



TOWN OF NEW LONDON, NEW HAMPSHIRE

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PLANNING BOARD APPROVED MEETING MINUTES January 22, 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), John Tilley, Michele Holton

MEMBERS ABSENT: 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.

New Business:

Annexation Plan property of Lake Sunapee Group Inc. and Jeanine W. Berger Trust. Tax Map 084, lots 084-000 and 085-000.

The property is located at the corner of Pleasant Street and Gould Road. The purpose is to annex .23 acres to parcel 085 and create a new property line between parcel 084 and 085. Parcel 085 after annexation will be 0.36 acres. Parcel 084 after annexation will be 0.41 acres. Property zoned commercial. Blackwater River Watershed. Parcel 085 is the site of the New London Learning Center, formerly referred to as the New London Trust Day Care which received a special exception in 1992. The annexation will incorporate the gravel parking area and play area with the learning center property.

Ms. St. John referred to the staff report and provided a brief explanation of the project. Pierre Bedard, surveyor representing the applicants, showed the location of the daycare, play area and the parking lot. He said the play area would be annexed to the daycare parcel. The new lot line is configured to align with the back corner of the Kidder lot. In response to a question, he said there are still enough parking spaces for the bank and the daycare and there are six designated spots for the Council on Aging (COA) that will still be available.

IT WAS MOVED (Michele Holton) **AND SECONDED** (Jeff Hollinger) to approve the annexation of Lake Sunapee Group and Jeanine Berger Trust. **THE MOTION WAS APPROVED UNANIMOUSLY.**

Letter from Public Service of New Hampshire dated January 15, 2013 regarding PSNH to trim and remove trees and brush adjacent to and beneath all its power lines within the Town and request to schedule a public hearing regarding work along the scenic road pursuant to RSA 231:158.

Ms. St. John referred to the letter included in the packet from David Crane of Public Service. Chair Cottrill asked Ms. St. John to move forward with scheduling the public hearing at one of the next meetings. Ms. St. John noted the Master Plan includes a list of scenic roads.

Mr. Gorman asked about the specific notification requirements for PSNH, as they had done work in the Rowell Hill neighborhood removing trees, creating a cut zone along Route 11 and had some unattractive visual impacts. He noted the residents were never asked or informed about the cutting plans. He felt PSNH should publish the places in Town they would be cutting and the extent of the planned cut. Chair

Cottrill suggested Ms. Helm discuss this with the Selectmen as this may impact property values, and residents need to be more informed about the PSNH tree cutting process.

Tree-Cutting Request – James Connolly, 229 Pilothouse Road. Tax Map 068, Lot 004-000.

Ms. St. John explained that the tree cutting application was submitted this afternoon, January 22nd. She has not had time to inspect the property. She said the applicant is concerned that high winds this week would cause the tree to fall on his house. She explained to the applicant that she would bring the application to the Board's attention this evening, even though it wasn't submitted per the application due dates and because of the applicant's concern for potential personal safety and property damage should the tree fall. The applicant expressed that the current wind conditions and future wind conditions presented immediate safety concerns. Ms. St. John conveyed to the applicant that if something is truly an eminent danger, that the person should use their best judgment and professional advice to decide when a tree will be removed.

The Board understood this position; however, believes the tree cutting application must be followed, including providing a map of the property showing the required points, photographs of the tree and gash in the tree. The applicant will likely be asked to do some replanting if it is found that the tree is alive and the point requirement in that segment does not meet requirements.

IT WAS MOVED (Jeff Hollinger) **AND SECONDED** (Paul Gorman) to ask James Connolly to complete the application and follow the Town's procedure for tree-cuttings within the buffer by providing a map of the area with points displayed along with pictures of the tree(s) to be cut. **THE MOTION WAS APPROVED UNANIMOUSLY.**

Big Hilltop LLC Property – update by Bob Crane, Conservation Commission

Mr. Crane distributed a handout titled, Big Hilltop LLC. The handout was prepared by Brian Hotz from the Society for the Protection of New Hampshire Forest, aka Forest Society. The handout described the proposal to acquire a conservation easement on 40 acres of land situated on Davis Hill Road and Route 103-A. He noted this land is identified in the Master Plan as an area for protection. The land wraps around the Clark Lookout. The proposal is to work in partnership with the owner and others to purchase a conservation easement on the property, to protect it from further development.

Mr. Crane explained that New London has some funds available for use in the Land Acquisition Fund, which can now be used to purchase easements (as was voted in at last year's Town Meeting). An appraisal will be conducted, with the cost shared. The property has a trail system on it and perhaps more trails will be created. Should the partnership move forward, a warrant article would be written noting that "x-amount" of money (to be determined) would be requested to spend from the Land Acquisition Fund. The amount must be known by April 9th. It was noted the Selectmen gave permission for the Conservation Commission to participate in the appraisal. There was some discussion regarding who would hold the easement. Ms. St. John comments that it could be the Forest Society, and that the easement language would spell out the responsibilities in detail. Ms. St. John explained that the Forest Society at this point in time is working with the owners, and additional details and information will be forthcoming in the future. The Conservation Commission wanted to share the proposal, get input and support from the Planning Board as this will likely be presented as a Town warrant article. The exact amount to be requested will be further defined once the appraisal is completed. Mr. Tilley asked how the percentage of who would pay for the easement would work out; Ms. St. John explained this would depend on the appraisal, what the owners would settle for and other factors, which will be discussed in more detail. The Planning Board suggested that the handout be revised prior to further distribution.

Transportation Improvement Program (TIP) –NH 2015-2024

Ms. St. John noted the TIP application process was discussed at the last meeting. She inquired if the Planning Board has any further thoughts on the plan or projects for consideration. There were none.

Rules of Procedure or Bylaws

Ms. St. John had provided the Planning Board a copy of the current bylaws, last amended in 1997. She provided examples from other towns for review and consideration. This item will be discussed at a future meeting in the spring.

Zoning Amendments - Changes for Consideration

Ms. St. John referred to the zoning amendment schedule distributed at the last meeting and the staff reports prepared on various zoning amendment ideas including a history of past amendments, ZBA cases, information from the Master Plan, draft Table of Uses, Uses and Table of Uses, Definitions, Natural Resources Protection provisions, and Draft ideas for general discussion.

Chair Cottrill said Ms. St. John was asked at the last meeting to provide a prioritized list of possible zoning amendments for consideration on the warrant for the next Town Meeting. He said the typical list would represent those issues that seemed to surface over the past year that would serve to clarify or change any part of the ordinance. Ms. St. John conveyed the memos reflect the issues warranting attention and more specifically referred to one of the memo, “draft ideas for general discussion”.

Table of Uses – Ms. St. John noted the current ordinance does not include a Table of Uses. She opined that it was easier to present information that way and more user friendly, illustrating examples from other communities. She found their ordinance to be convoluted and hard to find all the information for one subject in one area. The draft table of uses clearly illustrates the redundancy of similar terms, the need for clarification and review of the type of uses allowed and not allowed. She conveyed that in addition to having a table of uses, the information could still be shown by each zoning district in a list, or a combination thereof. Ms. St. John gave an example on how a table of uses were be more helpful, citing Article XXI, Board of Adjustment and that most people wouldn't think to look in this section to find out about what uses require a special exception. She also conveyed that special exceptions are identified in other various section of the ordinance, for example, page 3- Commercial Farms. If a table of uses were included, this would eliminate people having to review the entire text.

Chair Cottrill thought adding select tables to the ordinance could be helpful and that such work would not require placing a request on the warrant. The Planning Board expressed the usefulness of a table of uses, but not changing uses- by adding, deleting or redefining them at this point in time, noting that more than 10-20 amendments would just be too much.

Ms. St. John conveyed that the memos and ideas presented to the Board for consideration were also reviewed by the Town Administrator who concurred that these ideas need to be addressed at some point, as some of the language is ambiguous, the document is not user friendly and some of the text may present some issues if ever challenged.

Chair Cottrill reiterated the point of discussion is to identify up to a dozen or so issues arising from inconsistency or confusion over the last year that could be solved by proposing amendments to clarify or change the ordinance.

Mr. Tilley wondered if it would be prudent to ask Ms. St. John to address two or three of the most egregious sections of the zoning ordinance to help identify ambiguity and present it to the Board for evaluation and to

determine if more is needed. Chair Cottrill suggested this topic could be a long term sub-committee project over the next year and not for work on the upcoming warrant.

Mr. Gorman said if the assertion of Ms. St. John is correct and the ordinance could be subject to loose interpretation, the concern is legal exposure to the Town and doing a study could be very useful. Also if the purpose is to simplify and clarify, it would be a worthwhile project. Chair Cottrill suggested Ms. St. John and Ms. Hallquist speak with Bart Mayer (Town Counsel) for his thoughts on the validity and strength of the current zoning ordinance.

Draft Ideas for General Discussion

The discussion then reviewed the ideas included in the memo.

- 1) Table of Uses- already discussed. Planning Board felt no need for placement on the warrant. Use the draft created, but don't change anything in the ordinance.
- 2) Commercial Districts – New London has three areas which allow commercial uses. The Planning Board doesn't want to distinguish the three distinct districts at this time. The Planning Board felt no need for a warrant article.
- 3) Amend Zoning Map to create supplemental map showing workforce and other districts. The current map is difficult to read due to the shading and patterns used. The Planning Board felt no need for warrant, propose alternative.
- 4) Amend zoning map to create new colors showing the six districts. It would show wetlands, steep slopes, shoreland, and the Stream Conservation District. The Planning Board noted the colors used on the map can be changed, notes included on the map can be clarified, and the map can list the other overlay districts without Town Meeting approval. The Planning Board felt no need for a warrant article, propose alternative. Ms. St. John handed out a packet of maps recently created by the UVLSRPC showing color changes of the zoning districts. It was agreed that Ms. St. John to proceed and create final drafts subject to final approval from the Board, but that this wouldn't need Town Meeting approval.
- 5) Ms. St. John referred to a memo from UVLSRPC regarding some map discrepancies. Ms. St. John explained that the Steep Slopes and Hydric Soils map on display (large board) in her office, and which the public uses, is not current and does not reflect the language shown on page 56, Article XIV- Steep Slopes Overlay District. It was determined the most recent map of 2005 is missing and that the one used is circa 1997. Mr. Hollinger said perhaps the 2005 map is OK and it should be looked at before they create a new map. Mr. Tilley said no amendment was needed if she was only creating a new map to match the language in the ordinance. As of now there isn't a map showing the 15% slopes. She also noted that the map reference in Article XIII, Wetland Conservation Overlay District, on page 52 refers to the March 13, 2001 map. The map is faded and colors hard to distinguish. She asked Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC) to recreate the map using more vibrant color, easy to distinguish, showing the Board the map. Ms. St. John was asked to try and locate the map referenced showing the steep slope data from the RPC. The Planning Board agreed no warrant is needed if color changes and just general comments on the map are made.
- 6) Amend and re-number zoning ordinance to create article numbers; Ms. St. John noted that the quick reference table could be improved and corrected with some changes. Discussed suggestion to change family to dwelling unit- leave as is. The zone district heading are not correct- ARR- Shoreland Overlay, no actual district by that name. Staff to change the table to correct zone district names, but no other changes at this time.
- 7) Use and Dimensional Requirements: Changes not under consideration at this time.
- 8) Two Zoning Districts for the College: Clarification on purpose of two separate districts. Mr. Tilley said IRR has specific exclusions and was created for athletic fields and some related needs. No need to include on the warrant.
- 9) Site Plan Regulations - Ms. St. John noted that the term "site plan" is used very loosely in the text and is confusing. She explained that site plan regulations under the Statutes pertain to multi-family (3 or more units), commercial and industrial use. Single family and two-family dwelling units do not

require site plan review. She asked that the reference to site plan be clarified in the text. The Planning Board suggests that something could be added in the Preamble, Article I, although this wouldn't necessarily be the best place. She further explained that the actual Site Plan Regulations will also need to be overhauled in the near future.

- 10) Minimum Lot sizes-Suggestions to changing minimum lot sizes, especially in the village-downtown area was thought to be a reasonable idea but not this year. Ms. St. John stated the recently adopted Master Plan discussed protection of natural resources, etc. The current zoning lot sizes should be reevaluated if this is what the town wants to protect.
- 11) Residential Density-Ms. St. John opined that density should be determined by dwelling unit, not by a family. No change proposed this year.
- 12) Kennels. She suggested creating a separate definition instead of grouping it with the agricultural section. No changes proposed this year.
- 13) Junk: People complain about their neighbors' "unattractive yards" due to "junk". Statute states that up to two, unregistered vehicles on the property are allowed. She would follow-up with this at a later date.
- 14) Tree-cutting provisions. Suggested clearer language. She would draft some new language for consideration.
- 15) Erosion and sediment control – She explained the language needs to be revised.
- 16) Intent to Cut – Create provision that the Conservation Commission be notified before any action on an intent-to-cut application. This is for awareness as owners have a right to cut. Mr. Tilley thought this notification may just cause confusion. There is nothing the Conservation Commission can do so why notify them? They should notify their neighbors, not the Conservation Commission. The Planning Board decided this wasn't necessary.
- 17) Temporary Ancillary Sales – Rename this to: Temporary Event Function to allow the flying of flags and banners.
- 18) Excavation, removal and filling of lands. The statute is not mentioned and it should be included. This is standard in most ordinances. No changes this year.
- 19) Sanitary Protection – Suggestion to reorganize. No need this year.
- 20) Definitions- Amend numerous definitions. Ms. St. John noted that many of the definitions could be revised, several were listed as examples:
 - Abutter- shorten the definition by taking her suggestions in the memo. Reference the statute, which can change from year to year.
 - Board: Ms. St. John said there hasn't been confusion here, but as it is written, it is incorrect.
 - Boathouse: Ms. St. John wondered if "boathouse" could only be built over the water or if they could be dug into the bank. Mr. Tilley said that they are usually both. Mr. Hollinger said this impacts the shoreland protection act. Unless it is grandfathered, they cannot get a permit to put a boathouse in.
 - Equipment: Ms. St. John suggested including the word "construction" in front of "Equipment" to clarify the term. Mr. Tilley said things in the list are not all construction equipment, but just equipment.
 - Student Housing – Off Campus: No change this year.
 - Family- Ms. St. John referred to the Cottage Lane property and issue of family- as related to five unrelated people. Mr. Tilley suggested defining what "Domestic Servant" is and it would handle the whole problem instead of changing the numbers of people who could live in a dwelling, and that it would include a residential advisor. Ms. Helm said they should define domestic servant. All agreed to consider a new definition.

Although the Planning Board thought many of the ideas were worthwhile, it would be too much this year to offer so many changes. The Planning Board suggested developing a Work Program and a committee to review the Ordinance in more detail to really understand why so many changes are needed. Ms. St. John conveyed that she and Town Administrator could conduct a work session to discuss the current ordinance and

how best to proceed. Ms. St. John reiterated she is reviewing the ordinance with a fresh set of eyes, being new to Town since late August. She explained the ordinance needs a complete overhaul.

Chair Cottrill suggested making typical amendments, if any, this year and during the next year work on any larger projects as agreed by the Board.

Mountain View Shopping Center, Tax Map 059-008-000

Ms. St. John referred to a recent email from Mountain View Shopping Center explaining some changes they are proposing. It was explained that Radio Shack was not interested in renewing their lease. Flash Photo will move to the Radio Shack space and Clarkes Hardware will expand into some of the Flash Photo space. Ms. St. John wondered if the Planning Board wanted this move to come back before the Planning Board. Mr. Tilley said it was not a change of use because it is retail to retail. Chair Cottrill said that the “fast-track” application process could be used here but the Fire Department has to approve the change.

Approval of Minutes

IT WAS MOVED (John Tilley) AND SECONDED (Emma Crane) to approve the minutes of January 8, 2013, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.

IT WAS MOVED (Tina Helm) AND SECONDED (Emma Crane) to approve minutes of December 11, 2012, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.

IT WAS MOVED (Emma Crane) AND SECONDED (Tina Helm) to adjourn the meeting. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 10:06pm

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London