



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## **New London Planning Board MEETING MINUTES Tuesday, August 8, 2023 Kearsarge Professional Development Center, 6:30 PM**

**MEMBERS PRESENT:** Tim Paradis (Chair), Paul Gorman, Jeremy Bonin, Marianne McEnrue, David Royle, Emily Campbell, Bill Helm (Selectmen's Representative)

**MEMBERS ABSENT:** Katie Vedova, Joe Kubit, Paul Vance

**OTHERS PRESENT:** Town Planner, Adam Ricker, John Ellis, Storm Connors, Greg Grigsby, John Muchmore, Patty Muchmore, John Doyle, Greg Berger

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:** – June 13, 2023

**IT WAS MOVED (Paul Gorman) AND SECONDED (Emily Campbell) to accept the minutes of the June 13, 2023 meeting. THE MINUTES WERE APPROVED UNANIMOUSLY.**

**July 11, 2023 minutes – Deferred until the next meeting**

3. **Public Comment - None**
4. **Tree Cutting – Connors Revocable Living Trust** – located at 47 Barton's Row, Map/lot 064-003-0-0-0, Zone Residential (R-2), Shoreland Overlay District. The applicant is applying to remove a hemlock tree in the waterfront buffer.

Storm Connors attended the meeting and distributed a handout explaining the need for tree removal on his property. The tree is large, has root rot and is hanging over the house. It is dangerous as it could potentially fall on the house. Mr. Connors stated he read the regulations and feels they don't apply because it is dependent on what is considered the high-water mark. Recently there was an 18" flooding stage that puts the 50-foot mark back past the house. What he considers the 50-foot mark is at the corner of the house and there is a four-foot deck there for access to the room there. The rest of the house and deck is intruding on the 50-foot area which means there is only about 16 feet of plantable area. There should be 50 points of trees/plantings but he is unsure of how to do that. Adam Ricker explained that the 50' is measured from the reference line, which relies on the state approved high water elevation.

Adam Ricker clarified that when a cell has less than 50 points to begin with, they are not bound to maintain 50 points, just need a replacement of points that are there. In this case, it is a 10-point tree. Mr. Connors responded there isn't much plantable area there. Mr. Ricker stated that the way the ordinance is written for replanting when a tree is removed, 50% of the

replanted points can be shrub or ground cover and the other 50% of the points are supposed to be a tree.

**IT WAS MOVED (Jeremy Bonin) AND SECONDED (Paul Gorman) to approve the tree cutting in cell three with a 5-point replacement in native bushes and a 5-point replacement in saplings. THE MOTION WAS APPROVED UNANIMOUSLY.**

5. **PUBLIC HEARING – Site Plan Review** – Calerin, LLC, located at 37 Main Street, Map/lot 073-055-0-0-0, +/- 43.360 acres, Zoned Urban Residential (R-1) and Residential (R-2) spring Ledge Farm is applying to add a 30’ wide by 144’ long high tunnel cold frame to their growing fields. The cold tunnel will be constructed over existing fields and utilized to extend the growing season and protect crops.

Greg Berger attended the meeting to request the construction of a high tunnel structure. This is the same sized structure he has applied for in the past that was approved. This allows him to extend the season and protect crops from rain etc. It would go in the “back” field and will not be visible from the road. This is the first of three more high tunnels that he will be requesting. There would be a plan to put another one in this fall so he would like to make it clear they will be looking to install two and they are the exact same dimensions. This is an unheated structure that can withstand snow load so they are able to grow winter crops.

**Finding of fact:**

1. The use of the property stays the same as Agricultural use.
2. The new structure meets all of the required setbacks.

**IT WAS MOVED (Jeremy Bonin) AND SECONDED (David Royle) to approve the requested waivers as outlined in the letter in Greg Berger’s application. THE MOTION WAS APPROVED UNANIMOUSLY.**

**IT WAS MOVED (Jeremy Bonin) AND SECONDED (Paul Gorman) to approve the two structures as indicated based on the findings of fact stated by Town Planner, Adam Ricker. THE MOTION WAS APPROVED UNANIMOUSLY.**

6. **PUBLIC HEARING – Conditional Use Permit – Ground Mounted Solar** – JARPIM, LLC Located at 196 Lighthouse View Road, Tax Map /lot 116-015-0-0-0, Zone Residential (R-2), Shoreland Overlay District. The applicant is applying to construct a 43.2 k W ground mounted solar array that consists of three rows of panels with each row measuring 72’9” by 10’4”. The array will have a setback of 144’9” from the cul-de-sac at the end of Lighthouse View Road and 179’11: from the nearest abutter.

Greg Grigsby with Radiant Landscape Architects attended the meeting to present a proposal for solar arrays on properties located at the end of Lighthouse View Road. The solar company, Seventh Gen Solar has provided the dimensions based on the survey plan. It will be nestled into the woods on the 12-acre parcel lot and was located to take advantage of solar gain. It won’t be visible from the lake and should only be visible from the road during the winter months. The solar arrays will be accessed from inside the property from the existing driveway that is already there. There is an internal road however, Mr. Ricker had concerns that the width of the road only being ten feet will not be wide enough for emergency vehicles. Mr. Grigsby responded that since it’s an internal road, and there are no dwellings that would require life or health safety measures, there wouldn’t be a need for them to access that area. The intent is to really minimize site impact to the extent possible.

The area around the solar array will be seeded with a conservation mix which will be grassy to stabilize the soil. It will be on approximately a 5% slope and the cut and fill calculations are about equal so there won't be a need to haul material off, other than stumpage from tree removal. On the downhill side of the solar array there will be a detention basin so any water that moves across the grassy area will settle there and not run off. This project has an Alteration of Terrain Permit from the New Hampshire Department of Environmental Services.

John Muchmore, a resident of Lighthouse View Road stated his property is right next to this. He stated that there are some really tall trees and asked how they calculate how far away the trees have to be from the arrays so solar would run effectively. Jamie with Seventh Gen solar responded that they have a device that is called a pathfinder that takes the shade analysis of the location. The solar panels at this location aren't going to run all the time at full capacity but will produce what this homeowner requires. Mr. Muchmore also has concerns that it would be seen from the road. He asked if there was any consideration to put shrubs in front of it to ensure it stays invisible. Mr. Grigsby stated visibility will vary from season to season but should be minimal because there is a lot of vegetation and there is 30 feet of grade change. He also stated there will also be thicker growth that will happen naturally along this array because saplings will start to grow due to more light. Mr. Muchmore stated this is a beautiful road and many people walk up and down it. He would like to see an effort made to make sure this isn't visible from the road.

Patty Muchmore asked if there was any flexibility with regards to the location of the panels? Can they be moved further back so they aren't visible from the road. Mr. Grigsby responded that would be up to the solar company and the people that determined that this particular location was best. This site was selected because of its solar orientation and the minimal impact to the site. There is another location but has much steeper slopes and a longer route. They were trying to strike a balance getting reasonable solar and the impact on the site. Ms. Muchmore stated she believes that Lighthouse View Road has been designated as a scenic road and this will impact the integrity of Lighthouse View Road to view these solar panels, even in the winter. Mr. Grigsby responded that Soo Nipi Park Road is designated as a scenic Road but Lighthouse View Road is not.

Town Planner Adam Ricker shared that the front yard setbacks required by regulation for ground mounted solar is 50 feet. Mr. Grigsby has shared that this will be 144'9" away so this is about three times further away than what is required. Mr. Muchmore stated his only concern is seeing it from the road. Mr. Grigsby shared there is a very robust landscaping plan proposed along the entire driveway and around the home. There will also be plantings up by the road to help soften the cut that was made for the driveway and utilities. The intent is to bring that driveway into a more reasonable and scale appropriate size. The vegetation proposed for the solar array area is a conservation mix type of seed which has wildflower and clover in it. It will be something that requires minimal maintenance.

Marianne McEnrue asked how far up off the ground the solar panels are. Jamie responded they are about 3 feet off the ground and the top part of the back panel, depending on the slope of the ground and the angle they have to put the panels at is between ten and thirteen feet. The panels are black and the racking is a stainless-steel gray color. The panels should be at a 35-degree pitch if possible.

John Doyle asked in an effort to address these concerns, is there a way to mock up a frame and put in that position to get an idea of what it would look like from the road. Jamie responded she could show them at a different site or show pictures she has of other arrays but due to the amount of money it would cost to put a demo there that is probably not something they can do.

John Ellis asked if the current owners would be amenable to planting shrubs around the array and perhaps could paint the stainless steel to mesh with forest colors to make it more pleasing to those who are looking at it. Mr. Grigsby responded to the extent that this is visible from the road that would probably be objectionable to the owner. This should be left to their discretion since this does meet the setbacks and the owners have gone to great lengths to make sure this is as hidden as it can be but also works from a solar stand point. Mr. Grigsby stated he cannot speak for the owners but can certainly relay this message.

**Finding of Fact:**

1. The array is outside of the 250' Shoreland buffer as required by the ordinance.
2. The height conforms with Article II Section 5 which is 35 feet.
3. The array exceeds the required setbacks for R-2 zone.

Emily Campbell stated she would like to see a working solution among the neighborhood to make this right. She would like one more opportunity for everyone to meet to see if they can make it work. Maryanne McEnrue agrees with this and stated it is almost 2,200 square feet of visual impact. David Royle understands that it meets all the requirements but thinks they need to look at protecting the land and the environment. He would like to see the landscape architectural plan before they vote on this.

Jeremy Bonin disagrees and stated the reality is, checking this out to see if it can be seen can't happen until the clearing is made. Putting up solar panels now for visual verification won't do anything and in fact would be misleading. Only once the trees have been cleared will you be able to understand how much will be visible. Postponing it for that kind of visual verification is onerous on the applicant. It is well beyond what the ordinance states is required for setbacks. It is not fair that just because it's a pretty area there are concerns. We have specific guidelines for a conditional use permit and we should stick to them uniformly regardless of where the property is. It's unfair to give one property more priority than another. Paul Gorman agrees with Mr. Bonin. It is perfectly legitimate for the owners of this property to make the request that they are making. Their request is abiding by the standards that the town has published. We should be trying to be as reasonable as possible.

Maryanne McEnrue stated she is not suggesting that they require anything beyond what is set forth in the ordinance. She is just encouraging voluntary accommodation or a collaborative effort so it doesn't become an eyesore. Paul Gorman doesn't object to encouraging collaboration but the presentation has been clear and they don't have the statutory power to impede what is fundamentally being asked for. Ms. McEnrue understands that they conform with the setback but she is suggesting that in the spirit of being neighborly and keeping the community intact, the owners do their best to accommodate concerns.

Adam Ricker read from the solar energy article of the ordinance that states efforts used to reduce visual impact such as screening, preservation of natural vegetation or other measures. Chair Paradis noted that based on the presentation tonight, natural vegetation is what is being proposed. Mr. Grigsby stated they could have moved this to the edge of the cul-de-sac so

they could gain the benefit of the clearing but then it would have been highly visible. The intent was to move it further back and take advantage of the topography where it is more level.

**IT WAS MOVED (Jeremy Bonin) AND SECONDED (Paul Gorman) to approve the conditional use permit based on the findings of fact. THE MOTION WAS APPROVED UNANIMOUSLY.**

**7. Messer Pond Protective Association**

John Doyle a member of the Messer Pond Protective Association attended the meeting to discuss the associations efforts to address storm water concerns around Messer Pond and the watershed. Mr. Doyle shared that they will be submitting a watershed assistance grant in September. He is here tonight to share some of the project work they will be doing and get some feedback. He is also asking for a letter of support for this work that he can include in the submission of the grant application to the state.

Mr. Doyle provided an update on progress made on goals for the watershed plan and also on work done last year that serves as the groundwork for the projects submitted with the proposal. They completed a watershed plan back in 2016 and this work was done in response to concerns raised by DES that the level of phosphorus and Chlorophyll A in the pond was high. The plan provides an annual phosphorus reduction target to mitigate that level and bring it down. The plan also gives them an inventory of recommendations which is a list of ways to accomplish that reduction target. Since the plan was approved in 2016, the association has been working with the town of New London on watershed improvement projects with a budget of about \$113,000. About \$58,000 has come from grants and \$5,000 has come from the Messer Pond Association. Mr. Doyle commented that for the other \$50,000, they are very grateful to Public Works Director, Bob Harrington and his crew for all the hard work in supplying the in-kind hours as that provides the installation of the work. The grants and the work do not happen without the in-kind hours from Mr. Harrington as there is about a 40% match.

In 2017, they were fortunate to get awarded a watershed assistance grant and spent the next three years working in the western portion of the watershed addressing ditch erosion and stormwater runoff that was finding its way into streams and wetlands that fed into the pond. In 2020 they applied and were awarded two grants and spent the next few years replacing and repairing five major stormwater assets in the area.

Mr. Doyle shared in 2022 they applied for a watershed assistance grant and were not approved. The association decided to still move forward on three objectives using their own cash reserves in the amount of \$8,000. They did a shore line invasive survey, contracted a civil engineer to do targeted field surveys on roads and streams bordering the pond and did a stormwater asset inventory. Work that they are planning to do will be to continue watershed field surveys on the north and west side of the pond, they will do a post paving survey on Forest Acres Road and record stormwater assets into the town GIS system.

Selectman Helm thanked John Doyle and noted that this is a great example of a subcommunity of the town that is working with the town. Work like this gets built into the schedule for employees of the Public Works department and they work on these projects in addition to plowing, etc. so Selectmen Helm feels it's important for citizen's to be aware of this.

**IT WAS MOVED (Jeremy Bonin) AND SECONDED (Emily Campbell) for Town Planner Adam Ricker to prepare a letter of support based on the recommendation of the Planning Board. THE MOTION WAS APPROVED UNANIMOUSLY.**

**8. Capital Improvement Program**

Adam Ricker stated the next meeting will be held next Thursday morning at 8:30am.

**9. Future meeting Dates** – The next meeting will be held on September 12, 2023 at 6:30pm.

**10. Motion to Adjourn**

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

The meeting was adjourned at 8:17PM

Respectfully submitted,

Trina Dawson

Recording Secretary  
Town of New London