



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## NEW LONDON PLANNING BOARD NOTICE OF DECISION Tuesday, November 14, 2023

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

1. **Tree Cutting – KJAM Trust, Habib Gorgi Trustee**, Located at 812 Route 103A, Map/lot 103-014-0-0-0, +/- 9.810 acres, zoned Residential (R-2), Shoreland Overlay District. The applicant is applying to remove five trees within the waterfront buffer.

### **APPROVED UNANIMOUSLY**

2. **Continue 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.

### **Finding of Fact**

- The proposed amendments of the 2016 Site Plan approval as a Commercial Farm & Horticultural Business are allowed in the Agricultural Rural Residential Zone.
- The use of land formerly identified for grazing livestock proposed to be used as an area for crop production complies with the agricultural use.
- The addition of a pond to capture stormwater runoff and serve as irrigation for crops is an acceptable use of the land and accessory of the agricultural use.
- As required by Article VI, Section C, 1. of the Site Plan Review Regulations the modification to the landscaped open space buffer is in keeping with the character of the area where the site is located. Additionally, the landscaped open space minimums of the Agricultural Rural Residential Zone are met or exceeded on all sides of the property.
- The construction of the hoop houses and plant storage areas are in support of the agricultural and horticultural use of the property.
- The waste collection area in the parking area has been properly screened through the addition of three-sided fence.
- The Stormwater runoff has been determined to not increase the drainage onto any neighboring properties downstream of the site with the implementation of the proposed pond and will be confirmed by the forthcoming NH DES Alteration of Terrain permit.

### Waiver Request:

The applicant requested a waiver of the Site Plan Review Regulations, Article VI, Section F., 1. That drive and access ways should paved.

### **WAIVER GRANTED**

## **Conditions :**

1. The applicants will submit the Alteration of Terrain to the Town prior to the submission to the State.
2. Applicants will return for a Public Hearing of the Planning Board to review the pond plans and approved Alteration of Terrain prior to construction commencing.
3. The approval of the application is subject to the satisfactory approval of NH DES of the pond design as part of the Alteration of Terrain permit process. The implementation of the pond must not result in any additional runoff and compensate for any additional stormwater created by the previous land clearing.
4. The dumpsters must be adequately screened through the installation of a three sided fence with the opening on the front for access. An updated site plan should be submitted to the Zoning Administrator that depicts the fencing and location of the dumpsters.
5. Snow storage areas must be depicted on an updated site plan and an updated plan delivered to the Zoning Administrator.
6. Items, equipment, and materials stored in the staging area must be related to the agricultural use and operation.
7. The owners will provide an annual update on their plantings by the end of June each year for a term of three years (2024-2026).
8. The operation must seek new approval to conduct pick your own orchard.
9. The gate will have a Knox box to provide access for emergency services.

## **APPROVED UNANIMOUSLY**

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.