



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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**NEW LONDON PLANNING BOARD  
MEETING MINUTES  
Tuesday, May 10, 2016**

Sydney Crook Conference Room  
Town Offices, 2nd floor  
6:30 p.m.

**PRESENT:** Paul Gorman (Chair), Bill Dietrich (Vice Chair), Michelle Holton, Jeremy Bonin, Tim Paradis, Liz Meller, Marianne McEnrue, and Janet Kidder (Selectmen's Representative).

**ABSENT:** Casey Biuso, Alternate (newly appointed as an alternate).

**OTHERS IN ATTENDANCE:** Pierre Bedard, surveyor; Bill Helm, Bob Stahlman and Bill Berger.

**CALL TO ORDER:** Chair Gorman called the meeting to order at 6:30 p.m.

Chair Gorman made several announcements:

1. Liz Meller will be serving on the Upper Valley Lake Sunapee Regional Planning Commission (PRC).
2. Casey Biuso and Joseph Kubit are the two new alternates that have been appointed to the Planning Board. He noted once they are sworn in, they can serve on the Board. Casey Biuso was unable to attend this meeting.
3. The current Capital Improvement Program (CIP) Subcommittee will meet in the next month or so to begin discussion on the next CIP process and document.
4. Jeremy Bonin has agreed to lead the Subcommittee on Accessory Dwelling Units (ADU). The new state law takes effect June 1, 2017. Paul Gorman will also serve on the subcommittee. Chair Gorman asked other board members to let him know if they want to be on the subcommittee.

**APPROVAL OF THE MINUTES:**

- ✓ MOTION TO APPROVE THE JOINT PLANNING BOARD/ZONING BOARD OF ADJUSTMENT MEETING MINUTES OF APRIL 12, 2016. IT WAS MOVED (MARIANNE MCENRUE) AND SECONDED (MICHELE HOLTON) AND THE MOTION WAS APPROVED UNANIMOUSLY.
- ✓ MOTION TO APPROVE THE SITE WALK MEETING NOTES OF MAY 4, 2016 FOR TREE-CUTTING APPLICATIONS LAMSON LANE (TM 049-012-000) AND PLEASANT STREET ((TM 049-010-000.) IT WAS MOVED (LIZ MELLER) AND

SECONDED (JANET KIDDER) AND THE MOTION WAS APPROVED UNANIMOUSLY.

**PUBLIC COMMENT:** There were no comments from the public.

### **Election of Officers**

Chair Gorman presented the slate of new Planning Board Officers to include Paul Gorman, William Dietrich, Vice-Chair and Michele Holton as Secretary.

- ✓ **MOTION TO ACCEPT THE SLATE OF NEW OFFICERS AS PRESENTED. IT WAS MOVED (JEREMY BONIN) AND SECONDED (JANET KIDDER) AND THE MOTION WAS APPROVED UNANIMOUSLY.**

**Tree Cutting – Town of New London Bucklin Beach.** Located at 4 Camp Sunapee Road. Tax Map 033-009-000. One dead tree located to the right of the entrance gate, before the summer and before the fence is put back up, per email from Richard Lee, Director of Public Works dated May 3, 2016.

**Tree Cutting – Town of New London Elkins Beach.** Located at 425 Elkins Road. Tax Map 077-016-000. Remove one dead white beach tree prior to the beaches being open, per email from Richard Lee, Director of Public Works dated May 5, 2016.

- ✓ **MOTION TO ACCEPT BOTH TREE CUTTING APPLICATIONS FOR BUCKLIN BEACH (TM 033-009-000) AND ELKINS BEACH (TM 076-016-000). IT WAS MOVED (WILLIAM DIETRICH) AND SECONDED (JEREMY BONIN) AND THE MOTION WAS APPROVED UNANIMOUSLY.**

**Tree Cutting Application for Elise Rockart.** Property located at 736 Pleasant Street. (TM 049-010-000.) Plan prepared by Pierre Bedard. Property located in Streams and Wetlands Overlay District and Shoreland Overlay District. Noted a Site Walk was conducted on May 4<sup>th</sup>.

Pierre Bedard provided an overview, showing a map of both the Rockart and Lamson properties, noting the conditions of the two sites which was reviewed during the site walk of May 4<sup>th</sup>. He explained that several trees are located on the embankment of the lagoon area. Trees hang over the lagoon creating safety and navigational concerns to kayakers and others. The tree stumps would remain to stabilize the bank. He noted the Rockart's have a few view easement over the Lamson's property. He explained that the 50 point tree count is maintained, as there is an abundance of under-story trees and vegetation. He noted that succession plant growth will occur after the trees are removed as the area is open to additional sunlight.

Liz Meller wondered if the large pine tree could just be "topped", she provided a photograph of what a "topped" tree looks like. Pierre Bedard responded that a "topped" tree may not survive if much of the crown of the tree is removed.

Staff noted that two members of the Conservation Commission was able to attend the site walk. She noted the provisions of the Zoning Ordinance that state the Planning Board shall request the Conservation Commission to review the plan and make recommendations.

- ✓ **MOTION TO APPROVE THE TREE CUTTING APPLICATION FOR ELISE ROCKART AT 736 PLEASANT STREET ((TM 049-010-000), NOTING THE PROVISIONS OF THE ZONING ORDINANCE REGARDING INPUT REQUIRED FROM THE CONSERVATION COMMISSION. IT WAS MOVED (LIZ MELLER) AND SECONDED (JANET KIDDER) AND THE MOTION WAS APPROVED UNANIMOUSLY.**

**Tree Cutting Application for Joan & Donald Lamson.**

Property located at 51 Lamson Lane. Tax Map 049-012-000. Plan prepared by Pierre Bedard. Property located in Streams and Wetlands Overlay District and Shoreland Overlay District. Noted a Site Walk was conducted on May 4th.

Pierre Bedard referred to the plans and discussion of the Rockart property and the site walk of May 4<sup>th</sup>. Janet Kidder pointed out that although there is a private view easement it is still within the waterfront buffer and the Zoning Ordinance provisions will apply.

- ✓ **MOTION TO APPROVE THE TREE-CUTTING APPLICATION FOR JOAN & DONALD LAMSON AT 51 LAMSON LANE (TM 049-012-000), NOTING THE PROVISIONS OF THE ZONING ORDINANCE REGARDING INPUT REQUIRED FROM THE CONSERVATION COMMISSION. IT WAS MOVED (MARIANNE MCENRUE) AND SECONDED (JANET KIDDER) AND THE MOTION WAS APPROVED UNANIMOUSLY.**

**Robert Stahlman Site Plan Application and Public Hearing.**

Property located at 74 Pleasant Street. Tax Map 084-079-000. Property zoned Commercial. 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 create a paved parking area to the rear of the building with access gained via the easement.

Ms. St. John referred to the staff report and the correspondence received May 9, 2016 from Joyce Bledsoe, P. G. of NH Department of Environmental Services (NHDES). Ms. St. John explained that she called and talked with Joyce Bledsoe, and NHDES would be ok if the Planning Board decided to approve the plan provided it is contingent upon completion of all points cited in the NHDES letter. Staff noted that Mr. Stahlman has not requested a waiver to the Site Plan Regulations.

Chair Gorman opened the Public Hearing. Staff stated she has not received any comments from abutters. No comments received at the public hearing, no abutters in attendance.

Chair Gorman then proceeded to review the list of “key issues for further discussion” as noted in the staff report.

- Tax map reference is currently wrong but easily corrected by Mr. Stahlman.
- Mr. Stahlman explained there is not a dumpster on the site, and the trash cans are stored next to the building and all trash will be taken directly to the dump. He noted he didn't anticipate an increase in the number of tenants or trash. Janet Kidder asked about the trash cans that are located next to the proposed driveway and Mr. Stahlman said they are to remain. Concern that this may interfere with the access. Mr. Stahlman noted he didn't plan to change the location of the trash cans.
- The Board expressed concern about the two (2) year lease with Canary Systems (abutting property owner). The Board asked what the long-term plan is for securing access to the rear of the property. Mr. Stahlman said he will most likely purchase the property.
- The Board discussed the width of the proposed access way to the rear including concerns for emergency vehicle access, proximity of the handicapped parking space, safety for public and site visibility issues, width during winter snow conditions, one-way circulation and safety issues, the requirements of 22 feet, parking aisle with, the parking stall requirements need to be 9 by 20 ft., circulation and turn around space in the rear lot, the town needs to provide for the safety of the citizens in the worst-case scenarios such as someone having a heart attack and what is the purpose of the plan if the people visiting the site cannot safely access the proposed rear parking area. Mr. Stahlman stated that the driveway will be 12 feet wide and will only be used one-way. It will be 90 feet long. Mr. Stahlman said he currently only has 23 spaces which is not enough to provide for the current 29 employees. Mr. Stahlman said if there was an emergency situation a vehicle could always pass on the grass as the driveway is only 90 feet long. Mr. Stahlman said he does not want to put in a 22 foot wide driveway as it is not necessary. Mr. Stahlman said that in 30 years there has never been an ambulance on the property. He replied no one has had a heart attack and all the employees are young people. Mr. Stahlman stated he does not understand why this is a problem. There is a very short run of a driveway and it only needs to be 12 feet wide. Mr. Stahlman pointed out there is an underground oil tank, which is another reason the driveway cannot be more than 12 feet wide and he stated he cannot pave over the oil tank.
- Chair Gorman explained that as is, the application cannot be approved as there are so many deficiencies.
- The Board reviewed the recent comments from the Fire Department and Public Works, and reflected on the Nov 17, 2015 minutes, when additional comments were provided including Richard Lee email of Nov 17, 2015. The Board asked staff to follow-up with Richard Lee and Jay Lyon on their recent comments of April 2016 and were concerned that the recent comments didn't reflect their previous comments of Nov 2015. Michele Holton referred to the April 2016 comments and noted that neither Richard Lee nor Jay Lyon had any current comments, so it seemed that they didn't have any outstanding issues.
- The Board asked how the parking area will be illuminated. Mr. Stahlman stated that there are 3 existing lights on the front of building and they are set to go on at dusk and turn off at 10 p.m. There are currently lights over the 2 doors and these are always on. Mr. Stahlman has proposed to add 2 more lights and these lights point down. Mr.

Stahlman stated the new lights have already been ordered and the electrician has been contracted. Lucy St. John stated the new lights are not shown on the plan.

- The Board asked about a landscaping plan, and the perimeter landscape open space standards which require ten (10) feet. Mr. Stahlman conveyed there is not enough room, and that as a professional engineer he doesn't think there will be a drainage issues or snow storage issues. Mr. Stahlman explained that the front parking lot is paved and slopes vertically about 10 feet off the property, drainage will not be a problem in the back of the building. The Board asked about the drainage flow from the site, noting there are wetlands on the site and on the adjoining site, and that drainage eventually flows towards Pleasant Lake.
  - Mr. Stahlman provided a brief history of the oil spill on the adjoining property. He explained that an underground vent system has been installed to alleviate the oil odor. He has been in contact with Joyce Bledsoe of NHDES and will continue to work with NHDES per the May 9, 2016 letter and that there may be some NHDES resources to help with the remediation cost.
  - Mr. Stahlman said there are 9 employees downstairs and 12 people upstairs, which equals 21 people and he currently has only 23 parking spaces so he needs to increase to 34 parking spaces.
  - The Board expressed to Mr. Stahlman that many of the issues discussed this evening were brought to his attention back in Nov 2015 when he withdrew his previous Site Plan application. They noted he has not adequately addressed these issues, and that if they were to vote this evening, it is likely the application would not be approved. They suggested that Mr. Stahlman revisit these concerns, and that he may want to have his surveyor Clayton Platt or someone else revisit these issues, ask for specific waivers, or withdraw his application. The Board agreed to continue the public hearing to the May 24<sup>th</sup> meeting. Mr. Stahlman agreed that he will make some corrections and include sufficient details on the plan per the Site Plan Regulations, or ask in writing for specific waivers. The key concerns and deficiencies include addressing lighting, driveway width, dimensions of aisles and stalls, internal site circulation, landscaping requirements, drainage, and the limits of the access easement. Mr. Stahlman agreed to submit a revised plan to staff by Friday, May 13, 2016. Staff will ask for comments from Public Works and the Fire Department.
- ✓ **MOTION TO CONTINUE THE PUBLIC HEARING TO MAY 24, 2016. IT WAS MOVED (MICHELE HOLTON) AND SECONDED (JEREMY BONIN), JANET KIDDER RECUSED HERSELF AS SHE IS AN ABUTTER. AND THE MOTION WAS APPROVED UNANIMOUSLY.**

### **Draft Tree Cutting Application for Review**

Tree Cutting and Natural Vegetation Cutting/Clearing/Removal, to replace the outdated tree cutting application. Lucy St. John showed the revised application and wondered if the ordinance regulation should be included in the application. Board agreed the applicable portion of the ordinance should be included with the application.

### **Capital Improvement Program (CIP) Subcommittee**

Chair Gorman suggested a meeting be set up in the next 4-6 weeks, to begin the CIP process and suggested to use same subcommittee members from last year, which included Bill Dietrich and Michelle Holton from the Planning Board, Robert Prohl of the Budget Committee and former Planning Board member John Tilley. The Board inquired about the current status of the 1941 Building.

Janet Kidder said as to what should be done regarding the 1941 Building, not all of the School Board are in agreement as to what should be done. The School Board wants a proposal from the Town with a plan and wants to know that this would be in agreement with the School Board's interests for the property. She noted that Mark Kaplan and Doug Lyon have met with the School Board. Concern was expressed about the School Board 1941 Ad Hoc Committee, noting that it appears that Emilio Cancio-Bello and Andrew Pinard are making recommendations on behalf of this Committee. Janet Kidder stated that she believes if the Town came up with a good plan she does not think the School Board would refuse. Ms. Kidder does not think the voters of the School District are going to be happy if the School Board were to vote to use unexpended funds to demolish the building this summer. The Planning Board suggested that the Board of Selectmen prepare a letter and include it in the local paper, identifying the key issues to better inform the public of the current discussion on the potential outcome of the 1941 building, as many believe the public isn't as informed, and think residents of New London would be surprised and irate if the 1941 building were demolished without more public input.

The Board agreed that there is not a need to change a great deal, as many keys projects were identified, but additional information is needed on specific project cost. Janet Kidder commented that further discussion is needed on several of the projects, for example she does not think renovations should be done to Whipple until it is decided what it is going to be used for. She noted that the Public Works garage is going to be used next year for elections, instead of Whipple. She commented, that it is important for the Planning Board to recommend what projects they believe are important and stress to the Budget Committee to put money aside in Capital Reserve Accounts, so projects don't have to be bonded, even though bond rates are currently low. The key point made was Capital Reserve Accounts need to be adequately funded each year, to really plan for long-term projects. This has not been done, and this is why the Town is in the situation it is in now.

### **Electric Car Charging Stations**

Ms. St. John noted she included information on the agenda attachment list regarding this subject. She was contacted by a member of the Energy Committee. The Energy Committee would like to discuss the possibility of an electric charging station someplace in town, the exact location has not been determined. She asked the Board to review the current Zoning Ordinance provisions, for example the Commercial District allows – filling stations, automobile repair and etc., but similar uses are not permitted uses in the Residential District, including the ARR District. Would this be considered an accessory use to any commercial use, including a non-conforming use? She noted that an individual property owner could charge their own electric car in their

garage or house. What if a business wanted to include an electric car charging station at a restaurant, shopping center or some other location in town, and would they require Site Plan Review.

Tim Paradis, who is also a member of the Energy Committee, said this is not a private company looking to start up but would be a convenience for public use and perhaps could be located in an area where the user might pass some time while they are shopping. This will be included on the May 24<sup>th</sup> agenda for future discussion and input from the Energy Committee.

### **Potential future zoning amendment discussion items and formation of Subcommittees**

- ✓ Accessory Dwelling Units (ADU): Jeremy Bonin will lead the sub-committee and Paul Gorman will participate.
- ✓ Signs – neon, gnu and other artistic displays:
  - Paul Gorman stated he is still waiting for a model ordinance to be developed to help communities with the US Supreme Court decision of June 2015 (Reed vs Town of Gilbert Arizona).
  - Lucy St. John presented photographs of several banners and flags recently observed in New London, including several in front of the “Hole in the Fence”. She noted that the current Zoning Ordinance does not include a definition for a flag or a banner, but the words are used in the ordinance. The Board discussed in details the provisions of Article II, General Provisions # 10 Signs specifically (d) Sign not Requiring a Permit- #6 Flags- They must be located on premise, include no logo or advertising material and are limited to a maximum size of 16 square feet. The size limit does not apply to national or state flags.
  - Staff noted that she received complaints about the Vape Shop banner. She asked them to remove it, which ultimately they did, but they didn’t think the words Vape was advertising. The Board agreed it was advertising and not permitted.
  - The Board then discussed if the word “open” “closed” when used on a flag or banner was advertising. The Board said no, and that it is permitted.
  - The Board then discussed photographs of two upright pink vertical banner signs. Ms. St. John added there is no reference to the number allowed in the ordinance. There was discussion as to whether the size constraint of 16 square feet is for an individual flag or if it is a cumulative total of all flags. The Board agreed it represents the cumulative total. The board agreed that the word “Open” is not advertising so the flag could be up to 16 square feet.
  - Ms. St. John asked for guidance concerning the lighted “Open” signs that are located inside stores. This has never been enforced. It was noted that this should be addressed in the Ordinance.
  - Ms. St. John asked the Board for guidance about the gnus in town and if they are advertising. She asked if someone wanted to place a statue or structure such as a moose, bear or something else holding a sign – is just the sign considered in calculating square footage. It was agreed the gnus are an art installation and are not signs. The Board will continue the discussion on the sign provisions.

- ✓ Uses in Waterfront Buffer –fences, beach replenishment, etc.
- ✓ Other potential amendments- The Board discussed that the sign provisions need review, and will discuss these and other ideas for future zoning amendments at future Planning Board Work Session.

**Agenda Attachment list**

- Rowse boathouse, 47 Sunset Shores, Tax Map- 115-002-000. Ms. St. John referred to the letter from Mr. Rowse' attorney Regina Nadeau dated April 26, 2016. In the letter the attorney refers to the NH Supreme Court case Lakeside Lodge v. Town of New London (2008). Attorney Nadeau believes the Town does not have jurisdiction, and asked NHDES to move forward with the separate permitting process notwithstanding the Town's position.
- Workshops: Members interested in attending any of the workshops should let staff know, including the new announcement of the Plan NH workshop -Dwelling Possibly on June 15<sup>th</sup>.

**FUTURE MEETING DATES** – May 24, June 14, June 28 and July 12. Refer to the Planning Board Meeting Schedule revised March 22, 2016 and the Town's website for updated meeting information.

**MOTION TO ADJOURN**

- ✓ MOTION TO ADJOURN THE MEETING AT 8:40 PM. IT WAS MOVED (JEREMY BONIN) AND SECONDED (BILL DIETRICH) AND THE MOTION WAS APPROVED UNANIMOUSLY.

Respectfully submitted,

Jennifer Vitiello,  
Recording Secretary  
Town of New London, NH