



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## PLANNING BOARD DRAFT MEETING MINUTES Tuesday, September 23, 2014 7:00 PM

**MEMBERS PRESENT:** William Helm (Chair); Paul Gorman (Vice Chair); Michele Holton (Secretary); Peter Bianchi (Board of Selectmen's Representative), Jeremy Bonin; and Elizabeth Meller (Alternate)

**MEMBERS ABSENT:** Emma Crane, Bill Dietrich (Alternate)

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

Chair Helm called the meeting to order at 6:55 PM and asked Elizabeth Meller, Alternate, to sit in for John Tilley, who has resigned.

### **Review of Minutes August 26, 2014**

The August 26, 2014 minutes were reviewed and one correction was requested by New London Fire Chief Jason Lyon: On page 4, second paragraph after "Public Hearing Opened", the minutes stated that Chief Lyon had confirmed the Flying Goose Restaurant and Pub's boiler room met code requirements.

Ms. St. John explained that per an email from Chief Lyon dated September 16, 2014 the minutes need to be corrected. The minutes will be corrected to reflect the language per the emails that reads, " and because the total basement square footage is greater than 2,500 feet and the live music, the entire building needs to be sprinklered." This correction will be incorporated into the August 26 minutes.

**IT WAS MOVED (Bill Helm) AND SECONDED (Peter Bianchi) to accept the August 26, 2014 minutes as amended. THE MOTION PASSED UNANIMOUSLY.**

### **Public Comment**

Chair Helm invited public comment about anything not already contained in the agenda. Lucy St. John, Planning and Zoning Administrator, reported that she had spoken with abutter Mr. Kiernan about the parking lot behind the Barn Playhouse. He was unable to attend tonight's meeting. He expressed concerns and is upset about the parking situation, firecrackers, parties, and that the Fire Department does not have access to the building if necessary. Chair Helm suggested that Ms. St. John send him a copy of the September 9<sup>th</sup> minutes so he will be aware of the discussion which took place regarding the Barn Playhouse.

### **Lot Merger Applications**

- **Lot Merger Application. Tax Map 044-016-000 and 044-017-000.** Property located on Checkerberry Lane. Recorded in deed in Merrimack County Registry of Deeds, Book 2179, Page 0099. Zoned R-2. Owned by Harold F. Oberkotter, Jr., Trustee of the Harold F. Oberkotter, Jr. Revocable Trust. A letter was received stating the lot merger application has been withdrawn.

### Tree Cutting Applications

- **Brian Byrne, owner. Property located at 1891 Little Sunapee Road. Tax Map 043-026-000.**  
Proposal to cut several trees.

The application was reviewed by the Board. Chair Helm asked if the board had any concerns. There were none.

**IT WAS MOVED (Paul Gorman) AND SECONDED (Peter Bianchi) to allow Brian Byrne to cut down the designated trees. THE MOTION PASSED UNANIMOUSLY**

- **Ira Krakower, owner. Property located at 31 Wilmot Center Road. Tax Map 077-018-000.**  
Proposal to cut several trees/shrubs and ground cover.

Board member Jeremy Bonin recused himself with regard to this issue. Mr. Bonin is serving as architect on this project and is representing Mr. Krakower at the meeting tonight. Mr. Bonin explained a survey was done on this property within the 50 foot waterfront area. He and the owner selected trees that were leaning the most to come down, and Mr. Bonin noted that even more trees could be taken down because they have beech bark disease. Mr. Bonin pointed out the trees to be cut, which are the three most susceptible trees. Chair Helm asked for questions and there were none.

**IT WAS MOVED (Peter Bianchi) AND SECONDED (Paul Gorman) to allow Ira Krakower to remove the specifically-marked trees. THE MOTION PASSED UNANIMOUSLY.**

### Conceptual Plans Site Plan or Subdivision Plans

**Conceptual Site Plan application for Kristin Hubbard. Property located at 102 Bunker Road. Tax Map 061-011-000.** Zoned R-2. Applicant proposes to use a room of the existing house for a kitten rescue service for no more than twenty-four (24) kittens.

Kristin Hubbard was present to discuss her proposal to house kittens which have been abandoned, and then find them a safe, permanent home. Ms. Hubbard recently bought a house with a big barn on Bunker Road. She has in her home a 12 by 20 ft. room in which to keep the kittens. Her goal is to get them socialized before putting them up for adoption. She explained the kittens will be vetted by Beth Palmer at the Kearsarge Vet Clinic in Andover, NH. She further explained that health related issues may be reviewed by the State.

Chair Helm commented that a home business requires a site plan. Chair Helm then asked for questions.

Liz Meller questioned if the litter would be cleaned up regularly and Kristin answered affirmatively.

In response to another question, Kristin said if a kitten died, it would be taken to the vet for disposal. Ms. Hubbard noted that people dump kittens all the time and there is a real need for this rescue service.

Paul Gorman suggested that Deb Langner, New London's Health Officer visit the site if the use is approved to insure compliance with any health related issues.

Ms. Hubbard said that the State application procedure require her to get local approval first. She has signed up many volunteers who have agreed to foster the cats. Mr. Bonin asked if the site plan would review the percentage of the home being used.

Selectman Bianchi asked whether there would be any employees, and Kristin replied volunteers only. He asked whether she would limit the number of kittens she could have at one time, and Kristin answered no, although the maximum would be 24.

Lucy St. John referred to her staff report and pointed out that this is only a conceptual discussion. Ms. St. John referred to the home business concerns as well as the provisions regarding a commercial kennel, and that Zoning Board of Adjustment (ZBA) approval would be needed.

Ms. Hubbard noted she had already discussed her plans for an animal shelter with her neighbors, and found no one with objections.

Kristin Hubbard will follow up with Lucy St. John to submit the appropriate application to continue the process and next steps.

### **Other Plans/Discussion Items**

**The Sparrow School, a private one-room schoolhouse Site Plan Application. Located at 10 Lovering Lane (corner of Main Street). Tax Map 084-059-000** Site Plan approval granted June 24, 2014 with conditions. The June minutes state that if the State licensing process requires a playground area, this would require further review and approval by the Planning Board.

Rachel Ensign informed the Board that she had recently had an inspection with the NH State Childcare licensing. Ms. Ensign had sent an email to Ms. St. John dated September 15<sup>th</sup> regarding that appointment and the State's concern about a fence. Ms. St. John had also been in contact with Heather Dombroski, the NH Licensing and Evaluation Coordinator of the Child Care Licensing Unit. Ms. St. John explained that the Planning Board minutes of June 24, 2014 had specific comments regarding fencing and playgrounds. Ms. Ensign has provided a sketch showing where the fence would be and the type of fencing proposed. Ms. St. John commented that she also provided an update to the ZBA at their meeting on Sept 18<sup>th</sup>. The State has requested that Rachel install a small fenced in area on the site as a final condition before approving her license. Ms. Ensign said the fence would extend 29 ½ feet along the west side of the walkway. The fence will be aluminum, black and decorative. Ms. Ensign explained that the fenced in area would not contain any playground equipment, and is essentially an area to contain the children.

Chair Helm asked if the access to this fenced area is only from the front entrance. Ms. Ensign confirmed yes. Peter Bianchi noted this fenced area is just a grassy area and would not contain any playground equipment.

There were no further questions or comments.

**IT WAS MOVED (Peter Bianchi) AND SECONDED (Michele Holton) to approve the installation of a fence in the area requested by the State of New Hampshire. THE MOTION PASSED UNANIMOUSLY.**

**Gary Anderson and Cornelia Boyle. Property located at 750 Little Sunapee Road. Tax Map 021-001-000.** Discussion of two projects: a temporary 12-foot wide access path in the waterfront buffer and a wooden security and privacy fence in the waterfront buffer.

Ms. St. John referred to the staff report and information submitted by the applicant. A public hearing isn't required per the Ordinance. Gary Anderson then circulated some additional photographs of the property. Mr. Anderson explained that Hurricane Irene dropped a lot of debris into Little Lake Sunapee, much of

which has washed up on shore. Mr. Anderson conveyed that he has presented his application to the Conservation Commission (CC) last year and that the CC had extended their support. Mr. Anderson stated he received a Wetland and Non-Site Specific Permit (2013-02300) from NH Department of Environmental Services (NHDES), approval date of 1/27/2014.

He explained that he has two projects to discuss with the Planning Board, as detailed in the letter dated Sept 8<sup>th</sup>. Project 1 is to create a temporary 12 feet wide access path. Project 2 is to construct a wooden fence in the waterfront buffer.

The path would be created to access the lake. He proposes to begin this project when the lake starts being lowered. He expects draw-down will be finished by mid-October.

The plan is to place a turbidity curtain around the whole project. A boat house has already been refurbished successfully. Mr. Anderson noted they would have to drive over shrubs with an excavator, but will replace them. The location is about 12-ft wide and is situated next to the State culvert. He estimates the project will take about a day or two. He explained that the piles of asphalt and debris which will be removed would be stockpiled on his lot, across the road until next spring, at which time he will knock down those piles.

#### Public Discussion Opened.

Chair Helm said he thought board members all agreed to a temporary path, but the installation of a fence in the waterfront buffer would require a variance from the ZBA to work in the waterfront buffer. Mr. Anderson acknowledged that statement and said they plan to apply to the ZBA for the fence.

Mr. Anderson explained they are here to seek Planning Board approval for the temporary access path. This path is needed to allow the construction equipment to get to the lake, so the debris can be removed.

Peter Bianchi pointed out that on the temporary access path, the ordinance requires it be completely restored with native species and asked Mr. Anderson if he had a plan for that. Mr. Anderson said if the native species do not pop back up, he will commit to replacing them. Selectman Bianchi emphasized that he would like to see a specific plan. Mr. Anderson responded that he did not know what plants will be destroyed yet, so they are unable to predict what will need replacing. It may only be one blueberry plant. Chair Helm recommended the motion contain language about "native species." Lucy St. John asked if the motion could specify what "temporary" means. Chair Helm suggested the motion say the project will be completed no later than May 1.

Peter Bianchi said he is somewhat concerned about the construction part of the project. He noted that, typically, Little Lake Sunapee is only drawn down by a foot. He asked Mr. Anderson if there would be equipment dipping into the water? Mr. Anderson said yes, sediment is typically under water. He said the people working on the project would sit on the delta and scoop out the sediments, and dredge it. Mr. Anderson emphasized that the work would definitely be done during the draw-down, when the debris will be above the water. Mr. Anderson said they would be following whatever contours are there and that the dredged depth shall not extend below the original lakebed contours, per the State permit. Ms. St. John noted that the NHDES permit was approved with several conditions including #5 which read: "Dredge depth shall not extend below the original lakebed contours."

Chair Helm noted that the lake belongs to the State of New Hampshire; the Planning Board can only give Mr. Anderson permission to get there. The NHDES will have to monitor and make sure the area dredged will be restored according to their requirements.

Public Discussion Ended. Chair Helm called for a motion.

**IT WAS MOVED (Peter Bianchi) AND SECONDED (Michele Holton) to approve the construction of a 12-wide access path in the waterfront buffer subject to the access path being completely restored and replanted no later than May 1, 2015. Mr. Anderson shall provide the Planning Board with a letter stating when the project was completed. THE MOTION WAS APPROVED UNANIMOUSLY.**

**Kirschberger. Located at 461 Lakeshore Drive. Tax Map 037-014-000. Most recently discussed at the June 24, 2014 meeting. Update.**

Ms. St. John noted that the Planning Board had addressed a tree-cutting and beach replenishment complaint at the June 24, 2014 meeting. Chair Helm had visited that site and discovered a new path leading to the beach area, and also determined trees had been cut. He suggested at the time that the Selectmen be notified for enforcement. Ms. St. John met with the owners at the site in July and reported back to the Planning Board. The owners maintained they received approval from the town in 2012 to do this work.

Ms. St. John said that this issue was recently brought again to her attention by a property owner. Ms. St. John conveyed that she could bring it to the attention of the Planning Board for further discussion. Chair Helm explained that he has observed that there is now a fence on the site as well. He suggested the Board refer this matter to the Board of Selectmen for enforcement. The Planning Board concurred that this issue should be referred to the Board of Selectmen for enforcement.

**Colby-Sawyer College. Proposed signs.**

Ms. St. John referred to her staff report prepared for this discussion.

Colby-Sawyer College has asked about displaying some signage near Kelsey Field on game days. Chair Helm felt they were not requesting anything different than what just happened at Customer Appreciation Day recently held at the New London Shopping Center, where banners were erected everywhere. He wondered how the situation with Colby-Sawyer was any different. Chair Helm said as he reads the zoning ordinance, in this district there can be a sign of any type, but the size is limited to 15 square feet. He noted the banner would be a temporary sign that would be taken down within 24 hours.

Michele Holton asked if the college was non-profit and Paul Gorman answered yes.

Chair Helm commented that the College is trying to be a good citizen and is looking for direction. He thinks their request is in line with the Ordinance, and the Board has acknowledged that the current sign provisions need further clarification. Peter Bianchi said that the Planning Board needs to take a hard look at the current language of the sign ordinance.

The Board stated that the College be allowed to have one temporary sign saying "Game Day," which is no larger than 15 sq. feet. Michele Holton suggested the Board ask the College, as a courtesy to put up the sign no sooner than the day of the game and take it down the day after. The banner or sign would be restricted to the College's outdoor athletic events only, and not for any other activities when the College has allowed others to use their fields.

### **Public Hearings and Applications**

#### **Cherry Hill Homes, Inc., Subdivision and Lot Line Adjustment. Located on the corner of Seamans Road, Hall Farm Road and Blueberry Lane. Tax Map 086-022-000 and 086-021-000.**

Chair Helm noted that this is a continuation the August 26, 2014 Public Hearing regarding this application. He referred to Ms. St. John staff report and the letter from Clough Harbor Associates, the engineering firm asked to review the plan on behalf of the Planning Board. He asked Jennifer McCourt, the applicant's engineer to update the Board and address any outstanding issues. He suggested that the Board refer to the staff report, specifically the 13 points identified by staff as a starting point to this evening's discussion, as much was discussed in the previous meetings.

Ms. McCourt explained that at the August 26<sup>th</sup> meeting, the abutters in attendance responded positively to the ideas regarding some modification to the lot lines. The plan was submitted to Clough Harbor for review. She explained that since the August meeting, they have received State Wetland approval for the crossing and State Subdivision approval (for lots less than 5 acres). Some additional information was explained regarding the test pit data, the length of the culvert (per her discussion with Bill Thomas of the NH Wetland Bureau), and an area is shown on Lot 5 for the septic.

Chair Helm asked if anyone had questions about the fire suppression provisions. Ms. St. John explained that the staff report included the most recent comment from Chief Lyon per his email of Sept 23, 2014 and that he had reviewed the suggested draft condition # 8 of the staff report. Peter Bianchi noted the town does not have occupancy permits for single-family residential homes. Selectman Bianchi commented that the Board is assuming that the fire chief would have control over permits only when we have fire suppression systems. He said it seemed an occupancy permit would not be issued by a fire chief alone. Mr. Bianchi is concerned that the wording is not legally accurate for the Town of New London to be delegating this function to the fire chief.

Ms. St. John answered that Jay Lyon felt the language addressed his needs as fire chief. Jen McCourt commented that the language just references the fire suppression system and is in compliance with two RSAs regarding this item. The information regarding the RSA was previously provided to the Planning Board. Chair Helm remarked that he felt the language was worded properly to avoid an occupancy permit situation. Mr. Bianchi responded that they could call it anything they wanted, but to him it was a matter of semantics. He said he did not want to go down a path that is not in concert with the law. Mr. Bonin suggested the Fire Chief could review "it" (fire suppression system) before the building permit is issued and then the house could be inspected again for operational approval of the fire suppression system. Mr. Bianchi noted that once a building permit is issued, no one from the Town comes in to see what has been done. He said he just wants to make sure the Board can legally do what it is attempting to do. Mr. Bianchi suggested the Board run this issue by Kim Hallquist, Town Administrator. Chair Helm said if there are any specific legal questions, the Board could request input from Town Counsel. Michele Holton thought it would be more cost effective to start by talking with the Town Administrator. Chair Helm noted the Board may want to get input from Town Counsel. It was decided to revisit this issue later in the meeting.

John Langill, the builder explained that the language simply states each home will be protected by a fire suppression sprinkler system and that the sprinkler system shall be approved by the Fire Chief. Lucy St. John reiterated that real concern is that once a fire suppression sprinkler system is installed that it works prior to someone occupying the home. Jen McCourt noted that they will not putting in cisterns, so the fire chief could deny people the right to occupy homes before he is sure it is safe.

Jen McCourt discussed that utilities would be underground, with some exception due to wetlands, and that a pole may be set on Hall Farm Road. She remarked it would be a challenge to get across Blueberry Lane Extension – a service line can only be 200 feet long, so they would have to put up poles to get down there. She is not sure yet if this will be an issue. They may go above ground so as not to impact the wetlands.

Peter Bianchi asked about the access to Lot 22-5 at the end of Blueberry Lane and is an easement across that extension given by the owner to allow passage on that road? Jen McCourt answered in the affirmative. Mr. Bianchi questioned whether the easement was for utilities? Ms. McCourt replied no, an easement never specifically grants permission for utilities. Ms. McCourt replied she has been in contact with James Bolger (098-003, the lot across the road) regarding a utility easement, and she implied he has indicated he does not have a problem with electrical easements. She has also spoken to PSNH, whose legal department makes a decision about what can go across the right-of-way.

Chair Helm noted that at the August meeting, Mr. Jim Wheeler was there to represent Mr. Bolger. At that meeting Mr. Wheeler conveyed that Mr. Bolger is not interested in issuing any further easements. Ms. St. John commented that since the August meeting it has been conveyed to her that Mr. Bolger did not have any interest in granting anything.

Mr. Langill said he suggested to Jim Wheeler that Cherry Hill Homes would pay for the clearing of trees. Mr. Wheeler conveyed that to Jim Bolger, and Mr. Bolger said he would get back to Cherry Hill by next Wednesday. Mr. Langill said they could possibly go over the 50-foot strip, take a right-hand turn, and go over to the house, but he thinks it is ultimately PSNH's call. He is aware that he cannot count on Mr. Bolger to give an easement. Mr. Langill noted there were a number of options. He also said he could be hindered from coming all the way down because of ledge. He said he has to keep these lots marketable and he does not want telephone poles. However, the only lot that might apply to is Lot 5.

Larry Ballin, an abutter (Tax Map 087-003-000), said he had a deed in his hand with the wording for the access, regarding the area at the end of Blueberry Lane. It said it is the original deed. He told the Board that if they agreed to the subdivision including Lot 5, they are assuming Cherry Hill is correct. Chair Helm responded that Cherry Hill has taken the position that they have access to Lot 5 off Blueberry Lane. Jen McCourt said that they do have rights of access. Larry Ballin replied that he was talking about whether utilities are part of the easement.

Jen McCourt then discussed the Clough Harbor engineering review letter. Ms. St. John noted that information from the NHDES website regarding the NH Stormwater Manual and other information was provided to the Board, as the Stormwater Manual was specifically referenced in the Clough Harbor letter dated September 18, 2014.

Ms. McCourt referred to the details in the letter and the specific notes included on the plans which address erosion and sediment control concerns. Ms. McCourt noted that the Clough Harbor (Town's engineering consultant) determined nothing looked off kilter with regard to runoff at 55 Blueberry Lane. She discussed the issues related to the conditions of the old logging trails and how they have redirected the water.

Liz Meller asked if moving the trail on the depression area would help at all. Jen McCourt responded that it's difficult to see because of the amount of brush out there. She thought they might be able to brush hog it and see if anything can be done. Ms. Meller thinks this issue should be attended to. John Langill noted that skidders make deep ruts. There are ruts in that area. When one walks through the 50-foot area, there are a couple of deep ruts and Mr. Langill wants to go in and mend those ruts – push them back to the way

everything was originally – and do it as soon as possible, before snow flies. That way, when spring comes around, these rut will be mended. Mr. Langill said that as soon as Cherry Hill closes on the property, they would like to get a crew out there to take care of this.

In response to the discussion regarding “mending” the logging ruts, Ms. McCourt conveyed that the plan meets acceptable engineering standards. She conveyed that stormwater management is an issue everywhere, as the intensity of storm events has become an issue all over the country, with increased rainfall events and the intensity of the events (amount of rainfall in a short period of time). She noted that the site was previously logged (clear cut), which made everything related to drainage even worse. The trees and other vegetation used to take up some of the water. She noted that some vegetation is coming back.

Liz Meller asked if this was along the logging trail, and Jen replied, “in multiple places.” Ms. McCourt commented that once the logging ruts are mended, the natural flow of how the water runs may change.

Chair Helm asked the Board and Ms. McCourt to entertain discussing the 13 points included in the staff report as possible conditions.

- **Condition #1**, regarding including the conditions on the mylar. Ms. McCourt conveyed this is not an issue, ok.
- **Condition # 2**, regarding amount of impervious allowed. Ms. McCourt conveyed this is not an issue, ok.
- **Condition 3**, regarding the driveways from Seamans Road. Ms. McCourt conveyed this is not an issue, ok. Ms. St. John referred to Richard Lee’s email of Sept 10 referenced in the staff report. She said she talked with Richard since the email, and he would prefer only one driveway, but if Planning Board approves two driveways, he would issue driveway permits for both.
- **Condition 4**, regarding the 50’ wide access easement and the driveway to Lot 5.

Ms. St. John referred to the same email from Richard Lee. Ms. St. John explained that per a discussion with Richard, he said if they cannot get the driveway down by the end of Blueberry Lane, they could bring it up through the 50-foot easement area.

Jen McCourt commented that she had a problem with that since there is so much wetlands next to the house, and the intent is to have the driveway at the end of Blueberry Lane. They do not want to inhibit the new owner of Lot 5 the ability to access their land from either point should they want to use it. Ms. McCourt said they didn’t want to limit the owner access to their property via this 50’ area, as it has been on plans for years.

For clarification the area being discussed is the property between Tax Map 98, Lot 1 owned by Dechant’s and Tax Map 98, Lot 2 the LeBlanc’s property.

Ms. McCourt said that maybe the owner of Lot 5 would want to use it as a garden path with gravel, or for some other purpose, and doesn’t want the use to be limited. She noted that the abutting property owners and Ms. Crowell across the road have become accustomed to it being vegetated, but this area has been on plans as a potential Right-of-Way for years.

Lucy St John clarified that McCourt is asking that the new owner of Lot 5 be able to use it as an access point, and at least minimally for a gravel path, rather than saying it must remain as vegetated.

Ms. McCourt also explained that depending on the outcome of the discussion regarding utility access, this area may need to be used to provide service to the parcel.

John Langill responded that if he has to put electric under that 50-foot strip, PSNH is going to want to clear 20 feet anyways, and he would also remove any dangerous trees. Mr. Langill said he has spoken to the LeBlanc's regarding the pine trees on Tom LeBlanc's lot, and has offered to assist in the removal. He commented that if some more of these trees are removed, the area would be open to more sunlight and may help dry out some of the currently wetter areas. Ms. McCourt stated she thinks the Planning Board would be taking away the owner's use of the property.

Jeremy Bonin commented that two wetlands cut off this building site from the majority of the upland. Jen McCourt noted that if a trail is graveled, it is impermeable according to NHDES.

Peter Bianchi asked if getting to Lot 5 from the end of Blueberry Lane extension would be the best way to do it. Ms. McCourt said yes, especially since access is not permitted from Seamans Road, and if the Board restricts or limits potential access from the 50' wide area.

Ms. McCourt and John Langill commented that Lot 5 will be very marketable to a family, and having the access from the end of Blueberry Lane is really the best arrangement.

- **Condition 5**, regarding including a note about the driveways, this is done and not an issues. Ok with it.
- **Condition 6**, regarding setting the bounds. This is not an issue, ok with doing it.
- **Condition 7**, regarding including the State approval numbers. This is not an issue, ok.
- **Condition 8**, regarding the notes and conditions regarding fire suppression. Chair Helm said they would get back to this discussion.
- **Condition 9**, regarding the utilities. Ms. McCourt referred to the discussion this evening. She commented that Cherry Hill cannot know the metes and bounds of an easement until they take title to the land. PSNH will not talk to them until then. Chair Helm recommended the last sentence be taken out. Jen responded – only if we could put some language in regarding Lot 5. Chair Helm said would get back to this discussion.
- **Condition 10**, regarding need for covenants. Ms. St. John stated there are exhibits in the ordinance and she sent a copy to Richard Lee and Jay Lyon, and Richard responded from his recollection, the covenant only pertains to a private road or private sewer system. They are not creating new streets (p. 74 and 75). Perhaps this does not need to be put in? All agreed, no need for this condition.
- **Condition 11**, regarding any other conditions that might need to be added.
- **Condition 12**, regarding Note 4 on Sheet 2. Ms. McCourt said this has been corrected.
- **Condition 13**, regarding Clough Harbor's comments. Ms. McCourt referred to the discussion earlier in the meeting on how comments have been added regarding erosion control. Chair Helm said all relevant information about storm water is contained in Volume 3.

Chair Helm asked if there were any other conditions on this list that the Board wants to consider. Jeremy Bonin asked about repair to the logging trails. Is that in the notes that this will be done? Ms. McCourt answered no, because she did not know how to phrase that.

Lucy St. John remarked that when she talked with Clough Harbor they conveyed that the site looked good and vegetation was growing back. Chair Helm asked board members if they wanted to put a condition in about repairing ruts. Jeremy Bonin said yes. John Langill said he preferred the word "mend."

Ms. St. John will assist in drafting some potential language. Chair Helm remarked that the Board has a few issues to resolve related to the use of the 50' area, the language regarding the fire suppression and underground utility service to Lot 5.

Larry Ballin, an abutter, asked the Board to look at the wet areas of Lot 5 along his property line. He said there are wetlands there, not just a depression. These wetlands have never been delineated on this map before. John Langill commented that at a previous meeting the issue of the wetland delineation was brought to their attention, and they had the wetland scientist look at the area again. Mr. Langill commented they share a common boundary with Larry Ballin, approximately 2,000 feet and that Mr. Ballin's property includes a lot of wetlands areas as well. Mr. Langill commented that due to the topography in this area, the wet areas on Mr. Ballin's property drain/flow over into this site. Larry Ballin agreed.

Larry Ballin opined that this piece of land looks like a great opportunity for a 7-lot subdivision and that Lot 5 is the problem. He feels the Planning Board should suggest Lot 5 not be approved and be absorbed into the other 7 lots, instead of approving an eight (8) lot subdivision.

Mr. Langill commented that his purchase and sales agreement is contingent on approval of 8 lots.

Larry Ballin responded this was not the problem of the Planning Board.

Jen McCourt answered that Cherry Hill has met the Town requirements and has State approvals. She is respectfully requesting the Board approve the plan as 8 lots.

Larry Ballin reminded the Planning Board that it is within their jurisdiction to make their own decisions, if they so choose.

Chair Helm noted that Cherry Hill had met all required regulations and could probably appeal a 7-lot decision. Peter Bianchi commented that Lot 5 will be an extremely difficult lot to develop. He is concerned about the fairness of pushing all the access to an odd-shaped lot. It creates a potential problem with electrical access. Liz Meller commented that Cherry Hill is the one who came up with the plan, so is this the Board's concern. Peter Bianchi answered no, not legally. Peter Bianchi conveyed that he believes Lot 5 is not unbuildable and it would be so much easier if it was no longer there. Michele Holton noted that if Lot 5 is a tough lot to build on, then the developer will absorb the cost should the lot not be purchased.

John Langill said that he had a septic designer show him that a 2,600 square foot house could be built on the site, with a driveway, four bedrooms, and a two-car garage. It fits on the lot just fine. He sees this as a great spot for a family with kids and bicycles. There is no traffic. It is a safe area for a family to be. Mr. Langill acknowledged that both he and Ms. McCourt has some doubt about Lot 5, however they have investigated and determined they can build on that lot.

Jeremy Bonin noted that the conditions the Board is proposing for that lot is not intended to compound the difficulties to build, it is supposed to protect the other properties. Paul Gorman asked how the Board fashions a proposal when access to this lot is complicated by issues that are not settled, particularly the utility easement.

The Board continued to discuss Condition 4. Jen McCourt suggested to address the concerns about the 50' strip of land (between Dechant and Leblanc) that a conditions could be included to say that the primary residence couldn't be accessed from this point, but it still allows the owner use of their land. Liz Meller agreed, as long as the ground stays impermeable. Jen McCourt suggested that the condition include language that would allow the owner to be able to use this area for a path, such as providing access to a garden area. Jeremy Bonin asked if the lot has the frontage to allow two driveways. Ms. St. John said the lot has the frontage, and any driveway would need to be approved by Public Works.

The Board continued to discuss Condition # 9. Ms. McCourt suggested that the terminology used by Public Service refers to "secondary power utilities" and that most of the utilities will be underground, with the exception of maybe the secondary power utilities, this will be determined by the utility provider.

The Board continued to discuss Condition # 4 regarding the fire protection language. Chair Helm noted that with regard to the inspection for operation approval, this creates a potential conflict with occupancy rules which the Town does not have. Paul Gorman said the problem is the word "occupancy." Why doesn't the Board get rid of the word "occupancy"? Paul Gorman noted that the real issue is to say that the Fire Chief certifies there is an operable fire suppression system in the house.

John Langill reminded the board that the people who install these systems are licensed. The language could be something like "subject to fire suppression system being approved by the Fire Chief and the licensed installer supplying a certificate of completion."

Chair Helm noted that there were other agenda items to be addressed. Chair Helm felt it was not fair for the other people waiting to be heard to continue this conversation. Michele Holton thought that the person installing the fire suppression system could certify that everything is installed properly and is operable and is licensed to make that assessment. She suggested that the fire system installer could meet with the Fire Chief on site, they run the system, and they both sign off on it. She noted that these were unique items that do not pertain to occupancy, just that systems have been installed properly and run properly. Chair Helm reiterated that the Board cannot fashion a motion tonight. He knows everyone wanted to be finished with this tonight, but it does not look possible.

Chair Helm proposed the board continue the public hearing until tomorrow morning, as the Board are all in conceptual agreement with the concepts but not the specific language to include in a motion.

Jen McCourt asked about getting a letter that says the Steproe property is in compliance with the lot line adjustment. Ms. St. John explained that Ms. McCourt has asked for a letter, but that the Planning Board cannot issue a letter about compliance because the subdivision has not yet been approved. Ms. McCourt thanked the Board for considering to continue the public hearing until tomorrow, Wednesday- September 24<sup>th</sup>. Chair Helm noted that the Planning Board has a meeting already scheduled for tomorrow. He asked whether enough board members could attend a meeting at the Town Hall tomorrow at 10 AM. He noted the board will need a quorum.

**MOTION WAS MADE (Paul Gorman) AND SECONDED (Liz Meller) to continue the public hearing and discussion on the application until tomorrow morning, Wednesday, September 24<sup>th</sup> at 10:00 AM at the Town Offices. THE MOTION PASSED UNANIMOUSLY.**

**Kozain Minor Subdivision. Nina Kozain Trust Property. Located at 55 Page Road. Tax Map 117-021-000. Zoned ARR.** Proposal to subdivide the 19.62 acres into two (2) lots with no further subdivision of either lot allowed, as the site included significant areas of wetlands. Waivers requested. Clayton Platt, surveyor. Jon Sisson, NH Certified Wetland Scientist and Soil Scientist. Variances requested from the Zoning Board of Adjustment. A conceptual plan was discussed at the July 22, 2014 meeting.

Clayton Platt, Surveyor, presented the plan on behalf of the Kozain. Mr. Kozain was also in attendance. Chair Helm asked if there was anything new since the conceptual discussion. Mr. Platt conveyed they received a new variance from the ZBA on September 18<sup>th</sup>. The ZBA had granted a variance on July 2<sup>nd</sup>, but due to some surveying details they need to recalculate the amount of wetlands. This affected the variance granted, and thusly they had to seek a new variance. The ZBA granted the variance on Sept 18<sup>th</sup> with the conditions of the July 2<sup>nd</sup> approval.

**Public Hearing Opened.**

Chair Helm asked if the application was complete and Lucy St. John conveyed that the applicant has requested some two waivers. Mr. Helm asked if the Board wanted to conduct a site visit, no site visit would be conducted.

**MOTION WAS MADE (Peter Bianchi) AND SECONDED (Paul Gorman) to grant the waivers requested. THE MOTION PASSED UNANIMOUSLY.**

Lucy St. John said a letter had been received from abutter Susan Wheeler, Tax Map 117-018-000. The email was read into the ZBA record at the Sept 18<sup>th</sup> meeting. Ms. St. John read the email into the record.

Dear Lucy,

Thank you for the time and information you shared with me last week. I want to go on record expressing a concern of mine. I'm sending this email to express my concern regarding increased runoff onto my family property on the other side of Rte. 103A, increasing the wetland area. There are already 2 culverts diverting uphill water onto our land, and roofline drainage from the Kozain property could add to this volume. Susan Wheeler

Clayton Platt responded there is a lot of water on this property, which flows in a westerly direction. He noted that all the water drains away from Ms. Wheeler's house along Route 103A. Several other houses drain through existing culverts.

Chair Helm asked if the Board wanted to include a condition about having the surveyor certify the bounds be set within 90 days of the plan being approved. Ms. St. John noted that the ZBA approved the variance with conditions. Variance granted with conditions that there be no further subdivision of either lot and that the Notice of Decision on the Subdivision Plan be recorded at the Merrimack County Registry of Deeds (MCRD).

**MOTION WAS MADE (Bill Helm) AND SECONDED (Jeremy Bonin) to approve the minor subdivision subject to the two conditions. That there be no further subdivision of either lot. That the Notice of Decision on the Subdivision Plan be recorded at the Merrimack County Registry of Deeds (MCRD). THE MOTION PASSED UNANIMOUSLY.**

**New London Wood Products Site Plan. Located at 1554 King Hill Road, Tax Map 129-015-000.**

Property owned by Dean and Pamela Larpenter. Proposal is to build a 30 x 34 sq. ft. horse barn for two horses. Activities currently conducted on the site include a sawmill operation, manufacturing of grade stakes and selling of kiln dried firewood. Zoned ARR. Waivers requested.

Chair Helm asked Ms. St. John to provide an overview. Ms. St. John referred to the staff report. She explained that she had met with Dean Larpenter and explained the process, noting that he was informed that a variance would be required for the expansion of the nonconforming use, even though the proposed building will be used to house the horses. The applicant, due to time issues, wanted to present his request to the Planning Board, and then proceed to the ZBA. She explained that the applicant included a sketch of the current site and is requesting a waiver to many of the Site Plan requirements.

Dean and Pamela Larpenter were present to discuss the application. He said they would like to build a horse barn for two horses on this property. The person who formerly boarded these horses is moving, and they want to construct a small barn next to one of their buildings at the sawmill operation. Dean Larpenter said if he was going to add on to his business, he understands he would need to go before the Zoning Board, but he just wants somewhere to put his horses.

Chair Helm agreed that this would need to go before the ZBA, as did the rest of the Board. Chair Helm opened the public hearing, to accommodate the property owner and his concerns about getting a barn built for the horse.

**Public Hearing Opened.**

John and Louise Chowanski (Tax Map 1229-018), abutters at 1502 King Hill Road. He commented that he was worried about fire. He said everything on that property is clustered in one area. He feels that with all the wood and trailers and machinery they have, the place is a fire hazard. Another concern he has is the noise factor. He said there is already a lot of noise. He said he is also concerned about how all this noise could affect the horses.

Dean Larpenter said that there is noise from the sawmill, but nothing coming from the side of the property where the horses would be located. Mr. Larpenter said he had spoken with the two closest abutters to his property, and they had no objections. Mr. Larpenter emphasized that concerning the fire issue, he would never jeopardize his horses. The barn would be located on the back side of a metal building, so there should not be any additional noise. Michelle Holton asked if they would have a paddock, and Dean replied that they are draft horses, so they do not eat grass.

Mr. Chowanski says he hears a lot of noise when the chipper is in use, which is at least three days a week. He is concerned about the animals because they would be close to his place.

Chair Helm commented that the issue before the Board is for the new barn structure which would be used for the animals. Chair Helm responded that when Mr. Larpenter goes before the ZBA, Mr. Chowanski will also have the opportunity as abutters to express his concerns.

Louise Chowanski asked if this situation is not monitored, how does the Planning Board know it will not be used to expand an already overcrowded business.

Chair Helm answered that the Board would consider that when Mr. Larpenter comes back from the ZBA.

Mrs. Chowanski said when logs are delivered, the noise is deafening. She thinks the Humane Society should look at this situation on behalf of the horses. Mr. Larpenfer said the last thing he is going to do is jeopardize his horses.

Pam Larpenfer commented that clearly the horses would not be a fire hazard.

Mr. Chowanski replied that he was saying all the buildings clustered together would be a fire hazard. He asked if the drying facility had ever been inspected.

Chair Helm reiterated the need for the Larpenfer's to submit an application to the ZBA. He also referenced the provisions regarding the number of acres needed for each animal. Mr. Larpenfer said he does not have to have a pasture if there is an enclosure. Ms. St. John will assist the applicant in the ZBA process requirements.

**MOTION WAS MADE (Jeremy Bonin) AND SECONDED (Peter Bianchi) to continue the public hearing to the meeting scheduled on October 28th. THE MOTION PASSED UNANIMOUSLY.**

#### **Other Business**

- **Lake Sunapee Protective Lake Association (LSPA) – Discussion on review of Land Use Regulations in New London and surrounding communities and state.**

Two members of the Lake Sunapee Protective Association, June Fichter, Director, and Nancy Marashio, Chair of the Watershed Committee, were present. A handout showing the shoreland provisions of New London, Newbury, Sunapee, Springfield and the State was reviewed. She said the New London regulations are pretty good. The handout needed to be updated to include the amendments to the Shoreland provisions adopted at the May 2014 Town meeting regarding docks and boathouses.

Ms. Marashio said the LSPA wants each town to retain its individuality. She noted that in years past the LSPA helped facilitate discussion between the Towns regarding common issues of concern.

Chair Helm said he thought the LSPA wanted to talk about enforcement? Ms. Marashio replied that this was one of the subjects there were interested in. June Fichter said this is one issue, another issue is how to address best management practices regarding stormwater management. She said the LSPA is concerned about water quality and this is just one subject that warrants further discussion.

Ms. St. John asked Ms. Fichter if the LSPA had developed any specific draft language regarding stormwater or other issues to protect the lake they would like to share with the Planning Board. Ms. Fichter commented that said they were testing the water here, and noted that some boards do not like to be advised. Ms. Fichter said the LSPA would welcome the opportunity to provide some input on water quality and lake protection issues.

Ms. St. John commented that the term best management practices is used in the current Zoning Ordinance. Maybe the LSPA could offer some specific language to consider. Chair Helm commented that the Planning Board would be reviewing the Zoning Ordinance and possible amendments over the coming months, and suggested that the LSPA suggest some language, and

arrange a time to meet with staff, to discuss issues of concern. Ms. Fichter mentioned that another approach might be to have a joint meeting with the Planning Boards of the surrounding towns.

Chair Helm asked Ms. St. John if she meets regularly with her counterparts in the abutting communities. Ms. St. John said no, and Chair Helm commented that it might be a good practice to start.

➤ **Conservation Commission – Application Decision Tree**

Mike Gelcius, a member of the Conservation Commission was present to discuss the handout created by the Conservation Commission. He explained that his purpose of the handout is to assist the Planning Board and others, by outlining the steps that should be taken to process applications, based on the current provisions of the Zoning Ordinance.

Ms. St. John explained that as part of the zoning amendment process she had outlined concerns regarding the language in the Zoning Ordinance, and the need for clarification. She said this handout will be useful as the Planning Board will be discussing zoning amendments again.

Mr. Gelcius commented that some current provisions could be modified, as the language is ambiguous. Chair Helm said if Mr. Gelcius had any suggestions, to bring them forth. Chair Helm noted the board will be looking at these ordinances over the winter. Chair Helm recommended Mr. Gelcius provide the Board with a memo or list by the end of December, which he agreed to do.

➤ **Scheduled CIP meetings – The Planning Board will be holding a meeting tomorrow, Sept 24<sup>th</sup> to meet with various town departments- fire, police and town administration, and the water precinct.**

➤ **Intent to Cut-** Lucy St. John provided the Board information about a Notice of Intent to Cut, for Tax Map 037-008-000, Cantor property at 425 Lakeshore Drive submitted to the Town Sept 23. She explained that at the August 26<sup>th</sup> meeting, the Planning Board discussed another Intent to Cut application for the Hunter Hill Trust property at 717 Lakeshore (Tax Map 051-015-00). The Planning Board had asked staff to research the history of zoning amendments related to the Streams and Wetland provisions. Ms. St. John provided the Board with information from the March 2001 Town Meeting zoning amendments and the January 9, 2001 Planning Board minutes. She explained that the Cantor property is included on several of the Town's overlay zoning district maps, including the Steep Slopes map. She noted previous discussion on the current provisions in the Zoning Ordinance regarding tree cutting for forestry, and if the Planning Board has any jurisdiction on forestry related matters. Chair Helm suggested that the Board of Selectmen may want to bring these provisions to the attention of the property owners, forester and loggers who are identified on the Notice of Intent to Cut.

**Cherry Hill Subdivision Public Hearing-** Chair Helm reminded the Board and public that the public hearing was continued to the Planning Board meeting scheduled for Wed, Sept 24<sup>th</sup>

**Motion to Adjourn**

Motion to adjourn made by Michele Holton and seconded by Peter Bianchi. Motion passed unanimously.

Meeting adjourned at 10:08 PM.

Respectfully submitted,

Chris Work, Recording Secretary  
Town of New London