



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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NEW LONDON PLANNING BOARD  
MEETING MINUTES

Tuesday, September 15, 2015

**PRESENT:** Bill Helm (Chair), Michele Holton, Jeremy Bonin, Tim Paradis, Bill Dietrich, Janet Kidder (Selectmen's Representative), Elizabeth Meller (sitting in as full member as Paul Gorman absent) and Marianne McEnrue (Alt).

**ABSENT:** Paul Gorman (Vice Chair)

**OTHERS IN ATTENDANCE:** Martin Feins of Sutton, NH; Jon Feins of Naples, Florida; Sarah Henderson of Bradford, NH; Phil Miller of 67 Burpee Hill Road; Jill Miller of 67 Burpee Hill Road, Bob Brown of 449 Forest Acres Road; Nathaniel Stevens of 128 Pike Brook Road; Attorney Stephan Nix of Gilford; Charles Myer of Cambridge, Massachusetts; Chief Jason Lyon of the New London Fire Department; Greg Grigsby of Pellettieri Associates, Inc.; and Pete Blakeman of Blakeman Engineering Inc., North Sutton, NH

**CALL TO ORDER:** Chair Helm called the meeting to order at 6:30 pm. In addition he requested people in attendance to sign in so that their presence would be recorded in the minutes.

**Approval of Minutes**

IT WAS MOVED (Michele Holton) AND SECONDED (Jeremy Bonin) to approve the minutes of September 1, 2015, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY. Bill Dietrich abstained as he was absent from September 1, 2015 meeting.

**Public Comments**

Chair Helm asked for comments for any items not included on the agenda. No comments received.

**Lot Merger Application**

✓ Pleasant Lot Cottages, LLC. Tax Map 049-028-000 and 049-029-000. Received August 24, 2015.

**IT WAS MOVED (Bill Dietrich) AND SECONDED (Michelle Holton) to approve the lot merger application. THE MOTION WAS APPROVED UNANIMOUSLY**

**Tree Cutting Application**

✓ Alepa, Christopher, 178 Poor Road. Tax Map 091-004-000

Lucy St. John commented that she visited the site this afternoon with Sarah Henderson, of A Cut Above Tree Service. Sarah Henderson was at the meeting to address any questions the Board may have. Ms. St. John explained that she had received an inquiry and concern about the proposed tree cutting application. Ms. St. John stated the property has sufficient points but she pointed out that the trees and vegetation to be removed will make a significant change to the appearance of the property from the lake, and will open the area up. As a point of comparison Ms. St. John explained that the adjacent property has lawn area within the 50' feet and in looking across the lake there appears to be some land with open waterfront areas as well. She noted that one of large trees to be removed has a chain fence running through it, the trees grew around it, and some of the trees are leaning.

She also explained that some boulders appeared to have been moved within the 50 feet waterfront buffer, and the owner appeared to be making some sort of wall with the stone. Photographs of the stones and site were displayed on the overhead projection, including the existing steps and existing dock. She explained that she talked with Chris Alepa (owner) this afternoon and explained the provisions of the Town's Shoreland Overlay District provisions that no stumps, rock and root system can be removed in the waterfront buffer. The Owner said he was not aware he could not move rocks in waterfront buffer. He explained that he did not use any heavy equipment but moved them manually, with a pry bar (crow bar). The owner had conveyed to her that he had used clean water to power wash the steps and dock area as they were mossy and it was both an appearance and safety issue.

Bob Brown, Chair of the Conservation Commission spoke conveying that another tree cutting issue was discussed at the Zoning Board of Adjustment meeting last evening. The ZBA discussion about the variances requested included discussion on the removal of the tree, approved by the Planning Board. His concern is for the protection of the lake, and wants to be sure people understand the provisions of Article XVI, Shoreland Overlay District, G. Waterfront Buffer regarding -rocks and stumps and their root system shall be left intact in ground, and provisions about natural ground cover. He explained that the roots stabilized the waterfront buffer area, and the roots cannot be removed, as this is a land disturbance.

Sarah Henderson conveyed that the stump would be ground but not removed.

Chair Helm noted that the tree cutting provisions are included on the agenda, under other business and the Board will be discussing the provisions in more detail later in the meeting. He asked Bob Brown to stay for the discussion of the tree cutting provisions.

- ✓ **IT WAS MOVED (Elizabeth Meller) AND SECONDED (Bill Dietrich) to approve the tree cutting request as presented. THE MOTION WAS APPROVED UNANIMOUSLY.**

### **Subdivision Plan**

- ✓ Feins Minor Subdivision (Sutton Tax Map 10, Lot 688, 134). Located on Stonehouse Road. Access to the subdivision in Sutton will be from Stonehouse Road in New London. Conditional approval granted by Sutton Planning Board on August 25, 2105. Per RSA 674: 53 Land Affected by Municipal Boundaries.

Jon Feins gave a little history about the subdivision explaining that the first 500 feet of road access are in New London, there should be no impact from drainage as the lots are approximately ¼ from the New London town line.

Janet Kidder asked about fire-fighting provisions and access to property. Chief Jason Lyon responded that if it is just a fire alarm Sutton responds, but if the Towns of Wilmot, New London and Sutton get the fire tone at the same time, it is possible that New London may arrive at the scene prior to the Sutton Fire Department.

Ms. St. John read into the record an email from Richard Lee, Director of Public Works received on Sept 15, 2015: “I don’t see any problem with the three lots subdivision as proposed getting approved. I would like to say and go on the record that if the lots are further subdivided then I feel the Town of New London should require some upgrades of our end of Stone House Road.”

- **IT WAS MOVED (Elizabeth Meller) AND SECONDED (Jeremy Bonin) to approve the minor subdivision plan with the conditions that the New London Planning Board sign the mylar. THE MOTION WAS APPROVED UNANIMOUSLY.**

### **Conceptual Discussion**

- ✓ Pike Brook Road. Private Road. Discussion of possible relocation. Tax Map 135-008 and 009.

Chair Helm pointed out that this is a conceptual discussion and that any comments or presentations are not binding.

Greg Grigsby of Pellettieri Associates, Inc and Peter Blakemen were at the meeting to discuss a conceptual layout for the proposed relocation of Pike Brook Road, the section located on the land owned by Dominic and Molly Ferrante. Greg Grigsby provided a brief overview of the conditions of land, the recent Planning Board approval for the lot line merger, the demolition of the houses and construction of the new home. Mr. Grigsby said he has been in regular contact with abutters to keep them apprised of what is going on and several neighbors who were concerned about disturbance to road, and character of the road. Mr. Grigsby displayed map of proposed road on the overhead for audience.

He explained that the road sweeps off the Miller’s property and then follows the power line. The proposed layout includes a pull off space. The proposed road follows the utility lines so as not to make further cuts in vegetation. Mr. Grigsby pointed out that any talk of going underground

with utilities is not feasible as you cannot go down into the ground and then back up to surface. Utility company requires a complete line.

Chair Helm recognized Fire Chief Jay Lyon who was in attendance. Ms. St. John posted a letter she received from Chief Lyon on Sept 11, 2015. The letter is dated Dec 1, 2014 and addressed to Greg Grigsby, Pellettieri Associates from Bruce Knox, PE regarding the condition of the bridge on Pike Brook Road. Chief Lyon referenced this letter and expressed his concern about the ladder truck and engine going across this bridge, and the width of the bridge is an issue for safe travel by the fire trucks/equipment.

Mr. Grigsby does not want to discuss the size of the bridge but that tonight's discussion is to address the road realignment/width. Chair Helm pointed out that now that this bridge issue has been made public there will be discussion of bridge and implications concerning fire equipment.

Phillip Miller, a resident along Pike Brook Road expressed concern about just learning about this letter and the implications it has for residents along this road.

Chair Helm asked for questions concerning the alignment of the road. Jeremy Bonin asked if the proposed pull-out space will accommodate two vehicles passing each other or fire apparatus. Chief Lyon stated that if this pull-out is going to be for fire use then should be so designated. Chief Lyon spoke of an incident recently where two trucks got stuck on Stonehouse Road when passing. Chief Lyon opined that if they are going to upgrade the road there must be a minimum standard width so that two cars can pass. Chair Helm referred to the street standards in the Subdivision Regulations, and Chief Lyon referenced the NFPA standards and best practices.

Peter Blakeman referenced road standards and thinks standards should be left to the discretion of owners of road. He thought the proposal of new road and pull-off are much better than existing conditions.

Janet Kidder asked if the road was going to be paved. Mr. Grigsby said the road will not be paved and that the intent is to be gravel.

Chair Helm stated that if the party wants to proceed they should make application to planning board to comply with standards outlined in the Subdivision Regulations, Standards for Street Design. He opined that this should be considered a "Service" road with a 16 foot travel width or a "Local" road with an 18 foot travel width. Chair Helm commented that at the previous discussion on this subject the Planning Board agreed that this would be like a local road, not a service road.

Peter Blakeman commented that this is a private road. He noted that according to AASHTO road standards, this is a low volume road, and the geometry and design should be decided by engineers and the owner, not the Planning Board, and they don't believe the Planning Board has jurisdiction. They don't think they need to adhere to these standards and furthermore a wider road is not aesthetically pleasing to the owner and residents along Pike Brook Road. He noted

that Stonehouse Road is a different kind of road with deep ditches and road materials. Greg Grigsby explained that the residents on Pike Brook road don't want the road paved.

Attorney Stephan Nix, representing the Ferrantes, questioned the Planning Board's

Jurisdiction regarding the relocation of this private road, and referenced statutes on this matter. Chair Helm stated he believes the Subdivision Regulations do apply, and will consult with Town Counsel. Attorney Nix commented that he had submitted a letter months ago regarding the role of the Planning Board in the road relocation. Ms. St. John commented and conveyed that she had previously conveyed to them that the Planning Board did seek input from Town Counsel, and they were duly informed. At that time, rather than delay the lot merger, demolition of the structures and construction plans for the lots the applicant decided to forego pursuing the issue of the proposed road relocation.

Attorney Nix conveyed he does not believe the Planning Board has any jurisdiction as this is a private road, it is not part of a subdivision or site plan, and the history of the Pike Brook Road suggests that it was never part of a subdivision plan approved by the Planning Board.

Ms. St. John referred to the Jennifer Paul Lot Merger and Revised Right-of-Way (ROW) plan for Sunset Shores, a private road approved by the Planning Board April 24, 2007. Mr. Grigsby explained that this was a different scenario and that is why Planning Board approval was received. He explained that Pike Brook Road is referenced in old deeds prior to zoning and subdivision regulations, and many residents on Pike Brook Road have vague language as a right of passage over said road. To their knowledge Pike Brook Road was not part of any subdivision approved by the Planning Board.

Chair Helm asked Chief Lyon to share the letter regarding the conditions of the bridge on Pike Brook Road with the residents on Owls Nest Road, as they use Pike Brook Road and there is another bridge on that road which is unable to accommodate fire apparatus.

Chair Helm asked staff to reconnect with Town Counsel to clarify the issue if the Planning Board has jurisdiction on the relocation issue of Pike Brook Road, how should the deficient bridge issue be addressed, and what if the Board does approve the private road relocation knowing the bridge is deficient. This will be discussed at the October 6<sup>th</sup> Planning Board meeting.

## **Other Business**

### **Shore land Provisions- tree cutting provisions**

Midge Eliassen commented that she was there for the tree cutting application for 178 Poor Road. Chair Helm explained that the Board has already reviewed the tree cutting application. She expressed concern and supported provisions for more enforcement.

Jeremy Bonin provided a brief overview of the previous tree cutting discussion:

- ✓ He suggested a few other changes to the draft.

- ✓ Discussed including provisions not to remove tree stumps, but to allow stump grinding.
- ✓ Discussed why make any applicant come to the Planning Board is they have the 50 points.
- ✓ Discussed only making applicants come to the Planning Board for review if they have less than 50 points or are not in compliance.
- ✓ Commented tree cutting in many other towns is a Conservation Commission function and believe the tree cutting applications should be reviewed by the Conservation Commission.
- ✓ Opined that the person doing visit needed a comfort level to be able to make a decision.
- ✓ Suggested that maybe non-compliant permits needed the recommendations of the Conservation Commission.
- ✓ Suggested the Selectmen only review if there is a need for remediation.
- ✓ Suggested the possibility of requiring the owner to get an outside opinion if code enforcement officer not comfortable with making a decision then he can require an owner to pay for a professional opinion.
- ✓ Discussed New London's point system vs. state point system. New London gives less points for more trees.
- ✓ Stated that removing small shrub is addressed in state statute but not in local regulations.

Chair Helm commented:

- ✓ Regarding the need and funding for a code-enforcement officer and wondered which town representative he/she would report to.
- ✓ He noted that there should not be a discussion about trees if there is not a problem. Perhaps the tree-cutting enforcement officer should recommend to Selectmen whether an application should be approved.

Bob Brown, Chair of the Conservation Commission commented:

- ✓ He takes extreme exception to minutes of September 1, 2015 minutes that state the Conservation Commission does not want to be involved in tree-cutting application compliance.
- ✓ Said it is extremely unreasonable for volunteer board members to conduct site visits on private property.
- ✓ Suggested that the tree cutting form needs to be revised.
- ✓ Referenced a tree cutting application which the Conservation Commission and Planning Board members reviewed for the Stevens property on Owls Nest Road (July 2013), Tax Map 135-001-000. Input was also received from a professional forester, Leo Maslan.
- ✓ Commented on the need to retain a licensed professional forester who could visit the site and identify issues related to the tree cutting, diseased trees and the validity of cutting certain trees.
- ✓ Stated The Conservation Commission is always willing to assist with consultation.
- ✓ Asked if we address anything under 1 inch in diameter.

- ✓ Suggest that smaller stumps be addressed as they are as critical as disturbing a large root mass. Steep slopes need to be protected.
- ✓ Are there fines being issued?
- ✓ Said the CC is willing to assist but they don't want to make the decision as they don't have the professional expertise, and the Town should seek outside professional advice such as from a licensed forester.
- ✓ Suggested that maybe there should be a fee associated with the tree cutting application review.

Janet Kidder commented:

- ✓ That the comment included in the minutes originated from her and it was her impression that Conservation Commission does not want responsibility and perhaps the wording was a little strong.
- ✓ That we need to have a better look at what the application will require as is be the case with building permits.
- ✓ Maybe someone with more professional experience with trees, and evaluating tree conditions should visit the site.
- ✓ Relative to fines stated that sometimes just putting a name in the paper will encourage people to adhere to regulations.

Lucy St. John commented:

- ✓ Noted the Board had previously discussed the idea that the point system could be amended to include provisions that more undergrowth be retained, so there is a balance of undergrowth, saplings and large trees.
- ✓ Referred to the RSA regarding zoning violation fines, and states that just because a letter and fine is identified in a letter does not mean that the fines will be collected; there is a legal process to follow.

### **Site Plan Regulations- parking**

Jeremy Bonin discussed a revised document since the discussion at the last meeting. He explained the changes. Marianne McEnroe asked for clarification that all building in commercial district are grandfathered as they are now. These parking requirements are to do with new construction. The Board discussed a few different scenarios such as existing non-conforming commercial buildings including Spring Ledge Farm, Flying Goose, Barton's Insurance, King Hill Kitchen, and Fairview Motel. The parking provisions will be discussed at the next meeting.

### **Other Items**

State Applications: Staff explained that if the Planning Board, Conservation Commission, Board of Selectmen, or citizens have concerns about any State application they should submit the comments directly to the State.

Upcoming ZBA case.-Staff explained that Mr. Stallman has applied for a use variance to install a commercial parking lot in a residential area to accommodate the needs of a potential tenants.

Pike Brook Road Issue- Chair Helm stated there is much concern about the Pike Brook Road issue and the condition of the two bridges, particularly related to awareness now by abutting property owners about the Fire Department's ability to travel on the bridges, as they are both deficient. Staff will follow up with Town Counsel on this subject.

### **Planning and Zoning Administrator's Updates/Information**

Outing Club Building Permit: Ms. St. John explained that a memo was written to the Board of Selectmen (BOS) regarding a building permit submitted by the Outing Club. She and the Town Administrator visited the site to learn a snack shack was constructed prior to the approval of the permit, and furthermore identified concerns about the nonconforming uses and provisions of the ordinance.

Storage Container at the Mountain View Shopping Center: A storage container has been used at the rear of Unleashed. This is not permitted. The Planning Board noted that this storage unit should be removed immediately. There should be a site plan for even a temporary storage unit. Ms. St. John to send email for immediate removal or fines may be imposed.

Mountain View Shopping Center: A new island was installed without approval. An amended Site plan needed to be submitted for review and approval by the Planning Board.

Survey memo: Ms. St. John explained that she was asked to prepare a memo to the Board of Selectmen on the recent discussions by the Zoning Board and others regarding requiring surveys for building permit applications. Lucy St. John also reiterated the need for the property tax map correction project, which is identified in the most current CIP document.

### **Motion to Adjourn**

IT WAS MOVED (Michele Holton) AND SECONDED (Elizabeth Meller) to adjourn the meeting. The meeting adjourned at 9 pm.

Respectfully submitted,

Jennifer Vitiello,  
Recording Secretary  
Town of New London