



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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NEW LONDON PLANNING BOARD

Regular Meeting

Tuesday, December 13, 2016

6:30 PM

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

**ABSENT:** Michele Holton and Joseph Kubit (Alt)

Chair Gorman appointed Alternate Casey Biuso to replace regular member Michele Holton.

**OTHERS IN ATTENDANCE:**

Tom and June Poliseno Wilder Lane; Tim and Dianne Center Wilder Lane; Chet and Mary Piskorski Wilder Lane; Tim McCullough South Pleasant; Barbara Kreisler Owls Nest Road; Daniel Bruega Sunapee, NH; Gus Seaman Shaker Street; Timothy and Lizette Sliter of Summit Road; Peter White of Sunapee, NH; Peter Winship Lakeshore Drive; John Wilson Lamson Lane; Steve Ensign Sawyer Lane; Carol Foss Camp Sunapee Road; Gerry Gold; Steve Root Job Seamans Acres; Frank Anzalone, New London; and Clayton Platt Sunapee, NH.

**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 regular meeting of the Planning Board on November 15, 2016.** It was MOVED (Bill Dietrich) and SECONDED (Janet Kidder) to approve the minutes as presented. The motion was APPROVED UNANIMOUSLY.

**PUBLIC COMMENT:** The Chair may allow public comment for items not listed on the agenda and may limit the amount of time for public comment.

Steve Ensign complimented the board on their work discussing Accessory Dwelling Units, and the potential impacts on the Town. He noted he attended some New Hampshire legislative sessions, and that the original sponsor of the ADU legislation which will be law, has learned that there are many unintended consequences with the ADU laws, and the ADU discussion will be continue into the 2017 Legislative Sessions. Concerns addressed at the State level included discussion regarding aging in place, Workforce Housing, taxes and other various topics. He commented to stay tuned, as this subject will be discussed again.

**Wutz, Paul—Tree Cutting Application.** Located at 153 Owls Nest Road. Tax Map 141-001-003. The Board will review the application at the January 24, 2017 meeting, as the owner or owner's agent were not in attendance to present and discuss the application.

**Wright, Stephen—Tree Cutting Application.** Located at 72 Checkerberry Lane. Tax Map 044-029-000. Dan Bruega presented the application, including photographs, noting the owner wishes to take down a white maple tree in the 50-foot buffer zone. Existing 65 points minus 10 points will leave 55 points, which satisfies the point requirement. Staff noted that a NHDES Shoreland permit application has also been received and was previously included on the November agenda attachment list, noting a reduction in the percent impervious and she provide comments to the applicant on proposed uses not allowed in the waterfront buffer.

- **Motion to APPROVE the tree cutting application for Wright, Stephen at 72 Checkerberry Lane.** Tax Map 044-029-000. It was MOVED (Liz Meller) and SECONDED (Jeremy Bonin) to approve the application as presented. The motion was APPROVED UNANIMOUSLY.

**Colonial Pharmacy Site Plan Application.** Approved with conditions at the October 11, 2016 meeting. Request to discuss the sidewalks and conditions of approval.

**Frank Anzalone presentation:**

Frank Anzalone referred to the email from Richard Lee, Public Works Director received today. He explained that Richard Lee has been in contact with NH Department of Transportation (NHDOT), regarding the sidewalk/crosswalk discussion. Richard Lee had reviewed the Site Plan and provided comments to the Board for consideration of the Site Plan application. Frank Anzalone explained that a driveway permit will be needed from the NHDOT, and based on Richard's email, he is here tonight to ask that the sidewalk area shown on the approved Site Plan be removed. This plan must be submitted to NHDOT for the driveway cut. Since the existing Planning Board approved plans show a hatched area of sidewalk on the pharmacy side, the State will require completion by way of a crosswalk to the other side of the street and the sidewalk on the other side will have to be upgraded to meet current ADA requirements. This would start at about the Snow Construction Building and continue all the way to about where the dry cleaner building is located. This will require the addition of 26 tip-downs at every curb cut to make it completely handicap accessible for an estimated cost of \$26,000 to be paid by the Town. Per Richard's email, the Town is not currently in a position to address all of these areas at this time and this is a considerable cost to the Town. Mr. Anzalone is requesting removal of the small portion of existing sidewalk on the plan, as this would otherwise require the other upgrades to be completed by the Town. Mr. Anzalone stated a cross walk is not even a consideration by the state since there would have to be a sidewalk to cross to. No walking area to be included as a result. Hatched area on plan will go to nowhere at this point, so wish to remove from the approved plan.

**Board discussion:**

- ✓ Chair Gorman and Board members asked for an intermediary plan as this is a real safety concern, and the safety issues won't go away. This is an accident waiting to happen, as this area of Town is currently developed with businesses. Mr. Anzalone agreed but the

- State requirements would not allow (as this is their property). Board asked about reviewing the project, after some time has passed, to discern if there is a safety issue.
- ✓ Janet Kidder stated there are other sidewalk priorities in town such as Parkside Drive and did not think the budget would allow for this sidewalk upgrade.
  - ✓ Chair Gorman thought it reasonable to ask the developers to come back after some time has passed to see what safety concerns arises. There will be elderly customers who might have trouble crossing the street. It is dark in this area at night. Chair Gorman requested the issue to be looked at again in 18 months after there has been observation by the police department and neighborhood residents.
  - ✓ Jeremy Bonin stated that Colonial has offered to pay for the sidewalk but the unintended consequences are that there are 26 access tip-down points that have to be addressed for a cost of \$26,000. Jeremy Bonin asked if a sidewalk could be put on the same side of the street as the pharmacy. Mr. Anzalone said he would be amenable to this. Mr. Bonin asked about the feasibility of asking the State to look at this dangerous situation again. He said “it seems we are stuck between doing the right thing and doing nothing at all.”
  - ✓ Liz Meller noted that maybe the Town should do some safety observations.
  - ✓ Casey Biuso commented that the Town should look at whether we want to be a walking pedestrian friendly town.
  - ✓ Bill Dietrich thought the Board had no choice but to grant the request although he shares the concerns; there does not seem to be any middle ground.
  - ✓ Marianne McEnre asked about additional lighting and the Board said they did not want to encourage crossing the street if it is not safe.
- ✓ **It was MOVED (Tim Paradis) and SECONDED (Jeremy Bonin) to approve amending the approved Site Plan.** Motion to APPROVE the removal of the sidewalk and striping on internal lot on the approved site plan for Colonial Pharmacy. The Board voted to have the applicant submit a new site plan for the file which will show the removal of the sidewalk and the crosswalk leading from the internal sidewalk to the store front; that the new plan be submitted to NH Department of Transportation (NHDOT) for review of the driveway permit application; and the owner of the property return to the Planning Board in eighteen (18) months (June 2018) as this will provide time to review the traffic and safety issues in the area and receive input from the New London Police Department regarding any community safety issues in this area since the construction of the new pharmacy. The motion was APPROVED UNANIMOUSLY.

**Sliter Site Plan for a commercial farm and horticulture business. Timothy & Lizette Sliter, applicants; owned by Elizabeth Traynor Trust (William Clough, Sole Trustee). Located at 431 Shaker Road. Tax Map 111-018/019/020-000. Zoned Agricultural & Rural Residential (ARR). Property includes a Conservation Easement for Ausbon Sargent Land Preservation Trust. A Lot Merger Application also submitted to merge the three (3) lots.**

**Tim and Lizette Sliter presentation:**

The applicants provided an overview of property they plan to purchase, which is currently three lots that they will be merged into one lot. She reviewed the details included in the applications

materials and submitted one new page of the plan sheets, which now shows the location of a pond and animal waste area.

- ✓ Our Garden Life Horticultural Business is an existing business that uses organic material and hand tools are used in the operation.
- ✓ There would be not stockpiling of materials.
- ✓ Employees leave in the morning, load tools on truck and return at 3 pm. There will not be employees on site.
- ✓ Would like to install 4 hoop houses (approximately 30 x 72), they would start with one hoop house and then construct the others as needed. This would allow them to have a four (4)-season operation, growing some plants inside.
- ✓ Clearing the land to take advantage of the solar exposure. They would clear and use about 5-7 acres for field. They submitted a photograph of what the area looked like in the 1950s, with open fields and the existing house.
- ✓ Woodland buffers on the northeast side have been retained. There is 2000 feet frontage on Shaker Road that will have a 100-200 foot buffer so that country road feel will remain. They would be returning the land to agriculture uses, as most of it is currently wooded. She noted some trees will be left for a buffer, but much of the lot will be cleared.
- ✓ There is an existing cut (driveway) in the stone wall on Mountain Road which they would like to utilize for entrance to property.
- ✓ Approximately 18 acres of the land is in a Conservation Easement (Ausbon Sargent Land Preservation Trust). A pedestrian path shown on the plan, the purpose of the pedestrian path is to provide access to the public, as Ausbon Sargent has an easement on about 18 acres of the site, and to afford opportunity for educational learning (plant name posted along the trail).
- ✓ There will be no livestock sold but a herd of 4 (four) cattle will provide food for the family, couple goats, some pigs, birds (chickens) but all would comply with current requirements for the keeping of livestock in Town.
- ✓ The pond would not be fenced, as it would be further back on their property and not accessible to the public. Per their discussions with Jay Lyon, Fire Chief this would help with water source issue in this part to town.
- ✓ Manure management will follow best management practices, and they plan to use a concrete pad for the storages, this will help minimize odors.
- ✓ Products will be sold at winter farmer's markets. No-on-site food distribution is proposed, they would do deliveries of their products.
- ✓ Letters of support received from Gerry Gold, Ausbon Sargent Land Preservation Trust, and Nuttelman (Doris, Seth and Melissa).

Chair Gorman asked the Board if this application should be considered as a project of regional impact. The Board said it was not. He noted that the Site Visit which was scheduled for Monday was cancelled due to the inclement weather. Ms. St. John referred to the staff report and noted that the applicants met with the Town Departments (Fire, Public Works and Health). At the meeting Jay Lyon, Fire Chief noted he welcomed another water source (pond) in this area of Town and Deb Langner has asked about the animal waste and proximity to the well.

**Board comments and response from applicant:**

- ✓ Size and number of hoop houses – (30 x72) typically round with a point to allow snow to fall off of it.
- ✓ Pond – and source of the water for the pond. The pond will fill with groundwater.
- ✓ Lighting for the barn. There will be downcast lighting off the barn.
- ✓ Manure management. Manure will be stored on a flat concrete pad for composting in the center of the property. Composting does not create smell and the Sliters want to be conscious of the neighbors.
- ✓ Concerns expressed by the neighbors. Mrs. Sliter said that successful growing will not necessarily mean they will expand. The family is just looking to return to a simpler life. There will not be on-site sale of the merchandise.
- ✓ Merger of the three (3) lots, once they get the Site Plan approved.
- ✓ Fence around the pond. Mr. Sliter replied he did not think there is a need as it is in an area that is not accessible to the public.

**Public Hearing Opened:**

- ✓ Chester Piskorski (and wife Mary in attendance) of Wilder Lane. Had several concerns:
  - Abutter notification. Had not received any notification and only knew of the application and tonight's meeting because his neighbors informed him. Requested a paper copy of all the information in the file, thought he should had received this.
  - Animals – how many, what kind. The smell of pigs and chickens is terrible. How does The Ordinance address pollution that is going to be created by pigs and chickens?
  - Manure smell/stench. Concern that the farm would be a large scale animal operation, noted his previous experience in the Chicago area. If there are septic system for the animal manure. Requested that the manure be hauled away. Air quality will be affected with a farm in the area.
  - Noise concerns. He stated he used to live in the Chicago area and an airport was erected next to his property and he had to move to get any quiet.
  - Property values- state this will affect and diminish his property value. Asked for assurances that future buyers will not destroy the value of surrounding property and requested that something be included in the deed so that future owners of the property cannot just do anything they want. He will never be able to sell his house so he will burn it down so that he will not have to pay taxes. He would like to have everything in writing. Just because it is allowed, doesn't make it right.
  - Well- location. Concern about the source of water for the pond, the current drought conditions and how this is affecting his well and others in the area. Will the pond drain or affect their well production and water pressure. Taking water from the pond will cause the surrounding wells to go dry.
- ✓ Tom Polisen of Wilder Lane had several concerns.
  - Agricultural use- Asked if farms are allowed in this part of Town. Said he had not seen the previous photograph of the land from years ago, which showed it was open fields. He explained that it may had been a farm back then, but since that time the

- surrounding area has changes and is now includes much residential area. He is concerns about his property and how this farm may affect it.
- Noise in the area has changes over the years.
  - Notification process - stated that many people found out about this application through hearsay. Not everyone was informed.
  - Odors- the expanded use of natural fertilizers will create a noxious odor for the abutters.
  - Pedestrian path- concern about privacy, invites trespassing on the abutting properties, and not in the spirit of the Zoning Ordinance. Cited a provision of the Zoning Ordinance stating walking and bird watching shall not be established within 25 feet of an abutting property. Stated there is no real path. The image that there is a natural path going through is incorrect. His concern is that signs will welcome people to the path.
  - Pond- The Town encourages water conservation. Concern about the pond.
  - Traffic has changes over the years, now more traffic on Mountain Road and Wilder Lane and some vehicles have been damages. The commercial operation on Shaker Street will create additional traffic on the road.
  - Water contamination concerns.
  - Water source and concern about the drought.
  - Wells- The use of water from this pond will impact surrounding wells in the neighborhood.
  - Property line- believes the rock wall is the property line.
  - Zoning Ordinance provisions- what is the process to change the Zoning Ordinance provisions regarding agriculture and to address the public access to the pedestrian paths.
- ✓ Tim Center of Wilder has several concern.
- Agreed with the comments of Tom Polisenno.
  - Drainage and runoff concern. As to the water run-off, based on the drawing, the center of the property is the highest point and all the water will seep into the neighbor's properties. Additionally, if trees are removed as proposed, there will be more water. He referred to the map, and showed on map how the runoff occurs. In the spring when there is snowmelt it creates a river that flows through his property. This area is extremely wooded and water still flows wildly down towards his house. Without the woods, the drainage issue will be more of an issue. Requested copy of the new modified map that was just presented at the meeting.
  - Pedestrian path- The walking path that is being referred to is right next to the rock wall which designates their property line. This walking path will feel like someone is in our backyard any time of the day or night. This will feel like an entire amusement park, not just a merry-go-round.
  - Privacy- Thinks this will take away from the typical privacy that they now enjoy. The map shows a green area that is expanding for field use and will get closer to the road. This will take away from the privacy. Stated that had he known an establishment like this would be allowed, he would not have purchased the property.

✓ Gerry Gold comments.

- Agricultural use. Said he knew the previous owner (Libby-Elizabeth Traynor). Shaker Road was previously agricultural, the previous owner had a house there since the 1950, and the site was fields and farmed. The woods have grown up since that time. Noted that change is inevitable. When he thinks about other possibilities, one being that this land could turn into 5 building lots, this is a good use for the land. He is happy that Ausbon Sargent has put some of the land in conservation. He felt that it was evident that a big change was about to occur, and encouraged the Board to take a good look at the application and approve the current plan. There is big concern for what future owners will do with the land. Since a septic cannot be installed on an easement, there is no chance that an ADU can be created. This is a positive step for the neighborhood. Explained that some of the water goes to Cascade Brook and some to Low Plain.
- Positive and supports the application. He also submitted a letter of support and stated this is positive for the neighborhood.

✓ Danny Lubrano comment.

- Stated he wished the Board to know that he does not want a retail operation on the property.

Public Hearing Closed:

Board Discussion:

The Board throughout the public hearing and following the public hearing provided comments and clarification regarding the various comments raised by those in attendance.

- Abutter notification: Abutters within 200 feet were notified. Staff did not immediately know if the Piskorskis were notified but would research.
- Agriculture: Is permitted and encouraged in the Zoning Ordinance, Master Plan and State laws. The impulse to follow is that farming/agriculture is good for the town. There is a body of data gathered that says that farming is good for the town. Jeremy Bonin applauded the people who came out to encourage farming. He commented that at the Accessory Dwelling Unit Subcommittee meetings, there has been a lot of opposition to add housing. He noted these are some of the complex issues the Planning Board and Town continues to address, and both agriculture and housing are needed, and the Town must work together on addressing these important issues, as the comments contradict each other.
- Commercial Farm: The Zoning Ordinance requires a Site Plan application. Farming is otherwise permitted and encouraged.
- Conditions of approval: The Board explained that the Planning Board can include conditions on any approval. It is not within the Board's power to affect the deed. All conditions will be included in the minutes of this meeting.
- Forestry and cutting of tree: Forestry and cutting of trees is permitted. Changes to occur when trees are removed, but forestry is allowed. Casey Biuso stated that when the Hall Farm Road property was cleared, all the water flowed down to Blueberry Lane and flooded basements there.

- Livestock requirement: The Planning Board must refer to the provisions of Article II, noting that no free ranged pigs are allowed.
  - Pedestrian path: Ausbon Sargent has a conservation easement on the property and the conditions of that conservation easement are between the owner and Ausbon Sargent. As some Ausbon Sargent easement allow and promote public access for walking and other recreational use, such as nature path, bird watching, etc. The Sliters state this is a natural path that has been created by wildlife. The proposal to remove dead trees is for safety reasons. Suggestion to limit the owner from putting signage about the trail on the property within 25 feet of property lines as the Board cannot require 25 foot setback. Concern expressed about imposing conditions which are outside the requirement of the Zoning Ordinance. The comments about not allowing a pedestrian path within 25 feet, incorrectly cited by the abutter. Article XI, Institutional/Recreation District, page 47 includes specific provisions, but this does not apply to this property.
  - Water and pond concerns: Ponds are allowed and are common in agricultural areas. Typically when a pond is dug, it fills with groundwater and rain.
  - Zoning Ordinance provisions: Town residents voted to adopt the Zoning Ordinance and subsequent amendments. There is a process, and people are encouraged to participate.
- ✓ **MOTION TO APPROVE with conditions the Sliter Site Plan for a commercial farm and horticulture business.** It was **MOVED** (Liz Meller) and **SECONDED** (Tim Paradis) to approve the application with the following 4 conditions:
1. Livestock quantities shall comply with Article II, General Provisions – Minimum pasture, enclosure & shelter requirements for livestock.
  2. The wildlife corridor educational pedestrian paths shown on the plan shall not be located closer than 25 feet from the property line and no signage directing people to the path or any signs uses on the path (naming plants) shall be placed within 25 feet of the property line.
  3. All farming activities to be in compliance with Best Management Practices (BMPs).
  4. Receipt of required town driveway permit.

The motion was **APPROVED UNANIMOUSLY**.

**Stevens (Samuel, Amelia and William) Subdivision.** Located at 217 Owls Nest Road (private road). Tax Map 135-001-000. Zoned Residential (R-2) and in the Shoreland Overlay District. Plan prepared by Clayton Platt, surveyor.

**Clayton Platt, surveyor presentation:**

Provided an overview of the subdivision plan to create one additional lot. He noted that Mark Moser is the engineer for the project and the sections of the road will be upgraded, per discussion with Jay Lyon, Fire Chief and Richard Lee, Public Works Director. The road to be upgraded 12 to 14 feet (18 feet with ditch work.) Maximum grade to be 9.9% with the total number of houses serviced by the subdivision will be six (6) at 3.3 acres per home. Mr. Lee has recommended putting a 2nd culvert in and fabric under the base layer of the road. Under drains will be installed if it is found to be needed during construction. Chief Lyon wants the road to be wide

enough for fire apparatus. All access to property is on Owl's Nest Road. Turn around to be created on the current Stevens property. There is one house sitting on the property line, which is to be removed. Plan stamped by Jon Sisson, wetland scientist (soils data). There are no wetlands, the soil is sandy and well drained. Currently in the process of getting State Subdivision approval (lots less than five acres).

**Public hearing opened:**

- ✓ Barbara Kreisler referred to the shape of proposed Lot 1-1, noting there is a section of the property which narrows down, and she is concerned if it complies with the Ordinance. She also asked about the lake frontage, and is concerned they may not have the required shore frontage.

**Board Comments:**

- Bridge on Owls Nest/ Pike Brook and is this part of the plan.
- Reviewed the definition of Shore Frontage, definition # 138 of the Ordinance.
- Plan for the roadway improvements to be presented for the next meeting.
- Discussed the irregular shaped proposed Lot 1-1, noting there are other lots in town with irregular shape.

Clayton Platt explained that bridge is not part of this project. He affirmed that the lots meet the required 200 feet of frontage required and asked for a conditional approval, pending the road improvements plan.

Staff recommended that the plan be continued to the next meeting, so the revised roadway improvement details are presented.

**Public Hearing continued to the January 24, 2017 meeting and a revised plan to be submitted showing the roadway and other improvements as discussed with the Towns Departments.**

**SJAP, LLC Subdivision.** Located at 11 Dixie Lane. Tax Map 084-029-000. Zoned Residential (R-1 and R-2, split zone). Plan prepared by Clayton Platt, Surveyor. Wetlands delineated by Jon Sisson. ZBA granted variance October 6, 2016.

**Clayton Platt, surveyor presentation:**

Clayton Platt provided an overview of the plan noting the ZBA granted a variance with conditions in October 2016 as the property is located in a split zone. A revised wetland map per the ZBA variance requirement was submitted. Wetlands not contiguous to Lyon Brook as it is separated by the highway department garage and culverts. Property is within town sewer and water district, and per the note on the plan both lots will tied (connected) to the sewer and thusly State Subdivision approval is not required. Both Richard Lee, Public Works Director and Jay Lyon, Fire Chief do not have any issues, per emails of Dec 13, 2016.

**Board discussion:**

- ✓ Drainage- Clayton Platt was asked to explain where the drainage goes from the wetlands. He commented that there are culverts, and flow to the rear of the Town highway garage.

**Public Hearing Opened:**

- ✓ Tim McCullough, abutter provided a written letter and two pages for distribution to the Board, this was received at the meeting. He noted his concerns is that the land is very wet and sometimes the water backs up into his yard. He commented that there is really a full stream on the property, except this year since it is so dry. Wanted to know when the survey was done. Mr. Platt stated it was done in the summer and then again in the fall. Mr. McCullough stated there is water above his driveway also. He currently has many water problems on his property and stated the water does not clear the culvert and backs up to his house. He stated the back of his house is a complete swamp, one cannot walk out without sinking in. Wondered how the ZBA made a determination to give a variance.
- ✓ Pam Perkins, owner. Asked for Clayton Platt to review the criteria used to determine wetland jurisdiction. He provided a brief overview – noting hydrology, soils and vegetation. He noted the wetlands were discussed during the ZBA hearing.

**MOTION TO APPROVE SJAP, LLC Subdivision** located at 11 Dixie Lane. Tax Map 084-029-000. Subdivision plan approved noting both lots 29 and 29-1 will tie into and utilize Town sewer, per the note on the plan. ALL BOARD MEMBERS IN FAVOR.

**ZONING AMENDMENT DISCUSSION:**

- Signs: Waiting for input from Town Counsel, deferred discussion to the next meeting.
- **Attached** Accessory Dwelling Units Amendment (ADU). Key issues which continue to generate concern include – need for further clarification on gross living area/below grade; the maximum size (concern that the ADU) be subordinate; density and the issue of family.

**Board discussion:**

- ✓ Bill Dietrich felt the Board must state how much can be allowed but should not specify if it be above grade or below grade. Only specify gross living area of above grade space.
- ✓ Jeremy Bonin stated the Board should not include below grade space as this will not increase the size of the building. The goal is to keep the size down and should use HUD guidelines. Subordinate language is not definable. Density is limited to 1 family, can be 2 bedrooms of any size. No limitation to the size of the family. Unrelated individuals limited to 5 people. If there were an architectural review, it would be subjective decision. Small house, big barn is a New England character. Subcommittee did a lot of research and most of what was found was that detached was torpedoed. Second part is to provide flexibility. Typical ADU's are so restrictive so they don't get built or they get built illegally. Don't complicate something because of the occasional wrongful interpretation of the language. The 5-year limit is an intent

- to keep ADUs from being built. The reality is that we are not going to see a large number of these being built.
- ✓ Marianne McEnru stated that people are afraid of size, and she is ok with subordinate if it means smaller in size.
  - ✓ Tim Paradis: Objective is to protect the aesthetics of the town, if people are living in the basement of a house they will not be seen.
  - ✓ Chair Gorman stated he is having difficult time understanding the small numbers that are being talked about. Provisions currently exist in the Zoning Ordinance for ADU, which have been available to residents for a long time and in some instances have created a blighted look. The proposed attached ADU language will provide the Planning Board the opportunity to review ADU as a Conditional Use Permit. The Board is committed do more than what is required by the law concerning ADUs. He noted he is not willing to put aside the work that has been done by the Subcommittee.

**Public Comment:**

- ✓ Steve Root suggested making 1000 SF the maximum of habitable living space. Take out loophole of potentially creating another 1000 SF by using below grade space. These ADU's can be built on any property in town and this will increase the density. This is being driven by a particular individual on the board and not by state law. Why are we going beyond the state law? To create 2000 SF is too much. ADU size should be limited. Put back language of "subordinate" so that ADU cannot grow to 2000 SF.

Additionally, Mr. Root would like his letter addressed to the Board asking for release of the opinion of Town Counsel with regard to ADUs. Chair Gorman commented this is decision of the Board, noting his concerns: firstly this would set a precedent; secondly, there is a long history of confidentiality of material and discussion that takes place between attorney and client and thirdly, in own professional experience, when asking a question of counsel, one often gets a reply with several scenarios. Chair Gorman added that The Board needed to weigh in on this release.

Steve Root stated he has attended 6 meetings and each time he suggested that the subcommittee check with town counsel. At every meeting there was a struggle to know what was legal. Counsel response to questions is very important. Can waive the attorney/client purpose because this would be informative to the public. As for the precedent, this has been released in the past. Judge DiClerico commented on an opinion concerning Bucklin Beach.

- ✓ John Wilson: The point is the perceived capacity of the ADU unit. Should be limited to one family. If a larger ADU is allowed, density likely to increase.
- ✓ Steve Ensign: Noted that as previously discussed earlier in the meeting, since the law has been passed, it is now recognized there are unintended consequences. Many other issues were discussed when the new law was being proposed with input from the Housing Authority, need to retain young people in the State, affordability issue, Workforce Housing, caring for an aging population, and there must be some incentives for developers to want to build an ADU.

- ✓ Carol Foss: Stated the need to craft the minimum square foot allowed. This needs to be done by January so that it can be included on the warrant.
- ✓ Peter Winship: Noted he was in attendance to listen to the ADU discussion.

**FUTURE MEETING DATES:** Refer to the Planning Board Meeting Schedule and the Town's website for updated meeting information. Next meeting scheduled for January 3, 2017.

- ✓ **MOTION TO ADJOURN the meeting at 10:25 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