



TOWN OF NEW LONDON, NEW HAMPSHIRE

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APPROVED PLANNING BOARD MEETING MINUTES February 12, 2013

MEMBERS PRESENT: Tom Cottrill (Chair), Jeff Hollinger (Vice-Chair), Paul Gorman (Secretary), Emma Crane (Conservation Commission Representative), Tina Helm (Board of Selectmen's Representative), John Tilley, Michele Holton

MEMBERS ABSENT: Deirdre Sheerr-Gross (Alternate) Michael Doheny (Alternate)

STAFF: Lucy St. John (Planning & Zoning Administrator), Kristy Heath (Recording Secretary)

Chair Cottrill called the meeting to order at 7:10 PM.

Site Plan Application for Ed and Cindy Canane, owners/operators of Cascade Brook (Tax Map 061-006-000)

Ms. St. John referred to the staff report, attachments and information items included with the staff report. She explained that Mr. Canane would present a slide show and address specific questions about the farming operation including but not limited to manure management and fencing. She provided a brief overview of the staff report, noting references to the agricultural history, provisions in the Master Plan, review comments and zoning provisions. She explained that the Zoning ordinance was amended in May 2012 to include a definition of commercial farm. The Site Plan Regulations were not amended at that time. The Site Plan does not have any specific provisions that pertain to agricultural uses focusing on pasturing of animals.

Ms. St. John indicated she has provided the Chair & Vice Chair a copy of the comments received to date from the following people: John Wise, 25 Belvue Drive, Todd Richardson (Star Lake Farm, Springfield, NH), Amy Smagula (NHDES – Limnologist) Jacquie Colburn (NHDES) John & Kitty Wilson, Ruth Littlefield and Bob Pugliese, Gary and Joyce Lineberry (Greenfield Farm, New London), Bill and Annette Granger, Elizabeth Kellett, Tracy Prescott (Seamans Road) Lloyd Littlefield, Greg Berger(Spring Ledge Farm, New London) and Rick Anderson.

Mr. Canane was offered the floor to begin his presentation; He introduced his lawyer, Jim Laboe, Orr & Reno who said he was there to represent the Cananes. Mr. Laboe explained that the Cananes wished to use 26 acres of their property to graze Black Angus cattle. He quoted from several RSAs sighting the raising and the sale of livestock as it pertains to prohibiting danger to health or prosperity. Due to some recent changes in the Zoning Ordinance in New London, commercial farms have to go through the Planning Board for Site Plan Review. Mr. Laboe said it was the Planning Board's job to prohibit danger to health or prosperity. He said that this use will not involve any danger to health, safety or prosperity, but will be beneficial to the entire community. He referenced a letter dated February 6, 2013 from Michael Lynch of the Natural Resources Conservation Service (NRCS) office. The letter conveys that he has worked with the Cananes on their Cascade Brook farm and that they have demonstrated they have the capability to manage their resources with sound stewardship. They have been following a conservation plan developed with NRCS's assistance and would be happy to work with them to develop a conservation plan for their New London property. A conservation plan is based on the landowners objectives and the resources limitations inherent with the soils, topography and water resources. The plan will integrate best management practices to protect water quality and to allow the productive use of the land.

Mr. Canane explained that they are farmers and their headquarters are in North Sutton. They currently own 51 acres in New London and graze their cattle on 14 acres in New London that they do not own on Seamans Road and Route 11. They would like to implement the same practices on Pleasant Street as they have used on the 14 acre parcel. Mr. Canane said he is looking to do a land conversion from forest, of which there is not timber of revenue value, via silvo-pasture. He noted that Cornell University is a huge supporter of this kind of farming and said it is popular in Europe, Instead of putting cows in the woods, which degrades the water table and forest, this is a way to create forage pathways and plots within the forest, acknowledging the value of the forest. Trees are of value to the protection of water, provide shade and are a better source of nutrient assimilation. They intend to fence the entire perimeter of the property. They will implement rotational grazing, which means they will use fencing that is both effective and easily removed. Mr. Canane specified they would use an electric, 4-strand, 12 gauge steel wire with lightning deflectors, grounding systems, and a fault alert to let them know if the energizer is off. The fencing will allow wildlife to go in and out of the fence, but will keep the cows in. They currently use this kind of fencing for about 10 miles throughout their properties.

Mr. Canane was prepared with slides to illustrate his plans for silvo-pasturing. Several slides were shown and an explanation provided. The first slide Mr. Canane showed illustrated the grasses that grow on their land. Different types of grasses in one area are the key to successful grazing. He wants dense, deep forage.

The next slide was to illustrate the practices designed to protect water quality and limiting access of the animals to the water source. He noted they won't pollute a water source as it is not good stewardship, it is not good business and it is not good for the farming operation or the cows. They will design the site, including access to water sources in compliance with the best management practices developed and implemented in consultation with NRCS. The slide illustrated a site with a pond, showing the fencing, buffer, grasses and vegetation used to help screen runoff into the water body/source. He explained how the placement of the water source is critical to the overall grazing operation, manure management and growth of the forage vegetation. He explained for the Pleasant Street property they will not have calves so will not need a five strand fence, as was shown in the slide. He explained that water can be pumped from a source. They always keep their animals 600' from the water. Mr. Tilley wondered what month the picture was taken in. Mr. Canane said it was July.

The next slide was of some of their property in New London that was timbered three years ago. They go through soil testing and use wood ash to bring the Ph. of the soil to the right level. He showed the fencing used, which consists of four-strands of temporary fencing and "pig-tails." Mr. Canane said he determines the sizes of the paddocks he creates by the condition of the forage in the area, noting that this was "part science and part art."

The next slide was an illustration of silvo-pasturing. The forage is thick and there is no damage to the trees. Mr. Canane indicated that the trees were not damaged because there is sufficient forage for the cows to eat.

The next slide was an illustration of stockpile feed, which is forage he lets grow high and dense and the cows mow it down to about six inches.

The next slide was an illustration of the shelters he uses for the cows for sections of pasture where shade from trees might not be available. The shelters have wheels and can be moved with his tractor from one area to another. He moves the shelter to new grazing areas as needed.

Chair Cottrill asked what they intend to do on the land with regards to the numbers of cattle they want to graze and the timeframe of the grazing.

Mr. Canane said that he follows New Hampshire Best Management Practices (BMPs), which say there should be 1.5 acres per bovine. That is 17 cows, but he expects to put six to eight on the ground. He commented on the recent timber harvesting on Seamans Road and Hall Farm Road (Map & Lot 086-022-000) and that their operation will not be done like that.

The practice of silvo-pasturing involved many factors. He explained that some trees are left on the property when preparing a pasture using silvo-pasturing practices. He explained that he will pasture the animals based on the forage available. For the first few years he will pasture the animals late and get them out early because the forage won't be there to support them. The Cananes want to implement this sort of pasturing in an effort to improve the land. Mr. Canane noted that he has to wait until the ground is suitable to sustain the animal, which could be as late as June. He opined that the cattle belong outside, walking around.

He commented silvo-pasturing isn't the same as creating a big, beautiful field like the Cleveland property. Chair Cottrill asked Ms. St. John if the site plan application was complete. Ms. St. John said there are not specific details in the Site Plan Regulation to address an agricultural operation. She referred to the staff report, attachments and the slide presentation by Mr. Canane as information for the Board to consider in deciding completeness of the application. She noted that Mr. Cananes slide show is part of his application package. She explained the meeting was posted, abutters noticed and comments received. Ms. St. John said the site plan regulation discuss various requirement for landscaping, street design, street lights, sewer and water lines and etc. but there is nothing in the site plan provisions that pertain to agriculture or describe how the board would review such an application.

Chair Cottrill said part of what they have to consider is the effect the silvo-pasturing will have on the area due to the fact that there are nearby streams.

IT WAS MOVED (Emma Crane) AND SECONED (Paul Gorman) to consider the application complete. THE MOTION WAS APPROVED UNANIMOUSLY.

Public Hearing was opened by Chair Cottrill. He asked that people try not to repeat what others say.

Doug Baxter of Hall Farm Road thanked Mr. Canane for his presentation. He said he lives not too far from the property on Pleasant Street and has been trying for 20 years to get his grass as lush as that in Mr. Cananes photos. He asked what Mr. Canane will have to do to the soil on the property to get that type of grass to grow. Mr. Canane said that they start with a soils test and based on the results from NRCS, they suggest what type of amendments he will do to the ground. He said he will not bring in manure. He doesn't take manure off his fields but leaves it in place. He will use wood ash to improve the ph. because that is an approved method. He may or may not choose to use NPK (Nitrogen, Phosphorous and Potassium). There would be no alteration of terrain.

Priscilla Ohler said she lives very close to the property. She expressed concern about the two streams and other smaller tributaries that feed the brooks. She asked that if all the streams would be fenced in, how much grazing land would remain. Mr. Canane said he plans to fence the perimeter of the property and from the length of Red and White Brook from end to end (on each side of the brook), which will be permanent 12.5 gauge fencing. This amount of fencing will cost him a lot of money. She was concerned that the land was very wet and the two larger brooks were spring fed from the other smaller streams on the property.

Mr. Canane assured her that they do their homework and the cows would not be let loose in the area to walk around in the streams. Ms. St. John showed pointed out the location of the property and Red and White Brook on a map and a map was passed around for those attending the meeting to review.

Tom Armand said that he was a neighbor the Mr. Canane and knew the property well. He explained that what Ms. Ohler was asking was that the land is going perpendicular to the street and the brooks go through the entire property. Would they be putting bridges over the brooks? Mr. Canane said the cows will never touch the water and he would rotationally graze throughout the property. He would implement and utilize spring-gates. They are similar to a slinky. They will put in the gates that will be connected with these 9,000 volt “Slinkys”. The bridge will be used by the farm equipment (tractor) and to move the cows from one side of the stream to the other. To get the cows over the water, they will create an alleyway across the bridge with the slinky gate and the cows will follow him to the new grazing area.

Rick Anderson, President of the PLPA, member of the Conservation Commission, and a Resident of Slope n Shore said he doesn't question the Cananes reputation and knows they will use BMPs. His question is the environmental sensitive nature of the parcel. Flowing streams are different than a pond. Fresh water will be coming down the hill and any water that may be polluted will go towards the lake. He explained that Pleasant Lake is designated a Class A water body. He noted the lake is important for several reasons including the lake affects the tax base, there is a Town beach on the lake, and the lake is used for recreational purposes. Whatever standard applied to the property should be the highest possible. BMPs are not a guarantee that there will be not pollution. He is a supporter of agriculture but they are focused on minimizing the impacts to the lakes. He suggested the Planning Board consider that the best possible sent of BMPs is designed for this specific case. Mr. Anderson said that Mr. Canane made a similar presentation to the Conservation Commission and they discussed testing water quality. Part of the consideration would be to develop an independent methodology for testing the water. He felt it incumbent upon everyone in the room to insure that the highest precautions are taken and a monitoring plan be put in place so they can address any problems that might arise. He also referred to the NRCS Riparian Forest Buffer handout he had submitted to the staff.

Mr. Laboe referred to the email dated January 9, 2013 from Jacquie Colburn, NHDES which referenced agricultural best management practices (BMPs) which is what the Cananes are doing. Mr. Anderson said that the manual for BMPs says that judgment is required to use BMPs for every situation; standards should be set for implementation and correct standards must be designed or chosen depending on the situation.

Mr. Canane said that there are standards in place for surface and ground water, nutrient management and agriculture. There are considerations that must be made for housing and for agriculture. The State has standards in place which they plan to follow or exceed. There is no evidence that this activity, particularly grazing, will threaten the purity of the water. Mr. Canane said that this was not going to be a heavily used area.

Becky Irving from 464 Pleasant Street asked how the Cananes plan to enter the property form Pleasant Street. Mr. Canane said that they don't know yet but there will be an entrance on Pleasant Street. Mr. Canane said they need to take soil samples first. He explained besides locating the driveway for access and safety he also needs to learn more about the soils, as this will be a factor in determining the driveway location. He explained that in addition to working with NRCS, he has hired an agricultural engineer who is also a civil engineer and a licensed forester (who is also a Technical Service Provider – TSP for silvo-pasture). Between these people and the neighbors, who he said he has made an effort to talk with, they would determine the best point of entry. Mr. Irving said that there are entrances there already and she suggested that the area was a very dangerous place with regards to traffic. Mr. Canane said he would speak with Mr. Lee about a driveway permit and noted that he and his wife are thinking of retiring on the property one day. They plan to have one access point, not two. They also won't put the fence line right along the road. they will put it far enough into the property so that he can get his

equipment on the property before he opens the gate. She was concerned with the trucks going in and out. Mr. Canane reiterated that he couldn't be certain where the trucks for the forestry and his silvo-pasturing would enter the property at this time.

Mr. Canane said that everything he is asking for is a permitted use. It was asked how long it would take to log. Mr. Canane said that it depends on what they find when they get there. For 36 acres it takes about four weeks of forestry. For 15 acres he anticipated it taking between two and a half to three weeks. They bring in a chipper and the ground won't look like what was left after the logging that was done on Seamans Road and Hall Farm Road. They want to create feed and care for the ground. Tom Armen asked if Mr. Canane would be going in this winter to log. Mr. Canane said they would not because they are not ready to do so. His forester would help him decide when to go in.

Kitty Wilson said she thought there was a 100' setback to protect the streams. Chair Cottrill asked Ms. St. John to read from the zoning ordinance and the list of permitted uses. Ms. St. John referred to Article XXII, Streams Conservation Overlay District, pages 90-93 referring to the (B) Purpose, (d) Natural Woodland Buffer and (F) Permitted uses.

Ms. Wilson stated that they are dealing with Red Brook that has flooded and taken out Lamson Lane three times. Ms. Ohler's point about the property containing a great deal of water is true. The brooks flood substantially and she wanted this to be understood.

Mark Moran from Newbury said that he was a granger and an aqua-culturist who also raises grass-fed beef. He discussed his property, noting its uniqueness, topography and details of usage. He explained he grazes on the high end of the property and trout are being raised on the low ground. He works with NRCS and while he has been at his current location for the past four years, based on rotational grazing they have doubled their organic matter. He opined that the Cananes will only improve the soils which will improve the quality of the water. He said that they monitor their water quality daily.

Ruth Littlefield said she lives above the property. She explained that Red Brook runs through their front yard and has never flooded, overflowed and is often dry in the summer. She went over and visited the Cananes farm in Sutton and she has a lot of respect for that they are doing. She noted that her husband's grandfather used to graze cattle on the Pleasant Street property long ago.

John Wilson, who lives on Pleasant Lake, said he is the Chairman of the Watershed Committee. He felt fortunate to be working with the Cananes and felt they have a good attitude. He noted that Pleasant Lake and the Blake Water River and tributaries are classified as Class A waters. The BMP that are envisioned for the property should be delineated to the Planning Board as part of the site plan application. He referred to the assistance offered by Mike Lynch, NRCS in the letter discussing BMPs for this project. He referred to the NH Surface Water Classifications and Water Quality Standard, February 2013 Draft prepared by NHDES (email from Amy Smagula, NHDES Feb. 12, 2013) He suggested that the Agricultural Department, NHDES and NRCS work through a plan on this together. He noted the disconnect between various standards of NHDES, Cooperative Extension and BMPs when it comes to the proper setbacks from streams. He felt it was to everyone's benefit to get the parties together to clarify the plan for the deforestation and how many animals would be on the site, prior to the Planning Board making a decision. Mr. Wilson noted that Pleasant Lake is only half a mile away from the property and they want it to stay a Class A body of water.

Mr. Anderson said he was not speaking for the entire conservation Commission but he referenced the minutes from the December 2012 meeting where Mr. Canane presented and said he would keep a 100' buffer from the streams and continue with a water quality testing program. He wanted to know if that would still happen.

Mr. Canane said he would like to correct the record when he said he would stay outside the 100' buffer. He said he had retraced the statement at the meeting and said he wanted to reissue a statement. He said he would do whatever he was permitted to do with BMP and the State of New Hampshire. Mr. Anderson wondered if Mr. Canane would respect the 100' buffer. Mr. Canane said the width of the buffer is not necessarily attached to the qualities of what is supposed to be there. It isn't the water that needs protection it is the soils. He will do what is right for the soils and the water.

Mr. Laboe said he didn't think grazing was included in the 100' buffer and wanted people to understand that.

Chair Cottrill asked Ms. St. John to read the prohibited uses within the Streams Conservation Overlay District, page 91. Ms. St. John noted that prohibited uses included the erection of any new structure, adding fill or dredging, expansion of salt storage sites, junk yards, the use of fertilizers on areas with grass, etc.

Margaret Anderson wondered if a fence was considered a structure. Ms. St. John referred to the definition of structure on page 33 of the Zoning Ordinance, definition #148. It was determined that it was not.

Mark Barcell asked where the water testing should be done from. Mr. Anderson said above, at and below the parcel. Mr. Barcell asked how many parcels the brooks passes through before getting to the lake. He asked how they could figure out if it was the cows causing the problem or if it is from other uses such as houses near the lake, boats on the lake, other pollutants that enter the lake, wildlife, and other potential sources of pollutants that may be flowing into the lake. Mr. Anderson said that this is why they are stressing that testing needs to be done. His suggestion is that they work out a program together so there is no question.

Jonathan Ohler thought the water quality and prevention of degradation was what they were talking about as he didn't think they should have to get permission to graze cows. As long as water is not harmed, what is good for the soil is good for the planet. If Ohler land is necessary for access for water testing, he said it would be available. Mr. Canane said he would get a driveway permit, the timber he wants to cut is subject to whatever permits are required. He felt it was almost a non-issue.

Greg Berger of Spring Ledge Farm spoke about his experience with working with the NRCS. He felt they were very thorough and thought the Cananes would follow their recommendations. He opined that the cleanliness and the Class A designation of all their lakes benefits the entire town. He was convinced that Mr. Canane understood this and would do the right thing. Mr. Berger noted that they have found, via soil tests, that Phosphorous is naturally high in the area and said they can custom blend the nutrients added to the soils. They are not putting any more phosphorous into the environment and he felt there would be similar soils in the area the Cananes plan on using.

Mr. Hollinger asked how far Spring Ledge Farm is from Great Brook. Mr. Berger said there is approximately 75' of grass and then the woods; this varies as the stream meanders.

Richard (Dick) Kellom, Chair of the PLPA Water Quality Committee was asked about the water tests and if water testing was conducted for the water coming out at Great Brook. The answer was yes. He explained that the testing has remained level over the years. Chair Cottrill asked how many years they have water samples from Red and Why Brook. Dick Kellom commented that they have 12 years of sampling records.

Mr. Wilson said that DES regulations for Class A waters consider the diversion of water as being an impact. It says you can't degrade the water by diverting it and he thought they should understand that better before approving this.

Mr. Canane noted that out west they have wars over water. As a farmer he is encouraged to use the resources on his land. He doesn't object at all to not use any water from those two brooks on the land or any surface water on the property. He brings water to Seamans Road already and he doesn't need to use the water on the property on Pleasant Street. Bringing water daily gives them the ability to be on site to check the fencing and the animals.

Mr. Anderson said it was eluded in the NRCS buffer guidelines that there should be a buffer for nutrients being 50'-200' depending on the circumstances. He thought there should be some understanding of what an appropriate buffer should be.

Mr. Hollinger wondered how long ago that piece of land was used for farming. Ms. Littlefield said it was around the 1940's or 1950's. It was noted that there is still barbed wire on the fencing.

Mr. Hollinger asked if there would be any problem had Mr. Canane wanted to put his cattle on the property for his own private use and it was not commercial. What if they wanted to put horses on the land instead? They have to respect the lake but also the property owner's rights. They need to be careful that they don't keep people from doing things but also protect their precious resource.

Ms. St. John said that last year at Town Meeting several changes were enacted regarding agriculture, including a new definition for commercial farm, provisions requiring a site plan for a commercial farm, provisions for animal Feed Operations (AFOs) and Concentrated Animal Feed Operations (CAFOs). She conveyed in there staff report that agriculture has been a part of New London's history, and there are other farms near streams and water bodies. The discussion should reflect concerns about all the water resources not just Pleasant Lake, as we are all part of some watershed.

Chair Cottrill asked if the Cananes were willing to test the water twice a year, fence off the entire stream, and construct a bridge over each stream. He asked them if they were willing to get a Special Exception from the Zoning Board of Appeals to cross a wetland. Mr. Canane answered that he would do all of those things and would do what is right.

John Clough said he was concerned about the attitude some are looking at this project with. HE felt that they were assuming the Cananes were guilty before they even started. He added that the Town never asks people with septic systems near the lake or streams to test the water. This man wants to add a field, which is expensive as well as a great value in the area. He thought the Cananes should go for it.

Chair Cottrill asked the Planning Board if they were ready to make a motion, if they wanted to continue the discussion to another meeting or if they needed more time.

Mr. Tilley wondered how they craft a motion around the water quality. Do the factor in a NRCS plan? Do they make the motion contingent upon the plan?

Mr. St. John referred to the language in the Zoning Ordinance and suggested recommendation in the staff report.

Mr. Canane shared that there are tremendous amounts of cutbacks in the Federal government, including the NRCS, which has been severely cut in funding. He explained that NRCS and other related agencies simply aren't as available any more. Some plans used to be cost-shared (free) and a lot of them aren't any more. If they have to get their own plan, he may not be able to acquire it. He has a grazing plan at

their headquarters which he follows, but he didn't think it appropriate to commit to any plan because it could be years away and cost thousands of dollars. Mr. Canane said he will strive to prepare conservation and grazing plans, which is part of being a good steward of the land.

Ms. Wilson felt this was worrisome. She didn't know the Cananes and wondered what their accountability would be if they trashed the lake. Mr. Hollinger said they don't apply for this application. The Grangers had horses on the land before them. If they had eight of their own horses (not commercial) they would be allowed to run through the brooks at will. Ms. Wilson said she was worried about the lake being in jeopardy.

Chair Cottrill said if a new owner came in they could strip all the trees on the land, do a housing development, and maximize everything they wanted to do. He felt that instead, this was a great use of the land. There is a concern about the water but they have agreed to do testing. They will all know the condition of the water. They can make this testing part of the motion. He asked what the people there wanted the Cananes to do.

Mr. Ohler asked if the Town had a regulatory process and the ability to act if problems occur. The bottom line was that they only need to be assured that the Town of New London has the ability to act if a problem occurs.

Mr. Anderson said one point he made was that BMPs were designed for specific circumstances and they are very broad considerations. He thought that professionals would be involved but now the Cananes are saying that professionals are not available due to funding cutbacks in the NCRS. Mr. Canane said if there is a problem there is a method called a right of redress. If there is a nuisance due to practices being done, there are laws in place that will protect everyone concerned and redress is available. It was noted that this was a State action and would not be from the Town directly. Chair Cottrill said the motion could be crafted to include these items. If something does go wrong, they will hear about it.

Ms. St. John commented that said if there is a water problem which warrants attention, in consultation with the Town Administrator, it is very likely that this would be referred to NHDES and or the Town Health Officer. She also noted that the Zoning Ordinance has enforcement provisions, but a course of action would be to contact NHDES and the Town Health Officer. She cited for example, if a septic system fails the owner would have to fix it and present an amended septic plan. A similar approach would likely to be taken. She noted that agricultural activities have been occurring in Town for years and they have not degraded the water as it is still designate a Class A lake.

Mr. Wilson didn't think it was adversarial on the part of the people that they be protective. He thought they should do water testing above and below and at the parcel and that this should be included in the motion.

Ms. Wilson was concerned with Ms. St. John's remark about the fencing of the stream as there seemed to be no buffer expressed. Mr. Hollinger said that there was no buffer required and if there was a 100' buffer it wouldn't leave much room on the property to do anything.

Ms. St. John referenced pages 90-92 in the Zoning Ordinance, permitted uses and also referred to the rights of farmers per State RSAs.

Mr. Canane said he is entitled to put his fence right on his neighbor's property line. He isn't even required to fence out the brook; however he will guarantee to fence every bit of it. He would not put a fence right on the brook as approved by DES. He will fence off the brook, but this will depend on the topography near the brooks. He said that NRCS suggests, for grazers, that the buffer be a low as 10-20 feet. He will do something equitable.

Mr. Hollinger asked if they would continue to do the testing at Great Brook if Mr. Canane does above and below the property. This statement was corrected to say Red Brook, not Great Brook.

Mr. Baxter said that he and his wife bought property near Kezsar Lake after the Town of New London was sued for pollution. He was the water tester at the time. The importance of having one person testing the water insures the consistency of the testing. MR. Wilson thought perhaps Mr. Canane and the PLPA tester could test the water together and share the cost.

Mr. Canane said the DES implementation shows fencing to be right on the brook. Slope is only one factor of many to consider when placing a fence. They have to consider vegetation and it is a serious error to have a canopy over a forest floor that is void of vegetation. Fencing 10' – 20' from the stream will ameliorate any problem. If it doesn't, he will move the fence.

IT WAS MOVED (Paul Gorman) AND SECONDED (Jeff Hollinger) to approve the Cananes site plan contingent upon the following:

Motion to approve the site plan with the following conditions:

1. Stream water quality for Red Brook and White Brook both of which bisect the lot, shall be tested twice each year in the months of May and October. Test samples shall be obtained within 20 feet of each property line so as to measure the quality of the water of each stream as the water enters and departs the property. Testing shall be performed jointly and costs shared equally by the Cananes and by the Pleasant Lake Protective Association (“PLPA”) as agreed at this meeting by Rick Anderson (PLPA President) and
2. Best management practices shall be used in consultation with NRCS, USDA and other agencies that may have pertinent information, and
3. Adequate fencing shall be installed around the entire perimeter of the lot, and
4. The fencing along Pleasant Street shall be sufficiently set back from the road to allow room for service vehicles, and
5. Both streams shall be adequately fenced on each side so as to prevent livestock from entering either stream, such fencing to be located a minimum of 10 feet from the nearest side of each stream, run the entire length of each stream and connect with the perimeter fence, and
6. Obtain driveway permit and if applicable, intent-to-cut and stream crossing permits.

THE MOTION WAS APPROVED UNANIMOUSLY.

Someone in the audience commented that it is possible that the brooks may not be running in May and October as they are intermittent.

Scenic roads Public Hearing – Public Service of New Hampshire (PSNH)

Ms. St. John explained that the public hearing notice was posted and published in the newspaper. Chair Cottrill noted that David Crane of PSNH was in attendance to address questions. Ms. St. John explained that Mr. Jerry Gold had contacted her with some questions. Mr. Gold was also in the audience.

Mr. Crane said they were proposing their routine cut on a 4.2 year cycle. They will be trimming everything in the Town of New London. Specifications will be the same as in the past. They like to remove any trees and limbs 4” in diameter, within 10' of the lines and 15' above the lines, taking into consideration average tree growth in this area. They take down larger trees on a case by case basis if they are dead, decaying or in danger of obstructing the lines. He suspects that Asplundh Tree Company will contact the land owners before cutting and sometimes land owners bring trees to their attention that they have missed. Mr. Crane added that since the 90's they have been cutting around some of the shore land areas' In the past if they are within the shore land buffer, especially around Herrick Cove and

Pleasant Lake, they trim and top brush rather than remove trees entirely and would continue to do so as part of the operations.

Mr. Crane said he has read the steep slopes and wetlands ordinance but didn't think the steep slopes pertained to them. The wetland allows their regular tree and brush removal as it specified the only cut trees 4" in diameter.

Chair Cottrill noted that several years ago there was a discussion about some cutting on Davis Hill Road. Mr. Crane indicated that with that cut, they were reconstructing a line and when they do that he Town pushes them back further in the right of way for plowing, or they have to set taller poles bringing them up in the way of other trees. They need a license from the Town when they set a pole and the Town likes them set as far back as possible to not get in the way of ditches or plowing. They then have to cut further inwards of where they normally cut.

Mr. Hollinger said that PSNH got a lot of bad publicity when they did their cut on 103A. Mr. Crane said the specification last year at that location is different from the work they are planning this year. The 103A cut was to clean everything 8' from the lines. That sort of cut is used only around lines that serve large amounts of customers and lines that they have had trouble with. When they are done with maintenance they typically see a 42% reduction in tree related outages. In the reduction they did last year on 103A it was more than a 90% reduction in tree related outages. That tree work also costs 13 times as much as the work they propose doing along the roads in town this year.

Mr. Hollinger said that property values and privacy were decreased after that cut and none of the abutters to the cut knew it was going to happen. Mr. Crane said it was another arborist who handled the cut, not him. He said to his knowledge, he knows of only one complaint in Newbury about the cut, but they did not have one complaint from any land owner. On State roads they contact every abutter. They will contact people for this maintenance by knocking on doors to have a face to face discussion, or by sending a post card in the US mail, per State statute. If the postcard is not returned in 45 days with a request for further contact to be made, it is deemed that consent is given. This method has been in place since 2009 and since then they have received very few complaints. He feels that customers overwhelmingly want them to do this work.

Chair Cottrill opened the public hearing and asked if there were any comments from the public.

Mr. Gold noted that Shaker Street didn't appear to be on the list for cutting. Mr. Crane said that they plan to work on Street because there were not trees that needed to be cut but they did plan to cut some limbs. Mr. Gold thought what PSNH had in mind to cut was reasonable.

Chair Cottrill asked about a tree on County Road and whether it was dead or alive. Mr. Crane said the tree has grown close to the line and when the wind blows it rubs against the lines and causes burning which could be dangerous in the dry season.

IT WAS MOVED (Jeff Hollinger) AND SECONDED (John Tilley) to approve the tree cutting specified by David Crane in the letter sent January 15, 2013. THE MOTION WAS APPROVED UNANIMOUSLY.

ZBA Amendments

Ms. St. John referred to the discussion of the January 22nd meeting. Based on that discussion, she understood that few, if any amendments would be proposed. One possible amendment would be to clarify the term "domestic servant". She also provided the Board some suggestions received from Rick

Anderson, PLPA regarding grazing in the stream buffer and the ZBA chair regarding the term domestic servant. This information has been previously provided to the Chair.

Ms. St. John noted that February 13th was the deadline to received petitioned zoning amendments. To date nothing has been received. If something is received tomorrow (Feb. 13) it will be presented to the Planning Board. The Planning Board will have to state whether they support or do not support the request.

Agenda Changes

Mr. Cottrill explained that he recently talked with Ms. St. John about the agendas, staff report and amount of information the Board has been receiving. The agenda will be shorter and information items only will be sent to the Board if requested by an individual Board member. Ms. St. John explained because of the vagueness in the Site Plan Regulations, and recent Zoning Amendments of 2012, the information submitted for the Canane Site Plan application was provided for educational purposes and to illustrate the various languages in the Zoning Ordinance, relevant RSAs and other related literature as noted in staff report and agenda. Chair Cottrill also asked that Ms. St. John specify the top three items they should be most prepared about before the meeting.

Review of Minutes

From now on, the draft minutes will go directly to Ms. St. John and Chair Cottrill will be taken out of the loop for the initial review. The draft will be posted online as usual and then the Planning Board will discuss the approval at the next meeting.

Site Visits

Ms. St. John said that she minimally drives past the properties which are on the agenda, but doesn't actually go onto the property. She explained that the Planning Board can conduct site visits, and that in some towns the site visit is posted, as a quorum of the Board may be present. She also noted that visiting a site as an individual Board member shouldn't be encouraged, as this is a Board function, and the public perception is important.

Fast Track Process

Ms. St. John had provided to the Planning Board, a fast track application for moving the Radio Shack business from the shopping center to 210 Main Street (across from Ellie's). She had expedited the fast track application; several comments were received from Department Heads. As part of the fast track process if a Dept. Head has comments which may encompass more discussion or concerns, the application is then provided to the Planning Board for comment. The applicant representative, Bill Green is here to address questions and request the Board to review the fast track application. Mr. Green said the property is across from Ellie's. The Fifield family has owned it since 1984. He explained the various uses which have occupied the space over the years including Gourmet Garden a retail food market, Crafty Goose, in the 90's the College Sports shop, a retail clothing store, and two attorneys were on the other side. Parking is currently provided in the front and on the side of the property. He understands the concerns raised in the Dept. Head comments regarding the parking. He explained there is 90' of pavement across the front of the building requiring customers to back out onto Main Street. Regulation states that spaces are 10' wide. In front of each end space it is two spaces deep, he noted only eight parking spaces are required.

Ms. Holton said that Wilbur Grace is moving from the shopping center due to the increase in rents. His rent went from \$3,000/month to \$4,500/month and he cannot afford it. He is a good businessman and is good to the community. When he moves, Radio Shack will make him spend another \$12,000 to purchase new equipment. If he is not granted this Fast Track approval soon, he will use his franchise in town. She felt this was a hardship for Mr. Grace.

It was determined that there was not substantial change and the application could go to Fast Track approval. Comments were received from the Dept. Heads and the Water Precinct. It was noted by the Water Precinct that the water meter needed to be replaced at the owner's expense as it is commercial.

IT WAS MOVED (Jeff Hollinger) AND SECONDED (Paul Gorman) to approve the fast track for Wilbur Grace (Radio Shack) to move to 210 Main Street, with the contingency that the water meter be replaced at the owners expense in accordance with Rob Thorpe's memo. THE MOTION WAS APPROVED UNANIMOUSLY.

A discussion about the proposed changes at the shopping center continued. Staff informed the Planning Board that another Fast Track application was submitted from the Shopping Center to expand the hardware store, and other changes for Flash Photo. The Planning Board decided that these changes would require a full site plan review. Staff would inform the applicant.

Review of Minutes of the January 22, 2013 meeting.

The minutes were not approved; this will be included on the next meeting agenda.

Motion to Adjourn: IT WAS MOVED (Emma Crane) AND SECONDED (John Tilley) to adjourn the meeting. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 10:34PM

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London