



TOWN OF NEW LONDON, NEW HAMPSHIRE

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

MEMBERS PRESENT: William Helm (Chair); Paul Gorman (Vice Chair); Peter Bianchi (Board of Selectmen's Representative); Jeremy Bonin; Emma Crane; William Dietrich; Elizabeth Meller (Alternate); Tim Paradis (Alternate)

MEMBERS ABSENT: Michele Holton (Secretary); Marianne McEnrue (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.

Public Hearing(s)

Minutes of March 24th and March 31st Tree Cutting Site Visits

The March 24th meeting minutes and March 31st tree-cutting site minutes were briefly reviewed. Chair Helm asked board members if they had any comments regarding the two site visits recently conducted for the tree cutting applications. There were none.

MOTION WAS MADE (Paul Gorman) **and SECONDED** (Liz Meller) to approve the March 24th meeting minutes as written and the March 31st minutes of the site walks. Emma Crane requested that the March 31st Site Walk minutes be corrected to reflect that Robert Crane was also present at these site visits. **MOTION PASSED UNANIMOUSLY.**

Public Comment

There was no public comment on any items not listed on the agenda.

Tree Cutting Applications (Shoreland Overlay District)

Bateman property located at 81 Lighthouse View Road, Tax Map 126-009-000.

The discussion was continued from the March 24th meeting as the Planning Board conducted a site walk on March 31st. Chair Helm asked for comments. Emma Crane commented that she was somewhat confused about where one of the boundary lines was located. Chair Helm replied that board members were using a hand-drawn map and noted it was important to have the correct boundary lines in order to determine an accurate point count. Chair Helm referred to the plan submitted by Dave Carey, which differs from the point count of the previous tree cutting information in the file.

Mr. Bo Quackenbos, representing the owner, pointed out that clearly the trees are still alive, but there has been a lot of infestation in those trees. There is a severe drop-off to the water and one never knows when a tree's time is up. They are out there exposed to the wind, there is infestation that has weakened the trees, and they could fall down on the house at any time.

Chair Helm asked, if those trees are taken down, how many need to be replaced because of the property line? How do we replace the points? Mr. Quackenbos thought Mr. Bateman would be willing to do something. He emphasized the owner's real concern here is that these trees constitute a safety issue. Chair Helm maintained that if those two trees are removed, that accounts for 40 points. Paul Gorman then asked if the board has sufficient information to make a decision on this matter tonight. He feels the board should be provided with a more accurate plan which includes remediation, and Liz Meller and Emma Crane agreed. Mr. Quackenbos replied that he was sure the owner would be happy to provide this information to the board.

Peter Bianchi commented that what bothered him was that the trees are not really dead yet. It's a slippery slope to try to determine how long these trees will be there and he was not sure the board should be making decisions about how dead a tree is. Emma Crane agreed that the trees were not yet dead, but were clearly diseased. An observation was made that the trees currently do not impact the view from the house, so that is not the owner's motivation for removing them. Jeremy Bonin asked if the board puts in a time stipulation when they are asking for trees to be replanted, and Chair Helm said yes, the time stipulation is usually part of the motion.

Lucy St. John read from page 67 (G.2, c. 2) of the Town of New London Zoning ordinance, which says that:

“Dead, diseased, or unsafe trees or saplings (as determined by the Planning Board) shall not be included in scoring.”

Chair Helm said it appeared there was consensus among the board to continue this hearing until the next meeting on April 21. In the meantime, the owner can provide board members with a better understanding of what is going on in this segment and what the remediation plan is. Mr. Quackenbos asked for clarification that the board was just concerned with that particular segment, which was answered in the affirmative.

Ryan property located at 143 Lighthouse View Road. Tax Map 115-001-000.

The discussion was continued from the March 24th meeting as the Planning Board conducted a site walk on March 31st. Chair Helm asked for comments.

A map of the property was displayed and Chair Helm asked board members if they had any comments. Emma Crane observed that the two trees proposed to be cut appeared quite healthy, and they were pine trees, not hemlock. She acknowledged that both are leaning toward the house, however. Paul Gorman commented that he did not know enough to judge the health of the trees. Chair Helm noted that the issue here is the safety of said trees.

David Ryan, the owner of the property, was present and clarified that the tree located on the southern side of the house has been losing branches, which have smashed into the house. The branches at the top are dead. The tree on the northern side of the property is leaning directly over the house and if it falls, it will hit the house. Mr. Ryan's insurance company is concerned about the damage both trees could cause. He emphasized that there are a number of large trees on his property, but these two trees in particular have oversized branches which hang over his home. Mr. Ryan said he has two small children and when windstorms occur, he and his wife do not let the kids sleep in their bedrooms because they fear branches might come down on the roof and injure them.

Bill Dietrich commented that he noticed both the trees are leaning towards the house and he feels it is a reasonable request to have them removed. He cautioned that remedial action should be taken, however, to replace the vegetation. Chair Helm agreed, noting that when this amount of wood is taken out, it needs to be replenished to strengthen the soil. He asked Mr. Ryan what his plans were to restore the vegetation in these two separate sections of his property. Chair Helm concurred that the points would have to be replaced, noting that the trees are in different sections.

Lucy St. John refer to page 67, G. 2. C (4) of the New London Zoning Ordinance:

The Planning Board may authorize the removal of trees and saplings on a segment of a property having less than the required minimum score of 50 points, as long as trees, saplings and shrubs are replanted in sufficient quantity to equal or exceed the score that existed prior to the removal activity.

Mr. Ryan responded that he did not have a problem with replacing the points. Lucy St. John noted that the Board has suggested blueberry bushes or other vegetation.

George Neuwirt was in the audience and said he had renovated the Ryan's' house, and suggested the stump should stay in order to control erosion in that area.

Chair Helm referred to several items on the agenda attachment list including the NHDES publication- Native Shoreland/Riparian Buffer Plantings for New Hampshire and other items regarding the protecting the shoreland.

Chair Helm proposed the board entertain a motion to permit the cutting of the two trees subject to the owner providing the Planning Board with a plan of remediation for these two areas. Paul Gorman recommended the board go ahead and let Mr. Ryan cut the trees now and give him a time frame for submitting the remediation plan.

MOTION WAS MADE (Jeremy Bonin) **AND SECONDED** (Paul Gorman) to permit the cutting of the two trees now subject to the owner submitting a remediation plan to the Planning Board within the next 30 days. **THE MOTION PASSED UNANIMOUSLY.**

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. The owner proposes to add parking spaces along the edge of the southeast field running along the existing gravel drive. The parking spaces will be added along the field edge across and down-field from the farm stand. The parking area is needed to meet seasonal demands. Various waivers to the Site Plan Regulations are requested.

Chair Helm asked board members if this project had any regional impact – answer was no. No one was interested in making a site visit. Chair Helm noted that Mr. Berger had also asked for a variety of waivers and the board already has that material.

Greg Berger was present to discuss his application. The business needs to provide additional parking spaces for customers to accommodate seasonal overflow. He noted the original proposal was to add parking spaces next to the edge of the southeast field running along the existing gravel drive, but he has decided to change the plan due to an abutter's objection to that spot. These abutters (Steve and Peggy Theroux) will not be opposed to additional parking spaces at Spring Ledge Farm, as long as the proposed location of these parking spaces is changed.

Mr. Berger submitted an amended plan to staff via email this afternoon. Copies of Mr. Berger's amended plan were handed out to board members.

Chair Helm said that given the change from what was presented in conjunction with the application, did board members wish to continue tonight or should there be an opportunity for the public to see the amended plan, which shows a new proposed location for the parking? Chair Helm noted that when Spring Ledge last appeared before the board last year, another abutter – the real estate office - had concerns about the proposed parking. He questioned whether the new plan constituted enough of a change to require re-noticing abutters. Ms. St. John noted that abutter Peggy Theroux had contacted her about the hearing, and she has not heard from any other abutters.

Some brief conversation ensued about whether re-notification was a big deal or not. Paul Gorman noted there is a significant reduction in the number of parking spaces in a different area on the revised plan which has a lot more buffer from the houses on Pressey Court. Peter Bianchi commented that there are pros/cons if you do and don't continue the public hearing. Bill Dietrich commented that it did not appear to him that the revised proposal would bother people more than the original one, but to be safe, he recommends re-noticing the abutters. Another option is that the board could continue the public hearing to the next meeting on April 21st which would not require re-notification of neighbors. Lucy St. John added that there will be a public record of this meeting and she will post a copy of the amended diagram on the website.

The number of parking spaces was briefly discussed, with the observation the Site Plan Regulations, Appendix A, includes minimum parking standards for retail but there are no specific parking requirements for a commercial farm. Ms. St. John noted that the Site Plan Regulations address parking, landscaping, lighting and other criteria important when siting a parking areas.

Mr. Berger said there was a space behind the hedgerow that could more easily be turned into customer parking space, but he was not sure if there were rules about how far people have to walk. Employees currently park in that spot, and Mr. Berger would supply them with another parking area.

Ms. St. John said she received comments from Chief Lyon this afternoon regarding the amended plan, his comments are, "I believe my concerns with regards to the width of the road have been addressed and therefore I have no other issues." She noted that she received previously received comments from the Health Officer and Richard Lee with regard to the original plan, and they had no issues, but had not received comments from them about the amended plan. She noted that Jay Lyon's email of March 26 stated he had no issues, as long as a driving bottleneck is not created

Chair Helm opened the public hearing.

Mr. Berger will redraw the plan and get a copy to staff so it can be posted on the website. He also plans to show the revised drawings to neighbors to get their input.

He asked members if they had any issues concerning the waivers. No one did.

MOTION WAS MADE (Emma Crane) **AND SECONDED** (Paul Gorman) to approve the waivers requested by Spring Ledge Farm, and since the owner submitted an amended plan, the Board agreed to continue the public hearing until the April 21st meeting. **THE MOTION PASSED UNANIMOUSLY.**

Conceptual Site Plan Discussion

- **Canary Systems, Inc. Located at 5 Gould Road (corner of Gould and Pleasant Street, location of the Old Post Office).** Tax Map 084-080-000. Owner Alex Neuwirt. Zoned Commercial. Proposed improvements include parking lot redesign, re-grade the loading dock area, removal of the 1st Pleasant Street entrance, landscaping and interior and exterior building improvements.

Chair Helm began the discussion by telling George Neuwirt, who was present representing his brother in this matter that nothing said tonight can be construed as a commitment by the board, which Mr. Neuwirt acknowledged. Mr. Neuwirt noted that his brother had purchased the building a couple of years ago and converted the space into offices. The company is growing and Mr. Neuwirt would like to make improvements to the property. Alex Neuwirt is attempting to solve a couple of issues with this conceptual plan. The business needs to create more parking spaces – there is a major issue in the winter where there is no place to put accumulated snow, which crowds cars into the center of the parking lot. His brother is trying to improve the cycle/circulation of the parking lot, dress it up some, and also address a sewer back-up issue he has had on two separate occasions.

George Neuwirt explained that he and his brother Alex have already met with Richard Lee to discuss the sewage system on the property. There is a pump structure inside the building, which he pointed out on the proposed plan. The brothers propose to reroute the system to go over Pleasant Street with a gravity feed system, add a bathroom, and add another discharge out, tying it to the line. The brothers have also talked with Richard Lee about the necessity of tearing up Pleasant Street to accomplish this. In addition, Mr. Neuwirt noted that there are currently three entrances to the property, two off of Pleasant Street and one off Gould Road. By closing one of the Pleasant Street entrances and keeping the one on Gould Road, it will create a better flow of traffic coming in, and the snow could be pushed down.

Mr. Neuwirt explained that another thing his brother would like to do is cut down the loading dock area by about 10 inches to create a better loading and unloading experience for the trucks coming in. They would also like to add a formal entry to the building and are working on conceptual elevations. That information would be submitted with the formal application. The brothers would be happy to provide “before and after” designs to the board. Mr. Neuwirt asked if the board had any concerns or issues with this plan. He mentioned the business currently has eight employees.

Chair Helm suggested that Lucy St. John look at the site plan that was submitted in 2012 when the building was originally converted into offices to determine if any issues were raised at that time. She will do so.

Peter Bianchi observed that he has plowed this parking lot for many years. The Neuwirts will lose the snow storage area on the Pleasant Street side. He agreed it is a tough lot to get in and out of. Mr. Neuwirt said there is a bank that goes down to the Stahlman Building and that is where they propose to dump the excess snow. The entire parking lot needs to be opened up. Mr. Bianchi asked if the curbs would be removed and Mr. Neuwirt say they would. Selectman Bianchi noted that taking out the grassy area will change the whole physical appearance of the building. Trees would be removed. Mr. Neuwirt thinks eliminating the second entrance on Pleasant Street would help with the parking issues. Ms. St. John commented the existing conditions plan and the proposed plan submitted, are oriented differently and it would be easier to visualize the parking and other proposed improvements if the orientation were the same on both plans. George Neuwirt agreed. Lucy reminded everyone that there are also provisions about perimeter landscaping and parking regulations and if the Neuwirts are not able to meet those requirements, they would have to ask for waivers.

Lucy St. John asked if the building is currently being used for training and George said he was not sure, but would get that information to her. Jeremy Bonin observed that the parking is currently angled and is designed for people coming in from Gould Road. This will not work if anyone is coming in the lot off of Pleasant Street. Mr. Bonin also mentioned a handicapped area would be required. Tim Paradis and Liz Meller both commented they thought the appearance of the building would be much improved with these proposed changes.

George Neuwirt asked about lighting provisions. Lucy St. John noted there are provisions about lighting in the site plan regulations that might be helpful to him. She said lighting cannot be expanded beyond the limits of the property. Lucy offered Mr. Neuwirt any assistance she could provide with regard to lighting issues. Some landscaping changes were briefly mentioned – the bed on the corner of Pleasant and Gould would be extended. They will remove the blacktop to the left of the loading area a couple of thousand square feet, which would be filled in with loam. Mr. Neuwirt pointed out where stormwater drains were located on the plan. Bill Dietrich asked what would happen to run-off and Mr. Neuwirt replied that the pitch on that side will virtually stay the same regarding elevation to road. Emma Crane said she would like to see a landscaping plan.

Mr. Neuwirt clarified that there currently exists both a men's and women's bathroom in the building, but the men's room is in poor condition, and this is the bathroom on the plan that they are planning to renovate.

Chair Helm asked Mr. Neuwirt if he thought Alex's business would continue to grow – say from the current 8 employees to 16. Mr. Neuwirt replied it is a very specialized area. His growth has been slow and steady, and he adds new employees as he needs them.

Lucy St. John explained the upcoming meeting schedule and deadline for application submittal. She suggested key issues include lighting, landscaping, snow removal, storage, drainage, and parking.

Other Business

➤ Overlay Districts-combined Natural Resources Protection Map and discussion

Chair Helm explained that Lucy St. John had asked the Regional Planning Commission back in 2013 to create a draft working map showing all the natural resources related overlay districts on one map. The purpose was to consolidate the information as there are several maps on large boards, and to begin to look at resources planning from a more comprehensive and watershed perspective.

Chair Helm asked whether people understood the definitions of "high water mark," and if the boundaries were correct as currently shown, and if the 2001 version was still relevant.

Lucy St. John displayed large maps of the overlay districts. She said New London has several overlay districts and there are discrepancies between the language in the ordinance and what the maps show. She suggested that the Planning Board review the maps and language, as clarification is needed in the Zoning Ordinance. She said not all the streams are shown on the maps and asked the Board if they want to include other streams, include the name of the stream on the map and discuss updating the map. She explained the information on the wetlands map does not include all the wetlands in New London.

Peter Bianchi said he thought there should be separate maps. One map would be extremely busy, whereas it would be easier to look at a map for each overlay district. Bill Dietrich agreed and said he

recommended having one map with everything on it, and then also create separate maps for each district. Peter Bianchi suggested that the logical thing to do would be to have mylar overlays on a base map, so if one wanted to pull down specific areas like streams or wetlands, these transparent overlays would accomplish that goal. Ms. St. John commented that mylar overlays are rather old-fashioned, and the GIS mapping should be used.

Ms. St. John asked the Board if they want to consider in the future referencing the Town's digital GIS maps which are available on the Town's website as an "official copy" as currently the Zoning Ordinance only refers to the printed paper versions of each of the overlay districts.

Ms. St. John commented that she thinks having the various natural resources data layers included on one map (which is based on various GIS data layer), provides a more comprehensive way of addressing planning issues. She also noted there is a good deal of redundancy in the ordinances, which could be consolidated. Jeremy Bonin advised that the digital maps need to be current, both separate and combined.

Ms. St. John explained that a disclaimer should be included on the wetlands maps that there may be other wetlands in New London, and which may require state wetland approval. The current map is confusing to members of the public.

Paul Gorman asked about the cost of preparing new maps. Ms. St. John explained that the Town already has the GIS data base, and the key is to be sure the language in the Ordinance and the maps match. She noted this is an evolving discussion and that last year she discussed the streams map with the Planning Board and Conservation Commission, as people have pointed out that the streams are not named on the map, and there are other streams the Town may want to include for protection, as there are more frequent storm events and changes in the natural environment. She noted that the maps were done in the late 1980s -1990 and it is important to review and update maps over time. Chair Helm stated he was committed to having a discussion about this with the Conservation Commission.

Paul Gorman asked whether the town might have a liability issue because the current maps are not accurate. Ms. St. John explained that the language in the Ordinance should match the maps and that when the public asks questions, she explains for example that the Wetland maps are not intended to show all the wetlands in the Town. If someone is doing a project they may need to retain a NH certified wetland scientist to delineate wetlands on their property, and they may need State wetlands approval. Liz Meller asked why the big wetland area behind the Middle School is not shown on the wetland map.

Chair Helm recommended the board continue this discussion to the April 21 meeting. He will talk with Bob Brown of the Conservation Commission to see if they are interested in participating. Jeremy Bonin reiterated that he thinks it is imperative to update these maps. Bill Dietrich noticed that the combined map shows steep slopes of 25%, but the reference in the draft (C) says slopes in excess of 15%. Ms. St. John commented this is exactly why she is recommending the Board review the maps and language, as they are different.

➤ Senate Bill, NH (146) Accessory Dwelling Units – update

Ms. St. John provided the Board a copy of the amended language and noted that a hearing is scheduled in Concord April 21st. She said that the town's Representatives, Karen Ebel and Dave Kidder, would like to hear comments from people, since major changes in the bill have been made. Liz Meller asked about workforce housing and questioned whether the Town of New London has an

obligation to offer more than it does now? Ms. St. John explained that many community have Workforce Housing provisions in their Zoning Ordinance, as these were put into place to accommodate the ordinary person who wants to live in the town where s/he works, and the designation allows the Planning Board some flexibility. She was asked if there are any requirements regarding workforce housing SB Bill 146. Lucy did not know.

➤ Other

Chair Helm reminded Lucy St. John to retrieve the previous history on the Old Post Office Building regarding Canary Systems, Inc.

➤ Planning and Zoning Administrator's Updates/Information

- Lucy reminded board members about the upcoming Drinking Water Conference in May. If anyone is interested in attending, please contact her.
- Information regarding zoning changes to be voted on by the Town residents has been posted.
- Capital Improvements Program (CIP). Ms. St. John provided a copy of the current CIP document, noting a correction to reflect the FY 2016- FY 2021(not FY 2015). Peter Bianchi noted that the NL-Springfield Water Precinct has a finite amount of water. He feels the board should consider doing some long-range planning about our municipal water supply. If New London Hospital or Colby-Sawyer College intends to expand, the town needs to be prepared.
- Selectman Bianchi also pointed out that the current Master Plan was adopted in Dec 2011, and it should be reviewed sooner rather than later, and noted it is an arduous, long process. Ms. St. John suggested that the various goals and recommendations be reviewed to ascertain what has been accomplished. Peter Bianchi commented that an Executive Summary was prepared for a large sum of money a few years ago and this was a waste of money. Ms. St. John noted that many Master Plans sit on the shelf because they contain so much information, it is often overwhelming. She suggested that if the Master Plan is updated, a more streamlined approach and practical implementation document be generated, as much of the data remains the same and that Census data is updated as it becomes available.

Agenda Attachment List – see list for details including correspondence, State applications, informational items and other items

Reminder -Future Meeting Dates –April 21st and May 5th Regular Meetings - Refer to 2015 amended Meeting Schedule (amended February 2015). Reminder – May 12th Town Voting Day and May 13th – Town Meeting Day.

Motion to Adjourn

Motion to Adjourn was made by Emma Crane and seconded by Paul Gorman.

Meeting adjourned at 9:02 PM.

Respectfully submitted,

Chris Work
Recording Secretary