



TOWN OF NEW LONDON, NEW HAMPSHIRE

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PLANNING BOARD APPROVED MEETING MINUTES April 24, 2012

MEMBERS PRESENT: Jeff Hollinger (Vice-Chair), Paul Gorman (Secretary), Peter Bianchi (Board of Selectmen's Representative), Emma Crane (Conservation Commission Representative), Michele Holton, Michael Doheny (Alternate)

MEMBERS ABSENT: Tom Cottrill (Chair), John Tilley, Deirdre Sheerr-Gross (Alternate), Tina Helm (Board of Selectmen's Representative)

Vice-Chair Hollinger called the meeting to order at 7:00pm.

Vernon Concept Minor Subdivision (Tax Map/Lot 023-011-000)

Mr. Stanley said that Mr. Mark Vernon had come to him with a proposal that did not meet the letter of the law. The Vernons will need a referral from the Planning Board to the Zoning Board of Appeals (ZBA) for a zoning variance for two separate issues.

Mr. Vernon said they have written a letter to the Planning Board requesting a referral to the ZBA. He introduced his brother, Jim, and noted the land has been in the family since 1824. They would like to split the land and want to ask for a variance on the steep slope requirement. They have a steep slope assessment from Pennyroyal Hill Land Surveyors. Mr. Stanley said that after the steep slopes and wetlands are taken into consideration, one parcel will be 18.5 acres and the adjoining lot would be 42.8 acres. In this zoning area, each lot is required to be at least 25 acres. Mr. Vernon said that they are asking for this variance because they feel they would not be building near the steep slope. The acreage they want to split between himself and his brother will affect what they can do with the remaining land.

Mr. Stanley said that the Vernons had agreed upon a conditional approval to limit any further subdivisions, but this was something only the ZBA could approve.

Jim Vernon said that the land involves another piece on the other side of the road which is located in a different zone. To keep the acreage equal between the two families they want to keep lot 11-1 to only 25 acres instead of 32 so they can divide on the other side of the road. They are not going to try and develop a third house on the third lot.

Mr. Vernon said that their children will get the pieces of land and eventually may build on them. Mr. Stanley said they'd have to come back for two minor subdivisions for both parcels if they achieve the desired outcome from this issue.

Mr. Hollinger asked Mr. Stanley if he saw any problems with this proposal. Mr. Stanley said that if they went along with the conditional agreement, he saw no reason to not advance this to the ZBA. He said the endorsement from the Planning Board was up to them entirely. Mr. Hollinger said he liked the fact that they were willing to make the conditional agreement.

IT WAS MOVED (Michele Holton) AND SECONDED (Peter Bianchi) to move the issue forward to the Zoning Board with the Planning Board's endorsement provided the conditional agreement to

limit any further subdivision remains as part of the approval from the ZBA. THE MOTION WAS APPROVED UNANIMOUSLY.

Brian MacKenzie – Inn at Pleasant Lake (Tax Map 036-002-000)

Mr. MacKenzie is proposing to use his barn for something other than storage. He has reconstructed it and had put in a new foundation, floors, and a roof. He would like to use the barn for events, such as wedding ceremonies. Mr. Stanley said he sent this request to Bart Mayer, Town Counsel, who feels it is an expansion of a non-conforming use. They will need a zoning variance and Mr. MacKenzie would need to be referred to the ZBA.

Mr. MacKenzie said that over time and as they began to empty the barn, it turned into a nostalgic, beautiful structure. Having it empty and having no one experience it didn't make sense to him. It is on the property and has been restored. They would like to be able to have groups be able to use the space. They will still be doing more to fix it up. He said they would like to heat the facility during the shoulder seasons if possible. Their idea is to use it for an event area for a group that is already going to be there.

IT WAS MOVED (Michael Doheny) AND SECONDED (Emma Crane) to move this issue to the ZBA with Planning Board endorsement for approval. THE MOTION WAS APPROVED UNANIMOUSLY.

Park Adams – Amend Final Major Subdivision Approval at Castle Lane (Tax Map/Lot 130-015-003)

Mr. Adams said that he owns 65 Castle Lane, in the ARR district, which is considered part of a Cluster Development. The development was approved in 2000 with a total of six lots of which five have buildings on them. The last is still for sale at this point. He is located at the end of the lane and there is very little through traffic. On his lot, he would like to move the building envelope overlay in a direction toward his house with all envelope dimensions remaining the same and include a separate building envelope for a garage. He would not be increasing the building envelope or the green belt size. Mr. Adams said that he had made a mistake several years ago and explained that he had received two building permits for a barn and an outdoor wood boiler and thought they were both inside his building envelope. He later found out that they were not. This change to move the building envelope overlay would then show both barn and wood boiler structures inside of his building envelope.

Mr. Stanley said this was an unusual subdivision as it is a “cookie-cutter” subdivision and couldn't be further from a Cluster Subdivision. The 100' buffer would remain well outside the building envelope. The required road setbacks are 20' from the edge of the right of way or the paved surface of the road. He said the building envelopes and green belt areas were totally arbitrary when this subdivision was approved. Mr. Stanley said that this is an amendment of a final major subdivision and has to be recorded at the registry. He noted that this has cost the applicant quite a bit of money to be able to do this.

Mr. Stanley said that a completed Mylar would be provided for signature at the next meeting if they approve.

IT WAS MOVED (Michael Doheny) AND SECONDED (Emma Crane) to approve the amended final site plan review for 65 Castle Lane that would allow for the modified building envelope and green belt per the plan. THE MOTION WAS APPROVED UNANIMOUSLY.

Alex Newirt – Final Site Plan Review - Canary Systems at the Old Post Office Location (Tax Map/Lot 084-080-000)

Mr. Newirt owns Canary Systems and said they are currently located in two second-floor suites in the Scytheville building on Newport Road. They are having some space issues currently and have been looking for more space. Mr. Newirt explained that his company is a technology company and they build things that need to be built on-site and sent via UPS. Being on the second floor makes this difficult, as supplies need to be carried upstairs and delivery people have to carry outgoing shipments down the stairs. He has been looking at properties in Newport, Claremont and Lebanon but would like to stay in this area as it is convenient. They would like to operate in the old Post Office building on Gould Road and plan to be changing some things inside the building, but nothing outside. Mr. Newirt said that they have been approved for the financing just last week and will be purchasing the building. Pending approval by the Planning Board and the ZBA, they will move in. He said that they want to tear down some interior walls and build some additional walls. They would also like to create some cubicles for their office area. Some signage would be put up either on the building itself or where signs use to be present.

Mr. Stanley said that this business would be classified as a mixed use of light manufacturing and office, which would require a special exception. Any approval by the Planning Board would be contingent on the special exception and of their meeting the local and State fire codes.

Mr. Newirt said that there were no parking issues in this area. They have five employees and may be hiring another two people over the next couple of years with a maximum of eight people total. Mr. Stanley noted that there are 15 parking spaces at the building. He added that Mr. Newirt would need to re-stripe the parking lot so they can tell where the spaces are.

Mr. Hollinger said it would be nice to have someone in the building to maintain it.

Ms. Holton asked about the noise level. Mr. Newirt said that it is low. They send out the larger things to MicroPrecision in Sunapee.

It was asked if there would be any restriction of hours when the business changed to light manufacturing and office. Mr. Stanley said that there were no regulations. The hours would be just one single shift and there would be no late-night operation. Hour restrictions are not a requirement but could be a condition of approval by the Planning Board if they so desired, or could be included as a condition of the special exception. This would be up to the ZBA.

Mr. Bianchi asked if the parking lot was lit. Mr. Stanley said it was not. Mr. Newirt said they may want to light it at some point. It looks like there used to be a pole at one time but there are only wires there now. He said that they have a lot of money invested in computers so if they did have lighting in the parking lot it would be just for security purposes. Mr. Bianchi said that light pollution is a concern and the town is looking to reduce light pollution. Mr. Stanley said there would be lighting by the doors, but if they did post lighting on the outside in the parking lot they would need a building permit. A sign can be lit but would need to be lit by halo or externally lit, but not internally lit.

IT WAS MOVED (Paul Gorman) AND SECONDED (Emma Crane) to approve the Final Site Plan review contingent upon receipt of a special exception from the Zoning Board of Approval and compliance with State and local fire code requirements and striping of the parking lot. THE MOTION WAS APPROVED UNANIMOUSLY.

Mr. Stanley said there is nothing on the plan regarding lighting and where it is going to be, however it is a simple process to come in and get the requirement waived for lighting. He thought they should not muddy the water with the lighting issue at this point since it was not present on the plan.

Tree-Cutting Request – Cotton Cleveland (Tax Map/Lot _____)

Colby Point is entirely wooded except for the roadway and the beaches that are used by the leasees. There is a problem with Red Pines trees dying and breaking off at the tops. All the trees Ms. Cleveland would like to take down are dead and some are within the 50' buffer. Mr. Stanley showed several photos of dead trees that have fallen or are about to. There is a strong understory of pine beneath the dead pines. Ms. Cleveland would like a blanket approval to periodically remove dead trees along the roads and adjacent to the beaches to reduce risk. The land is under a conservation easement and is conserved in perpetuity. There will be no houses built there. The Town of New London draws its water from hard-packed wells on Colby Point. The Water Precinct needs to gain access to these wells and it is important to keep the roads clear. He felt it was a reasonable approach in this instance.

Ms. Cleveland said they would like to cut annually. They care about the land which is why they have put an easement on it. She said the forest needs to be managed. Mr. Gorman suggested she write the Planning Board a letter each year explaining what she has done. She said every year they will do the same thing, which is trim dead limbs and take trees down that are broken due to wind damage. Mr. Stanley said his understanding is that if trees are not near anything but are dead, they will leave them be. If they are likely to fall in the road or beaches, they will take them down.

Mr. Doheny suggested having this agreement renewed every five years. Ms. Cleveland said that this was fine. She would also come in if something, such as blight, affected the area and more cutting was needed. She didn't think they would be cutting more than 30 trees per year, although this first year they may have more to cut.

IT WAS MOVED (Michele Holton) AND SECONDED (Michael Doheny) to allow Ms. Cleveland to come to the Planning Board every five years to gain approval to cut only dead trees affecting the roadway, beaches and water supply wells on Colby Point. THE MOTION WAS APPROVED UNANIMOUSLY.

John & Linda Kirchberger – Tree Cutting Request (Tax Map/Lot 037-014-000)

The Kirchberger property is to the east of Camp Tabor Road. There are 15 standing dead trees on their property. They had topped them some time ago to reduce the risk of having them fall. These trees are now, in fact, beginning to fall over. The Kirchberger's property far exceeds the point requirement and they are merely concerned that the trees will fall in the direction of the waterfront.

IT WAS MOVED (Emma Crane) AND SECONDED (Paul Gorman) to approve the cutting of 15 dead trees on the Kirchberger property. THE MOTION WAS APPROVED UNANIMOUSLY.

Hall – Tree Cutting Request (Tax Map/Lot 062-020-000)

The Halls have two trees they would like to cut. One is a tree that is 5" in diameter that is within the setback and is clearly dead. There is also a Red Maple that has the top broken off of it. The area is densely vegetated and the two are dead and should be removed.

IT WAS MOVED (Emma Crane) AND SECONDED (Michael Doheny) to approve the tree-cutting request of two dead trees on the Hall property. THE MOTION WAS APPROVED UNANIMOUSLY.

Stoddart – Tree Cutting Request (Tax Map/Lot 064-009-000)

Mr. Stanley said that a Birch tree has died and they have asked permission to remove it. He said that their segment of land meets the requirement for points even with this tree removed.

**IT WAS MOVED (Emma Crane) AND SECONDED (Paul Gorman) to approve the tree-cutting request for one dead Birth tree on the Stoddart property.
THE MOTION WAS APPROVED UNANIMOUSLY.**

Master Plan Summary – Upper Valley Lake Sunapee Regional Planning Commission

Mr. Stanley said that the Town Administrator said to not spend any more money in the Planning Board budget even though there is money remaining in the PB account, thus the previously planned Master Plan summary is now on hold. Ms. Hallquist came to him a few weeks ago and told him that there was an encumbered sum of money for the Master Plan and that this money could not be spent on anything else. She asked if they could do the summary within the amount remaining. He spoke with Chair Cottrill who wanted to do the summary. He then went to the Board of Selectmen at Chair Cottrill's request and spoke to them about it. The Board of Selectmen voted to allow this to go forward, provided it could be traced to be a legitimate encumbrance. Ms. Hallquist was able to trace it back to its sources and found that it was available funding that could be used.

Mr. Stanley said he contacted Mike McCrory from the RPC and they came up with a summary proposal, which had been distributed to the Planning Board that day. The summary would be about 25 pages long and would include condensed, succinct recommendations that could be tied back to the Master Plan, which is a 300+ page document. The final product would come to them in the form of an electronic version and they would print whatever they needed to print and/or have it online. Mr. Stanley thought that the Planning Board should see this summary proposal and offer their thoughts or comments. It was thought by the Planning Board that this document would be much more use-friendly than the 300 page Master Plan.

Mr. Bianchi said that the Master Plan was financed through a capital reserve fund. There was \$66,000 placed in the reserve account over several years. Out of that, all but \$16,000 - \$18,000 has been appropriated. Out of what was appropriated, \$4,400 is the remainder.

**IT WAS MOVED (Emma Crane) AND SECONDED (Paul Gorman) to adjourn the meeting.
THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 8:13pm.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London