



TOWN OF NEW LONDON, NEW HAMPSHIRE

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NEW LONDON PLANNING BOARD MEETING MINUTES

Tuesday, June 14, 2016, 6:30 PM

**Whipple Memorial Town Hall
429 Main Street, New London, NH**

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

ABSENT: Joseph Kubit (Alt.)

OTHERS IN ATTENDANCE: Bob Stahlman, Stahlman Site Plan applicant; Douglas Evans and Sandra Chouinard applicant for the Alpaca Farm; Chris Broom (owner's son), Diane Callen and Lance Callen (property manager) for the Conceptual discussion on the Broom property. Others - Barbara Wheaton of 70 Lodge Lane; Charles Forbes of 30 Westside Drive; Lauren Chadwick of 53 Overlook Terrace; Samuel Chadwick of 53 Overlook Terrace; Nancy Kingsley of Main Street and Patricia Goodlin of 181 Sutton Road.

CALL TO ORDER: Chair Gorman called the meeting to order at 6:33 p.m.

APPROVAL OF THE MINUTES:

- ✓ Motion to APPROVE the Planning Board Meeting Minutes of May 24, 2016. It was MOVED (Marianne McEnrue) and SECONDED (Liz Meller) to accept the minutes. The motion was APPROVED UNANIMOUSLY.

PUBLIC COMMENT: There was no public comment.

Chair Gorman explained that due to the number of people in attendance he knew to be there for the discussion of the Alpaca Farm Site Plan application he was going to change the order of the agenda, as is permitted.

Commercial Farm for Alpaca Livestock Site Plan Application and Public Hearing. Property owned by Doug Evans and Sandra Chouinard (previous owner Frederick G. Ray Trust c/o Karen Johnson). Property located at 127 Sutton Road. Tax Map 123-005-000 (old # 123-010-000). Acres 31+/- acres. Zoned Agriculture Rural Residential (ARR). Proposed alpaca livestock farm and construction of a barn. Waivers requested. Application received May 31, 2016.

Chair Gorman noted that several abutters had submitted written comments. In response to the concerns raised, the fact that the site is located near several residential homes, and that the Board

is not familiar with the details of the property, he recommended that the Board consider scheduling a Site Walk to further understand the issues. The Board agreed to schedule and post the Site Walk Notice and to continue the meeting and public hearing to the July 12th meeting which will be held at the Tracey Memorial Library. He explained that Site Walk Public Notice will be posted and the public is invited to attend. Ms. St. John reiterated since this is being continued, the abutters will not be mailed new notices. The owners agreed to the Site Walk and continuing the meeting. Chair Gorman apologized for the inconvenience.

Patricia Denny asked if abutters would be heard this evening. Nancy Kingsley, stated she just received the notice, and the address is not correct, as she is inheriting the house. Ms. St. John explained that the abutter notice was mailed to the current owner, as we know it. Ms. Kingsley explained that she doesn't own the house yet, but will provide a new mailing address, as she inherit the property soon.

Kidder Tree Cutting Application Shoreland Overlay District. Property owned by David H. Kidder and others, aka- Kidder Point. Property located at 912 Pleasant Street. Tax Map 036-016-000. Proposal to cut five (5) trees. The property has over 2,000 foot of shoreland frontage.

Lucy St. John stated she has viewed property and determined there is more than enough trees to meet the points required by the Zoning Ordinance. Some of the trees are truly safety issues and trees hang over the house. Photographs of the trees were circulated for review.

- MOTION TO APPROVE the Tree-cutting application at 912 Pleasant Street (TM 036-016-000) for five (5) trees. IT WAS MOVED (Jeremy Bonin) AND SECONDED (Liz Meller) to approve the application. THE MOTION WAS APPROVED UNANIMOUSLY.

Robert Stahlman Site Plan Application and Public Hearing. Property located at 74 Pleasant Street. Tax Map 084-079-000. Property zoned Commercial. The applicant proposes to extend the driveway located on the side of the office building with an easement over the Canary Systems property (Tax Map 084-080-000) and create a paved parking area to the rear of the building. Public Hearing continued from the May 24th meetings.

Janet Kidder recused herself as she is an abutter. She is an appointed as the Board of Selectmen representative to the Planning Board. Chair Gorman stated for the record, that at the May 24th meeting he had appointed Marianne McEnrue to sit in place of Janet Kidder (as Janet recused herself). He explained per RSA 673:11, Designation of Alternate Members, this is not permitted for the Board of Selectmen representative, as Janet Kidder is the representative of the Board of Selectmen.

Chair Gorman stated that on May 24th, the date the last meeting, the Board received written waiver requests prepared by Clayton Platt, Pennyroyal Land Surveying on behalf of Mr. Stahlman. Since the Board didn't have time to review or complete the discussions these issues at the May 24th meeting, he will be asking Mr. Stahlman, who is here tonight to review each waiver request and to justify why the Board should consider granting each waiver.

Mr. Stahlman then proceeded to review the report he submitted on June 8, 2016 titled, "Detailed Comments for Approval by the Planning Board of the New Parking Lot at 74 Pleasant Street". Chair Gorman asked Mr. Stahlman to discuss each of the Site Plan waivers requested in the information received May 24, 2016.

Waiver # 1: Waiver to Section VI C. 2a, Landscape Open Space Standards. Mr. Stahlman stated he talked with Clayton Platt of Pennyroyal Land Surveying, and all the issues have been resolved. He stated that the driveway is going to be paved and this will not affect the landscaping. Mr. Stahlman has observed and noted the dimensions of other parking spaces in town and that there are different sizes allowed by the town. He feels a 9 ft. by 18 ft. parking space is sufficient. Mr. Stahlman insisted he did not have the space to extend the width of the parking space.

MOTION TO DISCUSS the waiver request. IT WAS MOVED (Marianne McEnrue) AND SECONDED (Jeremy Bonin), motion to discuss approved. The Board explained that this provision is about the perimeter landscape requirements and if approved, this is independent of the requirement for parking space size and aisle requirements. Mr. Bonin explained the requirement for a 10 ft. buffer within the Stahlman property. Adjacent to Mr. Stahlman's property is wetlands that cannot be developed and next to the driveway is a steep grass bank which also cannot be developed. Realistically there is a buffer but it is not on Mr. Stahlman's property. Furthermore Mr. Stahlman has already constructed a stockyard fence.

The Planning Board agreed to waive the 10 ft. landscaping buffer requirements.

Waiver # 2: Waiver to Section VI F.6 Parking, loading and safety. Chair Gorman asked for a motion to which there was no comment by the Board. Mr. Stahlman stated there was no need for a 20 ft. road and gave his opinion. Chair Gorman gave instructions concerning Parliamentary Procedure and asked for a motion.

MOTION TO DISCUSS the waiver request concerning Sec. VI F. 6., BY (Liz Meller) AND SECONDED (Bill Dietrich), motion to discuss approved. The Board discussed the specific provisions of this Section and referred to Appendix A. C. Parking Lot and Aisle Dimensions & Parking Angle, which outlines the requirements for parking spaces, stall width and aisle width in the parking area. The Board specifically outlined key issues including:

- ✓ Discussion on current safety and traffic issues at the Dunkin Donuts site. Jeremy Bonin stated the Dunkin Donuts driveway is actually wider than the driveway that Mr. Stahlman is proposing.
- ✓ Future and current use of the site. Noted the need to look to the future, as this approval is not just about now, but future use of the site as it is designed, even after Mr. Stahlman ownership.
- ✓ Hardship was discussed, noting there isn't a hardship and there are other options to consider in developing the site.
- ✓ Location of the trash cans along the side of the building and proximity to the internal roadway.

- ✓ Parking spaces need to be compliant for safe and proper circulation on the site and access to the site.
- ✓ Width of the internal roadway/driveway was discussed, noting it is not safe for two-way traffic.

Mr. Stahlman brought up the placement of the trash cans and the need to be able to plow the road without moving the trash cans. He insisted that a 20 ft. road is not necessary. Mr. Stahlman stated that he retained Mark Moser, an engineer, and it has already cost him \$1,000, and that he would charge more to do additional engineering. Mr. Stahlman said all the issues are resolved. Mr. Stahlman said he didn't agree with the engineer and has terminated his relationship with the engineer. Mr. Stahlman stated he has spent \$100,000 to purchase this land for his parking lot and he needs the Board's cooperation to help him get this done.

The Board asked for clarification on the process. Ms. St. John explained that the Board could continue the meeting, deny or approve each specific waiver request, or deny or approve the Site Plan. If the Site Plan is denied the applicant could then appeal to the court. The Board should clearly state in the record the reasons for denying. Staff noted this is not legal advice and the applicant should consult with their own legal counsel, if he so desires. Ms. St. John was asked to reiterate the outstanding issues regarding the application. She stated specific engineering details are missing, no engineer's stamp, easement issue, width of internal road, aisle width, parking spaces, location of utilities not shown, alternative dumpster location, snow storage, drainage issues, maintenance of the retention basin, and landscaping details. Mr. Stahlman has been advised on numerous occasions of the Site Plan Regulations and checklist and has appeared before both the Zoning Board of Adjustment (ZBA) and Planning Board.

Chair Gorman asked the Board by vote of show of hands those who vote to deny the waiver request to allow a 20' wide roadway on the site. Board members voting to deny the waiver request - Paul Gorman (Chair), Bill Dietrich (Vice Chair), Jeremy Bonin, Tim Paradis and Liz Meller. Board member supporting the waiver request Michele Holton. Waiver request denied.

Chair Gorman explained that he did not think it necessary to go forward with the process since the requirements could not be satisfied and thus the Site Plan Review application would not be approved. The process was explained again to Mr. Stahlman, noting that if the Board denied the application tonight he would need to appeal to the Court. The Board agreed they didn't want to continue the public hearing. This was explained to Mr. Stahlman. Chair Gorman suggested to Mr. Stahlman that he might want to withdraw his application. He could then hopefully resolve the outstanding issues and present a new plan for consideration at a later date. Mr. Stahlman was again advised to retain an engineer to work with him on submitting a new application.

Mr. Stahlman stated that he is going to put the driveway in anyhow. Ms. St. John advised against this approach, and that the Town could issue a Cease and Desist. Chair Gorman felt the Board has been reasonable and stated this process started 1 ½ years ago and the requirements have not been addressed by Mr. Stahlman.

Mr. Stahlman asked if he could get approval to the Site Plan Review if he would agree to put in the 20 ft. width driveway. Chair Gorman replied “no” as there are still several outstanding issues. Mr. Stahlman asked for a list of requirements (issues). Chair Gorman said Ms. St. John could provide this information to him, referring to the Site Plan Regulations and the Site Plan checklist.

Mr. Stahlman said he is withdrawing his application. He expressed his frustration with the Board and the process.

CNJJ Investments LLC, Chris Broom Conceptual Discussion of redevelopment and housing options. Property located at 428 Main Street. Tax Map 085-042-000. Site approximately 0.35 acres. Discussion relative to nonconforming structures, uses permitted in the Commercial District, options for Workforce Housing, various definitions related to housing options, density requirements and other general provisions of the Zoning Ordinance.

Chris Broom (son) stated that his family has owned 428 Main Street for the past 15 to 20 years as retail and commercial property. Currently there are two hairdressers, a barbershop, a vape shop and a bible store. The family owns the parking lot in the back, which includes 8 parking spaces. The driveway and parking spaces in the back are shared by “Hole In The Fence” restaurant. They do not own the Hole in Fence, which recently closed. Mr. Broom stated that renting these spaces has been a problem through the years and he has come to the Planning Board for some discussion about possible changes in use from commercial to another use that would be more financially advantageous. He explained that retail business is not thriving, and this is also a trend nationally. Mr. Broom would like to convert to residential, perhaps housing for students. Lance Callen, Property Manager explained that the current structure, could be converted to other uses, including possibility housing, using the existing building footprint. He explained the site includes three separate buildings, including a separate house in the back.

Ms. St. John explained she and Deb Langner, Town Health Officer met with them to discuss vary options and provisions in the Zoning Ordinance including uses permitted in the Commercial District, various definitions, Workforce Housing, Cluster and Planned Unit Development, Nonconforming provisions, and the density issues. All of which present opportunity for future discussion and will determine if variances need to be sought from the Zoning Board of Adjustment. Also need to clarify the zoning district.

Fire Chief Lyon was in attendance and stated that alarm notification is essential and that the fire suppression system is contingent on the number of allowable residents. He has no issue with conversion to residential uses as long as all codes are adhered to. He suggested coming up with a plan that addresses all requirements before it is presented to the Planning Board.

The Board discussed and offered comments on:

- ✓ Need for Workforce Housing
- ✓ Need for housing for the aging populations (70+). Suggested exploring other types of housing as many people don’t need or want big houses any more. Smaller units and proximity to downtown area and other Town amenities would be a plus.

- ✓ Suggest they talk with Colby Sawyer College on student housing and if there is really a need for more off- campus student housing.
- ✓ Asked if the rents were reasonable, wondered why tenants do not stay and why there is a turnover of commercial tenants. It seems the framing shop is the only place that is stable.
- ✓ If the current commercial tenants were aware of the discussion of possibly converting to housing or some other uses.
- ✓ Zoning Ordinance requirements for lots size and density issues need to be looked at, as only 1 family per 10,000 sq. ft. of lot is allowed in the commercial district.
- ✓ Current Zoning Ordinance provisions need to be reviewed, including the provisions on Workforce Housing.

Other Business

Shoreland Overlay District- Ms. St. John circulated a photograph of some steps located in the waterfront buffer on a property on Bunker Road. The owner would like to consider removing the steps and returning the area to “natural vegetation”. She referred to the Shoreland Overlay District provisions regarding no disturbance in the waterfront buffer. She had been asked about the intent of the provisions, if someone wanted to convert a disturbed area back to a “natural state” would a variance be needed. She referred to Section C. and Section F. of the Shoreland provisions.

The Board discussed that what one person considers “natural state” is subject to much interpretation. Several example were discussed, noting removing a few steps may be minor to some, but what it were a larger structure such as a house or retaining wall wanted to be removed. The impacts of the removal would need to be considered and erosion control practices considered. The Board agreed that these provisions should be discussed and clarified, but at this time a variance would be needed. This can be added to the list of possible zoning amendment ideas to be discussed.

Report from Planning Board Representatives of following Committees/Boards:

- ✓ **Conservation Commission (CC) by Tim Paradis:** The Clark Lookout expansion and Pleasant Street acquisition is moving along slowly. The CC is working on updating the trail maps. Mr. Paradise stated that New London is approximately 17% forested. The Forest Society report recommends that 25% of a town be forested for conservation and water quality protection. Liz Meller asked about the beaver situation in the headwaters of Red Brook.
- ✓ **Board of Selectmen by Janet Kidder:** The Board has voted to hire a contractor for Brookside Drive culvert and accepted the low bid of \$204,000. Closure of one sewer lagoon has taken place but there is not enough money for the other two (2) lagoons. An additional \$83,000 is need to finish the project. There is discussion about employee compensation with consideration of fairness to employees as well at taxpayers. Tim Paradis has been appointed a full member of Conservation Commission. Town Administrator and Zoning Administrator will now sign building permits and sign permits,

not the Board of Selectmen. Meeting today with Police Chief Ed Anderson, Fire Chief Jay Lyon, Town Administrator Kim Hallquist and Fire Warden Steve Ensign with regard to dispatch and installation of the second repeater for improved communication. They are looking for a grant for third repeater to be placed on top of Sunapee to facilitate triangulation of calls for service.

- ✓ **Recreation Commission by Janet Kidder:** Bathrooms at Elkins Beach are now ADA compliant, due to the recent renovations. There are also two (2) more new docks at Elkins.
- ✓ **Regional Planning Commission (RPC) by Liz Meller:** Ms. Meller reported she is on the Commuter Bus Study committee. .
- ✓ **CIP Subcommittee by Bill Dietrich:** The subcommittee meeting is scheduled for Friday, June 17th at 9:30 a.m. at Lethbridge Lodge at Colby-Sawyer College campus. The subcommittee will focus the discussion on the two most recent CIP documents of 2014 and 2015. All subcommittee meeting are public meetings, and all are welcome to attend.
- ✓ **Accessory Dwelling Units (ADU) Subcommittee by Jeremy Bonin:** The subcommittee meeting is scheduled for Thursday, June 16, 2016 at 8 a.m. in Conference Room at Whipple Hall. All subcommittee meeting are public meetings, and all are welcome to attend. On March 16, 2016 Governor Hasson signed Senate Bill (SB) 146, which has an effective date of June 1, 2017. The subcommittee is reviewing the current Zoning Ordinance provisions regarding accessory dwelling units, and the new State law which will take effect on June 1, 2017.

Other Updates

- ✓ Marianne McEnrue reported she attended the Office of Energy & Planning (OEP) Conference in Concord. She thought it was very worthwhile and learned a lot. She reported that she talked with another attendee, who seemed to be following New London's discussion on the 1941 Building. This person informed her of the historic significance of the 1941 Building, stating it is one of eight buildings in the State, which was built by the State Architect at the time. Another building built by this same architect has already been demolished in the Town of Barrington. The Board asked Ms. McEnrue to find out more about this historic significance, as they hadn't heard of this before. She suggested it would be worthwhile to invite this speaker to town.
- ✓ Chair Gorman reported he also attended the OEP conference and found it worthwhile and very informative. He reported he attended a presentation by the NH Commissioner of Agriculture. He was made aware of the value of farms to the state, the importance of agro-tourism to the State's economy, and that the amount of farms and land in agricultural has been decreasing. Many farms are being converted to housing developments. He reported the need to review the provisions of the Zoning Ordinance to facilitate farm and agricultural uses.

- ✓ Liz Meller and Paul Gorman reported they will be attending another Plan NH workshop on Wed, June 15 in Concord. The last Plan NH workshop was well organized and useful. This workshop is about housing/dwelling possibilities, including discussion of tiny houses, and other alternative housing arrangements.
- ✓ Chair Gorman stated with Town Meeting in March, the Planning Board will need to focus their efforts on identifying zoning amendments, and updating the CIP documents in the coming months. A Work Session is scheduled for Tuesday, June 28th to discuss possible zoning amendments ideas. The public is invited to attend, and provided ideas to the Planning & Zoning Administrator, which will be provided to the Planning Board.
- ✓ The Planning Board scheduled a Site Walk for the Alpaca Farm Site Plan Application. The Site Walk was scheduled for June 21, 2016 at 5 pm. A public notice will be posted. Ms. St. John was asked to contact the abutters that had provided written comments to the Board, by sending them an email of the Site Walk Notice.
- ✓ Tree cutting application from Frederic Prior and Clark Read at 77 Wilmot Center Rd. Tax Map 078-008-000. Ms. St. John noted that the application was submitted on June 13 and thus wasn't included on the agenda. She was discussing other issues with the property owners. The applicants were confused about the point system, and stated on their application they only have 19 points left. She visited the site. The owners explained during her site visit that a recent storm created some safety concerns and the trees had to be cut. Some other vegetation was also cut. The trees cuts are near the garage structure located closer to the shore. She noted that have more than enough points. Chair Gorman asked Ms. St. John to include this on the next agenda, the June 28th Work Session agenda.

Future Meeting Dates – June 28th Work Session, July 12th and August 9th. Refer to the Planning Board Meeting Schedule revised May 24th and the Town's website for updated meeting information.

- ✓ MOTION TO ADJOURN the meeting at 8:25 PM. IT WAS MOVED (Liz Meller) AND SECONDED (Janet Kidder) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY.

Respectfully submitted,

Jennifer Vitiello,
Recording Secretary
Town of New London, NH