



TOWN OF NEW LONDON, NEW HAMPSHIRE

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

New London Planning Board MEETING MINUTES Tuesday, October 10, 2023 Whipple Memorial Town Hall, 6:30 PM

MEMBERS PRESENT: Tim Paradis (Chair), Paul Gorman, David Royle, Emily Campbell, Paul Vance, Bill Helm (Selectmen's Representative)

MEMBERS ABSENT: Jeremy Bonin, Katie Vedova, Joe Kubit, Marianne McEnrue

OTHERS PRESENT: Town Planner, Adam Ricker, John Ellis, Rob Dietel, Pam Perkins, Phil Sherman, Peter Blakeman, Janet Kidder, Gerry Gold, Doug Homan, Karen Epstein, Rich Epstein, Andrew Lubrano, Tom Polisenio, June Polisenio, Tim Sliter, Lizette Sliter

1. **Call to Order** – Chair Paradis called the meeting to order at 6:32pm. David Royle and Emily Campbell will be voting members tonight.

2. **Review of minutes: September 12, 2023**

IT WAS MOVED (Emily Campbell) AND SECONDED (Paul Gorman) to accept the minutes of the September 12, 2023 meeting. THE MINUTES WERE APPROVED UNANIMOUSLY.

3. **Public Comment - None**

4. **PUBLIC HEARING – Site Plan Review** – Timothy and Lizette Sliter, located at 431 Shaker Street, Map/lot 111-015-0-0-0, +/- 22.180 acres, Zoned Agricultural Rural Residential (ARR). The applicants are applying to amend their site plan approval of December 13, 2016, for a commercial farm and horticultural business. The modifications include, but are not limited to, the conversion of a portion of the property to an orchard, the installation of a pond, alteration to the parking area, and installation of two hoop houses.

Chair Paradis stated the order of the discussion tonight:

- Determine if this is a complete submission of the application
- Determine if this is a development of regional impact (this application was not deemed as such)
- Applicant present their application and allow the board to ask questions
- Due to the complexity of this situation, chair Paradis would like the board to consider doing a site visit
- Determine whether a third-party engineer should review the work of Peter Blakeman

Adam Ricker stated they received the application packet that includes the site plan and supporting materials. The preliminary stormwater summary was received late this afternoon so Planning Board members may have not seen it but hard copies were provided tonight. It is also posted on the town website.

IT WAS MOVED (Bill Helm) AND SECONDED (Paul Gorman) accept the application as a complete submission. THE MOTION WAS APPROVED UNANIMOUSLY.

Adam Ricker stated the board needs to determine whether or not they feel this is a development of regional impact. It was not determined to be a development of regional impact in 2016 when this property was initially before the board. Criteria includes number of housing units, proximity to borders of the neighboring community, impact to transportation network, anticipated emission such as light, noise, smoke, odors or particles, proximity to aquifers and surface waters which transcend into municipal boundaries and impact on shared facilities such as schools, solid waste disposal or utility services from another community.

Bill Helm stated it doesn't seem that anything has changed since 2016 so feels it can be determined that this is not a development of regional impact. Chair Paradis and the other Planning Board members were in agreement.

Rob Dietel, an attorney with the Gallagher, Callahan and Gartrell law firm attended the meeting representing Timothy and Lizette Sliter. He introduced Pete Blakeman, who is the civil engineer that has been looking at drainage on the property. Mr. Dietel shared that in 2016 the Sliters sought to buy this property and came before the Planning Board seeking a site plan approval. They were looking for a site to raise their family, live in close contact with the land and to be able to support their horticultural business, Garden Life. To have a comprehensive property that met all those needs is a unique thing and they found it in this property. At the time it was three lots that equaled 22 acres in total. There is a four-acre portion in the middle is carved out for their residential property and the other 18 acres are under a conservation easement held by the Ausbon Sargent Land Trust.

In appendix 39 in the application materials, Mr. Dietel referenced the current site plan that they are seeking approval for which gives a general sense of the property. In 2016, the site plan sought a number of things which were approved. On the southern end, approval was given to build 2 barns, 4 hoop houses, parking for Garden Life, area to store materials and to have an access way that crossed the property. On the northern end, it was contemplated as being an area for livestock. This approval was instrumental in their decision to buy the property and pursue development of the site. From 2016 to now, a lot has happened in terms of how the Sliters intend to use this property. They have had some challenges and the biggest has been the trees on site. In Spring 2017, a microburst came through and damaged a large portion of trees. After addressing the damage, many of the resulting trees suffered from the changed conditions and have either died off or experienced health challenges including crown decline, generally poor growth, disease and decay.

From 2016 to today, what has fundamentally been accomplished on the site is that they have restored back to similar form what was historically there previously. What hasn't happened is that they haven't built the structures that were contemplated. Instead, the area that was envisioned for barns and hoop houses has become a mixed-use staging area for farming operations. Materials and equipment are stored there and this is what you would see at commercial farms.

There is a decrease in the intensity of what was contemplated for the property as they are seeking to reduce the number of structures on the site and the area to the north that was envisioned for livestock is now an orchard. There was a pond that was discussed in 2016 but wasn't explicitly part of the approval. The Sliters are seeking to build this pond which is going to require an Alteration of Terrain permit with the New Hampshire Department of

Environmental Services. This will involve the need for a detailed drainage study. The operations on this site all work together to support the vision for this property. Mr. Dietel commented that this is fundamentally an amendment application. They are intending to take the intensity of what was approved in 2016 and adapt it for the way they envision the property to be used going forward. Mr. Dietel stated this should not be an opportunity for abutters to relitigate the 2016 approval. It is also not an application for litigating the conservation easement that is on the property. Ausbon Sargent is aware of this application and they are aware of how the property is being used.

Mr. Dietel agrees that a site visit would be helpful. It is a beautiful property and would be a good opportunity for the board to see it for themselves. The topography slopes down towards Mountain Road but no adverse conditions result from that.

Lizette Sliter shared that the process from 2016 to now has been more difficult than they anticipated. They are proud of the work they have done to restore the land back to active farmland. It has become a more productive property but in a less intensive way. They have goals for the property to be healthy and productive going forward and want to continue to produce plants, shrubs, ornamentals, agricultural products for offsite use and the community.

Adam Ricker shared that due to the fact that they only received the stormwater analysis late this afternoon, he did not have a chance to meet with the department heads to get their feedback. He will provide this staff report at a subsequent meeting.

Bill Helm asked about the growth of the business. Much of what was talked about in the original site plan was a relatively modest use of the property for business which seems to be successful. It isn't clear in this schematic what the plans are for the business in the future. Tim Sliter responded they have grown more than they planned and took a different path. Currently, there is no plan to grow the business into something larger. They do understand if there is a plan in the future to expand structures on the site, they would need to come back before the board. The plan presented tonight is intended to give the board a realistic understanding of how the Sliters intend to use the property in the foreseeable future.

David Royle asked about the pond and what it's intended use will be. Lizette Sliter responded that it will be used to capture storm water and to provide a source of water for agricultural uses such as irrigation for the orchard. Things they intend to grow include pumpkins, gourds, onions and potatoes. At this time, they don't intend to sell products on site so parking would not be an issue. The majority of what they are growing now sustains their own family.

Paul Vance asked about the business and storage for trucks or landscaping equipment. Mr. Dietel stated there are currently no structures and they aren't seeking approval for any structures for storage. The way that area gets used is very light in intensity as employees come onsite and leave their cars and materials are stored there. This is a commercial farm but there is not heavy industrial agricultural use being done there. Garden life is a low impact business.

The Planning Board agreed to do a site visit on November 14, 2023 at 3:00pm. Members of the public are invited to attend the site visit but given the difficulty in hearing in a large group, participation by the public is limited to walking the site and listening. Questions should be held until the meeting later that evening.

Andrew Lubrano, the side abutter to the Sliters, stated he is thankful to be able to speak tonight and feels much of the discussion has minimized exactly what is going on with this property. With regards to the impact of animals on the site, in 2016 that was said to be three or four cattle, possibly goats and chickens for personal use. In the 2016 site plan, the promise that was made at the meeting with the abutters and the Planning Board was that no more than 50% of the trees would be cleared. There is a 22-acre clearing of the property. The claim is that this was due to a microburst but there is a satellite view of the microburst with before and after photos and the clearing of the trees only took place within the boundaries of the Sliters property. It didn't affect any of the abutters and didn't affect his trees. He witnessed and provided a copy to the board of a tree company coming in a clear cutting the trees. The characterization of the trees coming down on their own is simply untrue.

In the 2016 site plan, it was stated that all abutters would get a minimum of a 50-foot privacy buffer or a 40-foot privacy buffer. When you do the site visit, you will see there is no buffer. There is an 8-foot fence that is oppressive and unattractive. The original plan that was promised showed a section of fence with trees and bushes as a privacy buffer and then a secondary fence for the livestock. Mr. Lubrano stated they are seeking approval for a site plan but 90% of the 2023 site plan has already been done. The only 10% that hasn't been done is that they are going to improve the road further into the field. There is a driveway there that is unpermitted and was not approved by the town. It seems that the road that is being improved is lining up with the driveway and puts it within 40 feet of his property line. This means the trucks that they will be utilizing to take the produce out of the field will be driving alongside the property with no privacy buffer whatsoever.

In the 2016 site plan, the Sliters were approved for three parking spaces for employees of the landscaping business. The farm and the landscaping business are two completely different entities. The landscaping business is actually registered and the approval was for three parking spaces for employees of the landscaping business to work in the hoop house that were never constructed. On a regular basis there are 10-12 cars parked in that parking lot. In the 2023 site plan they are seeking 16 cars to be parked there. Mr. Lubrano stated the land that is under conservation is currently being used as a park and ride for employees. This isn't what conservation land should be used for. In 2016 they were told this was going to be a cute family farm and now for the first time in the 2023 site plan they are hearing it is a commercial farm. They're also telling people the fields will be open to the public and people can come in and pick which means cars will be coming and going. He would like the board to take this into consideration as he will have no privacy. He isn't against farming but this is a privacy and security issue for him.

Tom Poliseno stated he is happy that the drainage study has been completed and looks forward to having that reviewed and hopes the board considers having it reviewed independently. Mr. Poliseno discussed the storage areas and stated there are mounds that are really high. He would like a height limit on those and would like the storage area moved back. He also has concerns about the business and possible expansion. Landscaping does not fit into agriculture or horticulture and this is an independent activity that is taking place on the property. He agrees that a buffer would go a long way to solve some of the issues.

June Poliseno had several questions for the board to consider. Some of these included what are the commercial farm and horticultural activities being conducted by Garden life workers when offsite, how many workers are there and what specific agricultural activities are they engaging in while onsite, why are workers that are not engaged in agricultural activities

allowed to park their cars there all day? How was it determined that the parking lot should go from 3 to 16 cars? Why hasn't the promised buffer been provided?

Doug Homan shared when this was approved in 2016, he thought it was great and a good use of a piece of property that had been in decline. They've done a great job and have worked hard. There is certainly a need for the service they provide to our community. Change can be hard and the complaints he is hearing are about change. If you own a piece of land, you should be able to do just about anything you want as long as you aren't really impacting your neighbors. This property is zoned ARR which stands for Agricultural Rural Residential and what they are doing meets this definition. He has no complaints about what they are doing. This is a young family trying to raise kids in the town of New London and is exactly what we want in this community. Instead of trying to drive them out, we should be embracing them and finding ways to make their business more successful and to make them feel more welcome.

Chair Paradis asked the board what their thoughts are with regards to a third-party review. Mr. Dietel stated his position on that at this point is that it would be premature. There is a lot of expense involved in third party review. There is concern about drainage but he recommends that the board see the site for themselves before making that determination. The board has agreed to defer on this until after the site visit.

IT WAS MOVED (Paul Vance) AND SECONDED (Emily Campbell) to continue to a site visit at 3:00pm with the Public Hearing resuming at 6:30pm on November 14, 2023 at Whipple Hall. THE MOTION WAS APPROVED UNANIMOUSLY.

5. PUBLIC HEARING - Capital Improvement Program

IT WAS MOVED (Paul Gorman) AND SECONDED (Emily Campbell) to open the public hearing for the Capital Improvement Program. THE MOTION WAS APPROVED UNANIMOUSLY.

Adam Ricker stated that updates were made to the CIP and the Planning Board was kept informed throughout that process. This year the CIP committee was comprised of Bill Helm, Tim Paradis, Paul Vance, Paul Gorman, David Royle and Charlie Kelsey. As they do every year, the CIP Committee met with all the department heads to discuss what their needs will be over the next 10 fiscal years. This is intended to be a useful tool for planning for department heads, the Budget Committee and the Board of Selectmen.

IT WAS MOVED (Emily Campbell) AND SECONDED (Paul Gorman) to adopt the Capital Improvement Program. THE MOTION WAS APPROVED UNANIMOUSLY.

6. New Business

- Adam Ricker shared that with regards to Twin Pines financing, there is a targeted date of December to hear about a grant announcement. There are no new updates for New London Place.
- Next week the Housing Commission will be meeting with their consultant to discuss potential proposals to the Accessory Dwelling Unit (ADU) ordinance. Mr. Ricker encouraged Planning Board members to attend.

7. Future meeting Dates – The next meeting will be held on Tuesday, October 24, 2023 at 6:30pm.

8. Motion to Adjourn

**IT WAS MOVED (Emily Campbell) AND SECONDED (Paul Gorman) to adjourn.
THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting was adjourned at 8:11PM

Respectfully submitted,

Trina Dawson

Recording Secretary
Town of New London