



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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

TO: New London Planning Board  
FROM: Lucy A. St. John, AICP  
FOR: May 10, 2016 Meeting  
RE: Stahlman Site Plan Application  
Tax Map 084-079-000

**Property Statistics:**

Owners: Robert Stahlman  
Location: 74 Pleasant Street  
Tax Map: 084-079-000  
Total Site Area: 0.74 acres  
Existing Zoning: Commercial  
Frontage: Pleasant Street  
Watershed: Blackwater River Watershed  
Surrounding Uses: Commercial and residential

**Plans Prepared By:** Clayton Platt, surveyor  
Bob Stahlman, P.E.; and Jon Sisson, Wetland Scientist

**Project Description:** Parking lot in the rear of the existing building.

**Site History:** (Brief summary, may not represent the complete history of the site).

- ✓ ZBA public hearing Sept 29, 2015 continued to Nov 10, 2015. Variance denied. Rehearing requested and ZBA denied Jan 5, 2016.
- ✓ Subdivision -Annexation plan approved Oct 6, 2015 (acquired part of Tax Map 084-081-000). Recorded at MCRD plan # 20020.
- ✓ Site Plan application withdrawn by the applicant at the Nov 17, 2015 Planning Board meeting.
- ✓ Owner submitted petitioned zoning amendment which was approved by the Town March 2016 to rezone a portion of the property from residential to commercial. Petitioned zoning amendment March 2016 approved.

**Zoning Ordinance:**

- Article II, General Provisions, # 6 Parking and Loading on page 5.
- Article, VII, Commercial District, pages 40-41.
- 

**Site Plan Regulations (Amended to March 3, 2015)**

- ✓ Waivers, none requested at this time, see (I), page 32.
- ✓ Appendix A- Off- Street Parking Requirements
- ✓ Refer to all other Site Plan Regulations.

**RSAs:**

- ✓ RSA 674:43 Power to Review Site Plan
- ✓ RSA 674:44 Site Plan Review

**Department Comments:**

- ✓ Fire Department, Chief Jay Lyon: Email of April 25, 2016. I have no issues with the proposed plan.
- ✓ Police Department, Chief Ed Andersen: Email of April 26, 2016. I have no issues.
- ✓ Public Works, Director Richard Lee: Email of April 27, 2016. I did not see anything that would raise concern on those project. I would point out that on the plans in the top center the wording for the Map and Lot number appears to be wrong or the arrow points to the wrong section. Map 84 lot 81 is the back piece of property that was purchased to expand the parking lot onto. Map 84 Lot 79 is the existing lot. That's all.
- ✓ Water Precinct, Robert Thorp: No comments received.
- ✓ Health Officer, Deb Langner: Has been in contact with NHDES regarding the NHDES letter dated Oct 13, 2014 (attached). An update from NHDES is anticipated before the Planning Board meeting.

**Key Issues for Further Discussion:**

- ✓ Abutter concerns or issues and how addressed.
- ✓ Correct the Tax Map reference, should be Tax Map 084-079 not Tax Map 084-081.
- ✓ Dumpster location, if one is proposed.
- ✓ Easement Agreement with Canary Enterprises dated Nov 16, 2015 for a two year period with an option for Robert Stahlman to buy the property. This is really a temporary easement as proposed, concern if the option to buy is not exercised, how access to the rear of the lot is addressed. Easement language Nov 16, 2015 attached. Is the easement recorded, or to be recorded at Merrimack County Registry of Deeds? Include with the other "Notes" on the plan, a note regarding the easement, and remove proposed lease area notation as shown on the plan.
- ✓ Lighting of the parking area
- ✓ Maintenance of the proposed retention area.
- ✓ NHDES October 2014 letter and update
- ✓ Parking spaces, parking area landscaping, perimeter landscaped open space of 10 feet is required, turn-around space, width of driveway to the rear and visibility concerns, location of the current handicapped parking space relative to the proposed driveway easement area to the rear.
- ✓ Remove Note # 5 of the plan, as it is no longer relevant.
- ✓ Site Plan, Article VI, (G) Water Drainage. Proposed additional parking area shown to be 56 x 60 sq., which is greater than 2,500 square feet. See Public Works comments below and retention basin is proposed as well as grassed snow storage area. Stamp of engineer to be affixed to the plan.
- ✓ Waivers, none requested- utilities not shown on plan.

**Suggested Action:**

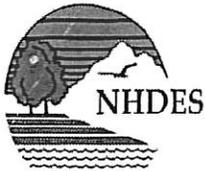
- Determine if the application is complete or incomplete. If incomplete, specific reasons should be provided. If complete, open the public hearing and receive testimony.
- Determine what waivers will or won't be granted (Site Plan, Article VIII- I Waiver of Requirement, page 33). No specific waivers have been requested.
- Decide if this application is deemed a project of regional impact, per RSA 36:54-58
- Decide if a site visit is needed.
- Make a motion to approve, disapprove or table the application and state the reasons.
- If the Planning Board acts to approve the plan, staff suggests that any and all conditions of approval be clearly stated and included in the motion, including compliance with all comments identified by Town Departments and other reviewer as deemed appropriate.

**Suggested Conditions for Consideration:**

- ✓ Address any specific concerns or issues identified in the discussion.
- ✓ Plan to be stamped and signed by the NH licensed engineer and wetland scientist. Plan is currently stamped only by the surveyor.
- ✓ Any changes or correction be included on the plan and submitted for review by staff, prior to the Planning Board signing the plan.
- ✓ Refer to Site Plan Regulations, Article VI, pages 29-31 regarding Security for improvements, inspections, completion date, as-built drawings (date), occupancy approved by Fire Department and Health Officer, or others as required by local or state laws, rules, regulations and any other applicable requirements.

**Attachments:**

- ✓ NHDES Letter dated October 12, 2014, 2 pages.
- ✓ Easement dated Nov 16, 2015 between Canary Enterprises and Robert Stahlman
- ✓ Minutes and Notice of Decision (NOD) Planning Board- Nov 17, 2015.



The State of New Hampshire  
**Department of Environmental Services**



**Thomas S. Burack, Commissioner**

October 13, 2014

Reginald Jones  
The Valley Land Corp  
220 Holiday Drive Suite 27  
White River Junction, VT 05001

74 Pleasant 084-079-000  
Stahlman

5 Gould Road Tm 084-050-600  
Canary Systems

**Subject Site:** **New London – Former Frank Gilman Property, 5 Gould Road**  
DES Site #200104029, OPUF Project #11015

Dear Mr. Jones:

The New Hampshire Department of Environmental Services (DES) has reviewed information in our files, regarding the discharge of fuel oil at the subject property discovered on April 17, 2001.

The purpose of this letter is to document our recent telephone and email communications and to request Valley Land Corp's immediate cooperation. Over the course of the past year, strong oil odors having been reportedly noticeable inside the building adjacent to your property at 74 Pleasant Street. Mr. Robert Stahlman, the owner of the 74 Pleasant Street building, recently hired Enpro Services, an environmental contractor, to investigate the odor's source at his own expense. On July 2 and 3, 2014, Enpro conducted limited soil test-pitting outside of the building located down gradient of your property. Oil contamination in the soil outside the 74 Pleasant Street building was confirmed by the observation of "oil droplets and a sheen" on the groundwater in augered test pit holes and also via photo ionization detector (PID) readings. On August 6, 2014, a tenant from the 74 Pleasant Street office building called DES to report a strong fuel odor in the building. Mr. Stahlman contacted DES on Friday, October 10, 2014 to report the presence of fuel odors in the building.

Therefore, the above evidence supports the conclusion that the discharge of oil has impacted the down gradient property located at 74 Pleasant Street. DES has determined that Valley Land Corp is a responsible party with respect to this discharge and requires that you install a sub slab vapor mitigation system in the building located at 74 Pleasant Street.

From communications to date, it is our understanding that your consultant Harper Environmental Inc proceeded to conduct a limited site investigation without DES approval. It is our understanding that the findings have confirmed that oil contamination is still present in the soil and groundwater on the site. As previously discussed, due to limited funding, DES cannot approve the costs associated with both source investigation and the sub slab vapor mitigation system at this time. Funding is limited to actions DES deems to be high priority, i.e., the sub slab mitigation system.

A review of our files shows that Valley Land Corp is eligible to be reimbursed by the New Hampshire Petroleum Reimbursement Fund Program (Fund) for costs to implement DES required investigation and remediation related to the fuel oil discharge discovered on April 17, 2001.

www.des.nh.gov  
29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095  
(603) 271-3899 • TDD Access: Relay NH 1-800-735-2964

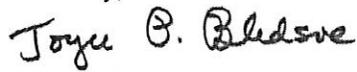


Reginald Jones  
DES #200104029  
October 13, 2014  
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To receive reimbursement from the Fund, all work must be pre-approved and conducted in accordance with the Oil Fund Disbursement Board *Guidance Manual: Policies, Procedures & Rules for Reimbursement*. Please direct your consultant to submit a detailed work scope and budget for DES approval. The work scope and budget is due within 5 days of receipt of this letter. Also please have your consultant submit, immediately, the non-fund eligible limited site investigation report via electronic upload to the DES digital library.

Please don't hesitate to contact me at (603) 271-5569 with any questions.

Sincerely,



Joyce Bledsoe, P.G.  
Oil Remediation and Compliance Bureau  
Tel: (603) 271-5569  
Fax: (603) 271-2181

Waste  
Management  
Division

Digitally signed by Waste Management  
Division  
DN: cn=Waste Management Division,  
o=Waste, ou=ORCB,  
email=michele.regan@des.nh.gov, c=US  
Date: 2014.10.13 13:30:48 -04'00'

cc: Jennifer Marts, P.G., ORCB  
Gardner Warr, SRCIS, ORCB  
New London Health Officer  
Cliff Harper, P.G., Harper Environmental Associates  
Joseph Jones, Valley Land Corp.  
Robert Stahlman, Property Owner, 74 Pleasant Street

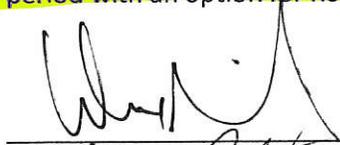
Route/cc: Margaret Bastien, P.E., ORCB

November 16, 2015

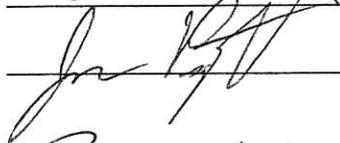
SUBJECT: Property easement from Canary Enterprises LLC, Alex Neuwirt, President and owner, at 5 Gould Road to Stahlman Office Building, Robert L. Stahlman, Trustee at 74 Pleasant St, New London of 750 SF to install a driveway between the two properties.

The driveway from the front parking lot of the Stahlman Office Building on Pleasant Street to a new lot behind the building will be installed at the end of the office building adjoining the Neuwirt property, the former Post Office. The 12' wide driveway will be 2' on the Stahlman property and 10' onto the Neuwirt property plus a 2' grassway on the Neuwirt property. This amounts to an easement of 750 SF.

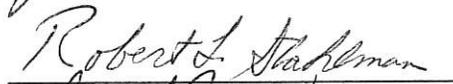
The property easement is granted by Alex Neuwirt to Robert L. Stahlman for a two year period with an option for Robert L. Stahlman to buy the property.



Alex Neuwirt, President, Canary Enterprises LLC



Witness



Robert L. Stahlman, Trustee



Witness

RECORDED  
NOV 17 2015

and will only need 17 spaces so parking is not an issue. Chair Helm said the Fire Chief has to approve and has to be a permitted use allowed in the commercial zone.

**Brian Dumais. Discussion on “little free library”. Proposed location at the Sparrow School at 10 Lovering Lane.** TM 084-059-000.

Staff received an email asking this be postponed until a later date. Discussion postponed.

**Site Plan Applications and Public Hearings**

- ✓ **Mountain View Shopping Center/Crosspoint Associates. Located at 277 Newport Road. Tax Map 059-008-000.** Zoned Commercial. For the addition of two (2) additional parking lot islands to create visual symmetry in conjunction with the already existing two (2) islands.

Board determined this is not a project of regional impact. Comments received from the Fire Department and Public Works are OK with the work that was done.

Jon Walluck, Property Manager stated that company had relied on contractor to get site-plan review. A diagram was submitted showing the location of the islands, which were already installed in front of Unleashed/Verizon. He noted that no parking spaces were involved. Waiver requested to the other Site Plan requirements. These islands replicate two existing islands in design and landscaping.

Public hearing opened. No comments received. Public hearing closed.

**Motion to approve islands at Mountain View Shopping Center. IT WAS MOVED (Paul Gorman) AND SECONDED (Jeremy Bonin) to approve the motion. THE MOTION WAS APPROVED UNANIMOUSLY**

- ✓ **Robert Stahlman. Property located at 74 Pleasant Street. Tax Map 084-079-000.** A portion of the property is zoned Commercial and a portion is zoned Residential (R-1). The applicant proposes to extend the driveway located on the side of the office building with an easement over the Canary Systems property (Tax Map 084-080-000), and to create a paved parking area to the rear of the building (22 spaces), with access gained via the easement. A Subdivision and Annexation plan was approved at the October 6<sup>th</sup> meeting, which increased the lot area. The Zoning Board of Adjustment (ZBA) received a variance application to consider a commercial parking lot in the residential district. The ZBA public hearing was held on September 29<sup>th</sup> and continued to November 10<sup>th</sup>. The variance was denied at the ZBA November 10<sup>th</sup> meeting. Wetlands delineated by John Sisson, Beaver Tracks, LLC; Boundary and Existing Conditions by Clayton Platt, Licensed Land Surveyor and driveways, grading and drainage design by Robert Stahlman, P.E.

Board determined this is not a project of regional impact. Comments received from the Fire Department today. Chief Lyon has no issues. Staff noted that Chief Lyon has conveyed that the clearing of the site has opened the site up and he now has better access. Comments received from Richard Lee, Public Works Director dated November 17<sup>th</sup>. Concerned about two way ingress/egress, snow storage, drainage and runoff.

Michelle Holton recused herself from discussion and vote as she had done at previous meeting.

**Mr. Stahlman presented this application:**

- ✓ He stated that the variance request was denied at the Nov 10<sup>th</sup> ZBA meeting.
- ✓ He is a licensed engineer in 17 states and he is comfortable with his ability to get his application approved.
- ✓ He purchased the rear portion (from the abutter) because he needs more parking for his building, and he has been unsuccessful in securing other off-site parking lease arrangements.

- ✓ He intends to submit a petitioned zoning amendment for the March Town Meeting. Said he is confident he will get the approval in March Town Meeting as he knows people in town who will help him.
- ✓ His purpose tonight is to get approval to extend the driveway to the rear, and is not seeking approval for the parking area in the rear (as the variance was denied).
- ✓ He submitted a proposed easement documents from Canary Enterprises LLC, Alex Neuwirt.
- ✓ Presented a modified plan showing the driveway from current commercial lot going through residential lot, reflecting proposed driveway on his approved easement. He has eliminated one parking space (directly next to proposed driveway entrance) for access to this proposed driveway, which will be 12 feet wide. Said he would just put up a stop sign on the site, so people driving on the driveway to the back, would know to go slow, and there is enough visibility.
- ✓ Said it is his right to install a driveway if that is his desire and he has already erected a fence and planted some trees to satisfy the neighbors.
- ✓ There is no need for a two-way driveway as cars come in the morning, park for the day and then will exit the proposed 12 foot driveway and he will permit cars to park on the driveway.
- ✓ Asked if he has permission to grade and level the proposed driveway area.
- ✓ Discussed why he couldn't widen the driveway, as there are trash receptacles which cannot be moved and a sewer tank which pumps out to the street and cannot be driven over. Explained that about seven (7) years ago he installed drains around the building to help with the drainage concerns.

**Board comments:**

- ✓ Why install a driveway (to a proposed parking lot) before getting approval for that parking lot and incur unnecessary expenses? What is the purpose of a driveway that leads to a residential property when he won't be able to use the residential lot for his business?
- ✓ Planning Board could only speak to the driveway as far as the commercial property goes on the easement and explained a commercial parking lot was not an approved use for a residential property.
- ✓ Planning Board does not have jurisdiction on a residential lot.
- ✓ The proposed driveway extension is only shown to be 12 foot wide, leading to a dead end, and it needs to accommodate two-way traffic since there is no other way out and that the driveway should be 22 feet wide. Asked for clarification on the distance from the building and suggested moving the driveway closer to the building to achieve the 22 foot width. Asked if there has been any other precedent set, in that the Planning Board permitted the approval of a one-way driveway. The proposal of the 12 foot width was questionable as the width would not be adequate for emergency vehicles.
- ✓ He can't eliminate the parking space required to access the driveway, as he is required to have 23 spaces and that the proposed gravel surface does not constitute a driveway.
- ✓ Stated that cars cannot park on the driveway as it will impede emergency traffic.
- ✓ Do not think that people in town will vote to enlarge the commercial zone.
- ✓ Suggested Mr. Stahlman wait until after Town Meeting before going through with this application because of all the other considerations such as snow removal, emergency vehicle access, potential cost for installing a driveway to a proposed parking area he can't use for a commercial lot, and he needs to address the width of the easement and other comments raised.
- ✓ Asked Mr. Stahlman if he wanted to continue at a later date or have his application voted on tonight.

Public Hearing Opened. Staff noted that comments were received from abutters for the ZBA meeting. No public comments received at the Planning Board meeting. Public Hearing Closed.

Mr. Stahlman asked if the application could be continued to after March 8, 2016 and acknowledged he was withdrawing his application.

### **Other Business**

#### **Signs - Update on NHMA webinar**

- ✓ Paul Gorman, chair of the Sign Subcommittee, gave a brief update of the webinar.
- ✓ He noted that Janet Kidder, Bill Dietrich and Lucy St. John also participated in the webinar.
- ✓ He explained that the US Supreme Court case Reed v. Town of Gilbert has subjected local sign ordinance to exacting legal scrutiny. The court case focuses on the First Amendment (free speech), and requirement for “content neutral” signs.
- ✓ Bill Dietrich commented that most of signs in the country are probably not legal per this Supreme Court decision.
- ✓ Janet Kidder pointed out that the Selectmen cannot go onto private property and remove a sign although people in town think this to be the case once the permitted signage days have expired. Ms. Kidder emphasized that all governmental bodies are exempt from local regulations and that is why the liquor store is permitted to have an interior lighted sign that says “Liquor Store.”
- ✓ The Board discussed that revisions to the Sign Ordinance will be needed, and the enforcement of the current sign provisions may be difficult to enforce as a result of this case.

#### **CIP- discussion of the public hearing comments**

- ✓ Chair Helm noted that the public hearing was conducted this evening. No comments were received.
- ✓ The final version will be given to the Board of Selectmen (BOS) and Budget Committee. Bill Helm noted that he will attend BOS meeting on November 30, 2015 and Budget Committee meeting on December 2, 2015.
- ✓ Chair Helm asked for others to attend to impress upon the Selectmen and the Budget Committee the importance of acquiring the school site (1941 Building).
- ✓ Janet Kidder questioned if the Town was willing to acquire the building with all its attendant problems. Ms. Kidder suggested a warrant article should simply articulate that the Town would retain control of the site and decide later what will be done with it. Janet Kidder suggested that a design charrette might be an idea to solicit input on the site.
- ✓ Ms. St. John referred to the recent letter to Norm Bernaiche (Assessing Department) from CAI Technologies (letter dated Nov 2<sup>nd</sup>) regarding the tax map correction project and revised cost. She emphasized the need for this project, and projected cost increase, noting the importance of this project.
- ✓ Janet Kidder asked that a strong case be given for an enforcement officer, which is included in the proposed budget.

#### **Site Plan Review Amendments – discussion of the public hearing comments**

- ✓ The Board conducted the public hearing earlier in this meeting. Numerous comments and concerns were raised.
- ✓ Concerning Table A there were no questions and it was accepted.
- ✓ Section F on parking: Chair Helm said it was helpful to have the existing KCOA agreement to look back on and perhaps leave the wording as is with addition of language that agreement must be recorded. Board decided to leave Section F in the text.
- ✓ Ms. St. John noted that parking provisions are typically included in the Site Plan Regulations, not the Zoning Ordinance to allow the Planning Board some flexibility when reviewing each site.



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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NEW LONDON PLANNING BOARD  
NOTICE OF DECISION (NOD)  
Tuesday, November 17, 2015

Refer to the agenda and meeting minutes for additional details of the discussion.

**Tree Cutting Applications**

- ✓ **Nancy Dahm. Property located at 110 Murray Pond Road.** Tax Map 045-005-000. Approved to remove part of one tree subject to review by the Conservation Commission.
- ✓ **Robert Ruggles. Property located at 823 Bunker Road.** Tax Map 077-004-000. Approved as presented.
- ✓ **Raoul (formerly Carr). Property located at 29 Boulder Point Road.** Tax Map 115-002-000. Discussion continued to the December 1<sup>st</sup> meeting. Site visit scheduled for Monday, Nov 30, 2015 at 11:00 a.m.

**Site Plan Applications**

- ✓ **Site Plan for Mountain View Shopping Center/Crosspoint Associates. Located at 277 Newport Road.** Tax Map 059-008-000. Zoned Commercial. For the addition of two (2) additional parking lot islands. Approved as presented.
- ✓ **Site Plan for Robert Stahlman. Property located at 74 Pleasant Street.** Tax Map 084-079-000. A portion of the property is zoned Commercial and a portion is zoned Residential (R-1). The applicant proposes to extend the driveway located on the side of the office building with an easement over the Canary Systems property (Tax Map 084-080-000), and to create a paved parking area to the rear of the building (22 spaces), with access gained via the easement. Following the public hearing and discussion, the applicant withdrew his application for consideration at this time.

**Site Plan Review Regulations Amendments**

- ✓ The Board approved a new Appendix A, Section A, Off-Street Parking Regulations and decided to leave the Section F. Off Site parking (F) in place. The discussion on exempting the Institutional districts (existing structures) from site plan review was continued to the December 1<sup>st</sup> meeting, pending receipt of an opinion from Town Counsel.

Respectfully Submitted:

Lucy A. St. John, AICP  
Planning and Zoning Administrator  
Town of New London

Please be advised that any persons aggrieved by a decision of the Planning Board concerning a plat or subdivision may present to the Superior Court a petition. Such petition shall be presented within 30 days after the date upon which the board voted to approve or disapprove the application. Refer to RSA 677:15 Court Review, for the specific language and other details. It is the petitioner's responsibility to seek legal counsel as they deem appropriate. This notice is for general informational purposes and in no way shall convey any legal advice.