



TOWN OF NEW LONDON, NEW HAMPSHIRE

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PLANNING BOARD APPROVED MEETING MINUTES June 11, 2013

MEMBERS PRESENT: Tom Cottrill (Chair), Paul Gorman (Secretary), Emma Crane (Conservation Commission Representative), Peter Bianchi (Board of Selectmen's Representative), John Tilley, Deirdre Sheerr-Gross (Alternate), Michael Doheny (Alternate)

MEMBERS ABSENT: Jeff Hollinger (Vice-Chair), Michele Holton

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

Chair Cottrill called the meeting to order at 7:00pm and appointed Sheer-Gross and Doheny to sit in for Hollinger and Holton.

Carolyn J. Reynolds Trust – Minor Subdivision 153 and 157 Seamans Road (Tax Map 085-024 & 085-025).

Ms. St. John referred to the staff report and noted that if the Planning Board approved this plan, they would need a copy of the deeds for recording. She noted that the abutters were noticed, and that one abutter (Mr. Stokes) had stopped in with questions about the potential of future subdivisions of the larger parcel and that he was in attendance at the meeting. She explained the key issue of the conceptual discussion of the May 14th meeting was right-of-way driveway access from Seamans Road to the 8 acre lot. The Board suggested altering the boundary line to avoid confusion with the exact bounds of the right-of-way. She explained that the surveyor has not changed the plan to reflect the Planning Board concerns. Douglas Sweet, Land Surveyor from Bristol, Sweet & Associates and Dr. and Mrs. Reynolds were in attendance. He said that his clients would like to transfer 8.1 acres from one lot to another. It doesn't involve changing the road frontage. He referred to the diagram on the plan, showing the configuration of the lots before and after annexation. The driveway would remain in its current location.

It was noted that the lot line ran through the center of the private road easement. Mr. Sweet said part of the driveway in front of 153 Seamans Road is on the area that the easement is on. If they were to move the lot line over, they would need to put an easement on the other parcel.

Steve Stokes, who lives at 202 Birch Acres, was present. He said he didn't have a big problem with this proposal and thought people should be able to do what they want with their land. He was concerned, however, that this may be a prelude to future subdivision or perhaps even a dormitory. Ms. Reynolds explained that they are not planning to subdivide; their desire is to have the fields and the woods surround them in their home which was once a barn at 157 Seamans Road. They intend to sell the house at 153 Seamans Road.

Questions were asked about the R-2 minimum lot size, setback and uses permitted. Staff referred to the Zoning Ordinance.

IT WAS MOVED (Paul Gorman) AND SECONDED (Emma Crane) to approve the lot line adjustment and annexation for the Carolyn J. Reynolds Trust for Tax Map 085-024 & 085-025 as presented. THE MOTION WAS APPROVED UNANIMOUSLY.

Ms. St. John said that the appropriate fees have been paid and additional fees would be needed for the recording of the plans.

New London Hospital. Tax Map 072-016-00 at 273 County Road. Zoned Hospital Institutional District. Signage Improvements.

Mr. Alan Owens, Director of Facilities of New London Hospital introduced himself and noted that he is new to the hospital. Owens said that the current signage at New London Hospital is at least 15 years old. He provided a brief overview of the hospital improvements over the years, including the more recent renovation in 2009. He said at that time, new signage was not part of the renovation. He explained that the current signage is confusing, as many people mistake the Emergency Entrance as the Main Entrance, and that the Main Entrance isn't identified as such. The purpose of the new signage is to facilitate safety, improve visibility, and enhance the hospital grounds; noting the primary objective is to improve safety. He referred to the sign renderings included in the packet, noting some will be LED lit, which is low-intensity lighting.

Mr. Owen explained that New London Hospital is anticipating an affiliation with Dartmouth-Hitchcock Medical Center (DHMC) before the end of the year and they would like to make New London Hospital's colors coincide with DHMC's green signage. Mr. Owens showed pictures of the signage they have proposed.

Ms. St. John referred to the staff report which outlines provisions of the Zoning Ordinance addressing signage requirements and a history of Zoning Board of Adjustment (ZBA) variances for signage in the past. She noted that the current hospital sign is larger than the 15 square feet permitted and also referred to other provisions related to lit signs, safety signs and directional signs. Chair Cottrill observed that the new sign at the entrance off County Road will be the same footage as the one that is there now, the emergency and main entrance signs are larger than specified in the ordinance but are needed for obvious safety reasons. Mr. Owen added that the signs would all be face-lit LED signs.

It was noted that the hospital signage is visible only for people approaching the hospital from Newport Road (from the traffic circle), but not from the other direction on County Road. Ms. Sheerr-Gross thought a small "emergency" sign should be visible from the south for those visiting the area who may not know where the hospital is located. Ms. St. John suggested the placement of the standard blue "H" sign (that signifies a hospital is near) may help address this issue, and that the hospital should discuss this with the Department of Public Works. The Board also conveyed that the hospital may want to include some other signage to address this issue.

IT WAS MOVED (John Tilley) AND SECONDED (Michael Doheny) to approve the change in the signage for New London Hospital, as presented, and to encourage the Hospital to consider additional "emergency" signage to face the southern direction of County Road. THE MOTION PASSED.

Deirdre Sheerr-Gross was opposed to the motion. She felt there should be a lit sign at night and didn't think the plan was complete as stated.

Fast Track Application for New London Gallery below the New London Inn (Tax Map 084-089) at 353 Main Street.

Ms. St. John explained that the application was recently received and that the applicant had planned to open July 1st. Considering the Planning Board summer meeting scheduled (one meeting a month), potential parking concerns along Main Street, and the provisions of the Fast Track process; she believed this needed Planning Board review. She provided the Board some background information on previous uses of the site, including Fast Track applications from Lisa Gooding (Faces by Lisa) June 2011 and a 2010 Fast Track Application from Anne Marie Appel, which is just signed off by the previous Planning and Zoning Administrator and not other Department Heads (N/A).

Ms. St. John read into the record the correspondence received June 6, 2013 which explained the nature of the business, proposed hours and anticipated customer base. Mr. Dan Wolf, property owner was in attendance. Chair Cottrill found this application to be a trade-off of retail for retail when considering the business that inhabited the space prior. It was noted that they anticipate a little over one person per hour visiting the shop. The previous use was a spa but it was not clear as to how many visitors per hour were experienced for this business. Mr. Tilley referenced the minutes from 2011 to demonstrate the amount of anticipated customer traffic from the previous use of the site. Ms. Sheerr-Gross recused herself from the discussion. Mr. Wolf, property owner said the owners of the Gallery are selling this to another person to run. He has to get approval from the Planning Board before he can get a signed lease.

Chair Cottrill, with general consensus from the Board said that Ms. St. John could follow up on this and a formal vote was not necessary from the Planning Board.

Fast Track Application for Gray Ledges Rentals & Property Management (Tax Map 073 – 049) at 9 Newport Road, Unit #2.

Ms. St. John explained that a sign permit was recently submitted for Gray Ledges Rentals and Property Management. She further explained that back in January 2013 she was corresponding with John Bonfiglio, owner regarding a fast track application for Gray Ledges. The site was formerly occupied by New Hampshire Computer Specialists. The Fast Track application was not completed at that time, and thus the current application is before the Board. She also provided the Planning Board some background information including minutes of 2004, 2010 and 2011 and a Certificate of Occupancy of 2009 signed by the previous Planning and Zoning Administrator.

Ms. St. John read into the record an email memo received Monday, June 10, 2013 from Larry Holdsworth, Managing Broker of Gray Ledges. This memo explains that most of their client contact is done via the Internet, with few customers actually visiting the office. She noted that based on this memo it appears that there will likely be fewer customers than proposed by the previous occupant. The Board concurred.

Chair Cottrill, with general consensus from the Board said that Ms. St. John could follow up on this and a formal vote was not necessary from the Planning Board.

Graze Sustainable Table, formerly Ellie's. Located at 207 Main Street. Tax Map 073-080-000.
General discussion on live entertainment. Owner, Tom Vaughan. Jason Barton, General Manager.

Ms. St. John explained that Jason Barton requested that this be removed from the agenda. The Planning Board noted that there are other places in Town that have live entertainment to enhance the dining experience including the Millstone, the Flying Goose Pub and others. The Board conveyed that having such live entertainment hasn't been an issue and that site plan wasn't needed.

Tree Cutting Application – Marjorie Banerjee and Dr. Siklar, 135 Lamson Lane (Tax Map 049-018).

Ms. St. John explained that initially a building permit application was submitted (May 28th), and that in reviewing the permit she learned that the property is located in three of the overlay zoning districts, the Wetland Overlay (Article XIII), the Streams Conservation Overlay District (Article XXII) and the Shoreland Overlay District (XVI), and referred to the map referenced in the Zoning Ordinance- Streams and Wetlands Protection Map, effective March 2001. The Banerjee property is located between two brooks, Red Brook and another brook. Red Brook was recently discussed during the Canane Site Plan application.

Ms. St. John explained the provisions of the Ordinance and the Planning Board process to the owner (Martha Banerjee). Since that time, Monica Banerjee (daughter) has provided a more accurate diagram of the site (received June 6, 2013), showing trees and vegetation proposed to be removed and the proposed location of the arbor. Ms. St. John referred to the packet of information provided to the Board, including a diagram, photographs, tree cutting request of 2005 and the June 6th memo from Monica Banerjee (daughter). Ms. St. John explained that this application involves a tree cutting request both outside and within the 50' setback, although the applicant hasn't completed the actual tree cutting application form. She also noted that the arbor is a structure, which needs to comply with the setback requirements of the respective zoning districts, and the uses allowed.

Ms. St. John explained that per the diagram provided by the applicant that the blueberry bushes are within the 50 foot Shoreland Overlay District buffer, and that the birch and pine proposed to be cut are within the wetland buffer Article XIII-, Wetland Conservation Overlay District (page 55 (L), Cutting and Removal of Natural Vegetation in Wetland Buffers) and Article XXII, Streams Conservation Overlay District (page 90-Natural Woodland Buffer). The ordinance discussed the size of trees that can be cut, and states the Planning Board shall request the Conservation Commission to review the plan and make recommendations.

Chair Cottrill said that regarding the proposed arbor, the applicant would need to go to the Zoning Board of Appeals (ZBA) for a special exception. Ms. St. John said a reduction of the wetland and stream buffer would be needed to allow for the cutting and the arbor to be constructed where they wish. She also noted that a similar type of application will be on the ZBA agenda on June 17 for the Jeffrey Wheeler property. It was noted that fences do not require a building permit, but arbors do.

Ms. Banerjee said that the property is very wooded and causes excess moisture and mold on the home, and makes the driveway icy in the winter. Ice on the driveway caused her father to fall and experience serious bodily injury. They are trying to alleviate some of this by cutting some trees.

Ms. Sheerr-Gross said there are two issues; the trees to be cut outside the 50' setback and the arbor to be constructed. Mr. Doheny thought they should approve the tree cutting and send the arbor issue on to the ZBA.

Mr. Rick Anderson said the point scoring system corresponds to the 50' from the lake, not the streams. Shrubs do count within the 50' buffer on the lake, but anything less than 4" in diameter within 100' of the streams can be cut without permission.

IT WAS MOVED (Michael Doheny) AND SECONDED (John Tilley) to approve the tree cutting request for one large white pine (labeled “B” on the plan) and the birch (labeled “E” on the plan). THE MOTION WAS APPROVED UNANIMOUSLY.

Ms. Banerjee said they would like to remove the blueberry bushes and plant grass so that her parents' small dogs could be fenced in and avoid the dirt. Ms. Sheerr-Gross said they discourage lawn on waterfront properties and they should familiarize themselves with the shoreland regulations. Ms. Banerjee said that there is a lot of erosion there currently with the pine trees shedding their needles and prohibiting growth in that area. She thought grass would prevent further erosion.

Mr. Anderson suggested that Ms. St. John could do a site visit and satisfy herself that what is being requested is acceptable. Ms. St. John noted that she hadn't visited site, as the diagram was just submitted on Thursday, June 6 and that it was included on the agenda since the next meeting isn't until July 23rd. Mr. Tilley suggested that Ms. Banerjee make a map of the blueberry bushes and the segments along the shoreline of Red Brook to get a proper tree count. He referenced the tree cutting application, which describes the process by which this could be done.

IT WAS MOVED (Michael Doheny) AND SECONDED (Deirdre Sheerr-Gross) to defer action on the blueberry bush cutting request until a plan is submitted and the Conservation Commission has had a chance to review the plan. THE MOTION WAS APPROVED UNANIMOUSLY.

IT WAS MOVED (John Tilley) AND SECONDED (Emma Crane) to refer the proposed arbor at 135 Lamson Lane to the Zoning Board of Appeals for review. THE MOTION WAS APPROVED UNANIMOUSLY.

Lake Sunapee Protective Association (LSPA) Presentation

Mr. Robert Wood noted that June Fichter and Barbara Freidman were there with him to represent LSPA. He is the Associate Director and Watershed Steward. He began a 15-minute presentation on some initiatives LSPA has been involved in most recently including stormwater management and Low-Impact Development (LID). He noted that some LID provisions are already incorporated in New London's Site Plan Reviews. These practices may become more prevalent in the future.

Chair Cottrill wondered about other storm water issues such as road salt and sand. Mr. Wood said they have used alternatives to salt in the past but these can be expensive or difficult to implement. He said that levels of salt in the lakes have gone down in recent years and attributes it to both education and changing weather patterns.

With regard to invasive species, there are 14 in the State. There is Variable Milfoil in Lake Sunapee, which was identified in 2000. The LSPA put a weighted barrier down and smothered the plant with it. In the last two seasons they have seen no new growth of the plant in the lake, which was identified in Georges Mills and in Sunapee Harbor.

Mr. Wood indicated that there are also some animal species that are considered invasive. Most are coming from the mid-west region and are on the move to New England. Among them are Zebra Mussels, Asian Clams, Zoa Plankton Species, Spiny Water Flea, invasive fish, and crayfish. It was noted that prevention is key to keeping these species out of the lakes. Mr. Wood said it would be counter-productive to try and educate everyone about all of these invasive species. Instead, the best practice is to educate people that

they need to clean, drain and dry their boats and watercraft as many of these species come through in the larvae stage and are hard to detect visually.

Ms. Fichter said the introduction of invasive species is a game changer and a real issue for New Hampshire lakes. She explained that education and community awareness are critical, and having this opportunity to present to the Planning Board is important. One of the actions they are discussing is requiring mandatory boat washes. Mr. Wood said that boat inspections are not mandatory in New Hampshire, but are available. Some states make boat inspections mandatory because they have had experience with invasive species and are trying to prevent more from coming in.

Ms. Fichter offered that the members of the LSPA were available as a resource for the Planning Board if there were any questions about what had been discussed.

Chair Cottrill asked what LSPA envisioned the Planning Boards of New London, Newbury and Sunapee could do to help with these causes. Mr. Wood suggested bringing their zoning regulations into alignment and also sharing a zoning enforcement person for water resource regulations could be helpful. Mr. Bianchi said they have a similar model for this in place with the Tri-Town Assessor. He felt this would be a logical step to work with the other surrounding towns on these lake-related issues.

Mr. Anderson said the Conservation Commission in New London has been presented with issues over the past 10 months, and has concerns about how the Zoning Ordinance has been interpreted. He will suggest to the Conservation Commission at their next meeting that they should spearhead an effort to get representatives from the local lake associations, the Planning Board and the Conservation Commissions to revisit the various provisions of the Zoning Ordinance having to do with water resources and identify potential areas which can be clarified to insure the water resources are protected. He noted there are some overlap and some differences in interpretation.

Chair Cottrill asked what the take-away should be with regard to the brochure that was handed out to the Planning Board that evening. The brochure instructed boaters to clean, drain and dry their watercraft after every use. Ms. Fichter said they could make these brochures available within the town, and to support the lake host programs. Chair Cottrill suggested the brochures could be made available at the Town Clerk's office for distribution with boat registrations. It was noted that they could also be made available at the Info Booth.

Pierre Bedard – 810 Bunker Road – Response to Tree-Cutting Inquiry

At the May 14th Planning Board meeting it was brought to the attention of Ms. St. John that some trees had been cut on the Bedard+ property, within or close to the buffer. She explained the Bedard's were recently granted a building permit. She was asked to follow-up with the Bedards. Pierre Bedard responded with an email dated May 15th and a second email of June 11, both of which were read into the record. The photographs of the tree stumps were circulated at the meeting.

Zoning Board of Adjustment (ZBA) – Wheeler property June 17, 2013 Agenda Item

Ms. St. John conveyed that she spoke with Bill Green (ZBA Chair) earlier that day. He wanted it expressed to the Planning Board that the ordinance needs to be reviewed and some changes considered to clarify the sections which appear to be ambiguous and conflicting, and to make it more user friendly, including the language of the current Wheeler special exception and variance applications.

Messer Subdivision Plan

Ms. St. John noted that Peter Messer has submitted a new subdivision plan; the previously approved plan was revoked by the Board. It is anticipated that this will be included on the July agenda.

Discussion on Master Plan Implementation, Zoning Ordinance Revisions, Fast Track application process and CIP process.

Ms. St. John noted that she has also included on the agenda a discussion about Master Plan Implementation, Zoning Amendment language, the Fast Track process and CIP process. She referred to the previous memos of January where she outlined some ideas for possible zoning amendments. She explained that daily she has discussion with members of the public about the ambiguous language in the ordinance and suggests that some committee be formed to begin reviewing the text and possible changes. The Zoning Ordinance needs to be more user friendly, more organized and the language clarified in many sections. She noted that the intent was not to throw the current ordinance out, but rather to reorganize and clarify some language.

Chair Cottrill suggested she soon present to the Board the top three issues. The Board may then form a sub-committee to address these issues. With regard to Fast Track Applications, Ms. St. John noted that she has been bringing them to the Planning Board as she feels the process needs some clarification. Chair Cottrill suggested she contact Bart Mayer (Town Counsel) for his opinion on whether the planning and zoning administrator has the authority, as currently assigned by the Planning Board and Selectmen to determine what applications qualify as Fast Track Applications and to approve such applications.

Mr. Bianchi didn't think that Ms. St. John should reorganize the zoning ordinance herself, but felt it was something that should be done by many. Mr. Tilley said that the Planning Board would not want many changes made to the ordinance at once and it was decided for this year's Town Meeting to not have any changes at all. Mr. Doheny said the reason the ordinance is the way it is was because it is reactionary to things that happened in town. It may contradict itself and overlap in places because of this.

Ms. St. John stated that her previous memos of January 2013 regarding possible zoning amendments conveyed that there are several sections that need attention. She clarified that it was never suggested that the current ordinance be thrown out, but rather that some major reorganization and clarification is needed to make the document more user-friendly and less ambiguous. She conveyed that making changes in a piecemeal approach isn't as simple as one might think, as one "simple" change may necessitate other changes, which references other sections. The intent was always to have a Zoning Ordinance. She wasn't suggesting a complete rewrite. Mr. Tilley was concerned with the political practicality of changing many inconsistencies at once. He understood that there were things that needed to be changed but they have to do it in a focused way so that it can be passed at Town Meeting. Ms. Sheerr-Gross thought these things could be taken care of little by little using a prioritized list.

The Chair suggested that to help identify the highest priority issues that Ms. St. John account for the number of questions she receives on a particular issue. She noted that although she doesn't maintain such a list, she can say which sections require the most time of herself and the Town Administrator.

Mr. Gorman suggested Ms. St. John provide them with the ten most common inconsistencies and then they will work on the top issues. Mr. Bianchi said it should be considered about the issues that take the most time, not necessarily the number of calls she gets about issues.

Mr. Gorman said he was amazed at what they (the Planning Board) force people to walk through to get things done and didn't think it was fair to them. He understood there were rules but they need to be more user-friendly.

Other

Mr. Doheny read from the minutes of the last Selectmen's meeting and noted there was concern from Selectperson Kidder that the Planning Board members had given their control over to the Zoning Administrator and that the current members were not as active as they should be. Mr. Bianchi said that this is a conversation they would like to have and that the decisions should be made by the Planning Board and not the Zoning Administrator. Mr. Doheny felt those remarks were charged and were made towards a Board that helps to run the Town. Mr. Bianchi said it was a concern for a while that the Town was being run by just two people. Mr. Doheny felt that while that may have been true in the past, it isn't the way it is now. He took offense to the remarks and wanted Ms. Kidder to come to the July 23rd meeting to discuss her concerns. Mr. Bianchi suggested they should all sit down and discuss these concerns. He also noted that the Board of Selectmen may be discussing term limits and what they want to do moving forward. Mr. Tilley said that he would be happy to step down from the Board if someone else wanted his place. Other members of the Planning Board agreed to step down if asked or if the Board of Selectmen wanted some changes.

The Planning Board asked that Selectperson Kidder attend the July 23rd meeting to continue this discussion. Several members of the Planning Board reiterated that if the Board of Selectmen wanted to reappoint some new members, they were willing to step down. The Board also discussed the importance of the institutional history under the current Planning Board membership.

Ms. St. John referred to the correspondence items listed on the agenda. She also read into the record an email dated June 10, 2013 from Ed Canane regarding the February 12, 2013 conditions of approval (Tax Map 061-006-000 on Pleasant Street), regarding agricultural uses on the property. Mr. Canane had conveyed to her that the water testing was not being done jointly and they did not do it in the right month (April instead of May).

A tree-cutting application also came in on June 10th for the Bemis property on 11 Sunset Shore Road. She had not been able to visit the site and had no recommendations to offer. She wanted to bring this to the Board's attention since the next meeting isn't until July 23rd. She commented that tree cutting application and other minor requests to the Planning Board are typically received with less than adequate time to review prior to a meeting. She believes there is a perception that the application deadlines noted on the Planning Board meeting schedule just apply to subdivision and site plan applications. This really applies to all applications, including tree cuttings and other items which need Planning Board review.

Chair Cottrill inquired as to the level of code enforcement occurring in town. Other members commented that building standards are important. Ms. St. John explained that the Town does not have a building inspector, although many people think the Town does. The Board expressed the need to further discuss this idea, as it is importance to the Town. Ms. St. John said that people call her all the time and are surprised that the Town does not have a building inspector or someone who does regular code enforcement.

Minutes of May 14, 2013

The minutes from May 14, 2013 were not approved because there were not enough people there who were in attendance at that meeting.

IT WAS MOVED (Paul Gorman) AND SECONDED (Emma Crane) to adjourn the meeting.

THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 9: 50pm.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London