



TOWN OF NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

PLANNING BOARD APPROVED MINUTES May 20, 2014

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

MEMBERS ABSENT: Deirdre Sheerr-Gross (Alternate), John Tilley

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

Chair Cottrill called the meeting to order at 7:04pm. Mike Doheny was asked to sit in for John Tilley, who was absent.

Canane Site Plan discussion on the conditions of approval of Feb 12, 2013. Ed and Cindy Canane, Cascade Brook Farm. Property located on Pleasant Street. Tax Map 061-006-000.

Ms. St. John explained that Mr. Canane would like to discuss and clarify the conditions of the Feb 12, 2013 Site Plan approval, condition # 1 which read:

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 (President-PLPA), and

Ms. St. John referred to the May 20, 2014 staff report which explains that if conditions of the approval are changed this would require a public hearing and notice to abutters. Ms. St. John explained that she had discussed this with Ed Canane and Ed Canane had requested to be included on the agenda to discuss with the conditions, and that he believes this a just "clarification" and not a change to the conditions of the approval. Ed Canane conveyed that this is really a "clarification" and not a change.

Mr. Canane thanked the Planning Board for seeing him and said he would like a clarification of the past approval with regards to when he was required to start and end the testing of water on his property on Pleasant Street. He said they have done three tests so far but one of them he didn't feel gave accurate results due to the amount of water in the stream. Mr. Canane expressed that he thought having a baseline is important, and if they had a minimum of three years of testing, it would give a good baseline. He noted that in October there isn't usually enough water flow to provide an accurate test. He thought if this was changed to another month, it would be better but he wanted it made clear that he didn't object to the May and October months in which to test as is stated in the condition of approval.

Mr. Canane said he was looking for an end date, which would be long enough to give six tests. He noted that they don't currently have cattle on the property. Mr. Hollinger said it didn't seem fair to make the Canane's test the water if there were no cattle grazing there. Mr. Canane said he did not object to the testing. He spoke to NHDES who said three years of testing will give them a good baseline for future tests. He expects that when he puts cattle on the property, he would re-implement the testing.

Mr. Bianchi thought the parameter of the testing would change after they put cattle on the property. He thought the testing without cattle should be done as it is the only way to get a real baseline and thought the conditions should be spelled out in more detail.

Mr. Canane said he was only looking for an end date. They started a year ago this month. Chair Cottrill suggested October, 2015 should be the last test, and then no testing would be needed until they put cattle on the property. Mr. Bianchi wondered if abutters would need to be notified if the motion was changed to include these specific timeframes, as he thought it was a substantial change. Mr. Canane said it was not a change but rather a clarification because neither a start date nor an end date was put in the motion. Mr. Bianchi disagreed.

A discussion ensued relative to if the existing conditions only pertained to the grazing of cattle. What if pigs, horses or other animals were placed on the property, and does it matter how many animal? Ms. St. John referred to the definition of livestock included in the Zoning Ordinance, definition # 80, Livestock shall include all horses, cattle, goats, pigs, sheep, llamas, poultry, ostriches, emus and other similar animals other than small animals permitted in Article II. The Board agreed to include the term “livestock” in the motion.

IT WAS MOVED (Michael Doheny) AND SECONDED (Jeff Hollinger) to require three years of testing to establish a baseline and continue testing until October, 2015. Testing would resume the October prior to livestock being placed on the land, and should continue for as long as livestock remain on the land.

Mr. Helm suggested the motion be stated so that anyone purchasing the land would have to follow the same guidelines. A future Planning Board will need to understand the intent thus the motion should be clear and concise. Ms. Holton said the clarification could be made that evening and made to go with the land.

Mr. Canane said he should be required to test the water if he is putting cattle on the land. He understands how to rotate the cattle and keep problem areas from becoming problems.

Mr. Kellum, water tester for Pleasant Lake Protective Association (PLPA) spoke stating there are times there is not enough water in May and October and thought they should take that into consideration; a baseline may not be established appropriately in three years. He thought maybe stating that testing be done “in the spring and fall” would be better. Mr. Canane said he was agreeable to this but it would constitute as a change, which he did not want to make.

Both John Wilson and Rick Anderson from the PLPA were in attendance. Mr. Anderson asked Mr. Canane if he would be applying any pesticides or other treatments to the land to help the vegetation (grass) grow. Mr. Canane said it would depend on what vegetation is planted (oats, etc.), and the results of the soil test. Mr. Canane said that he is working with NRCS and others and the planting scheme is dependence on soils and other factors.

The key issue of the discussion was whether this action is a clarification or change to the conditions of the Feb 12, 2013 approval.

Chair Cottrill called for a vote on the motion. THE MOTION PASSED. Mr. Bianchi voted against the motion. Motion approved as presented.

Conceptual Site Plan discussion or Colby Sawyer College- Lethbridge Lodge Renovations and Campus Pub. Tax Map 085-033-000.

Ms. St. John explained that the College was here to present a conceptual plan for discussion. She referred to her brief staff report dated May 2014, including the need for a discussion regarding the language about a special exception.

Mr. Todd Emmons, Vice President of Finance and Facilities Director at Colby-Sawyer College introduced others in attendance on behalf of the College including Amanda Prussman, Interior Designer from Frank Anzalone Architecture; Attorney Brad Cook; Dave Sauerwein, Dean of Students; and Jon Warzocha, CEO of Horizons Engineering (recent acquisition of the former Jesseman Associates).

Mr. Emmons provided a brief overview of the proposed project and referred to the others to provide additional details. Mr. Warzocha explained that the kitchen area would be enlarged, and would incorporate a kosher kitchen. They would also like to create a stone patio on the southeast side of the building. This would require some minor grading and is outside the wetland setbacks. There were no storm water issues.

Ms. Prussman showed the floor plans of the existing conditions and the proposed kitchen bump-out. Currently there is seating for 57 inside the dining area but they want to increase it to 68 inside and add 40 seats on the new patio. Mr. Emmons said they are looking to change their dining structure to be able to use Lethbridge Lodge as a dining facility. He noted that they are hosting a sizable summer camp for Jewish kids this summer and they are considering the needs of those following a kosher diet. Mr. Sauerwein said this would allow more options for the students. Currently Lethbridge Lodge serves hot/cold sandwiches and other snack-like foods and drinks.

Mr. Emmons said there was a bar design included in the plans as they are thinking of establishing a pub on campus. It was noted that there was a pub at Colby-Sawyer College at one point in time. Attorney Brad Cook said he has been involved in obtaining liquor licenses for the college over the years, and they have been allowed to serve alcohol in Lethbridge Lodge during events like the Gordon summer conferences. They have an IR zone that exists for college uses and there are no uses being proposed now that haven't been used on campus before. He said most colleges have more than one place to eat and at least one pub. He didn't feel this needed a special exception.

Mr. Cook explained that Lethbridge Lodge was the old Colby-Town Camp at one point in time. He said the building had always served food to students. Mr. Sauerwein said the name was changed to Lethbridge Lodge not long ago and before that, it had been simply called "The Lodge."

Mr. Emmons said they can't prohibit the general public from coming to the pub but said there would be no advertising or signage to promote it. It was noted that they have no plans to serve wine or hard liquor in the pub. He explained that the College's mission involves sustainable planning principles and integrating multidisciplinary practices into the curriculum, referencing the Sugar Shack. The "pub" would be integrated into the overall curriculum. The College is working with the Flying Goose Restaurant who will be assisting in teaching the brewing classes. The students in chemistry class will learn the chemistry of brewing, other students will come up with business plans for their product, and other students will come up with labels, etc.

After some general discussion, Chair Cottrill said there were two main issues to consider for this conceptual site plan: the expansion of a dining facility, and the serving of alcohol. Other considerations are the nearby wetlands, drainage, the necessity of a grease trap, parking, access, etc.

Mr. Gorman asked about the new kitchen. In order to gauge the size of the expansion, he asked that more detail be presented for the kitchen including equipment. Chair Cottrill suggested plans should identify parking for non-college visitors to the Lodge, if any, and how traffic flow will occur with the daycare facility just down the road from the Lodge. Mr. Emmons said the pub wouldn't open until after the Windy Hill School was closed, which would open a lot of parking.

Regarding the proposal to include a pub, Mr. Bianchi said thought the permitted uses should be spelled out to determine if a Special Exception was necessary, see page 45 A., Uses Permitted (1), "College facilities and activities not specifically enumerated herein may be allowed by Special Exceptions provided that, in addition to the findings required by Article XXI, the Board of Adjustment shall determine that such use is appropriate to a college."

Attorney Cook said when the zoning ordinance was amended in years past, by creating the Institutional District, Institutional/Recreational District and the Hospital Institutional Districts, this was done to hopefully make it easier for the hospital and the college to function. Attorney Cook said it was intended to include all that the college was doing at the time, and the special exception clause was added so that other uses the college might consider in the future would be included through the special exception process. He believes a pub was included in this use, and the college did have a pub, so a special exception isn't needed now. The discussion then focused on when the changes were incorporated in the Zoning Ordinance requiring a special exception.

Ms. St. John said she had not research when the special exception clause was added, some thought it may had been 12-14 years ago. She would look into this. Ms. St. John expressed that her concern was if they didn't require the College to obtain a Special Exception, they could go through process, have a public hearing, and someone could appeal, stating it is required. This could cause delays for the College.

Attorney Cook said he understood they couldn't proceed without appropriate licenses. Chair Cottrill opined the use of the word "pub" may cause added attention and if that is the intent and focus of the project he could understand the concern. Alternately, if the focus is expansion of a gathering place and dining facilities and the serving of beer is secondary, then wouldn't the College simply seek to obtain a liquor permits on an as-needed bases? Having it called a pub may raise concern when in fact it is more of a dining facility. Mr. Sauerwein said he understood this point of view.

Chair Cottrill asked the college to consider where tables from the patio will go in the winter, the hours of operation, as well as loading docks and delivery times of goods to the lodge. Mr. Warzocha said they plan to make the patio out of pervious materials and any minimal runoff caused by the small amount of roof surface could be handled with a drip edge and stone.

Tree Cutting Application for Perkins. Property located at 155 Lamson Lane. Tax Map 049-019-000.

Mr. Tom Conway was there to explain the proposed tree cutting. He said the Perkins want him to cut down a dead tree which leans over where they keep their kayak and canoe. It is small tree (about 12" in diameter) and there would be 68 points in that section even after the tree was cut.

IT WAS MOVED (Michele Holton) AND SECONDED (Emma Crane) to approve the tree-cutting at 155 Lamson Lane, as requested. THE MOTION WAS APPROVED UNANIMOUSLY.

Conceptual Subdivision Plan application for the property owned by Samuel, William and Amelia Stevens. Located at 217 Owls Nest Road with frontage on Lake Sunapee. Tax Map 135-001-000.

Ms. St. John referred to her staff report dated May 2014. She said the Stevens submitted a sketch of what they'd like to do. There were two options included on the sketch. She reminded the Planning Board that this was the site that members of the Planning Board, Conservation Commission and the forester visited in July 2013. She read into the record an email dated May 19, 2014 from Public Works Director, Richard Lee.

Laura Davis, property manager for the Stevens was in attendance at the meeting. She said the driveway would go below where the road had been upgraded. She added that she would have concerns about putting a second driveway in due to the size of the road. She believed that sharing one driveway would be a better option. Mr. Helm thought the driveway regulations required that there be one driveway per home.

Ms. St. John explained that the applicant is looking for feedback on which lot design may be more appropriate. She also referred to the comments of Richard Lee's email. Mr. Helm thought the driveway question should be considered. Mr. Helm said he thought if they went for a single driveway, they would need to go for a special exception.

Chair Cottrill said that the owners need to decide which option they want to consider a then submit a plan for review. With regard to the septic questions, Ms. St. John said she would direct the applicants to the Health Officer, Deb Langner. No action was taken as this was only a conceptual discussion.

Other Business

Ms. St. John provided an overview of the following to the Board:

- An Intent to Cut application was submitted for the Ohler property on Pleasant Street. Tax Map 048-002-000. She noted that last year a similar Intent to Cut was filed.

- ZBA meeting held on Monday, May 19th. The Board approved variances for Bob Brown for his property on Messer Pond. They also denied a sign variance at St. Andrews' church. The church inquired about how to amend the sign regulations, the process was conveyed to them, via the zoning amendment process, petitioned amendment process, and submitting information for the subcommittee to review.
- Streams and Wetlands Overlay District Map- Ms. St. John read into the record an email dated May 20th from John Doyle, President of Messer Pond Association. Ms. St. John conveyed that the Overlay District map was discussed during the Planning Board's discussion on the zoning amendments in 2013, and she anticipates that this issue will be discussed in 2014.
- The Alteration of Terrain for the Elkins Sidewalk project has been received.
- Ms. St. John explained that Dr. Curtis, Internal Medicine would like to establish a medical office at the Gallery, Unit 215. In his conversation with staff he explained that some of the practice would be home visits and he wouldn't have employees. The previous occupant was a health related professional, social worker. No changes are proposed to the floor layout. The Planning Board was asked if this required Site Plan review. The Planning Board discussed the parking requirements, Appendix A of the Site Plan Regulations, General Office (3.3 spaces) compared to Medical Office (4.5 spaces). The Board expressed that the practice of the previous tenant is different than that of a medical doctor. The Planning Board stated that Site Plan approval is needed as the nature of the use is different and the parking requirements are different. A medical office is an increase in use from a General Office.
- Zoning Amendments 2014 Ballot results. All of the proposed amendments passed, the results were posted on the Town's website.
- Frontage and Setback Question. Ms. St. John asked the Board for input. The parcel is Tax Map 049-000, which is accessed from a 30 foot right of way, the right of way is accessed from Pleasant Street. The property is zoned R-2. The definition of frontage, definition # 64 was read. Mr. Helm said the length of the lot line bordering the right of way would serve as frontage. The side and rear setbacks were discussed. The rear setback was discussed to be the point on the triangular shaped lot (which is the rear of 049-004).

Review of Minutes of April 8, 2014

IT WAS MOVED (Bill Helm) AND SECONDED (Paul Gorman) to approve the minutes of April 8, 2014, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.

Motion to Adjourn

IT WAS MOVED (Bill Helm) AND SECONDED (Emma Crane) to adjourn the meeting. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 8:45pm.
Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London