



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

**PLANNING BOARD  
APPROVED MINUTES  
March 25, 2014**

**MEMBERS PRESENT:** Tom Cottrill (Chair), Jeff Hollinger (Vice-Chair), Peter Bianchi (Board of Selectmen's Representative), John Tilley, Michele Holton, Emma Crane (Conservation Commission Representative), Bill Helm (Alternate)

**MEMBERS ABSENT:** Paul Gorman (Secretary), Michael Doheny (Alternate), Deirdre Sheerr-Gross (Alternate)

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

Chair Cottrill called the meeting to order at 7:04pm. He asked Bill Helm to sit in for Paul Gorman, who was absent.

**New London Agency Site Plan Application. Tax Map 084-068-000. Located at 259 Main Street.**

Ms. St. John said the New London Agency would like to make some changes to the second floor to comply with the New Hampshire Real Estate Commission's requirement. She noted that the Fire Chief has identified some concerns. She referred to her staff report, outlining the issues. The applicant is requesting a waiver of many of the site plan requirements and approval of the site plan.

Pam Perkins and Stephanie Wheeler were in attendance for the New London Agency. Pam Perkins provided a brief overview. She explained that this is being done to meet the requirement of the Real Estate Commission, to help protect the confidentiality of the conversations clients have with the real estate agents. Their solution is to build walls to create privacy. She showed a plan to the members of the Planning Board. She explained that they met with Fire Chief Lyon and were addressing the fire safety issues which include exit lighting, exit signs, egress lighting and hard-wired smoke detectors. Mr. Tilley wondered if the parking was changing. Ms. Perkins said they weren't adding people, just walls. It has the same use and so the parking requirements have not changed.

**IT WAS MOVED (Emma Crane) AND SECONDED (Michele Holton) to waive the site plan requirements as the only change is the interior walls and no additional parking is needed. THE MOTION WAS APPROVED UNANIMOUSLY.**

**IT WAS MOVED (Jeff Hollinger) AND SECONDED (Emma Crane) to approve the site plan for New London Agency, contingent upon addressing the items identified by Chief Lyon. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Tree Cutting Application- Margulies, Anne and Marc. Property located at 53 Lamson Lane. Tax Map 049-013-000.**

Tom Conway from Conway's Tree Cutting Service said they propose to cut a tree on the property, and that they have over double the points required as shown on the map submitted with the application. He said he presented his request at the Conservation Commission meeting last week and they were OK with it. He was there to obtain final approval from the Planning Board.

Ms. St. John noted that she had not visited the site. A photograph of the tree to be cut was displayed to the Board and provided in the application. She explained that this was reviewed by the Conservation Commission at their March 19<sup>th</sup> meeting.

**IT WAS MOVED (Michele Holton) AND SECONDED (Emma Crane) to approve the tree-cutting as presented for one tree at 53 Lamson Lane. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Public Hearing Zoning Amendments**

Ms. St. John explained that the public hearing notice and newspaper advertisement were posted. She explained that the Planning Board will need to decide the final language at this meeting, and if any substantial changes are made a second and final public hearing can be continued to the April 8<sup>th</sup> meeting.

The Chair opened the Public Hearing.

**Amendment # 1: The Planning Board proposes to amend, Article XVI, Shore Land Overlay District to clarify that no new boathouses are permitted in New London which are created as a result of dredged inlets (dug-in boathouse) and or result in changes to the natural configuration of the existing shoreline and or which create new surface water area. New boathouses located over existing water are permitted subject to all applicable State requirements. The maintenance or replacement of existing boathouses will continue to be a permitted use. (As Advertised)**

**PLANNING BOARD PROPOSED AMENDMENT NO. 1: (As posted)**

Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the New London Zoning Ordinance as follows:

**Rationale:**

In order to further clarify permitted uses as they relate to docks and boathouses, the Planning Board recommends that the current Permitted Use C.1., "Docks and Boathouses constructed entirely over a body of water are permitted subject to required state permits and standards." be deleted in its entirety.

As the State no longer permits new boathouses to be built over the water, and new London's Zoning Ordinance restricts land and vegetative disturbance within the 50 foot Waterfront Buffer necessary for a "dug-in boathouse", the Planning Board recommends that this permitted use be amended to clarify and specifically state that new boathouses of any design are not permitted.

C. Permitted Uses: The following Uses are permitted provided that they shall be conducted according to applicable provisions:

1. ~~Docks and Boathouses constructed entirely over a body of water are permitted subject to required state permits and standards.~~

1. Docks and existing boathouses are permitted subject to the following restrictions.

- 1.a. New dock construction and existing dock maintenance or replacement are permitted subject to required state permits, standards, and regulations. The attachment of the dock to the shoreland shall be the least impacting alternative as permitted by the State.
- 1.b. Maintenance or replacement of existing boathouses which will not increase the use, size or footprint of the structure is permitted subject to required state permits, standards, and regulations. Construction of new boathouses is not permitted.

### **Discussion and Public Comment**

Ms. St. John explained that since the last meeting she did some additional research, and received input from New Hampshire Department of Environmental Services (NHDES). Ms. St. John further explained that there is some confusion of the intent of the proposed amendment and asked if the intent is to disallow any new boathouses in New London, or just no new boathouses over a dredged inlet making a “dug-in” boathouse?

Ms. St. John referred to the amendment language that was posted, referring to the rationale statement that begins with, “As the State no longer permits new boathouses....”. She noted that this language was drafted by the Conservation Commission. She stated that it is important to clarify that NHDES does not have new language, as implied in the rationale statement.

She referred to an email received March 18, 2014 from Dale Keirstead, of NHDES that she read into the record, “The Department has never approved boathouses over public waters. Attached are a copy of the original 1973 rules with the definition of a boathouse, and the rule stating that they are not approved. Of course the rules have changed and expanded since then, however boathouses over the water should be all grandfathered, that is, prior to 1969.”

Ms. St. John said that in response to comments since the last meeting, she and the Town Administrator have prepared some revised draft language for the two proposed amendments regarding boathouses, referring to the handout, “Proposed revised language March 25, 2014”.

Chair Cottrill said the Conservation Commission requested this item be put on the ballot to specify what was no longer allowed through DES. Ms. St. John reiterated, that the draft language suggested by the Conservation Commission (12/2013) suggests that NHDES has made some recent change to how they address boathouses, and this is not an accurate reflection of the NHDES provisions regarding boathouses. She suggested that the rationale statement revised for this evening be used. The rationale statement she was suggesting states:

Rationale Statement, proposed revised language March 25, 2014: The Planning Board proposes to amend, Article XVI, Shore Land Overlay District to clarify the list of permitted uses related to docks and boathouses, stating that no new boathouses over dredged inlets will be permitted in New London, to clarify the language relative to the maintenance and replacement of existing boathouses and to clarify provisions related to the construction and maintenance of docks. The purpose is to protect the natural shoreline and restrict disturbance to the land and vegetation within the 50 foot Waterfront Buffer.

John Wilson, a resident on Pleasant Lake was in attendance and noted that he provided some proposed revised language to the definition of boathouse. He noted the intent was not to allow any new boathouses in New London.

Mr. Helm commented on the proposed revised language that was distributed at the meeting this evening. He questioned why item (1C) is included. Item 1 C. as proposed reads, “New boathouses located over a body of water are permitted subject to required state permits, standards and regulations. Boathouses located over a dredged inlet shall not be permitted.” He questioned why even say boathouses permitted over water, subject to required State permits, when the State doesn’t allow them. He thought it should just say “No new boathouses.” He didn’t think the Town’s Ordinance should contradict the State’s regulations. Chair Cottrill said that activity

beyond the shoreline “on, over or in state water” is not the Town’s jurisdiction. He opined that State law could someday change in favor of allowing boathouses beyond the shoreline and that is beyond the jurisdiction of the Town. Further, Cottrill said current Zoning in New London specifically disallows disturbance within 50 feet of the shoreline except for walkways, thus excavation for a dug-in boathouse or building a boathouse structure over land cannot currently be permitted when located within the first 50 feet of the shoreline. He stated that in effect, new boathouses cannot currently be built in New London. Ms. Hallquist noted that they were now using the term “dredged inlet” instead of “dug in” when referring to boathouses on the shoreline, as that is the term the State uses.

Mr. Hollinger thought they should break 1C into two parts and include a “1D.” 1D should address the dredged inlet boathouse prohibition. Mr. Helm thought their previous rationale was better than the newly crafted one because it told the voter that boathouses over the water were not allowed.

Mr. Wilson agreed with Mr. Helm and thought it should just say “no new boathouses.” Mr. Wilson commented that he did not like the language suggested in the revised language submitted this evening, and the Planning Board should consider the language which was previously posted which read, “1b. Maintenance or replacement of existing boathouses which will not increase the use, size or footprint of the structure is permitted subject to required state permits, standards and regulations. Construction of new boathouses is not permitted.” Mr. Wilson said this language is less confusing and clearly states that the intent is for no new boathouses of any kind or in any location in New London.

**Chair Cottrill agreed and suggested amending the posted rationale statement to read:**

**Rationale:**

In order to further clarify permitted uses as they relate to docks and boathouses, the Planning Board recommends that the current Permitted Use C.1., “Docks and Boathouses constructed entirely over a body of water are permitted subject to required state permits and standards.” be deleted in its entirety.

As the State no longer permits new boathouses to be built over the water, and New London’s Zoning Ordinance restricts land and vegetative disturbance within the 50 foot Waterfront Buffer necessary for a “dug-in boathouse”, the Planning Board recommends that this permitted use be amended to clarify and specifically state that under current New London Zoning and State Regulations, new boathouses of any design are not permitted.

The Planning Board agreed that this should be added.

Mr. Wilson said the aim of this change was to clearly state that there be no new boathouses, period. He thought it seemed like a simple way of saying it.

Ms. Hallquist asked if the intent that of the Planning Board was to not allow new boathouses, regardless of State Regulations even if State Regulations were to change and allow boathouses over water. Mr. Hollinger thought this was their intent.

Mr. Tilley thought “dredged inlet” should be revised throughout to make it align with the State terminology.

Michael Todd, a resident of New London suggested striking the word “As” and using the word “Since” to start the rationale statement.

**The final rationale statement would read:**

Rationale:

In order to further clarify permitted uses as they relate to docks and boathouses, the Planning Board recommends that the current Permitted Use C.1., “Docks and Boathouses constructed entirely over a body of water are permitted subject to required state permits and standards.” be deleted in its entirety.

Since the State no longer permits new boathouses to be built over the water, and New London’s Zoning Ordinance restricts land and vegetative disturbance within the 50 foot Waterfront Buffer necessary for a “dug-in boathouse”, the Planning Board recommends that this permitted use be amended to clarify and specifically state that under current New London Zoning and current State Regulations, new boathouses of any design are not permitted.

Mr. Tilley commented that the rationale statement is included on the ballot to help the public understand the amendment, but the rationale statement is not included in the ordinance. If the amendment is approved, the only change that will be included in the revised Zoning Ordinance will be the new language C.1, C.1.a and C.1.b.

**IT WAS MOVED (Bill Helm) AND SECONDED (John Tilley) to retain proposed amendment No. 1 with changes to the rationale statement and to continue the public hearing until the April 8<sup>th</sup> meeting. THE MOTION WAS APPROVED UNANIMOUSLY.**

**The final language for Amendment #1 will be presented as follow:**

Rationale:

In order to further clarify permitted uses as they relate to docks and boathouses, the Planning Board recommends that the current Permitted Use C.1., “Docks and Boathouses constructed entirely over a body of water are permitted subject to required state permits and standards.” be deleted in its entirety.

Since the State no longer permits new boathouses to be built over the water, and New London’s Zoning Ordinance restricts land and vegetative disturbance within the 50 foot Waterfront Buffer necessary for a “dredged inlet boathouse”, the Planning Board recommends that this permitted use be amended to clarify and specifically state that under current New London Zoning and current State Regulations, new boathouses of any design are not permitted.

C. Permitted Uses: The following Uses are permitted provided that they shall be conducted according to applicable provisions:

~~1. Docks and Boathouses constructed entirely over a body of water are permitted subject to required state permits and standards.~~

1. Docks and existing boathouses are permitted subject to the following restrictions.

1. a. New dock construction and existing dock maintenance or replacement are permitted subject to required state permits, standards, and regulations. The attachment of the dock to the shoreland shall be the least impacting alternative as permitted by the State.

1. b. Maintenance or replacement of existing boathouses which will not increase the use, size or footprint of the structure is permitted subject to required state permits, standards, and regulations. Construction of new boathouses is not permitted.

**Amendment # 2: The Planning Board proposes to amend, Article III, Definitions, by changing the definition of “Boathouse” and deleting the definition, “Functionally Dependent Use.” The definition of Boathouse is being clarified to reflect changes proposed to the Shore Land Overlay District. The definition, “Functionally Dependent Use” is proposed to be deleted as there are no ship building, port facilities, or loading/unloading of cargo or passengers in New London. (As Advertised)**

**PLANNING BOARD PROPOSED AMENDMENT NO. 2: (As Posted)**

Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the New London Zoning Ordinance as follows:

**Rationale:**

The Planning Board proposes to amend, Article III, Definitions: 23. Boathouse and 65. Functionally Dependent Use. The definition of Boathouse is being clarified to reflect changes to regulations related to the Shoreland Overlay District. The definition, “Functionally Dependent Use” is not relevant in New London as there is no ship building, port facilities, or loading/unloading of cargo or passengers.

Article III. Definition: 23. Boathouse: An enclosed or partially enclosed accessory structure ~~constructed entirely over a body of water~~ designed primarily for the use and storage of private watercraft and/or marine-related equipment.

Article III, Definition: 65: ~~Functionally Dependent Use. A Use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term only includes docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long term storage or related manufacturing facilities.~~

**Discussion and Public Comment**

Ms. St. John referred to the draft revised language. She explained that the language discussed at the last meeting and posted needed clarification as it suggested that any structure that held a boat, even if not near the shoreline would be considered a boathouse.

**Rationale:**

The Planning Board proposes to amend, Article III, Definitions: 23. Boathouse and 65. Functionally Dependent Use. The definition of Boathouse is being clarified to reflect changes to regulations related to the Shoreland Overlay District. The definition, “Functionally Dependent Use” is not relevant in New London as there is no ship building, port facilities, or loading/unloading of cargo or passengers.

Article III. Definition: 23. Boathouse: An enclosed or partially enclosed accessory structure ~~constructed entirely over a body of water~~ ~~designed primarily~~ located in or over a body of water or located over a dredged inlet and designed for the use and storage of private watercraft and/or marine-related equipment.

Article III, Definition: 65: ~~Functionally Dependent Use. A Use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term only includes docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long term storage or related manufacturing facilities.~~

Mr. Tilley thought the definition should mention “within 50’ of the shore line” or it wouldn’t fit into this part of the ordinance. Mr. Bianchi didn’t think the 50’ needed to be included.

**IT WAS MOVED (Bill Helm) AND SECONDED (Jeff Hollinger) to approve the revised language and continue the public hearing until the April 8<sup>th</sup> meeting. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Amendment #2 will be presented as follow:**

**Rationale:**

The Planning Board proposes to amend, Article III, Definitions: 23. Boathouse and 65. Functionally Dependent Use. The definition of Boathouse is being clarified to reflect changes to regulations related to the Shoreland Overlay District. The definition, “Functionally Dependent Use” is not relevant in New London as there is no ship building, port facilities, or loading/unloading of cargo or passengers.

Article III. Definition: 23. Boathouse: An enclosed or partially enclosed accessory structure ~~constructed entirely over a body of water designed primarily~~ located in or over a body of water or located over a dredged inlet and designed for the use and storage of private watercraft and/or marine-related equipment.

Article III, Definition: 65: Functionally Dependent Use. ~~A Use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term only includes docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long term storage or related manufacturing facilities.~~

**Amendment # 3: The Planning Board proposes to amend, Article II, General Provisions, Section 10. Sign Regulations, (f)- Signs Requiring a Permit, (2) Temporary Signs Requiring a Permit, by adding a new subsection (2. c), Temporary Off-Site Seasonal Signs. The purpose is to provide for the placement of non-commercial, off-site temporary seasonal signs for acknowledging contributions made by civic organizations.**

Discussion and Public Comment

**IT WAS MOVED (Bill Helm) AND SECONDED (Jeff Hollinger) to include Amendment 3 on the Town Ballot as presented. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Amendment # 4: The Planning Board proposes to amend Article III, Definitions, to add a definition for Retirement Care Community (RCC) which would be permitted in the existing Planned Unit Development (PUD) Overlay District.**

Discussion and Public Comment

Chair Cottrill referred to the discussion of the last meeting. A question was raised regarding the age limitation of 55 years or older. For example if a couple, could one be less than 55 years old? Ms. St. John noted that generally age-restricted housing has some provisions to allow for a percentage or that at least one person in the unit must meet the age qualification requirement.

Ms. Anne Holmes, Chair New London Hospital Board said the community would be designed so it would not attract a younger family. It would have eldercare services that would deter younger families from living there. She thought the wording was fine the way it was. Ms. Holmes said these communities are not designed for handicapped younger people, but are equipped for slightly handicapped older people. She didn't believe this was an issue.

Mr. Helm said average age of those living in these kinds of communities were people in their 80's. It was agreed that the proposed definition does call for persons to be age 55 or older.

Mr. Tilley suggested there should be a colon (:) instead of a period (.) after (RCC).

**IT WAS MOVED (Jeff Hollinger) AND SECONDED (Michele Holton) to include Amendment 4 on the Town Ballot as presented. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Amendment # 5: The Planning Board proposes to amend Article XIX, Planned Unit Development (PUD), Section B. General Requirements. Permitted Uses by adding 2 (d), Retirement Care Community as a permitted use in the PUD Overlay District.**

Discussion and Public Comment

**IT WAS MOVED (Jeff Hollinger) AND SECONDED (Michele Holton) to include Amendment 5 on the Town Ballot as presented. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Amendment # 6: The Planning Board proposes to amend Article XIX, Planned Unit Development, Section B. General Requirements, (4) Permissible Zone Districts- to conform Article XIX with the existing Zoning Map showing the Planned Unit Development (PUD) Overlay Districts. The Article omitted reference to the ARR- Agricultural and Rural Residential District and the Hospital Institutional District.**

Discussion and Public Comment

It was noted that the existing official Zoning Map is dated year 2012. It was suggested that there should be extra copies of that map and that the Zoning Ordinance booklet be updated with the 2012 Zoning Map.

**IT WAS MOVED (John Tilley) AND SECONDED (Emma Crane) to include Amendment 6 on the Town Ballot as presented. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Amendment # 7: The Planning Board proposes to amend, Article I, Preamble of the Zoning Ordinance to update the text to acknowledge the most recently adopted Master Plan and most recently adopted Zoning Ordinance.**

Discussion and Public Comment

**IT WAS MOVED (Bill Helm) AND SECONDED (Jeff Hollinger) to include Amendment 7 on the Town Ballot as presented. THE MOTION WAS APPROVED UNANIMOUSLY.**

Final Public Hearing- to be continued to April 8, 2014

**IT WAS MOVED (John Tilley) AND SECONDED (Peter Bianchi) to continue the public hearing until April 8, 2014 at 7:00 pm. THE MOTION WAS APPROVED UNANIMOUSLY.**

Correspondence

**Canane Site Plan. Tax Map 061-006-000**, approved with conditions on Feb 12, 2013.

The Board reviewed the email from Ed Canane (dated March 3, 2014) and a letter from Anita Blakeman (March 21, 2014) regarding the conditions of approval. Ms. St. John and the members of the Planning Board were satisfied with the response.

**Marshall's Garage. Tax Map 077-037-000**. Letter from David Marshall received March 4, 2013.

Ms. St. John said the letter had been discussed at the March 10, 2014 Board of Selectmen (BOS) meeting. A copy of the BOS minutes were provided to the Board. The BOS minutes state that the BOS would withhold comments until they get a response from the Planning Board.

Mr. Bianchi suggested that the Chair respond to the letter and copy the Board of Selectmen. It was agreed that the Chair would compose a letter to Mr. Marshall acknowledging receipt of letter and thanking him for his comments, and provide a copy to the Board of Selectmen.

Review of Minutes

Some edits were noted. Page 3: delete “the PB may reduce...”  
Page 4, 2nd paragraph, last sentence: “suggest additional developments.”

**IT WAS MOVED (Michele Holton) AND SECONDED (Bill Helm) to approve the minutes of February 25, 2014, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.**

Upcoming Meetings- Amending the Planning Board 2014 Meeting Calendar

The next meeting and final public hearing on the zoning amendments would be at the April 8<sup>th</sup> meeting. Ms. St. John noted that the April 22<sup>nd</sup> meeting was previously identified as a work session. She asked the Board, if they wanted to have the meeting, it is also school vacation week. It was determined that due to the availability of Planning Board members and Ms. St. John, the meeting calendar would be amended. The Board agreed to have the May meeting on May 20, cancelling the May 13 (Town voting day) and May 27 (day after Memorial Day Holiday) meetings. Ms. St. John will amend the Planning Board meeting calendar to reflect these changes. The next regular meetings are scheduled for April 8 and then May 20<sup>th</sup>.

Motion to Adjourn

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

The meeting adjourned at 8:25pm.

Respectfully submitted,

Kristy Heath, Recording Secretary  
Town of New London