

Hall-Bunker Rd
TAX MAP 62-020-000

* **Hall, Deborah & Arthur, Shoreland and Wetlands Permit Applications.** Located at 333 Bunker Road. Tax Map 062-020-000. Conceptual plan discussed at the Sept 27, 2016 Planning Board meeting regarding perched beach, pathways and disturbance in the waterfront buffer.

Presentation by Chris Kessler.

Chris Kessler and Mrs. Hall were in attendance to present the applications. He explained that two applications will be discussed this evening, a Shoreland and Wetlands Application. He provided an update since the conceptual was discussed at the Planning Board on September 27 meeting. He will be presenting both application to the Conservation Commission tomorrow morning for signatures and then will be submitting to the state tomorrow afternoon. The two applications are to work within the 50 foot waterfront buffer of Pleasant Lake to level out an area of the existing backyard lawn area (lakeside) to create a pathway for wheelchair use, to access the beach area and for a temporary access area during the construction. They are also applying to create a perched beach at the existing high water mark at Pleasant Lake of 804.2.

Shoreland Permit to DES presented: existing conditions shown with driveway coming down to house. House is surrounded with lawn, some trees and low ground cover. There are some trees down at waterfront and trees on the borders of the property. Showed existing beach. Need permits for 2 access points within the 50 feet, the first will be a walkway to come from existing driveway, around the edge of the building and then to the existing docking structure which is located on the shore front. Asking for permission to alleviate the cross-pitch of lawn by creating a level turf area to provide access way for wheelchair use to the water. Estimate no more than 5 to 10 yards of material will be needed to level the land and much will come from other parts of property. When discussing this with the Planning Board in September they had thought this would provide construction access to waterfront but utilities in the ground/close to the house will not allow this. They are now asking for a temporary 10-12 foot area of land, approximately 150 feet in length to get to the waterfront. A silt fence will be installed at top and bottom of slope prior to project. Any disturbance due to equipment will be repaired/reseeded within 5 days. When asked about the slope of the property, Mr. Kessler said the walking surface is to be 10 %. The house is not on a steep slope but the driveway is. And the part where machinery needs to access is about 15%. Two temporary paths will be needed for construction, which will be in the shape of one temporary U-shape. Pictures of the existing steps that go down to the water were show.

Ms. Hall stated she had spoken to the Pleasant Lake Protective Association (PLPA) following the Planning Board discussion on September 27th. She informed the Board that the PLPA stated that they did not oppose either application as long as construction complied with State and Town regulations. This included the perched beach. Janet Kidder stated she was astonished that the PLPA did not have a problem with the perched beach as she has gotten complaints from this group about raking wet leaves from the beach. Ms. Kidder asked that, that the owner get a letter from the PLPA about their position. Ms. Hall commented noted that the PLPA has told her they didn't want to get into the project approval business. Chris Kessler commented that he had offered to give a presentation to the PLPA about the details of the two application, but they did not want have a presentation.

Chair Gorman asked if there was any public comment. No public comments received.

Board Comments:

- Janet Kidder asked if there was any consideration for using natural ground cover instead of lawn area. Chris Kessler replied but Mr. Kessler said grass is the most easily maintained and much of the area is already planted with grass, and no fertilizers are used within the 50 feet waterfront buffer.
- The Board discussed if the Planning Board should or could require or ask the PLPA for a letter regarding their position on these two applications. Staff asked, if input from the PLPA is just being requested for these two applications, or for all other applications. The Board then discussed that asking any lake association for a letter, would essentially be undermining the role of the Planning Board, noting that any abutter or the Lake Association could submit comments to NHDES directly if they so desired. Furthermore for these applications, the applicant has sought input from the Lake Association and they chose not to offer any written comments, or to hear a presentation about from the applicant.

Motion to APPROVE Shoreland Permit Application for a temporary and permanent path located at 333 Bunker Road. Tax Map 062-020-000. It was MOVED (Elizabeth Meller) and SECONDED (Casey Biuso) to approve the application. No letter from the Pleasant Lake Protective Association will be required. The motion was APPROVED UNANIMOUSLY.

Chris Kessler then proceeded to discuss the details of Wetlands Permit Application, reiterating much of the discussion when he presented the conceptual discussion. He referred to the plans showing the location of the original 1992 permitted dug-in beach, the 1978 permitted dug-in beach and showed photos of existing shoreline and beach. He pointed out the gently sloping lawn and the steps to beach are hard to navigate. He pointed to the beach area where there is very little sand left. He explained that instead of dumping 6 yards of sand (New London ordinance) onto the beach they were proposing to create the perched beach by replacing weathered boulders at the previously approved dug-in beach, and filling in the area. This would raise the beach 2 to 3 feet and create 350 sq. ft. area on the lake side. This would be 1.8 inches above high water (804.2 feet is the reference point for Pleasant Lake) and would protect against wind and wave erosion. Mr. Kessler showed a cross section of the perched beach, which would be lined on the bottom with a porous filter material and then layered with 15 yds. Of crushed stone for the base (1.5 to 2 feet), another layer of porous filter material, 10 yds. of sand for the surface and 15 to 20 boulders against the water. The beach would be sloped towards the land to keep sand from migrating back into Pleasant Lake. He stated this is not a creation or expansion of the beach area, but a replenishment of the existing beach. He stated that NHDES does allow for 10 yds. or less, and if more than 10 yards are proposed additional State permits would be required. Mrs. Hall said that they have not put sand in since 1992; this approach is more environmental sensitive, and they don't want to continue to have to put in sand every six years. She said she has granddaughters who like to play in the sand and there is no sand to play in.

Board and staff comments:

- He was asked to clarify the amount of materials, cubic yards, to be used, as the Town regulations only permit – no more than 6 cubic yard of replenishment material. He discussed that the State does permit more.
- The Board discussed what is meant by replenishment materials, sand or other materials, and the cubic yards proposed for the project exceeds what the Town would allow. The Board stated that although this is beyond the allowable amounts defined by the Town or NHDES rules, with this design the sand will not need to be replaced in the future so that ultimately there is less sand migration into the water. There is a clear benefit from this project and environmentally this is an improvement. The Board discussed if a letter should be submitted whether this is the water of the state for which DES, and if once a beach is created would this then be considered land in New London.
- Janet Kidder noted that because of the dam there is less beach for many owners.
- Paul Gorman opined this is a significant project and consideration should be conservative.
- Board opined that if they are proposing more than the 6 cubic yards, a variance would be required from the ZBA.
- Staff was directed to provide comments (email) to New Hampshire Department of Environmental Services (NHDES) regarding the discussion on what entity (local or State) has jurisdiction on the beach expansion noting that in concept the Planning Board supports the beach replenishment. The Planning Board has referred the applicant to the Zoning Board of Adjustment (ZBA), per the provisions of Zoning Ordinance, Article XVI, Shoreland Overlay District.

Zoning District proposed amendment for map changes: Frank Anzalone request to discuss changing the zoning district boundaries of several parcels located on Main Street from Residential (R-1) to Commercial (C). The majority of these lots are currently used as commercial uses including Barton Insurance Agency, Angeli and Associates Real Estate, Spring Ledge Farm, and Granite Garage Doors. Parcel includes Tax Map 073-048-000; 073-047-000; 073-046-000; 073-045-000; 073-054-000; and 073-053-000.

Presentation by Frank Anzalone:

Frank Anzalone provided a map showing the parcels they would like the Planning Board to consider rezoning to Commercial, noting the current owners and uses on said lots. Greg Berger also shared in the discussion. These lots currently are used by Barton Insurance Agency, Angeli and Associates Real Estate, Spring Ledge Farm, a single family residence occupied by Granite Garage Doors and a two-family residence with barn. He explained that some of this area was previously zoned commercial but back in 1969, the zoning was converted back to residential. These are all commercial enterprises, have been for many years. They would like this zone changed back to Commercial. Currently there are 6 properties that are non-conforming, and variances have been granted, or additional variances would be needed if they are not zoned commercial. They are asking the Planning Board to propose a change to the Zoning Ordinance map to include these parcels in the Commercial District, rather than bringing this forward as a petitioned zoning article for consideration. Spring Ledge Farm owner Greg Berger was present

clarification of the volume of stone being used. He noted that it will only take 85 cubic feet of stone to accommodate the volume for a one-inch rain event, and they provide for 128 cubic feet of stone. Mr. Blakeman stated that test pits were done in two locations and found that at a depth of 3.5 feet the sand was clean.

No further questions from the Board and there were no questions from the audience.

- ✓ Motion to APPROVE the Christopher Alepa Shore Land application at 178 Poor Road. Tax Map 091-004-000. It was MOVED (Elizabeth Meller) and SECONDED (Janet Kidder) to approve the application. The motion was APPROVED UNANIMOUSLY.

* **Conceptual Discussion of the Hall property.** Located at 333 Bunker Road. Tax Map 062-020-000. Discussion on proposed improvements in the waterfront buffer.

Chris Kessler (CK) of Pellettieri Associates explained that the existing residence was built in the early 90's. He noted that he has met New Hampshire Department of Environmental Services (NHDES) staff. He presented a conceptual plan to the Conservation Commission at their September meeting to get their input and comments prior to submitting a formal application to NHDES. Photographs of the site were shown and staff noted that she visited the property.

Chris Kessler explained details of the existing site conditions and changes they are considering.

- Approximately 216 linear feet of shoreline
- Existing beach that was permitted in 1978 & 1992. Natural shoreline altered in the past.
- Existing stonewall along the lakeside which creates the backside of the beach.
- Lot is about 2 acres.
- Shared serpentine driveway with the Stanzler property
- The site also includes a dock structure.

Perch beach proposed would reduce the sand migration into the lake and rock boulders would be placed in the water, where the previous natural shoreline existed in the past, thus recreating the natural shoreline. The Hall property is experiencing sand migration into Pleasant Lake; sand will not stay on the beach due to the elevation, ice, wind, etc. A viable option would be to perch the beach to DES "perched beaches" specifications. This would rise the present beach 1 foot to 1.5 feet higher than the 804.4 elevation of the lake. Would like to place machine-made weathered boulders along the shoreline edge (as is specified in the 1992 beach application that was submitted to DES) in the water. This would also provide vegetative pockets to be filled in with blueberry bushes or ferns to give a continuous green appearance of the shore of Pleasant Lake. The area between the existing row of boulders and the new boulders is to be filled in with sand. Several steps of granite will provide entrance into the water. This will restore the existing shoreline and solve the erosion problem of sand washing into Pleasant Lake. He stated this is not really beach replenishment, but an erosion problem that needs to be taken care of, and NHDES will allow 10 cu ft. of sand but this does not include the underlying material. He noted that a turbidity curtain would be placed in the lake to keep any material from escaping into the lake. He explained that the plan would meet NHDES speculations for creating a perched beach. The fill

is not regulated and expects to use between 20 to 25 cu. yds. of under-fill to the area. There was clearly a bank there in the past and the plan will be designed within the banked area.

Two issues were discussed: creating a perched beach via reclaiming the previous shoreland which was disturbed years ago and to create a permanent pathway, including altering the grade within the 50 foot waterfront buffer to create a handicapped access path for the residents. Currently there is grassy lawn in the rear (within the 50' waterfront buffer), and they would like to change the grade (hillside at a slant of 10% to 30%), making it difficult for wheelchair access. No retaining walls or impervious surfaces proposed, the disturbed area will be reseeded with grass, as it currently is. The exact location of the proposed path is to be determined. The path would be no more than 6 feet wide, the subsurface area under the proposed path, may include crushed stone or gravel base to facilitate drainage and provide some additional stability. Anticipated timeframe for start of construction.

Chris Kessler explained that the some of the project may be permitted per the DES Permit by Notification (PBN) process and some may require a NHDES Wetland/Shoreland application.

Board Questions/Comments/Concerns:

- Chair Dietrich asked if the Board would like to schedule a site walk. The Board noted a site walk wasn't needed at this time.
- If the proposed grass area to be used as a path is it really a permanent path and if any ground material would be removed from the site (if a stone subbase is installed below the grass). Suggestions that this is not really a path and perhaps what is needed is the 12-foot temporary disturbance to the waterfront buffer, referring to the Shoreland provisions regarding a 12 foot temporary path.
- Review various provisions of the Shoreland Overlay District pathways, beach replenishment and disturbance of the waterfront buffer. Town allows six (6) cubic yards, State allows 10 cubic yards.
- Turbidity concerns and importance of erosion control features (turbidity curtain and such), if the work is approved.
- Jeremy Bonin agreed that a perched beach has less of a negative impact in that it is pitched backwards and the sand basically stays on the beach area. Mr. Bonin stated that a 6 yds. of sand migrating into the water every 10 years is a lot of sand. Of more concern could be who actually has jurisdiction over the current beach (Town or State)? Previously this was the jurisdiction of New London until the land was excavated and then became a beach. This new beach then became the property/jurisdiction of DES. This is a unique situation in that it is restoring shore land and is a better situation than adding sand every 6 years. The area that is proposed to be perched beach does not currently belong to New London, and is this really under the jurisdiction of the State.
- Marianne McEnrue asked about DES meeting and asked if input from Town Counsel should be sought. How do we navigate this?
- Elizabeth Meller and Tim Paradis said the plan made sense. It means restoring the shoreline from what has slowly eroded into the lake. Tim Paradis suggested the applicant meet with the Pleasant Lake Protective Association and residents around

Pleasant Lake, to explain what is proposed and address questions, as residents may like the plan but they will not go along with any change to the shorefront. Need to explain and educate why this is being proposed.

- Janet Kidder provided a brief history of changes to the lake since the 1950s. She suggested, that those who might be concerned should be notified or this could be an issue.
- Lucy St. John explained most NHDES applications required notification to abutters (per the NHDES) process.

Capital Improvements Program (CIP) draft document.

The Planning Board discussed the draft CIP document prepared by the Subcommittee.

Board Comments:

- Liz Meller expressed that she thinks the document should include improvements at Whipple Hall. She noted there has been much focus on the 1941 Building and site, and she is not sure that there is community support for the 1941 project.
- Janet Kidder explained that the Whipple Hall building deficiency is the Buker section where the Police Department is located. There have been heating/freezing issues in the attic. She noted that the Recreation Department needs space and much of the discussion does and will hinge on the Recreation Department, as it seems there will be a domino effect once decisions are made, as to where various departments will be located. She believes the voters of New London need to vote on the issues surrounding the 1941 building and site, the voters need to understand what would or wouldn't be renovated, the cost, the long-term maintenance issues associated with the 1941 building. She explained that the Board of Selectmen never voted not to put it on the warrant. She believes the voters of New London should vote on these issues.
- Tim Paradis said the acquisition of the 1941 Building will give the Town many more options. He believes the intent is to have it included on the Town Warrant for a vote. He further commented, that the CIP document is a useful planning tool, it is well written, readable and gives direction to the Board of Selectmen and Budget Committee.
- Casey Biuso said the gym is an important as part of the acquisition discussion (not the kitchen). Other board members agreed the 1941 Building would need to include the gym, otherwise this is not a viable option to consider.
- Board discussed the importance of looking at the issues of the Transfer Station site, which is included in the CIP document.
- The Board agreed that a public hearing is not needed, nor is it is required.
 - Motion to approve the Capital Improvement Program (CIP) document prepared by the CIP Subcommittee and submit to the Board of Selectmen and Budget Committee. MOVED (Jeremy Bonin) and SECONDED (Janet Kidder). The motion was APPROVED UNANIMOUSLY.

Conceptual Discussions



- Hall property. Located at 333 Bunker Road. Tax Map 062-020-000. Discussion on proposed improvements in the waterfront buffer. Greg Grigsby and Chris Kessler presented the application. Using maps of the property they each explained parts of the application.

Questions & concerns discussed:

- ✓ How many access points are allowed.
- ✓ The maximum width of the dock.
- ✓ Wheel chair accessibility.
- ✓ Location of pathway.
- ✓ Changes to the terrain.
- ✓ Estimate percentage of disturbance.
- ✓ Where the concrete barrier is located
- ✓ The existing beach practices, using sand
- ✓ How much sand would be needed now and future maintenance
- ✓ Replacement of two steps
- ✓ Restoring barrio back to original using boulders, plant pockets,
- ✓ Met with DES and they have no problems
- ✓ Contact Pleasant Lake Protective Association to notify them

Ms. St John suggested having a site visit with the Planning Board. There could be abutter concerns and may need a variance.

Ms. St. John excused herself at 9:30 am.

Maps

Owen Krol has completed making "You Are Here" maps for nine trail locations. The board is very grateful for all the work he has completed. Next, Owen will update the satellite imagery.

Mr. Gelcius will make displays or incorporate into existing kiosks.

Subcommittee Report

Mr. Gelcius confirmed who the subcommittee board members are: Himself, Michael Kennedy, Andrew Deegan and Shawn Costello.

Andy Deagan arrived at 9:50 am.

Owen Karol and Laura Alexander excused themselves at 9:52 am.

Easements and Land Acquisitions

- *Pleasant Street East/West* – Chair gave a brief update of the easement.
- *Phillips Memorial Reserve* – The board discussed ways to getting access to maintain land.
- Kidder/Cleveland Trust – Same easement and terms. Just need the selectmen's approval.
- Clark – All changes have been made, waiting for the seller's deed.
- Desirable Land List – The board discussed a few properties around current trails for sale.

Trails and Projects

Chair said he would like to have a joint visit. An intent to cut might not be necessary for this amount of tree cutting. Once the meeting is over, we'll go down to the Selectman's office to talk with Ms. Rankins.

Mr. Cook also proposes getting a new name for the hill. He doesn't feel that "Cook Trail" captures the historic aspect. The hill was used by sheep in the 1800s for spring water. He proposes naming it "Sheep Juniper Hill.

Ms. Ford excused herself at 9:30am.

Wetlands/Shoreland Applications

* ➤ **Hall, Deborah & Arthur Shoreland Permit Application. Located at 333 Bunker Road. Tax Map 062-020-000.** Project description: The projects seeks to create a more uniform walking path, within an existing lawn, to provide informal wheelchair access to an existing dock. Also proposed, is temporary construction access necessary for improvements to an existing beach (Refer to the Wetland application submitted simultaneously for more information). All disturbances will be restored to their pre-application condition. Pre-construction impervious 20.6% and proposed post-construction impervious 20.6%. Plan prepared by Pellettieri Associates. Conceptual plan discussed at the Sept. 27, 2016 Planning Board meeting. Town received Nov 3, 2016.

* ➤ **Hall, Deborah & Arthur Wetland Expedited Permit Application. Located at 333 Bunker Road. Tax Map 062-020-000.** Project description: The project seeks to reconstruct an existing beach (approval # 1992-00288), dug into the bank, with a more favorable perched beach. The existing beach elevation is partially below the 803.8' reference line of Pleasant Lake, resulting in sand erosion/migration into the water body. The project seeks to raise the beach approximately 1'8" above the high water mark, significantly reducing erosion potential, and providing safe access for users. Plan prepared by Pellettieri Associates. Conceptual plan discussed at the Sept. 27, 2016 Planning Board meeting. Town received Nov 3, 2016

Ms. St. John updated the board on this application.

Chris Kessler gave the presentation. It will be a temporary disturbance that will be restored.

- ✓ Easier/level walking path for wheelchair accessibility
- ✓ The surface area will be lawn
- ✓ The final grade will be a 10% slope with variations at certain areas
- ✓ Second assess proposed to get to existing beach
- ✓ Silt fence will be around the disturbed area and the panel leading to the beach
- ✓ Any material needed will be free of any invasive weeds or seeds, usually mixed with a compost that has been heated and tested/
- ✓ It is a legal beach
- ✓ The elevation line is below the reference line per Pleasant Lake
- ✓ No additional sand, instead raise it up above the reference line 1'8"
- ✓ There will be additional and replacement of steps leading to the water replacing unstable boulders
- ✓ Two boulders, a filter fabric layer and crushed stone will be used to keep sand in place
- ✓ The surface of the beach will be either flat or pitch slightly away from the lake

Questions & concerns discussed

- ✓ What is the surface treatment?
- ✓ What is the grade area and what will be the final grade?
- ✓ Any concerns about erosion
- ✓ Is the contractor sensitive to not importing invasive species?

- ✓ Where will the new beach be located in comparison with the highest normal water?
- ✓ What makes up the area on the pond side of the beach to keep the sand out?

Ms. St. John gave an over view of this application from the Planning Board. They will provide a letter to DES about the provisions of the zoning ordinance on page 64, which do not allow expansion of beaches, although they are in support of this. The key issue pertains to jurisdiction; Town or State. There have been no comments or concerns from anyone.

Chair asked if there were any more comments or concerns. There were none.

Motion

IT WAS MOVED (Dan Allen) AND SECONDED (Michael Gelcius) to approve the expedited application. THE MOTION WAS APPROVED UNANIMOUSLY.

Motion

IT WAS MOVED (Tim Paradis) AND SECONDED (Mark Vernon) for staff to write and send an email of support to DES. THE MOTION WAS APPROVED UNANIMOUSLY.

Planning & Zoning Administrator's Report – Lucy St. John

Ms. St. John gave an update of the Planning Board and applications received.

- ✓ DES is requesting more information for the Wright Shoreland application at 72 Checkerberry Lane. They will be coming before the board to present their application and for a tree cutting application on December 13.
- ✓ The Royce Shoreland application at 1590 Little Sunapee was approved.
- ✓ Adamian Shoreland Impact Permit at 412 Forest Acres Road was approved with conditions.
- ✓ Soo-Nipi Hollow Farm Commercial Farm Site Plan was approved with conditions.

The Planning Board is in the process of discussing accessory dwelling units and signs. A busy agenda for the December 13 meeting is expected to be full; subdivision, commercial farm, solar applications and zoning issues. Also, possible changes to the zoning ordinance.

Ms. White asked about the tree cutting located at 1845 King Hill Road. Ms. St. John explained that the Town does not have jurisdiction over timber cuttings and whoever is doing the logging has to do standard forestry practices.

Chair asked about the wetland forestry notification.

Chair asked Ms. St. John and Ms. White to speak about the multi town meeting with the LSPA.

Each spoke about their experience and the key issues that were discussed. Then the board talked more about those issues.

Trail, Maps and Projects

- *Hospital Trail* – Mr. Vernon gave an update. The new name for the trail is Hospital Community Trail. A work day is this Saturday morning the 19th. Volunteers are still needed. The Newport road entrance is undecided. One concern is the agreement with Eversource, specifically says the trail will only cross under the wires between certain poles, therefore, relocating the entrance will be adding a crossing under the lines. The board discussed possible relocations.
- *Clark Lookout* – Chair gave an update to the trail work being done. Trail resurfacing and storm water management work has been started. Additional gravel will be added in the spring as needed. A new entrance and gate will be completed in the spring utilizing the carriage road across from Park & Ride.
- *Clark Pond* – Mr. Allen gave an update of the work completed and the worked needing to be done.