

TM
021-001-000

Lucy St. John

From: gary anderson <[redacted]>
Sent: Wednesday, June 22, 2016 9:56 AM
To: Lucy St. John
Subject: Results of Cove Digout
Attachments: P1070605.JPG; P1070603.JPG; P1070604.JPG

June 22, 2016

Dear Lucy:

By way of this email and attached photos, I wanted to report back to you on the success of our Little Sunapee Jeffer's Cove dig out project which we completed in late November, when the lake was low.

As you may recall, I originally discussed this project, and received approval to do it from the Planning Board, back in 2014. We had to delay the project because the excavation contractor ran out of time that year. I reappeared at the Planning Board at the Oct 6, 2015 meeting for their approval of an extension. I'm happy to say that we completed the project in a little over 3 hours in the week before Thanksgiving, and it looks great, like it never even happened!

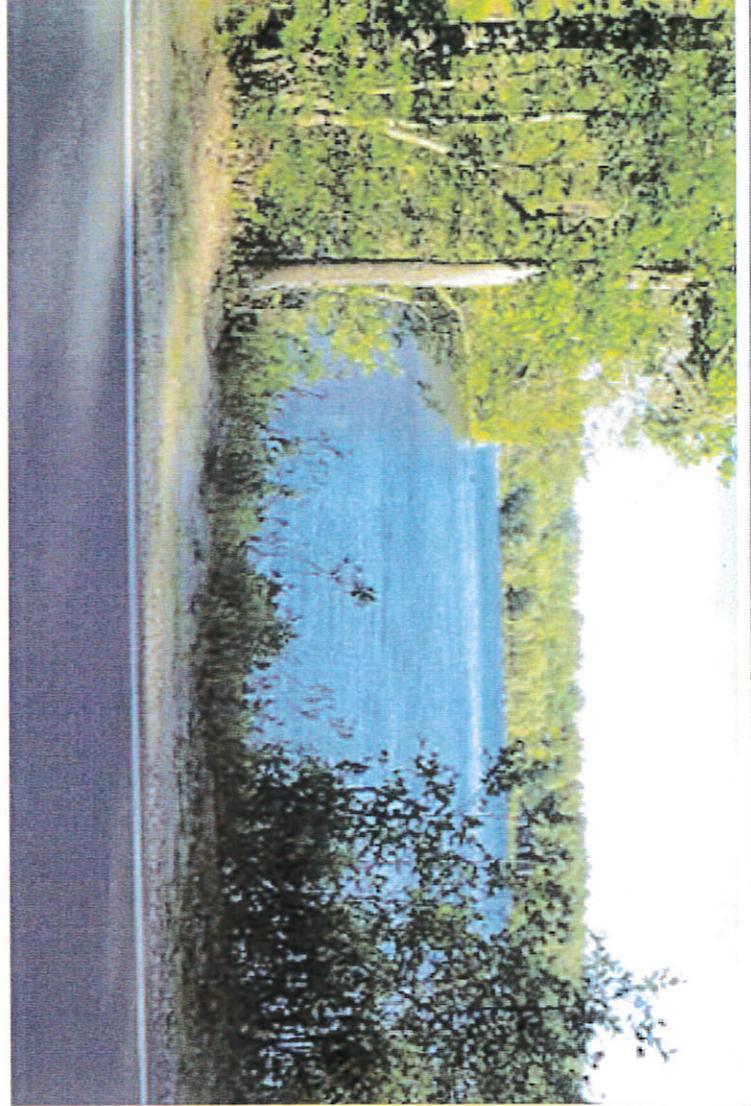
As you may also recall, I had said that we would not cut nor remove any trees from the waterfront area, but we would temporarily run over the vegetation with our excavator to do the project. I also told the Planning Board that I would replace/re-landscape whatever "did not pop back up". Earlier this Spring, I removed some the excavated sand on the site with a hand shovel so that the existing shrubs and groundcover could get access to the sun and regenerate. I'm pleased to say that it looks perfectly fine, and there's nothing to replace.

The attached photo 1 shows the temporary path we created to access the lake for last November's project, and you can see the native plants/shrubs are regrowing. Photo 2 is a closeup of those plants, and it's only 2 months into the growing season. Photo 3 shows where I will plan to hand dig in a new blueberry bush as I discovered there are a few others growing in the area to the left. Note that we did not remove any plants for this project, but I know that the State prefers blueberries along the shoreline to remove nutrients, and I've planted 4 others in different parts of the lot.

Please advise if you need addtional info. Thanks!

Gary Anderson

Gary Anderson - photos (email June 22, 2016)
Tax MAP 021-001-000





TOWN OF
NEW LONDON, NEW HAMPSHIRE

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

NEW LONDON PLANNING BOARD
MEETING MINUTES
Tuesday, October 6, 2015 X

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

ABSENT: None.

OTHERS IN ATTENDANCE: Katharine Fischer of 81 Knights Hill Road, New London, NH; Elizabeth T. Putnam and Bruce M. Putnam of 150 Pike Brook Road, New London, NH; Nathaniel Stevens of 128 Pike Brook Road, New London, NH; Barbara Kreisler, 261 Owls Nest Road, New London, NH.

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

Approval of Minutes

IT WAS MOVED (Jeremy Bonin) AND SECONDED (Michele Holton) to approve the minutes of September 15, 2015, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.

Public Comments No public participation.

Lot Merger Application

- ✓ **Rae Ann Gremel Revocable Trust.** Rae Ann Gremel, Trustee. Property located at 1539 and 1540 Little Sunapee Road. Tax Map 030-025-000 (0.34 acres) and 030-006-000 (0.14 acres).

Chair Helm reviewed the requirements for granting a lot merger. A question was asked if the lots can be separated by the road, staff said yes. No one was present to present the application.

IT WAS MOVED (Bill Dietrich) AND SECONDED (Jeremy Bonin) to approve the lot merger application. THE MOTION WAS APPROVED UNANIMOUSLY.

Other Plans

- ✓ **Gary Anderson and Cornelia Boyle.** Property located at 750 Little Sunapee Road. Tax Map 021-001-000. Planning Board approval granted September 23, 2014. Discussion on extension of the conditions. Discussion of two projects: a temporary 12 feet wide access path in the waterfront buffer and a wooden security and privacy fence in the waterfront buffer. Gary Anderson explained he didn't meet the May 1, 2015 replanting deadline per the Sept 2014 approval. Asked for extension to May 1 of 2016. He commented that he knows he has to go to the ZBA for the fence.



IT WAS MOVED (Bill Dietrich) AND SECONDED (Jeremy Bonin) to approve the extension subject to the same conditions of Sept 23, 2104 with the approval date extended to May 1, 2016 and the owner is referred to the Zoning Board of Adjustment for the fence. THE MOTION WAS APPROVED UNANIMOUSLY.

- ✓ **Change of Occupancy for 428 Main Street. Applicant, Ethan Anderson, for Straight Cloud Vape.** Tax Map 085-042-000. Zoned Commercial. Property owned by CNJJ Investments, Christopher Broom. Proposed use as a retail vaporizer store selling components and liquid with a small lounge area.

Chair Helm asked the applicants to discuss the proposed business. He noted that Colby-Sawyer College expressed some concerns to him and are concerned that this use does not fit into the town culture, and how are legal and illegal substances going to be controlled and detected.

Ms. St. John referred to the input received from the various Town Departments, including Fire, Police, Public Works and the Health Officer. She had also recently inquired on Plan Link how other towns had addressed vape shop/smoking lounge issues, and shared input from the Towns of Jaffrey and Hillsborough, and Tyler Phillips. She noted that initially the Town Health Officer, Deb Langner, had some questions and concerns, and then sent another email dated Oct 6th, updating staff that new legislation from this past spring has removed vape products and there is no longer any prohibition against vaping in public places.

Ethan Anderson of 320 Brook Road and John Alexander of 229 Brook Road, Sanbornton, NH were present to discuss the proposed retail vape store. Ethan Anderson explained:

- ✓ it will be a retail store with a lounge area with 4 to 5 chairs with a table and a television
- ✓ ingredients of a vapor are vegetable glycerin and flavoring, some have nicotine and the amount of nicotine can be controlled
- ✓ a safer alternative to cigarette smoking and many have used the vapor method to quit smoking tobacco
- ✓ everyone who comes will be 18 years or over
- ✓ there will not be any drug paraphernalia sold
- ✓ no open flames; there is a heating coil powered by a battery
- ✓ other vape stores in Concord, Manchester, Salem, Portsmouth, West Lebanon, Tilton and Laconia

Board members comments:

- ✓ Asked for a demonstration. The applicants demonstrated the use and what the vape device looks like, explaining it is a small box about 5 inches by 4 inches with a protruding tube from which a person would suck and inhale the vapor.
- ✓ Asked why anyone would want to inhale nicotine. Applicant explained it is a healthy alternative to smoking, and it helped him quit smoking.
- ✓ Asked for an example of what would happen when a customer wandered into the store. Mr. Anderson stated the first thing he would do is ask for identification if the customer appeared to be under the age of 18 years and then they would be given a sample after an explanation of product. He might suggest a starter pen. Stated that vaping has become a hobby, potential customers will be able to customize with flavor intensity, nicotine intensity and style of product whether it be a pen or small box and demonstrated.
- ✓ Asked if it had been approved by the FDA to which Mr. Anderson replied yes. Anderson stated there was no shared ventilation in the building.
- ✓ Michele Holton referred to a recent article in the Wall Street Journal of July 7th which indicated that in the next few months the FDA will act on testing and regulations.

Kitten Rescue – Kristin Hubbard. Property located at 102 Bunker Road. Tax Map 061-011-000.

Ms. St. John provided an update, noting that Ms. Hubbard had attended the September 23rd meeting. Ms. St. John noted that she had received an email dated November 18, 2014 from Ms. Hubbard explaining that the kittens will be fostered in small groups by volunteers in their homes all over the area (New London, Newbury, Warner, Sunapee, Wilmot, Andover and Sutton). She would not coming in for Site Plan Review, or going to the ZBA.

Gary Anderson. Property located at 750 Little Sunapee Road. Tax Map 021-001-000.

Ms. St. John provided an update, noting that Gary Anderson had come before the Planning Board at the September 23rd meeting to work in the waterfront buffer. He submitted an email dated November stating that he was not able to dig out the cove area this Fall, and thusly he will not be able to meet the replanting schedule of May 1, 2015. He will advise the Planning Board of his replanting when the work is completed.

Gary Surprenant Email – Clean Energy with Regulation

Ms. St. John noted that she had received an email from Gary Surprenant dated November 10. He is an abutter to the Flying Goose (Tax Map 122-001-000). The email discussed the implications that may arise from solar panels being allowed without consideration from the Planning Board. In the email he commented that while he is a proponent of clean energy, his home is situated very close to the large array of panels at the Flying Goose Pub, which has impacted him and his family. He said a wind farm could bankrupt an abutter and greatly reduce property values. He is concerned about where solar panels and other alternative energy infrastructure could be placed on a lot, and would like to be involved in those discussions.

Sodexo at Colby Sawyer College- Lethbridge Lodge. Requesting letter from Town regarding a Liquor License

Ms. St. John said she received an email from Sodexo regarding obtaining a letter from the Town for a liquor license for the pub. The letter also referenced allowing entertainment. Ms. St. John noted the pub was discussed at the June 24 and August 26th meeting, and the College received a Special Exception from the ZBA on July 28th.

There was some question as to what kind of liquor license was going to be obtained. Chief Lyon, who was in attendance said the president of Colby-Sawyer College had noted at a recent gathering that beer and wine would be served at the pub. Planning Board members and staff didn't recall the specific details of the discussion from June, July and August meetings. There was no recollection of allowing entertainment. Chief Lyon said that if having a live band in a restaurant/dwelling, it is required to be sprinkled. This is probably the rationale behind the Liquor Commissioner's request to get permission about entertainment in the pub.

Chair Helm suggested that that Colby-Sawyer College should appear again before the Planning Board to discuss their long-term plan for the campus. He noted that last spring the College provided a brief overview of the Campus Master Plan, however all of the projects submitted to the Planning Board since that time, have not been what was discussed in their Master Plan. Chair Helm said the college and businesses in town are an important part of the infrastructure in the Town, and it is important to keep an open dialogue to keep abreast of issues of concern to the College, residents, and the Town.

Ms. St. John noted she had spoken to representatives of the College about the zoning amendment schedule. The discussion was general however several topics were discussed including the possibility of lights on the playing fields, addressing student housing issues and parking, minimizing how often College appears before the Planning Board for review of plans; the need for sidewalks and etc.

Selectman Bianchi asked whether there would be any employees, and Kristin replied volunteers only. He asked whether she would limit the number of kittens she could have at one time, and Kristin answered no, although the maximum would be 24.

Lucy St. John referred to her staff report and pointed out that this is only a conceptual discussion. Ms. St. John referred to the home business concerns as well as the provisions regarding a commercial kennel, and that Zoning Board of Adjustment (ZBA) approval would be needed.

Ms. Hubbard noted she had already discussed her plans for an animal shelter with her neighbors, and found no one with objections.

Kristin Hubbard will follow up with Lucy St. John to submit the appropriate application to continue the process and next steps.

Other Plans/Discussion Items

The Sparrow School, a private one-room schoolhouse Site Plan Application. Located at 10 Lovering Lane (corner of Main Street). Tax Map 084-059-000 Site Plan approval granted June 24, 2014 with conditions. The June minutes state that if the State licensing process requires a playground area, this would require further review and approval by the Planning Board.

Rachel Ensign informed the Board that she had recently had an inspection with the NH State Childcare licensing. Ms. Ensign had sent an email to Ms. St. John dated September 15th regarding that appointment and the State's concern about a fence. Ms. St. John had also been in contact with Heather Dombroski, the NH Licensing and Evaluation Coordinator of the Child Care Licensing Unit. Ms. St. John explained that the Planning Board minutes of June 24, 2014 had specific comments regarding fencing and playgrounds. Ms. Ensign has provided a sketch showing where the fence would be and the type of fencing proposed. Ms. St. John commented that she also provided an update to the ZBA at their meeting on Sept 18th. The State has requested that Rachel install a small fenced in area on the site as a final condition before approving her license. Ms. Ensign said the fence would extend 29 ½ feet along the west side of the walkway. The fence will be aluminum, black and decorative. Ms. Ensign explained that the fenced in area would not contain any playground equipment, and is essentially an area to contain the children.

Chair Helm asked if the access to this fenced area is only from the front entrance. Ms. Ensign confirmed yes. Peter Bianchi noted this fenced area is just a grassy area and would not contain any playground equipment.

There were no further questions or comments.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Michele Holton) to approve the installation of a fence in the area requested by the State of New Hampshire. THE MOTION PASSED UNANIMOUSLY.

Gary Anderson and Cornelia Boyle. Property located at 750 Little Sunapee Road. Tax Map 021-001-000. Discussion of two projects: a temporary 12-foot wide access path in the waterfront buffer and a wooden security and privacy fence in the waterfront buffer.

Ms. St. John referred to the staff report and information submitted by the applicant. A public hearing isn't required per the Ordinance. Gary Anderson then circulated some additional photographs of the property. Mr. Anderson explained that Hurricane Irene dropped a lot of debris into Little Lake Sunapee, much of



X
which has washed up on shore. Mr. Anderson conveyed that he has presented his application to the Conservation Commission (CC) last year and that the CC had extended their support. Mr. Anderson stated he received a Wetland and Non-Site Specific Permit (2013-02300) from NH Department of Environmental Services (NHDES), approval date of 1/27/2014.

He explained that he has two projects to discuss with the Planning Board, as detailed in the letter dated Sept 8th. Project 1 is to create a temporary 12 feet wide access path. Project 2 is to construct a wooden fence in the waterfront buffer.

The path would be created to access the lake. He proposes to begin this project when the lake starts being lowered. He expects draw-down will be finished by mid-October.

The plan is to place a turbidity curtain around the whole project. A boat house has already been refurbished successfully. Mr. Anderson noted they would have to drive over shrubs with an excavator, but will replace them. The location is about 12-ft wide and is situated next to the State culvert. He estimates the project will take about a day or two. He explained that the piles of asphalt and debris which will be removed would be stockpiled on his lot, across the road until next spring, at which time he will knock down those piles.

Public Discussion Opened.

Chair Helm said he thought board members all agreed to a temporary path, but the installation of a fence in the waterfront buffer would require a variance from the ZBA to work in the waterfront buffer. Mr. Anderson acknowledged that statement and said they plan to apply to the ZBA for the fence.

Mr. Anderson explained they are here to seek Planning Board approval for the temporary access path. This path is needed to allow the construction equipment to get to the lake, so the debris can be removed.

Peter Bianchi pointed out that on the temporary access path, the ordinance requires it be completely restored with native species and asked Mr. Anderson if he had a plan for that. Mr. Anderson said if the native species do not pop back up, he will commit to replacing them. Selectman Bianchi emphasized that he would like to see a specific plan. Mr. Anderson responded that he did not know what plants will be destroyed yet, so they are unable to predict what will need replacing. It may only be one blueberry plant. Chair Helm recommended the motion contain language about "native species." Lucy St. John asked if the motion could specify what "temporary" means. Chair Helm suggested the motion say the project will be completed no later than May 1.

Peter Bianchi said he is somewhat concerned about the construction part of the project. He noted that, typically, Little Lake Sunapee is only drawn down by a foot. He asked Mr. Anderson if there would be equipment dipping into the water? Mr. Anderson said yes, sediment is typically under water. He said the people working on the project would sit on the delta and scoop out the sediments, and dredge it. Mr. Anderson emphasized that the work would definitely be done during the draw-down, when the debris will be above the water. Mr. Anderson said they would be following whatever contours are there and that the dredged depth shall not extend below the original lakebed contours, per the State permit. Ms. St. John noted that the NHDES permit was approved with several conditions including #5 which read: "Dredge depth shall not extend below the original lakebed contours."

Chair Helm noted that the lake belongs to the State of New Hampshire; the Planning Board can only give Mr. Anderson permission to get there. The NHDES will have to monitor and make sure the area dredged will be restored according to their requirements.

Public Discussion Ended. Chair Helm called for a motion.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Michele Holton) to approve the construction of a 12-wide access path in the waterfront buffer subject to the access path being completely restored and replanted no later than May 1, 2015. Mr. Anderson shall provide the Planning Board with a letter stating when the project was completed.
THE MOTION WAS APPROVED UNANIMOUSLY.

Kirschberger. Located at 461 Lakeshore Drive. Tax Map 037-014-000. Most recently discussed at the June 24, 2014 meeting. Update.

Ms. St. John noted that the Planning Board had addressed a tree-cutting and beach replenishment complaint at the June 24, 2014 meeting. Chair Helm had visited that site and discovered a new path leading to the beach area, and also determined trees had been cut. He suggested at the time that the Selectmen be notified for enforcement. Ms. St. John met with the owners at the site in July and reported back to the Planning Board. The owners maintained they received approval from the town in 2012 to do this work.

Ms. St. John said that this issue was recently brought again to her attention by a property owner. Ms. St. John conveyed that she could bring it to the attention of the Planning Board for further discussion. Chair Helm explained that he has observed that there is now a fence on the site as well. He suggested the Board refer this matter to the Board of Selectmen for enforcement. The Planning Board concurred that this issue should be referred to the Board of Selectmen for enforcement.

Colby-Sawyer College. Proposed signs.

Ms. St. John referred to her staff report prepared for this discussion.

Colby-Sawyer College has asked about displaying some signage near Kelsey Field on game days. Chair Helm felt they were not requesting anything different than what just happened at Customer Appreciation Day recently held at the New London Shopping Center, where banners were erected everywhere. He wondered how the situation with Colby-Sawyer was any different. Chair Helm said as he reads the zoning ordinance, in this district there can be a sign of any type, but the size is limited to 15 square feet. He noted the banner would be a temporary sign that would be taken down within 24 hours.

Michele Holton asked if the college was non-profit and Paul Gorman answered yes.

Chair Helm commented that the College is trying to be a good citizen and is looking for direction. He thinks their request is in line with the Ordinance, and the Board has acknowledged that the current sign provisions need further clarification. Peter Bianchi said that the Planning Board needs to take a hard look at the current language of the sign ordinance.

The Board stated that the College be allowed to have one temporary sign saying "Game Day," which is no larger than 15 sq. feet. Michele Holton suggested the Board ask the College, as a courtesy to put up the sign no sooner than the day of the game and take it down the day after. The banner or sign would be restricted to the College's outdoor athletic events only, and not for any other activities when the College has allowed others to use their fields.



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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

PLANNING BOARD WORK SESSION
DRAFT MEETING MINUTES

Tuesday, September 9, 2014
7:00 PM

Sydney Crook Conference Room

MEMBERS PRESENT: William Helm (Chair); Michele Holton (Secretary-late); Peter Bianchi (Board of Selectmen's Representative), Jeremy Bonin; William Dietrich (Alternate); and Elizabeth Meller (Alternate)

MEMBERS ABSENT: Paul Gorman (Vice Chair); Emma Crane; John Tilley; Deirdre Sheerr-Gross (Alternate); and Michael Doheny (Alternate)

STAFF: Lucy St. John (Planning and Zoning Administrator), Chris Work (Recording Secretary)

Call to Order: Chair Helm called the meeting to order at 7:00 PM. William Dietrich, Alternate, and Liz Meller, Alternate were asked to sit in for Paul Gorman and Emma Crane, both of whom were absent.

Resignation of Board Members: Chair Helm announced that John Tilley, Deirdre Sheerr-Gross and Michael Doheny have submitted their resignations from the Planning Board. None of these members have been able to attend meetings since last spring. The Planning Board Rules of Procedure require a specific time commitment for attendance at meetings. All three of these members travel and or have various professional and personal responsibility which have limited their ability to participate. Chair Helm extended his appreciation on behalf of the Board for the multiple years of service each of them has provided to the Town of New London.

Public Comment

Chair Helm noted that 15 minutes had been allocated for members of the public to discuss any items of concern not on the agenda.

Gary Anderson of 750 Little Sunapee Road. Tax Map 021-001-000.

Discussion of two projects: a temporary 12 feet wide access path in the waterfront buffer and a wooden security and privacy fence in the waterfront buffer. He said he's lived in New London since 1995 – he owns three lots in town, two on the water. He has received over 15 permits from the Town of New London and the State of New Hampshire for various projects over the years.

He explained he is here at the meeting tonight to request that the Board clarify the basic information on the Town's website, the need to clarify the language in the Zoning Ordinance, the Town's building permit process including the frequently asked questions and clarify the language about the waterfront buffer. With regard to building permit requirements, he noted there is nothing included in the information about the waterfront buffer. That is a real issue because there are specific rules required by both the Planning Board and Zoning Board of Adjustment regarding this buffer. Mr. Anderson pointed out that on the second page, under "Frequently Asked Question," it states that the "Zoning Ordinance specifically excludes fences, stone walls, flagpoles and playground equipment from the definition of structure (and

therefore from the building permit requirement).” Nowhere is there any reference to the waterfront buffer, which does have special rules. If he wants to put a fence in the waterfront buffer, he has to get prior approval from both the Planning Board and possibly the ZBA. Mr. Anderson feels the Planning Board should take steps to fix this misinformation. Mr. Anderson remarked that there is no language in the regulations about digging a hole to put a mailbox in. He said he could plant a tree, but not put in a wooden fence post, because the rules are silent.

Chair Helm responded that Mr. Anderson’s comments were very timely; he noted that Lucy St. John was currently in the process of updating the building permit application. He also explained that the Planning Board will be reviewing the current Zoning Ordinance language, as they recognize the need for some amendments. Liz Meller commented that she was glad Mr. Anderson brought up this subject. Peter Bianchi noted that the state has a shoreland protection regulations, so everyone, whether they live in New London or Newbury, has to abide by state regulations. Mr. Bianchi stated he is very sympathetic to people not being able to understand the confusing language in the Zoning Ordinance.

New London Barn Playhouse. Tax Map 073-040-000 and 073-042-000. Main Street. Update.

Chair Helm explained that the Barn Playhouse was discussed at the June 24th Planning Board meeting. At that time he noted that considering the summer theatre session was in full swing, he suggested that the Barn Playhouse be asked to attend a meeting in September to discuss the parking issue and any other plans for the site.

Tom DeMille from the New London Barn Playhouse was present to speak about concerns regarding the parking lot next to the Barn. Jay Lyon, New London Fire Chief, was also present to speak to these concerns.

Mr. DeMille said he thought it would be useful to inform the Planning Board about future plans for the Barn going forward. He commented that the Barn had had a fantastic summer season. Ticket sales are up about 8-1/2 %, revenue is up about 12 % and subscription sales are good.

With regard to parking at the “white house,” Mr. DeMille said the property became available and since it was adjacent to the Barn property, and there being a big need for additional housing, the Playhouse purchased it. The property has been used to house equity actors and choreographers, which has worked out well. Barn management put a parking pad in back of the house, after removing several large trees. He explained that the easiest way to access these new parking spaces was through the Barn’s existing parking lot. Mr. DeMille said parking areas aren’t really connected because they installed a roping mechanism, which they extend across to keep the public out. They plan to add a permanent fence, so there is no direct link from the parking at the “white house” with the existing parking at the Barn Playhouse site, and plan to include this project in their next year’s budget. Mr. DeMille noted that the white house has only 4 bedrooms and he did not understand why the Barn needs a site plan for this building.

Lucy St. John stated that because this use is associated with the Barn Playhouse that Site Plan Review is required and changes to the driveway would also require a revised driveway permit. Peter Bianchi said the use of the parking area on the adjacent “white house” property is really an expansion of an existing nonconforming use of the Barn Playhouse which is in a residential zone. It does not matter who is parking there – whether it is someone on the playhouse crew, or the public, or a personal vehicle. Chair Helm commented there are safety concerns, the Fire Department has concerns, and there is terminology used in the Zoning Ordinance related “unrelated people,” “boarding house,” etc. which applies.