



TOWN OF NEW LONDON, NEW HAMPSHIRE

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**New London Planning Board
MEETING MINUTES
Tuesday, January 23, 2024
Kearsarge Professional Development Center, 6:30 PM**

MEMBERS PRESENT: Tim Paradis (Chair, voting), Paul Vance (voting), Joe Kubit, Paul Gorman, Jeremy Bonin (voting), Emily Campbell (alternate), Marianne McEnrue (voting), Janet Kidder (Selectmen's Representative)

MEMBERS ABSENT: Katie Vedova, David Royle

OTHERS PRESENT: Town Planner, Adam Ricker, John Ellis, John Wilson, Michael Quinn, Steve Root, Peter Nichols, Karen Epstein, Rich Epstein, Winfried Feneberg, Mike Fallon, Nancy Rollins, Katherine Cooper, Michael Caponigro, Jennifer Caponigro, Stephen Peckham, Gretchen Peckham, Ron Rakow, Mary Rakow, Renee Theall

1. **Call to Order** – Chair Paradis called the meeting to order at 6:30pm.
2. **Review of minutes: December 12, 2023 - Deferred**
3. **Public Comment - None**
4. **2024 Proposed Zoning Amendments PUBLIC HEARING**

Town Planner Adam Ricker explained that tonight is the final public hearing so the Planning Board does not have the ability to make any substantive changes at this point. The product that comes out of tonight's meeting is whether or not the board votes to move these amendments forward to the ballot in March.

a. Article XVIII Cluster Subdivision

The above amendment seeks to eliminate requirement that developments have a minimum of 5 acres, and includes a buffer of 50 feet in the Urban Residential (R-1) Zone.

The change to this amendment was regarding the buffer strip. Initially the proposal was to reduce all the buffer strips to 50 feet. After discussion and public comment at the last public hearing, the conservation, agricultural rural residential and R-2 zones will remain at 100 feet and a more appropriate 50-foot buffer was recommended in the R-1 zone.

IT WAS MOVED (Marianne McEnrue) AND SECONDED (Jeremy Bonin) to move to Town Meeting Warrant. THE MOTION WAS APPROVED UNANIMOUSLY.

b. Article XIX Planned Unit Development

The above amendment seeks to eliminate the requirement that developments have a minimum of 5 acres. Additionally, the proposal eliminates the requirement to connect to the public water systems. The proposal seeks to allow for small scale infill development.

Adam Ricker stated this is a similar amendment to the one above. The five-acre minimum elimination did not change from the last public hearing and the buffer was left as it exists.

The change was in the section regarding water and sewer service and will now read:

Sewer Service: All Planned Unit Developments shall be served by the New London Sewer for sewage disposal when the development is within 100 feet of the sewer system.

Steve Root asked what the build out effect of the change in this provision? Adam Ricker stated for the water, there isn't necessarily a build out change. They would be obligated to provide a variance if they were not able to accommodate. Even if it were outside of that, if it is still in the water precinct and in the PUD, the water precinct would be telling that applicant that they can't provide the water. With regards to the sewer, there are a few parcels that could be developed as a PUD but they wouldn't get a density bonus. It could be subdivided into 2-acre parcels, or whatever the underlying zone density is, with the same number of houses resulting.

IT WAS MOVED (Jeremy Bonin) AND SECONDED (Marianne McEnrue) to move to Town Meeting Warrant. THE MOTION WAS APPROVED UNANIMOUSLY

c. Article II General Provisions, Section 18 Accessory Dwelling Unit

The above amendment seeks to modify the Accessory Dwelling Unit ordinance. The changes include, but are not limited to, allowing 3 bedrooms, 1,250 square feet of interior living space and detached accessory dwellings units.

Adam Ricker stated there was one change that was put into place after the last public hearing. It formerly stated one attached ADU and/or one detached ADU. The proposed change was to state that you are allowed one attached ADU or one detached ADU. The net result is a single ADU on a property whether that is attached or detached.

Rich Epstein raised questions about a section of this ordinance that doesn't have any proposed changes too. Mr. Ricker stated that section has been in place since 2016. Mr. Epstein has concerns about ADU's in general but also that a mobile or manufactured home could be used as an ADU. Mr. Ricker explained that he incorrectly stated at the previous meeting that we could not regulate manufactured homes as ADUs.

There was discussion about septic systems and how that would be tracked. Also, septic requirements for an ADU were clarified. Mr. Ricker referenced the amendment document and stated everything that is not in red already exists in the zoning ordinance. With regards to individual sewage disposal systems, that is a state regulated process and a New Hampshire licensed septic designer has to be hired to go through that approval process. When the applicant comes before the board for a conditional use permit, they must furnish those approvals from the state.

With regards to trash and access to the transfer station, anyone in an ADU would be a resident of the town of New London and offered the same opportunity to get a transfer station sticker as any other resident.

The Health Officer could help with any enforcement issues related to trash. As for noise concerns, New London doesn't have a noise ordinance so that would fall to the police department to address disturbing the peace complaints.

John Ellis asked about ADU 911 addresses. Mr. Ricker stated they are all individual dwellings so would need to have individual addresses. There are state regulations regarding this and there is a town employee that is certified to assign those numbers.

John Wilson stated although no further changes are allowed tonight, we have the ability to not vote these things through. He spoke at the last meeting about lake protection with regards to detached ADU's. Cyanobacteria is a huge concern. He is concerned that we are going to allow detached ADU's even if they pass the septic requirements. There are aspects that we don't understand. Mr. Wilson stated with such a low demand for ADU's he'd like to see this put off so we can get this right.

Ron Rakow noted that changing from allowing both an attached and detached ADU to allowing only one or the other is an important change and he appreciates that. He still has concerns about allowing detached structures as well as the increase in size. Mr. Rakow has concerns about the statement that says "to the fullest extent permitted by law". To what extent does the town have the ability to enforce that. Mr. Ricker stated that specific reference is referencing the actual RSA for ADU's which gives the town power to say that is not subdividable. If someone illegally subdivides, there is recourse for that. Mr. Rakow also voiced his concern about short term rentals.

Janet Kidder stated she realizes that a lot of time has been spent on this but she is not sure that detached ADU's are going to solve the housing issues in New London and she does not support this warrant article. Paul Vance responded he appreciates that input and as they have publicly worked through this, there were things proposed that many people didn't like including himself. However, there's not a day that he doesn't walk into a store or business in town that is trying to hire people. In public forums there have been employers in town seeking ways to make it possible to hire doctors, teachers, nurses etc. This won't solve this problem but he's going to vote for it. Jeremy Bonin commented this isn't the only solution but it offers diversity in housing.

IT WAS MOVED (Jeremy Bonin) AND SECONDED (Marianne McEnrue) to move to the Town Meeting Warrant. THE MOTION WAS APPROVED 6 to 1 with Janet Kidder voting against the motion.

- 5. PUBLIC HEARING – Conditional Use Permit – Accessory Dwelling Unit** – Michael & Jennifer Caponigro, Located at 138 Rowell Hill Road, Tax/Map Lot 123-033-0-0-0, +/- 2.37 acres. Zone Agricultural Rural Residential (ARR). The applicant is applying for a one-bedroom accessory dwelling unit of 750 square feet. The applicant plans to finish a portion of the basement in their existing home, to convert to the ADU.

Michael Caponigro explained that they would like to get approval to finish their basement to use as an ADU. It is 750 square feet and they would like to use it as a rental for a nurse, teacher or retired person. The general floor plan was presented.

Mr. Ricker stated the department heads didn't have any concerns. There is a condition with ADU's that the fire chief will do a walk through.

Finding of fact:

1. The ADU meets the size requirements
2. The septic is properly sized.
3. The unit is one bedroom

Condition: Fire Department will inspect the unit prior to occupancy.

IT WAS MOVED (Jeremy Bonin) AND SECONDED (Marianne McEnrue) to approve subject to condition. THE MOTION WAS APPROVED UNANIMOUSLY.

6. **PUBLIC HEARING – Site Plan Review** – MCHC Rentals, LLC, Located at 276 Newport Road, Unit 102 Map/lot 059-012-0-001-102, Zoned Commercial. The applicant is applying to modify the interior layout of a 1120 square foot first floor unit in the Gallery Condominiums. One wall will be moved back to make the reception area larger.

Katherine Cooper attended the meeting to discuss some cosmetic changes to her space in the Gallery Condominium.

Adam Ricker explained that the Gallery is a Planned unit Development (PUD). This space is over 1,000 square feet so site plan review regulations allow an administrative process for projects like this if the area is less than 1,000 square feet but this is over that threshold so site plan review is required. There are no proposed exterior changes to the Gallery property, it is just an expansion of reception area and a change to counter tops and sinks in treatment rooms.

Finding of Fact:

1. Use stays the same as professional office
2. There are no changes to the exterior proposed.

IT WAS MOVED (Paul Gorman) AND SECONDED (Jeremy Bonin) to approve subject to condition. THE MOTION WAS APPROVED UNANIMOUS

7. **Future meeting Dates** – The next meeting will be held on Tuesday, February 13, 2024.

8. **Motion to Adjourn**

IT WAS MOVED (Tim Paradis) AND SECONDED (Emily Campbell) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting was adjourned at 8:03PM

Respectfully submitted,

Trina Dawson

Recording Secretary
Town of New London