



TOWN OF NEW LONDON, NEW HAMPSHIRE

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PLANNING BOARD APPROVED MINUTES June 24, 2014

MEMBERS PRESENT: Bill Helm, Peter Bianchi (Board of Selectmen's Representative), Jeremy Bonin, Michele Holton, Emma Crane and William Dietrich (alternate).

MEMBERS ABSENT: John Tilley, Paul Gorman, Deirdre Sheerr-Gross (Alternate), Michael Doheny (Alternate) and Liz Meller (alternate).

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

Call to Order:

Selectman Peter Bianchi called the meeting to order at 7:00 PM. He noted he would officiate only to elect new officers and then would step down and let the new chair take over. Peter Bianchi explained that at the June 17th Board of Selectmen meeting, the BOS appointed new members to the various town boards and commissions, including the Planning Board.

Peter Bianchi explained that the Board of Selectmen received a tremendous response from residents expressing interest. He noted that there has been some turnover on the boards, leading to many new appointments. The goal has been to get more new people involved. He then recognized the new Planning Board members - William Dietrich and Jeremy Bonin. Liz Meller was unable to attend due to a previously scheduled commitment. He then took the time to recognize and commend both the Planning Board's former Chair, Tom Cottrill, and Vice-Chair, Jeff Hollinger, for their many years of service to the Board and Town of New London. Both their terms expired this year and they were not reappointed by the Selectmen. Their contributions to this Board were inestimable.

Election of Officers:

IT WAS MOVED (Peter Bianchi) AND SECONDED (Michele Holton) to elect Bill Helm as Chair of the New London Planning Board.

Peter asked for discussion and comment; there was none. Selectman Bianchi called for a vote on the motion. THE MOTION PASSED, with Bill Helm abstaining. Peter Bianchi then relinquished his chair to Bill Helm, who commented that he was very pleased to be elected and looked forward to his time on the Planning Board. Bill Helm said the second order of business was to elect a Vice-Chair. There was no further discussion.

IT WAS MOVED (Michele Holton) AND SECONDED (Peter Bianchi) to elect Paul Gorman as Vice-Chair of the New London Planning Board. THE MOTION WAS APPROVED UNANIMOUSLY.

IT WAS MOVED (Peter Bianchi) AND SECONDED (William Dietrich) to elect Michele Holton as Secretary of the New London Planning Board. THE MOTION WAS APPROVED UNANIMOUSLY.

Chair Helm reiterated gratitude and appreciation to both Tom Cottrill and Jeff Hollinger for their many years of service to the Town.

Gallery, Unit 215 Site Plan Application for a Medical Office for Dr. Gregory Curtis, Property owned by Hodan Properties. Unit owned by Katherine Gordon, Tax Map 059-015-215. Located at 276 Newport Road.

Lucy St. John referred to the staff report. Dr. Curtis explained that he is opening a small medical practice of 250 or less patients at the Gallery. It was indicated that there should be sufficient handicapped parking spaces and parking spaces. Dr. Curtis indicated there would be no internal or external changes to the space. He noted the Gallery houses several medical practices. Chair Helm inquired about handicapped patients, and if there was sufficient parking. Dr. Curtis explained that the nature of his medical practice also includes conducting home visits. He explained that he would carry flu vaccines, but prescriptions and other drugs would not be stored on the site.

The Board granted the waiver requested, as the building and site is existing, and the proposed use is similar to others, and deemed the application complete. Public Hearing opened, no comments. Public Hearing, closed.

IT WAS MOVED (Michele Holton) AND SECONDED (Peter Bianchi) to grant waivers to Dr. Curtis and approve the site plan application. THE MOTION WAS APPROVED UNANIMOUSLY.

Colby Sawyer College Site Plan Application for Improvements to Lethbridge Lodge. Tax Map 085-033-000.

Lucy St. John referred to the staff report. Mr. Todd Emmons, Vice President of Finance and Facilities Director at Colby-Sawyer College introduced others in attendance on behalf of the College including Frank Anzalone of Frank Anzalone Associates; Jon Warzocha, CEO of Horizons Engineering and Dave Sauerwein, Dean of Students.

Frank Anzalone provided a brief overview of the project, including details discussed at the conceptual discussion of the May 20th meeting. Mr. Anzalone noted that the project entails adding 300 square feet to the kitchen and renovating the kitchen based on the needs of the students; they also would like to add a bar to the dining facility and outdoor seating. Todd Emmons explained why this project is critical to the college. He noted that currently the college has only one meal plan available to students, which is becoming an issue; they need to satisfy student demand to be able to eat outside of normal dining hours; and to offer more food choices as the student population includes both domestic and foreign students. Mr. Emmons reiterated that the College is also hoping to put in a bar in the lodge to establish a pub on campus.

Michele Holton asked how many seats they planned on. Mr. Emmons said there would be 68 seats indoors, and including outdoor seats, a total of 104. He expressed the opinion that both indoor and outdoor seats would probably not be used at the same time. Michelle Holton asked if the general public will allowed to use the pub. Frank Anzalone responded in the affirmative, saying that everyone would have to be 21 years old to be admitted. He also said there would be limited hours that the pub would be open. The college feels this tavern would enable them to offer students a more responsible setting in which to drink alcohol, rather than in the dorms as they do now. He thinks it would serve as a campus social location and also encourage students to mingle.

Mr. Emmons explained that the College has entered into an agreement with the Flying Goose Restaurant to offer a two-credit course in "brewing science." All the beer sold at the pub will be produced by the Flying Goose and the prices for the beer will be the same as in the restaurant. The College is not looking to attract the public.

The Board reviewed the waivers requested, and deemed them appropriate. They concurred that the site plan application it is not a project of regional impact, and the application is complete.

Public Hearing opened. Chair Helm asked for comments from the public and board members. Ms. St. John read into the record a letter received on June 23rd from Barbara and Theodore Brown of 191 Seamans Road. She also noted that one abutter notice was returned, as the forwarding time has expired (Pedro Gimenez).

Barbara and Theodore Brown- Letter read into the record.

First I would like to state that my husband and I have always supported the college which is a vital part of the New London community. We have lived on Seamans Road for 17 years across from the soccer field and have enjoyed watching the games when played there. The flag flown from our flagpole is used during

the playing of our national anthem. We are accustomed to the occasional outbursts of enthusiasm in the fall and spring, even the fireworks at night.

That said, I must say that the proposal being put forth by the college is not acceptable for several reasons. I believe it is a misplaced use of the college's financial resources. Money should have been used on the dining hall's facade which now looks like a storage warehouse to all who travel up and down Seamans Road.

Further, the proposal is to have a bar on a campus where 3/4 of the students are under 21. Who would be the clientele? What would be the hours? When would the kitchen be closed? Would there be music entertainment at night? The Gordon Conference groups at times have made so much noise that we have had to call security and at one time my husband walked over to the dining hall at one o'clock in the morning to complain.

Yes, the noise etc. would only affect a few nearby residents. However, it is the seeming indifference of the college administration towards townspeople who have complained unsuccessfully regarding unruly behavior of off-campus college residents. We don't want to have to be forever vigilant as to various proposals both in the past and in the future that could be detrimental to the residents or disaffect them towards a positive asset to New London.

Peter Bianchi referred to Article X, Institutional District, referencing Uses Permitted (A. 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." Peter noted this is certainly a use appropriate to a college. He reiterated that at the May meeting, when the conceptual plan was submitted for discussion, he expressed that he believed a special exception is required for a campus pub.

Frank Anzalone responded that the project's main purpose is to expand the dining facility. The bar just services the dining facility. He noted that most colleges in the state serve alcohol and it is common to offer liquor in dining facilities now. Peter Bianchi said he does not question this at all. Frank Anzalone commented this is not just a pub, it is a dining facility. There will be no advertising or signage to promote the tavern.

Chair Helms said that, nevertheless, it is not a permitted use. Jeremy Bonin commented that it is pretty clear this would require a special exception. Michele Holton noted that the board has to consider the feelings of the general public, and everyone present knows Barbara and Ted Brown are not complainers. She also feels we should recommend there be a special exception from the Zoning Board of Adjustment.

Michele Holton asked about noise. Mr. Emmons said there might be less noise once they move the drinking out of the dorms and put it in the pub, but he understands the concern. He conveyed that due to the location of Lethbridge Lodge, the distance, woodlands and other buildings would help to mitigate noise concerns from the neighbors.

Mr. Emmons remarked that he thought in general the board was fairly reassuring at the May meeting, when the conceptual plan was presented, that a special exception would not be required. He emphasized that the College is considering this project as primarily a dining facility and secondarily as a campus pub/serving alcohol. He explained that at the appropriate time, they would seek a liquor license from the State of NH.

Emily Campbell lives on Seamens Road near Lethbridge Lodge and says there is a good deal of activity from the college. She indicated there are no buildings blocking the noise. Her concern is about how many hours the College plans to keep the pub open daily. She noted that Windy Hill's school children might be able to witness students drinking outdoors at the pub. She is worried about discarded beer bottles on her property and in Susan's Swamp (located on the campus). She is worried the drinking could get out of hand.

Colin Campbell commented that it can become a pretty raucous atmosphere at times. He asked if it was really true that most colleges serve alcohol in the dining halls. Frank Anzalone responded with a yes. Colin Campbell stated

that there is already an alcohol problem on campus and wondered why it was necessary when three quarters of the students would not be old enough to drink.

Frank Anzalone emphasized the pub would not be open when Windy Hill students are in school. Dave Sauerwein, said there are currently cases of beer being brought into the residence halls. He declared that this dining facility would be a public space, with cameras on the wall and staff members in the room, so it could be a way to manage a nation-wide problem on college campuses.

Colin Campbell asked if Colby's campus security or New London Police would monitor the site. Dave Sauerwein responded that campus police would respond first, and New London police would be called if necessary. Colin Campbell noted the New London police regularly cruise through the campus on their own accord. Ms. St. John referred to the Police Chief's comments noted in the staff report, "I met at the lodge with everyone. I gave them my blessing with a few warnings on things they should pay attention to, but had no real concerns."

Frank Anzalone commented that the College would be serving just beer, not hard liquor, and mostly draft beer. Chair Helm asked if the board could require the College to serve beer only. Mr. Anzalone replied that this might work at the present time, but they might want to add hard liquor later.

When asked about what hours the pub would be open, Mr. Emmons replied they had not decided yet. Michele Holton wondered if they could be restricted to 5-11 PM. Mr. Anzalone thought this was reasonable.

Carolyn Reynolds, abutter, asked what side the patio was on. Frank Anzalone offered to put some trees on the left side of the patio to buffer noise.

Public Hearing Closed.

The Board discussed:

- Comments from Richard Lee, Public Works Director. Frank Anzalone stated that the College would meet these requirements.
- Waivers requested, noting roads, utilities and other site features are existing. Frank Anzalone commented there isn't need for any additional electrical (power), there won't be any new signs, and the snow will be removed as needed to maintain emergency exists.
- Dumpster. Frank Anzalone commented a new concrete pad will be installed and additional landscaping (bushes) will be planted to more effectively screen the dumpster.
- Truck- delivery traffic. Frank Anzalone explained that the truck traffic enters from the roadway near Hogan Center. Michele Holton inquired about the proximity to the Wastcott property.
- Outdoor furniture will be stored in the winter at the Colby Farm. It would be out of sight.
- Hours of operation – question if the same hours for Gordon Research? The answer was they would have different hours.
- Special Exception, if required. The Board had discussed earlier in the meeting that a special exception would be required. The College expressed concern about the construction season and wanting to have the kitchen facilities completed before the students arrive in late summer. The Planning Board noted the concern is not just related to serving alcohol, but rather the specific language included in the Zoning Ordinance, which states that uses not specifically enumerated herein may be allowed by a Special Exception.

The College then agreed to amend their Site Plan application, to remove the reference to the campus pub, so they could apply for a building permit and begin construction, once the building permit was approved. They would then apply for a special exception from the ZBA, and would return to the Planning Board, if the Special Exception is granted for the campus pub. Frank Anzalone asked if the College would have to come back to the Planning Board if they decide to serve alcohol and the answer was yes, it is a change of use.

IT WAS MOVED (Michele Holton) AND SECONDED (Peter Bianchi) to approve Colby-Sawyer College's amended site plan application to make improvements to Lethbridge Lodge with the following conditions:

The College amended their site plan application to include only the expansion of the commercial kitchen and outdoor patio. The use of the facility for a pub/campus bar is not part of this application. The applicant was advised to seek Zoning Board of Adjustment (ZBA) approval for a Special Exception. The remainder of the Site Plan application was approved with the following conditions:

1. An eleven o'clock (11 PM) curfew was established for the use of the outdoor patio space.
2. Chairs, tables and other outdoor furniture for the patio will be stored inside during the winter.
3. Compliance with the comments of the Director of Public Works, including requirements for the grease trap and payment of applicable fees.
4. The College will need to submit a new site plan application when they receive a special exception from the ZBA for a pub/campus bar.
5. Applicant can apply for a building permit, and commence construction for the improvements per the site plan; however, no campus pub/ bar use for serving alcohol is permitted at this time.

MOTION WAS APPROVED UNANIMOUSLY.

The Sparrow School, a private one-room schoolhouse Site Plan Application. Located at 10 Lovering Lane (corner of Main Street). Tax Map 084-059-000. Property owned by Ellen Winkler. Applicant is Rachel Ensign.

Lucy St. John referred to the staff report. Rachel Ensign then presented her application to the Board. She outlined her professional credentials included in the application materials and details of the proposed school. She explained that she has lived in New London for 12 years and taught for 10, and is looking to build a program that serves between 6-8 children, possibly 10, in a small building on Lovering Lane.

Peter Bianchi asked what kind of school. Rachel responded it would be a pre-school for 3-5 year olds. Peter Bianchi noted she would have to go through a state licensing process. She acknowledged that she is aware of this, but the State requires any local approval be obtained prior to submitting her application to the State. She is scheduled to meet with the ZBA on July 2nd agenda to apply for a special exception. Peter Bianchi remarked that there did not seem to be much space outside for a playground or play area. He observed the town has several playground sites that she could possibly use, but he guessed that would be addressed by state regulators. Rachel Ensign agreed. Michele Holton thinks the school is a great idea and Emma Crane concurred. Rachel Ensign said she would like to provide an intimate education experience for these kids. She also noted that the Fire Chief has asked for a second exit to be provided on the structure, which Rachel Ensign has agreed to do.

Public Hearing opened.

William and Marta Clough, abutters at 23 Lovering Lane commented that they have some concerns. Marta said they have lived there for about 10 years. They think it is a dangerous situation with the traffic from Ellen's Interior's, the trash truck and access to Main Street, as it is difficult to see at that intersection. Marta noted she ran a nursery school in Holderness and the State did come in and inspect everything. Lucy St. John acknowledged it is an existing non-conforming structure that was previously used for retail.

Carolyn Reynolds asked if there is a sidewalk. Rachel Ensign explained that there is a sidewalk along Main Street in front of the property. A question was asked about the location of current crosswalks and the need for crosswalks.

Peter Bianchi said that it is a tight area which is very hard to plow in the winter and snow removal would be an issue. Michele Holton commented that once the word gets out that the Sparrow School has kids in it, people will naturally be more careful. Rachel Ensign suggested that the students could enter and exit the building from the rear door, rather than the Main Street entrance. Rachel Ensign explained the layout of the site, including the brick walkway which leads to the back. She emphasized that there would not be a playground outside the building; that she plans to use the town green and library, and wants to take outings into the community.

Michele Holton said she had had to cope with the same issues when her sons attended a small private school in another community. She said parents offered to drive other students and the school used a gym in another town. She

stated that once New London residents learn that there is a new school in town, they will be more aware, and drive accordingly to protect the children. She commented that she believes this is a good location.

Chair Helm said parents who are considering using the school will ask the same questions as the Planning Board. He noted that this property has only two parking spaces, while Ellen's has seven. How are seven or eight cars going to get in there at the same time to drop off or pick kids up? New London's parking regulations do not address pre-schools. The hours of drop off would be 7:30-7:45 AM in the morning and pick-up at 2:30-2:45 PM. It was suggested that possibly two of those spaces could be designated specifically for the school. Ellen does not open until 9 AM and those parking spaces would be accessible in the morning. Rachel Ensign said that Ellen Winkler, the owner, had already given her permission to use the business's parking lot.

Public Hearing Closed.

Chair Helm summarized that the waivers requested be granted as the building and site have been used for various functions over the years, and currently have water, sewer and other utilities. He explained that there were no land issues and parking has been discussed. Rachel Ensign has agreed to meet all the Fire Chief's concerns and comments, and will need to obtain State Licensing, which also evaluates various factors, including adequate student space ratios, play space areas, location of the propane tank and safety issues. The Board stated that if the State Licensing process requires that a playground area is needed on the site, this would require further review and approval from the Planning Board.

IT WAS MOVED (Michele Holton) AND SECONDED (Emma Crane) that pending approval of a Special Exception by the ZBA and that all required conditions of the Fire Chief be implemented prior to occupancy or as determined by the Fire Chief. THE MOTION PASSED UNANIMOUSLY.

Lot Merger Application. Tax Map 044-022-00 and 044-024-000. Property located on Checkerberry Lane. Owned by Harold F. Oberkotter, Jr. Trustee of the Harold F. Oberkotter, Jr. Revocable Trust.

Ms. St. John referred to her staff report. She indicated this would allow these properties to become a more conforming lot. No public hearing is required. She explained that the Planning Board has reviewed other lot mergers in the past including ones for the Redican and Nelson properties. Once the Planning Board signs the application form, she will then record the merger at the Merrimack County Registry of Deeds (MCRD).

IT WAS MOVED (Peter Bianchi) AND SECONDED (Michele Holton) to approve the lot merger. THE MOTION PASSED UNANIMOUSLY.

New London Barn Playhouse. Tax Map 073-042-000 and 073-040-000 (adjacent white house). Located at 88 and 102 Main Street. Expansion of parking area.

Lucy St. John stated that the parking area for the white house had been expanded, and this issue was brought to her attention. This new parking area is accessed from the barn playhouse parking lot, but is "roped" off. She discussed this with Tom DeMille and advised him that this would be brought to the attention of the Planning Board.

The Board briefly discussed their concerns about expanding the parking area, proximity of the parking area to a residential zone (Site Plan Regulations, # 14 on pages 22) and the extension of commercial use in a residential lot. Staff was asked about previous lot mergers, and would need to look into it. Kim Bonin, who is a board member of the Barn Playhouse conveyed a message from Tom DeMille regarding the parking issue, noting it isn't an expansion of the Barn Playhouse parking area.

Peter Bianchi remarked this was an unfortunate situation, but residents next to the white house are affected by the parking issue. Michele Holton asked if any neighbors had complained about parking recently. Lucy St. John said not to her knowledge. Michele asked if the town could send out a public notice saying that as far as the town is concerned, the parking behind the white house is not considered as an extension of the parking lot and to please call the town office with questions.

Bill Helm commented that this could become an enforcement issue. He noted that considering the summer theatre session is in full swing, he suggested that the Barn Playhouse be asked to attend a meeting in September to discuss this issue and any other plans for the site. It was noted that the Barn Playhouse had presented a conceptual plan to the Planning Board in October 2013.

Tree Cutting Applications

- Harry W. Stotz. Property located at 547 Forest Acres Road. Tax Map 106-019- 000. Proposal to remove one (1) dead spruce tree. Motion by Michelle Holton, seconded by Peter Bianchi, to approve as presented. Motion Passed.
- Doug and Becky Gladstone. Property located at 910 Lakeshore Drive. Tax Map 064-016-000. Proposal to remove one (1) dead tree. Motion by Peter Bianchi, seconded by Emma Crane, to approve as presented. Motion Passed.

Other Business

Kearsarge Regional School District - memorial bench for Tom Brennan briefly discussed. No approval necessary.

Kirshberger property- tree cutting and beach replenishment complaint. Tax Map 037-014-000. Located at 461 Lakeshore Drive. Ms. St. John reported that she received a phone call regarding some tree cutting activity on the property and beach replenishment having been done. A tree cutting (for 15 trees) was approved by the Planning Board on April 24, 2012. She recently drove past the property but wasn't able to see any tree cutting or beach replenishment activity from the road. She had been in contact with the property owners who invited her to visit the property when they return to the area in early July. Bill Helm had visited the site, and noted that there is a path leading to the beach area and trees were cut. He suggested that this be forwarded to the Board of Selectmen for enforcement. Ms. St. John noted that prior to writing an enforcement letter, she will visit the site with the owners and report back to the Planning Board.

Zeller property- tree cutting/tree trimming. Tax Map 051-014-000. Located at 686 Lakeshore. Ms. St. John commented that she received a call that trees were being cut on this property. She visited the site and talked with the owners. They had retained an arborist and were "trimming" branches from the trees, as they believed this posed a safety issue to the use of their property. Ms. St. John referred to the provisions of Article XVI, Shoreland Overlay District provisions, (G, 2. (2) and (6).

- (2) Dead, diseased, or unsafe trees or saplings (as determined by the Planning Board) shall not be included in scoring.
- (6) Normal trimming, pruning, and thinning of branches to the extent necessary to protect structures, maintain clearances and provided views is permitted. Trimming, pruning, and thinning of branches for the purpose of providing view shall be limited to the bottom half of the trees and saplings.

Ms. St. John noted she didn't take any photographs as it would be difficult to see the full extent to the trimming. It may not have been limited to the bottom half of the trees. She advised the owners of the Town Zoning Ordinance, and wanted to bring this to the attention of the Planning Board. Ms. St. John explained that these provisions can be confusing to property owners. Peter Bianchi mentioned the State Shoreland Ordinance has the same language.

Committees. Chair Helm noted that the committee needs to get on with defining who works on specific issues. Emma Crane suggested that a joint meeting be held with the Conservation Commission.

Streams and Wetland Overlay Map. Question for the Planning Board regarding Lizotte property. Tax map 048-010-000. Located at 598 Pleasant Street. The board reviewed the GIS map, the Streams and Wetlands Conservation District Overlay map and a map prepared for the owner. Staff asked which map is to be used, referring to the Ordinance and the differences shown on the maps. The owner, was advised to go the ZBA.

Messer Pond Protective Association. Ms. St. John explained that she is meeting with John Doyle of the Messer Pond Protective Association regarding a stream which was discussed at the recent Brown ZBA hearing, and other streams as discussed with the Conservation Commission during the 2014 Zoning Amendment process. Ms. St. John explained that the currents maps were discussed by the Conservation Commission, and she suggested that the Conservation Commission and Planning Board continue to discuss the maps for possible clarification to the maps during next year's zoning amendment cycle.

Board Membership, Attendance, Training and Updating the Rules of Procedure. Peter Bianchi noted we now have a relatively new Planning Board including regular and alternate positions, and that the Planning Board has lost a tremendous institutional history, now that Tom Cottrill and Jeff Hollinger aren't on the board. Peter Bianchi stressed the importance and need for regular attendance, and the need to review the attendance policy in the Rules of Procedure. We need an attendance policy so that people will attend the meetings. He also suggested having training sessions conducted by staff, the Upper Valley Regional Planning Commission (RPC) and attendance at other training opportunities. Chair Helm will meet with staff to further discuss these issues. Peter Bianchi explained that serving on the Planning Board is very time-consuming, and there is a big learning curve, noting the importance of the role of the Planning Board to the Town of New London.

Next meeting, July 22.

Review of Minutes of May 20, 2014

IT WAS MOVED (Michelle Holton) AND SECONDED (Emma Crane) to approve the minutes of May 20, 2014, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.

Motion to Adjourn

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

The meeting adjourned at 9:06 pm.

Respectfully submitted,

Chris Work, Recording Secretary
Town of New London