



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 *Lucy A. St. John*
Planning and Zoning Administrator
FOR: Tuesday, September 8, 2015
RE: Mountain View Shopping Center/Crosspoint Associates
Building Permit for a Temporary Structure- Storage Container
Tax Map 059-008-000
277 Newport Road

The Town received a complaint about a storage unit placed behind Unleashed at the stopping center. Staff contacted Penny Murano, of Unleashed on August 4th who explained she was given short notice from the tenant next door regarding storage space she was using, and thus she placed a storage unit behind the shopping center to accommodate her space needs. I sent an email to Mark Ruelle of Crosspoint Associates on August 5th and talked with him again on August 10th. He explained that the temporary storage unit would be removed in the next week or two-weeks. Jon Walluck, Crosspoint Associates then submitted a building permit application for a temporary storage container on August 13, 2015.

The property is located in the commercial zoning district. Refer to the following provisions of the Zoning Ordinance:

- Article II, General Provisions, # 11 Temporary Structures (b) found on page 11.
- Article III, Definitions, # 146 Storage Container, found on page 32.

Key points to consider as part of this discussion:

- ✓ Temporary structures used in conjunction with construction work shall be permitted only during the period the construction work is in progress. To date no building permit has been submitted by Unleashed relative to any construction work.
- ✓ The placement of a temporary storage unit is not specifically addressed in the amended Site Plan Regulations (amended March 3, 2015); however if any or all business in the shopping center were to place similar type temporary structures this could be an issue. To date no amended Site Plan has been submitted to the Planning Board, or any changes which may be permitted per the amended Site Plan provisions of March 3, 2105.

Recommendation:

- That an After-the Fact fee be applied, fee \$100 once a building permit is submitted for the construction work.
- That the temporary storage container be removed as it is in violation of the Zoning Ordinance, unless the BOS issues a temporary storage container permit. If a temporary structure is permitted by the BOS the fee is \$25 + .25 sq. ft.

Town of New London Site Plan Review Regulations
As Amended March 3, 2015

- D. Types of Development Requiring Site Plan Review: The owner or designee shall meet with the Zoning Administrator or other designee of the Planning Board to review any proposed change of Use or occupancy of non-residential property or any change of Use of Multi-Family Residential property. Based on that review, the owner/designee will be given guidance as to whether it is advisable that he/she meet with the department heads and/or the Planning Board to discuss the proposal in further detail. The following types of Development, Use or change of Use of a site require Site Plan Review approval from the Planning Board: *(item 4 amended March 2015)*
1. For Multi-Family Dwellings and non-residential Use, all new principal Buildings, Accessory Buildings and additions;
 2. Home businesses (See ARTICLE III of these regulations for submittal requirements and ARTICLE II, Paragraph 15, b., 2) of the Zoning Ordinance for the provisions pertaining to a Home Business).
 3. A change in Use or layout of Multi-Family Dwellings, including changes to the exterior site layout and/or changes to the interior floor plan layout; and
 4. A change in Use or layout of non-residential property or Building(s) including changes to the exterior site layout and/or changes to the interior floor plan layout, except Site Plan Review will not be required if:
 - a) a change of Use and/or changes to the interior floor plan layout occur in a single-leasable space of less than 1,000 square feet; and
 - b) the owner of the property obtains written approval of the Fire Chief as to the adherence of the space to all state and local fire and safety regulations; and
 - c) no additional off-street parking would be required in accordance with the standards set forth in the Site Plan Review Regulations.

Lucy St. John

From: Lucy St. John
Sent: Wednesday, August 05, 2015 11:07 AM
To: 'mruelle@crosspointassociates.com'; Kerry McCormack
Cc: Town Administrator
Subject: Mountain View Shopping Center New London NH
Attachments: building permit application as of June 2015.pdf

Mark/Kerry,

The Town has received a complaint about the placement of a storage unit in the rear of the shopping center. The use of a temporary structure, such as a storage container must be approved by the Board of Selectmen per the Zoning Ordinance (ZO), Article II, General Provisions, # 11 Temporary Structures. Below is the ZO language on this subject. I have attached the building permit application, if you intend to submit the application, and it conforms with the zoning ordinance provisions. Otherwise, please let me know when the storage unit would be removed. The next Board of Selectmen meeting when building permits will be reviewed is Monday, August 17th.

11. Temporary Structures:

- a. Any property owner or lessee may accommodate one Trailer of a non-paying guest for a period not exceeding 30 days in any one year.
- b. The Board of Selectmen may approve the temporary Use of a Trailer, Manufactured Home, or Storage Container to be maintained as living quarters, office space, storage facilities or a workshop in connection with construction by a person or persons employed in adjoining construction work or for whom a residence is being built, or as an office, storeroom or shop in connection with construction work, provided that such Use is shown to be a temporary expedient and also that the Use will conform to the sanitary protection requirements, if applicable, listed under Section 8 of this Article. Temporary Structures used in conjunction with construction work shall be permitted only during the period the construction work is in progress. Permits for temporary Structures used in conjunction with construction projects shall be issued for a twelve-month period.
- c. The Board of Selectmen may approve the temporary Use of a Storage Container in conjunction with Temporary Fundraising Events for Non-Profit Organizations (as permitted in Article II, Section 14, c, below) for the temporary storage of donated goods to be sold by auction, tag sale, yard sale or any other method. A permit for a Storage Container used for this purpose is allowed on property owned or leased by a Non-Profit Organization in all zone districts, shall be issued for a maximum of two separate two-month periods in any calendar year, and is subject to all other provisions of the Ordinance. A Temporary Event permit approved by the Board of Selectmen or their designee is required.
- d. Residing in the Basement of foundation Structures before the completion of the total Structure may be permitted by the Board of Selectmen until construction is complete so long as the Building permit for the residence is kept active and has not expired.
- e. The temporary use of Trailers or Storage Containers is limited to the provisions in a., and b. and c. above.

Also, the Town has learned that the a parking island with landscaping has been installed on the property, near the front of the stores. Without pulling the files/plans for the Shopping Center, I don't recall if this island was part of a previous approval. Please provide an update on the storage unit and the parking island situation. If a parking island was

installed, and this is not included on an approved Site Plan, this may require an amended Site Plan be submitted for Planning Board review and approval.

Your prompt attention to addressing these concerns would be greatly appreciated. Please contact me if you have any further questions. Lucy

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