



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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NEW LONDON PLANNING BOARD

Regular Meeting

Tuesday, November 1, 2016

6:30 PM

PRESENT: Paul Gorman (Chair), Jeremy Bonin, Tim Paradis, Liz Meller, Joseph Kubit (Alt.) and Marianne McEnrue (Alt.)

ABSENT: Bill Dietrich (Vice Chair), Casey Biuso, Michelle Holton and Janet Kidder

OTHERS IN ATTENDANCE:

Susan Hankin-Birke, Attorney McSwiney Law Firm/Herring
Deb and Craig Langer of 1350 Route 103A
Melody and Edward Johnson of 1359 Route 103A
Michael Valeri & Callie Valeri of 74 Stoney Brook Road
Harvey Best, St. Andrews Church representative, Andover
Tim McMurrich, 208 Stoney Brook Road
Laura Davis of 1340 Route 103A
Roger Rodewald of 10 Dodge Hill Road, South Sutton/Adamian
Doug Adamian of 412 Forest Acres Road
Ted Barton, Barton & Affiliates, Andover

CALL TO ORDER: Chair Gorman called the meeting to order at 6:30 PM. Marianne McEnrue would be a voting in place of Bill Dietrich. No member appointed to replace Janet Kidder, as she is the Board of Selectmen's representative.

APPROVAL OF THE MINUTES:

- ✓ **Motion to APPROVE the minutes of the regular meeting of October 11, 2016.** It was MOVED (Elizabeth Meller) and SECONDED (Jeremy Bonin) to approve the minutes as presented. The motion was APPROVED UNANIMOUSLY.
- ✓ **Motion to APPROVE the minutes of the ADU (Accessory Dwelling Units) Subcommittee Meeting of October 11, 2016.** It was MOVED (Marianne McEnrue) and SECONDED (Elizabeth Meller) to approve the minutes as presented. The motion was APPROVED UNANIMOUSLY.
- ✓ **Motion to APPROVE the Minutes of the Sign Subcommittee Meeting of October 19, 2016.** It was MOVED (Jeremy Bonin) and SECONDED (Marianne McEnrue) to approve the minutes as presented. The motion was APPROVED UNANIMOUSLY.

Chair Gorman brought to the board's attention the existence of a new group in town called "Planning for an Aging Population" and Liz Meller has agreed to serve as the Planning Board representative to this committee. This committee will look at what services are needed for the elderly and address current and future needs. He noted the Kearsarge Council on Aging (KCOA), the New London Hospital and the Visiting Nurses Association (VNA) would also be participating in the discussion.

PUBLIC COMMENT: There was no public comment.

Lot Merger for Bruce T. Herring. Located at 300 Lakeshore Drive. Tax Map 036-011-000 and 036-012-001. Zoned R2- Residential.

Attorney Susan Hankin-Birke presented and asked for questions. This is for the merger of two separate lots, one is just land and the other is the land where the resident lives. Lots 11 and 12 were shown on the overhead projection and it was stated this property is in the Shoreland Overlay District. This extra land was purchased as an option to provide a buffer and the land will remain in the family for all to enjoy. One lot is 2.67 acres, the other lot is 2.02 acres and is at the northern section of Pleasant Lake. Lucy St. John stated at the end of the meeting the lot merger forms will be signed to be recorded.

- ✓ **Motion to APPROVE the lot merger of Tax Map 036-011-000 and Tax Map 036-012-001 located at 300 Lakeshore Drive. It was MOVED (Jeremy Bonin) and SECONDED (Elizabeth Meller) to approve the lot merger as presented. The motion was APPROVED UNANIMOUSLY.**

Soo-Nipi Hollow Farm, Commercial Farm Site Plan Application and Public Hearing. Property owned by Deb and Craig Langner. Located at 1850 King Hill Road. Tax Map 128-010-000. Zoned ARR. Conceptual plan discussed at the October 6, 2015 meeting. Pond recently discussed at the Sept 21, 2016 Conservation Commission meeting.

Presentation by Deb and Craig Langner:

Deb Langner stated that 13 months ago a conceptual was presented to the Planning Board and since then the property was purchased and cleared (which included the house and 3 acres of forest.) This property abuts the land where she lives on 103A. Details of the farming operation were explained including:

- ✓ 2000 high bush blueberry plants scheduled to arrive next April. The first crop of blueberries expected in 2019 and Craig Langner gave an explanation of how the blueberries are planted, maintained and harvested.
- ✓ Fields have been furrowed out. The site had been previously logged. Additional bushes may be planted (such as raspberries in the future).
- ✓ Parking area proposed along King Hill Road which will require a NH Dept. of Transportation (NHDOT). Overflow parking to be in the lot where the old house was previously. The parking area will be gravel and parking stalls might be chalked in the summer to delineate the parking spaces. It was originally thought that the driveway permit would not be necessary until 2019 when the blueberries are ready and the public

would be visiting the property. NHDOT had visited the site and Deb noted they didn't anticipate any concerns with issuing the driveway permit.

- ✓ An irrigation specialist has been consulted and it was determined that wells alone would not be sufficient to irrigate the field.
- ✓ Irrigation pond in an area of wetlands that had been previously filled by the Department of Transportation, per the plan of Pierre Bedard. Water will be pumped up from pond to the area of blueberries on the upper hill and then flow back down into the pond.
- ✓ Fill from the excavation of the pond (estimated 6 to 8 feet) to be used to level the parking area.
- ✓ Existing barn, currently just a "shell". This will essentially be used as a farm stand. She noted that Pierre Bedard has done the soil/perc test. The septic and leach field is planned for next summer. They plan to do some renovations to the barn, including adding restrooms, so they don't have to walk back to the house when they are working in the fields, and for customers who may need to use the facilities. Noted that the house previously located on the site never had a septic system, there was just an "outhouse".
- ✓ Fence- proposed around the pond, fence (with gate) so people know where to enter the blueberry fields, and along King Hill Road. Also to keep deer out.
- ✓ Waivers to the Site Plan Regulations required.
- ✓ Addressed comments received from Fire Chief Jay Lyon regarding a fire pond and dry hydrant. Noted she is working with Pierre Bedard in designing the pond, and has and will continue her conversation with Jay Lyon, regarding details relative to the dry hydrant and pond.

Staff noted that waivers to the Site Plan Regulations have been requested, as this farming operation like others that have been before the Board had similar requests (Canane, Morgan Hill, Alpaca farm). Referred to the staff report, which includes specific comments from Jay Lyon, Fire; Ed Andersen, Police; and Richard Lee, Public Works.

Board Comments/Concern:

- Location of the septic system and leach field, relative to the proximity to the blueberry plantings, and if they would come back to the Planning Board relative to the approval of the septic. Deb Langner responded that the location of the septic system and leach field were taken into consideration as part of their planting layout, it is a gravity fed system, and the septic system will be approved by the State, so no need to come back to the Planning Board.
- Parking stall requirements (9 x 20), delineating the location of the spaces and if the parking would be paved or gravel. Deb Langner responded the parking will be a gravel parking areas, and they would delineate the parking spaces with chalk so people know where to park.
- What are the ditches as seen in the photographs? Deb Langner noted the site has been previously logged, and they have also been working on furrowing the land. The photographs were taken in April and since then the field has been leveled and grown in. She noted that there may be more plants as other parts of the fields may be planted at a later date.

- Traffic and speed concerns for traffic entering or leaving the site, and if some cautionary blinking lights or other signage would be needed on King Hill Road, as the Police Chief identified these concerns. Deb Langner noted that she had met on-site with NHDOT and they will review and approve the driveway permit (State Road). Staff noted that the minutes of this meeting can be provided to NHDOT as they are currently in the process of review the driveway permit.
- Regional Impact- Board noted this is not a project of Regional Impact.
- Pond safety- fencing. Deb Langner noted that the pond area will be secured, public safety is of utmost important to the operation of the farm.
- Public safety issue- how to limit people who are visiting the farm to walking along King Hill Road. Deb Langner noted that they intent to put up some fencing, and will secure the site.
- Best management practices (BMPs) and concern about water quality issues. Deb Langner noted they have been working with Becky Sidewall and have consulted with other blueberry farm, and will be employing appropriate BMPs some aspects of organic farming are also incorporated into the farming operation.

Public Hearing opened:

- Abutter Laura Davis who lives across the street on a 2.33-acre parcel is very excited to see the property become agricultural. She comes from a family of seven (7) generations of farmers. She feels the Langer's have approached in a highly professional manner.
- Harvey Best of (Old) St. Andrews Church explained that the church parking lot is currently "park at your own risk" and wants to remain blameless for any accidents that might happen but is in support of the project.
- Tim McMurrich of Stoney Brook Road commented they are doing a good job and in a good way.

Public Hearing closed.

It was MOVED (Marianne McEnrue) and SECONDED (Elizabeth Meller) to approve the Site Plan with the following conditions:

- Dry hydrant to be installed, in coordination with input from Jay Lyon, Fire Chief.
- Staff to provide Nov 1, 2016 Planning Board minutes to NHDOT, for their consideration in reviewing and issuing the NHDOT driveway permit.
- Septic system to be approved by NHDES.
- Parking spaces to be delineated (chalked) and maintained on the site, per the parking space requirements when the farm is open for business.
- Pond to be fenced in.
- Best management Practices (BMP) will be utilized for growing blueberry bushes.

The motion was APPROVED UNANIMOUSLY.

Adamian, Douglas & Pamela Shoreland Application. Located at 412 Forest Acres Road. Tax Map 118-005-000. Review Storm water management plan, Shoreland provisions permit impervious up to 30%. Plan prepared by Roger Rodewald, Riverside Ecological Designs. Town received Sept 22, 2016. Continued from the Oct 11th meeting. Discussed at the Oct 19, 2016 Conservation Commission meeting.

Roger Rodewald presented a storm water drainage system that will direct the water drainage from the building addition and shed to a 14' x 12' rain garden. Mr. Rodewald has previously presented to the Conservation Commission, which had concern about the runoff that is flowing down the road. Mr. Rodewald explained the installation of a 12-inch drain pipe is to divert water into another area before it gets to the drain. He explained that since meeting with the Planning Board and the Conservation, the NHDES has approved their Shoreland Permit. He also noted that they have submitted driveway permit application to the Town. Previously there was a culvert (to be eliminated) that was dumping into the public drainage system, which was not acceptable.

Lucy St. John noted that the Town received the approved Shoreland Permit # 2016-02746) yesterday, October 31, 2016. She noted that since that last meeting, some revised plans were submitted, and then other revised plan were submitted. She referred to the September 21, 2016 Conservation Commission minutes. She thought the Conservation Commission has specifically asked them to solicit input from the Messer Pond Protective Association (MPPA), as the MPPA has met with both the Planning Board and Conservation Commission to discuss and address issues facing Messer Pond, including issues on how to manage runoff from the road. She asked if they have received any response from John Doyle, of the MPPA about this application. Lucy St. John stated there was some discrepancy in percent impervious area that was presented to the Conservation Commission and the Planning Board. Doug Adamian said they did provide a copy this plan to the John Doyle, (about 1 ½ weeks ago).

Mr. Rodewald explained he had rounded the number up in a revised plan. He explained the predevelopment impervious area would be 24%. (This is 4% over what is allowed and what the Planning Board must address) Mr. Rodewald explained he will be providing for the treatment of drainage water to an amount to equal 12% which is much more than the original 4% which was required. Mr. Adamian (property owner) said he had been in touch with the Messer Pond Protective Agency representative John Doyle for advice.

Marianne McEnrue calculated the amount to be 25%. Mr. Rodewald explained that many agencies have asked for revisions, which may be the reason for the confusion. Jeremy Bonin made a suggestion (claiming not to be a road design professional) that the drainage pipe might be placed further down to catch more water. Mr. Rodewald said he relied on master road drainage people and former road agent John Champagne (of Hanover) as well as New London Road Agent Richard Lee for expertise.

Ms. St. John explained that driveways permit applications are reviewed and approved by Richard Lee, Director of Public Works, herself, and Fire Chief Jay Lyon.

- ✓ **It was MOVED (Elizabeth Meller) and SECONDED (Tim Paradis)** to approve the stormwater management plan as presented on the plan submitted October 27, 2016 with impervious area (25%) with following conditions:
- Receipt of comments from the Messer Pond Protective Association (MPPA)
 - Approval of Town Driveway Permit Application
- The motion was APPROVED UNANIMOUSLY.

Zoning Amendments Discussion:

Sanitary Protection:

The Board discussed the handout dated Nov 1, 2016 which includes provisions of the Zoning Ordinance regarding sanitary protection/septic issues and the attached pages from Deb Langner, Town Health Officer, which includes the provisions of NHDES Env-Wq 1004.22 Expansion, Relocation, or Replacement of Existing Structures, 2016-19 Adopted to be effective 10-01-16.

Deb Langner, Health Officer provided an overview of the septic permitting process including:

- Noting that New London is one of the only towns in NH that has an active involvement in septic design. The Town Health Officer witnesses every test pit, she noted the goal is to keep people honest.
- Don Bent (the former Health Officer of 35 years) loved to be involved in the septic design and stated the New London's Health Officer witness every test pit.
- Stated that half of the land in New London have soils which create issues for septic (impermeable glacial till), one-quarter of the town is sand (excessively well drained) and then a few little lots have soil that is perfect for septic.
- New London is active in maintaining an understanding of the septic issues here in town and in the past DES was probably more involved than they are now.
- NHDES Subsurface Bureau staff has been decreased to two (2) people. Due to probable lack of staffing, they have created a very black & white list of requirements and are not sympathetic to variations.
- About 2/3 of residents in New London are on septic. People in New London care and will not live with failing septic systems. She sees many other towns where this is not so and it is not easy to ascertain when a system has failed.
- There is no town ordinance regarding septic maintenance and maintenance is entirely self-policed.
- In the early 1980's & 1990's there was a growth spurt and a lot of the systems are now getting old. The expected life of most septic systems is 25 to 30 years.
- When a system fails, everything gets dug out and then replaced and even with proper maintenance the system wears out because of build-up (biomass, and septic field gets clogged).
- Lake systems last longer as there are long periods where the system is not used (winters) and the residents are away.
- With new DES requirements (example: house renovations) there will be much more work required. In much new construction, many bedrooms are not called bedrooms (labeled

library, study area, bonus room). If septic is more than 20 years old and the lot is smaller than 5 acres, the septic has to have a new plan designed although it does not have to be implemented until it fails. New septic design is only good for 4 years. The price is somewhere between \$1,200 to \$2,000. Test pits get inspected by her, the Town Health Officer.

- The Town then gets an approval for construction from NHDES. These approvals are stored in files by the town.
- Need to update to conform to new NHDES provisions that became effective on October 1, 2016.
- Stated things need to be delineated so that there is a clear explanation to homeowners as to what is required by the Town.
- State allows “hip-pocket” designs be done, but they don’t need to be installed until the system fails.
- Two issues: there should be septic specifications in the ordinance AND provisions regarding septic should be located in one place in the Ordinance.
- If a septic system fails, the Town is notified, and the system has to be replaced within 90 days. It was thought there are many houses in New London that have systems that have failed and no one is aware of.
- Would like the word “sanitary protection” replaced by ISDS (Individual Septic Design Systems.)

Board Comments:

- Suggestion to consolidate all septic requirements into one place in the Zoning Ordinance, noting may not be enough time this year.
- Suggestion to remove any language which allows anything less than what the State allows.
- Suggestion to include article in Town’s “Municipal Matters” about the recent NHDES changes.
- Suggestion to have the Town Health Officer include in the upcoming Town Report information about septic requirements, need for maintenance and changes to NHDES requirements.

Accessory Dwelling Units (ADU) Discussion:

Subcommittee ADU Chair, Jeremy Bonin provided an update on the recent ADU Subcommittee meeting discussions and the need to bring the current ADU provisions into compliance with the new State law.

- Noting the subcommittee will likely suggest that amendments on ADUs be addressed in two parts- one amendment to address attached ADUs and another to address detached ADUs. He noted some key issues including:
- Concern from lakefront property owners
- Enforcement concerns, as the Town does not have a building inspector and the Town does not issue Certificate of Occupancy. Fire Department however can and does address safety issues.

- Density
- Master Plan includes discussion on workforce housing and housing for seniors.
- Conversion of apartment (Peter Christians) to a boutique hotel will eliminate some workforce housing.
- Condominium issue, input was obtained from Town Counsel.
- Pros and cons of attached vs detached units- existing services, density, and building mass.
- Some New London residents are not in favor of workforce housing. Other towns have an incentive program to create workforce housing.
- Citizens Advisory Committee (CAC) on this Saturday morning, November 5th, 2016 to update the Town on zoning amendment issues, including ADUs.
- Chair Gorman noted that both State Representative David Kidder and Representative Karen Ebel voted against ADU as they thought the State could not impose on the towns.

Signs and Other Amendments Board Discussion:

- Paul Gorman provided an update on the Sign Subcommittee. Signs provisions must be content neutral, US Supreme Court Reed v. Town of Gilbert.
- Staff noted that Janet Kidder inquired via an email for the Subcommittee to consider off-site directional signs for example for a wedding.
- Jeremy Bonin said we should never have anything in the ordinance that is less stringent than the state.

Other Business

- Planning Board 2016-2017 Meeting Calendar
- Lake Sunapee Protective Association Compliance Meeting November 3rd.
- Citizens Advisory Committee (CAC) Meeting- Saturday, Nov 5th at 7:30 a.m.
- Plan NH Dec 14th Save the Date for upcoming workshop Home, Sweet, Home workshops

Agenda Attachment List- Refer to the list for details regarding correspondence, State applications and other informational items.

Future Meeting Dates Refer to the Planning Board Meeting Schedule and the Town's website for updated meeting information. Meetings scheduled for November 15, 2016 and December 13, 2016. The Board will also be scheduling public hearing dates for any zoning amendments.

- ✓ **MOTION TO ADJOURN the meeting at 9:00 PM. IT WAS MOVED (Jeremy Bonin) AND SECONDED (Tim Paradis) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY.**

Respectfully submitted,

Jennifer Vitiello,
Recording Secretary
Town of New London, NH