

**Planning Board
Minutes of July 17, 2007**

Members Present: Bill Weiler, Vice-Chair; Travis Dezotell; Deane Geddes; Jim Powell, Ex-officio; Tom Vannatta; Ken McWilliams, Advisor

Mr. Weiler called the meeting to order at 7:05 p.m. and the Board reviewed the minutes of June 19, 2007 and made corrections.

Mr. Vannatta made a motion to accept the minutes of June 19, 2007 as revised. Mr. Geddes seconded the motion. All in favor.

CASE: Adm1-044 – Land Use Application Fee Schedule

Mr. Weiler explained that the fee for the Conditional Use Permit was not included on the application when the form was created. The proposed fees are the same as those for the excavation permit applications. The fees are to be waived if the conditional use permit is noticed and heard with a related subdivision.

Mr. Vannatta made a motion to approve the Land Use Application fee schedule as presented. Mr. Dezotell seconded the motion. All in favor.

Conceptual Site Plan Review/Special Exception – Jim Dudley (Sunapee Outfitters, LLC) – old Sweet Patch Bakery at 43 Route 103 – Map 51-423-478.

Mr. Dudley explained that he would like to lease the old Sweet Patch Bakery building for use of his retail business, Sunapee Outfitters, LLC. His business is to sell paddling sports equipment such as kayaks and canoes and related accessories. The main store is proposed to be at the Sweet Patch location for retail operations in conjunction with access to Lake Todd for launching watercraft and giving demonstrations of the watercraft. Mr. Dudley offered his business plan to the Planning Board for their review. The business is proposed to be 90% retail and 10% food service for drinks and energy snacks. There will be no food preparation on site other than coffee with a few café tables for limited customer seating. The number of customer seating is undetermined and flexible.

Mr. McWilliams explained to Mr. Dudley that there are a certain number of parking spaces required for retail and a different number required for food service which is dependent upon the number of customer seats.

Mr. Weiler commented that the permitted uses for the property are detailed in the zoning ordinance. This proposal has two uses, retail trade and retail service. The requirements for parking are different for each of these uses. He commented that the Board will also have to address the use of the lot that accesses Lake Todd for business purposes. The

Board has to consider how deep into the lot does the 300 ft. commercial district reach and how the structures are positioned on the lot and if there is going to be boat storage of any kind.

Mr. Geddes commented that he believes that the previous site plan for the Sweet Patch was very similar to the Sunapee Outfitters'. There are only a few café tables and no wait staff.

Mr. Weiler commented that the Board needs to review the terms of the site plan approval for the Sweet Patch in order to determine if there is any change of use and to what degree, if any.

Mr. McWilliams stated that if the Board determines there is a change of use, all of the criteria for approval needs to be revisited.

Mr. Weiler asked Mr. McWilliams if the access lot to Lake Todd will need Site Plan Review approval.

Mr. McWilliams commented that Article 7.7 of the Zoning Ordinance addresses Shore Land Rights. He commented that the language in the shoreland district ordinance does not allow what is being proposed. He suggested that the Board discuss the proposal with Town Counsel for legal interpretation.

The Board discussed the interpretation of common area uses.

Mr. Geddes asked Mr. Dudley if he will be proposing any modifications on the shoreland parcel.

Mr. Dudley explained that there is an existing 15 ft. section of sand/beach that will be used for launching, and he would like to construct a wooden rack to store the kayaks and canoes between demonstrations/rentals. The access lot is already clear of trees. There is already a driveway with a small parking area at the top near Route 103. This part of the business will only be in operation five to six months out of the year.

Mr. Weiler informed Mr. Dudley that the Board will have to get back to him after the Board has had a chance to review the original site plan review regarding what exactly will be required in the application.

Mr. Dudley explained that he would like to sign the lease as soon as possible in order to not lose the location, occupy the building in January, take two months to set up and then open in March.

Mr. Weiler advised Mr. Dudley that the Board will continue the conceptual as soon as the Board can review the file, either August 7 or August 21.

Conceptual Subdivision/Annexation – Donna Seabolt – 440 South Road – Map/lot 35-058-046.

Donna Seabolt explained that the well that services her home is across South Road on the Baker's property. The Heirs of Mr. Baker would like to sell the property known as the Star Gazer Farm and have offered the Seabolts an opportunity to purchase a portion of the Farm relative to their well in order to secure the ownership of their water source. There are two buildings on the farm property. One building is a machine shop built by Mr. Baker that housed an observatory. The second building is the 'Club House' that was used to sell golf supplies on the first floor with an apartment upstairs. The Seabolts' well is under the Club House.

Mrs. Seabolt asked the Board if annexation is allowed across a public right-of-way, and if so, how much land would be required for annexation if the Club House were to be included in the annexation and could the upstairs apartment in the Club House be used as a rental property.

Mr. McWilliams informed Mrs. Seabolt that annexation across a public right-of-way is allowed. He explained that the majority of roads are easements across privately owned land, and the property lines go to the center of the road. Mr. McWilliams also explained that there is no minimum acreage required for annexation; however, there is a density requirement per dwelling unit, which is affected by steep slopes and wetlands. He commented that a survey is also required. He asked Mrs. Seabolt what she plans to do with the Club House.

Mrs. Seabolt stated that they have three choices: tear it down, leave it as is and unoccupied, or rent out the upstairs apartment. She commented that ideally, they would like to be able to use the upstairs apartment as a rental property but will do whatever is allowed.

Mr. McWilliams advised the Board that if the Club House is to be used as a rental property, then Article 5.12 of the Zoning Ordinance, Minimum Lot Size/Density Requirement would have to be followed. He commented that if the Seabolts can show that they meet the developable area for density, then they may be able to use the clubhouse for a rental property.

Mr. Geddes explained to Mrs. Seabolt that, in a nutshell, Table 5.1: Determination of Developable Area (1) will tell her how much usable land they will need from the Bakers.

Mr. Weiler advised Mrs. Seabolt to hire a surveyor to follow the subdivision/annexation requirements in the Newbury ordinance and come back to the Board with an application.

Mrs. Seabolt stated that she has already been in touch with Jeff Evans, Surveyor, who is also a Wetlands Specialist.

Mr. Weiler informed the Board that all property lines go to the center of the road except for properties along roads that were laid out in the time before the original grants. Those properties only go to the edge of the road because the road was built before the land charter of the town was granted to owners. Province Road is one such road.

Conceptual Minor Subdivision – Gloria Marzelli – Emily Lane – Map/Lot 44-357-275.

Richard Marzelli, son of and representing Gloria Marzelli explained that Mrs. Marzelli owns a large home on a 29-acre parcel on Emily Lane with only 200 ft. of road frontage. Mrs. Marzelli, recently widowed, would like to pass her large home onto her son Richard and his family and have a smaller house built for her on the same lot. Mr. Marzelli would like to know what their options are to make this happen.

The Board discussed different options and asked Mr. Marzelli if they have considered an accessory apartment attached to the existing house.

Mr. Marzelli stated that the family has considered that option and decidedly prefers to build a separate but smaller home for Mrs. Marzelli.

Mr. McWilliams advised Mr. Marzelli that the only way to legally build a second home on the lot is to create enough road frontage to meet the requirements for a simple subdivision. This would mean building a road to town specifications into the 29-acre lot, which would give 200 ft. of road frontage to each lot. A simple driveway will not work because a turn-around is necessary for emergency vehicle access. The road will need to be named but will not need to be paved if it is not going to be proposed to be taken over by the Town.

The Board discussed Article 10.5.2 of the Subdivision Regulations regarding odd shaped lots in relation to avoiding flag lots and form factors.

Mr. McWilliams advised the Board to stay aware of the density requirements and advised Mr. Marzelli to be aware of Table 5.1 of the Zoning Ordinance: Determination of Developable Area.

Mr. Powell asked if cluster or condo development could be applicable.

Mr. McWilliams commented that road frontage would still need to be created in order to meet the requirements for cluster development. He stated that the Marzellis would be better off building a short road to satisfy the frontage requirement, subdivide and result in two clean separate lots of record.

Mr. McWilliams advised Mr. Marzelli to be in touch with a surveyor and an engineer to oversee the design and construction of the road to town specifications.

Mr. Weiler advised Mr. Marzelli to be aware that when he submits the subdivision application to the Planning Board, he will be signing the application which states that he has read and understands the regulations.

CASE: Adm1 – 069 – Conditional Use Permit

Mr. Powell informed the Board that the Board of Selectmen has chosen to exercise the executive privilege and not come to the Planning Board for a Conditional Use Permit for the proposed playground behind the Library. He explained that the Board of Selectmen feels that the playground equipment in the wetland buffer is an allowed use.

Mr. Weiler stated that the playground is an allowed use, but not in the buffer zone. He explained that Planning Board set up the conditional use permit to make sure that there will be no impact on the wetland.

End of discussion.

Mr. Dezotell made a motion to adjourn. Mr. Geddes seconded the motion. All in favor.
Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Linda Plunkett
Recording Secretary