



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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**New London Planning Board
MEETING MINUTES
Tuesday, April 9, 2024
Whipple Memorial Town Hall, 6:30 PM**

PRESENT: Tim Paradis (Chair), Jeremy Bonin (Vice Chair), Paul Gorman, Paul Vance, Emily Campbell, and Janet Kidder (Selectmen's Representative).

MEMBERS ABSENT: Katie Vedova and Marianne McEnrue, Joe Kubit, and David Royle.

STAFF PRESENT: Adam Ricker, Town Planning/Zoning Administrator.

OTHERS PRESENT: Mike Hansen, Rich Epstein, John Ellis, Steve Root, Caroline Leonard, Bruce Cerullo, Patricia Goodlin, Cooley Arroyo, Nat & Jennifer Broas, Patricia Goodlin, Nancy & Arthur John Solidar, Charles and Elizabeth Warner, Harry and Amy Hedison.

Chair Paradis called the meeting to order at 6:33 pm.

Review of minutes – Deferred to later in meeting.

Continued PUBLIC HEARING – Lot Line Adjustment – Nicholas Gilman Sunapee Trust & Deborah Gilman Sunapee Trust and Secret Cove, LLC, Davis Hill Road

Tax/Map Lot 068-006-0-0-0, 309 Davis Hill Road, Nicholas Gilman Sunapee Trust & Deborah Gilman Sunapee Trust, Zoned Agricultural Rural Residential, Shore Land Overlay District, currently +/- 20.7 acres, proposed to be +/- 11.65 acres.

Tax/Map Lot 068-006-002-0-0, Davis Hill Road, Nicholas Gilman Sunapee Trust & Deborah Gilman Sunapee Trust, Zoned Agricultural Rural Residential, Shore Land Overlay District, currently +/-12.26 acres, proposed to be +/- 14.16 acres.

Tax/Map Lot 068-006-003-0-0, Davis Hill Road, Secret Cove, LLC, Zoned Agricultural Rural Residential, Shore Land Overlay District, currently +/- 12.5 acres proposed to be +/-25.47 acres.

Tax/Map Lot 068-006-004-0-0, Davis Hill Road, Nicholas Gilman Sunapee Trust & Deborah Gilman Sunapee Trust, Zoned Agricultural Rural Residential, Shore Land Overlay District, currently +/-11.06 acres, proposed to be +/- 5.29 acres.

The applicants are applying to adjust the lot lines between four lots on Davis Hill Road. The existing lot size and proposed lot sizes are in the lot description above. No new lots are proposed. Additionally, the application proposes the relocation of the proposed cistern from Map/Lot 068-006-003-0-0 to Map/Lot 068-006-004-0-0.

Jeremy Bonin recused himself and spoke from the podium. Tim Paradis asked for Emily Campbell to vote on behalf of Joe Kubit.

Mr. Bonin summarized the graphics and maps as to what they illustrated to both the Board and the public – the graphics illustrate what he read numerically.

The applicant of **Tax/Map Lot 068-006-003-0-0** feels the following is achieved if the cistern location is changed from the previously approved to a proposed location: one less driveway from Davis Hill Road, one less opening in the wall, one less culvert, less visible cistern pips and less disturbance of the land. Regardless of cistern location, which improves safety for all Davis Hill residents, adjacent communities and first responders, the driveway culvert will be replaced regardless of its location and Lot 006-004-0-0-0 driveway culvert will be installed regardless of location. Only a few key features that are identical or slightly worse. The easement is identical, as are the area of disturbance is less and the ‘impermeable existing’ and ‘impermeable proposed’ and added are both less. The one number thing that is different is the location of the nearest structure (Lot 55-006-000), in the original approved plan it is 170 linear feet and the new location it is 130 linear feet (Lot 55-008-000), that distance is the only numerical value that makes it different. (Not necessarily better or worse it just depends on what structure you are referencing). In all instances, the proposed location has less impact than the approved location.

Adam Ricker asked Mr. Bonin to restate the differences between the proposed location and approved location. The proposed location of the cistern off to the left, is the “cut in the hill” and that is why it is less visible, dictated by the elevation of the driveway. In the approved location there is no driveway, so the height is set by Davis Hill itself and the cistern is off to the right and for drainage which is off to the side and lower. The wall line is what will be blocking your view for people on Davis Hill for either location of the cistern, its not the plantings around the cistern.

Mr. Bonin describes the easement area for the town for maintenance. They are identical for either location. The area of impact/disturbance is different for each location due to the cut of the hill, more tapering and snow dumping area than one area over the other because of the way it is designed for the proposed location the culvert will need to be put in the relating to the process of putting in the cistern.

Tim Paradis asks of question from the board: Paul Vance asked for clarification of the height of the stone wall. It will be rebuilt with an average height of 38-42”. It is generally level but the grade goes up and down. Janet Kidder asked about the planting around the pipes: Mr. Bonin replies there are 200 plants being used from the NH Indigenous Plants, some examples are: artic fire, dog wood, male pine, winterberry, pussy willow, and Eastern hemlock. In the cistern area the plants will mostly be 200 ferns, intermixed with dogwood to allow for easy access for the fire department and not make it look like a field of ferns.

Questions from the public: Caroline Leonard, attorney from Gallacher, Cantrell and Gartrell, for the Davis Hill abutters for the proposed lot line adjustment: Nat & Jennifer Broas, Patricia Goodlin, Nancy & Arthur John Solidar, Charles and Elizabeth Warner, Harry and Amy Hedison. She wants to put on record her clients object to the location of the cistern and want it left at the

approved location, April 2022. Second, if the board approved the lot line adjustments, the board should approve, as a condition of approval the applicant, tenants and guests are prohibited to use the lots (6, 6-2, 6-3 and 6-4) these four lots for commercial activities including but not limited to as a wedding/event venue and they comply with the towns special events permitting laws.

Ms. Leonard thanked the board for the site visit of March 7th. It allowed for a visual to see the proposed cistern locations and relation for the homeowners. She is pointing out the late Mr. Gilman did not want a cistern on his property. She references those who use their property year-round and seasonally. The applicant's team cannot confirm the location of the site plan would be free of ledge – her question to the board is how will this be handled if they do run into ledge? The abutters do not want a mound present. Ms. Leonard also requested a timeline for the cistern construction including a planting timeline to be addressed in a timely fashion. Also discussed in the February 27th meeting the area of disturbance was not clearly demarcated, she requested this area be clearly located on the final plans.

Further at the February 27th meeting, the owner of lot 6-3 Secret Cove intends to work with UNH Extension to do forest management studies on that property. The only construction contemplated is a dock. Should this be the case, keeping the cistern on lot 6-3 seems logical since there will be no home on that property.

In summary, Ms. Leonard said the 2022 location is better because it does not have a dwelling. That the stone wall height be preserved at a current height. The preciously approved location is better relating to season versus year-round residents and those who would be impacted by the new cistern location. Special events permits be in place to address the patterns of non-compliance with the projects being worked on at the Gilman properties. This is expressed by Ms. Leonard using a “Exhibit A-H” disclosure:

- A: Specific points for the meeting minutes for February 22, 2022, hearing for the subdivision for the Gilmans. Specific points directed towards logging done prior to approval.
- B: Emails from the applicant's team and the town – work being done without town approval.
- C: Demo permit for 309 Davis Hill with conditions: hand tools used vs. mechanical equipment – work done using excavators doing work this winter .
- D: Summarizes demolition being done before permits being issued.
- E: Email from Department of Public Works due to work and increased amount of water flow. Driveway permit not on file for existing driveway – work done without permission.
- F: A letter January 11, 2024, from town to cease and desist work on 228 Davis Hill
- G: 228 Davis Hill – accessory dwelling unit the new vs old, comments of approval were that it must be equal or lesser to existing unit however it is clearly larger.
- H: Driveway extension is close to neighbors' property and must be rectified by March 1, 2024.

With regard to a point she referred to as change of plans – Ms. Leonard brings several facts when the Gilmans had previously brought ideas to use for the property but then changed their mind. To prevent this, it was requested not to hold commercial events on the property and to obtain special event permitting by the Town.

Paul Vance asked for clarification regarding the owner of lot 6-3 regarding a dock being built vs. a home being built. Ms. Leonard clarified for Mr. Vance that the applicant's team said on record that the owner was only constructing a dock.

Ms. Leonard welcomed her clients to add additional thoughts. Patricia Goodlin (192 Davis Hill Road) her and her family are summer residents. Their property abuts 228 Davis Hill. Ms. Goodlin thanked the board for the pro/cons of the site visit of March 7th. "Weddings and commercial" are emotional triggers. Their family has enjoyed 5 generations on the hill, enjoying Sunapee Summers. Not unlike the Woodruff family. The differences in the memories of yesteryear between the mowing of fields with horses that are now thick woods. Change is inevitable; however it is not done with the done at the expense of the irreplaceable. A con would be the rumor of new owners working with UNH Extension and its forestry division as an interesting line of study. She asked that the board weigh the facts and but also how the emotions impact your decisions may have on Davis Hill.

Bruce Cerullo of Pilot House Road, wanted to thank the Board as volunteers to work towards the greater good. He hopes the decision will not be a loss to the Gilmans but bring together the original decision of the subdivision. Within a year the well thought out decision took a different version (II) and that didn't work, so we're onto version III for a innocent lot line change in hopes of maintaining a favorable zoning change with the art studio and the dock being on the same lot. What will the "end game" be for this lot line adjustment, is it evolving into a commercial issue? Should this go forward and be unfavorable to the masses, it will affect others (namely Pilot House Road as they form their own group).

Tim Paradis checked in with the board to see if there were any questions. Paul Vance wanted to know to what power Ms. Leonard has to suggest that the Board grant her request. Adam Ricker stated it was our obligation for us and the Town's attorney to consult him in the way to proceed. Ms. Leonard stated she cannot give the Board legal advice as to what can or cannot be done. You do, however, have the authority to give conditions of approval for items to be approved.

Mr. Bonin spoke of each conditions: borings related to ledge being hit. In either case the ledge needs to be dealt with. This condition he does not think appropriate. Also, questions the wording of commercial activities. Zoning allows now for this but asked that it simply state that properties adhere to allowable uses for its zoning. The culvert condition existed in the prior application, so this condition is fine. The same with the plantings and being stabilized with mulch, depending on seasons and favorability of weather, within one year this be accomplished. Wall height will be consistent with 36-42" – or higher than 36". Ms. Leonard share a list of the draft conditions to either the board or Mr. Ricker to ensure we're all on the same page. To the Board, make a condition of approval that they be ironed out and address with the residents of Davis Hill and parties involved, this will ensure that everyone is on the same page.

Mr. Cerullo does not want to reference current existing law. "Don't ask for permission now and forgiveness later". Adams wishes to close public comment at this time. Work with the Board, and representatives from the applicant and the abutters to draft workable conditions and move forward. Mr. Bonin stated it's the Board's call but for the most part the parties have agreed to

most of the conditions and if in two weeks conditions are formerly agreed upon, we're right back at the same place we are now.

Paul Vance wanted a clearer statement of substance to decide whether there is a need for town council. He wants a party to get up and restate the conditions. Adam Ricker prepared the conditions:

- Installation of cistern be complete and stabilized and planted within one year of this decision.
- Area of disturbance plan be part of the application.
- Within one year the replacement of the culvert under Davis Hill Road be replaced as a condition of approval by the applicant.
- Regarding the ledge, boring tests – anything different than stated here it will have to go back to the board.
- The stonewall height along Davis Hill Road be maintained at minimum of 36" and a rebuild section of 40" (the existing height of the walls that have not fallen down is between 36-42").
- Land use – Mr. Ricker feels its better to speak to town council. Ms. Campbell wants to better understand the restrictions of the land and how the residents are impacted by the lake etc. Paul Vance thinks is unique whether it's appropriate to create conditions on the subdivision and the lot line adjustments. Our regulations allow for many different uses within the ARR zone. If ARR changes, the use of this property should change as well along with it. Mr. Vance does not think its appropriate for the Board to create a different zone by way of a condition of the subdivision or a lot line adjustment. However, create wording for uses that are not allowable in this area.
- If private events are held onsite, special permits but be applied for per New London zoning ordinance. Ms. Campbell asked if limiting the events to a certain number within a one year timeframe would be reasonable. She also asked if this is fair??

Mr. Bonin feels he would like to make them more specific. The most important one to alter is the site be stabilized immediately and the plantings be done within one year. Area of disturbance is per the condition plan as submitted per the application. He questions the restriction of use for the commercial uses but feels it being locked in is not current either. Agricultural, rural and residential zone (ARR) does allow for home business for example. He feels it's too restrictive.

Ms. Leonard asked for clarification for the property at 228 and 309 Davis Hill then possible all this can put to rest. Attorney Cooley Arroyo of Cleveland Waters and Bass, representing the applicant, points out that the use of the property is beyond the scope of practice for tonight's meeting. The use of the property also not relevant to the location of the cistern.

Mr. Paradis is in favor of allowing for the proposed location of the cistern. Mr. Vance wants the wording of the use of the property defined more.

Motion to continue to April 23, 2024 meeting and work with town council in the meantime to draft potential conditions to speak to the concerns of its uses.

IT WAS MOVED (Janet Kidder) AND SECONDED (Emily Campbell) to approve the request for a continuance until the next meeting- THE MOTION WAS APPROVED UNANIMOUSLY.

Board member Jeremy Bonin returned to the Board.

Continued PUBLIC HEARING – Final Site Plan Review – Michael Hansen Properties, LLC, located at 10 Main Street, Tax Map/Lot 073-047-0-0-0, Zoned Commercial (Comm), +/- 0.729 acres.

The applicant is applying to construct a 2,880 square foot building to house an office space. The development includes an 18-space parking lot, walkways, patios and stormwater management infrastructure.

Mike Hansen stated he is requesting final approval for the building of the office space on the corner of Main Street across from Spring Ledge. The traffic study did include the right turn only sign and the raised curb which is labeled on the interior of the proposed driveway.

Mr. Ricker viewed the study. He brought up the bike rack ordinance. Mr. Hanson also stated per the DOT requested, they will be saw-cutting the pavement so it flows better for drainage. Construction will begin in the Fall of 2024. Ms. Kidder asked for summary of the traffic study. Mr. Ricker offered that there is one site-line standard that cannot be met but that the driveway is in the best possible location based on its use.

Mr. Hansen states that **RU** are permissible but no approval for retail office space. Retail will require further approval from DOT.

Public works would like a third-party review for the sewer connection. It is difficult to get for a two-week schedule so it will be a proposed condition of approval.

Finding of Facts:

1. Professional office space is an allowed use for the condition of the zoning.
2. The proposed building accommodates the required setbacks.
3. The site plan included adequate parking in the rear of the property as required by regulations.
4. Lighting is designed in compliance with the site plan review regulations.

Mr. Ricker added that he was appreciative of the use of a waiver regarding rear parking and the aesthetics of the road frontage in that part of town versus the Newport Road end of Main Street.

Seeing no questions for the finding of facts or the third party review for the sewer connection, Mr. Paradis requested a motion be made.

IT WAS MOVED (Jeremy Bonin) AND SECONDED (Emily Campbell) to allow the Mr. Hansen to begin construction of this office space at 10 Main Street and include the finding of facts and the third party review for the sewer connection - THE MOTION WAS APPROVED UNANIMOUSLY.

Review of Minutes Tim Paradis requested for the 2024 year thus far – January 11, January 23, February 27, March 7 (the site visit) and March 26, 2024

IT WAS MOVED (Emily Campbell) AND SECONDED (Paul Gorman) to allow the acceptance of the minutes for the January, February and March 2024 - THE MOTION WAS APPROVED UNANIMOUSLY.

Future Meeting Dates:

Summer Schedule - Mr. Ricker emphasized the summer schedule usually changed to meeting once a month. He proposed meetings for June 18, July 23 and suggests August 13. Then resume bi-monthly scheduled for September.

Looking ahead for the remainder of the year, the way Thanksgiving and Christmas holidays fall we will only be meeting once a month for November and December.

Public Comment:

Rich Epstein following up about a topic he's presented previously regarding the writing of the ballot questions. He feels it can be solved various ways which is why he's attending both the Planning Board and Selectmen meetings. He feels it wasn't clear that it's being addressed in a transparent manner. Mr. Paradis commented that it was certainly something we can consider going forward, but feels the existing process has worked well. Possibly in the future a compromise might be meeting not in a public setting to draft the ballot. Ms. Kidder spoke to the fact that we might not be presenting zoning changes in the future so to keep bringing up the topic is not effective. Mr. Epstein would like the process changed. Mr. Paradis echoed Ms. Kidder's point of view, however does not feel there is value to keep revisiting the wording of something that has happened in the past.

Chair Paradis extended congratulatory comments for Mr. Bonin's decade of service to the Board and the invaluable expertise his architectural background has provided. How his positive insight and passion for design has contributed to the success of the Board overall. With better weather coming, we will plan something to recognize your position as well as your departure. Mr. Gorman acknowledges Mr. Bonin's position as chair and the drive his work has provided. Mr. Bonin commented and thanked all present board members and the contributions it brings to the town.

Motion to Adjourn

IT WAS MOVED (Jeremy Bonin) AND SECONDED (Emily Campbell) to adjourn the meeting. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting was adjourned at 8:30 pm.

Respectfully submitted,

Jennifer M. Sweet
Recording Secretary

Town of New London

Note: RSA 91-A:2, II provides that “*Minutes of all such meetings, including nonpublic sessions, shall include the names of members, persons appearing before the public bodies, and a brief description of the subject matter discussed and final decisions.*” A video of the entire meeting may be available for viewing on the town website, NewLondon.NH.gov, if more than the brief description contained in these meeting minutes is desired.