



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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

**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 6<sup>th</sup>, 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 7<sup>th</sup> which indicated that in the next few months the FDA will act on testing and regulations.

Bill Helm stated the Board was here to decide if the vape store needed site-plan review and that the Board could not comment on the actual product/activity. The Planning Board determined that full Site Plan Review was not needed as the conditions of the amended Site Plan process apply. Bill Dietrich wanted to go on record to say that by the board approving the activity at this location does not in any way endorse the product/activity.

**IT WAS MOVED (Bill Dietrich) AND SECONDED (Michele Holton) that full Site Plan Review was not needed as the conditions of the amended Site Plan process apply, and to go on record that the Town is not taking a position on the benefits/appropriateness of the activity and product. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Conceptual Site Plan Discussion with Deb and Craig Langner for a potential Blueberry Farm on King Hill Road.** Property owned by Ernestine Gay Estate located at 1850 King Hill Road. Tax Map 128-010-000. Proposed blueberry farm on the 13.30 acres.

Deb and Craig Langer were in attendance to explain their interest in purchasing the property to develop a Pick-U-Own Blueberry Farm. Deb Langner references recent agricultural related activities which required Site Plan Review, per the Zoning Ordinance definition of commercial farm, and other provisions related to agricultural uses.

Craig and Deb Langner commented:

- ✓ Showed a map of the proposed land purchase and their adjoining residential home. He noted that at this point, they would keep them as two separate lots, to protect their privacy. Showed area which could be designated for parking but would have a better idea at a later date and the area anticipated to have the best soil pH balance for blueberries.
- ✓ Consulted with a soils and wetland scientist and will be consulting with the NRCS.
- ✓ Would be an activity for families. Site contains some wetlands.
- ✓ The property is 13.3 acres and about 4 acres of this is wetlands and it is zoned ARR
- ✓ Formerly site used as a riding school.
- ✓ Expects after planting it will be the year 2022 before able to pick.
- ✓ Would remove existing house and barn. Barn was built in 1976 and house was built in 1825 and there is no heating or plumbing.
- ✓ All neighbors are in favor of the project except one that is a part-time resident who could not be contacted at this time.
- ✓ They would not do anything with the marshy portion that abuts Stoney Brook the property.
- ✓ They have visited or researched other blueberry operations in nearby towns.

Chair Helm asked for the board for input on this conceptual idea, explaining that is it not binding on the Board or applicant. The Board expressed that it seems like a great idea and encouraged the Langners with their endeavor.

**Service Street Review of Pike Brook Road, a private road.** Discussion of possible relocation and if Planning Board approval is required for the relocation. Most recently discussed at the Sept 15<sup>th</sup> Planning Board Meeting.

Chair Helm explained upon consultation with Town Counsel that Planning Board approval was not required to relocate the private road as the Planning Board does not have jurisdiction as Pike Brook Road was not part of an approved subdivision plan. He also referred to a letter received Oct 6, 2015 dated September 23, 2015 to Lucy St. John from Jay Lyon, Fire Chief, providing a follow up to the Planning Board meeting of Sept 15<sup>th</sup>.

Attorney Stephan Nix, attorney representing the Pike Brook Trust was to speak about proposal but after hearing the statement from Chair Helm commented that he didn't need to make a presentation on this matter. He did explained their desire to move the road away from the house and the lake to facilitate construction.

Greg Grigsby, of Pellettieri Associates and Peter Blakeman, of Blakeman Engineering provided an overview of the road plans, explaining the only difference is a 14 foot travel way (from a 12 foot travel way) with 2 foot shoulder and that the shoulder will be paved with a substance that will support occasional vehicular traffic and promote green growth that can be brush cut from time to time and at the same time, satisfy the safety aspect expressed by Chief Lyon. This will address aesthetic concerns from neighbors and the safety concerns from the Town. They noted that the bridge is still a concern for the neighbors and Chief Lyon. Peter Blakeman stated they

will need to get some State permits and will be submit As-Built drawings when the road is complete.

Ms. St. John noted that several residents of Pike Brook Road and Charles Myer of Cambridge were in attendance and had previously asked about the abutter notification process. Lucy St. John explained that a public hearing had not been scheduled for this discussion. She explained that the property owners elected to send a notice to the abutters to keep them apprised of the discussion. She noted that typically abutter notices are sent out via certified mail. The owner mailed two of the letters to Canada via Register mail, which is more expensive.

Chair Helm stated for the record that the difference between Pike Brook Road and other projects is that it cannot be determined that there is a subdivision issue here. Lacking that, the Planning Board does not have standing on this issue.

### **Subdivision Plan**

- ✓ **Greaney and Stahlman.** Property located at 21 Gould Road (Tax Map 084-081-000) and 74 Pleasant Street (Tax Map 0084-079). The Greaney property is zoned residential (R-1) and the Stahlman property is zoned commercial. Proposal to subdivide and convey a portion of the Greaney property to the Stahlman property. Greaney property before subdivision 1.19<sub>+/-</sub> and 0.93 after subdivision. The ZBA heard a variance request on September 29, 2015, and the ZBA public hearing was continued to Nov 10<sup>th</sup>.

Michele Holton recused herself because of her involvement with Angeli Associates. Chair Helm asked Marianne McEnrue to be a voting member in place of Michele Holton. Janet Kidder also recused herself, as the Kidder Building site is one of the abutters. Another Planning Board member was not appointed as Ms. Kidder is the Selectmen's representative.

Janet Kidder asked if the Planning Board should act now or needed to wait for the ZBA decision. Staff provided a brief overview of the Sept 29th ZBA meeting. Ms. St. John explained that the plan is for a subdivision, and the ZBA is about a use variance. Either way Mr. Stahlman would need to come back to the Planning Board for Site Plan Review.

Chair Helm noted that Mr. Stahlman would not be permitted to use the land he is proposing to annex for a commercial use unless he received ZBA approval and goes through the Site Plan Review process.

Mr. Stahlman said he would purchase the land even without the variance. He then invited his surveyor to make the presentation. Clayton Platt, Surveyor then presented the plan.

### **Public Hearing Opened:**

Ms. St. John informed the Board that three (3) letters were received at the ZBA meeting on Sept 29th. These letters were also made part of the Planning Board file. She also noted that

Mr. Stahlman submitted a letter dated Oct 6, 2015 regarding these letters. This letter is part of the record.

Public Hearing Closed.

Mr. Stahlman commented:

- ✓ He will retain a lawyer to present his case to the ZBA on Nov 10<sup>th</sup>.
- ✓ He never thought the business would grow and need more parking. His business has grown and he needs the parking.
- ✓ He has no choice but to purchase the property and go through the procedure to create more parking annexation and a variance.
- ✓ If he did not get approval from the ZBA and Planning Board he would appeal for a change of zoning at the Town Meeting with a warrant.

Staff and Board comments:

- ✓ Lucy St. John asked for some clarification as to the bounds shown on the plan.
- ✓ Chair Helm asked how Mr. Stahlman was going to access his property and he explained that he has an easement with Canary. Traffic would not come from Gould Road. Chair Helm stated there may be concerns about the width of driveway that would not allow for two-way traffic and the access of fire equipment. There is a possibility that people who park in the back of the building may be a problem. Mr. Stahlman stated that he has the space available to make two-way if needed.
- ✓ Marianne McEnrue asked for clarification on the proposed traffic flow on the site, as she was worried about safety and people coming and going at the same time.
- ✓ Chair Helm stated that approval as subdivision does not guarantee that he will be able to use this property as he wishes.
- ✓ Chair Helm and staff reiterated the zoning amendment process and noted that the last day to accept petitions to amend the Zoning Ordinance is Dec 9<sup>th</sup>.

**IT WAS MOVED (Jeremy Bonin) AND SECONDED (Bill Dietrich) to approve the annexation and subdivision plan with the conditions that the bounds be set and the date set indicated on the plan, and the use of the residential portion of the lot for any commercial purpose requires a variance from the Zoning Board of Adjustment (ZBA). THE MOTION WAS APPROVED UNANIMOUSLY.**

Other Business

CIP discussion. CIP discussion on prioritization of projects per the CIP Subcommittee memo to the Planning Board dated September 1, 2015 and the recommendations included in the CIP documents approved by the Planning Board November 18, 2014. Most recently discussed at the September 1st meeting.

Chair Helm provided a brief overview of the process and the various meetings that occurred since March 2015. He referred to the CIP Subcommittee recommendations to the Planning

Board as outlined in the memo of Sept 1, 2015. Bill Dietrich noted that the six items listed are not in any particular priority order.

The Board discussed the various recommendations and made comments:

Comments about the current or new police station:

- ✓ It was recommended that a new police facility be built near the center of town and that the transfer station is a high priority.
- ✓ Bill Dietrich read from CIP minutes and listed all the problems at the police station.
- ✓ Paul Gorman said this problem needs to be addressed.
- ✓ Jeremy Bonin stated the building space is inadequate to address all the problems.
- ✓ Paul Gorman said that it will be a long time before a new police station can be built given the speed of approvals needed by town. There must be an intermediary step to remediate all the problems at the police station.
- ✓ Jeremy Bonin suggested making new police station as highest priority and that it is worthy of becoming a CIP item.
- ✓ Elizabeth Meller thought a space planner person should be brought in to look at the existing space to see if it could be used in a better way.
- ✓ Tim Paradis was also concerned about the safety of the police station and suggested coming up with a flow chart to address the different issues. Marianne MacEnrue wants to discuss the best location for the police station. Although the 1941 building has been suggested, it is not a necessarily a good space and it was thought a police station is not wanted in this location by the School Board because they are worried about traffic.

Comments about Recreation Dept., Whipple and other Town facilities

- ✓ Janet Kidder stated the Department of Parks & Recreation needs more space. Many programs at Whipple Hall are not appropriate for the site, and need more modern facilities.
- ✓ Bill Dietrich asked if the Planning Board was the board to prioritize the items.
- ✓ Paul Gorman asked if many of the projects are for the Planning Board or perhaps belong to another committee.
- ✓ Janet Kidder spoke to the lagoon closure and importance of addressing the possibility of them overflowing.
- ✓ Janet Kidder did not think it wise to spend money on Whipple Hall until it is decided where the police facility and recreation department are going to be located.
- ✓ Lucy St. John encouraged the tax map project be completed as it is only going to get more expensive. She encouraged the Planning Board to be more specific on projects they believe are most important, and include long-term potential projects if the board believes they are important.

Based on the comments this evening, Chair Helm will present a revised draft document for the Board to discuss at the next meeting on October 20<sup>th</sup>. A public hearing will be scheduled in mid-November.

**Site Plan Review Regulations: parking and types of development requiring site plan review**

Chair Helm explained that the Board had been reviewing and discussing the parking provisions and the changes to Article I (D) Types of Development requiring site plan review. The board reviewed the revised proposed format for Appendix A. Jeremy Bonin had prepared a draft. A final draft of the proposed amendments will be prepared for a public hearing in November.

**Zoning Amendment discussion:** Nonconforming provisions of Article XVI, Shoreland Overlay District and Article XX, Legal Nonconforming Uses, Legal Non-conforming Buildings and Structures and Legal nonconforming lots.

Chair Helm referred to the previous discussions pointing out redundancy of many sections, ambiguous and confusing language regarding nonconforming issues. He asked the Board to review the draft prepared by staff and be prepared to discuss it more at the next meeting.

**Signs- Zoning Ordinance Amendment**

Chair Helm explained that due to the recent Supreme Court Case decision regarding the content of signs. Towns may need to change their sign ordinances. He noted that the NHMA will be hosting a webinar on this subject and encouraged board members to participate.

**Change of Use – Change of Occupancy Update**

Staff provided a brief update on:

- Boundless Grace, Bible Book Store
- Landscape business at dental office of Dr. Wilson to use conference room for meetings with clients. No construction or company vehicles will be involved.

**Other Items**

- ✓ Discussion of amending the Planning Board meeting schedule to include Tuesday, November 3<sup>rd</sup> and Tuesday, December 1<sup>st</sup>, 2015 for discussion of zoning amendments. There will be no review of applications at these meetings.
- ✓ Chair Helm stated that if Mr. Stahlman submits a zoning petition, this will require time to review and discuss. He referred to the NHMA handout on the schedule for the March Town Meeting process.
- ✓ Notice from the Town of Henniker for a Public Hearing on Oct 14<sup>th</sup> regarding a 120 foot stealth fire-watch tower with telecommunications equipment including ground mounted supporting equipment to be constructed at 82 Faulkner Road.
- ✓ Senate Bill (SB) 146 regarding Accessory Dwelling Units (ADU). No zoning amendments will be proposed this year until the SB is completed.

- ✓ Carr Property (formerly) at 29 Boulder Point Road. Tax Map 115-002-000. The Board reviewed some photographs submitted by staff showing changes to the shoreline, where boulders were previously located and is now a stone wall with a structure. Ms. St. John explained that the new owners (Raoul) recently submitted a State Shoreland Permit Application (received Sept 14, 2015). Janet Kidder stated the town was in litigation with the Carrs, and briefly explained the reassessment issue, and history of the site (fire). The Planning Board asked Ms. St. John to contact NHDES, providing the photographs and if a State permit has been granted for this work.
- ✓ Future Meeting Dates - Oct 20, Nov 3, Nov 17<sup>th</sup> and Dec 1 and 15th, and as may be amended.

**Motion to Adjourn**

**IT WAS MOVED by (Michele Holton), and seconded by (Marianne McEnrue) to adjourn the meeting. The meeting adjourned at 9:05 pm.**

Respectfully submitted,

Jennifer Vitiello,  
Recording Secretary  
Town of New London