



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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NEW LONDON PLANNING BOARD  
MEETING MINUTES  
July 7, 2015

**PRESENT:** Bill Helm (Chair), Paul Gorman, Michele Holton, Bill Dietrich, Jeremy Bonin, Janet Kidder (Selectmen's Representative) and Alternates- Marianne McEnrue, Liz Meller and Tim Paradise.

**STAFF:** Lucy St. John, Planning and Zoning Administrator.

**Call to Order:** Chair Helm called the meeting to order at 6:30pm.

**Approval of Minutes**

**IT WAS MOVED (Janet Kidder) AND SECONDED (Bill Dietrich) to approve the minutes of June 23, 2015, as amended page 2 the sentence that read, " The college plans to close McKean Hall., and change the word "close" to "repurpose". THE MOTION WAS APPROVED UNANIMOUSLY.**

**Public Comment**

Chair Helm asked Sue Andrews what she would like to suggest in terms of changes to the sign ordinance. He referenced her letter that was published in the Kearsarge Shopper prior to Town Meeting in opposition of the proposed sign ordinance changes the Planning Board was suggesting.

**Sue Andrews was recognized by Chair Helm.**

Ms. Andrews said she wasn't prepared with suggested changes but thought she was invited to the meeting to hear more about what the Planning Board had come up with for changes to the sign ordinance. She said she understood the proposal from the Planning Board was to allow for larger signs. Chair Helm said their goal was to simplify the application process for signs and clarify other provisions of the sign ordinance. He explained that the intent was to standardize the size and number of signs allowed. He explained that some residents and businesses wants more signs, and others do not. Chair Helm said the current ordinance contains many inconsistencies and unclear language.

Ms. Andrews said she felt the old ordinance did a fine job of limiting signs and didn't see how the proposed ordinance language would bring further benefit to the town. Ms. Andrews thought it best to work from the current ordinance and make changes instead of creating a whole new sign ordinance. She asked what the specific problem(s) is/were with the current ordinance.

Ms. St. John said there are numerous inconsistencies in the ordinance. Ms. St. John explained that the Planning Board had a subcommittee which looked at the sign provisions and agreed that it needed to be revised, clarified and inconsistencies corrected. The subcommittee also agreed that it would be easier to start with a clean slate, otherwise the amendment process would be complicated and even more difficult to follow. She explained that all ordinances, are evolving documents which need to be reviewed on an annual basis, as the community changes and there are new court cases (such as the recent US Supreme Court case regarding signs). She explained that board members and residents can present ideas for consideration.

Ms. St. John explained that the proposed changes to the sign provisions reflect the discussion of the board, review of other sign regulations, and input received in the process. The draft provisions which were proposed and defeated are not perfect and no ordinance will ever be perfect. She explained that many people have commented that the sign provisions are confusing and difficult to follow. Some people want more signs, less sign, different types of signs, and signs of different sizes. The proposed amendments which were presented reflected the Planning Board's attempt to address concerns raised about the current sign provisions.

Ms. Andrews said she would be happy to review the sign ordinance with the Planning Board and help make suggestions. She was not prepared with any specific suggestions that evening. The Planning Board was happy to accept Ms. Andrews' offer to help. She said she didn't feel businesses are having a hard time getting signs put up and felt it was more citizens who come in that find it difficult to determine what they can and can't do. Selectman Kidder said they all have to try to work within the ordinance and at times it gets a bit fuzzy; the Planning Board was just trying to alleviate those uncertainties.

Ms. Andrews said she was not opposed to making things clearer, but what was being proposed was a little overwhelming and had big changes involved.

Chair Helm asked Paul Gorman to chair the sign subcommittee. Mr. Gorman shared that over time, the ordinance has been added to and nothing has been taken away. This isn't only with signs, but with the entire zoning ordinance. Ms. Gorman explained that there are other provisions in the Zoning Ordinance that need review and rewrite. Mr. Gorman and Ms. Meller will serve on the Sign Subcommittee and report back to the Board.

Ms. St. John will contact the Chamber of Commerce to invite them to participate in discussing the sign provisions.

**John Sheehan from Checkerberry Lane** was recognized by Chair Helm.

Mr. Sheehan said he was there to follow up on a letter he sent to the Planning Board in February with regards to the need to have a survey prior to getting a building permit. He said a building permit was issued for 1891 Little Sunapee Road; a well was drilled and house constructed. The well was later found to have been put on State-owned property. Other instances have come forth recently where the shoreland has been disturbed within the 50' buffer. He feels the Town needs

more oversight when a building permit is issued, especially in situations when a structure is demolished and a new structure constructed in the Shoreland Overlay District.

Chair Helm said building permits are issued by the Selectmen, and offered the floor to Selectman Kidder to field Mr. Sheehan's question. Mr. Sheehan said he thought the Planning Board adopts the zoning amendments for the town. Ms. St. John said the Planning Board puts forward their proposed amendment language and the proposed amendments are voted on by the residents in May (for next year it will be March). She explained that currently the Town does not require a survey for a building permit. When people submit a building permit it is not the Town's responsibility to show people where their property lines are. She encourages people to get a survey and to not rely on the Town's maps to determine their property lines.

Mr. Sheehan asked how this issue can be alleviated. Selectman Kidder said Mr. Sheehan will need to submit his suggestion to the Town as a zoning amendment and the entire town will need to vote on it at Town Meeting for it to become part of the Zoning Ordinance. Ms. Kidder noted that his idea would likely not be a popular one as surveys are expensive.

**Patricia Sheehan from Checkerberry Lane** was recognized by Chair Helm.

Patricia Sheehan said at the last meeting of the Little Sunapee Protective Association (LSPA), of which she is the president, there was concern over building permits being granted in the shoreland overlay district for non-conforming lots and not requiring a survey. The LSPA thought it would be a good idea to contact the other lake protective associations and submit a letter to the Selectmen about this issue. Ms. Sheehan said she met with Kim Hallquist, Town Administrator, who said she should have to go to the Planning Board to request a change in the ordinance to require a survey in order to get a building permit and that Kim Hallquist had suggested that Ms. Sheehan come to the Planning Board as they were starting the amendment process and the time to request changes was now. Ms. Sheehan said she felt this was a critical issue for the shoreland; the 50' setback from the waterfront is being abused.

Ms. St. John explained the zoning amendment process and that petitioned amendments may be submitted as well. She noted that the zoning amendment process will be sooner, with Town Voting and Town Meeting having been changed from May to March.

Chair Helm referred to Article XXVII, Enforcement on page 117. Ms. St. John explained that if someone wants to offer language or other suggestions for the Planning Board to consider for future zoning amendments to submit an email or letter to her and this will be provided to the Planning Board. She also noted that the Zoning Ordinance is just one avenue for addressing this concern. She commented that if there is language in the zoning ordinance which would require a survey be completed for properties in the Shoreland Overlay District, this could become cumbersome if someone didn't want to have a survey completed, and they would then need to apply for a variance. She suggested that if a survey is going to be required to obtain a building permit for work in the Shoreland Overlay District, that some other type of Town Regulations, or building permit requirement should be considered.

Selectman Kidder said as long as it is noticed, any zoning amendment can be put on the warrant.

Ms. McEnrue suggested the Sheehans draft the language they would like to see and then submit it to the Planning Board for review.

### **Boathouse Discussion**

Mr. Sheehan said he also wanted to discuss another issue having to do with boathouses and the difference between a closed and partially enclosed structure. There is a question of whether a canopy is enclosed or partially enclosed.

Selectman Kidder said she believes a canopy over a boat is the same as putting a canvas cover over a boat. She did not see a canopy as being a boat house. Ms. Kidder noted that the boat canopy issue at 179 South Cove Road, was discussed at the recent Board of Selectmen meeting, and a memo was prepared by Kim Hallquist dated June 28, 2015 on this issue. Ms. Kidder said she stand by her decision that this is not a boathouse.

Mr. Sheehan commented that the two persons who introduced the proposed change to the definition of boathouse which was amended in May 2014 were quite certain that the canopy over a boat should be considered a boathouse.

Chair Helm suggested that they may want to consider offering some draft language to amend the definition of boathouse, if they believe it needs further clarification.

### **Overlay Districts**

Ms. Andrews said she would like to be notified when the Planning Board is talking about the overlay districts. Chair Helm said everything is posted online but they would let her know when they would plan to discuss the overlay districts.

### **Code Enforcement**

Mr. Gorman said it didn't appear that enforcement is being done through the Selectmen. Chair Helm opined that lately the Selectmen have been dealing quite a lot with enforcement. Selectman Kidder noted that when an issue is brought forth to the Town, Ms. Hallquist and/or Ms. St. John go out to the property immediately. Ms. Kidder explained that they cannot, however, go onto the property without permission from the landowner.

Mr. Gorman felt that there should be a regular process of follow-up for decisions made by the Selectmen and they shouldn't wait for people to notify the town that something is happening that shouldn't be.

Selectman Kidder said if that was the case, another individual would need to be hired. They would need to have an engineering background, have experience with surveys, etc. She felt it was a valuable idea but noted that Ms. St. John simply does not have the time to do this. It would

be a good idea to hire someone to handle code enforcement. Ms. Kidder suggested that if people want more Code Enforcement, they should bring this issue to the Budget Committee, and attend the Budget Committee meeting to support a Code Enforcement position. She commented that the Budget Committee thus far have not been keen on the idea of adding employees.

### **Tree Cutting Applications**

**Kozlowski property located at 91 Herrick Cove Lane. Tax Map 091-019-000.** After the fact tree cutting and work within the waterfront buffer (pathway).

Peter Schiess, Landforms Ltd, was presented to present the application and address any questions. Ms. St. John noted that an enforcement letter was sent to the owners, and that Mr. Schiess has been very cooperative in addressing the concerns raised.

He referred to the recent letter from the Town, and said the mistakes were his and not the landowners. They got approval from the State and he was surprised that the Permit By Notification (PBN) was not sent to the Town. It was his mistake to not follow through with a tree-cutting application with the Town. All quadrants still have 50 points.

Mr. Schiess Schies said he went into the 50' buffer inadvertently and damaged some of the area. The intent was to turn it into a level area for the kids to play. He realizes this was a mistake and he has submitted a plan to re-vegetate and put the area back to a more natural state. He noted that erosion control measures were used the entire time. They stopped working immediately as soon as Ms. St. John came and asked them to.

**IT WAS MOVED (Marianne McEnrue) AND SECONDED (Jeremy Bonin) to approve the after the fact tree-cutting for 91 Herrick Cove Lane. THE MOTION WAS APPROVED UNANIMOUSLY.**

Peter Schiess then explained the other work proposed on the site as outlined in the NHDES Shoreland Permit by Notification (PBN). Staff noted that the Town received the PBN on July 1, 2015 and wasn't sure why a copy was not provided to the Town in May, when it was submitted to NHDES. She said the PBN could have arrived when she was out of the office for a family emergency in May.

Peter Schiess provided a brief explanation of the other site improvements described on the PBN application including a pathway in the waterfront buffer. He noted that the amount of impervious is being reduced. Mr. Schiess said there is no place in the regulations that say that equipment cannot be put within the 50'. Even the State and Town's regulations state that a 12' wide path can be used to create a 6' walkway as long as the area is re-planted.

Ms. St. John said she contacted NHDES to ask some questions about provisions for the usage of heavy equipment utilized within the 50' waterfront buffer. She received a response from Jen Drociak dated July 2, 2015 stating: 1) the creation of a six-foot wide path within the protected Shoreland, by means as laying stepping stones by hand, with no excavation or grading, would

not require a Shoreland permit and 2) the creation of a six-foot wide path within the protected Shoreland, via mechanized equipment, moving stones/boulders, excavating, grading, constructing a path with lumber, etc., would require a Shoreland permit. Ms. St. John noted she then asked for additional clarification from NHDES, Jen Drociak responded by stating (2) above permit by notification if under 1500 square feet of impact, otherwise a standard permit.

Chair Helm thanked Mr. Schiess for his honesty and for coming forth to the Planning Board. He didn't feel that anything that was done on the property needed to be un-done.

**IT WAS MOVED (Marianne McEnrue) AND SECONDED (Janet Kidder) to approve the work done at 91 Herrick Cove Lane. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Banerjee property located at 135 Lamson Lane. Tax Map 049-018-00.**

Ms. Monica Banarjee, the daughter of the property owner was there to represent her parents. She said a Yellow Birch tree had been approved for cutting but had not yet been cut. The contractor they asked to do this work has not been good about getting back in touch with them. He has provided a map of the area with the trees marked for cutting. There will be 80 points in the segment after the cutting. Ms. Banarjee said the trees are not within the 50' of the shoreline and are at least 100' feet from Red Brook.

Ms. St. John noted that a tree cutting application was submitted, but the proposed tree cutting is in boundaries of Streams and Wetlands Overlay District. She noted that since there is not a separate application, the applicant used the Shoreland tree cutting application.

Chair Helm said it appeared that the points were within the regulations. It was noted that in the Zoning Ordinance that the Conservation Commission would need to give their approval, since the trees are near a mapped stream. He suggested the Planning Board give conditional approval for this cutting contingent upon the approval from the Conservation Commission.

**IT WAS MOVED (Bill Dietrich) AND SECONDED (Marianne McEnrue) to approved the tree cutting in the Streams and Wetlands Overlay Districts, subject to approval by the Conservation Commission. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Johnson property located at 324 Lakeshore Drive. Tax Map 037-018-000.**

Ms. St. John said Mr. Johnson was unable to attend the meeting. She explained that Terence Dancy from the Conservation Commission did stop into your office to discuss the tree cutting application, and commented that it seems cumbersome and convoluted to have to submit a tree cutting application when there is a dead tree, and when it is clearly evident that there are sufficient remaining tree points. Ms. St. John had explained to Mr. Dancy that both the Conservation Commission and Planning Board have discussed the tree cutting provisions, the

tree cutting application process, and that the Ordinance provisions regarding tree cutting need to be refined.

**IT WAS MOVED (Paul Gorman) AND SECONDED (Michele Holton) to approve the tree cutting request for the Johnson as presented. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Hopwood property located at 706 Bunker Road. Tax Map 076-022-000.**

Ms. St. John presented the photograph of the dead tree which was included with the application. Ms. Jane Hopwood was in attendance.

**IT WAS MOVED (Michele Holton) AND SECONDED (Marianne McEnrue) to approve the tree-cutting application for the Hopwood property. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Schwizer property located at 813 Little Sunapee Road. Tax Map 032-001-000.**

Ms. St. John conveyed that David Carey had stopped in to say the tree was dead. She informed him that a tree cutting application was needed. The board reviewed the application.

**IT WAS MOVED (Janet Kidder) AND SECONDED (Michele Holton) to approve the tree cutting application for the Schweitzer property on Little Sunapee Road. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Oates property located at 534 Lakeshore Drive. Tax Map 050-012-000. Tree planting in waterfront buffer.**

Ms. St. John said the owners are making some improvements to their home to accommodate some special needs of someone living there. They are asking permission to plant within the 50' buffer. They won't go into the 50' with equipment and their landscaper will cause very minimal impact. The Planning Board reviewed the letter from the Bartlett Tree Farm and saw no problems with their proposal. No action is required by the Planning Board for the tree planting in the waterfront buffer per the planting process described in the letter dated June 25, 2015 from Barlett Tree Experts.

**Review of Tree Cutting Regulations**

Chair Helm asked Planning Board members to compare the Town's tree cutting point system with the NHDES Shoreland Bureau tree cutting point system. Mr. Bonin and Ms. McEnrue agree to compare the Town and State provisions and to look at the requirements of the surrounding towns of Newbury and Sunapee and report back to the board. The Board briefly discussed that the tree cutting provisions including the point system, what trees and vegetation should or shouldn't be counted, and the intent of these provisions need to be clarified. Staff asked the Board if the intent to require a natural landscape look or is a planted landscape ok. It was also

noted that the ordinance discusses grass areas, and retaining walls, and how these change the appearance of the natural shoreland. It was agreed that further discussion is warranted.

John Sheehan commented that the Comprehensive Shoreland Protection Act was adopted in the early 1990s and there have been subsequent changes to the State laws. Subsequent to that, the State relaxed their standards and it was a conscious decision of the Town to not relax the Town's standards to conform to the State.

Michelle Holton commented that when the State provisions changed, the Town adopted stricter provisions per the input from Peter Stanley, the former Planning and Zoning Administrator.

Ms. St. John commented that the State has changed their requirements over the years, and some Town just comply with the State requirements. She noted that enforcement is an issue at both the local and state level.

**Discussion of Zoning Amendments:** Sign Ordinance, Accessory Structures & Dwelling Units, Tree Cutting Process, Consideration of Overlay Districts, Site Plan Regulations (Parking & Institutional Change of Use).

Chair Helm noted that these topics will be discussed more in the coming meetings.

### **CIP Subcommittee Update – Bill Dietrich**

Mr. Dietrich explained that the subcommittee has met with various departments and has received helpful input. Key discussion items included the 1941 Building and site, Whipple Hall, Police Station and the Transfer Station. Storage is a key issue.

Future meeting dates were discussed including the Friday, July 10<sup>th</sup> meeting with the Water Precinct, and the Friday, July 17<sup>th</sup> meeting with the Police Department, Public Work and Town Administration.

Selectman Kidder said that Ms. Hallquist has been in contact with the School District with regards to the CIP Subcommittee's request that the Selectmen to approach the Kearsarge Regional School District about obtaining the 1941 Building and site. There is a School Board Building Committee that will be in touch about setting up a time to discuss the building. She has been told that there is nothing eminent planned for that building at this time.

### **ZBA Hearing Report**

Ms. St. John said that a recent Zoning Board hearing ended with the Zoning Board upholding the decision of the Selectmen to grant Sandra Rowse a building permit for her property on Sutton Road. The Landrigans (her neighbors) had brought the case before the Zoning Board in an effort to make an appeal from an administrative decision. She anticipated that they may ask for rehearing.

**Dog Walker – Home Occupation**

Ms. St. John said she received a call from someone who would like to start a dog-walking business. The person that inquired noted that she would go to the pet owner's home, walk the pet, and take it to the vet or groomer. Ms. St. John said she didn't think she needed Planning Board approval as it seemed to fall under a home occupation and not a home business. The Planning Board members agreed with Ms. St. John's rationale.

**Motion to Adjourn**

**Motion to adjourn.** The meeting adjourned at 8:03pm.

Respectfully submitted,

Kristy Heath, Recording Secretary  
Town of New London