



TOWN OF NEW LONDON, NEW HAMPSHIRE

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NEW LONDON PLANNING BOARD MEETING MINUTES Tuesday July 12, 2016

PRESENT: Paul Gorman (Chair), Bill Dietrich (Vice Chair), Jeremy Bonin, Tim Paradis, Liz Meller, Michele Holton, Marianne McEnrue (Alt.), Casey Biuso (Alt.), Joseph Kubit (Alt.) and Janet Kidder (Selectmen's Representative). **ABSENT:** None.

OTHERS IN ATTENDANCE: Lucy St. John, Planning and Zoning Administrator; Deb Langner, Health Officer; Pierre Bedard, Pierre J. Bedard and Associates, P.C.; Sandi Chouinard & Doug Evans, owners; Patricia Goodlin, an abutter; Barbara Wheaton, an abutter; Nancy Kingsley, an abutter; Paul Feinberg, manager; Alison Vernon, tenant; Christopher Alepa, owner; Midge & Tim Eliassen, abutters; Richard Carter, contractor; Charles Forbes; Karen Hogle; Debbie & Peter Stanley; Harry Burgers; Bob Brown, Conservation Commission Chair; Andy Deegan; Maggie Ford; Michael Kennedy; Anita & Mike Gelcius; and Ruth Ward.

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

Big Hilltop LLC and the Town of New London -Plan of Annexation. Property located on Davis Hill Road and Route 103A. Property owned by Big Hilltop, LLC, Tax Map 068-010-000 and Town of New London (Crook Conservation Easement/Clark Lookout), Tax Map 068-011-000.

Pierre Bedard, surveyor provided an overview of the property, where it is located, acreage before and after annexation (as shown on the plan), frontage on Davis Hill and Route 103A and gave an explanation of the current and proposed conservation easement area. It was noted that several members of the New London Conservation Commission and Ausbon Sargent were in attendance to support the plan.

Board discussion and questions:

- ✓ If the remaining parcel (Tax Map 068-010-000), not owned by the Town would have access to 103A. Mr. Bedard explained that when State Route 103A was relocated years ago access points were granted, as is illustrated on the plan.
- ✓ Other roads are shown on the plan. Question if the remaining parcel Tax Map 068-010-000 will continue to have access from the Clark Lookout access road, which will now become part of the Town property. Mr. Bedard said there are some old roads on the property but they will not have access to the road included in this acquisition.
- ✓ Are there any buildings on the remaining 30 acres (Tax Map 068-010-00)? Pierre Bedard responded no but pointed out the old maple sugar house and old horse shed site as illustrated on the plan.

Chair Gorman opened the Public Hearing: No comments. Public Hearing Closed.

IT WAS MOVED (Jeremy Bonin) AND SECONDED (Michele Holton) to approve the annexation as proposed. THE MOTION WAS APPROVED UNANIMOUSLY.

Public Comment

Ruth Ward, from the Town of Stoddard, was present and took the opportunity to introduce herself. She is running for a Senate seat in the district. Ms. Ward noted that she sits on the Planning Board in her town. She thanked the Board for allowing her to attend and introduce herself.

APPROVAL OF THE MINUTES:

- ✓ **Planning Board Meeting – June 14, 2016**
IT WAS MOVED (Jeremy Bonin) AND SECONDED (Liz Meller) to approve the minutes of the Planning Board from June 14, 2016, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.
- ✓ **Accessory Dwelling Unit Subcommittee Minutes – June 16, 2016**
IT WAS MOVED (Bill Dietrich) AND SECONDED (Liz Meller) to approve the Accessory Dwelling Unit Subcommittee Minutes of June 16, 2016, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.
- ✓ **CIP Subcommittee Meeting – June 17, 2016**
IT WAS MOVED (Jeremy Bonin) AND SECONDED (Janet Kidder) to approve the CIP Subcommittee Meeting minutes of June 17, 2016, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.
- ✓ **Alpaca Farm Site Walk – June 21, 2016**
IT WAS MOVED (Jeremy Bonin) AND SECONDED (Tim Paradis) to approve the minutes of the Alpaca Farm Site Walk from June 21, 2016, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.
- ✓ **Planning Board Work Session – June 28, 2016**
IT WAS MOVED (Jeremy Bonin) AND SECONDED (Michele Holton) to approve the minutes of the Planning Board Work Session of June 28, 2016, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

Michael Morgan & Laurie Schive Tree Cutting Application. Located at 721 Little Sunapee Road. Tax Map 033-015-000.

Mr. Bonin recused himself. Chair Gorman asked Marianne McEnrue, alternate, to sit in as a voting member.

Ms. St. John said she visited the property and the property meets the points and she recommends that the Planning Board approve the tree cutting as presented. She also noted that the ZBA granted approval of variances at their June 27, 2016 meeting.

IT WAS MOVED (Michele Holton) AND SECONDED (Liz Meller) to approve the tree cutting request as proposed at 721 Little Lake Sunapee Road. THE MOTION WAS APPROVED UNANIMOUSLY.

Greenawalt Tree Cutting Application. Located at 185 Forest Acres Road. Tax Map 105-017-000.

Ms. St. John said she hasn't been to the property and referred to the sketch submitted with the application, indicating that the request is to cut a diseased tree. The applicants had a tree cutting in 2012 and replanted with blueberry bushes.

The Board discussed deferring the tree cutting until the August 9, 2016 meeting, so staff could visit the site and ascertain the condition of the tree.

Richard Carter, member of the audience, said the tree is close to the applicant's dock and that this could be a safety and liability issue. After some discussion, it was determined that the cutting would be approved contingent upon Ms. St. John's findings.

IT WAS MOVED (Jeremy Bonin) AND SECONDED (Liz Meller) to approve the tree cutting at 185 Forest Acres Road contingent upon a site visit by Lucy St. John, Planning and Zoning Administrator, and her determination that the tree should come down. THE MOTION WAS APPROVED UNANIMOUSLY.

Commercial Farm for Alpaca Livestock Site Plan Application. Property owned by Doug Evans and Sandra Chouinard (previous owner Frederick G. Ray Trust c/o Karen Johnson). Property located at 127 Sutton Road. Tax Map 123-005-000 (old # 123-010-000). Discussed at the June 14th meeting and the Public Hearing continued to the July 12th meeting. Site Walk held on June 21st.

Mr. Evans and Ms. Chouinard provided a brief overview of the plan, noting they plan to occupy the existing house, build a 40' x 60' barn in an area designated on their site plan for the animals, create a paddock area, fence in about 7-7.5 acres of existing pasture on the property with 5' fencing, showed the location of the manure storage pile and that they would be running a water line to the barn. They are proposing the location of the manure pile near the barn, well over the 100' setback requirement from any adjacent property lines. Ms. Chouinard said she doesn't feel it is safe to bring children to the farm as she is alone working there and doesn't feel comfortable with this idea. The alpaca farm in Elkins welcomes school groups to visit, but they also have employees there to make sure things are safe for all.

Board discussion and questions:

- ✓ Aesthetics, noting having a pasture will add to the charm of the area. Do not see the farm negatively affecting property values in the area.
- ✓ Fencing acceptable
- ✓ Height of the barn and views
- ✓ Ideas of working details of the farming operation out with the neighbors. Staff noted that specific details of the farming operation are up to the owner, as long as they meet the Zoning Ordinance and Best Management Practices.
- ✓ Manure pile and distance to property lines
- ✓ Sale of abutting property and if perspective owners know about the proposed alpaca farm.
- ✓ Visitation by school groups or others
- ✓ Water or well for the barn.
- ✓ Wildlife issues and letter from NH Fish and Game

Public Hearing Opened: Chair Gorman explained that the public hearing had been continued and asked for any comments from the public.

- ✓ Patricia Goodlin, an abutter, said she has nothing against alpacas. Her concerns were about the location of the manure pile, if neighbors will be able to see the manure and the smell. She suggested that the discussion on the location of the manure pile be continued.
- ✓ Barbara Wheaton, noted she is purchasing the adjacent parcel. She is concerned that her 115 pound dog might get into the pasture with the alpacas. Ms. Chouinard noted there will be fencing around the pasture.
- ✓ Nancy Kingsley, an abutter asked if the Planning Board had looked at other towns where such a farm has gone in, and wonders how the market value has changed due to this kind of thing. She is concerned that the location of the farm will adversely affect the tax base. Chair Gorman said he is aware of the alpaca farm in Elkins and some residents receiving tax abatement. She also believes there are wetlands on the property.

Public Hearing Closed.

IT WAS MOVED (Liz Meller) AND SECONDED (Tim Paradis) to approve the Site Plan.

The Board reviewed the Minimum Pasture, Enclosure and Shelter Requirements for Livestock found on page 5 of the Zoning Ordinance. Mr. Bonin offered an amendment to the motion:

IT WAS MOVED (Jeremy Bonin) to approve the Site Plan to adhere to the number of animals as permitted by the Zoning Ordinance.

The Board discussed the total acreage of the site, the size of the pasture and that there will also be a barn for the animals. It was stated that the amendment wasn't really necessary. Mr. Bonin withdrew his amendment.

Chair Gorman asked for a vote on the motion: **THE MOTION to approve the Site Plan as presented. Motion APPROVED UNANIMOUSLY.**

Site Plan Application for EPG Colonial Place c/o Paul Feinberg. Property owned by Mountain View Shopping Center/Crosspoint Associates. Tenant is Go Lightly Vintage Boutique, LLC Alison Vernon managing partner. Located at Newport and County Road. Tax Map 059-008-000.

Paul Feinberg, managing partner of the Colonial Place presented the application, explaining the changes to the building which have occurred over the last few years and which were approved by the Planning Board. He noted that Nonni's restaurant was vacated, converted to offices and the remaining spaces is what is proposed for use at this time. The new tenant, Alison Vernon, will be opening a home goods consignment shop. The square footage of the space is in excess of 1,000 square feet, which is why they have to come before the Planning Board. This is a change of use from restaurant space to retail space.

Board discussion and questions:

- ✓ Access to the new retail space. Mr. Feinberg noted that the interior entrance will be used, and there is also an exterior entrance.
- ✓ Fire Code and Life Safety Code issued must be addressed.
- ✓ Richard Lee, Public Works Director's email comments of June 28th read into the record: "I have one requirement before this application gets approved. When the site was a restaurant it had a

grease trap in the lawn by County Road. This trap should have been repaired a long time ago. I would request that at this time the grease trap be removed and the pipes all hooked together. If in the future they want to reopen as a restaurant they will have to put in a new grease trap which will be only hooked up to the kitchen.” Ms. St. John said the Mr. Lee is adamant that the trap be removed before this change in use, and that this has been an ongoing issue. The piping is not correctly hooked together, causing water infiltration. The issue needs to be taken care of. The Board noted this could be leverage to address the issue, this issue clearly needs to be tended to, a timeframe should be established and this is an opportunity to resolve the problem.

- ✓ Size of the furnishings and how the shoppers will get things out to cars.
- ✓ Tenant stuck with a problem left from an old tenant.

Public Hearing Opened:

Paul Feinberg proposes closing the sewer drain and cleaning out the grease trap, closing it off so it can't be used. The current proposal is for a retail store and they will not be using the grease trap. If, in the future, they change it back into a restaurant, they will have the trap repaired. Mr. Feinberg said his lease includes the outline of the building; the trap is not within the lease premises but in the common area of the shopping center. This area is controlled by Mountain View Shopping Center who owns the land. He has no problem removing it, but he can't agree to do it without getting permission from his landlord, which can take a long time. Mr. Feinberg said his landlord wants to cooperate with the Planning Board. He suggests they set a date like January 1, 2017 to get it done. He needs time.

Alison Vernon said she is the owner of Go Lightly Consignment, already in the building. She noted:

- ✓ Agrees that it should be taken care of and suggests that they make the approval of the change of use contingent upon removal of the trap by a certain date.
- ✓ Cash and carry business.
- ✓ She talked with contractor Kenny Clark said it would be \$1,500 to remove the grease trap and connect the pipes. This doesn't seem to be that much to get it taken care of.
- ✓ Employer of seven local women.
- ✓ Grease trap issue shouldn't stand in the way of her little business and her making a living.
- ✓ Landlord Paul Feinberg has been upstanding and has never let her down. She believes he will do what he has to resolve the issue, but also has to deal with a corporate landlord.
- ✓ Merchandise she has in the store is whatever people can get in and out.
- ✓ Three (3) months of the year in which people in her business can make a living: July, August and December.
- ✓ Working with the corporate office of Mountain View Shopping Center can take time, noting her experience of trying to get their approval for a sign.

Public Hearing Closed:

IT WAS MOVED (Jeremy Bonin) AND SECONDED (Bill Dietrich) to approve the Site Plan with the following three (3) conditions:

1. To allow Paul Feinberg six (6) months to address the Public Works Director's comments of June 28, 2016 that the grease trap be removed and the pipes be hooked together
2. If in the future they want to reopen as a restaurant they will have to put in a new grease trap which will be only hooked up to the kitchen
3. If there are issues between Paul Feinberg and the Shopping Center Management Company that aren't resolved the applicant to come back to the Planning Board by January 1, 2017. **THE MOTION WAS APPROVED UNANIMOUSLY.**

Christopher Alepa. Property located in the Shoreland Overlay District. Property located at 178 Poor Road. Tax Map 091-004-000. Located on Lake Sunapee. Site Walk conducted on Feb 13, 2016. Development on the parcel including expansion of impervious area greater than 20%.

Mr. Alepa expressed his frustration with the Town process to get a building permit and approval from the Planning Board, as he proposes to have development on the site greater than 20% impervious area. He will do what needs to be done. He said he has asked what he needed to provide and wasn't given this information until now. He noted a tree cutting application was approved in the fall and that the Planning Board conducted a site walk (Feb 2016). He was required to get a survey of his property. He also noted he received a Permit by Notification (PBN) from NH Department of Environmental Services (NHDES). He noted he plans to have an addition to the house, the number of bedrooms will not change and the garage will continue to be used as a garage.

Ms. St. John provided an overview of the process, the property and the materials submitted. She noted that from the beginning Mr. Alepa was advised to work with a local surveyor/engineer in addressing the State and local Shoreland permitting process. He was asked to get survey of the property, he provided a copy of survey plan prepared by Clayton Platt on April 28, 2016. The plans he submitted were prepared by his architect from New Jersey. She explained that State septic requirements are based on number of bedrooms, and that often she and Town Health Officer see areas shown on plans to be labelled "a study, sewing room, etc." and subsequently septic systems may not be adequately designed to handle the potential septic loading on a lot. She noted that she was surprised he received a PBN from NHDES, and that the additional information is needed to be in compliance with the local requirements and that once all the information is provided he may likely need a State Shoreland permit as well.

Deb Langner, the Town Health Officer noted she had discussed concerns about the septic system, the number of bedrooms, wetlands and soils on the property, and additional information is needed.

Jeremy Bonin, an architect himself suggested that Mr. Alepa work with a local engineer, as architects don't generally do this type of work that is preparing stormwater calculations and addressing the requirements of the local zoning ordinance. The Board briefly discussed dry wells, and how it is the property owner's responsibility to maintain any type of stormwater management device and practices used on their property.

Midge Eliassen, an abutter at 208 Poor Road said she has watched what happens all around with engineered solutions for runoff. The critical issue for all is the maintenance of these systems that is required. She asked if the Town currently has a way to check septic system maintenance. She commented that the Alepa property current has a very small house and the septic was constructed as such.

Gary Anderson. Property located at 750 Little Sunapee Road. Tax Map 021-001-000. Update and photographs submitted June 22, 2016. Property previously discussed at the following meeting Oct 6, 2015; Nov 18, 2014; Sept 23, 2014 and Sept 9, 2014.

- ✓ Mr. Anderson was present earlier in the meeting but left. He was going to show updated photographs.

King Hill Road Conceptual Subdivision Plan. Property owned by Arnold & Anne Wood. Property located at 1845 King Hill Road. Tax Map 137-019-000. Agent for owner, Richard Carter of CQ Builders.

Richard Carter, Contractor & Harry Burgess, Surveyor explained to the Board they would like to discuss developing a cluster subdivision on the 15 +/- acres which is zone ARR. Chair Gorman and Ms. St. John cited provisions of the Zoning Ordinance related to Article VI, Agricultural and Rural Residential; Article XVIII, Cluster Developments and discussed density. The applicants were advised to develop a plan that meets the requirements of the Zoning Ordinance or to seek applicable variances from the Zoning Board of Adjustment.

Amend Planning Board Meeting Schedule

- ✓ For the month of September, the Planning Board will meet on September 20 and September 27. The September 13th meeting will be cancelled, as this is the State Election Primary day.

Committee Reports from Planning Board Representatives

Energy Committee – Tim Paradise reported

- ✓ No comments.

Conservation Commission – Tim Paradis reported

- ✓ Clark Lookout property annexation.

Board of Selectmen (BOS) – Selectmen Kidder reported

- ✓ The BOS will be meeting with Dubois and King, the Engineers for the Pleasant Lake Dam. Depending on the scenarios offered, their estimates the project to cost in the range between \$405,000 and \$485,000. She said the Selectmen have asked for renderings of each scenario, as the appearance of the dam is important.
- ✓ Elkins sidewalk project is complete and they plan to dedicate the sidewalks to Bob and Janet MacMichael on July 31 before the bandstand concert.
- ✓ Richard Lee, Public Works Director prepared a list for the BOS - a prioritized project list for things needing to be done in the town, along with cost estimates for most things.
- ✓ Approved the expenditure of \$12,600 for the painting of outside features of Whipple Hall, as well as having the gutters oiled, and other maintenance items. The cupola is to be repaired soon.
- ✓ Attended a Dispatch meeting recently and said they are still working on a formula to charge the member towns fairly for the service.
- ✓ At the last Recreation meeting, they discussed the 2nd Annual Strawberry Festival which was successful and grossed \$3,100 which goes towards camperships for the Sun 'n Fun Day Camp. Field trips put on by the Recreation Department on Wednesdays average 70 campers. They have been using the old and new van and have rented a bus for these trips as needed, but plan to sell the old van at the end of the summer.

Regional Planning Commission- Liz Meller reported

- ✓ She and Bill Helm (Board of Selectmen Chair) will be meeting with Nate Miller, Director of the RPC.
- ✓ She is on the RPC Regional Bus Committee. The State has approved a survey plan to be done in the next year to see if it would be a good idea to have a bus from New London to Lebanon. It would go to the Dartmouth Hitchcock Medical Center (DHMC) and Hanover. It was initially thought that people could pick up the bus at the Exit 12 Park and Ride but this idea was put aside as parking is already an issue there. Also, there seems to be a problem in that area with vandalism

and drugs. She proposes reinstating a stop in downtown New London, possibly using the space behind Pizza Chef as a commuter parking lot. Selectman Kidder said this area is not a Town-owned lot; it was put in by Pizza Chef to get the number of parking spaces that was necessary for a restaurant. It may be worthwhile to explore the possibility, however. Ms. Meller said other stops the bus would make on its way to Lebanon would be Grantham, Enfield, and it would go through Lebanon, onto Route 120 into Dartmouth. As an alternative, Ms. Meller suggests getting off at Exit 18 instead of going through the Town of Lebanon to save time. The study will be finished next year. After the survey, if it is found to be feasible, funding will be required to move the project along.

Accessory Dwelling Unit Committee- Jeremy Bonin, Chair of the Planning Board Accessory Dwelling Unit (ADU) Subcommittee reported:

- ✓ Next meeting Thursday, July 14th. All meeting are posted and public welcome to attend.
- ✓ Liz Meller commented that that Karen Ebel, State Representative, is interested in this topic.

CIP Subcommittee – Bill Dietrich, Chair of the Planning Board Capital Improvements Program (CIP) Subcommittee reported:

- ✓ He and other Planning Board and CIP Subcommittee members attended the July 6th Board of Selectmen meeting where Richard Lee, Public Works Director reviewed a list of projects/issues facing the Town including the sewer lagoons, bridges, sidewalks, paving, drainage, facilities and equipment.
- ✓ Suggest the CIP Subcommittee conduct a site visit of some of these facilities.

Sign Subcommittee – Paul Gorman, Chair of the Planning Board Sign Subcommittee reported:

- ✓ Meeting scheduled for Thursday, July 28th at 9:30am, location to be posted.

Zoning Amendment Discussion

- ✓ Chair Gorman said they need to decide how much they want to bring to the town at Town Meeting.

Other Business

- ✓ Ms. St. John said Mr. Stahlman will be resubmitting an application for the August meeting.
- ✓ Selectman Kidder asked Ms. St. John to provide examples of a sign ordinances from another towns. Ms. St. John noted that a model sign ordinance reflecting the 2015 US Supreme Court decision case has not been developed as of yet. Other towns are also grappling with this issue.

**IT WAS MOVED (Bill Dietrich) AND SECONDED (Janet Kidder) to adjourn the meeting.
THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 8:45pm.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London