card for assessing purposes for a long time. The actual shoreline follows the manmade pier. There are two other similar piers further down the shoreline where the frontage is measured along the reference line, including the pier.

The test pits were done today and all other requirements should be able to be met. Adam Ricker stated that the pier should be included since they would never be allowed to remove it. That would be considered altering the shore front. Once the subdivision is approved and it gets recorded, that will trigger the tax maps getting updated. Mr. Stanley plans to submit a formal application for subdivision in late December.

4. Conceptual - Deck Dock & Home and Garden - Discussion of potential purchase and improvement of commercial property.

Lynn Wardlaw and Sally Borden attended the meeting. They have owned a business in Sunapee for 20 years and sell high end outdoor furniture. There is a great market for it since they provide design services, do the assembly and delivery. Their closest competitor is in Quechee and just closed the business.

They are considering the Powers Point property and their purpose today is to find out at what level the town would support the idea of displaying furniture outside. The big attraction to the property is the big garden area. They would use the barn for the retail operation and rent the farmhouse. There is a lot of road frontage and this allows high visibility of their product. They are not talking about putting flags and chairs out on the road, but they can put in patios with vignettes that shows nice furniture and people could sit in it. It would be tastefully arranged. It would be an internet shopping destination but sales would be done onsite. This location would be a showroom. In the wintertime, they would have an atrium or new glass windows in front of the barn and in the summertime they would have parking out front and a nice perennial garden. They would be year round at this location and not in Sunapee.

Sally Borden asked if there could be an entrance on Newport Road. Adam Ricker responded that the state controls the driveways on both of those roads so they would have to talk to the state. They would only be allowed one entrance, regardless. Janet Kidder stated she would not want to see an entrance on Newport Road. It is too close to the intersection. She also stated that she feels this proposal is a wonderful use of that property.

Chair Gorman feels that given the location and traffic pattern, the issue of distractibility should be considered. Depending what is put there could potentially cause accidents if it is not discreet. Jeremy Bonin also noted that it is a corner lot so there is a 30 foot set-back on the frontage on both Newport Road and Little Sunapee Road. This would push any displays further back from the road. Ms. Wardlaw stated they don't have any intention of lining furniture up along the road.

Chair Gorman also discussed the parking issue. Ms. Wardlaw stated there are currently 14 spaces. Mr. Ricker commented in this case there is more parking than required.

5. TREE CUTTING - SDB Investments - Located at 1876 Newport Road. Tax Map 041-0-0-0. The applicant is applying to cut down one tree to make room for updated electrical services from the utility pole to the home. Application received on November 19, 2019.

Adam Ricker stated that Spec Bowers is requesting that a tree be taken down to get the new electrical service in. The tree is dead and needs to come down. After removal there are still plenty of points in the cell.

A MOTION WAS MADE (Jeremy Bonin) AND SECONDED (David Royle) to accept this as presented. THE MOTION WAS APPROVED UNANIMOUSLY.

6. PUBLIC HEARING - Josh MacMichael, S&P Family Trust 2017 - Conditional Use Permit for Accessory Dwelling Unit, Located at 125 Tracy Road Tax Map 117-008-0-0-0. 11.96+/- acres. Agricultural/Rural Residential (ARR). The applicant is applying to construct an attached studio apartment to a new construction home. Application received on November 19, 2019.

David Royle recused himself from this discussion as he is an abutter.

Josh MacMichael attended the meeting to discuss his application to construct an in law apartment and a walkthrough (bridge) from the second floor to the top of the garage. The total square footage of the apartment is approximately 900 sq. feet. The construction on the two story house has begun already.

IT WAS MOVED (Jeremy Bonin) AND SECONDED (Janet Kidder) to approve the proposal as presented. THE MOTION WAS APPROVED UNANIMOUSLY.

7. WORK SESSION: Zoning Amendment Discussion

- **Article II General Provisions, Section 8 – Individual Disposal System, Item A**

Substitute wording will be done in two sections with regard to individual disposal system. The substitute wording will be:

Sub-surface sewage disposal facilities may only be constructed, expanded or maintained provided that they shall meet all state requirements and to be set back in accordance with state requirements.

It was decided to replace the word “sub-surface” with Individual Sewage Disposal System (ISDS).

Making this change will allow people who are building or replacing to do so in a manner that is more accurate to what the technology is. This will now align with the state regulations.

IT WAS MOVED (Marianne McEnrue) AND SECONDED (Jeremy Bonin) accept these changes as presented. THE MOTION WAS APPROVED UNANIMOUSLY.

IT WAS MOVED (Jeremy Bonin) AND SECONDED (Janet Kidder) to accept this as the substitute of Article II Section 8 of the ordinance. THE MOTION WAS APPROVED UNANIMOUSLY.

IT WAS MOVED (Jeremy Bonin) AND SECONDED (Paul Vance) to amend the motion to include eliminating section D in Article II section 8. THE MOTION WAS APPROVED UNANIMOUSLY.

- **Article XIII Wetlands Conservation Overlay District, Section F Special Provisions, Item 1:**

Adam Ricker explained that this section will be eliminated as it was redundant. It makes sense to go with state standards as they have experts and will revise regulations as science and technology evolves.

IT WAS MOVED (Paul Vance) AND SECONDED (Jeremy Bonin) to delete this section. THE MOTION WAS APPROVED UNANIMOUSLY.

- **Article XVI Shore Land Overlay District, Section C. Permitted Uses, Item 3:**

Adam Ricker stated it currently reads “sub surface sewage disposal facilities provided that they shall be set back in accordance with state requirements” and does not have the reference to Article II, Section 8, a. of the New London Zoning Ordinance. Mr. Ricker would like to leave this in as a permitted use in the shore land so if someone is looking to build in the shore land buffer they are clear on what they are allowed to do. It provides clarity. He doesn’t think the article and section number needs to be referenced. The language should be altered

to match the above change and instead use Individual Sewage Disposal System (ISDS) rather than sub-surface.

Adam Ricker stated if the Planning Board decides to remove this reference, similar to Article XIII, they can do that. If the Zoning Administrator, between now and January 14, wants to keep it in there she can express this to the Board. At the first public hearing, they could decide to either keep it in there or not. It is in the general provisions and provides the state requirements.

IT WAS MOVED (Paul Vance) AND SECONDED (Jeremy Bonin) to eliminate Article XVI section C. THE MOTION WAS APPROVED UNANIMOUSLY.

- **Article XVI, F – RSA Provisions**

Adam Ricker explained that there were some changes to the RSA in relation to the timeframes for ZBA cases which are outlined in our ordinances.

The Public Hearing no longer has to be held within 30 days, it is now 45 days.

The notice of decision filed in the Town Office has 5 business days after the decision has been made, not 72 hours.

If a rehearing is requested, they now have 30 days instead of 20 days. Upon the filing of a motion for a rehearing, the Board shall within 30 days (instead of 10) either grant the order or suspend that order pending further consideration.

IT WAS MOVED (Jeremy Bonin) AND SECONDED (Janet Kidder) to accept these changes to match the days given in state law regarding ZBA processes. THE MOTION WAS APPROVED UNANIMOUSLY.

- **Tree Cutting Ordinance**

Adam Ricker explained that in section iii, a change was made to allow the Town Planner or the Zoning Administrator instead of the Planning Board to authorize the cutting of trees and saplings as long as the score for the remaining trees and saplings in that segment does not total less than 25 points.

IT WAS MOVED (Jeremy Bonin) AND SECONDED (Janet Kidder) to accept this change as presented. THE MOTION WAS APPROVED UNANIMOUSLY.

- **Article XX – Legal Non-Conforming Uses, Legal Non-Conforming Buildings and Structures, and Legal Non-Conforming Lots**

Jeremy Bonin stated that throughout the document, he crossed out the word buildings because buildings are in the definition of structures. It is redundant to say both. The definition of building will be removed as well.

In section B, the terms altered, expanded, restored, reconstructed and/or replaced will be changed to altered, expanded, repaired and/or replaced and this verbiage will be used and changed throughout Article XX.

Adam Ricker made all changes to the document that were discussed and agreed upon. Once the document has been revised, Mr. Ricker will send it to Jeremy Bonin for review. A public hearing will be held on January 14, 2020 for all of these zoning amendments. If there are no substantive comments or changes from the board or public, a vote will be taken that night to move it forward to the town warrant. If there is a substantive change, a second hearing will be held but that would be the cutoff as there can't be more than two.

IT WAS MOVED (Tim Paradis) AND SECONDED (Paul Vance) to accept the document with all the proposed changes. THE MOTION WAS APPROVED UNANIMOUSLY.

8. Master Plan – Jeremy Bonin stated that they will get the synopsis of the Master Plan out by tomorrow so it can be discussed at the next Master Plan meeting on Thursday, December 19, 2019.

Chair Gorman thanked the Planning Board members for all of the hard work that they do.

9. Motion to Adjourn

IT WAS MOVED (Jeremy Bonin) AND SECONDED (Janet Kidder) TO ADJORN THE MEETING. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 9:38pm

Respectfully submitted,

Trina Dawson

Recording Secretary
Town of New London