



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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NEW LONDON PLANNING BOARD  
MEETING MINUTES  
Thursday, January 14, 2016

Regular Meeting and Public Hearing on Proposed Zoning Amendments  
Sydney Crook Conference Room, Town Offices, 2nd floor

**PRESENT:** Bill Helm (Chair), Bill Dietrich Michele Holton, Jeremy Bonin, Tim Paradis, Elizabeth Meller (Alt.) and Janet Kidder (Selectmen's Representative)

**ABSENT:** Paul Gorman and Marianne McEnrue (Alt)

**OTHERS IN ATTENDANCE:** Cindy & Ed Canane of 96 Baker Road, North Sutton, NH; John & Mary Doyle of 533 Forest Acres Road; Katharine Fischer of 81 Knights Hill Road; W. Michael Todd; Pierre Bedard; Len Dorr; John & Maggie Ford of 23 County Road; Greg Berger of 37 Main Street; Jack Sheehan of 93 Checkerberry Lane; Steve Root of 151 Job Seamans Acres; Jeanine & Bill Berger of 150 Camp Sunapee Road; John Wilson of 296 Lamson Lane; Todd Emmons, (Colby-Sawyer College Vice-president) of 318 Brookside Drive; Will Davis of Horizon Engineering; and Bob Vachon of Colby-Sawyer College.

**CALL TO ORDER:** Chair Helm called the meeting to order at 6:30 pm. Liz Meller was appointed to sit in for Paul Gorman.

**Approval of Minutes**

**Minutes of December 15, 2015 (Draft)**

- ✓ **MOTION WAS MADE TO APPROVE** the minutes of December 15, 2015. **IT WAS MOVED (Jeremy Bonin) AND SECONDED (Michelle Holton) to approve the minutes. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Minutes of the Dorr Family Farm (047-001-000 & 046-004-000) Site Walk Meeting Notes of December 18, 2015.** Janet Kidder suggested clarification regarding the bullet item regarding parking adjacent to the house and to refer to it as the Bucklin House which is located at 170 Morgan Hill Road.

- ✓ **MOTION WAS MADE TO APPROVE** the minutes of the Dorr Family Farm Site Walk Meeting Notes of December 18, 2015. **IT WAS MOVED (Michelle Holton) AND SECONDED (Jeremy Bonin) to approve with a clarification presented by Janet Kidder to page 2, the bullet item "Plan to provide parking adjacent to the house." to read, "Plan to provide parking adjacent to the Bucklin house located at 170 Morgan Hill Road. " THE MOTION WAS APPROVED UNANIMOUSLY.**

**Minutes of the Greenawalt (Bog Road) (106-011-000) Site Walk of January 2, 2016**

- ✓ **MOTION WAS MADE TO APPROVE** the minutes of January 2, 2016. **IT WAS MOVED (Bill Dietrich) AND SECONDED (Jeremy Bonin) to approve the minutes. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Public Comment** There was no public comment at this time.

**Chair Helm Opened the Public Hearing on the proposed zoning amendments**

**AMENDMENT #1:** The Planning Board proposes to amend Article XVI, Shore Land Overlay District. The major change is Sections J and Section K will be deleted and moved into Article XX, Legal Non-Conforming Uses, Legal Non –conforming Buildings and Structures and Legal Non-conforming Lots for the purpose of placing all requirements related to non-conformity in one place, and includes replacing the words “Normal High Water” in Section J 2 (b) with the words “Reference Line”. Provisions to Section G, Waterfront Buffer will be changed to allow for the removal of diseased vegetation; to require replanting when dead, diseased or unsafe trees and saplings are removed and to provide for the use of points for shrubs and groundcover when replanting. Provisions to Section H, Natural Woodland Buffer will include percentage requirements exclusive of impervious surfaces. Provisions of Section E, Development with Waterfront Access will be changed pertaining to waterfront access and common areas. In addition other minor editorial changes such as removing references to previous amendment dates and renumbering are included.

**Comments received from:**

- **Jack Sheehan:** In the summary reference to section E, Mr. Sheehan stated he thinks should be section G. Chair Helm explained the sections refer to the current document, and not the old document. Mr. Sheehan had comments about proposed Section F. Waterfront Buffer (2, c.2) regarding provisions related to dead, diseased or unsafe trees and the 50% and points for shrubs. He thought this was a little heavy. He commented to use 50% coverage of pachysandra to replace a tree is not the same and felt this should be reduced to about 20%-25%.
- **John Wilson:** Provided some written comments on this same section and suggested some spaces be added between some sentences to aid in reading the document.
- **Steve Root:** Stated that some terms used in the Ordinance need to be capitalized such as the word “Lot” not “lot”. He stated he thought this was agreed upon at the previous meeting, and this was not done. Chair Helm asked Mr. Root to go through the document and present the areas where capitalization are appropriate and give to Lucy St. John. Mr. Root said he would do this.

**AMENDMENT # 2:** The Planning Board proposes to amend Article XX, Legal Nonconforming Uses, Legal Non-conforming Buildings and Structures, and Legal Non-conforming Lots. Section C. Legal Nonconforming Lots will be revised to include a new item C (1), as the existing language of C 1 and C 3 are no longer needed.

Comments received from:

- Jack Sheehan: Sees the need to drop number 1, and agreed number 2 is going to stay but doesn't see where number 3 shows up anywhere else in the document. Ms. St. John referred to the current Zoning Ordinance provisions on page 83, noting what was proposed to be changed, and that current C.3 is not needed, as lot merger are allowed.

**AMENDMENT # 3:** The Planning Board proposes to amend Article II, General Provisions, Section 5, Height Regulations. The proposed amendment is to delete the last sentence of # 5 Height Regulations and include it with the other nonconforming provisions of Article XX. This is intended to make the document more user friendly by having related provisions in the same Article. No public comments received.

**AMENDMENT # 4:** The Planning Board proposes to amend Article XV, Floodplain Overlay District to delete Section (I), as Section (I) incorrectly references Section (H), Article XVI, the Shoreland Overlay District which pertains to the Natural Woodland Buffer. This provision pertains to nonconforming structures, and there are provisions in Article XX which already address the Floodplain Overlay District (current provisions B.(3) (b) (1)). No comments received.

**AMENDMENT # 5:** The Planning Board has received a Petition Zoning Amendment to rezone approximately 0.26 acres of land from Urban Residential (R-1) to Commercial (C) on the rear section of property located at 74 Pleasant Street, Tax Map 084-079-000.

Chair Helm provided a brief summary of Mr. Stahlman's appearance before the Planning Board and ZBA. He explained that the ZBA denied the variance request and the rehearing request. Mr. Stahlman submitted the petitioned zoning amendment for consideration and the Planning Board following the public hearing must include whether they support or don't support the petition amendment. Chair Helm also noted that Mr. Stahlman submitted written comments.

Comments received from:

- Michael Todd: Explained that he is speaking as a New London resident and is not representing the ZBA. He commented that it would appear that Mr. Stahlman would like to change the ZBA decision by amendment to the zoning laws. This re-zoning would not benefit the community but just an individual. He cited a NH Supreme Court ruling regarding the Town of Exeter which was not upheld as it was not in accordance with the comprehensive plan. There is no public need or compelling reason to approve this propose rezoning and he asked the Planning Board to not support the proposed petition amendment. He also noted that this will go on the ballot but will not be discussed at town meeting. He doesn't think the public will be sufficiently aware of what they are voting on.
- Bill Berger: Noted that he is not an attorney and that he takes exception to the comment by Mr. Todd that it only benefits one person. This rezoning would benefit the tenants of the Stahlman office building and that it benefits more than one person. There are parking issues. He noted that there are several commercial properties close

by including Canary Systems, Echo Communications, offices of Ausbon Sargent Land Preservation Trust located in Gavin Campbell's building. It is already mostly commercial enterprises and the view of nearby residents to the parking area at the Stahlman property is already blocked by a large garage.

Comments received Planning Board members:

- Michelle Holton: There are several existing commercial properties adjacent to the property and this will not affect the residential neighbors. Does not believe this is spot zoning, and there is no other place in town with a similar situation. This is not spot zoning. This is truly a hardship for Mr. Stahlman who has been a member of this community for a long time and given much to the Town.
- Bill Dietrich: I am concerned about the legality of this petition. This is spot zoning which I am opposed to.
- Liz Meller: There are many parking regulations already and they do not address the fact that there is still not enough parking. In addition, there is no available parking space that might be available for rent.
- Tim Paradis: I find the spot zoning aspect to be of concern but I don't like to put barriers to someone who has commercial history in area. Does not appear to have a detrimental affect to the residential area and the impact seems low.
- Jeremy Bonin: I don't like spot zoning and it seems the benefit is singular to that property. There is a legality issue here and this sets a bad precedent. As a result of this modification to zoning, what if the adjacent lot owned by Canary no longer had enough parking. Thinks someone will sub-divide more property and again ask for re-zoning to accommodate the additional required parking.
- Janet Kidder: Recused herself from voting as she is an abutter to the property.
- Chair Helm: If this is rezoned, Mr. Stahlman will need to present a site-plan. I would support this re-zoning petition even if it was not Mr. Stahlman. Explained that the ZBA minutes of Jan 5, 2016 ask the Planning Board to look at the commercial zoning districts in town. He also noted that all the owners of the adjacent condo units (with one exception) have given support as well as the neighbor on Gould Road who sold Mr. Stahlman the property. It is important to support the use of this building. He is in favor of this petition, and referred to the provisions of RSA 674:17 Purposes of Zoning Ordinance, II, which states, "Every zoning ordinance shall be made with reasonable consideration to, among other things, the character of the area involved and its peculiar suitability for particular uses, as well as with a view to conserving the value of buildings and encourages the most appropriate use of the land throughout the municipality. He believes this is a reasonable consideration for the appropriate use of property, even though he is not in favor of spot zoning. This re-zoning will not change anything else in particular to the neighborhood.

Chair Helm called for a vote. Voting in favor of Mr. Stahlman's petition amendment: Bill Helm, Michele Holton, Liz Meller and Tim Paradis; voting opposed to Mr. Stahlman's petition amendment Jeremy Bonin and Bill Dietrich; and Janet Kidder abstained. The Planning Board supports this article by a vote of 4 to 2

**MOTION TO CLOSE the public hearing of January 14, 2016. IT WAS MOVED (Bill Dietrich) AND SECONDED (Jeremy Bonin) to close the public hearing. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Discussion on the proposed zoning amendments and review of the comments heard at the public hearing.**

Chair Helm noted that the Board will discuss the comments heard this evening and vote to decide if any changes should be made and if a second public hearing is needed.

**Discussion on proposed Amendment #1:**

The Board discussed the concerns raised about the 50% language regarding shrubs and groundcover. Chair Helm referred to the recent site visit of the Carr property and fire damage to the vegetation, noting this provision would require replanting of vegetation in case of fire and how it was not possible to replace the number of trees that were lost. It seems shrubs and ground cover better alternative than grass. Jeremy Bonin noted that in reality, when a tree comes down there is currently no replacement requirements and the new regulation standards will address this. Chair Helm permitted additional comments from John Wilson who asked about points versus percentage and Jack Sheehan who expressed concern that this regulation includes unsafe trees. It is a matter of opinion when a tree is unsafe and if that tree should come down. He commented that trading off a healthy tree for ground cover is not a good formula. Chair Helm gave an example of a recent tree cutting application the Board discussed where a tree was hanging over a house and the owner would not let his family sleep in the area of the house where he felt the tree was a threat to safety. Chair Helm stated the Planning Board sometimes had to make decisions of best judgement and perhaps error the side of safety. Ultimately the Planning Board makes decisions about unsafe trees and the Planning Board may make the decision to take down trees with the advice of a professional. Ms. St. John commented that residents often convey that their insurance carrier requests that the tree be removed, and many people ask, if the Town doesn't allow a tree or trees to be removed and something happens, is the Town liable. John Wilson commented about the recent tree cutting on Lamson Lane, and asked who determined the trees were unsafe. Ms. St. John commented that she visited that site, and indeed the trees were unsafe in her opinion. No one can really say when a tree is going to fall, but in that instance there were power lines and the property owners' tree professionals also said the trees were unsafe. Ms. St. John noted that many property owners will remove the trees, if they see it poses potential safety issues to their house, other structures, or personal safety.

Chair Helm asked if the amendment as put forth was satisfactory to all and there was no comment to the contrary. Bill Dietrich agreed the amendment as proposed was acceptable. Chair Helm reiterated the Amendments as drafted were to be accepted with agreement that the punctuation and capitalization as proposed by John Wilson will be integrated and there is no need for an additional hearing.

**MOTION TO RETAIN THE PLANNING BOARD AMENDMENTS AS WRITTEN. IT WAS MOVED (Jeremy Bonin) AND SECONDED (Bill Dietrich) accept the motion. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Door Family Farm Site Plan Application**

Dorr Family Farms, LLC, Len Dorr. Property located on Morgan Hill Road and Little Sunapee Road. Tax Map 047-001-000, 046-004-000 and 060-005-000. Site walk conducted December 18<sup>th</sup>, 2015. Continued from the December 15<sup>th</sup>, 2015 meeting.

Chair Helm gave a brief overview, noting this public hearing was continued from the December meeting. He turned the presentation over to Len Dorr, owner.

Len Dorr explained that regretfully Emilie Major is no longer the farm manger or with farm due to health issues, noting she will have a long-term recovery and asked if there are any leftover questions from Emilie's presentation at the prior Planning Board meeting. He reiterated the various aspects of the farming operation which the Board saw during the site walk including the flower picking, blueberry picking, the farm animals and office space. He noted that the main farm operations will be contained in the original 14 acre Bucklin Farm. Parking will be next to the house at 170 Morgan Hill Road, as discussed during the site walk. Mr. Dorr addressed the concern of manure storage and showed the barn where this will be stored. Mr. Dorr explained that manure which is correctly composted actually smells sweet. Addressing the demolition of the existing historically significant Messer Farm House located at the corner of Little Sunapee Road and Morgan Hill Road, Mr. Dorr stated that this was the original plan but recently there has been interest by the New London Barn Playhouse as a possible residence for summer interns. He noted that the house would need significant updates with local standards and regulations. He stated he would like to consider any propositions that may materialize since the demolition has become public knowledge. He noted that at this time, he is considering this opportunity, and may or may not demolition the house.

Ms. St. John noted that comments were received on Jan 12, 2016 from Richard Lee, Public Works – I did not see any problems with this new plan. They have the area to park in as proposed. Ms. St. John also reported that the Health Officer Deb Langer had no additional comments and she participated in the Site Walk.

**Chair Helm opened the Public Hearing.**

- Ms. St. John reported that a letter was received December 29, 2015 from abutters John and Tracy MacKenna. The letter was read reflecting their support of the farm.
- John Wilson asked about the protection of White Brook and potential impacts to the brook. Ms. St. John commented that following the Site Walk she and Emilie Major rode in the Gator (a jeep like vehicle) back about 15-20 minutes into the woods. She saw the stream, not the headwater, and observed that there is a significant amount of trees and other vegetation between the farming operation and the brook. The cows would have to walk a great distance to get to this brook, and furthermore there is much vegetation and ground cover between the actually farming where the animals are located and the stream.

- John Ford asked Mr. Dorr to explain what the other buildings further up Morgan Hill Road would be used for. Mr. Dorr explained they are used for hay storage, equipment storage and other aspects of the farming operations as discussed during the Site Walk, including use by the New London Flower (Garden Club).

Mr. Dorr provided other details of the operation:

- ✓ Noting the size of pasture came into question in relationship to the number of cows per acre and that it was in accordance with regulations. He explained he is working with NRCS.
- ✓ He explained that he will partition the fields with fencing so that cows can move from field to field but when the public is visiting (for the purpose of picking fruit) the cows will be contained.
- ✓ He explained that the pick-your-own parking arrangements typically are more relaxed, as people arrive at various times.
- ✓ He also noted he is in the process of interviewing for a new farm manager and it would be ideal to have someone living on the farm even though security cameras will be installed.
- ✓ The house at 170 Morgan Hill Road needs to be updated so that it is suitable for people to live in, including maybe some seasonal workers. He would hate to take down the house but the cost to rehab may be prohibitive, and it may be taken down at a later date. He noted that he has not met with the Fire Chief yet and understands there will be Fire and Life Safety Codes to address.
- ✓ Space has been allocated (free of charge) for the New London Garden Club to use for storage since the Garden Club no longer has storage space at the Historical Society. The Hathway house may be a possible site for the Garden Club Barn as storage for various equipment.
- ✓ There is a small rental house on the property.
- ✓ The logging landing area is where the firewood is stored for the Baptist Church for local families in need.
- ✓ The surface water waiver states that “at this time” there is no concern and “currently” there is no plan for major construction, he commented that he did not know why Emilie put these words in.
- ✓ He noted that in addition to the cows, there is one sow (who is expecting), and he may have a few chickens.

Comments from the Board and Staff:

- How is he going to achieve the rotation of cattle on the pastures?
- Are there specifications for a driveway and parking?
- Need to address the waivers requested.
- Proximity of well water to the manure storage area. Mr. Dorr replied that Dan Grace of Capital Well had advised him that the depth and slope of the hill will alleviate the possibility of contamination.

John Wilson and Steve Root left the meeting at approximately 7:45 pm.

Chair Helm suggested the waivers be granted and the following conditions of approval be considered:

1. No parking will be permitted along Morgan Hill Road.
2. No non-agricultural development is permitted on the property without additional Planning Board review and approval.
3. A natural woodland buffer shall be maintained along the stream located in the wooded section of the property.
4. If any new structures are proposed for the site or changes proposed which would alter surface water drainage a revised Site Plan must be submitted.
5. A sign permit application must be submitted to the Town.
6. The size of the cattle population as proposed is a maximum of 22 cattle. The number of cattle to be permitted on the site without further Site Plan Review shall be no more than 15% of the current maximum which equals 3 cattle (22 x 0.15%).
7. The residential home located at 170 Morgan Hill Road may be used for residential housing in accordance with standards and requirements per the New London Fire Chief.

**MOTION TO APPROVE THE SITE PLAN APPLICATION AND TO GRANT THE WAIVERS SUBJECT TO THE 7 (SEVEN) CONDITIONS. IT WAS MOVED (Janet Kidder) AND SECONDED (Bill Dietrich) to accept the motion. THE MOTION WAS APPROVED UNANIMOUSLY.**

Most of the audience left the meeting, approximately 7:55 pm.

**Beth Greenawalt property. Property located at 316 Bog Road. Tax Map 106-011-000.** Most recently discussed at the December 15, 2015 meeting regarding Article II, General Provisions, # 2 Excavation, Removal and Filling of Lands. Site walk conducted January 2<sup>nd</sup>, 2016.

Chair Helm reviewed the Site Walk notes and asked if there were any additional comments or concern from the Board. The Board was provided information regarding the provisions of the ordinance and RSA 155-E. No additional issues were identified.

Pierre Bedard noted that the intent is to locate the new structure (existing house to be demolished) outside the waterfront buffer. He noted by removing this mound, it affords the owner the opportunity to evaluate a better location for the structure and improve sight distance. It was noted the house will not be put in the same location as the current house but the intent of Gavin Campbell (who is the builder) is to put the house behind the Waterfront Buffer.

Chair Helm presented the following motion: In accordance with Article II, Section 2c (b) of the New London Zoning Ordinance, the Planning Board approves the excavation and removal of more than 250 cubic yards of material (all outside the fifty foot Waterfront Buffer) from the property at 316 Bog Road (Tax Map 106-011-000), shown on a boundary and site plan dated November 25, 2015, for the purpose of creating a buildable lot.

Chair Helm explained this means the approval of removal of 250 cubic yards for purpose of creating a buildable lot (which is not a defined term in ordinance language) would mean a new house could be built within the Waterfront Buffer in the current foot-print (as existing house is already within the Waterfront Buffer.) This is an approval for removal of dirt only.

**MOTION TO APPROVE THE EXCAVATION AND REMOVAL OF MORE THAN 250 CUBIC YARDS OF MATERIAL FROM THE PROPERTY AT 316 BOG ROAD (TAX MAP 106-011-000). IT WAS MOVED (Elizabeth Meller) AND SECONDED (Bill Dietrich) TO ACCEPT THE MOTION. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Conceptual Site Plan for Colby-Sawyer College Fine and Performing Art Center. Tax Map 085-033-000. Located between Windy Hill School and Curtis Ivy Science Center.**

Will Davis of Horizon Engineering introduced Todd Emmons and Bob Vachon, CSC. He provided an overview of the proposal. The college is proposing a black box theater for small events/performances, art studios and classroom space. Many existing uses at Sawyer Center will be moved to this building. A landscape plan will be presented in the future. There will not be any solid-waste storage on site since it will be collected directly from building. Mr. Davis feels parking requirements are addressed and met since uses are already existing and there will not be an increase in parking. Large existing parking lot to remain and during construction all of this parking will be available.

Bob Vachon, Director of Facilities Management at Colby-Sawyer College, stated there are 5 (five) faculty offices, classrooms and 4 (four) studios to be moved to the new proposed building which will be 15,000 square feet (reduced in scope from 50,000 square feet due to a reduction in funding.) There is a current down turn in enrollment and staffing. Student population is now at 1150 and the parking overflow lot is never used except in extreme circumstances where cars have to be moved to accommodate snow removal. There is no increase in student population and staffing so there will be no new parking needed. Many of the staff are adjunct and not on campus at the same as they are part-time. Evening operations will use the parking vacated by the daytime users. Possible addition parking in tennis court area if tennis courts moved but this will be addressed in phase two of the construction.

**Key issues conveyed by CSC:**

- ✓ Alteration of terrain permit will be required.
- ✓ Colby Farm house to be moved.
- ✓ Declining student enrollment, and no additional parking spaces are needed.
- ✓ Sawyer Center main performing arts center is to remain and parts of it will be used including using parts of it for maybe the bookstore, Post Office and large auditorium.
- ✓ Signage – CSC currently has a consultant looking at this.
- ✓ Solid waste collection, no dumpster will be placed outside.
- ✓ Tennis Courts to be eventually moved to Kelsey Field, but not part of this proposal.
- ✓ Timeline: Construction to start in August 2016 with occupancy in September of 2017.
- ✓ Water and sewer connections, and moving an existing electrical transformer.

Comments from the Board and key issues identified:

- ✓ Campus Master Plan – including what is the plan for this and other buildings (Reichhold Center, and other buildings)
- ✓ Colby Farm building (old house)- if to be relocated on or off campus, and proposed uses
- ✓ Construction schedule and construction vehicles (where will they park)
- ✓ Drainage and runoff to the pond
- ✓ Lighting issues
- ✓ Noise during construction
- ✓ Parking if multi-events are planned, including uses by AIL; current and projected parking; staff parking; and parking is an issue now and needs to be addressed.
- ✓ Staffing at the proposed new center
- ✓ Student population figures - Current and projected
- ✓ Traffic circulation and campus traffic patterns

Ms. St. John reiterated that that Will Davis and Bob Vachon had a meeting to discuss the conceptual plan with staff. In attendance were Kim Hallquist, Richard Lee of Public Works, Chief Lyon of the New London Fire Department, Rob Thorpe of the Water Precinct and herself. Key issues conveyed included the need to address parking, concerns for pedestrian safety, traffic patterns, lighting, Sawyer Center Performing Arts Center- maybe for bookstore and Post Office; concern about Multi-events and proposed uses of the existing performing arts center.

Chair Helm stated the Town would possibly like to use part of building for storage. Janet Kidder thought it might be a consideration for the Town Archives but Mr. Emmons said the building is damp so storage might not be a good idea.

Meeting Schedule

The Board discussed amending the meeting schedule, to cancel the Feb 9<sup>th</sup> and March 8<sup>th</sup> meeting due to local and national elections. Also established meeting dates of Feb 23, March 22, April 12, April 26, May 10 and May 24<sup>th</sup>. Staff to amend and post the revised meeting schedule.

Motion to Adjourn

**MOTION TO ADJOURN the meeting at 8:45 PM. IT WAS MOVED (Janet Kidder) AND SECONDED (Michelle Holton) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY.**

Respectfully submitted,

Jennifer Vitiello,  
Recording Secretary  
Town of New London, NH