



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## PLANNING BOARD DRAFT MEETING MINUTES Tuesday, August 26, 2014 7:00 PM

**MEMBERS PRESENT:** William Helm (Chair); Paul Gorman (Vice Chair); Michele Holton (Secretary); Peter Bianchi (Board of Selectmen's Representative), Jeremy Bonin; Emma Crane; Elizabeth Meller (Alternate) and Bill Dietrich (Alternate).

**MEMBERS ABSENT:** John Tilley; Deirdre Sheerr-Gross (Alternate); and Michael Doheny (Alternate)

**STAFF:** Lucy St. John (Planning and Zoning Administrator); Chris Work (Recording Secretary)

Chair Helm called the meeting to order at 7:00 PM and asked Elizabeth Meller, Alternate, to sit in for John Tilley, who was absent.

### **Review of Minutes July 22, 2014**

Peter Bianchi requested a correction to the minutes of July 22, 2014: On page 9, in the last paragraph (re: Cherry Hill Homes proposed subdivision) the sentence that reads, "He has been putting septic systems in for 35 years and only saw two test pits on this plan he could put a septic system in," should be corrected to read: "He has been putting septic systems in for 35 years and only saw two test pits on this plan he could put a septic **tank** in."

**IT WAS MOVED (Paul Gorman) AND SECONDED (Elizabeth Meller) to approve the minutes of July 22, 2014, as revised. THE MOTION WAS APPROVED UNANIMOUSLY.**

### **Review of Site Walk Minutes July 29, 2014**

Chair Helm asked board members if there were any corrections to the Site Walk Minutes of July 29, 2014. There were none suggested, and no further discussion.

**IT WAS MOVED (Bill Helm) AND SECONDED (Elizabeth Meller) to approve the Site Walk Minutes of July 29, 2014, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.**

### **Bylaws/Rules of Procedure**

Chair Helm asked if board members had any further comments or suggestions for revisions to the Rules of Procedure. No further discussion was deemed necessary.

**IT WAS MOVED (Bill Helm) AND SECONDED (Peter Bianchi) to approve the amended Rules of Procedure as presented at the July 22, 2014 Planning Board meeting. THE MOTION WAS APPROVED UNANIMOUSLY.**

### **NH Municipal Law Lecture Series**

Lucy St. John provided a brief update of the 2014 Municipal Law Lecture Series. The three lectures are held at different locations around the state. Lecture One- The ZBA in NH; Lecture Two: How to Run a

Land Use Board; and Lecture Three- Impact Fees in NH. Board members interesting in attending should register. Carpooling was suggested.

### **Public Comment**

Chair Helm asked members of the public present if they had any comment about issues not included on tonight's agenda. There was no public comment.

### **Tree Cutting Applications**

- **Robert Carr property. Located at 29 Boulder Point Road. Tax Map 115-002-000.** Property recently damaged by a fire on July 2<sup>nd</sup>.  
Surveyor Pierre Bedard was present to represent Mr. Carr. Mr. Bedard stated the fire at the residence occurred on July 2, 2014. Debris has since been removed and the site stabilized. Mr. Bedard displayed enlarged photographs of the site. Mr. Bedard showed a plan of the site on the projected screen. The foundation was outlined in dark lines and the house in gray. The trees labeled for removal were circled and the 50-foot buffer and 150-ft. shoreline setback noted. Mr. Bedard explained that approximately 17 trees of various different sizes had essentially died. Chair Helm asked if anyone on the board had visited the property, and the answer was no. There were no questions.

**IT WAS MOVED (Michele Holton) AND SECONDED (Emma Crane) to accept Mr. Bedard's plan as presented. THE MOTION PASSED UNANIMOUSLY.**

- **Virginia Pope property. Located at 90 High Pine Lane. Tax Map 044-011-000.** Request to remove one dead maple tree.  
Nancy Pope Noyes, daughter of Virginia Pope, was present to speak on her mother's behalf. Ms. Noyes confirmed the maple tree in question has been dead for a while and is considered dangerous to children and grandchildren when they visit the property. Ms. Noyes said her sister-in-law is a landscape designer who felt that removing one dead tree would not affect the number of points.  
Chair Helm asked for questions and/or comments and there were none.

**IT WAS MOVED (Jeremy Bonin) AND SECONDED (Peter Bianchi) to approve the removal of one dead maple tree from the property. THE MOTION PASSED UNANIMOUSLY.**

- **Daniel Schimberg. Located at 196 Pike Brook Road. Tax Map 135-004-000.** Request to remove one (1) thirteen inch Red Pine. A State Shoreland application was also submitted. Lucy St. John referred to the application materials presented. No one was present to present the application. There were no questions from the Board.

**IT WAS MOVED (Peter Bianchi) AND SECONDED (Elizabeth Meller) to approve the removal of the pine tree. THE MOTION PASSED UNANIMOUSLY.**

- **Roger and Karen Foulkes. Located at 415 Lakeshore Drive. Tax Map 037-016-000.** Ms. St. John said this was submitted Aug 25<sup>th</sup> and the owners were very concerned as the trees are dead and pose a safety issue. The Board approved the request to remove the two dead trees as presented in the application.

**IT WAS MOVED (Paul Gorman) AND SECONDED (Michele Holton) to allow the cutting of the dead trees. THE MOTION PASSED UNANIMOUSLY**

➤ **Bill Woods. Located at 101 Murray Pond Road. Tax Map 045-001-000. Tree cutting update.**

Lucy St. John explained the owner received a building permit several months ago in the winter. At the time and recently some abutters and the Murray Pond Association have expressed concerns about the amount of vegetation which has been removed. The lot is on the corner and very visible. She and the Town Administrator visited the property and discussed the issues with Mr. Woods. He was asked to attend the meeting to give an update. During the site visit, it appeared that one tree may have been cut without permission. Mr. Woods said there was a discrepancy as there is a stream behind the house and when the tree arborist was on the property, he said the tree was dead and leaning towards the house. So they cut the tree down. Mr. Woods noted it is water from Murray Pond that runs behind the house. He plans to have a meeting with the Murray Pond Association and will plant a dozen fruit trees to fill in the bald spot on the yard. Emma Crane suggested he plant some native species – perhaps high bush blueberries, and Mr. Woods agreed.

**Planning and Zoning Administrator's Update/Building Permits**

Chair Helm asked Lucy St. John for a quick update on building permits. Lucy replied that she is trying to improve the application process, as it is often confusing to the general public. Often information submitted for the permit is submitted in a piecemeal fashion, the new process, which is anticipated to begin mid-October will require the applicant to submit all the information with the permit. The application form has been revised and will be discussed with the Board of Selectmen. She acknowledged that she spends about 50% of her time processing building permits. Chair Helm commented that he was surprised by how much of her time was taken up with building permits, the goal is to be able to spend more time on Planning and Zoning issues.

**Colby-Sawyer College Site Plan Application for Improvements to Lethbridge Lodge. Tax Map 085-033-000.** A Site Plan was approved on June 24<sup>th</sup> for the expansion of the commercial kitchen and outdoor patio area. The purpose of this hearing is to allow the College to use the facility and serve alcohol, as a pub/campus bar, which was not part of the June 24<sup>th</sup> approval. The ZBA granted a special exception on July 28, 2014 to allow the College to serve alcohol. Zoned Institutional. Waiver requested.

Representatives from the College were there. Architect, Frank Anzalone explained that the plan is essentially the same, they are just back before the board as they received the ZBA approval. The waiver requests were reviewed. The project was not deemed a development of regional impact. Lucy St. John said she had just received a memo from Richard Lee, the town's Public Works Director, regarding the grease trap at the Lodge. Mr. Lee has requested that the College notify them when the grease trap has been installed so he can inspect it before the Lodge is officially opened.

**Public Hearing Opened.**

Chair Helm asked if anyone had comments or questions regarding this application to allow Colby-Sawyer College to serve alcohol at Lethbridge Lodge. There were none.

**Public Hearing Closed.**

**MOTION WAS MADE (Michele Holton) AND SECONDED (Peter Bianchi) to approve this application as presented. THE MOTION PASSED UNANIMOUSLY.**

**Site Plan Application for TJM Enterprises, dba Flying Goose Brew Pub. Located at the corner of Routes 11 and 114, at 40 Andover Road. Tax Map 122—001-000.** The applicant proposes to add brewery storage space, solar farming improvements, landscaping improvements, improved wastewater disposal and parking. Zoned ARR. Waivers requested. The ZBA reviewed and acted on variances at the July 28<sup>th</sup> and August 4<sup>th</sup> meetings. Public Hearing continued from July 22<sup>nd</sup> meeting.

Chair Helm explained this was a continuation of the July 22<sup>nd</sup> Planning Board hearing concerning a site plan application of the Flying Goose Brew Pub to add brewery storage space and make improvements to the property. It was recommended at that meeting that Tom Mills, owner of the Flying Goose, appear before the Zoning Board of Adjustment to request appropriate variances in order to carry out the improvements listed above. The Zoning Board later determined the restaurant did not require any variances. Mr. Mills told board members that nothing about the plan as previously presented has changed at this time.

### **Public Hearing Opened**

Chair Helm asked the board members and audience present if they had any comments. There were none. However, Lucy St. John said one thing that probably should be discussed is the screening of dumpsters and hours when trash can be dumped. Tom responded that the only real issue concerning the dumpsters was the one used for glass. When glass is dumped, it makes quite a racket. He noted that once the dumpsters are moved, they will be closer to some abutters, but because the restaurant has instituted a new procedure to dump in the morning, no one should be disturbed by the noise. Chair Helm said he wants to be sensitive to the abutters and suggested the dumping of glass is not allowed after 11 pm and before 7 a.m.

Jay Lyon, Fire Chief, was present at the meeting and confirmed the boiler room at the Flying Goose was up to code. Chair Helm noted the board can approve and include specific language for compliance to all safety codes. He also concluded if the board wishes, it can put in language about screening the dumpsters and hours trash can be dumped, and address any other issues that come up.

Tom Mills mentioned that abutters have been very supportive. Since the dumpster closure is part of the project, he will start on this piece as soon as he has permission from the Planning Board. Mr. Mills noted he has already secured septic approval for the wastewater system and has submitted a building permit application to the town. His contractors would like to start staging the project. They are at a point where they need to get underway.

Ms. St. John said she had presented the building permit to the Board of Selectmen at their meeting on August 25, 2014, but it had not yet been signed. She told Mr. Mills if the Selectmen approve the building permit at their September 15 meeting, he can begin construction the next day. Chair Helm asked Mr. Mills if the project would be finished within 90 days, and Tom replied that it would.

Chair Helm decided there was no need to revisit the waivers. He asked if any of the board members wanted to make a site visit and no one answered in the affirmative.

### **Public Hearing Closed.**

**MOTION WAS MADE (Bill Helm) AND SECONDED (Michele Holton) to approve the waivers and to approve the Site Plan with conditions: 1) compliance with all Fire and Life Safety Codes 2) the dumpsters shall be screened within 90 days and 3) the dumping of glass is not allowed after 11 pm and before 7 am. THE MOTION PASSED UNANIMOUSLY.**

### **Other Business**

Capital Improvement Program (CIP) – Chair Helm referred to his memo to the Board dated August 21, 2014 regarding changes to the CIP process and CIP documents. He reiterated that the CIP is a Planning Board function and over time has been more of a document and process of the Budget Committee. In the past the CIP Committee has included two Budget Committee members and only a few Planning Board members. The purpose of the discussion this evening is to outline some of the proposed changes and continue that discussion at the work session on Sept 9<sup>th</sup>. Mr. Helm asked for comments from both board members and others.

Paul Gorman commented that he thinks this will involve all of the board members and redefining these issues will bring the process into better conformity with the statute and ordinary accounting processes. Peter Bianchi stated that in the past, Budget Committee members have had no vote. John Wilson, Chair of the Budget Committee, replied that has been the case for a couple of years.

Chair Helm noted the meetings would be a public meetings open to the Budget Committee and anyone else interested in attending. Peter Bianchi asked John Wilson for his opinion. Dr. Wilson replied that he thought what Chair Helm was proposing is fine if the Planning Board goes on their own and does the capital planning. It still leaves the Budget Committee with a say about a new fire truck down the line, and Dr. Wilson wondered if the Planning Board would keep track of these projects.

Chair Helm responded that in Meredith, capital improvement projects includes equipment. He said when the board starts to work on this, they can begin with the very simple outline similar to the one Meredith has developed and see how it goes. Chair Helm said he would like to get away from a 30-page document that includes scores of financial tables. Chair Helm explained the CIP is a planning tool. He provided some examples of types of projects which might be applicable to include in the CIP such as plans to renovate Town beaches; sewer lagoons; dams, infrastructure and other capital projects.

Michele Holton commented that she felt the Budget Committee has provided invaluable advice as to what their opinions are and this should continue. Chair Helm agreed, saying he thinks it is clear that all bodies should contribute to the process. Peter Bianchi commented that the Budget Committee and Planning Board process cannot be separated. Chair Helm responded that the Budget Committee has always had input and clearly can attend any of the CIP meetings.

John Wilson asked what the Budget Committee and Selectmen will have to work with. Chair Helm responded that the Planning Board will start the process and the Budget Committee will have input by October. John Wilson said he was delighted to be involved with this project.

Liz Meller commented that when she was on the Library Board, the trustees participated in capital improvement planning. Being involved this way changed board members' perspective about the process - it made the trustees look to the future, and it made a big difference in what they asked for. Ms. Meller asked Chair Helm if the Planning Board does take responsibility for CIP planning, whether the library could still do their own.

Chair Helm responded that the library has a separate Board of Trustees, so they can adopt any process they want. Chair Helm noted that the public can participate in the process by attending the meeting. Ms. St. John explained that the various Town Departments, Water Precinct and School District participate in the process. They identify projects which are needed from their perspective. The role of the Planning Board is to review these projects, prioritize the projects identified and develop the plan.

Chair Helm gave an example – say we get a total of 10 projects and the Planning Board decides six are most important and must be addressed in the next few years. From a planning perspective, the board will pick the most important projects and prioritize them. Chair Helm feels this will be a much more streamlined process.

Ms. St. John was asked to provide information on the CIP process to Dr. Wilson.

**Subdivision and Lot Line Application. Property owned by Seamans Road Realty Trust, Martha Peyser Trustee, c/o Tracey Barberen and Mary and James Steproe.** Applicant-Cherry Hill Homes, John Langill. Located on the corner of Seamans Road, Hall Farm Road and Blueberry Lane. Tax Map 086-022-000 and 086-021-000. Public Hearing continued from the July 22<sup>nd</sup> meeting.

Chair Helm noted this is a continuation of the public hearing conducted on July 22. He said the application was complete. This is not a development of regional impact. A site visit was conducted on July 29. No one on the board has an issue with lot line adjustment. It was noted that at the July 22<sup>nd</sup> meeting the Board asked staff to solicit proposals for an engineering review of the project. The language in the proposal from CHA-Clough Harbor Associates dated July 28, 2014 was discussed.

Jen McCourt, of McCourt Engineering asked to discuss the consultant review process with the Board. She would like some clarification on what the consultant would be doing, as the language in the proposal submitted by CHA included more than a review of drainage, erosion and stormwater issues, which they believe were the key concerns identified by abutters and the Board. Ms. McCourt noted the language in the proposal relating to site drainage is fine. With regard to the subdivision review, she did not think it captured what was discussed at the last meeting, so she is not sure the board “got” what was talked about. Ms. McCourt thought the board would be looking at regulations regarding erosion control, and noted there are multiple options in the regulations. She does understand the drainage issues the abutters have. Ms. McCourt reiterated that the developer has agree to fix the logging road which were created when the site was logged several years ago, as these are contributing to the overall drainage issues in the neighborhood. Ms. McCourt emphasized that her client is more than willing to work with the board; they just want to make sure everything is done right, she provided a handout dated August 26<sup>th</sup> suggesting some new language be included in the Scope of Services to CHA.

CHA will review existing topography presented in the project plan as well as USGS quadrangle prior to visiting the project site to evaluate existing drainage patterns, identify any potential areas of concern, and recommend any remedial action. CHA will prepare a memorandum to convey our initial review findings to the Town.

If storm water issues are discovered during the Site Drainage Review of the existing project site then review the submitted Subdivision and Lot Line Adjustment Plan for compliance with the Town of New London Land Subdivision control regulations related to Stormwater and Erosion Control will be performed. Discussions with the applicant through the Planning & Zoning Administrator will be allowed to facilitate the process and solutions.

Lucy St. John noted that she put together an e-mail following the July 22<sup>nd</sup> meeting and asked for proposals from several consultants, with a proposal due date of August 13<sup>th</sup>. The language in the emails to solicit the proposals was a general summary of key issues and concerns identified at the July 22<sup>nd</sup> meeting including issues related to drainage, suitability of the soils for septic, soils and wetland concerns, stormwater control and traffic. Upon reviewing the proposals, CHA was selected. Ms. St. John noted that she understood Ms. McCourt concerns but ultimately the Planning Board determines the level of other professional review that is needed. The ideas was for the Town to have another professional review

considering all the issues that have been raised to date, and the fact that other concerns may surface once the review is completed.

Ms. McCourt reiterated that she thought the storm water concern was not addressed as well as it could have been, and she just wanted to make sure the town is asking for exactly what it wants. She noted the town's subdivision regulations have quite a few options.

Chair Helm responded that the board is looking for compliance. The board wants to make sure the work being done complies with the regulations. The board has some sense that it needs its own independent review of that work. Peter Bianchi remarked that he didn't see the down side of getting this report. Paul Gorman said there is concern for the people downstream and the board wants to be able to vote in an intelligent way that the legitimate interests of those people are addressed. Ms. McCourt responded that she feels the language she is suggesting makes sure that concern is fully addressed.

Lucy St. John commented that the drainage, stormwater and other issues identified should be addressed during the Subdivision process, not at the time a building permit is requested. This is the time to hear the concerns of abutters. Peter Bianchi commented that he thinks the more information the board has to make this a viable acceptable project the better off everyone will be. Ms. McCourt said she does not want to tie the hands of the consultant engineer, but wants them to address all the issues. Jeremy Bonin said, if we are speaking about what the consulting engineer should look at, there is nothing in the subdivision regulations that concerns erosion control. This is something that has to be addressed on these properties, especially for the abutters on Blueberry Lane. If our engineer goes out there and says this area is a critical point that is information we need.

Mr. Bonin asked Ms. McCourt if she thought the proposal was not covering what the engineers would be specifically required to do. Ms. McCourt said there was nothing in there about a drainage concern; however, the comments from board members had given her a whole new perspective. She agrees that it is critical to listen to abutters and root out the source of their concerns.

Chair Helm said he had two concerns: (1) the abutters on Blueberry Lane, and (2) the ability to put in multiple septic systems in a wet part of town. Peter Bianchi echoed those concerns. Paul Gorman said the critical issues are the lower two lots with regard to run-off from the five above it. How is that going to be dealt with, he asked.

Bill Helm referred to an email dated August 20<sup>th</sup> from Deb Langner, Town Health Officer which read, "I spent over 8 hours with Peter Schauer and crew and witnessed about 30 test pits in this area. All test pits were dug and recorded to meet DES requirements. I have no further questions or comments about this subdivision plan, as it appears that they have met all specifications for DES approval for septic requirements."

Chair Helm said he didn't want the applicant to wait another month if they were on board with the Town's proposal for engineering review. John Langill agreed and did not want to wait another month. Mr. Langill, President of Cherry Hill Homes, said they came forward with the issue about the water being diverted from the tracks of skidders. He has promised to fix this. He said he is willing to pay for an engineer - he just wants to be assured that what he is paying for is what the board wants. He asked the board to be clear - he does not want to walk out the door with only a vague idea.

Chair Helm said we want to review the topography and existing drainage patterns, and the board is particularly concerned about run-offs on Blueberry Lane and the viability of the soils. That's about drainage. Chair Helm asked Mr. Langill if that was specific enough? Chair Helm said the second part is

that in order to expedite this process, we would like to have another set of eyes to look at this. A professional opinion from our engineer that your plan complies with subdivision regulations. Lucy St. John added the plan should comply with both subdivision and zoning ordinances. Jen McCourt suggested a copy of the minutes be provided to CHA.

**Chair Helm asked for comments from the audience- Public Hearing was continued from the last meeting**

Francoise Crowell, an abutter at 50 Blueberry Lane, said she would like the consultant engineer to talk with the abutters so they will know what the problems are, and the engineers will also have a history of the area. Bill Helm noted the minutes of the last meeting are very detailed about the concerns the abutters have.

Terri LeBlanc, an abutter at 55 Blueberry Lane suggested it might be helpful to have the engineer come to her house to see how much water there is. She noted that she has spent thousands of dollars to have water pumped from his basement. Ms. St. John said the Town's consulting engineer would review the site.

Tom LeBlanc stated for the record that the Town's consulting engineering has his permission to visit his property as well.

Larry Ballin, an abutter at the end of Blueberry Lane, said he would like to encourage the Town's consulting engineer to do a complete review of the wetlands report. The whole site should be re-evaluated. Ms. McCourt noted they had added a culvert to the easement on Mr. Ballin's property. Mr. Ballin responded that the culvert is there because it is a wetland, and it is not indicated on the plan. He said he questions the validity of the wetlands survey that was done. Lucy St. John asked Mr. Ballin to clarify his specific concerns and the location. Mr. Ballin stated he believes there are more wetlands on the property referring to a culvert under the driveway, and that he believes this to be wetlands. Ms. St. John asked that his questions regarding the wetlands be directed to Peter Schauer, the certified NH wetlands and soil scientists who prepared both the wetland and soils information for the subdivisions plan. Jen McCourt said there is not a stream running through there, just a depression in the land, and that does not make it a wetland. Ms. McCourt reiterated there is not a defined stream on the uphill side of that culvert. Larry Ballin respectfully disagreed.

Chair Helm clarified that Cherry Hill Homes will pay for the engineering work as proposed by Clough Harbor Associates (CHA) and Ms. McCourt and Mr. Langill answered in the affirmative. Staff was directed to contact CHA and have them proceed with the review of the plan, once the check is received from the developer for the cost.

Jennifer McCourt explained that some test pit data and the proximity to ledge was reviewed. Jeremy Bonin and Bill Helm emphasized that the site can really be looked at in two parts, the upper part off of Hall Farm Road and the lower part near Blueberry Lane, and thusly the stormwater and drainage issues need to be considered.

Jay Lyon, Fire Chief was asked to comment about having a fire pond cistern and/ or sprinkler in the homes. He commented that ideally it would be great to have both. A copy of RSA 674:51 Building Codes (V) was included in the meeting information. Chief Lyon explained the requirement to have a supply available within 1, 500 feet, He noted there is a 15,000 gallon cistern on Hall Farm. The requirements has changes since that approval and the requirement is now 30,000 gallons. He also said there is one hydrant near the College. He said that sprinkler systems help keep a fire smaller, however homes include various combustibile materials, and now it only takes 2-3 minutes and about 500 times

more smoke is produced, so a quicker respond is important. He said sprinklers do save lives, but noted only inside the structure. If there is a wildfire or some other fire outside, there isn't a defined water source really nearby. He would allow sprinklers in place of cisterns but would like to have pressurized hydrants. A question was asked if the power goes out, how these houses would be protected. The cost of house generators was discussed. Peter Bianchi commented where is the nearest water source, a fire cistern is best in able to fight a fire, and how much would it cost to put in a fire cistern.

Bill Helm asked why cluster subdivision design wasn't considered, with all the driveway access points on Hall Farm Road.

Jennifer McCourt responded a cluster is not appropriate for several reasons: because of the location of the wetlands, because of the way the land is configured, lots of existing public infrastructure (frontage on three town roads), and a cluster would increase the amount of impervious infrastructure and cost.

Bill Helm asked about leaving the land open for wildlife,

Peter Bianchi asked if one lot were removed, how about a seven lot subdivision. He specifically asked how many lots it would take to make this a viable business venture.

Larry Ballin, abutter asked about the proposed utility connections and utility easements.

Jim Wheeler, a local real estate broker, spoke on behalf of James Bolger (of Blueberry Lane). He conveyed that Mr. Bolger was not interested in granting any access easement for a turn-around.

Ms. McCourt upon hearing the concerns, then showed a revised plan where the lower lots were reconfigured slightly, two driveways would be from Seamans Road, and the Blueberry Road ROW access easement is not used for access. The abutters in attendance and the board expressed that this slight reconfiguration did address some of the concerned raised, and thusly the developer agreed to provide additional information on this for the meeting in September. Jennifer McCourt noted that some additional data would be submitted. This is the plan that the Town would have reviewed by the consulting engineers.

**Motion:**

**IT WAS MOVED (Michelle Holton) AND SECONDED (Jeremy Bonin) to continue the public hearing to September 23 at 7:00 PM. THE MOTION PASSED UNANIMOUSLY.**

**Other Business Continued:**

Mary Haddad Estate Bequest. Peter Bianchi had a quick update for board members regarding a recent bequest made to the Town of New London by Mary Haddad. She bequeathed a sum of money to one of her relatives, who has since passed away, so that bequest now comes to the Town of New London. It is for \$700,000 for the purchase of land. The matter is now in the hands of town counsel, because the wording of the will is confusing. He said he is not sure what will happen – town counsel is trying to figure out who can spend it. The bequest was left the Trustees of the Trust Funds, who can only invest money, not spend it. He will keep board members updated on this matter.

Intent to Cut for Hunter Hill Trust Property. Located at 717 Lakeshore Drive. Tax Map 051-015-000. Ms. St. John has sent an email to the Planning Board members August 26<sup>th</sup> in the morning regarding this intent to cut. The Intent to Cut was discussed at the Board of Selectmen's meeting the previous evening

and the BOS asked for some clarification on this issues. A section of the property includes “streams” which are included on the Town’s Streams and Wetlands Overlay district map. Considering the past discussions regarding the Canane’s property and concerns expressed regarding cutting within 100 feet of the stream she wanted to bring this to the attention of the Board, as the property is located on Lakeshore Drive. The Planning Board was provided information from the file and ordinance.

Staff asked the Planning Board if anyone knew the “intent” regarding the provision of the zoning ordinance test (which was passed in 2001). Some thought that cutting would require a special exception. Dr. John Wilson (Lamson Lane) thought the special exception criteria was included, for example if someone’s lot was only 200 feet wide and a stream ran through it, the special exception would allow the property owner some use of their land. It wasn’t intended to totally limit the use of someone’s land.

Peter Bianchi commented that the language in the Streams Conservation Overlay District is confusing. Staff noted that forestry and agriculture uses are specifically identified in the ordinance as permitted uses. The Board asked Ms. St. John to review the minutes of the Planning Board meeting of 2001 when the language was being considered for adoption, and the old Town Report. The Board commented that this Article, along with several other zoning ordinance articles need to be reviewed as possible zoning amendments.

Work Session, Sept 9<sup>th</sup>. Ms. St. John noted that the work session would be to discuss the CIP project, get an update from the New London Barn Playhouse, no applications will be considered, and hear from Robert Brown of the Conservation Commission. The agenda for the meeting will be posted.

### **Motion to Adjourn**

**IT WAS MOVED (Peter Bianchi) AND SECONDED (Paul Gorman) to adjourn the meeting. THE MOTION WAS APPROVED UNANIMOUSLY.**

### **Next Meeting**

The next meeting is scheduled for Tuesday, September 23, at 7 PM in the Syd Crook Conference Room.

The meeting adjourned at 9:30 PM.

Respectfully submitted,

Chris Work, Recording Secretary  
Town of New London