



TOWN OF NEW LONDON, NEW HAMPSHIRE

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PLANNING BOARD MEETING MINUTES February 26, 2013

MEMBERS PRESENT: Tom Cottrill (Chair), Jeff Hollinger (Vice-Chair), Paul Gorman (Secretary), Emma Crane (Conservation Commission Representative), Tina Helm (Board of Selectmen's Representative), Michele Holton

MEMBERS ABSENT: John Tilley, Deirdre Sheerr-Gross (Alternate), Michael Doheny (Alternate)

STAFF: Lucy St. John (Planning and Zoning Administrator), Kristy Heath (Recording Secretary)

Chair Cottrill called the meeting to order at 7:00pm.

Site Plan Application for Home Business (Gregory & Elisabeth Curtis, Owners) TM 070-038-000, 332 Burpee Hill Road.

Ms. St. John provided a brief overview of the information included in the staff report, the comparison table of home business and home occupations, department review comments and explained that a special exception is required from the Zoning Board of Adjustment (ZBA). She informed the Board that she received two letters from abutters Lisa Halttunen and Viggo & Glenda Carstesen. Ms. St. John read both letters into the record.

Jim Howell, the applicant's agent presented the application to the Board explaining the potential owner would like to purchase the property to open a fitness/wellness studio offering yoga, Zumba and other fitness dance classes with up to 20 students per class. They would like the Planning Board to approve a referral to the ZBA for a variance for the number of employees, students and visitors they wish to have. Mr. Howell cited a Kozain ZBA case of 2009.

Chair Cottrill asked what the total square footage of the property was and how much would be used for the fitness studio. Mr. Howell said the dwelling is 2,950 square feet. There is a studio about 400sq. ft. and the two floors of the barn are also a little under 3,000sq. ft. The total square footage for the barn is about 3,800 sq. ft. Chair Cottrill noted the ordinance, which said that a home business could not make up more than 35% of the total finished area of the home dwelling. The requested use of space exceeds the suggested size permitted in the ordinance.

Chair Cottrill asked about non-residential employees. It was noted that there would be one residential and two non-residential employees, which was permitted in the ordinance. It was noted that the hours of operation would be Monday through Friday from 9am – 12pm and 5pm – 8pm, and Saturdays from 9am – 12pm. They would be closed on Sundays. Chair Cottrill indicated that per the ordinance, a home business shall not create more than 10 customers/client visits per day. Mr. Hollinger said that in the Kozain case the Planning Board had suggested a maximum of 15 visitors per day, which was then forwarded to the ZBA for consideration.

Ms. St. John referred to the comments included in the staff report from the Fire Department, Police Department, Public Works and Health Officer. She was asked if the application was complete, and noted that comments are included in the staff report, for the Board to review in making their decision.

Mr. Gorman wondered if the applicants were aware of the Planning Board's constraints, as what they were requesting was very far away from what the ordinance gives for guidelines. Mr. Howell said they did.

The applicant had asked for a referral from the Planning Board to the ZBA. Ms. St. John commented although this is New London's process, the Planning Board should review the application per the requirements of the ordinance for site plan, as the ZBA will consider special exception and variance request if an application is submitted to them. She suggested that if the Planning Board does make a referral to the ZBA that a copy of the staff report is provided to the ZBA. The applicants would need to return to the Planning Board if their request was approved by the ZBA. Mr. Hollinger said they have passed things to the ZBA before with or without their recommendation. Ms. St. John commented that there were abutters in the audience, and although the Board had not made a determination of completeness, they may want to ask for comment as they have done for other cases considering people may have concerns.

Ms. Pauline Roos said she would not like to see the business on the road. There are already so many people driving that way to get to the transfer station. It was noted that the location was also on a hill and was not a good place for added cars and traffic.

IT WAS MOVED (Jeff Hollinger) AND SECONDED (Emma Crane) to approve the referral of Gregory and Elizabeth Curtis home business to the ZBA for consideration of a Variance and Special Exception on Article II, section 15.2.c, d, g, l, m and n, and other concerns and issues addressed in the staff report.

Teresa Brubaker, 30 Carter Road expressed concern about parking. She wondered if the owners would be able to put parking spots anywhere they wished on their property. Mr. Hollinger said that if the ZBA granted approval, the applicants would need to come back before the Planning Board for a site plan review and parking would have to be planned out and marked. They would need to consider snow storage and removal within the parking scheme. Mr. Howell responded that parking wouldn't be along the street, and that parking would go where there is currently a carriage house that is dilapidated, and their tentative plans for this building to be torn down. This space would allow for eight parking spots. Chair Cottrill said if they have 20 students who drive their own car, eight spots wouldn't be enough.

Ms. St. John said the applicants did submit a plan with a drawing for proposed parking, noting the concerns raised by Public Work and the Police Dept. Chair Cottrill said that even if these things are addressed, the applicants would need to keep with the rural nature of the neighborhood, per the ordinance. She explained that parking and other site plan requirements would all be considered as part of Site Plan Review including drainage, parking lot materials to be used, circulation of parking, snow storage, etc.

Chair Cottrill wondered if they would consider offering fewer classes than proposed. Ms. Bogan, applicant and instructor, said she would be willing to reduce the number of classes. She commented that she had participated in classes at the yoga studio on Page Road (where a previous use variance had been granted) and was sure that they were offering more classes than they had been approved for.

Ms. Brubaker asked if things are approved, how conditions of the approval would be enforced. She was worried that limits could be exceeded if not regulated. Ms. St. John explained briefly that if someone filed a complaint, the Town would go look at it, follow-up with communication, explaining the violation, fees and other standard enforcement procedures. Ms. Helm said the Town's boards try to be vigilant about rules and regulations. If they don't hear things from people in the neighborhood, they believe things to be OK. They don't want people to feel the need to be vigilantes, but they do rely on the neighborhood to provide feedback.

Ms. Roos asked about the noise generated by the classes. Ms. Bogan said they plan to sound-proof the walls of the barn, however details will depend on approval, cost and design aspects of the project that aren't known at this time.

Chair Cottrill called for a vote on the motion on the floor:

THE MOTION WAS APPROVED UNANIMOUSLY.

Site Plan – Fast Track Option – TDS Telecom 242 Main Street, Tax Map 084-061-000.

Ms. St. John explained there currently is a temporary generator on the site. The property is located across the street from the Fire Station. They want to install a permanent generator. She explained that initially when CSS had inquired about the Town process she provided information about the site plan and fast track options and received some comments from Fire and Public Works. Questions were asked about specific location and noise. Due to its proximity to Main Street, Chair Cottrill asked that they come in for a full site plan review.

Colby-Sawyer College – Ware Center – Discussion on Conditions and Renewal of Letter of Credit

Steve Jesseman from Jesseman & Associates was present to represent the College. He said that the letter of credit has been extended for six months and they were waiting for the letter from the bank. Mr. Jesseman said he would forward the letter to Ms. St. John as soon as he could.

Ms. St. John said that in March of 2012 the Planning Board approved a letter of credit in the amount of \$312,000. The letter of credit from Lake Sunapee Bank expires in early March (March 9, 2013) before the next Planning Board meeting. The Town Finance Officer has talked with bank, and a new letter of credit is in the process. The new letter of credit is needed as the site work isn't complete. The letter of credit was for the site improvements. Per discussion with Steve Jesseman she understands the site work should be done by late spring/ early summer. Ms. St. John suggested that the letter of credit be extended for a minimum of 6 months or 1 year. She also suggested that in the future, for other Letters of Credit, that a non-lapsing clause be included.

IT WAS MOVED (Jeff Hollinger) AND SECONDED (Tina Helm) to extend the letter of credit for Colby-Sawyer College for six months. THE MOTION WAS APPROVED UNANIMOUSLY.

Update from Colby-Sawyer College Regarding the Naming of the Streets on Campus

Ms. St. John explained that when the Planning Board recently approved the Sustainable Classroom Site Plan, one of the conditions of approval was that campus street naming be completed by March 1, 2013. The College has submitted a map, with potential street names. This map has been circulated to Fire and Public Works. Mr. Jesseman said he thinks they may have missed a street. He would get the school to provide a name and he would forward it to Ms. St. John. There was some question as to whether or not this missing road name should be created, as it is someone's driveway. Ms. Holton said that the owner of the home on the driveway should be notified and she didn't know that it becoming a street would be well-received. Mr. Jesseman said that the driveway serves as an access to the wells that belong to the Water Precinct. He would speak to Chief Lyon about this and see how to proceed. It was thought that if a sign stating "Private Drive" was put up and labeled as XXX Main Street, it would keep her driveway as a driveway but still allow emergency vehicles to pinpoint the location.

Tom Little, Tax Map 084-038-000. Request for Removal of Conditions of Wetland Crossing Approval from 2011, Tom Little of Barrett Road.

Ms. St. John referred to the email packet of information provided to the Board, which provides some background information of the Planning Board and ZBA meetings of 2011. She noted that Mr. Little met with her to explain his concerns and had requested to be included on the agenda.

Mr. Little said two years ago he did a minor subdivision and there was a lot of discussion about the drainage ditch that runs along Barrett Road. Under the current statute this ditch was considered a wetland. Approval stated that the water supply for properties had to come in under one of the driveways, and sewer had to come under the other driveway. There were easements put on both properties to enable this water/sewer connection. He explained that in 2011 the State Statute was changed and it was stated that a manmade drainage ditch was no longer considered a wetland. He wished to get relief from those previous regulations so if/when he sells one

of the properties, the requirements in place do not have to be applied. Mr. Little said that DES approval was fast-tracked. It is no longer a wetland under the current definition.

Ms. St. John said if there were conditions attached to a subdivision plan approval and if they want to remove the conditions, they would need to go back before the Board and have a public hearing to remove those conditions. She explained she didn't have a complete understanding of his concerns when she met with him. Mr. Little said it could cause a potential problem with the sale of the properties. Chair Cottrill said that without these regulations, there would be cleaner deeds; no easements would be necessary.

Chair Cottrill read from the minutes from 2011 and it appeared that it was Mr. Lee's request to have the sewer and water aligned as such to avoid making extra connections to the sewer line. It was suggested to start the conversation with Mr. Lee, as it seemed that he had some reasons for requesting the crossings to be made as they were. Ms. St. John explained she didn't know the history of the state legislation Mr. Little alluded to and suggested that he should follow-up with a letter to NHDES concerning the wetland questions and how this may be resolved.

Proposed Zoning Amendments

Ms. St. John indicated that the last day to post and publish for the first public hearing is Friday, March 15th. She referred to the memo of January 8, 2013 to the Planning Board which outlines the Zoning Amendment calendar. The Planning Board's last meeting before this date is March 12th.

Ms. St. John distributed to the Board, eight (8) proposed amendments for discussion at the meeting this evening.

1. Definition of Domestic Servant.
2. Sign Regulations- Provisions for hanging banners in Town with Selectmen's approval.
3. Wetland Buffer- clarification of what the buffer would be for wetlands not shown on the March 13, 2001 map.
4. Wetland Crossings – Suggestion for the Planning Board to be able to review wetland crossings under a conditional use permit application as part of the subdivision and site plan processes instead of requiring a special exception from the ZBA.
5. Floodplain Definitions- To remove 29 definitions from Article III, Definitions, specifically pertaining to provisions of Article XV Floodplain Overlay District and include them in a new section of Article XV, Definitions to make the ordinance more use-friendly.
6. Small Wind Energy Systems- To remove 28 definitions from Article III, Definitions, pertaining to provisions of Article XXV, Small Wind Energy Systems and include them in a new section of Article XXV, Definitions to make the ordinance more user-friendly.
7. Workforce Housing- To remove 3 definitions from Article III, Definitions, specifically pertaining to provisions of Article XXVI, Workforce Housing Overlay District Systems, and include them in a new section of Article XXVI, Definitions to make the ordinance more user-friendly.
8. To amend Article 1, Preamble to update the language to reflect the adoption of the New London Master Plan adopted by the Planning Board on December 27, 2011 and zoning amendments as may be adopted by the Town from time to time.

Ms. St. John explained the Zoning Ordinance is not clear on what the buffer is for site specific wetlands and this issue has been raised numerous times since she started. The Board asked what might be an appropriate wetland buffer requirement. She explained that wetland buffer requirements vary a lot from town to town, and can also be a function of the value of the wetland (functional assessment of wetlands). She was asked to solicit input from other Towns, the Conservation Commission and NHDES and provide this information to the Board. The Planning Board commented they didn't have the expertise to determine an appropriate buffer, and suggest that the Conservation Commission be asked for input.

Ms. St. John noted that Mr. Anderson from the Conservation Commission and the Pleasant Lake Protective Association had previously submitted a request for the Board to consider some zoning amendment language to address grazing near streams. She noted that considering the recent discussion on agriculture she didn't think there was enough time this year to adequately address any proposed amendment on this subject.

Chair Cottrill believed #1 and #2 were OK to move forward. #3 Ms. St. John would offer suggestions to the Planning Board for the next meeting. Mr. Little suggested changing the Town's wetland definition to match the definition that DES has. Ms. St. John said she would provide some input on this and she would ask DES for assistance. #4 Ms. St. John would look into pulling the information together for consideration. The Board discussed if #5, #6, #7 even required Town Meeting approval as they were more organizational and not an actual change to the language. #8, changing reference to the newly adopted Master Plan was ok, and staff would inquire if this required Town Meeting approval, she believes it does.

Ms. St. John would check with Ms. Hallquist, Town Administrator and perhaps Town Counsel about the need to ask for voter permission to update some of these things. Chair Cottrill didn't feel that some of these updates didn't need voter approval.

Vernon Subdivision – Mylar Signing, Tax Map 023-011-00 and 023-005/006-000. Pingree Road.

Ms. St. John distributed a Letter of Transmittal dated Feb 25, 2012 received Feb 26, 2013 regarding the mylars for the two subdivision plans approved by the Planning Board on December 11, 2012. The letter conveyed that the mylars submitted, show a change to the actual location of the trails. The Board signed both mylars in recognition that the trails shown on the plans are ok as presented.

Review of Minutes

January 22nd

IT WAS MOVED (Tina Helm) AND SECONDED (Jeff Hollinger) to approve the minutes of January 22, 2013 as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

P. 5: Take out "Harry Snow" and reference "Cottage Lane."

February 12, 2013

IT WAS MOVED (Jeff Hollinger) AND SECONDED (Paul Gorman) to approve the minutes of February 12, 2013, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

P. 6: We need to be careful that we don't keep people from doing things and protect the precious resources.

P. 2: para 4: next slide was some property in New London. This should be changed to Sutton.

P. 3: para 3: "B" on board.

Para 6: remove not repeat what others say...

P. 6: Barselle – change in a couple places, spelling to be corrected

Mr. Anderson said it was alluded to...

P. 10 Mr. Gold noted that...they would be working on the trees but not cutting.

Shopping Center – include moving a wall and doors (not just expand)

Other Business

Ms. St. John said the Budget Committee has scheduled a meeting on April 9th, which is the same night as a Planning Board meeting. The Planning Board has been asked to change the date of the meeting. Ms. Helm said that it is the first and hopefully only public hearing for the finalized budget. The Planning Board has always met on the 2nd and 4th Tuesdays. Ms. Helm said if they want to keep the Planning Board meeting on the 9th, Ms. Hallquist said she would ask the Budget Committee to move their meeting to Wednesday, April 10th. It was thought that the Budget Committee should be asked to move their meeting to April 10th so the Planning Board can hold their regularly scheduled Tuesday night meeting on the 9th. Ms. Helm said she would make this request to the Budget Committee the following night.

**IT WAS MOVED (Emma Crane) AND SECONDED (Jeff Hollinger) to adjourn the meeting.
THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 9:12pm.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London