



TOWN OF NEW LONDON, NEW HAMPSHIRE

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PLANNING BOARD MEETING MINUTES Tuesday, April 21, 2015 7:00 PM

MEMBERS PRESENT: William Helm (Chair); Paul Gorman (Vice Chair); Michele Holton (Secretary); Peter Bianchi (Board of Selectman's Representative); Jeremy Bonin; Emma Crane; Marianne McEnrue (Alternate) and Tim Paradis (Alternate)

MEMBERS ABSENT: William Dietrich; Elizabeth Meller (Alternate)

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

Chair Helm called the meeting to order at 7:00 PM. Since Bill Dietrich is absent tonight, Chair Helm asked Marianne McEnrue to sit in for him.

Review of Minutes

IT WAS MOVED (Michele Holton) AND SECONDED (Paul Gorman) to approve the minutes of April 7, 2015 with the following corrections: (1) On page 3, the vote concerning the tree-cutting on the Ryan property was not unanimous – Emma Crane voted against it; and (2) on page 6 the sentence, “Mr. Bonin also mentioned a handicapped area would be required,” be amended to read, “Mr. Bonin also mentioned that parking space and aisle would be required for handicapped access.” **THE MOTION WAS APPROVED UNANIMOUSLY.**

Public Comment

There was no public comment.

Tree Cutting Application

- Bateman Tree Cutting Application. Property located at 81 Lighthouse View Road. Tax Map 1126-009-000. Application received March 16, 2015. Proposal to remove two trees. No one was present to represent the Batemans this evening, and the discussion is continued to the May 5, 2015 Planning Board meeting.

Site Plan Application and Public Hearing

- Spring Ledge Farm, Calerin LLC. Located at 37 Main Street. Tax Map 073-053-000. Owner Greg Berger. Zoned R1 and R2. Owner proposes to add additional parking. Public Hearing continued from April 7th meeting. See amended Site Plan.

Greg Berger briefly summarized the objections raised by several abutters to his original plan to create additional parking, so he decided to amend the parking plan and is here tonight to discuss the new location. Mr. Berger pointed out on the plot plan where the extra parking area would be situated and noted there was enough room for 18 parking spaces, while leaving ample room in that area for the driveway. Chair Helm asked Mr. Berger if he had spoken with the abutters who had objected to his original plan, and Mr. Berger said he did contact them, but has heard nothing further from them or any of the other abutters.

Ms. St. John noted a staff report was not prepared, but reminded board members that Spring Ledge was before the Board in July 2014. She observed that the amended plan was reviewed by Jay Lyon, Fire Chief, and he does not have issues with it. The amended plan was also reviewed by Richard Lee, Director of Public Works, and read into the record his comment: "I only have one comment about the new layout for his parking. They may want to try and make the flow of traffic around the building one way. I'm not sure which way would be best but I don't think both ways will be good."

Greg Berger commented that the new parking area will be hidden from more of the abutters than in his original plan, and even though it will not be immediately obvious to the general public, over time they will understand there is additional parking. Emma Crane asked if the road would be dirt or gravel and Mr. Berger said it would be gravel. There were no further questions or discussion.

MOTION WAS MADE (Michele Holton) AND SECONDED (Emma Crane)
to approve the revised parking plan submitted by Greg Berger for Spring Ledge Farm. Waivers were approved at the last meeting. **THE MOTION WAS APPROVED UNANIMOUSLY.**

Other Business

Natural Resources Protection Overlay District- Discussion

Chair Helm noted that the Board will continue to address draft ideas about potential changes to the Zoning Ordinance each month to whittle away at the various issues identified as needing some clarification or additional review. A handout titled, "Draft Ideas for General Discussion, Natural Resources Overlay District, April 21, 2015" was discussed. Chair Helm noted that the list of permitted uses on this handout is really a combination of the permitted uses included in the various existing overlay districts, as there is much redundancy in the existing ordinance, and staff included other language for clarification and discussion.

Paul Gorman commented that if he were a consumer, it would be helpful to have a summary of the relevant RSA's listed with each topic. Chair Helm suggested the summary of RSA's could be put at the bottom of the page in small type so they do not interfere with the main text. Each could be briefly summarized in a footnote. Mr. Gorman also recommended that with terms such as "best management practices," there should be an actual reference listed so people would know

where to find additional information on that particular subject. Ms. St. John noted there were various sources for these terms, but will look further into making that an option. Chair Helm indicated the town's website would be helpful for that purpose.

Each item listed under "Permitted Uses" was briefly discussed:

- #1: Agricultural activities and operations. Peter Bianchi asked whether agricultural activities and raising animals were both covered under the same RSA. Ms. St. John said yes and referred to the specific language of RSA 21:34-a. She also referred to the March 24th agenda attachment list which included various resources about agriculture, including a recent article in the New Hampshire Municipal Association (NHMA) magazine.
- #2: Conservation areas and nature trails. This has remained the same.
- #3: Fire safety features. States fire ponds and other fire safety provisions would be permitted.
- #4: Forestry and tree farming operations. Similar to the discussion on RSA related to agriculture, the Board referred to Paul Gorman's previous comments on how to present.
- #5: Nonconforming structures and buildings.
 - Ms. St. John noted there are various provisions of the Ordinance which discuss non-conforming uses and structures. She noted that generally the practice is to bring structures and uses into conformance and to minimize expansion opportunities. She suggested that the Board review the provisions regarding nonconformity issues.
 - Peter Bianchi asked whether this particular regulation says that simply by going before the Planning Board, a nonconforming structure could be altered without any other approval, just by this means alone.
 - Jeremy Bonin responded that this would be in conflict with the town's zoning ordinances. He suggested adding "as long as it is in conformity with zoning ordinances," to which everyone agreed.
 - Mr. Bianchi asked what type of plans the Planning Board has the authority to review. Ms. St. John indicated that Site Plan Regulations pertain to Multi-family, Commercial and Institutional. She noted the Planning Board does not get involved in approving one and two family home sites, with the exception of the current Shoreland provisions.
 - Ms. St. John suggest the Planning Board review the provisions of the Shoreland Overlay District relative to nonconforming and other provisions, as there are differences between the Town and State Shoreland provisions.
 - Paul Gorman commented on the provisions of the Town's Shoreland Overlay District stating that one could drive a Mack truck through this, and it needs to be tightened. He suggested this permitted use should say the Planning Board has to approve it. Michele Holton and Emma Crane agreed.
 - Chair Helm noted there is a history of lake associations wanting planning boards to be more closely involved in water-related issues – for example, docks and boathouses. Ms. St. John explained that when the Town received a State Shoreland or State Wetlands application, receipt of said application is acknowledged by listing it in the agenda attachment list.

- Peter Bianchi said that nonconforming structures should meet current zoning regulations and the Planning Board should not be brought into it. If the Planning Board has no authority to weigh in on it, why bring it to them? Marianne McEnrue commented that the key point is one wants to be assured the structures will not degrade the natural resources and will conform to zoning laws. Marianne remarked that she thought the State would be the one to object to anyone degrading the resources.
- Ms. St. John mentioned that the nonconforming provisions of the Shoreland Overlay District need further review and discussion. She explained that just because a structure is nonconforming does not mean it has to be reviewed by the Planning Board and or ZBA.
- Peter Bianchi observed that this implies expanding is okay in a nonconforming structure and gave Four Corners Grille as an example.
- Chair Helm commented that the nature of this debate suggests that further discussion is needed on the subject of nonconforming use and structures.
- #6 & #7: Open Spaces and Parks and Recreation Uses – Current definitions were reviewed and it was agreed they are confusing. Chair Helm commented that he does not know what a non-recreational accessory is. He asked Ms. St. John to come up with better definitions of both “open spaces” and “parks and recreation” uses. Ms. St. John explained that open space is typically natural areas, fields and forest areas, for example. She also commented that some people might consider a soccer field, baseball field or other recreational facilities as open space. There is a very distinct difference between an open natural field and an open baseball field. There was a suggestion that “recreation space” and “open space” be clearly defined.
- #8 Uses which will not alter the natural surface configuration by addition of fill or by dredging. The Board agreed that this needs clarification.
- #9 Wildlife refuges: Ms. St. John that this is not defined and asked the intent. The Board agreed a definition is needed.

Permitted Uses of Shore Land Properties

- #1: Docks and boathouses – keep as is.
- #2: Single Family Residence and accessory structures: keep as is for now; however, it should be clarified that there is a 50-foot buffer and no one can work within 10 feet of that buffer. Chair Helm suggested the board come back to this subject later.
- #3: Subsurface sewage disposal facilities – a question about whether there should be notes included about state requirements? Again, it would provide a resource for people who wanted more information. This is a fairly straightforward regulation.
- #4: “Permanent pathway width of 6 feet is permitted within the waterfront buffer” – comment that the recent site walk on the Ryan property illustrated the wisdom of this. Jeremy Bonin commented that this was worded differently than the other permitted uses, and it gets into erosion control and then starts to become a non-permitted use. He suggests there should be a separate erosion control area and the wording be reworked.
- #5: Replenishment of beaches is a permitted use. The current Shoreland provisions state that the construction of a new beach or expansion of an existing beach is not permitted, and refers to the State process. Ms. St. John noted that since State provisions change, she

suggests the language convey that it must be in conformance with State requirements. Peter Bianchi commented that it is important to understand the high water mark at the beach. In the past, there have been issues about sand being added to an area not touching the water for a sandbox, but it was next to the water. He asked if the beach has to be something that is in contact with the water. Jeremy Bonin said if it's on the land, it is above the beach. Marianne McEnrue commented that since the Department of Environmental Services process might change over time, she suggested that the language be stated as, beach replenishment has to comply with state regulations.

- **#6: Retaining walls** – It was noted the erosion control is discussed in the ordinance. Ms. St. John commented that the Shoreland provisions attempt to protect the natural vegetation. She asked board members if they want to allow retaining walls, as they alter the natural look of the shoreland. Chair Helm asked about retaining walls for steep slopes? Ms. St. John referred to the on page 67, Section (G) (2) (5) which discussed terraces. Peter Bianchi commented that this particular regulation concerns repair of retaining walls. Ms. St. John commented that new retaining walls are permitted, as it states... “when necessary due to steep topography retaining walls may be permitted to be installed as a part of an overall plan to revegetate the waterfront buffer area.” Peter Bianchi asked if people are only allowed to repair existing retaining walls, and if so does it need to be with the same materials. Brief discussion ensued about replacing rotten railroad ties with concrete. Marianne McEnrue commented that it would be about replacement, not rebuilding. Ms. St. John explained that retaining walls are made from various materials- stone, concrete, logs, and other landscaping elements. The Ordinance does not specify the composition of a retaining wall. Jeremy Bonin suggested that this subject be revisited for further discussion.
- **#7 Uses as permitted by NHDES.** It was suggested that a handout or table be developed which shows a comparison of the current New London Shoreland Provisions with the current State Shoreland Provisions.

Rocky Ridge Subdivision Plan approved August 14, 2007. MCRD Plan #18662. Located at Pond's Edge Lane and Bog Road.

Lucy St. John explained that Harry Snow had submitted a building permit for a lot in this subdivision. She received an email from Fire Chief Jay Lyon dated April 12, 2015. In this email he discussed concerns about the fire pond, and indicated that he would like to see a revised plan submitted to the Planning Board.

Jay Lyon was in attendance at the meeting. He explained his concerns to the Board and that he has been working with Harry and Peter Blakeman (engineer) with regard to the source of water on the property for fire protection. A year and a half ago, they were able to go in and line the fire pond; unfortunately, this winter there was a situation where there was displacement and the water level dropped, and thusly they could not get water from the fire pond. At that time Chief Lyon tried to contact Harry and was not able to do so. When the building permit was submitted, Chief Lyon thought it would be a good time to bring up the fire suppression issue. Chief Lyon stated he believes he and Mr. Snow can work together without having to do a complete site plan

revisit, but admitted it was not his call. The Planning Board will have to decide if it is going to require this. There may be a proposed change to what is there now.

Harry Snow said this pond has had trouble retaining water since it was built. It is designed to hold-run-off from development and the existing road. He said he was not aware there had been an issue this winter and was just told about it this week. Harry noted this was the second winter since the liner had been put it and it held up quite well last summer through the dry spell. The pond was actually filled to the top in November. He is at a loss as to what happened in the dead of winter. There was such a long spell of freezing weather, and Harry thinks it could possibly be a one-time thing.

Chief Lyon replied that the problem encountered with the fire pond last month was that it was completely frozen. There was not an issue with the singular pump. Chief Lyon said part of his concern is that the whole intention was to have a year-round reliable water supply. He acknowledged that Mr. Snow had been good to work with, since he was aware of issues throughout its installation.

Michele Holton asked what caused the Fire Department to draw down the pond and he responded that they test dry hydrants and cisterns in the process of training. They had individuals testing various water supplies. Michele Holton asked when the pond was drawn down and Chief Lyon said sometime near end of February or the beginning of March - before the big thaw.

Mr. Snow said he and Peter Blakeman have discussed several solutions. Peter Blakeman commented that he was at a loss as to why the pond was not retaining water this winter. He explained that there was an inordinate amount of ice and snow, which might have resulted in displacement of water. He and Harry know they have a substantial water source for 90% of the time – 250,000 to 300,000 gallons. Mr. Snow noted that run-off will affect what is there now. He feels the fire pond could handle most circumstances and has substantial gallonage. Mr. Snow is considering a supplemental source as an alternative – perhaps a small cistern. The location would be in addition to two large water sources on Knights Hill Road and Messer Pond. Mr. Snow emphasized that he is willing to work with Chief Lyon so that they can find a solution that works for both of them.

Chair Helm said there were several options – the Planning Board can ask the Fire Chief to recommend alternatives to Harry. It can ask Mr. Snow to work with Chief Lyon or ask that they both come up with a new plan. Chief Lyon said his intention was to notify the Planning Board of this problem and have Mr. Snow submit a revised plan for the Planning Board review. Chief Lyon felt that he, Harry and Pete Blakeman could come up with some sort of solution and bring it before the Planning Board. Going forward, Mr. Blakeman felt they could find a reasonable solution and can present the board with a revised plan.

Chair Helm suggested that Mr. Snow, Chief Lyon and Peter Blakeman discuss and work out a solution to the situation, and come back to the Planning Board at its June 23 meeting. Harry Snow noted this plan works for him, but wanted to make sure that this issue will not have an

effect on his getting another building permit for this subdivision. Peter Bianchi asked that he record reflect that Mr. Snow could be granted other building permits for this subdivision. He also suggested that Chief Lyon submit a letter stating what solution they discussed, and bring this to the Planning Board.

Planning and Zoning Administrator's Updates/Information

- ✓ Ms. St. John reported that the amended site plan process is working. A new restaurant – Tuckers – is open, and there is a new estate auction business in town.
- ✓ Ms. St. John reported on her discussion with Robert Stahlman, Stahlman Building at 74 Pleasant Street. She advised board members that Mr. Stahlman recently contacted her and she sent him information. She has suggested to him that he needs a site plan review. A doctor is moving into the building and plans to start practicing in a couple of days. She noted that changes have been made to the Stahlman building with no notice to the board. Chair Helm recommended that Mr. Stahlman be asked to come in and meet with the board. Mr. Stahlman identified some parking issues to Ms. St. John when they spoke. Chair Helm asked board members if this the changes warranted Site Plan Review. The board members agreed, and Ms. St. John will ask him to attend the May 5th meeting.
- ✓ Ms. St. John reminded board members of the upcoming Office of Energy and Planning conference next weekend.
- ✓ A CIP Subcommittee meeting is scheduled for Wednesday, April 29th at 1:30 PM. All meetings are open to the public and board members are encouraged to come. The subcommittee members were noted.
- ✓ Potential items for the May 5th agenda include: two tree cutting applications (Bateman and Ryan properties), Colonial Armory at 191 Old Main Street, Canary Systems at 5 Gould Road, and the Stahlman property at 74 Pleasant. Also, two conceptual plans will be presented on behalf of Owl's Nest Road and Millstone Restaurant.
- ✓ Zoning Amendments - Ms. St. John reported that she had been contacted by a reporter from the Manchester Union Leader with questions about the town's proposed definition of "family."
- ✓ Ms. St. John referred to the items identified on the agenda attachment list.
- ✓ Ms. St. John recently met with the Conservation Commission to discuss the draft Natural Resources Overlay District map and the issue of what streams, wetland or other resources need clarification or should be included. She noted that the Conservation Commission inquired about protection for vernal pools. The Conservation Commission has agreed to review the stream maps and discuss additional streams to be included, including names for the streams included on the map and engaging in other discussions with the Planning Board about protecting natural resources.

- ✓ Peter Bianchi had some questions about tree houses. He saw a large one on the back side of Pleasant Lake and wondered if it could be considered a structure? Does it have to meet setbacks? Can it be assessed? He thought this was a subject the Planning Board might explore in the future.

Ms. St. John explained that the tree house did not require a building permit. This issue was previously discussed by the Board of Selectmen. She also suggested that the Planning Board review provisions regarding what can be permitted in a front yard- how much parking, play structures, ground mounted solar, and etc. Chair Helm commented these are all topics the Planning Board needs to address in the coming months.

Future Meeting Dates –May 5, June 9, June 23, July 7, July 21 and August 11. Refer also to 2015 Planning Board Meeting Schedule. Reminder: May 12 – Town Voting Day and May 13 – Town Meeting Day)

Motion to Adjourn

Motion to adjourn made by Emma Crane and seconded by Peter Bianchi.

Meeting adjourned at 8:30 PM.

Respectfully submitted,

Chris Work
Recording Secretary