



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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NEW LONDON PLANNING BOARD
WORK SESSION
MEETING MINUTES
Tuesday, June 28, 2016

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

ABSENT: Tim Paradis and Liz Meller.

OTHERS IN ATTENDANCE:

Mary D. Doyle & John J. Doyle of 533 Forest Acres Road
Clark Reed of 77 Wilmot Center Road
Jean Connolly of 229 Pilothouse Road
Anne Wustrow of 575 Forest Acres Road
Donna Weaver of 38 Beaver Point
Tim Hernon of 16 Wallula Road
Chris Bottinger of 684 Little Sunapee Road

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

Chair Gorman explained the purpose of the meeting as a work session to develop items to bring to the Town Meeting in March.

Joseph Kubit (Alt.) and Casey Biuso (Alt.) were appointed to serve as full members in absence of Tim Paradis and Liz Meller.

APPROVAL OF THE MINUTES:

✓ Motion to APPROVE the Planning Board Meeting Minutes of June 14, 2016. It was MOVED (Michele Holton) and SECONDED (Janet Kidder) to accept the minutes. The motion was APPROVED UNANIMOUSLY.

PUBLIC COMMENT:

Center for the Arts – Jean Connolly introduced herself as representative for the Center for the Arts and she asked the Board to keep the Center in mind when allocating/considering future space requirements. Currently the Center shares Whipple Hall with the New London Recreation Department and every bit of space is being used at all times. Ms. Connolly impressed upon the Board the importance of the arts in the community and hopes the Board will allow Center for the Arts more space in the future. Ms. Connolly suggested a partnership with Colby-Sawyer College

to use the Sawyer Theater at the Sawyer Fine Arts Center since they are building a new performing arts center.

Bill Dietrich, Chair of the CIP subcommittee noted that space needs have and will be discussed as part of the Capital Improvements Program (CIP) process. Space needs were clearly noted in last year's CIP document.

Frederic Prior Tree Cutting application Shoreland Overlay District – Property owned by Frederic and Roderick Prior. Located at 77 Wilmot Center Road. Tax Map 078-008-000, Proposal for removal of three (3) trees and shrubs. Previously discussed at the June 14th meeting.

Mr. Prior explained he cut the trees prior to filing the tree cutting application, as the trees caused damage to one of the structures on the lot (garage like structure closer to the shore) and the trees needed to be removed for safety reasons. Ms. St. John visited the site after learning this and because the application suggested additional trees were cut. Mr. Prior explained he didn't understand the point system when preparing the application. After visiting the site, Ms. St. John confirmed there are more than sufficient points to satisfy the permit application.

- ✓ Motion to APPROVE the Tree-Cutting Application of Frederic Prior located at 77 Wilmot Center Road (TM 078-008-000) of June 14, 2016. It was MOVED (Jeremy Bonin) and SECONDED (Michele Holton) to approve the application. The motion was APPROVED UNANIMOUSLY.

Messer Pond Protective Association (MPPA) – Messer Pond Watershed-Based Implementation Plan dated April 4, 2016. Ten (10) minute presentation by John Doyle and Base Flow, LLC for the MPPA. Q & A following the presentation.

John Doyle, President of MPPA gave the presentation and informed the Board that Gabe Bowen, Engineer was unable to attend. He explained that he would like to spend the most time on recommendations on the plan that are relevant to discussion tonight that pertains to potential zoning amendments ideas for consideration. John Doyle provided a general overview of the plan; what was done; the findings; goals and targets of the study; recommendations, and items to consider as possible zoning amendments. He summarized key points:

- ✓ NHDES (aka DES) has designated Messer Pond as impaired in 2010 for phosphorous, chlorophyll and pH.
- ✓ Messer Pond is currently listed by NHDES as an impaired waterbody.
- ✓ Secured funding from NHDES.
- ✓ Developed model to investigate the various parameters.
- ✓ Phosphorous concentration is similar to concentrations in other ponds/lakes around the State.
- ✓ Pond is shallow and the decrease in water clarity over last 15 years. Important issue to local economy and recreation and public health issues (swimming, fishing, boating, water usage)

- ✓ No single source of phosphorus flowing into the pond but several sites.
- ✓ Several photos were shown on overhead, one of the run-off along Forest Acres after a storm on June 5th, and another of the culvert on County Road before and after a storm.
- ✓ He noted that he has met with staff including Richard Lee, Public Works Director; Kim Hallquist, Town Administrator and Lucy St. John.
- ✓ MSPA would like to be part of zoning amendment process and the group would like to be part of a subcommittee to address water-quality of streams, rivers, ponds, lakes and watersheds in New London.
- ✓ There are approximately 55 households which belong to the Association, and there is 85% to 90% level of participation by abutters in the area.
- ✓ Messer Pond volunteers assisted in collecting samples and some data for the study.

John Doyle then proceeded to outline key ideas for consideration as potential zoning amendments including:

- ✓ review of current zoning overlay districts maps- consolidation to present information from a broader natural resources protection approach
- ✓ expanse the areas includes on the maps, include other wetlands, perennial and streams
- ✓ addressing the build-out recommendations from the plan (impervious area limitations and possible LID requirements to minimize impact)
- ✓ expansion of fertilizer ordinance (no P)
- ✓ storm water ordinances
- ✓ modification to buffers and setbacks, not one size fits all- consider surrounding topography and reduce setback in some areas so more areas are included, for example a 10-20 feet setback.
- ✓ septic maintenance/inspection ordinance
- ✓ CIP considerations – plan for correcting watershed issues
- ✓ Structural and non-structural BMP – including requiring developers to address and manage the run-off on their property as they develop even if they are within impervious surface guidelines.

Input from the Planning Board and others on the MPPA plan.

- ✓ What will happen if nothing is done?
- ✓ Need to work with the Regional Planning Commission (RPC), other Lake Associations and others (including State Representative Karen Ebel) to address issues related to Interstate 89.
- ✓ Barbara Troxell of Forest Acres Road stated she has owned a home on Messer Pond for 18 years, and considers the pond to be one of the treasures of New London along with the other bodies of water. The Messer Pond Protective Association does a lot of work to maintain the aquatic integrity of the pond but she stated the responsibility of the town to make homeowners and landscapers aware that fertilizers with phosphates will destroy the pond. Ms. Troxell expressed the desire of the MPPA to get help from the town to preserve this water body as they don't want it to become a Cricenti's Bog in 50 years from now.
- ✓ Commended the work of the Messer Pond Protective Association.

- ✓ Chris Bottinger, previous owner of Camp Wallula, stated Little Sunapee has the same problem and that every year (for the past 50 years) he has observed 50 truckloads of sand being dumped on the beach area and is washing into Little Sunapee Cove. DES will not allow this sand to be moved. The alternative is to use salt but then it will gradually cause the lake to turn into a bog. The third alternative is to not allow salt or sand in the winter but plowing only and cars will just have to drive slower.

Zoning Amendment Discussion:

Chair Gorman noted that there are many areas of the Zoning Ordinance that need attention and but there is must be a realistic approach to can be accomplished in the months before March 2017. He stated that the zoning amendment ideas fall into several categories including issues that require consideration in response to state and federal laws, formatting issues, content issues and rezoning districts and mapping issues.

There was discussion as to how to prepare for March town meeting. Ms. St. John gave an overall of a general timeline with subcommittee preparation in the summer and fall, public hearings later in the year/and early in 2017 as will be required for a March Town meeting process.

In response to state and federal laws (US Supreme Court decision):

Accessory Dwelling Units (ADU). New Hampshire legislation effective date June 1, 2017. Planning Board has an ADU Subcommittee, chaired by Jeremy Bonin. Next subcommittee meeting scheduled for Friday, July 8th.

Signs (US Supreme Court Decision, Reed v. Town of Gilbert, Arizona June 18, 2015). Decision regarding content neutral signs.

- ✓ Any sign language draft may need to reflect current size requirements, reflecting on changes proposed in the past which failed.
- ✓ Communication strategy to solicit input and in developing changes to the sign provisions. Discussed various avenues of communication including article in the Intertown Record, Municipal Matters, information on the Town's website, interview on the local cable network and actively soliciting input through the process.
- ✓ Complaint about a large sign on First Baptist Church property advertising Vacation Bible School.
- ✓ Current sign provisions have been enacted over the years, reactivate.
- ✓ Email from Karen Gooper of Woodland Trace dated June 13, 2016 read into the record. Ask the Board to streamline the sign process with emphasis on assisting non- profits with fundraisers.
- ✓ Institutional districts sign provisions do not meet the need of those institutions. Discussed recent sign variance granted to a Colby-Sawyer College and discussions with New London hospital.
- ✓ Model ordinance not available at this time.
- ✓ Retail owner want signs, and quick turnaround.

- ✓ Selectman Kidder stated this is biggest issue that needs work and feels the entire sign ordinance should be thrown out. She referenced organizations and individual property owners that want to place a sign to support an event or organization, people do not understand why their good causes cannot be on signs. This should be equitable to all.
- ✓ Some signs are posted which are in violation, but some of these signs have been allowed for years, and few people complain.
- ✓ Staff approach to the enforcement of sign provisions is generally by calling and talking to the owner.
- ✓ Subcommittee that will continue to work on this issue.
- ✓ Vision for the Town, what we want the Town to look like and what part does and will signs have.

Formatting issues:

- ✓ Discussion on where definitions should be placed in the Zoning Ordinance and how presented, for example Floodplain Definitions in the Floodplain provisions, in the rear of the Ordinance (such as a Glossary), suggest reviewing Newbury's Zoning Ordinance, bold them in the text like they do in children's text books, other formatting ideas such as that uses in Fire or Building Code document and etc. Goal to make the document more user friendly.
- ✓ Reorder other sections of the Zoning Ordinance to make more user friendly.
- ✓ Special Exceptions and other uses current in Article XXI, Board of Adjustment, to be relocated into each respective section.
- ✓ Sanitary Protection, Article II, General Provisions, Section 8 to be renamed and the provisions revised per input from the Town's Health Officer.

Other ideas:

Commercial Districts- all the same requirements, but three (3) distinct and different areas of town, Main Street, Elkins and Newport Road. This is more a long-range topic. Perhaps this is a time to engage the community and plan what we want the town to look like in 10 to 20 years.

Ms. St. John noted that the Zoning Board of Adjustment discussed ideas at their June 27th meeting. The ZBA noted that the CIP process should consider including sidewalks in the downtown area to address downtown vitality, public health issues and safety concerns. They also discussed potential zoning amendment ideas for consideration including:

- Accessory Dwelling Units
- Definition of family and reorganizing the definitions
- Demolition Delay Ordinance, per the establishment of a Historical District Commission (or Heritage Commission). This would help to preserve the historic elements of the Town, and afford other interested parties input prior to historic building being demolished.
- Lot line clarity.
- Natural Resources include on one map and clarify discrepancies in the paper and GIS maps, and reference the GIS maps in the Zoning Ordinance.
- Non-conforming provisions

- Reordering of the special exception and definitions.
- Signs

A brief history of the recent ideas for a demolition delay ordinance were discussed, noting the building in Elkin's that was demolished. Discussed a Town Committee to look into this idea, how some people feels any historic preservation provisions are an infringement on their property rights, if a historic building is moved it is no longer eligible for historic designation, and that buildings of the New London Historical Society can't be included on the National Register of Historic Buildings because they were moved.

Paul Gorman expressed a desire to establish a committee to undertake the slow difficult process to completely rewrite the Zoning Ordinance. Discussed the need for commitment to this process and need to review and update the current Master Plan.

The Board agreed to try and present amendments to address ADU, signs, some reformatting and the Natural Resources on one map.

Future Meeting Dates – July 12 and August 9. Refer to the Planning Board Meeting Schedule and the Town website for updated meeting information.

- ✓ MOTION TO ADJOURN the meeting at 8:30 PM. IT WAS MOVED (Michele Holton) AND SECONDED (Janet Kidder) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY.

Respectfully submitted,

Jennifer Vitiello,
Recording Secretary
Town of New London, NH