



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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NEW LONDON PLANNING BOARD  
MEETING MINUTES

Tuesday, December 15, 2015

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

**ABSENT:** Paul Gorman, Tim Paradis

**OTHERS IN ATTENDANCE:** Emilie Major of 170 Morgan Hill Road, Laurie Hayward, Town of Sutton 93 Main Street in Sutton, Ed and Cindy Canane of 96 Baker Road in North Sutton, Marge Erickson of 222 Little Sunapee Road, Tracey and John MacKenna of 168 Little Sunapee Road, Jim Perkins of 149 Little Sunapee Road, Jane Abbott Sweatt of 22 Little Sunapee Road, Alan Gepfert of 236 Little Sunapee Road, Greg Berger of 37 Main Street, Malcolm Wain of 408 Sugarhouse Road, Lisa Carlin, Morgan Hill Road, Bill Berger of 150 Camp Sunapee Road, Rob Daley of Burpee Hill Road, Steve Root of 151 Job Seamans Acres, Jonathan Ohler of 553 Pleasant Street, Carol Foss of 128 Camp Sunapee Road and Pierre Bedard of 810 Bunker Road.

**CALL TO ORDER:** Chair Helm called the meeting to order at 6:30 pm.

**Approval of Minutes**

**Minutes of December 1, 2015**

**MOTION TO APPROVE the Planning Board Minutes of December 1, 2015. IT WAS MOVED (Michelle Holton) AND SECONDED (Jeremy Bonin) to approve the minutes. Bill Dietrich abstained as he was not in attendance at the Dec 1, 2015 meeting. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Minutes of Sign Subcommittee of August 17, 2015**

**MOTION TO APPROVE the Sign Subcommittee Minutes of August 17, 2015. IT WAS MOVED (Michelle Holton) AND SECONDED (Jeremy Bonin) to approve the minutes. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Public Comment** John MacKenna asked if sign ordinance was to be discussed again. Chair Helm replied no since the Board needs time to reflect on the recent United States Supreme Court decision and no amendment is proposed this year.

**Feins Subdivision Plan (in Sutton with access through New London)** – Laurie Hayward, Town of Sutton presented the mylars for signatures. Ms. Hayward explained the Sutton Planning Board will then sign the mylars and she will record them at the Merrimack County Registry of

Deeds (MCRD). The plan was approved by New London Planning Board Sept 15, 2015 and Town of Sutton Planning Board August 25, 2015.

**Public Hearing 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. For the operation of a commercial farm.

Elizabeth Meller was appointed to sit in for Tim Paradis and Marianne McEnrue to sit in for Paul Gorman. Michelle Holton stated she has no vested interest even though she has been in touch with applicants as she has concerns about the impact of real estate values.

Chair Helm gave a brief overview of the proposed farm operation which included keeping cows, pick your own fruit and hay field rotation. The Board voted this was not a project of regional impact. Chair Helm suggested scheduling a Site Walk to better understand the overall plan for the properties as some of this property was recently logged, a demolition permit issued for the house on the corner, issues related to manure management, parking, waivers requested and other issues. Chair Helm asked if the application was complete.

Ms. St. John referenced the Planning Board discussion of the 2013 Canane Site Plan for a Commercial Farm, noting the provisions the Site Plan Provisions do not have specific criteria for farming operations, and discussed the various provisions of the Zoning Ordinance pertaining to agricultural uses, including acres for animals. She stated that comments have been received from the Department of Public Works (Dec 14<sup>th</sup>), Police (Dec 9<sup>th</sup>) and the Town Health Officer (Dec 14<sup>th</sup>). She displayed them on the overhead for all to review. Ms. St. John summarized the comments, including the Health Officer's comments about the need for understanding what properties will be part of the farming operation, size of the Angus herd, traffic and parking issues, manure management, well and septic location and other details outlined in the memo. Ms. St. John also referred to the Town's Streams and Wetlands map and the GIS map, noting the discrepancies. She also noted that comments were received from John Wilson and Steve Allenby.

Chair Helm asked Emilie Major to provide an overview of the application and proposed farming activities.

Emilie Major presentation: Ms. Major introduced herself as the Farm Manager for the Dorr Family Farm; Len Dorr is the owner. She provided a brief history of the Bucklin Farm, which has been operated as a farm for over 100 years. She referred to the map noting which properties are part of this application. She explained the proposed uses on the farm to include:

- Pick-Your-Own fruit (June to mid-September, depending the varieties, and growing seasons), 270 fruit trees were planted, bee hives (10 currently),
- Specialty cut flowers for wholesale,
- Breeding via artificial insemination (no bull on-site), will sell calves to other farms
- Converting the old milk house for the farm manager and owner's farm office,

- The old Messer house on the corner of Morgan Hill Road and Little Sunapee has received a demolition permit, and they intend to use the site as a parking area for the Pick-Your-Own crops. She noted it is about ¼ mile down the road.
- Registered with the National Angus Association,
- There is a rental house on the property,
- Various fields will be used for hay production.
- Use certified organic fertilizer, including Neptune Harvest (made from seaweed, smells like low tide)
- No fertilizer will be exposed, working with National Resources Conservation Service (NRCS) on a manure management plan. Manure is to be stored in barn and will be used to fertilize the various fruit orchards. This manure barn is 218 feet from a property line.
- Animals will be rotated between fields, have sufficient pasture and feeding areas for the cattle. Currently have nine (9), one heifer is pregnant and an old steer named Walter. There will be 18-22 cows on the property, some won't be visible. She noted this will help to minimize stress to the cows, and will minimize exposure to the public.
- Buildings used for the storage of farm equipment
- Fencing proposed for 33 acres of the property. Other fencing will be placed and moved about as the cows are rotated between the pasture areas.
- No other housing is proposed for seasonal employees at this time

Chair Helm stated he would open the Public Hearing for comment at this time.

Ms. St. John read into the record:

- Email received Dec 15<sup>th</sup> from John Wilson. His comments pertain to “White Brook” being a “designated stream” and limitations in the stream buffer, how the Planning Board vacated their responsibilities when dealing with the Canane Site Plan and how Best Management Practices need refinement.
- Email received Dec 14<sup>th</sup> from Steve Allenby. His comments are about the importance of having local agriculture and support for the Site Plan application.

Ms. Major commented about the concerns raised in John Wilson's email. She noted that there is a stream on the property, it is back in the woods, and there are various wetlands on the property. The cows will be grazed in the pasture, and nowhere near this stream, and there is much vegetation (trees, ground covered) between the cows and this area. This is a wooded area and not part of development and best practices dictate keeping the cows away from this area.

Planning Board comments/concerns:

- Fencing
- Manure management and distance from property lines (100 feet required per Zoning Ordinance)
- Parking- proposed location and how visitors (pedestrians) will get to the Pick-Your- Own fields. Concern about the corner lot parking and how it will impact the value of Allan Gefpert's property.

- Pasture and Enclosure requirements, Article II, General Provisions, have learned are outdated.
- Plan showing all that is proposed (large scale for next meeting).
- Site Visit will be helpful
- Streams and Wetlands map and GIS have some discrepancies
- Total acres for this commercial operation
- Total number of cows
- NRCS Conservation Plan to address aspects of the farm operation.

John MacKenna comments: Mr. MacKenna asked if field behind his house extending down to Spring Ledge Farm will be certified organic. Ms. Major replied no and this hay will be used for the animals. She also commented the cows will not be certified organic but naturally grown.

Marge Erickson comments: Ms. Erickson wanted to know where the parking area on Little Sunapee Road would be. Ms. Major responded it will be in the area of the corner house which is to be demolished. It will not be paved.

Jim Perkins comments: Mr. Perkins wondered how customers will get from the parking area which is at the intersection of Morgan Hill Road and Little Sunapee Road to the blueberry fields which are a quarter mile away. Ms. Major replied that the patrons will be brought to the field by a motorized vehicle driven by farm staff members. Chair Helm stated this might be an area of concern for the police chief. Ms. St. John noted that the parking was not shown on the Site Plan, and this warrants review from the Town Departments.

Johnathan Ohler comments: Mr. Ohler expressed his support for planting crops and growing food.

Ed Canane comments: He introduced himself and his wife, Cindy as the owners of Cascade Brook Farm of Sutton, NH, had cows on Seamans Road and are the owners of the Canane parcel on Pleasant Street in New London. They are in full support of the endeavor and was appreciative that all documentation available the Town's website. He also reiterated as he explained during his presentation to the Planning Board in Feb 2013, that the ratio of livestock to acres is outdated, and livestock pasture and grazing requirements are based on other factors including the animal weight. He is convinced that the rotational grazing program and manure management is good for the animals and soil and he would like to see the farm application go forward. Mr. Canane stated that the best fencing is not necessarily permanent fencing and that some good electric fencing that is not permanent is very effective.

Allen Gepfert comments: Mr. Gepfert stated he lives next to old house and has never had problem with the barn having cows in it. Previous owner always conscientious and hopes the new owner will do the same. Question as to when the old house comes down and the parking area installed, what fencing will be put in place for his privacy and protect his property values. Emilie replied that a fence that is the most aesthetically pleasing will be considered in the planning process for this lot.

Lisa Carlin comments: Ms. Carlin lives across street. She comments about how she and others were updated and consulted prior and currently the recent logging operation. She is thrilled it is being kept as a farm with open space, as agriculture is such a special part of New London's history and this is in keeping with the character of the town. Has heard discussions about a historic preservation ordinance or demolition delay ordinance, she would be support of this.

Jim Perkins comments: Mr. Perkins has written an historical article on this house and feels the house has historical significance but he is not sure how the house will fit into the farm operation. Referred to the report titled, "Bucklin Farm, Sept 2014" which provides a history of this property.

Rob Daley comments: Mr. Daley spoke to his endorsement of the application and is very happy there will not be a subdivision. Agricultural activity should be encouraged.

Chair Helm asked the Planning Board if they support having a Site Walk on Friday, December 18, 2015 at 8:30 am. The Board support having a Site Walk, staff will post the Site Walk notice, the public is welcome to attend.

Chair Helm asked Ms. Major to be prepared to address issues of manure management, bee-housing, parking, location of cattle grazing, fencing and waivers at the January 14, 2016 meeting and to submit a revised plan showing the existing and proposed operations on the property.

**MOTION TO CONTINUE the public hearing to January 14, 2016. IT WAS MOVED (Jeremy Bonin) AND SECONDED (Michelle Holton) to continue the public hearing. THE MOTION WAS APPROVED UNANIMOUSLY.**

### **Conceptual Plan Discussions**

✓ **Barbara A. Deming, Trustee.** Property located at 151 Forty Acres Road. Tax Map 038-001-000. Zoned Forest Conservation. Discussion of potential subdivision. Minimum lot size required is 25 acres, proposed new lot of 12+/- acres.

Chair Helm noted that this is a conceptual discussion only.

Pierre Bedard representing Barbara A. Deming, Trustee, provided a brief summary of the property.

- They purchased in 1990, built a house and two ponds.
- In 1993 a Conservation Easement was placed on the property (Ausbon Sargent), and included provisions with rights to put another structure on property.
- Town Zoning created Forest Conservation District (in 1999) with a 25 acre lot size minimum and 400 feet of frontage.
- Would like to create a 12 acre lot, with an extended driveway and not create or extend the existing Forty Acres Road.
- Noted lot would be 12 acres, some wetlands and bedrock, but septic system should not be an issue.

- Existing development, location of the driveway and the provisions of the Conservation Easement limit how the parcel could be subdivided.

Board discussed that variances would be needed from the Zoning Board of Adjustment (ZBA). Board asked about the status of Forty Acres Road, if a designed road, and provisions for another lot off the existing driveway.

Steve Root inquired about the shape of the proposed 12 acres parcel, and why it is shown west and north of Forty Acres Road, why can't it be extended south of Forty Acres Road. Pierre Bedard explained that the ponds, and language in the conservation easement influence why the proposed configuration is being presented.

- ✓ **Beth Greenawalt** (formerly owned by Elizabeth A. Brown). Property located at 316 Bog Road. Tax Map 106-011-000.

Chair Helm noted that this is a conceptual discussion only.

Pierre Bedard represented Beth Greenawalt and referenced earth disturbance of a large mound within the waterfront buffer of Messer Pond. The house is dilapidated and would like to demolish all buildings on site but there is large mound which will make construction difficult. The owner would like to remove the mound, then regrade site, and then decide how best to design a new house and septic location on the property.

Ms. St. John referred to Article II, General Provision, #2 Excavation, Removal and Filling of Lands. She explained that typically Excavation provisions in local zoning ordinance refer to the provisions of RSA 155-E, Local Regulation Excavation. The current zoning ordinance refers to the Planning Board review of a "site plan". Since the site is located in the Shoreland Overlay and Floodplain Overlay District, she suggested that the Planning Board schedule a Site Walk of this property.

Board members comments/concerns- proximity to the floodplain, septic location, visual impact and proximity to other development (next to Harry Snow's development on Ponds Edge Road) and if changing the footprint of the existing structure, house is currently nonconforming structure.

Chair Helm thought a site-walk now might be premature due upcoming winter weather conditions (snow), and suggested the Site Walk be scheduled in early spring, when there is more daylight.

Mr. Bedard stressed the need to for the Site Walk so the owner can understand what is needed, and evaluate overall design of the site, with anticipated construction next year. Don't want to wait until spring to start this process. He noted that the flood maps are not accurate, and flooding isn't a real concern, as the site has some elevated areas.

Board members noted the importance of having a site walk. Site Walk scheduled for Saturday, January 2, 2016 at 9:30am with a public posting.

### **Zoning Amendments**

✓ Article XX- Nonconforming

John Wilson suggests that B.2.b. the words “normal high level” be replaced with “reference line” because it is dealing with waterfront buffer and not in reference to streams.

Steve Root asked for clarification of the terms “reference line” and “normal high water line”. The Board referred to the definitions in Article III, # 104 Normal High Water, and # 126 Reference Line. Pierre Bedard provided an explanation of the State definitions as well. The Board also discussed deleting the word “other” under Section C.

**MOTION TO APPROVE the changes to Article XX. IT WAS MOVED (Michelle Holton) AND SECONDED (Jeremy Bonin) to approve the changes and post the proposed amendment for a public hearing on Jan 14, 2016. THE MOTION WAS APPROVED UNANIMOUSLY.**

✓ Article XV, Floodplain Overlay District, Section I.

Delete Section I. because it references Article XVI which will be removed.

**MOTION TO ELIMINATE Paragraph I. Article XV. IT WAS MOVED (Marianne McEnrue) AND SECONDED (Jeremy Bonin) to approve the changes and post the proposed amendment for a public hearing on Jan 14, 2016. THE MOTION WAS APPROVED UNANIMOUSLY.**

✓ Article II, General Provision, # 5 Height Regulation, take out the provision in Article II as it is already included in Article XX.

**MOTION TO ELIMINATE Article II. General Provision, #5. IT WAS MOVED (William Dietrich) AND SECONDED (Jeremy Bonin) to approve the changes and post the amendment for a public hearing on Jan 14, 2016. THE MOTION WAS APPROVED UNANIMOUSLY.**

✓ Article XVI Shore Land Overlay District

The Board reviewed the suggested changes offered in an email from John Wilson.

The Board also listened to comments offered by Steve Root, and his concern about correct capitalization of words used in the Ordinance, impervious ratios, and changes to the tree cutting provisions. He supports John Wilson’s comments on this issue, he would have the opportunity to review and offer comments on how the proposed amendments will be presented for the public hearing notice.

Chair Helm asked if the Board wanted to stay with the current impervious limits to not exceed 20% and up to a maximum of 30%. He and staff noted these are high % and reflected on the previous meetings where this was discussed. The Board discussed the need to have provisions to allow trees to grow back and replanting due to fire, diseased or unsafe.

Pierre Bedard commented that the current state regulations were well vetted and are based on scientific and engineering standards, he suggested the Board keep the current language. The Board discussed and agreed to keep the current impervious surfaces %, and to revisit this topic next year.

Ms. St. John commented that the description for the proposed amendments will highlight the changes, and the complete proposed text will be available to the public. Input from the public is not required in preparing the description to be included in the public hearing notice.

**MOTION TO PUT FORTH Article XVI for public hearing on January 14, 2016. IT WAS MOVED (Jeremy Bonin) AND SECONDED (Marianne McEnrue) to approve the changes. THE MOTION WAS APPROVED UNANIMOUSLY.**

### **Surveys and the building permit process.**

Chair Helm noted this was discussed at the Dec 1<sup>st</sup> meeting. He asked the Board to review the marked up version, and be prepared for a continued discussion at the Jan 14, 2016 meeting.

Pierre Bedard suggested the need for a survey should be ascertained on the building permit, for example by asking the owner a series of questions, such as – when was your property last surveyed? Do you know where your property lines are located? Or some other questions.

### **Other Business**

- ✓ Stahlman Petitioned Zoning Amendment – will be included on the Jan 14, 2016 public hearing notice.
- ✓ State applications prepared by Pellettieri Associates for Breed (included on the agenda attachment list) and Pike Brook Road Revocable Trust (received Dec 11, 2015) will be discussed at the Conservation Commission meeting on Wed, Dec 16th.
- ✓ New London Barn Playhouse asking for time on the agenda in late January for a conceptual discussion.

### **Agenda Attachment List:**

See list for details including correspondence, state applications, informational items and other items.

**Future Meeting Dates:**

- ✓ Thursday, January 14, 2016 Regular Meeting and Public Hearing on the proposed Zoning Amendments
- ✓ Friday, January 15, 2016; (for inclement weather on January 14, 2016)
- ✓ Tuesday, January 26, 2016 Regular Meeting (and 2<sup>nd</sup> Public Hearing on Zoning Amendments if needed)

**Motion to Adjourn**

**MOTION TO ADJOURN the meeting at 9:25 PM. IT WAS MOVED (Janet Kidder) AND SECONDED (Marianne McEnrue) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY.**

Respectfully submitted,

Jennifer Vitiello,  
Recording Secretary  
Town of New London, NH