



# TOWN OF NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

## BOARD OF SELECTMEN MEETING MINUTES

April 15, 2009

### PRESENT:

Larry Ballin, Chair, Board of Selectmen  
Mark Kaplan, Selectman  
Tina Helm, Selectman  
Jessie W. Levine, Town Administrator

### Also Present:

Chad Denning, Recreation Director  
Bruce Avery, New London  
Nick Baer, New London  
Brenda Balenger, Sunapee  
Peter Bianchi, New London  
Erle Blanchard, New London  
Peter Bloch, New London  
Charles & Lynne Bucklin, New London  
Susie Burmann, New London  
Lisa Carlin, New London  
Savannah Carlin, New London  
John & Sue Clough, New London  
Gerald & Pat Coogan, New London  
Chris & Janice Cundey, New London  
Terry Dancy, New London  
Joseph & Laurie DiClerico, New London  
Michael & Dee Doheny, New London  
Peter Dunning, New London  
Christopher Durman, Springfield  
Steve Ensign, New London  
John & Donna Ferries, New London  
Carol Foss, New London  
Jody Goudreau, New London  
Jack Hambley, New London  
Bill Helm, New London  
Ken & Laurie Jacques, Springfield  
Dick & Lyn Kellom, New London  
John & Cathy Kiernan, New London  
Ron & Vicki Koron, New London

Arthur and Claudia Lewis, New London  
David & Mary MacMillin, New London  
Molly MacNaughton, New London  
Tom McCormick, New London  
Mark Mordecai, New London  
Dave & Bev Payne, New London  
Debra Perkins, New London  
Keith Pomkoski, New London  
John & Michele Rogers, New London  
Tod Schweizer, New London  
Robert Scott, New London  
Diana Seamans, New London  
Jack & Pat Sheehan, New London  
Gerry & Elizabeth Shelby, Georges Mills  
Kimberly Slover, Wilmot  
George & Nancy Snow, New London  
Dan & Ellie Snyder, New London  
W. Michael Todd, New London  
Chris & Marylee Verdi, New London  
George & Gail Waring, New London  
Mary Beth Westward, New London  
Jim Wheeler, New London  
Tammy Williams, New London  
John & Kittie Wilson, New London  
Steve Wolf, New London

Debbie Cross, Intertown Record  
Kristen Senz, Union Leader

Chair Ballin called the meeting to order at 6:00 PM and alerted those present to the sign-in sheets at the entrance.

Public Hearing on Lake Sunapee Rowing Club:

Chair Ballin opened the public hearing on the Lake Sunapee Rowing Club and announced the protocol for tonight's meeting, stating that he would ask someone to present on behalf of the Rowing Club and then on behalf of Little Sunapee, and would then call on people who had indicated interest to speak on the sign-in sheets. He summarized the 46+ e-mails that the Board of Selectmen received on this subject, approximately 29 in favor of allowing the Rowing Club to use the beach, and ten or so opposed. Chair Ballin stated that all e-mails and correspondence received would be made part of the record.

Chair Ballin invited Marylee Verdi, president of the Lake Sunapee Rowing Club, to present the Rowing Club's proposal. Marylee said that she is the president and co-founder of the Rowing Club, and introduced Brenda Balenger and Dr. Nick Baer, Vice President of the Rowing Club and Environmental Biologist. Brenda Balenger spoke first, and said:

If, through rowing, one kid from the Kearsarge area gets into a college that he might not have gotten into otherwise, then all this will be worthwhile. If, through rowing, one disabled person escapes the confines of her wheelchair, walker, crutches, or infirmity and soars across the water a little freer because of the movement of the boat, then all this will be worthwhile. If, through rowing, one older person finds additional strength, balance and flexibility, and challenges himself to learn new skills while engaging in a supportive and social activity, then all this will be worthwhile. If, through rowing, one person becomes healthier and fit and avoids catastrophic illness such as a heart attack, diabetes, or stroke, then all this will be worthwhile.

Ms. Balenger went on to say that the mission of the Lake Sunapee Rowing Club is to provide the sport of rowing to the Kearsarge community. She said that last night, for the first time, she categorized the Club's 2008 members geographically; she's never had a reason to do that before. She broke the numbers down by not only New London residents, but by the Kearsarge School District, since the Rowing Club had a boys and girls junior team in the fall. Last year there were 72 Lake Sunapee Rowing Club members, of which 31 were from New London, 21 from the Kearsarge School District (but not New London residents), and 20 were not from New London but included four students on the junior girls team from Newport High School and four disabled rowers, one of which was from Sunapee.

Ms. Balenger said that the Rowing Club has received its 501(c)(3) non-profit status and has been a charitable trust in the State of New Hampshire for more than a year. It is a public, non-profit organization that is open to all community members. The Rowing Club is petitioning the Board of Selectmen to approve the use of Bucklin Beach as a home for the 2009 summer season, and their hope for the future is to partner with the New London Recreation Department. The Rowing Club intends to operate in a manner that will show respect for the total environment – the lake, homeowners on the lake, and the Town. The Rowing Club has listened to the concerns of the homeowners on Little Lake Sunapee that were expressed at earlier meetings, and has made a proposal that attempts to compromise on concerns such as a dock on the lake, the use of the beach area, and the spread of invasive species.

Ms. Balenger said that the Rowing Club will not be adding any financial burden to the Town as all Club activities will continue to be supported through fundraising, program fees, and grants. She said that the Board of Selectmen is the gatekeeper for the Town of New London, and the public policy requested by the residents of Little Lake Sunapee is already in place: elected town officials oversee the activities on public property. The Rowing Club asks this Board to allow the use of Bucklin Beach to launch a rowing program that will add to the quality of life of the residents in this beautiful corner of the country.

Marylee Verdi said that Nick Baer would also like to speak for the Rowing Club, and gave him the floor. Nick Baer, professor at Colby-Sawyer College, said that one of the reasons he was asked to speak has to do with his background in aquatic biology and his research in this area. He has worked quite a bit with students to determine the impact of humans on water quality and is well aware of concerns related to water quality. Since he has been at Colby-Sawyer, he has done a lot of work looking at the streams and tributaries in the area, including Kidder Brook above Twin Lake Villa. One of the concerns raised at the first public hearing was the potential negative environmental impact of rowing on the lake. He explained that rowing uses non-motorized boats that sit high in the water and cause minimal disturbance to the lake environment. The Town beach area is already has a modified lake bottom that is affected by foot traffic from swimmers and the annual triathlon. Disturbance from rowing is minimal and would be eliminated altogether with a dock. As far as invasive species – milfoil, didymo, zebra mussels – the Rowing Club would ensure that the boats would not be transporting these invasives. While some of the boats are from St. Paul's School, adjacent to Turkey Pond, which does have milfoil, the boats are only being stored there and are not being used by the St. Paul's rowing team. St. Paul's has a full time boatman who maintains and cleans the boats, and LRSC would also check the boat to ensure that they are not bringing unwanted species into the lake.

Dr. Baer said that some of the broader concerns facing rivers and lakes are the effects of land use within the watershed: increasing impervious surfaces causing erosion and surface water runoff; road salts; fertilizers; herbicides and pesticides. Additionally, in our region, old and neglected septic systems and near-shore lawn fertilizing are a greater concern than the addition of a rowing club to the use of a town beach. Rowing on a lake does not contribute to these more pressing environmental concerns. He visited the site on Bucklin Beach and there appear to be two options for a dock site that would entail little to no shoreline impact. More importantly, the Comprehensive Shoreland Protection Act became effective in July 2008 and the Rowing Club would be sure to comply with the provisions of that law in order to avoid any adverse water quality impacts.

Dr. Baer said that rowing does not affect the lake like motorized activities. Having rowed in high school and college, he remembers his early morning workouts when all that could be heard was the catch of eight members in unison snapping their oars into the water and pulling the stroke, followed by silence. He hopes that the Town and the neighbors will see rowing as a positive, healthy activity, and that other community members can experience what he has experienced.

Marylee Verdi showed the beach on an enlarged plan. She said that the Rowing Club is not asking for a dock this season. If permission to use the beach were granted for this season, the Rowing Club would like to reevaluate the impact of the program with the Town in the fall and would ask for permission to continue the agreement in the future, and address the possibility of a temporary floating dock at that time. This year, the only impact that they propose is a rack near the kayak storage rack, and the new rack would be about 60 feet in length. There would be no more than six Rowing Club boats on that rack: two 60-foot boats (at most) on the bottom; two 40-foot boats (fours); and two singles that were donated to the program that would be placed on the top. She reminded those present that the morning events would be from 6:00–8:00 AM, with some evening activity by the Town Recreation Department.

She then showed the proposed triangular rowing route on the eastern side of Little Sunapee, going no further than Colby Point. She said that the Rowing Club has no intention of passing Colby Point, which is rocky and difficult to navigate, especially for their novice rowers.

Chair Ballin asked Ron Koron to speak on behalf of the Little Sunapee Protective Association. Mr. Koron introduced himself as president of the Protective Association, and stated that on April 4, the Board

of Directors of the Protective Association met to discuss the Rowing Club proposal and passed a resolution, as follows:

The Little Sunapee Protective Association is very concerned about, and opposes the proposal by The Lake Sunapee Rowing Club for use of Bucklin Beach. The Board of Directors wants to be clear that this is not opposition to rowing as a sport, the rowing club or the use of Little Sunapee Lake by the club. At a meeting held April 4, 2009, the Board of Directors unanimously passed the following resolution:

RESOLVED: The Little Lake Sunapee Protective Association opposes the use of the public beach for the use of a private organization as an over-use of Bucklin Beach. Bucklin Beach is a limited space constantly used by a larger population. Allowing such use is a bad precedent since without a policy for use, it would potentially favor one private group over others. This proposal would create potential issues of storage of private boats on public property. Access to the lake for boating by the public is available at the state boat launch.

The Little Sunapee Protective Association believes a town policy on the use of public facilities specifically Bucklin and other town beaches, needs to be developed prior to entertaining any proposal or request. These would be analogous to rules and regulations that exist for the use of the Town Common, Town Hall and Crook Conference Room.”

He said that the Protective Association is not against rowing or sculling or against the Rowing Club itself; in fact many members of the Protective Association kayak and canoe. The Protective Association is not opposed to the use of Little Lake Sunapee by the Rowing Club. However, the Board of Directors opposes the use of Bucklin Beach by private organizations as the overuse of a public space. Allowing such use is a bad precedent since without a policy for use, it would potentially favor one private group over others. The proposal would also create the problem of storage of private boats on public property. The Protective Association believes that Town policy on the use of public property, specifically beaches, needs to be developed prior to entertaining any proposal or request. This would be analogous to rules and regulations that exist for the use of Town Hall, Town Commons, or the Sydney Crook Conference Room.

Mr. Koron summarized that the Protective Association is not opposed to the Rowing Club, but to the use of the beach. He said that roughly 70% of the space that is used by people who use the beach would be taken up by the proposed racks. Marylee Verdi disagreed and showed where the rack would sit, which would be a small portion of the land adjacent to the beach and not on the beach itself. Mr. Koron asserted that the property where the rack is proposed to be placed is used in the summertime by people who do not want to be near the rest of the beach crowd.

Chair Ballin said that he will now call on people who signed in indicating they wished to speak.

Sue Clough said that she is here to support the Rowing Club for the use of this year at Bucklin Beach. She believes that the proposed hours will not interfere with the beach programs. She read that there will be 12 participants at the most, which does not seem to be overcrowding at 6:00 AM. She believes that this is an opportunity for many people to explore this wonderful option of rowing. She said that she did not go to a school that had a rowing club and she always thought it would be something she would love to do. She went to public beaches to learn to swim, take canoe lessons, and learn how to use a kayak. She thinks that rowing is one more wonderful sport that should be allowed on the beaches in New London. She emphasized that this is a trial year, and if it does not go well, she urged everyone to reconsider it.

Chair Ballin called on Joe DiClerico, who identified himself as a resident on the lake. As he said at the beginning of the last meeting, his remarks are not directed at this organization, which has laudable goals. However, he thought this is a serious policy issue about how public space in our town could be used for the best interest of our residents and taxpayers. The Rowing Club is in the middle of this policy dispute and he holds no animus towards them. Mr. DiClerico said that he is not going to repeat the four concerns that he raised at the last meeting. However, there are two additional matters that he would like to address of important historical context:

- 1) Mr. DiClerico looked up the deed to the Bucklin Beach property. In 1962 Walter Bucklin deeded the property to the Town of New London and the deed included some important restrictions: "This grant is on the express condition that if the said grantee shall fail to use and maintain said property as a Town bathing beach, the said property shall revert to the grantor..." Mr. DiClerico said that is an important condition that sets out the parameters of use for the property: it must be used as a town bathing beach. "The Town" means the residents and taxpayers of the town, and a bathing beach is an older term used for swimming. Since the establishment of the beach, it has been used for swimming, and the use has become more intensive as the years have gone on, and last year was very intense. This property cannot be used as a regional recreation area or as a staging area for private or public organizations to use for months at a time for on-lake activity and, to be more specific, it can't be used for boat storage involving boats of 40 & 60 feet on a rack, along with other equipment associated with those boats. Mr. DiClerico maintains that all such uses would contravene the conditions of the deed. Mr. DiClerico went on to read from the deed: "no business of any kind is to be carried on or permitted on the said property," and "no buildings are to be erected or permitted on the said property..." He believes this is a clear intent to limit structures on the property. The landowner was sensitive to the history of the architecture and the neighborhood, and he believes that the boat racks with the boats will have a visual impact that is similar to the building or the structure, and the Town should consider the spirit of the deed from Mr. Bucklin. He said these conditions must be obeyed or there will be consequences. He maintained that even if these conditions were not in the deed, they are reasonable for keeping the beach as an important natural resource for resident and taxpayers.
- 2) Mr. DiClerico said that last week, he went to the beach to measure the areas that were staked out. North of the jungle gyms, there is an area about 75' long and 20' wide and he believes that the boats and racks will take up that entire space. There is another small section of open space about 20' x 30'. These storage facilities will take up at least 70% of the remaining open space on the beach, and that space is used by people to get away from the hubbub of the main beach, to get away from the wind, and to watch their children on the jungle gym.

Mr. DiClerico said that this town, for decades dating back to the Hans Klunder & Associates report, has actively engaged in planning for growth and development of this town to keep it a wonderful place to live, and that has included the maintenance and preservation of open space. It would be ironic and unfortunate if the same careful planning and consideration that made this town what it is did not go into our beaches, which are important and limited resources and whose natural beauty should be preserved as much as possible for our townspeople. There is a need to strike an appropriate balance between recreational uses of our beaches and the maintenance of our natural qualities, but this takes careful planning and policy-making done in advance, and should not be done on an ad hoc basis.

Chair Ballin next called on Kimberly Slover, who said that she is from Wilmot and came because of her interest in rowing. She has always wanted to try rowing and never had an opportunity, and she has been reading up on it and understands the concerns on both sides. Some of what Mr. DiClerico had to say was new to her but she agrees with what Ms. Clough had to say that the noise will be minimal, the numbers

small, and this would be a test season for the Rowing Club that should be given a chance. The Rowing Club is a public organization that is looking to give many people the chance to row.

Chair Ballin called on John Wilson. Dr. Wilson, of New London, said that setting a precedent for private use of the town beach for access to the lake and storage of equipment would be a mistake. Other clubs and individuals could rightfully demand the same access, particularly if they were New London residents. Our lake fronts have been zoned to limit the intensity of use through lot size and frontage requirements, including Article XVI, Section D, 3 of our Zoning Ordinance, which prohibits waterfront areas from being used for common areas or shared water access. Increasing the intensity of use at the Town beach would be contrary to the reason and the spirit that these regulations were passed. He added that the area of proposed use is about 50' wide, which means it is almost entirely within the buffer zone of the Comprehensive Shoreland Protection Act, which states in Administrative Rule 1405.02 that no accessory structures shall be constructed in the buffer zone unless allowed by local zoning. He cited New London Zoning Ordinance as agreeing with state law that no accessory structure may be constructed within 50 feet of the water. He said that municipalities can ignore their own zoning, but the Town of New London has a history of complying with them. The Board of Selectmen should continue to show this concern and should not approve this proposal or subsequent similar ones.

Mary Beth Westward of New London said that she was a new member of the Rowing Club last summer and fall. She had always wanted to try it and it was tremendous opportunity for her and others in the area who were involved in it. They were out there early in the morning, before work and school, and their days were better because of it. The thing that concerns her is that people are citing rules and regulations, but at some point someone made a decision to allow kayaks and sailboats on the beach. Rowing is not motorized; yes, they are large boats, but it's an opportunity for people to get together as a group and anyone can participate in it, of any age, level of ability, disability. People participate from age 11 into their 70s. She enjoys it tremendously and hopes that we continue to offer it in the Town of New London. She thinks about being in a small community that doesn't offer large sports in the school and the fact that her two daughters could participate in something like this and could use when going off to college. She disagreed with the references to 70% of the open space being used. She said she goes to the beach with her kids all of the time and said that the area where people sit is adjacent to the area proposed to being used for the racks. The racks would be on the rocky and weedy area, and in all of the times that she has been there, she has never seen people using the space where the boats would be stored. Furthermore, the boats would be stored for only two months in the summer and she hopes that the Town would give them this summer as a trial to show that they do respect the area.

Carol Foss, who lives on Camp Sunapee Road in New London, is the point person for the lake host program that runs off the boat launch at Little Sunapee, and her concern is about any boat that enters the lake that has the potential to introduce invasives into the lake. All boats that enter the lake should be clean and weed-free. The Protective Association hires lake hosts and all boats are inspected by the boat owners and the lake host. One of her concerns was the boats from St. Paul's, and she believes that has been answered, but the indication is that the boats will be removed to go to regattas in other areas, and most rivers in NH also are home to invasive weeds. She said that inspections at the public launch are not a hardship just on the rowing club, but anyone using the launch is subject to inspection. She wants to be sure that there are inspections on all of the boats kept on the rack before they enter the lake.

John Clough spoke in favor of more recreation in the Town and recognizes this as an opportunity to add to recreation in the Town. We should offer and encourage as much recreation as possible: walking trails, bike paths, getting people on the water. In the spirit of Mr. Bucklin's deed, Mr. Clough believes Mr. Bucklin would be in favor of this kind of activity on Bucklin Beach. He hadn't heard of rowing, perhaps,

or hadn't thought of the possibility, but he thinks Mr. Bucklin would have approved. Mr. Clough is in favor of it.

Kittie Wilson, who lives on Pleasant Lake, said that she does not have anything against rowing. She rows on her Alden shell and she loves it. However, there are three thoughts that she wants to share. First, with respect to water birds, specifically loons: loons do not like her rowing shell, perhaps due to the movement of the oars. She has learned not to go near them while rowing, and has researched documented incidents of defensive displays from loons when approached by a rowing shell. Little Lake Sunapee and Pleasant Lake are small lakes and she fears that the loons will be forced off the lake when consistently confronted with eight, four and two-person rowing shells with all oars flying. She is even more alarmed having seen the proposed triangle course that would scare the loons even more.

Having said that, she does not think that the issue is rowing. We could just as easily be talking about a fishing, kayaking, or waterskiing club. The issue here is about setting precedent: precedent for a private club to use the town beach. In New London we are blessed to have healthy lakes, and we have strict zoning laws on our books to protect high intensity usage because high intensity usage is detrimental to our lakes. This proposal would set a precedent by increasing intensity and is detrimental to the health of the lake.

Ms. Wilson said that her final point is that while the lakes are treasures, the people who live on the lakes are great treasures as well. The people who live on the lakes join their lake associations to preserve and protect their lakes and are passionate in their efforts. They realize that they do not own the waters and understand that they have to deal with shoreline zoning restrictions. Many other people in town who do not live on the lake are members of the lake associations. These people have lake front property via our town beaches, and those people love our beaches and our lakes and want to preserve and protect them for future generations. Townspeople are counting on the Selectmen to preserve and protect our beaches, and suggested that a policy be put in place so that a request like this can quickly be deemed inappropriate to the health of our lakes.

Charles Bucklin said that he is in favor of trying the rowing for one year. He thinks it would serve the town well. He knew his grandfather pretty well and thinks that he would have been okay with the rowing. He is in favor of the summer use.

Laurie Jacques, one of the owners of Twin Lake Village, said that her concern (as a large beach owner with a lot of public using it) for the Rowing Club and Selectmen to consider is how the Town planned to keep vandalism from happening. She said that it has been hard to control sand and rocks that get thrown against the boats that TLV keep on the beach. It's not malicious, but it happens, and she suggested that the Rowing Club should be concerned about their private property stored on public land.

Michael Doheny of New London spoke in favor of using Bucklin Beach, especially a one-year trial period. He is in agreement with the concerns about a precedent, but thinks we can use this year to work through those concerns and how to deal with precedent setting and how to deal with these issues in the future. He said that rowing is a great sport. He rows with his daughter, who is a freshman in high school, and there were two junior teams with girls and one with boys. This is a great scholarship sport and he returned to it 30-years after college. He remembers rowing on the Charles at 6:00 AM, and rowing at Big Lake Sunapee was something, although he did not enjoy getting up at 5:00 AM. It would be much easier for him – and his teenager – to get to Little Sunapee. As far as the age range, to be pushing 50 and rowing with his 15-year-old daughter is something special for the Town to have. He thinks the Town should provide this opportunity to the kids of New London and the District; this is an opportunity for our school children that we should give to our kids.

Steve Ensign said that his comments have gotten briefer as others have spoken. When he first read about this subject, his concerns were about noise and it is clear that the Rowing Club is working hard to ameliorate that issue. After the first hearing, the person delivering the newspaper in his neighborhood had a noisy pickup truck, which made him realize that “stroke, stroke, stroke” would not be that bad. His concerns have migrated to the policy and procedure issues; we have three town properties that have very clear restrictions and rules and regulations, and suddenly we realize that we have two beautiful town beaches that do not have rules and regulations and we are presented with the opportunity to do something and do not have the rules and regulations in place to form that discussion. He thinks the Selectmen are mandated to sit back and say “what are we going to do?” If one group can use it, then maybe another can, and what rights do groups have to use the dock or rack if it is town property, and who can leave their private boat chained to the fence, etc. Mr. Ensign raised the question of using the Town boat for a chase boat, and asked if that could now be used by people who want to go fishing, and if we get to use Town property that way, he covets the Town’s tractor with the snowblower that is used to clear sidewalks.

Jack Sheehan said that 20-30 years ago, people could use Bucklin Beach to launch their boats, but that practice was closed 20-30 years ago. He asked if he, as well as the Rowing Club, could use that beach like he used to in the past. He does not see how they could approve one use but not for everyone else. This is a significant precedent setting issue.

Chair Ballin said that everyone who has indicated a desire to speak has done so, and he asked if anyone else would like to add to the discussion.

John Ferries pointed to where his house sits in relation to the triangular rowing route and said that he is the owner of a scull and has always enjoyed running. He is concerned with “trying” something for a year if on principle there are enough arguments or questions about state statutes, deeds, or the intended use of the property. He said that he has personal concerns, but his bigger concern is that we should have some backbone and look at planning and policies before we do something. He applauds anyone from anywhere who wants to bring their scull to the boat launch and begin to row on the lake. He asked that they do so within the regulations that everyone else has to follow.

Michael Todd, New London resident and sculler and rower, introduced himself and said that for two years he co-chaired the Head of the Charles regatta. He thinks rowing is a wonderful and fast-growing sport for older folks, as well as collegiate and the high school ages. He thinks there is minimal risk for invasive species due to the boats’ smooth finish, which makes them easy to wash, and the minimal transporting. The off-season training for rowing are ergometers, and NASA has replaced the traditional Nordic track with ergometers. Rowing is a wonderful way to stay in shape, and this opportunity presents a way for people to get into a life-long sport, and he supports the statements of John & Sue Clough that people should have this opportunity. Mr. Todd understands that the deed has restrictions, but if boats were launched during the time since the Town has owned the beach, then the thought that there might be strict enforcement might not be true due to the tolerated uses at that point in time.

Savannah Carlin, a young resident of New London, said that she rowed this past summer and fall. She said that it was an awesome experience and she would like to continue rowing for the rest of her life. It was a great form of fitness, but furthermore taught teamwork because perfect strangers had to work together. She hopes this is approved because it was difficult for students at the high school to get to school on time after rowing on Lake Sunapee, and she thinks this would be a great opportunity for the Town to expand its recreation and for all residents to enjoy this wonderful sport.

Chair Ballin invited Ron Koron to summarize on behalf of the Little Sunapee Protective Association. Mr. Koron thanked the Selectmen for the opportunity to speak and said that from the standpoint for the shoreline owners and the Protective Association, we are not against rowing or against the rowing club using the lake. Their issues continue to be 1) the use of the beach by a private organization; and 2) limiting the space on the beach that seems to be growing and getting more crowded. They also have a few issues regarding deeds, and he believes that if we examine the shoreline protection act, we would find that we cannot build the proposed racks. He suggested that Peter Stanley should be involved and advise the selectmen, but the CSPA is extremely restrictive. He added that the lake hosts are given training to examine every boat that comes on the lake and they are concerned about exotic weeds and mussels coming onto the beach and through that area.

Chair Ballin invited Marylee Verdi to summarize on behalf of the Rowing Club. Ms. Verdi thinks that the subject of invasive was addressed and noted the fact that one of the board members is an environmental scientist and on the board of the Lake Sunapee Protective Association, so that training and knowledge exists. She thinks that precedent has been set for use of the beach, and humbly disagrees with the suggested impact of the racks and boats on the lake. She said that she does not own a home on the lake but is thankful to be a New London resident and uses the beach regularly.

Chair Ballin referred to the Citizen's Advisory Committee meeting of March 28, 2009, and said that there was unanimous support of this proposal. Peter Bianchi said that he was at that meeting and does not recall a vote being taken, and if it did, he did not cast a vote. The Selectmen all reiterated that a vote was taken at the CAC meeting, and Chair Ballin modified his statement that all of those who participated in the vote supported the proposal. He said that the Selectmen received many e-mails on this subject, and of the 46 e-mails, 29 were in favor and 17 opposed. Tonight, based on the sign-in sheets, 15 people were in favor and 38 opposed, plus or minus. Ron Koron asked how many of the electronic messages were from New London residents. Chair Ballin said that in favor, he can count four residents from neighboring towns and some summer residents. Of those opposed, it appears that there were three out-of-town and one summer resident.

He invited the other board members for their thoughts. Tina Helm said that this has been quite a challenging subject, so to organize her thoughts she wrote them down, but she stressed that in no way, because it was written in advance, should this be construed that she had her mind already made up. Tonight has been a useful, civil example of democracy and she thanked everyone for this dialogue. She hopes that dialogue in this type of environment can continue in New London. She went on to read the following statement:

First, on the side of those who oppose allowing the [New London] Rowing Club to use Bucklin Beach and Little Lake Sunapee as a base for their program, I'm hearing concerns in primarily six areas: 1) possible infestation of exotic weeds; (2) parking; (3) noise; (4) policy and precedent issues related to public resources being used by private organizations (this concern relates to other lakes in New London as well); (5) the lake and beach are too small and, at times, are already too congested, for such activities; and (5) our town resources should not be used by non-taxpaying folks.

All these are extremely valid concerns and your letters, e-mails, phone calls and appearances at these two hearings on the subject have supported your concerns articulately and appropriately.

Secondly, from the side who supports this request, I am hearing that the program was run professionally and responsibly last year; that it is a healthy and good use of our town's

natural and recreational resources; that it encourages multi-generational participation in a program that encourages and endorses “wellness” amongst folks who wish to be active; that the program utilizes our local, natural and beautiful environment in the best possible way without noisy motor boats and/or the like; as well, it is an appropriate program with which the Town’s Recreation Department should be associated.

Hardly can anyone living in this active, athletic, idyllic, outdoors-oriented community argue with that.

There are mainly three points that are of major concern to me. (1) I would recommend that the Board continue to work on writing a policy statement that will better articulate the requirements for use of such facilities as Bucklin Beach. Thanks to Jessie’s diligent work, we already have a draft. (2) I am very concerned about parking at Bucklin Beach irrespective of whether the Rowing Club uses the facility. I would like to generate some conversations with Chief Seastrand about safety issues related to the parking at the beach. (3) The Board needs to establish (or reinforce what we already have in place) policies concerning non-taxpaying uses of our Town facilities.

So now, the Board must deliberate on this issue and come to a decision. No matter which way we vote, there will be a group of you who will not be happy and will not agree. But, our charge is to come to a resolution which, hopefully, will respond to the needs of the broadest base of town’s folk. Should the Board of Selectmen decide to grant permission to the New London Rowing Club for a one season trial “row,” there would certainly be some negotiations through the establishment of a contract which would have to be worked out before any usage could begin (for example, specific language regarding noise control as well as hours of use).

My four daughters love to tell the story of how, when they were preteens and teens, they would show me some piece of new clothing which they loved and thought was the height of style. I wasn’t always quite sure that I agreed with them. Instead of getting into a “no-win” fray, I would say “well, I’d like to see it on.” Perhaps there is a metaphor here. Perhaps we might consider saying to the New London Rowing Club “we’d like to see it on.” I would then firmly encourage us to set a date in either September or October, another public forum, to totally debrief on the experience, hearing and listening again to all sides.

Mark Kaplan said that he would like to say a few words, although there’s very little for him to say given what has already been said. He is concerned that on both sides, it seemed like everyone would like to see the boats, so it is the Selectmen’s charge to determine how to make it happen without imposing on those who do not want to see it happen. He said that issues have been raised on the deeds and questions about policy – he is cognizant about agreements that have been developed relating to other properties, such as the Pine Hill Ski Club, Elkins Post Office, the Chamber of Commerce (a 99-year lease), so it is not as though the Board of Selectmen or prior administrations have not wrestled with similar problems, because they have and have come to similar conclusions. He would like to investigate more and is not prepared to vote tonight.

Chair Ballin said that the beauty of going last is that most everything has been covered, and he is in agreement with what the two Selectmen have already said. He is very much in favor of trying to find a way to make this work. He thinks this is a spectacular opportunity to have a form of recreation in New London that would help us with branding of our town. He is concerned with the economic situation of our

town and the country, and one of the things we try to propel to the world is our image. We have a town in our county with a race track and a town that declared itself a snowmobile capital, but he would love a brochure that shows the Town of New London as an attractive place to live and raise children with pictures of sculls or boats, because it would be lovely to see. He would like to continue this dialogue and attempt to formulate a way that it can be tried for a year to see if it is objectionable and if it is, we can come back in the fall and say that it was tried and did not work. He would like to think that after one short season, a lot of the issues that have been raised will have been contained.

He said that the Selectmen are working on a draft policy for use that it is in its formative stages and he would like to suggest moving forward with a tentative agreement. The dock would not go in this year, and he suggested that the racks would be "in play." As far as the use, he thinks it is an appropriate recreational use and he would like to attempt to find some middle ground. Chair Ballin suggested that the draft policy go to the Town Counsel, who has not seen it yet, and then bring it to the next Selectmen's meeting on Monday, April 20. Jessie Levine clarified that the draft policy is not an agreement specific to the Rowing Club, and asked the Board to clarify as to whether they want to prepare both a policy and an agreement.

Chair Ballin said that it sounds like the sense of the board is to complete a policy relative to the use of Town property and also develop an agreement for use of one year by the Rowing Club. Judge DiClerico asked if the public would be invited to comment on the policy, and Chair Ballin said that he would be happy to circulate the draft before the April 20 meeting after the Town Counsel has reviewed it.

Kittie Wilson reminded the Selectmen that the shoreland protection act does not allow a rack to be constructed within the 50-foot zone, and asked if the Selectmen intend to break their own law. Mark Kaplan said that the Town has no intention of breaking the law, but understands that it does have the right to operate outside of the zoning ordinance. Ms. Helm said that she has no intention of "breaking the law," as Ms. Wilson put it. Ms. Levine suggested that the issue of the rack in the shoreland zone be postponed until she has spoken to the Zoning Administrator and Town Counsel.

Peter Bianchi said when he was Selectmen the law was clear that while the Town does not have to follow its own zoning ordinance, it does have to follow state law. He said that the Town must follow the shoreland protection act. The Selectmen agreed with Mr. Bianchi that the Town cannot violate state law.

Jim Wheeler asked if the Selectmen will take a vote tonight or continue the hearing and vote on it later, and asked if the Selectmen would have Town Counsel look into the Bucklin Beach deed to determine if the Town is violating the terms of the deed. Chair Ballin promised that would be reviewed as well.

Brenda Balenger said that there are alternatives to building a wooden rack, although there was an Eagle Scout interested in that project. There are upside down u-racks that could be used to rest the boats on, which is a possibility. Chair Ballin said it would be interesting to find out from the State Department of Environmental Services what their opinion is on this type of rack.

Ron Koron said that if he had proposed a rack in the 50-foot zone, Peter Stanley would not allow it. Jessie Levine asked again that the discussion about the rack be postponed until we can get more information.

Tina Helm said that she would suggest that the Selectmen should not take a vote tonight, as they need consultation on zoning and from our legal counsel, and suggested that we gather that information and be prepared to make their votes on Monday morning. Jessie Levine said that she believes she will hear back

from the Town attorney quickly, and the zoning issues should be resolved quickly as well. The Selectmen said that Peter Stanley should be asked to attend the next meeting, as well as input from DES.

Pat Sheehan said that if those questions will not be answered by Monday, how will the public be alerted so that they know whether or not to attend the meeting. Jessie Levine said that she will send the information to those on the e-mail list and those who left their e-mails on the sign-in sheets.

Kittie Wilson said that she has not heard the Selectmen talk about the precedent question. Tina Helm said she believes she addressed that in her statement, and Larry Ballin added that there has already been some precedent set on public property. Kittie Wilson said her concern is that if permission is given to one club, then it then has to be given to others. Chair Ballin said that would be part of the policy that will be discussed on Monday. Mark Kaplan said that the Town can say no to proposals every time; he cited the agreement with Pine Hill Ski Club. Kittie Wilson asked if the Selectmen would be sued if they denied use by another organization. The Selectmen said they would consult Town Counsel on that subject.

Pat Sheehan asked if this Club can use the beach, does it then allow any user to come use the beach to launch a boat? Mr. Kaplan said he believes the answer would be “no,” because we would have a contract with one group and not another group or individual. Pat Sheehan said that this sounds like the Town taxpayers would have to put their boats in at the state boat launch, yet these people would be allowed to use the public property. She asked why the Rowing Club could not be told to launch their boats at the state boat launch like everyone else. Mary Beth Westward attempted to answer that question but Ms. Sheehan said she would like to hear from Mr. Kaplan. Mr. Kaplan said that the proposed contract would be for the public good, not private benefit. He repeated that he would like to take these issues up with Town Counsel to confirm, but it is his sense that these things can be done within the law.

Vicki Koron said that what Ms. Wilson brought up with respect to the loons struck a chord, and she also thought it would be a straight line rowing course and asked if the Loon Preservation Association could be contacted to consider how the loons that are trapped in the middle. Chair Ballin reminded those present that the use of the lake itself is not the Selectmen’s purview. Mr. Koron said that we should make an effort to protect the lake. Ms. Koron said that the lake has very few motor boats. Tina Helm agreed to call the Loon Preservation Society on behalf of the Town, as she is a member.

Nick Baer said that a student at Colby-Sawyer did a study on loons through an internship with the Loon Preservation Society, and the prevailing impact on loons continues to be lead sinkers used by fishermen, causing the loons to die of lead poisoning. The second impact tends to be the swamping of nests caused by dramatic changes in water level by heavy spring rains, as well as speed boats with big wakes. The rowing boats do not have big wakes. He is not familiar with the concern about oars and adverse impacts on loons, but his experience with loons on the lakes in Maine is that he has been able to paddle close to them without negative effect.

Ms. Westwood said that to address Ms. Sheehan’s comments, the Rowing Club would like to go in at Bucklin Beach because without a dock, they have to “wet launch,” which is eight people lifting the shell over their heads and walking it into a water. At most places where boats are launched, the water drops off quickly, so they are unable to walk into the water with the 60-foot boat. Bucklin Beach is the only place where this could be done without a dock. Marylee Verdi said that everyone is aware of the size of the boats, and she would love to be able to use the public boat launch but it is not a feasible option. She said that in addition, there is simply nowhere to put the boats at the public boat launch.

John Wilson said that his concern and research about the boat rack needs to be pursued, and part of his research was talking to the Zoning Administrator and finding out that it was in fact a structure, and as he

mentioned in his comments that the State says nothing can be erected unless local zoning says you can, and ours say we cannot, but since the municipality is not subject to the restrictions of its own zoning it has the freedom to say that the rack can go in legitimately. He asked if it was in the spirit of what the Town has done before with their own zoning laws, and understands that the Town has always recognized and supported them for their own buildings and properties. Ms. Levine said that there are instances when it has been for the public good for the Town to not follow the zoning requirements, such as the building in which we are sitting tonight, which was built beyond the setback limits.

Kittie Wilson said that the Selectmen have expressed willingness to give it a try for a year and this is crushing to her. The Selectmen have been presented with very strong concerns about increased use of this precious public place and she does not think that they are representing the taxpayers and are putting other people in front of [taxpayers]. She said that the Selectmen are making it so convenient for this Rowing Club and she is shocked and horrified by that. She reminded the Selectmen that they are there to represent the taxpayers and thinks that what they are doing flies in the face of what the lake associations are doing to preserve and protect the lakes. She suddenly feels like there is no support from the leadership of this Town and she is shaken by this.

Chair Ballin respectfully disagreed with much of what Ms. Wilson said, and said that there is great amount of support of the lake associations from the Town, both from a moral and financial standpoint, and said that we just have a disagreement over a use issue here.

Ron Koron asked about the process. He said it sounds like the Selectmen receive input and then make a decision as to whether to go forward or not. Yet, he said, every year we go to Town Meeting and have articles put before the voters to decide. He said that this process is limited to a decision made by the three Selectmen. Tina Helm asked how Mr. Koron could suggest that there has been no process, as the Selectmen have been plummeted by phone calls and e-mails on this subject, and this is the second public hearing they have held. She said that she shops out of town so that it does not take her four hours to get a bottle of milk. Ron Koron said that the townspeople are the people who should vote on this. Chair Ballin said that people also vote for the Selectmen to create policy on a day-to-day basis.

Mark Kaplan said that the budget process has to do with how much money the Town will appropriate for money, and in this case, we are talking about an asset and policy and legal issues. This is a public process and has been completely open. Mr. Kaplan said that it is the Board of selectmen that will vote, but if those present want additional input and want to hear what the Selectmen have found out, they should come to the meeting on Monday to know what the Selectmen are basing their decision on. Tina Helm added that should the Selectmen decide to go forward for a one-year trial, it would still have to be brought to Town Meeting to be voted upon before this were to continue for a longer period of time. Jessie Levine agreed that the Board of Selectmen, under state law, oversees Town property, but if the property is going to be used for more than a year (i.e., a multi-year lease such as those with Elkins Post Office and the Information Booth), then Town Meeting would have to authorize that lease.

Ron Koron asked Chair Ballin to repeat the tally of votes received by e-mail and in person. Chair Ballin did that, and John Ferries pointed out that there was probably duplication on both sides. Mr. Ferries did not think that the small numbers should be used for the decision, and Chair Ballin agreed and clarified that he read aloud the votes received as a point of interest but they would not be the deciding factor for the Selectmen.

Steve Wolf, New London resident, said that he did not have an opinion when he came here tonight. He is probably one of the biggest users of Little Sunapee when it comes to waterskiing and wakeboarding. He said that originally he questioned the Rowing Club's use because he is out at 6:00 AM, but there are two

sides to the lake and there is room for both of them and they can co-exist. He said that the boat launch is not practical for the Rowing Club because of the rocks, and there is not adequate storage. He does not think it is an option. The best option is to go somewhere where it is smooth coming in, and he thinks it is good use of the beach because between 6:00-8:00 AM, no one is at Bucklin Beach. He said he is a member of the Little Sunapee Protective Association and he volunteers as a weedwatcher for the Association. There was an issue in the fall when the lake level was lowered unilaterally by the Protective Association, so as far as process goes, this process is much better than that one.

Kittie Wilson asked if the Selectmen had to bring this to Town Meeting next year, and the Selectmen said that they did if they were going to enter a multi-year lease. She noted that the Selectmen had the ability to not do a trial year and wait to bring this to Town Meeting to get a feel for what the townspeople wanted. She said that there are many people who do not use the beach who have not been involved. Chair Ballin said that they have been given the opportunity to participate and if Ms. Wilson is suggesting that the process is being circumvented, then she is wrong. Ms. Helm said that in fairness to the Rowing Club and those folks who are in favor of it, Ms. Wilson's suggestion that the townspeople are not being represented is untrue, as the Selectmen are trying to represent the largest number of people. Ms. Helm said that giving it a trial and giving people an opportunity to talk about it, it could well be that after a trial, the Rowing Club needs to find another place. She said that her experience in life is to use the "gray area" a little bit and give something a try, and very often things end in a win-win situation for everyone. Kittie Wilson said she thinks it would be more fair to let townspeople vote on this issue, and she does not think that there has been a fair discussion of this. Chair Ballin thanked her for her comments.

Chair Ballin closed the public hearing at 8:00 AM and noted that the Selectmen will reconvene on Monday to discuss the draft policy, the legal issues raised tonight regarding the shoreland area and the deed, the report from the Loon Preservation Society, and will attempt to reach closure. He thanked everyone for coming and noted that the Selectmen had more business tonight so the meeting will continue.

Minutes: Chair Ballin referred to the minutes from March 28 & March 30, 2009. Tina Helm seconded the meeting. No discussion and approved 3-0.

Reschedule April 27: Jessie Levine will be out-of-town on April 27 so the meeting should be rescheduled. After some discussion the meeting was moved to April 28 at 8:00 AM.

Economic Development Committee: Chair Ballin said that there was a formative meeting at Gary Markoff's house on April 3 and the group will be returning to the Selectmen on May 5 with a formal proposal that will include mission, make-up, etc. The group believes that it will propose the EDC to be a five-member primary committee with a larger group of advisors that meets three times a year. The people involved are cognizant of the issues in town, including the Shopping Center, and hopefully more information will be forthcoming. Tina Helm said that she had an interesting conversation with Alan at FlashPhoto, and business owners are struggling because the rent and community fees have increased dramatically. Chair Ballin noted that the retailers are struggling and we do not want the place to be empty. Tina Helm said that at the Planning Board, there was a question about \$5000 being spent on an economic development study, and Jessie Levine clarified that money was for a study related to the middle school and the proposed Community Center and it was still awaiting completion.

Farmer's Market: Jessie Levine said that Chad Denning and the people interested in the Farmers' Market will be here on Monday to present a more formal proposal that will address some of the concerns raised by the Department of Agriculture.

Scenic Byways: Jessie Levine updated the Selectmen on the Byways Committee. Ms. Levine met with Newbury Town Administrator Dennis Pavlicek, Sunapee Town Manager Donna Nashawaty, and Rachel Ruppel from the Regional Planning Commission. Sunapee and Newbury have appointed business representatives to the Byways Committee, and all agreed that there should be *ex officio* representation from the Fells, Mt. Sunapee, the New London Historical Society, the Sunapee Riverway, and the Chamber of Commerce. She said that New London still needs representation either from the business community, from conservation, or from historical resources. Tina nominated Jim Perkins and the other Selectmen agreed. Ms. Levine will contact Mr. Perkins. The next meeting is on April 29 at 9:00 AM but will be moved to later that morning due to the Selectmen's meeting.

High Pine Pump Station: Ms. Levine updated the Selectmen on stimulus funding related to the High Pine Pump Station and her need to write a letter stating that the Town is authorized to borrow for this project for up to one year. This led to discussion about stimulus funding for the Sunapee sewer plant, which does not seem as likely as we had hoped.

Planning Board recap: Tina Helm reported that Tom Cottrill was elected chair, Jeff Hollinger vice chair, and Michael Doheny as secretary. The first order of business was Lindsay White's proposal to open a retail shop at the New London Inn, and that was approved because it is not a change of use. For the remainder of the evening, the Economic Base chapter of the Master Plan was discussed, and then moved on to Transportation. There were an inordinate number of edits and rewording, which was surprising given the fact that we were working on the revised Master Plan. Erle Blanchard asked for clarification on the dates & locations of the meetings, since he and Nancy Friese tried to attend the meeting on April 8 but could not find it. Jessie Levine said that was a mistake in the list of dates provided by Ken McWilliams at the beginning of the year, and unfortunately made it onto the Town website and Town Report before being caught. The meetings are on the 2<sup>nd</sup> Tuesday of every month. Tina Helm gave Erle Blanchard a copy of the Master Plan chapters that were discussed.

The Board of Selectmen signed the following:

Application for Building Permit:

- Donna & Arthur Miller, 406 Wilmot Center Drive (Map & Lot 052-018-000), renovate kitchen, bath, reside and re-roof – Permit #09-009 – Approved
- Janie & Jerry Barnes, 800 Lakeshore Drive (Map 51, Lot 5), amendment to building permit #08-144 to extend the width and length of the addition – Approved

Application for use of Whipple Hall:

- Democratic Party of New London, May 6th, 2009 6:00 PM – 9:00 PM – Approved.
- SKIT (David Cleveland), April 25 & 26, May 16, 17, 20, 21, 22, 26, 27, 28, 30 & 31 evening practices (6:00 PM -9:00 PM) and 2-day performances 10:00 AM - 9:00 PM – Approved.

Other:

- Disbursement & payroll voucher week of 4-13-09 - Approved.
- Appointment cards for: John Tilley (Alternate, Planning Board); Gerald Coogan (Recreation Commission); Dan Allen (Conservation Commission)
- Service Agreement with Code Red Emergency Communications Network, for one year of services (12,500 minutes) for \$5000 – Approved
- Application for Use of New London Town Commons by Kearsarge Community Band, for Tuesdays during summer months – Approved

- Application for Current Use by Carr Land Holdings, West of Route 103A (Map 136, Lot 7) for 100 acres – Approved
- Notice of Intent to Cut, RH Webb Forest Preserve, LLC (Map 36, Lot 10) – Approved
- Proposal for Services from Nobis Engineering for post-closure landfill monitoring for the Old Town Landfill & Stump Dump for \$18,200 – Approved

There being no further public business, the Board of Selectmen moved to go into non-public session for a personnel matter pursuant to RSA 91-A:3 II (a), and asked Ms. Levine to depart the meeting at 8:45 PM.

The Board of Selectmen resumed public session at 9:00 PM and adjourned the meeting at 9:01 PM.

Respectfully submitted,

Jessie Levine  
Town Administrator