



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## PLANNING BOARD REGULAR MEETING - February 25, 2014 APPROVED MINUTES

**MEMBERS PRESENT:** Tom Cottrill (Chair), Peter Bianchi (Board of Selectmen's Representative), John Tilley, Emma Crane (Conservation Commission Representative) and Bill Helm (Alternate)

**MEMBERS ABSENT:** Jeff Hollinger (Vice-Chair), Paul Gorman (Secretary), Michele Holton, Michael Doheny (Alternate), Deirdre Sheerr-Gross (Alternate)

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

Chair Cottrill called the meeting to order at 7:02pm. He asked Bill Helm (Alternate) to sit in for Paul Gorman, who was absent.

### **Proposed Zoning Amendments- Draft language for review**

#### **Amendment #1 – Regarding Shoreland Overlay District provisions related to docks and boathouses**

Chair Cottrill suggested using the paragraph originally presented by the Conservation Commission in place of the current proposal to better reflect the reason for the proposed amendment. He also did not recall that the group had previously agreed to the four bullet points and suggested that be streamlined to just two bullet points regarding new dock construction and exiting dock maintenance or replacement. Replacement of existing boathouses that does not change use, size or footprint are permitted subject to State permits and regulations. New boathouses are now not permitted.

Selectman Bianchi expressed concern that the Chair was offering new wording for consideration, when at the Feb 11<sup>th</sup> meeting the Planning Board made comments on the draft language, and the version posted for discussion this evening reflected the Board comments. Chair Cottrill said he did not think what was presented for consideration was a true reflection of what was agreed at the previous meeting.

Ms. St. John explained that at the Feb 11th meeting the Planning Board had discussed draft language and the handout for tonight's discussion is a reflection of that discussion. She also distributed another handout, with some other draft language, per a discussion with the Chair that afternoon. She explained that the draft language, and the draft language submitted by the Conservation Commission was posted on the Town's website. Ms. St. John referred to the provisions for docks and boathouse, noting that the idea of no new boathouse is significant, and the language should clearly reflect this. Ms. Crane thought all sentences Ms. St. John had included should remain because they explain the importance of not disturbing the shoreline.

Selectman Bianchi said the New London Planning Board has no jurisdiction over the State's laws, so why make a statement noting that the State no longer allows boathouses over the water? He suggested just stating that there is no digging within 50' of the shoreline, whatsoever.

Mr. Wilson asked, why it couldn't be simply stated as, "no new boat houses" and noted that the language from the Conservation Commission regarding docks should be clarified to reflect the previous draft language stating, the attachment of the dock to the shoreland shall be the least impacting alternative as permitted by the State.

Mr. Helm suggested adding “The Planning Board Recommends” instead of “it was recommended”. He also suggested saying maintenance “or” replacement, instead of maintenance “and” replacement.

Chair Cottrill asked if the draft rationale and amendment language provided by the Conservation Commission, including insertion of the word “existing” for C.1, “or replacement” for C.1.a and “footprint” for C.1.b plus reversing the two sentences in C.1.b and using the suggestions by Mr. Helm would be sufficient.

**IT WAS MOVED (Bill Helm) AND SECONDED (John Tilley) to present the proposed language regarding docks and boathouse for discussion at the public hearing. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Amendment #2 –regarding Article III, definition of boathouse and functionally dependent use.**

Chair Cottrill suggested the format used in Article II, Definitions be the same for the proposed amendments, including the numbering and colon. Chair Cottrill said taking out the term “functionally dependent use” makes sense and staff had conducted a word search in the Zoning Ordinance.

Ms. St. John referred to the discussion this evening regarding boathouses, amendment # 1. The Board reviewed the definition currently in the ordinance, and recommended that the language “constructed entirely over a body of water” be removed.

**IT WAS MOVED (Bill Helm) AND SECONDED (Emma Crane) to present the proposed language regarding changes to the definition of boathouse and removing the definition “Functionally Dependent Use” for discussion at the public hearing. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Amendment #3 –regarding Article II, signs- banner**

Chair Cottrill said the current ordinance includes a provision for banners, and the definition of “sign” seems to be quite complete. He asked, if a definition of banners is really needed? He also didn’t think a permit should be required for banners used privately for birthday/retirement parties, or welcome-home family events that might occur for one day.

Ms. St. John noted that the proposed draft includes a definition for a banner, as this was discussed at the Feb 11<sup>th</sup> meeting, and banners were discussed by the subcommittee. She also referred to two previous memos she had submitted to the Planning Board back in June 2013 regarding banners, signs at the information booth, signs on the Town Green and other provisions of the sign regulations.

Ms. St. John referred to the draft language and explained that proposed banners would require a sign permit, and she explained that there have been questions raised about banners on the Town Green. Ms. St. John said the current zoning ordinance limits the size of banners in relation to the underlying zoned district, which is why this amendment was brought up. Mr. Helm said this amendment would be hard to write as it reflects both the temporary and permanent signage provisions. The provisions related to banner for birthday parties, and welcoming military personnel home was included as clarification.

Mr. Tilley, noted that it might just be simpler to have an amendment which states banners are permitted on the town green. The Board also discussed banners in the Institutional/Recreational District. Mr. Tilley said he thought this was such a big issue that they can’t fix it by adding to it, but rather the sign ordinance would need to be totally re-written.

Selectman Bianchi said the Board of Selectmen hear a lot of complaints about too many signs being put up at the information booth. This is another area of the sign provisions which should be reviewed. Mr. Tilley said people will always complain both ways; not allowing enough signs and complaining about too many signs.

The Board noted that the sign provisions need more attention, and thus would table the amendment, and discuss the signs in more detail next year.

**IT WAS MOVED (Bill Helm) AND SECONDED (John Tilley) to table the proposed “banner” amendment #3. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Amendment #4 –regarding Article II, signs for Temporary Events for Nonprofit Organizations**

The Board discussed size, number of days and other concerns, and determined that the sign ordinance needs to be reviewed in more detail. After considerable discussion of this proposed amendment, it was decided that this amendment be tabled and further discussion of the sign provisions be discussed for next year.

**IT WAS MOVED (John Tilley) AND SECONDED (Peter Bianchi) to table the proposed amendment with regards to Temporary Signage. THE MOTION WAS APPROVED UNANIMOUSLY.**

Mr. Bianchi noted that it is very difficult to police these sign regulations.

**Amendment #5- regarding Temporary Off-Site Seasonal Signs**

Chair Cottrill suggested: 2C: Offsite Seasonal – non-profit organizations. 1. Should be limited to non-commercial language (civic organizational events only). Each sign should have a maximum of 3 square feet. The number of signs and their location is to be approved by Board of Selectmen.

Mr. Tilley said the purpose of these signs is to acknowledge contributions made by civic organizations. They should take the word “non-profit” out of the amendment.

Mr. Bianchi thought they should let the Selectmen have the discretion to approve these types of signs. He said the signs’ purpose was to acknowledge contributions by civic organizations. There should be no intent to advertise commercially.

It was thought they should leave the rationale as-is and limit the amendment to non-commercial language. They should also take out the word “design.” The number and location of the signs shall be approved by the Board of Selectmen.

**IT WAS MOVED (Emma Crane) AND SECONDED (Peter Bianchi) to present the proposed language for temporary, off-site seasonal signage for discussion at the public hearing. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Amendment #6 - Planned Unit Development (PUD) - Retirement Care Community**

Chair Cottrill thought the rationale was fine. He thought “Retirement Care Community” should be defined in the definitions section of the Zoning Ordinance rather than in Article XIX. Ms. St. John distributed to the Board some revised draft language based on her discussion with the Chair this afternoon. Chair Cottrill explained that he also believes the definition should be revised. Further discussion on other changes were made, including the sentence order, and clarification on lot and dimensional requirements.

“Age-restricted development shall provide appropriate .... For the residents of the development and designed to house 55+ with different housing types...”

Bill Helm said there were a couple of things not clear in the current PUD which is why the last sentence was there. The Board noted that the sentence regarding... orderly, harmonious and aesthetically .... be removed.

Bill Helm referred to the current PUD provision, on page 78, (7) Setback/Building Separations and noted it doesn't say what they can do with the other units in terms of lot size and frontage. He discussed the need for clarification on setbacks, as 7b says the homes can be 20' from the edge of travel surface of the road. There is a question in terms of setbacks from driveways. Chair Cottrill suggested that these changes would need to be done in separate articles. Chair Cottrill, noted he wasn't sure if the way it was written was a logical mistake or were multi-family dwellings omitted with a reason in mind. The sentence gave the Planning Board flexibility. Without it, applicants could go to the ZBA.

Mr. Tilley remarked that per the definition they were using, Woodcrest also be considered a retirement care community. He wondered if there were implications there they hadn't considered. Mr. Helm said Woodcrest doesn't fit because they don't have five acres. Ms. St. John said this definition has given the Planning Board extreme flexibility for people to come in and suggest additional developments.

Mr. Helm said he was troubled by the lack of definition regarding lot size and frontage for an attached building. Ms. St. John referred to (5) Lot Size and Frontage Requirements, on page 78 and also referred to the zoning quick reference table (R1) provisions. Ms. St. John referred page 77 of the current ordinance, (B) - General Requirements (2) Permitted Uses (b) which states- dwelling units in single-family detached, single family attached, two family or multi-family dwellings or appropriate mixes thereof are permitted in the current PUD Overlay District.

Chair Cottrill opined that a single family detached home from the street view is less burdensome than having a two or multi-family dwelling that is attached. Mr. Helm said the whole ordinance talks about single-family dwelling units and not multi-family. Chair Cottrill thought those before them on the Planning Board may have written it this way on purpose. Mr. Tilley said this would only apply to the RCC.

The Planning Board agreed to have the retirement care community as definitions. Ms. St. John said the hospital may still need to go the ZBA depending on what plans they eventually submit for consideration in the future. She noted that a PUD generally allow a degree of flexibility for lot dimensions and size.

Mr. Helm then referred to Article XVIII, Cluster Developments as a comparison.

Chair Cottrill explained that he wanted to be sure that the proposed amendment addresses the needs of the Town in the future and make sure it is well thought out. He said the Board should be considering the needs and protection of the neighbors and to be sure to be clear for any future developer.

**IT WAS MOVED (Bill Helm) AND SECONDED (John Tilley) to include a definition of retirement care community in the definitions and to identify a retirement care community as a permitted in in the PUD, and to present the proposed language for discussion at the public hearing. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Amendment #7 - Planned Unit Development (PUD) - Permissible Zone Districts**

Staff referred to the current map which shows the boundary limits of the PUD overlay district.

**IT WAS MOVED (Bill Helm) AND SECONDED (Emma Crane) to present the proposed language for discussion at the public hearing. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Amendment #8 - Article 1, Preamble of the Zoning Ordinance to acknowledge the most recently adopted Zoning Ordinance and Master Plan.**

**IT WAS MOVED (Peter Bianchi) AND SECONDED (Emma Crane) to present the proposed language for discussion at the public hearing. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Public Hearing Dates for Zoning Amendments:**

Ms. St. John referred to the Feb 4, 2014 memo regarding possible public hearing dates. The Planning Board agreed to post the public hearing for the zoning amendments to be held on March 25, 2014 with a possible second and final public hearing date of April 8, 2014.

**Minutes of February 11, 2014:**

**IT WAS MOVED (Peter Bianchi) AND SECONDED (Emma Crane) to approve the minutes of February 11, 2014, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Other Business:**

**Informational Items:**

Ms. St. John referred to information items posted on the website including, Flood Lines, a publication of the Office of Energy and Planning and information on several workshops/events which may be interest.

**Liquor Store Signage (Tax map 059-008-000)**

Chair Cottrill had asked Ms. St. John to look into the “violation” issue of the lighted Liquor Store sign. Ms. St. John explained that the sign was most recently discussed at the Jan 14, 2014 meeting, and that the Planning Board granted a waiver of Site Plan review at the Nov 12, 2012 meeting. She explained at the Jan 14<sup>th</sup> meeting, she was asked to contact Town Counsel. Town Counsel explained that the sign is subject to the provisions of RSA 674:54, Governmental Land Uses.

Chair Cottrill expressed that he believes the sign is in violation of the Town’s Zoning Ordinance and he has heard complaints about it, and the Town should enforce the Ordinance. He states, as it stands, it is in violation and the violation should be served it to the owner/tenant of the building. Mr. Bianchi said he does not think they came in for a sign permit. Ms. St. John noted this was also discussed with the Town Administrator. Chair Cottrill thought the sign was too big, is internally lit, and the property owner should be told that the tenant, albeit a state entity, was in violation.

**Motion to Adjourn:**

**IT WAS MOVED (John Tilley) AND SECONDED (Emma Crane) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 9:55pm.

Respectfully submitted,

Kristy Heath, Recording Secretary  
Town of New London