



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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NEW LONDON PLANNING BOARD

Regular Meeting

Tuesday, November 15, 2016

6:30 PM

PRESENT: Paul Gorman (Chair), Bill Dietrich (Vice Chair), Tim Paradis, Joseph Kubit (Alt), Casey Biuso (Alt), Janet Kidder (Selectmen's Representative), and Liz Meller.

ABSENT: Jeremy Bonin, Michele Holton and Marianne McEnrue (Alt).

Chair Gorman appointed Joseph Kubit as a voting member for Jeremy Bonin and appointed Casey Biuso as a voting member for Michele Holton.

OTHERS IN ATTENDANCE:

Josh MacMichael, 104 Winslow Road, Wilmot
Dan Grace, 1047 King Hill Road, NL
Pete Messer, 997 King Hill Road, NL
David Eckman, of Eckman Engineering 154 Newbury Road, Sutton
Matt Stasalovtis, 21 Dustin Road, Warner
Chris Kessler of Pellettieri Assoc.
Craig T. Howe, 203 Shaker Street, NL
Greg Berger, 37 Main Street, NL
Bob Brown, 449 Forest Acres Road, NL
Mark Vernon, 323 Pingree Road, NL
Matt Conway, 756 Seamans Road, NL
Karen Conway, 756 Seamans Road, NL
Thelastris Durand, 71 Village Road, Wilmot
Alex Azodi, 211 Route 103, Newbury
Frank Anzalone of Frank Anzalone Associates
Chris Leister, PO Box 527, Bethel, VT
Don McCormick, 36 Smith Road, Antrim
Frank Souliotis, 45 Kearsarge Road, NL

CALL TO ORDER: Chair Gorman called the meeting to order at 6:30 PM.

APPROVAL OF THE MINUTES:

- ✓ **Motion to APPROVE the minutes of the Sign Subcommittee meetings of October 25, 2016 and October 31, 2016.** It was MOVED (Elizabeth Meller) and SECONDED (Janet Kidder) to approve the minutes as presented. The motion was APPROVED UNANIMOUSLY.

- ✓ **The regular minutes of the Planning Board Meeting of November 1, 2016** need further discussion and will be taken up at the next meeting on December 6, 2016. There is some disagreement about the dry fire hydrant that was discussed.
- ✓ **Nov 9, Minutes of the ADU (Accessory Dwelling Units) Subcommittee Meeting.** Staff noted that the minutes were not available at this time.

PUBLIC COMMENT: There was no public comment.

Low Plain Town of New London Conservation Land Stewardship Plan. Located on Andover Road (Route 11) and Mountain Road. Tax Map 088-007-000. Proposal to conduct forest management including timber harvesting to improve wildlife habitat. Site includes prime wetlands, refer to the Zoning Ordinance Article XIII, Wetlands Conservation Overlay District.

Presentation by Bob Brown:

Low Plain (also known as Ester Currier) Management Area. The property has been managed and improvements have been ongoing for many years. This is an area of 169 acres owned by the Town with a main path called Davis Path that starts on Andover Road and goes through to Mountain Road. There are many side trails that lead to areas of various geological sites including a large pond, a bog area, and 2 blinds (wood structures) for observing wildlife including birds and beaver habitat. A new 87-foot walkway was just installed across a wet area at the Mountain Road side. The property is protected by a Conservation Easement of the New Hampshire Fish and Game Department, the conservation easement is managed by the Conservation Commission. NH Fish and Game support the Forest Management Plan. In September of 2016, recognized as a certified tree farm. A selective cut is scheduled, under the direction of Leo Maslin, a NH licensed forester. White Pine and some hemlock will be cut. The selective cut will promote wildlife habitat, open up the area for beaver habitat and provide recreation opportunities. It is anticipated that some income will be generated from the timber harvesting, as there is some valuable white pine. Public awareness is very important and the public needs to understand the advantage of thinning out the forest. The logger selected for the project, also did the Phillips Preserve project. About 20% of the 169 acres will be cut. The work is expected to take place in early/mid-February.

Staff noted that the site included prime wetlands as shown on the Town's Streams and Wetlands Overlay maps, and referred to the Article XIII, Wetlands Conservation Overlay District provisions, noting that forestry, conservations areas, nature trails are permitted uses, and that there are also provisions in Article XIII, regarding cutting and removal of vegetation in the wetland buffer. This was pointed out, as there has been confusion in the past about forestry operations near streams and wetlands. They have also submitted an Intent to Cut, which will be presented to the Board of Selectmen (BOS) for their signature at an upcoming BOS meeting. Janet Kidder asked about the wood chips to be generated by the forestry operation, and concern for the Emerald Ash Bore (insect). The Planning Board thanked Bob Brown for his presentation and update on the management plan.

Matt Conway, LLC. Site Plan Application and Public Hearing for a Coffee Café in the retail space currently occupied by CB Colburn Fine Gifts & Candy, LLC. Located at 374 Main Street. Tax Map 084-003-000. Zoned Commercial.

Matt Conway presentation:

Mr. Conway presented the plan, and referred to the application materials. He stated they would like to open a coffee bar at his current location to include 16 seats. He will continue to sell birthday cards, candy, mugs and various gift items. The hours of operation will be Monday through Saturday from 8 a.m. to 2 p.m. and Mr. Conway expects to have two employees. The store is subject to inspection by the State Department of Health and Human Services on an annual basis and they are required to maintain a sterile area. There are 6 units in the building including the gift shop, an oil company and a hair salon and all units have two (2) means of egress. There is a 78-head centrally monitored fire alarm system throughout the building, which brought the building up to code in 2007. There is a large parking lot of 16 spaces with a dedicated truck space. The oil company has just signed a 5-year lease for the truck space but with cell phone technology there is less of a need to use this space. Specifically, there is a dedicated space to receive deliveries which should occur once a week. The tenants of the three apartments work during the day so their cars are not in the parking lot.

Board Comments:

- Liz Meller inquired if there would be a deck or any outside seating area. Mr. Conway replied not as this time, due to the number of required parking spaces, and should he ever decide to add more seating (inside or out), this would need to be reviewed. Janet Kidder reiterated that if seating was desired outside they would have to decrease seating inside.
- Bill Dietrich commented that there is only a deficiency of one parking space and residents of building are not there during the day when the store is open.
- Reviewed Richard Lee's email comments.

Open Public Hearing. No comments. Public Hearing Closed.

- ✓ **Motion to APPROVE Site Plan Application for a Coffee Café** in the retail space currently occupied by CB Colburn Fine Gifts & Candy, LLC. Located at 374 Main Street. (084-003-000) It was MOVED (Elizabeth Meller) and SECONDED (Tim Paradis) to approve the Site Plan as with three (3) conditions:
 1. Waivers granted, and to permit 16 parking spaces.
 2. Compliance with all applicable Fire and Life Safety Codes.
 3. Compliance with Richard Lee comments of Oct 27, 2016.

Peter Messer Subdivision Conceptual Plan. Located at 125 Tracy Road. Tax Map 117-010-000. Zoned ARR. Proposal to subdivide the 26.70 acres into two (2) lots with a shared driveway. Required frontage 200 feet per parcel, total frontage approximately 190 feet.

Presentation from David Eckman of Eckman Engineering on behalf of Peter Messer.

David Eckman explained the issue at hand is there is only 198 feet of frontage on the road and 200 feet of frontage is required per lot. Mr. Messer is proposing a common driveway for the two

lots. He noted that they would include a provision on the subdivision plan, that there would be no further subdivision of the land. Mr. Messer is seeking the Planning Board advice because his other option is to build a cul-de-sac with 4 lots (although 5 lots would be permissible), which would net him enough money to pay for the cul-de-sac road that would be needed. There is a little wetlands on both sides of driveway. Previously there was a house on property but it has burned, and currently there is a well and septic on the lot. They have met with staff, and understand that they would need to seek a variance from the Zoning Board of Adjustment. They are here tonight to get input from the Board, conceptual discussion only. The Board noted that the least impacting approach to the neighbors would be a two lot subdivision.

Souliotis conceptual discussion for a ground mounted solar farm. Located on King Hill Road, near Interstate 89. Tax Map 131-002-000. Zoned ARR. Parcel approximately 5.78 acres.

Presentation by Don McCormick, Solar Energy Developer

Mr. McCormick explained that he is here with one of the property owners, Frank Souliotis to discuss a site in New London and its potential as a commercial solar farm. He explained the site, located on King Hill, and the entrance of I-89 is a good site for a 100 kilowatt solar farm (approximately 200 ft. x 200 ft.). The site is approximately 5 $\frac{3}{4}$ acres, with an entrance on King Hill Road away from entrance to I-89 and across the street from Lauridsen Auto Body. There is a full screening of trees on the north side so it would not be visible from I-89. He stated that this site would be ideal for the placement of a ground mounted solar facility.

Mr. McCormick replied he has been involved in construction of large arrays on farms where the farm is actually a user. He suggested the town would get a community environmental benefit and that residential land would provide some tax benefit. At present, New London does not give an exemption of property tax for this construction. This is a small system and revenues might not be able to pay for extensive processing costs.

Board comments and questions:

- How many solar panels could this site accommodate? Mr. McCormick commented this would be a commercial enterprise using 375 solar panels and would be for the production of electricity. Noting a solar array of this size could provide energy for 10 small businesses or 18 houses.
- Example given of similar facility in Warner at Exit 8 at the waste-water treatment which is highly visible.
- Staff noted that a Commercial Solar Farm is not a permitted use in the ARR zoning district, and thusly the owner would need to apply for a Use Variance from the Zoning Board of Adjustment. The Zoning Ordinance does not address commercial solar farms, and this is a bigger issue for future discussion, if the Town would want them, and if so, in what zoning districts. Another approach is that someone could present a petition zoning amendment or ask the Planning Board to consider changes to the ARR district. Staff noted that there are several homes in New London with roof mounted systems, and the Flying Goose has a ground-mounted system for their use, not for commercial distribution of energy. The issue of addressing ground-mounted solar systems was briefly discussed

by the Board in recent years, as an issue which would need attention. Questions were asked, if this could be considered agriculture, “solar farming”. Staff noted that per the definition of agriculture in the Zoning Ordinance this would not be an agricultural use. Mr. McCormick commented that there are other Towns in New Hampshire that have included provisions in their Zoning Ordinance regarding commercial solar systems, he offered to provide information to the Board.

- Inquiry about other provisions in the Zoning Ordinance which address alternative energy. Staff noted the Zoning Ordinance include Article XXIII, Telecommunication Facilities Ordinance, and Article XXV, Small Wind Energy Systems.
- Tim Paradis stated the Energy Commission is looking at this but they are at a very early stage and thinks the ZBA will be the place to go at this point in time. Mr. Paradis asked if there was any value in a letter of support from the Energy Commission.
- Reference to the Master Plan, page 241, suggests development of alternative renewable energy plans.
- Inquiry about what would be the benefit to the Town of New London if commercial solar arrays would be permitted. Mr. McCormick commented that there are environmental benefits as this is addressing alternative energy, it could have some tax benefits, and the Town may benefit.
- Paul Gorman suggested this is a wake-up call and we need to look at alternative energy sources.

Royce, Wesley & Nina. Located at 1590 Little Sunapee Road. Tax Map 030-019-000. Stormwater management plan, Shoreland permit application. Predevelopment impervious 0 % and proposed post development impervious 29.3 %.

Chris Leister presentation:

Chris Leister explained that he is presenting the application for his client Wesley and Nina Royce. The lot is an irregular shape and they had gone to the ZBA for a variance, but later withdrew their application, and redesigned the house so a variance wouldn't be needed. The well will sit on the back of the property. Mr. Leister displayed the house design and landscaping design on the overhead for the board and described the drainage, the driveway and the septic system for the house. He explained that all water is being treated that comes off the impervious surface (which will be kept under 30% so that they are not required to go to the state for permits.) This is an R-2 zone and an existing lot of record. Mr. Leister is asking for approval of the stormwater plan. The provisions for landscaping are satisfied. Mr. Leister showed another area between house and street where more trees could be planted (not on top of the septic) if required.

Chair Gorman asked if any public comment. No public comment.

- ✓ **Motion to approve the stormwater management plan as presented.** Tax Map 030-019-000. It was MOVED (Tim Paradis) and SECONDED (Elizabeth Meller) to approve the plan. The motion was APPROVED UNANIMOUSLY.

Hall, Deborah & Arthur, Shoreland and Wetlands Permit Applications. Located at 333 Bunker Road. Tax Map 062-020-000. Conceptual plan discussed at the Sept 27, 2016 Planning Board meeting regarding perched beach, pathways and disturbance in the waterfront buffer.

Presentation by Chris Kessler.

Chris Kessler and Mrs. Hall were in attendance to present the applications. He explained that two applications will be discussed this evening, a Shoreland and Wetlands Application. He provided an update since the conceptual was discussed at the Planning Board on September 27 meeting. He will be presenting both application to the Conservation Commission tomorrow morning for signatures and then will be submitting to the state tomorrow afternoon. The two applications are to work within the 50 foot waterfront buffer of Pleasant Lake to level out an area of the existing backyard lawn area (lakeside) to create a pathway for wheelchair use, to access the beach area and for a temporary access area during the construction. They are also applying to create a perched beach at the existing high water mark at Pleasant Lake of 804.2.

Shoreland Permit to DES presented: existing conditions shown with driveway coming down to house. House is surrounded with lawn, some trees and low ground cover. There are some trees down at waterfront and trees on the borders of the property. Showed existing beach. Need permits for 2 access points within the 50 feet, the first will be a walkway to come from existing driveway, around the edge of the building and then to the existing docking structure which is located on the shore front. Asking for permission to alleviate the cross-pitch of lawn by creating a level turf area to provide access way for wheelchair use to the water. Estimate no more than 5 to 10 yards of material will be needed to level the land and much will come from other parts of property. When discussing this with the Planning Board in September they had thought this would provide construction access to waterfront but utilities in the ground/close to the house will not allow this. They are now asking for a temporary 10-12 foot area of land, approximately 150 feet in length to get to the waterfront. A silt fence will be installed at top and bottom of slope prior to project. Any disturbance due to equipment will be repaired/reseeded within 5 days. When asked about the slope of the property, Mr. Kessler said the walking surface is to be 10 %. The house is not on a steep slope but the driveway is. And the part where machinery needs to access is about 15%. Two temporary paths will be needed for construction, which will be in the shape of one temporary U-shape. Pictures of the existing steps that go down to the water were show.

Ms. Hall stated she had spoken to the Pleasant Lake Protective Association (PLPA) following the Planning Board discussion on September 27th. She informed the Board that the PLPA stated that they did not oppose either application as long as construction complied with State and Town regulations. This included the perched beach. Janet Kidder stated she was astonished that the PLPA did not have a problem with the perched beach as she has gotten complaints from this group about raking wet leaves from the beach. Ms. Kidder asked that, that the owner get a letter from the PLPA about their position. Ms. Hall commented noted that the PLPA has told her they didn't want to get into the project approval business. Chris Kessler commented that he had offered to give a presentation to the PLPA about the details of the two application, but they did not want have a presentation.

Chair Gorman asked if there was any public comment. No public comments received.

Board Comments:

- Janet Kidder asked if there was any consideration for using natural ground cover instead of lawn area. Chris Kessler replied but Mr. Kessler said grass is the most easily maintained and much of the area is already planted with grass, and no fertilizers are used within the 50 feet waterfront buffer.
- The Board discussed if the Planning Board should or could require or ask the PLPA for a letter regarding their position on these two applications. Staff asked, if input from the PLPA is just being requested for these two applications, or for all other applications. The Board then discussed that asking any lake association for a letter, would essentially be undermining the role of the Planning Board, noting that any abutter or the Lake Association could submit comments to NHDES directly if they so desired. Furthermore for these applications, the applicant has sought input from the Lake Association and they chose not to offer any written comments, or to hear a presentation about from the applicant.

Motion to APPROVE Shoreland Permit Application for a temporary and permanent path located at 333 Bunker Road. Tax Map 062-020-000. It was MOVED (Elizabeth Meller) and SECONDED (Casey Biuso) to approve the application. No letter from the Pleasant Lake Protective Association will be required. The motion was APPROVED UNANIMOUSLY.

Chris Kessler then proceeded to discuss the details of Wetlands Permit Application, reiterating much of the discussion when he presented the conceptual discussion. He referred to the plans showing the location of the original 1992 permitted dug-in beach, the 1978 permitted dug-in beach and showed photos of existing shoreline and beach. He pointed out the gently sloping lawn and the steps to beach are hard to navigate. He pointed to the beach area where there is very little sand left. He explained that instead of dumping 6 yards of sand (New London ordinance) onto the beach they were proposing to create the perched beach by replacing weathered boulders at the previously approved dug-in beach, and filling in the area. This would raise the beach 2 to 3 feet and create 350 sq. ft. area on the lake side. This would be 1.8 inches above high water (804.2 feet is the reference point for Pleasant Lake) and would protect against wind and wave erosion. Mr. Kessler showed a cross section of the perched beach, which would be lined on the bottom with a porous filter material and then layered with 15 yds. Of crushed stone for the base (1.5 to 2 feet), another layer of porous filter material, 10 yds. of sand for the surface and 15 to 20 boulders against the water. The beach would be sloped towards the land to keep sand from migrating back into Pleasant Lake. He stated this is not a creation or expansion of the beach area, but a replenishment of the existing beach. He stated that NHDES does allow for 10 yds. or less, and if more than 10 yards are proposed additional State permits would be required. Mrs. Hall said that they have not put sand in since 1992; this approach is more environmental sensitive, and they don't want to continue to have to put in sand every six years. She said she has granddaughters who like to play in the sand and there is no sand to play in.

Board and staff comments:

- He was asked to clarify the amount of materials, cubic yards, to be used, as the Town regulations only permit – no more than 6 cubic yard of replenishment material. He discussed that the State does permit more.
- The Board discussed what is meant by replenishment materials, sand or other materials, and the cubic yards proposed for the project exceeds what the Town would allow. The Board stated that although this is beyond the allowable amounts defined by the Town or NHDES rules, with this design the sand will not need to be replaced in the future so that ultimately there is less sand migration into the water. There is a clear benefit from this project and environmentally this is an improvement. The Board discussed if a letter should be submitted whether this is the water of the state for which DES, and if once a beach is created would this then be considered land in New London.
- Janet Kidder noted that because of the dam there is less beach for many owners.
- Paul Gorman opined this is a significant project and consideration should be conservative.
- Board opined that if they are proposing more than the 6 cubic yards, a variance would be required from the ZBA.
- Staff was directed to provide comments (email) to New Hampshire Department of Environmental Services (NHDES) regarding the discussion on what entity (local or State) has jurisdiction on the beach expansion noting that in concept the Planning Board supports the beach replenishment. The Planning Board has referred the applicant to the Zoning Board of Adjustment (ZBA), per the provisions of Zoning Ordinance, Article XVI, Shoreland Overlay District.

Zoning District proposed amendment for map changes: Frank Anzalone request to discuss changing the zoning district boundaries of several parcels located on Main Street from Residential (R-1) to Commercial (C). The majority of these lots are currently used as commercial uses including Barton Insurance Agency, Angeli and Associates Real Estate, Spring Ledge Farm, and Granite Garage Doors. Parcel includes Tax Map 073-048-000; 073-047-000; 073-046-000; 073-045-000; 073-054-000; and 073-053-000.

Presentation by Frank Anzalone:

Frank Anzalone provided a map showing the parcels they would like the Planning Board to consider rezoning to Commercial, noting the current owners and uses on said lots. Greg Berger also shared in the discussion. These lots currently are used by Barton Insurance Agency, Angeli and Associates Real Estate, Spring Ledge Farm, a single family residence occupied by Granite Garage Doors and a two-family residence with barn. He explained that some of this area was previously zoned commercial but back in 1969, the zoning was converted back to residential. These are all commercial enterprises, have been for many years. They would like this zone changed back to Commercial. Currently there are 6 properties that are non-conforming, and variances have been granted, or additional variances would be needed if they are not zoned commercial. They are asking the Planning Board to propose a change to the Zoning Ordinance map to include these parcels in the Commercial District, rather than bringing this forward as a petitioned zoning article for consideration. Spring Ledge Farm owner Greg Berger was present

to answer questions concerning the deed, the conservation easement restriction for this property, the residence on this property, and where the greenhouses are located relative to the proposed zoning boundary change.

Board discussion:

A letter from Ben Barton at 52 Main Street who has occupied the property since 1991 was read into the record.

- Casey Biuso asked about the possibility of a large commercial venture. Janet Kidder said residents would be frightened by such a large piece of property be defined as commercial without a clear definition. Mr. Anzalone said this could be restricted to a particular size. In addition, any construction on the proposed commercial piece would require Site Plan Review, abutter's notices and Planning Board approval.
- Paul Gorman stated the changes to zoning district boundaries is one of several planning initiatives the Planning Board will likely consider in the coming year, but at this time, the Planning Board does not have the time before March voting, to address these issues adequately, and if he believes this should be address now, he could present a petitioned zoning amendment.
- Janet Kidder suggested a good presentation inclusive of abutters would be advantageous in the petition process.

Zoning Amendments discussion: Signs, Accessory Dwelling Units (ADU), and other changes to the Ordinance. The first day to accept petitions to amend the Zoning Ordinance is Monday, November 14 and the last day is Wednesday, December 14, 2016.

Board discussion:

- Chair Gorman provided a brief update on the work of both the Sign and ADU subcommittee meetings. He stated there has not been much public comment on the signs but a lot of comment on the ADU language. Concerns about the ADU focuses on if the units will be turned into condominiums, opposition to detached ADU units, related septic issues, the size of ADU units relative to the main building, impact on lake-front properties, size of lakefront guesthouses, water quality and runoff, and owner occupancy. The ADU subcommittee has been discussing that if detached ADUs are presented, that perhaps this should be a separate amendment. Input will be sought from Town Counsel. He reiterated why the ADU provisions were made into the new State law, and he supports these issues. The Board asked about how access to the ADU unit, and concern for health and safety concerns be addressed by the Fire Department. Another question asked is if an ADU's might be leased out for 99 years or an extensive length of time. One could possibly purchase the main residence and lease the ADU.

Other Business

- Staff noted the Plan NH December 14, 2016 workshop.
- Letter was submitted to the Town from John Lewis regarding the Colonial Pharmacy building.

- Staff noted that several applications will likely be submitted for the December meeting.

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 December 6, 2016 (work session only) and December 13, 2016. Meetings for 2017 will be January 10th, 17th with the 24th as an option. February and March to be the regular 2nd and 4th Tuesday of the month. The Board will also be scheduling public hearing dates for any zoning amendments.

- ✓ **MOTION TO ADJOURN the meeting at 9:30 PM. IT WAS MOVED (Casey Biuso) AND SECONDED (Bill Dietrich) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY.**

Respectfully submitted,

Jennifer Vitiello,
Recording Secretary
Town of New London, NH