



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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TO: Kim Hallquist, Town Administrator  
Board of Selectmen (BOS)  
FROM: Lucy A. St. John, AICP  
Planning and Zoning Administrator  
FOR: Tuesday, September 8, 2015  
RE: Surveys and Building Permit process

This memo is in response to the ZBA memo dated July 27, 2015 to the Board of Selectmen (BOS) and the August 17<sup>th</sup> BOS discussion on this topic.

Should a survey be required as part of the building permit application process? If so, when and under what circumstances; for all building permits, for just some properties, or as deemed appropriate by staff?

The tax maps are often used by residents when reviewing details of their property and submitting information required as part of the building permit application process. The disclaimer on the tax maps regarding the accuracy of the tax maps does not seem to dissuade property owners from using them when submitting a building permit application.

Key points to consider as part of this discussion:

- ✓ Surveys can be costly.
- ✓ It is the property owner's responsibility to know where their boundary lines are located.
- ✓ People often think the edge of the road is where their property line is located.
- ✓ Deeds often include statements which are vague and non-precise such as 10 feet +/- to the old oak tree pass the red barn, some or none of these "landmarks" may still exist.
- ✓ If the lot is on a septic, a more detailed septic plan may be in the file, showing details of the lot.
- ✓ Most towns do not have a NH licensed surveyor on staff to verify private boundary locations, as this could be a potential liability to the Town and most Town Code Enforcement staff are not licensed NH surveyors.
- ✓ The Zoning of Adjustment (ZBA) and Planning Board (PB) can require as part of their application process that a survey be submitted.
- ✓ Many building permit do not pertain or relate to ZBA or PB applications.

Should a survey be required or not be required? Some qualifications might include:

- For all new construction, including additions to existing structures.
- For all new construction greater than 200 square feet or some other number.
- If the property is located near a wetland, stream or floodplain.
- If the property is located in the Shoreland Overlay District?
- Pools, decks and shed, or any building less than so many square feet, for example if the proposed building is less than 200 square feet.

Attached to this memo are responses from several New Hampshire communities per staff's request on Plan-link. The responses are from Amherst, Bedford, Belmont, Hopkinton, Litchfield, Newmarket, Newport, Plymouth, Wakefield, and Steve Keach, Keach-Nordstrom-Associates, Inc. What I take from these responses are that most towns don't require a survey but may ask for one if deemed necessary, they also rely on the information submitted by the applicant, and most staff do not have the qualifications (not being NH licensed surveyors) to make boundary line assessments. A couple towns, Hopkinton and Bedford require a certified plot plan stamped by a NH surveyor.

Recommendation:

Staff recommends that the Board of Selectmen consider requiring as part of the building permit application process a survey in the following circumstances:

- ✓ If the proposed structure is greater than 200 square feet and within fifty (50') feet of a stream, wetland or other waterbody included in the Shoreland Overlay District and a boundary survey plan has not been completed in the last twenty (20) years and submitted to the Town.
- ✓ That a certified plot plan stamped by a NH licensed land surveyor be submitted prior to any foundation or footing being poured for any building greater 500 square feet, with the exception that if the building is on a lot and the setbacks are clearly two (2) times the required setbacks no certified plot plan is required. For example, if a house is proposed on a 5 acre site, and the maximum setback back is 50 feet, they demonstrate that they will be at least 100 feet (50 x 2) from the property lines.



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BOARD OF SELECTMEN  
MEETING MINUTES  
September 14, 2015

**PRESENT:**

Nancy Rollins, Chairman  
Peter Bianchi, Selectman  
Janet Kidder, Selectman  
Kim Hallquist, Town Administrator  
Wendy Johnson, Finance Officer

**ALSO PRESENT:**

Minette Sweeney, *Intertown Record*  
Linda Hardy, Town Clerk/Tax Collector  
Phyllis Piotrow, Budget Committee Member  
Rob Prohl, Budget Committee Chair

Chair Rollins called the meeting to order at 6:00pm. The meeting was held at Whipple Memorial Town Hall.

Old Business

***Memo from the Planning & Zoning Administrator – Recommendation to require surveys in some cases for building permits***

Selectman Kidder observed that proposal from Ms. St. John, Planning and Zoning Administrator, to require surveys in some cases, sounds reasonable. The memo included consideration of the following situations when a survey might be required:

- For all new construction, including additions to existing structures.
- For all new construction greater than 200 square feet or some other number.
- If the property is located near a wetland, stream or floodplain.
- If the property is located in the Shoreland Overlay District.
- Pools, decks and shed, or any building less than so many square feet, for example if the proposed building is less than 200 square feet.

Selectman Bianchi feels it would be difficult to enforce and doesn't think it is necessary. Mr. Prohl asked if this memo is in response to a particular situation that came up of late. Chair Rollins answered in the affirmative. She said members of the Zoning Board have approached the Board of Selectmen and made a recommendation to require surveys prior to getting an approved building permit which, upon discussion, sounded overly burdensome to the property owner. Ms. St. John did some research as to what other towns require in order to get a building permit, noting that requiring surveys was not the norm.

Selectman Bianchi said he only knows of one instance lately where a property owner used the tax maps to figure out the boundary lines, resulting in construction over an abutting property line. Selectman Bianchi noted that all should be aware that tax maps are not to be used to determine boundaries. Selectman Bianchi noted that he did not think requiring surveys is something the Town should enforce; if someone builds something in error, it is their own problem to remedy the situation. He suggested that adding wording to the building permit, similar to the Town of Newport, where the applicant acknowledges that it

is his/her responsibility to ensure that proper measurements are given on the form is preferable to requiring a survey that would be expensive for the property owner to provide.

Selectman Kidder said it isn't just building on someone else's property, but in one instance (and the possibility of others) there was a disturbance of the waterfront that cannot be reversed.

**IT WAS MOVED (Peter Bianchi) AND SECONDED (Nancy Rollins) to table the issue of requiring surveys for building permits. THE MOTION WAS APPROVED UNANIMOUSLY.**

New Business

***Memo from the Planning & Zoning Administrator Regarding Outing Club Construction without Permit***

Ms. St. John provided a memo to the Board detailing her investigation of the Outing Club's building permit application. She noted that a building permit to construct a new "Snack Shack" was submitted on August, 14, 2015. The old "Snack Shack" was moved to a new location and a new shack was almost complete prior to the issuance of a building permit by the Selectmen. There will be no cooking or cleaning up (running water) in the shack. They will only be selling prepackaged consumables. Ms. St. John noted in her memo that she didn't believe it needed site plan. There is a question of whether there is an expansion of use, if a second snack shack is being added. Ms. Hallquist said an after the fact fee of \$100 could be charged.

Chair Rollins said she would like greater detail from the Outing Club to hear what their intent is, including whether they planning to have two snack shacks or just the one. It was decided to hold off on this until there is more information from the Outing Club.

***Memo from the Planning & Zoning Administrator Regarding Storage Container behind Unleashed***

The Board reviewed a memo from Ms. St. John regarding her investigation into a storage container being used by Unleashed. Ms. St John noted that there was no town approval prior to the placement of the storage container. The property owners are requesting permission to keep the storage container on the site. Selectman Bianchi thinks this should be referred to the Planning Board as it seems to be an expansion of use. He wasn't sure if this affects parking and there may be other issues due to this change in the site plan.

Selectman Kidder said if they remove the container there is no need to have them go to the Planning Board. Selectman Bianchi believes this container, should they want it to stay, would prompt an amended site plan. More information was needed from Ms. St. John so no decision was made.

***Notice of Receipt of Lawsuit against the Town of New London***

Ms. Hallquist noted receipt of the filing of a lawsuit by Robert Carr and Raoul and Karen LLC of 29 Boulder Point Road due to denial of property tax abatement.

Town Administrator's Report – Kim Hallquist, Town Administrator

Ms. Hallquist said she spoke with Frank Anzalone last week to get an update on the Academy building project. Mr. Anzalone reported that he inspected the building with Trumbull-Nelson staff and a structural engineer. They are happy with how the building looks under the clapboards so far. There are two areas where structural beams need repair. After speaking with the structural engineer they believe repairs can be made without extreme additional cost. Trumbull-Nelson will measure for windows this week and they plan to apply spray foam insulation in the next week or two. This application will likely be done on weekends while the office is unoccupied to avoid exposing employees and visitors to potential fumes. Mr.

Mr. Ellis said the previous week he requested a trash can be put in at the bus station in New London. It hadn't been done yet. He was there with a bag of trash from the station. No can was there yet but he put up a bag for trash and people used it. Ms. Hallquist said she has a meeting with the bus company soon and will be discussing the entire bus situation. Chair Rollins said she appreciates Mr. Ellis' volunteerism but would like to have a discussion with the State before they put a can up. They need to decide who will service the trash can.

#### Town Administrator's Report

Ms. Hallquist said the outside lights at the Academy Building were fixed Wednesday but they still need a more permanent fix. She asked if anyone had any ideas on what they would like to do with the old windows from the Academy Building when they are removed. She noted that the construction people report that they are not sure the windows can be removed without breaking them. Selectman Kidder suggested contacting Habitat for Humanity. Selectman Bianchi said it is fine with him to give them away to anyone who wanted them; otherwise the windows will be disposed of.

Ms. Hallquist said a site view of the Daley property (269 Burpee Hill Road) scheduled for 8am on Friday, October 9<sup>th</sup> would help determine how much property is disqualified from current use. It is felt that the Selectmen will be able to determine this by looking at the property themselves.

Ms. Hallquist said the engineers in Elkins (working on the Elkins project) are asking for a water truck as there is a lot of dust in the area. The dam is functioning properly and is being checked daily.

#### Committee Meetings & Reports

##### *Planning Board*

Selectman Kidder reported that at the last Planning Board meeting there was a tree cutting application, a lot merger, and a subdivision in Sutton (Feins) which has closer access to New London for emergency assistance. They can't get emergency access from Sutton. There was discussion of the New London Outing Club snack shack, which was eventually dealt with by the Selectmen. There was discussion of the storage container at the shopping center and a letter was sent to ask for its removal. With regards to the possible requirement to have surveys done as part of a building permit, the Planning Board members will think about it and make a recommendation.

##### *Dispatch Meeting with Sutton*

Selectman Kidder reported on the meeting with the Sutton Selectmen to discuss dispatching: Sutton is happy with the plan for the future of dispatching as presented by herself, Chief Andersen and Chief Lyon. Sutton will send a letter supporting their continued participation with New London Dispatch. A meeting with Newbury is next and will be held November 2<sup>nd</sup> which conflicted with the next scheduled New London Selectmen's meeting. She thought perhaps they could change the date of their meeting in New London. Chair Rollins said she was going to be away the entire week of November 2<sup>nd</sup> and would like to perhaps change the meeting to October 26<sup>th</sup> at 6pm.

Selectman Kidder noted that she, Chief Andersen and Chief Lyon plan to meet with Croydon and Sunapee at some point to discuss dispatching.

Upcoming meetings for the Selectmen were determined to be: October 19, 26, November 9, 16, 30 (tentative), and December 7.

It was determined that the next CAC meeting would be held on November 7<sup>th</sup> at Whipple Hall. The topic would be Recreation.