



TOWN OF NEW LONDON, NEW HAMPSHIRE

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**Joint Meeting of the
BOARD of SELECTMEN & PLANNING BOARD
APPROVED MEETING MINUTES
July 30, 2013**

PRESENT:

Tom Cottrill (Planning Board Chair)
Jeff Hollinger (Planning Board Vice-Chair)
Paul Gorman (Planning Board Secretary)
Emma Crane (Conservation Commission Representative to the Planning Board)
Michele Holton (Planning Board)
Michael Doheny (Planning Board Alternate)
Deirdre Sheerr-Gross (Planning Board Alternate)
Tina Helm (Selectmen Chair)
Janet Kidder (Selectman)
Peter Bianchi (Selectman)
Lucy St. John (Planning & Zoning Administrator)
Kim Hallquist (Town Administrator)

OTHER:

Rick Anderson (Conservation Commission)
Bill Helm (New London Resident)
Linda Jackman (Administrator's Assistant)
Bob Crane (New London Resident)
Nancy Rollins (Zoning Board of Adjustment)

Chair Cottrill called the meeting to order at 7:05pm and made the following remarks:

This meeting is designated as a "work session" with the Board of Selectmen. The Planning Board ("PB") seeks input from the Selectmen ("Select") as to the service provided by the PB and Selectmen's expectations of the PB. It is understood that the Select also wished to discuss PB matters in such a format. No official decisions are to be made nor is the PB seeking public comment.

The purpose of this meeting is to discuss PB activity, service to applicants and the needs of the town. The PB is interested in hearing input regarding customer service needs, future zoning amendments, use of legal counsel and other PB or Town functions.

One member of the Select Peter Bianchi, serves on the PB. He reports PB activities to the Select and relays pertinent Select activity to the PB. All Select have, at one time or another served on the PB and as such have helped in identifying and crafting possible zoning amendments over the years and/or have been involved in a master plan process.

In the past year, the PB and Zoning Board of Adjustment operated for a few months without the benefit of a Planning and Zoning Administrator ("PZAdmin"). That workload was assumed by town staff until the arrival of the new PZAdmin, Lucy St. John.

Ms. St. John has done an excellent job of quickly learning town procedures, process, policies, zoning regulations, site plan process and our sign, building and other permits along with trying to apply all this information with applicants. She provides plenty of information and is well prepared for meetings which run smoothly.

Cottrill suggested three topics for review:

1) Zoning Regulations: Ms. St. John has identified some inconsistencies and unclear phraseology and has suggested that as one of our top priorities, we need to identify areas in the zoning regulations that need improvement or change. As such, Ms. St. John has been asked to produce a short and prioritized list of the items most needing attention and for consideration this fall.

2) Applicant Service: The town should have a land planning system that works well for property owners and applicants that is clear, provides direction, and steers applicants through the process and procedures. The PZAdmin is the point of first contact and is key to helping ensure a smooth process.

One topic needing clarification is the "Fast-Track" application process created a few years ago and whether the PZAdmin can approve such applications providing all requirements are met. It has been suggested that town counsel provide opinion on the matter.

3) Education and Meeting Prep: PB members want to be sure to be aware of the latest in land-use planning strategies and of land-use actions by the State. Each PB member should be well prepared for all PB meetings.

Chair Cottrill asked for comments from the Selectmen.

Chair Helm felt that with new PZAdmin on board it now seems it would be a good idea for the Select to meet with the PB and all of their major boards to make sure each board understands expectations. The "buck" does stop with the Board of Selectmen but she sees them working as teams collectively and collaboratively with roles to play. She thought this was a healthy dialogue to be had.

Mr. Bianchi said when there is a change in administration everyone should understand roles, process and scope of work, basically, who does what.

Chair Helm said she reviewed the bylaws for the PB (last amended in 1997) and that perhaps it was time to revisit for any updates. For example, under "duties and responsibilities" it specifies "to visit sites of proposals considered by the board when necessary." She opined this seemed to be one area that needs clarification. She knew that all the members of the PB are busy people and perhaps they need to think the best way to respect their time but also to adhere to the duties and responsibilities that are itemized.

Ms. Holton didn't feel it was necessary to review in person sites for every application as many people on the PB already know the subject sites under consideration.

Mr. Hollinger felt it was good to have expectations and didn't think it was a bad thing for all parties to know what is expected of them. As a board they will do a better job if they know the expectations of the Select and the public.

Mr. Gorman wondered if the Board of Selectmen had thought the PB was doing a good job. Chair Helm said that she thought they were doing a good job but thought they were doing a different job than what

was done years ago. She thought they were fortunate in the recent past to have a PZAdmin who knew a lot about the town. They now have a new PZAdmin who is new to the town but certified, knows regulations and understands her role and the role of the PB. She opined that may be a bit of a clash as it may mean that the PB has to do a little bit more. Mr. Gorman asked what Chair Helm meant by the word “more.” Chair Helm said that perhaps visiting sites is something the PB should do. She would also like to see if this group could come to a consensus on the tree-cutting domain; it has become much more of an issue and she wasn’t sure it needed to be.

Mr. Hollinger said over the past four years the PB is on their third PZAdmin, each of whom does things a little differently and it takes some getting used to. The immediate past PZAdmin knew the town well and would go out and look at each site. Mr. Hollinger said that for him, he doesn’t have time to go look at the trees that need to be cut down. He didn’t think that is a realistic expectation of the members of the PB and opined that was a function of either someone from the Conservation Commission (“CC”) who has been doing this now and in the past or the PZAdmin.

Ms. Crane said in the past the representative to the PB from the CC has done the tree cutting requests. She was doing them at one time, but unfortunately she ran into a very unpleasant situation and the Town Administrator at that time thought that it would be better for this to be a function of one of the Town employees. At that point she stepped down but knows that Mr. Rick Anderson of the CC has done a few inspections..

Chair Helm said it appeared in the regulations that the homeowner should prepare the initial request for a tree-cutting but then there needs to be a second opinion when a request is submitted. Mr. Hollinger said that in the past they have required a digital picture from the homeowner. He went on to explain that the past PZAdmin would have the items of the agenda on a laptop and would project them on a screen for all to see. Pictures help show obvious cases where trees should come down, where lot line changes would be, etc. He thought that was the direction to move toward.

Ms. Holton said the PB must maintain a balance. She felt boundaries were overstepped in the past but with the change in the Town, the new PZAdmin and the current Select, she felt the Town was much more user-friendly. She thought this is a good PB and noted she has appeared as an applicant before the PB and has sat on prior PBs. Ms. Holton felt that people used to dread coming before the PB and felt that decisions were possibly made before the meeting had started. This isn’t the case now.

Chair Helm said she feels the PB does a good job and is quite capable. Mr. Gorman said that the minutes from a past Board of Selectmen’s meeting didn’t construe that idea.

Mr. Doheny asked about a comment presented in the Selectmen’s meeting about the PB giving power over to the PZAdmin and that the PB is/was not involved in the process. He wanted to get examples from Selectmen Kidder, who had made the comment at the Selectmen’s meeting.

Ms. Kidder acknowledged that the PB has an incredible amount of work to do including the CIP, proposing zoning amendments, meeting with people, and it takes a lot of time. The meeting she attended with regard to land to be used for cows, she thought was unfortunate to say the least. The Master Plan calls for the town to promote agriculture. Apparently after the applicants had come in the year before, a zoning amendment was proposed for commercial farms. She didn’t know how this would affect agricultural uses. She wondered how/why a zoning amendment was proposed for commercial farms.

Mr. Doheny wondered if this was the only example and how she felt power had been given over to the PZAdmin. Ms. Kidder said that the commercial farm zoning amendment was proposed by the previous

PZAdmin. If horses were substituted for cows, there wouldn't have been an issue. She said she had witnessed instances when the PB simply approved the recommendations proposed by the previous administrator. She said that in this case, the cows that were there 100+ years before didn't pollute Pleasant Lake. The PB should have asked why this amendment was being brought forth instead of just going with it.

Ms. Kidder said it seemed that the PZAdmin was the driver for the PB. She felt the PB wasn't talking about the vision for their town and making changes; it was the PZAdmin who was doing the driving. She hoped the PB would visit sites if they were not familiar with the properties. It is their responsibility and purview to appoint a subcommittee for tree-cutting requests. Chair Helm said the PB approves or disapproves the cuttings.

Ms. Kidder opined that the PB may be the most important board in town because how the town grows and changes is up to the PB. She understands they are busy but there are things they can do to make it more workable and user-friendly or that they can merely rely on the PZAdmin to do the work. She felt the PZAdmin was to give her input, recommendations and parameters. Mr. Doheny felt the PB was much more cohesive now and they work with the PZAdmin as a team. Chair Helm agreed.

With regard to the issue of cattle grazing near streams in town, Ms. Holton said she has been at meetings where people were concerned with the flow of water down to Pleasant Lake and that it is important to hear those concerns. Mr. Hollinger agreed and said there was a large contingency against the grazing of cattle at the subject site. He thought the right decision was made but part of the job is to let the people at the meeting feel like they have a voice. He was all for protecting the lake but felt this was a proper use of the land and overall was good for the town. He said if the application were for 12 of their own private cows, they would not have had the meeting at all. There were a number of people there who wanted to voice their concern about potential problems in Pleasant Lake. The job of the PB is to provide a forum that allows people to express their opinions.

Mr. Hollinger thought that the PZAdmin's job is to make recommendations to the PB as a land use expert. It is up to the PB to think for itself. If there is a particular ruling, Ms. St. John will understand those technicalities better than himself and perhaps the other members of the PB. They look to her for her recommendations.

Ms. Kidder said that Ms. St. John is certified and they chose her as the best candidate for the position.

Mr. Gorman said that any board he has sat on function from the recommendations from the administrator, comments from the public, and then make their decision with that information.

Ms. Kidder said she hoped that for the future, the amendments proposed are well thought out. Mr. Gorman opined the some of the present regulations are conflicting and the PB needs a clear, concise ordinance and they are working towards achieving this.

Chair Helm said that Ms. St. John has done an incredible amount of work for preparation of the conflicts within the ordinance. She has great confidence that the PB and Ms. St. John will be able to clarify the ordinance a little at a time. A number of the regulations may need to be re-written and not added on to, as that is where the ambiguity comes into play.

Chair Helm said that seeing the visual displays at meetings was very helpful. She wasn't sure how Ms. St. John felt about incorporating this into the meetings. Ms. Holton said that Ms. St. John comes to the meetings very well prepared and that she, Ms Holton, participates in discussion more than she did before

Ms. St. John arrived. The PB appreciates all the background work and regulations that Ms. St. John provides so they are better prepared for the meetings. Mr. Doheny said that even with the previous Zoning Administrator there was pushback from the PB on some issues, and discussions were common at the meetings.

Chair Helm wondered if the PB felt they are fully prepared for meetings. Mr. Hollinger said that Ms. St. John provides all the information to them, which is extensive, and it is up to them to decide how much they read. She is now highlighting the most important information.

Mr. Gorman said meetings are in part an educational process for the public. The visual displays can help the public understand a proposal. Some people are visual and some are auditory; it is good to use all those faculties if they can.

Chair Helm suggested Chair Cottrill work with Ms. St. John on incorporating more visual aids at the meetings. She also agreed the Fast Track process needs attention. Chair Cottrill said that Town Counsel is working to make this decision. Ms. Hallquist said they first have to find out when Town Meeting voted in the Fast Track process. Jim Perkins has a way to find this information and when he gets it, it will be asked of Mr. Mayer if it is OK to continue with it.

Chair Helm wanted to summarize discussion and stated all acknowledge some ambiguity in the ordinance that makes it hard for Ms. St. John and the public to interpret and that it may take several years to complete.

Chair Helm also said the process for tree cutting needs attention and that both the PB and CC could work together to resolve. She thought perhaps a subcommittee or team could make site visits and rotate the responsibility.

Chair Cottrill agreed and said tree-cutting applications must be properly submitted so the PB could act. Mr. Hollinger suggested requiring all applicants to submit a digital picture of the tree(s) in question. He noted the PB often times get scraps of paper with tree(s) drawn on it and some circled that they wish to cut. It was noted that it was better to work smarter and not harder.

Chair Cottrill said that tree-cutting applications need to be done correctly and completely to insure the right amount of points is maintained. Ms. Sheerr-Gross said it isn't fair to accept a drawing by some and photos by others. Some of these requests maybe should require surveying so they maintain a standard.

Ms. Crane said same-day applications for tree cutting do not allow enough time for consideration and that applicants in such cases expect the PB to make same day decisions. Chair Helm said that Ms. St. John should be assertive in these circumstances to let people know that decisions cannot be made until the requests and the situations are fully vetted.

Chair Helm again suggested the PB work with the CC to create a better plan to handle with tree-cutting requests. Chair Helm didn't think any volunteer's safety should be compromised in any way.

Mr. Gorman wondered why there was so much focus on the tree cutting issue. Chair Helm said the CC was feeling like a lot was being asked of them and they are not really clear as to what their role should be. Ms. Sheerr-Gross said sometimes they discuss one tree or a couple that may be dead, etc., but when they have to consider the 50-point grids, it becomes a different decision for her.

Mr. Hollinger said that one application was rejected last month from the PB as it was an extensive cut with over 400' of frontage. It was felt that there should be a site visit. Mr. Bianchi said that the PB must be consistent on tree cutting. He recalled that last year the PB gave a blanket approval to one applicant to cut down whatever trees they wanted for a year without coming back to the PB for approval.

Mr. Hollinger said that the site Mr. Bianchi was talking about had a lot of dead trees and they wondered if they had to come back each time they wanted to cut some down. Mr. Doheny said that the applicant had provided a plan of all the trees that were to be cut, and they were given a year to cut them. It wasn't a blanket approval to cut whatever they wanted.

Chair Helm thought the chain of command for tree cutting is unclear. There needs to be some other representative from the town to corroborate the plan. Ms. Sheerr-Gross said that cutting on the waterfront poses responsibilities to other people. Chair Helm said the PB, Ms. St. John and the CC should find a solution to ensure a smooth application process for tree cutting applications.

Ms. Crane said the CC's problem was that under the previous PZAdmin, the CC did not receive much information before their meetings. Now the CC gets a lot of paperwork beforehand. She wasn't sure how Ms. St. John's job description fits in with the CC as was practice for the previous PZAdmin, and she would like to see a meeting between Ms. St. John, the CC and the Select.

Mr. Hollinger wondered how the Select would like to use the PZAdmin themselves as it seems clear they are not comfortable with use in the recent past and also how the Selectmen would like to see the PB use Ms. St. John.

Mr. Bianchi felt that for applications, Ms. St. John should prepare the background information and facts, and not make any decisions with regard to waivers or whether the applicant needs a variance or special exception. The PB should do the heavy lifting to see how it all fits into the zoning, not the PZAdmin.

Mr. Hollinger wondered if they were expected to ask Ms. St. John her opinion. Mr. Bianchi said that was fine but it should be secondary to her providing the information. The PB has the ability to waive or modify the ordinance. Mr. Hollinger said every board he has been on, someone in Ms. St. John's position is the expert and presents to the board. It isn't expected that they make the decision but it isn't uncommon for them to make a recommendation. Mr. Bianchi said he wouldn't tell another board what to do, but this was his opinion on the PZAdmin's role. It is not a policy-making position. Ms. Sheerr-Gross said there is a difference in policy and interpretation. She wears her professional hat when she comes to the meetings and sees things differently than the rest of the PB does. People who sit on the PB typically don't have a background in these things, so they rely on the experts. Some may be tender about how this has played out over the last few years and how someone may have asserted themselves but it is important for the PB to have the information and make its own decision.

Chair Helm said she had no problem with the PB asking Ms. St. John for her opinion. She has that fine tuned professional background and to ask her opinion doesn't mean they have to buy into it, but her perspective is valued. Ms. Sheerr-Gross said being a professional means they have to be responsible and not adhere to their own agenda.

Mr. Gorman said he didn't expect Ms. St. John to give recommendations, but to outline options for them to consider. That is what most other boards do that he is on. Mr. Bianchi and the rest of those on the PB agreed with Mr. Gorman's choice of words regarding how Ms. St. John should serve the Board.

Chair Helm thanked the PB for holding a meeting with the Select and said she was looking forward to meeting with the other boards and committees. They all have goals for the town and how to sustain it.

Mr. Gorman opined that the Board of Selectmen has good intentions but not necessarily an understanding of how the town departments do or do not operate. He was struck with this reality in the recent issue with the police department. The Select hired an outside consultant to tell them what/what not to do. As a Select they need to do something similar with every department in the town. There are people out there who should know what each department should look like and how it should be run. He felt this would be a good use of taxpayer dollars. Mr. Hollinger agreed and felt it unrealistic for the Select to be experts on everything.

Chair Cottrill thanked everyone for attending the meeting and accepted a motion to adjourn the PB members from the meeting.

The Select continued on with the following:

Tax Abatements to be signed:

- Joseph Sutton & Anne Pratt/Gloria & Albert Kricko, 64 Goose Hole Road – (Map & Lot 042-018-000) \$70.64 Approved
- Mountain View Shopping Center, 277 Newport Road (Map & Lot 059-008-000) Denied.
- MB Andrews Revocable Trust, 18 Camp Sunapee Road (Map & Lot 033-008-000) Denied.
- John & Susan Lavolpicelo, 104 Birch Acres Road (Map & Lot 074-037-000) Denied.
- Dempsey Living Trust, 33 The Seasons (Map & Lot 146-002-003) Denied.
- Josh Johnson & Taryn Stoddard, 74 Queenswood Road (Map & Lot 118-003-004) Denied.

Application for use of Whipple Memorial Town Hall:

- Highland Ridge Condominium Assoc. annual meeting – September 19th, 2013 9:30 AM – 1:00 PM – Approved.
- Northern New England Rep. – auditions – August 24th, 2013 10AM-5PM – approved.

Other Items to be signed:

- Disbursement voucher
- New London Police Dept. Raffle application – approved.
- Request to purchase dog crates for Animal Shelter – approved.

With no further business, the meeting adjourned at 8:15pm.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London