



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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NEW LONDON PLANNING BOARD
MEETING MINUTES
Tuesday, June 27, 2017
6:30 PM

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

ABSENT: Paul Gorman, Marianne McEnrue

STAFF: Kim Hallquist, Town Administrator

OTHERS IN ATTENDANCE: Jamie Hess, Matthew and Mary McMenaman, John Wilson, Ben Barton, Pierre Bedard, John Langill, Roderick Marshall, Deb Langner; Health Officer.

CALL TO ORDER: Vice Chair Bill Dietrich called the meeting to order at 6:30 p.m. He announced that alternate members Casey Biuso and Joseph Kubit would be acting as full members for the meeting, replacing the absent members.

REVIEW OF MINUTES: IT WAS MOVED (Jeremy Bonin) and SECONDED (Liz Meller) to approve the minutes of May 23, 2017 as presented. THE MOTION WAS APPROVED UNANIMOUSLY.

PUBLIC COMMENT: The Chair may allow public comment for items not listed on the agenda and may limit the amount of time for public comment. There were no public comments.

Hess, Jamie and Lisa Tree Cutting Application. Located at 18 Duck Inlet. Tax Map 051-006-000. Received June 16, 2017.

Member Jeremy Bonin announced that he recused himself from consideration and voting of the application.

Jamie Hess presented his application to the Board, pointing out the areas where the six trees they would like to remove are located. He pointed out that the trees are close to his home and he felt they presented a danger of coming down on the house and causing damage. Mr. Hess concluded by noting that the removal of the trees would not result in less than required points for purposes of the protected shoreland requirements.

The Vice Chair asked if members of the public present wanted to comment on the application. There were none.

IT WAS MOVED (Tim Paradis) and SECONDED (Joseph Kubit) to approve the Hess tree cutting application as presented. THE MOTION WAS APPROVED UNANIMOUSLY.

Matthew and Mary McMenemy Commercial Farm, aka Mary's Farm Site Plan

Application and Public Hearing. Located at 645 Pleasant Street. Tax Map 048-003-000 (old # 048-009-000). Acres 12.63 +/- . Zoned Residential (R-2). Existing residential home with barn, woods and pasture lands for a small micro dairy- homestead farm and other various agricultural uses including raising steers (1 or 2). Currently have three (3) dairy cows, sell dairy products (milk, yogurt) and eggs. Waivers requested. Town received application June 6, 2017.

Matthew McMenemy presented his application for site plan review to the Board and explained that he and his wife began their interest in agricultural activities when they lived in New Jersey by having cows; using the products produced for the family. Now they live on Pleasant Street and have 3 cows on 5+ acres and they find that they have more milk than the family can use, so they sell some of it. He explained that the milk products are sold in the barn and customers come there sporadically throughout the week. Because the sale of the milk is more than "occasional", the McMenemy farm is considered to be a commercial farm for purposes of the zoning ordinance and is subject to site plan review.

The Vice Chair asked if members of the public present wanted to comment on the application.

John Wilson, resident on Pleasant Lake and Vice President of the Pleasant Lake Protection Association (PLPA) noted this his concern, and that of the PLPA, is that animal waste or other farming materials do not get into White Brook and White Brook flows into Pleasant Lake. He questioned whether the McMenemy's intended to observe the 100' setback from White Brook. Mr. McMenemy assured Dr. Wilson that they intended to keep the cows outside of the 100' buffer zone and indicated on the plan where the grazing areas are located. Dr. Wilson pointed out that he has observed cows closer to the street, and the brook, in the past. Mr. McMenemy agreed and noted that it wouldn't happen again, they allowed the cows to graze there before they had a lawnmower. Liz Meller noted that she appreciated the applicant's description of the manure and composting activities that occur on the farm.

Vice Chair Dietrich noted that the application stated that waivers would be requested but he did not see which specific waivers were being requested. Deb Langner, Health Officer, suggested that Lucy St. John (former Planning & Zoning Administrator) included a waiver provision on farm applications because those applications are not typical site plans and things like parking and lighting and things that are typically on a site plan, but that don't apply to a farm site plan, do not need to be considered by the Board.

IT WAS MOVED (Janet Kidder) and SECONDED (Liz Meller) to approve the site plan for Matthew and Mary McMenemy Commercial Farm, aka Mary's Farm at 645 Pleasant Street. THE MOTION WAS APPROVED UNANIMOUSLY.

Ben Barton Site Plan Application and Public Hearing. Located at 52 Main Street. Tax Map 073-045-000 (old # 073-042-000). Zoned Commercial and Residential (R-1). Expand the office space for Barton Insurance Agency in the Commercial Zone. Propose to build a two (2) car attached garage with finished office space above to accommodate break room, bathroom, conference room and vestibule sitting area and 2-3 season room. Mixed Use. Waivers requested. Town received application May 30, 2017.

Ben Barton presented his application to the Board and began by thanking the Board for its support of the zoning amendment that changed the zoning district of his property from residential to commercial zone, making his application possible. Mr. Barton explained that the proposed

new building will be attached to his current office building and will consist of a two-car garage with an 8x10 storage building next to it, and commercial space above consisting of a bathroom, conference room, employee breakroom and vestibule.

The Board noted that the existing office building is nonconforming in that it does not meet the required setbacks. The applicants propose to continue the nonconforming setback with the new building. The reviewed and discuss the zoning ordinance provisions related to conforming uses found in Article XX, Section B, Subsection 4 and 5(b). Subsection 4 allows for the alteration and expansion of a legal nonconforming building so long as the expansion does not result in a more nonconforming building. Mr. Barton's plans do not provide for the new building to be any closer to the side setback than the existing building. Subsection 5(b) addresses the voluntary replacement or improvement of a legal nonconforming building and provides that alterations that result in 50% increase in the square footage of useable floor space is permitted only if it complies with all zoning requirements. Substantial improvement is defined as improvements that equal or exceed 50% of the market value of the structure. The Board noted confusion over which provision would apply for the Barton application.

Upon questioning, the Board determined that the application met the provisions of subsection 4 and subsection 5(b) in that the proposed structure would not equal or exceed 50% of the market value of the existing structure nor 50% of the square footage.

IT WAS MOVED (Joe Kubit) AND SECONDED (Tim Paradis) approve the site plan application for Benjamin K. Barton, at 52 Main Street, conditional on the project meeting the requirements of Article XX, Section B, Subsection 4 and 5(b). THE MOTION WAS APPROVED UNANIMOUSLY.

Barbara A. Deming, Trustee Conceptual Subdivision Plan Discussion. Located at 151 Forty Acres Road. Tax Map 038-001-000. Zoned Forest Conservation. Minimum lot size required is 25 acres, proposed new lot of 12+/- acres. Discussed at the Dec 15, 2015 meeting.

Pierre Bedard, Licensed Surveyor, presented the conceptual subdivision plan to the Board. He noted that this subdivision was discussed for a conceptual review back in December 2015. He explained that the property owners were granted a variance to allow a 12.25 acre lot in a zone that requires 25 acres, but because abutters in the Town of Wilmot were not properly notified, the public hearing must be done again. Mr. Bedard expressed hope that the variance would once again be granted. The 12.25 acre parcel will be taken from a lot of 125+/- acres.

Mr. Bedard explained that the location and size of the lot was determined based on an existing conservation easement as well as wetlands and plans on the property. The lot would be accessed via a driveway off of Forty Acres Road.

Letter to Planning Board dated June 11, 2017 from Roderick Marshall, Trustee of the Andy Marshall Revocable Trust of 2012. Letter received June 13, 2017. Petition for Reconsideration of Planning Board Decision granting subdivision on property on Seamans Road, designated Lot 22, bounded on east by Blueberry Lane and of prior grants of multiple party access through one driveway, in contravention of Planning Board rules and regulations. The Cherry Hill Homes Subdivision, located on Hall Farm Road, Seamans Road and Blueberry Lane was approved Sept 24, 2014 with conditions.

Letter to Planning Board dated June 17, 2017 from John L. Langill, President Cherry Hill Homes. Response to the letter from Roderick Marshall received by the Town June 13, 2017 (see above).

Mr. Marshall and Mr. Langill were present at the meeting to discuss their correspondence to the Board. Mr. Marshall noted that he agreed with Mr. Langill's interpretation of the driveway regulations relative driveways allowed off of a road to a single property. However, he noted that the main issue that he has is that the increased traffic on Blueberry Lane is a problem and he felt that the Planning Board should reconsider its approval of the subdivision that allowed access from Blueberry Lane.

Mr. Langill of Cherry Hill Homes, developer of the subdivision that was approved by the Planning Board on September 24, 2014. He explained that his lot is access over an easement that was included with the land he purchased, so he has the right to use it to access his property. He noted that the public road known as Blueberry Lane ends and then a private driveway begins, and that is where his easement begins, at the end of the public way. Mr. Langill noted that it is difficult to tell where the public way ends, and many people believe it continues to Larry Ballin's property where "no trespassing" signs are posted, when in fact it ends at the Marshall property. He pointed out that the addresses for all homes on the road are Blueberry Lane, whether it is on the public road or the private drive.

Mr. Marshall expressed concern about the amount of traffic now on Blueberry Lane. The Board noted that the time period to reconsider the Board's subdivision has long passed (30 day appeal period starting at the subdivision approval on 9/24/2014) so the Board suggested that Mr. Marshall take his concerns about Blueberry Lane and the increased traffic to the Board of Selectmen. Mr. Marshall also questioned how many homes could be accessed from a single driveway.

There was discussion on whether the portion of driveway that gives access to the properties at the end of the road could become a town road or whether the concerns raised by Mr. Marshall of too much traffic could better be addressed by a change in the driveway regulations.

Vice Chair Dietrich observed that the time period to appeal a Planning Board decision is 30 days, and appealing a decision based on the zoning ordinance is 20 days – the approval in question was approved 3 years ago. Jeremy Bonin agreed and also noted that the complaint appears to hinge on the incorrect interpretation of the driveway regulation. He also noted that public process of the subdivision extensive and the public was given the opportunity to speak at that time.

IT WAS MOVED (Tim Paradis) AND SECONDED (Liz Meller) that the Planning Board would not act on the request for reconsideration as presented because the request is untimely, the 30 day appeal period has passed. A VOTE ON THE MOTION: 6-0-1: 6 in favor; 0 opposed; Janet Kidder abstained. THE MOTION PASSED.

Capital Improvement Plan (CIP) - Scheduling Subcommittee meetings and CIP process for summer 2017, as Town Departments budgets are due in early Sept 2017.

The CIP subcommittee is scheduled to meet on Thursday at 7:30AM. Janet Kidder noted that would not be able to attend.

Meeting Schedule- upcoming meetings: July 25th, August 29th, September 12th & 26th

Master Plan Subcommittee: Vice Chair Bill Dietrich: He and Jeremy Bonin have agreed to co-chair this committee. It was determined to wait until the staffing of the Planning & Zoning position is finalized before getting together.

Alternative Energy PB Subcommittee: Tim Paradis: a meeting was held about a week ago and the committee is looking into various areas (solar, wind) – they are in the research phase at this point and gathering “best practices” expect to have something to report to the Board soon – the next meeting is July 11th. The items being discussed could dovetail into Master Planning as well as from a zoning standpoint. He noted that currently the zoning ordinance is spotty in areas pf things like solar arrays and thus it might be a good idea to codify “best practices” so that installation of this type of equipment will be done in a way that is compatible with the neighborhood.

Report from Planning Board Representatives of following Committees/Boards:

Conservation Commission: Tim Paradis: Last meeting did not deal with anything that would rise to the level of the Planning Board.

Energy Committee: Tim Paradis – was out of town for last meeting.

Board of Selectmen: Janet Kidder: Dubois & King attended and informed the Selectmen that Pine Hill Construction would begin the Pleasant Lake Dam project soon; the Energy Committee presented to the Selectmen and there was also discussion of hiring a new Deputy Town Clerk, and there was discussion of the vacancy in the Planning & Zoning Administrator position.

Regional Planning Commission (RPC) and Subcommittees: Liz Meller attended the annual dinner meeting recently and it was very interesting. The Director of the State Energy & Planning attended and explained that he is establishing a new initiative within the department called “Office of Strategic Innovation” which has three components at this time: (1) the Northern Pass project; (2) \$5 million dollars in state grants for students (\$1,000 each) to attend technical college, to increase the number of employable people in the state; and (3) transportation needs as he is very interested in electric cars.

Other Business: There was none.

MOTION TO ADJOURN

IT WAS MOVED (Jeremy Bonin) AND SECONDED (Tim Paradis) TO ADJOURN the meeting at 8:05PM. The motion was APPROVED UNANIMOUSLY.

Respectfully submitted,

Kimberly A. Hallquist
Town Administrator