

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **FEBRUARY 14, 2019**

4 **PRESENT:** Peter White, Chair; Donna Larrow; Joseph Butler; Jeffrey Claus, Alternate; Michael Jewczyn,  
5 Alternate; Suzanne Gottling, Ex-Officio Member; Michael Marquise, Planner

6 **ABSENT:** Richard Osborne, Vice Chair Randy Clark; Joseph Furlong;

7 **See attached sign in sheet**

8 Chairman White called the meeting to order at 7:00 pm.

9 Chairman White appointed Mr. Claus to sit in for Joseph Furlong as a voting member and Mr. Jewczyn to  
10 sit in for Richard Osborne as a voting member.

11 Mr. Claus said that he will need to recuse himself from the last case.

12 **PARCEL ID: 0146-0023-0000 & PARCEL ID: 0146-0024-0000 & PARCEL ID: 0146-0025-0000:**  
13 **SUBDIVISION / LOT LINE ADJUSTMENT BETWEEN LOTS #23, #25, & #25; 18 TURTLEBACK, 26**  
14 **TURTLEBACK & 64 UPPER BAY RD; CAMPBELL FAMILY INVESTMENT TRUST & FRANCIS & BARBARA**  
15 **TARANTINO**

16 Mr. Marquise said that the application was filed in advance, fees were paid, abutters were notified, and  
17 notices were posted. The application falls under Section 6.04 of the Subdivision Regulations and it is a  
18 minor subdivision so is eligible for the waivers under Section 6.05 (b) including the contours of 5 ft,  
19 existing and proposed utility lines, and plans for storm water drainage. Mr. Marquise continued that  
20 with those waivers he believes that the application is complete.

21 Mrs. Larrow made a motion to accept the application as complete. Mr. Butler seconded the motion.  
22 The motion passed unanimously.

23 Pierre Bedard presented the merits of the case on behalf of the applicants. Mr. Bedard said that as the  
24 properties were developed there were some encroachments that occurred over the property lines;  
25 primarily, the driveway into the Campbell property crosses over the Tarantino's property as well as the  
26 vacant lot, which is also owned by the Campbells. The Tarantino's driveway goes to the property line.  
27 Mr. Bedard continued that they surveyed and located all the physical evidence and the proposed  
28 annexation is a little complicated. They have used the stone wall for one of the property lines, which  
29 gave part of the Tarantino property to the vacant lot and part of the vacant lot to the Tarantino  
30 property. A portion of the Tarantino property was taken from their property and given to the Campbell  
31 property for the driveway and they received the same amount of land from the Campbell property.  
32 Additionally, there are two small pieces of land that are being swapped between the Campbell's house  
33 property and the vacant property for their driveway.

34 Mrs. Larrow asked and Mr. Bedard confirmed that there will be no changes to the acreage for any of the  
35 lots. Mr. Bedard continued that there will be a change in the road frontages as outlined on the plan.

36 Chairman White asked and Mr. Bedard confirmed that all the road frontages still meet the Zoning  
37 requirements.

38 There was a discussion regarding the driveway locations on the lots.

39 Chairman White asked and Mr. Marquise said that he did not see any issues with the proposed plan.  
40 Chairman White said that the lots are all the same side and they all meet the Zoning requirements.

41 Mr. Jewczyn asked and Mr. Bedard confirmed that all the parties agree to the proposed plan. Mr.  
42 Marquise said that both parties have signed the application and have given Mr. Bedard authorization to  
43 speak on their behalf.

44 Mr. Claus asked and Mr. Bedard confirmed that both residences have wells. Mr. Bedard explained on  
45 the plan the locations of the propane tanks and septic systems. Mr. Claus asked if the well locations are  
46 an issue and it was explained that if the wells were installed prior to 1989 then they did not require a 75  
47 ft radius from the septic system. Mr. Marquise said that because the lots are not getting any smaller,  
48 they are exempt from needing a State Subdivision Approval. Mr. Bedard said that he did talk to the  
49 State and they said that if there were any changes made to the square footage of the lots they would  
50 have required a State Subdivision Approval.

51 Chairman White asked and Mr. Bedard explained that the reason for the subdivision / annexation is  
52 because the Campbell's discovered that their driveway encroaches on the Tarantino's property as well  
53 as the vacant parcel.

54 Mrs. Larrow made a motion to approve the subdivision / lot line adjustment for Parcel IDs: 0146-0023-  
55 0000, 0146-0024-0000, and 0146-0025-0000 for 18 Turtleback, 26 Turtleback, and 64 Upper Bay Rd,  
56 Campbell Family Investment Trust and Francis and Barbara Tarantino, with the waivers of the contours,  
57 utilities, and storm water drainage. Mr. Jewczyn seconded the motion. The motion passed  
58 unanimously.

59 **PARCEL ID: 0210-0052-0001 & PARCEL ID: 0210-0052-0002: SUBDIVISION / LOT LINE ADJUSTMENT;**  
60 **CREATE A 3.03 ACRE LOT FROM EXISTING 86 ACRE LOT; 156 TROW HILL RD; LOREN DEVEAU & DAVID**  
61 **& DANA SWIST**

62 Mr. Marquise said that the application was filed in advance, fees were paid, abutters were notified, and  
63 the notices were posted. The application falls under Section 6.04 of the Subdivision Regulations and is a  
64 minor subdivision, so it is eligible for waivers under Section 6.05 (b) including the existing and proposed  
65 utility lines and plans for storm water drainage. Mr. Marquise asked and Mr. Bedard confirmed that the  
66 proposed subdivision has received State Subdivision approval.

67 Mrs. Larrow made a motion to accept the application as complete for Parcel ID: 0210-0052-0001 and  
68 Parcel ID: 0210-0052-0002; subdivision / lot line adjustment, 156 Trow Hill Rd, with the waivers of the  
69 utility lines and storm water drainage. Mr. Jewczyn seconded the motion. The motion passed  
70 unanimously.

71 Pierre Bedard presented the merits of the case on behalf of the applicants.

72 Mr. Bedard explained that he lot is located at the corner of Trow Hill Road and North Road. The  
73 Deveau's and Swist's own one of the lots on Ledge Pond and they access it through this property. The  
74 opportunity came along for them to purchase the property and they would like to put in a septic system  
75 for their property on Ledge Pond onto this property. They would like to subdivide out the existing  
76 dwelling unit which is on Trow Hill Rd. The property is in the Rural Lands Zoning District, which requires  
77 three acres; the lot will be 3.03 acres and will have 345.8 ft of road frontage. There is an existing and  
78 approved septic system, but they have also dug a test pit and received State Subdivision Approval for  
79 the lot. Chairman White asked and Mr. Bedard confirmed that this property is across from the  
80 Fieldstone Drive subdivision.

81 Mr. Butler asked and Mr. Bedard explained that the owners of the lot own a cottage on Ledge Pond and  
82 would like to install a septic system for their cottage on this lot. There are wetlands along the property  
83 line so they are proposing putting a septic system in that is pumped up to an area that is far enough  
84 away from the wetlands. Chairman White asked and Mr. Bedard confirmed that the owners want to  
85 make the residential lot separate before doing the septic system.

86 Mr. Jewczyn asked how close the existing house is to Trow Hill Rd. Mr. Marquise explained that if a  
87 house is existing the Board can really only look at the setbacks that they can control. Mr. Bedard said  
88 that the house is about 45 ft from the road. Mr. Marquise said that it is already too close to the road so  
89 there really is not anything that can be done. Chairman White said that the house is probably one of the  
90 oldest on Trow Hill Rd. Mr. Bedard confirmed this and said that it has been recently updated but it is  
91 fairly old.

92 Mr. Claus asked about well radius within the lot. Mr. Bedard said the well that is shown on the plan is a  
93 proposed well and there is a brook on the property that prevents the well from being 75 ft from the  
94 septic system and still be within the lot. Chairman White asked and Mr. Bedard said that they will not  
95 require a waiver because there are restrictions on the lot that prevent the well from being placed on the  
96 lot outside the septic radius. There was further discussion regarding the brook and the well radius.

97 Mrs. Larrow made a motion to approve the subdivision / lot line adjustment for Parcel IDs: 0210-0052-  
98 0001 and 0210-0052-0002 for 156 Trow Hill Rd, Loren Deveau and David and Dana Swist. Mr. Claus  
99 seconded the motion. The motion passed unanimously.

100 **PARCEL ID: 0133-0032-0000: SITE PLAN REVIEW: EXPAND USE TO EVENTUAL YEAR-ROUND**  
101 **OPERATION; 71 MAIN ST; SUNAPEE HARBOR RIVERWAY – ANCHORAGE RESTAURANT**

102 Chairman White said that there are a few letters that have been submitted from the Riverway regarding  
103 conversations that they have had with the Fire Chief and the Highway Director regarding this proposal.

104 Mr. Marquise said that this is a grandfathered property. The proposed change is fairly minor, and this is  
105 a Site Plan hearing as notices were sent and fees were paid, however, he does not think that the  
106 application requirements under Article V of the Site Plan Regulations apply because there are no  
107 substantial changes to the site itself. He thinks the things that the Board would be most concerned  
108 about including the parking, snow removal, and dumpsters, have all been taken care of on the sketches  
109 and probably just need to be discussed. Mr. Marquise continued that the Board could accept the

110 application as complete and waive the Article V requirements. There was further discussion regarding  
111 this matter.

112 Mrs. Larrow made a motion to accept the application as complete for the Site Plan Review for the  
113 Anchorage Restaurant. Mr. Jewczyn seconded the motion. The motion passed unanimously.

114 Jolyon Johnson, Sue Mills, and Patrick Clapp presented the merits of the case for the Sunapee Harbor  
115 Riverway.

116 Chairman White asked and Mr. Johnson confirmed that they would like to have the restaurant to  
117 expand their hours and to be open through the winter. Chairman White asked and Mr. Johnson  
118 confirmed that the building was not insulated and they are working on insulating it as well as upgrading  
119 the building; dimensionally, the building will remain the same.

120 Mrs. Larrow asked and Mr. Johnson confirmed that if the restaurant is open during the winter season  
121 the parking will be different because there will be snow in many of the places people currently park but  
122 there will not be as many people so they will wash each other out. Mr. Johnson said that they have  
123 spoken with the Highway Director regarding the parking spaces in front of the Anchorage and there is  
124 also parking owned by the Riverway that they can make accessible. Chairman White asked and Ms. Mills  
125 said that the parking lot in front of the Historical Society can be maintained for parking. Mr. Marquise  
126 said that they discussed parking at the Peer Review meeting that if they are going to show the parking as  
127 available then they need to keep that lot cleaned.

128 Mr. Marquise asked about the trash and Ms. Mills said that the current plan is to open the area at 68  
129 Main St and maintain that parking area and an area for the dumpster. Mr. Marquise asked and Ms. Mills  
130 said that nothing will be along Garnet St, in any season.

131 Mr. Jewczyn asked and Ms. Mills said that the offloading of food and such will still be along Garnet St  
132 unless they can come up with a better plan. However, that is usually pretty early in the morning and has  
133 not been an issue in the summer.

134 Mr. Claus asked how the permit for the restaurant is only seasonal. Ms. Mills said that they do not  
135 know. Mr. Johnson said that they thought it would be appropriate to inform the Town what their  
136 intentions are for the restaurant and though they have never had a start date or an end date, the intent  
137 is to try to be open through the year. Chairman White said that the restaurant has never gone through  
138 Site Plan; if this was a new entity coming before the Board then they would discuss hours of operation  
139 and how many days during the year it would be open. The restaurant pre-dates Zoning so there has  
140 never been a Site Plan Review, they just did what they wanted to do and it never made sense to be open  
141 during the winter. They want to open during the winter so they are before the Board to include them in  
142 the conversation and if there are any concerns then they can be discussed. Mr. Johnson said that they  
143 are before the Board as a courtesy. Mr. Butler asked and it was confirmed that the restaurant is a  
144 grandfathered use. Mr. Marquise said that this creates an increase in use, which triggers a Site Plan,  
145 however, as they have never had a Site Plan, they are just looking how the increase in use affects the  
146 area.

147 Mr. Jewczyn asked and it was explained that there will not be any additional signage notifying people  
148 about the increase in hours. Mr. Butler asked and it was confirmed that both the restaurant and bar will

149 be open. Mr. Clapp explained that there is a new General Manager who is going to run the restaurant.  
150 Mr. Johnson said that the new GM asked to increase the hours from 6:00 am to midnight so that they  
151 can try breakfast. There was further discussion regarding this matter.

152 Chairman White asked if they foresee any issues during holidays if someone wants to rent the  
153 restaurant for parties. Mr. Johnson said that in the winter all the windows and doors will be closed so  
154 that will not affect the neighborhood as much as it could during the summer.

155 Mrs. Gottling asked about the letter from Fire Chief Ruggles regarding the CO2 sensor he requested.  
156 Ms. Mills said that the sensor is not State mandated, Chief Ruggles thought that it would be helpful in  
157 the areas where they store the CO2 bottles for the soda. They are not stored in a closed room,  
158 however, he suggested a sensor that would alert them if the CO2 escapes. Mr. Jewczyn said that it does  
159 not have to be an enclosed space, the oxygen level just needs to be below 19% for someone to pass out.  
160 There was further discussion regarding the sensor and Ms. Mills said that she believes that they will  
161 meet with Chief Ruggles again about the fire system.

162 Mrs. Gottling asked and Ms. Mills said that Police Chief Cahill was very supportive. He was concerned  
163 about Garnet St but they assured him that the new owner and management does not want to use that  
164 area anyway. He did not seem to think that parking would be an issue.

165 Ms. Mills said that Mr. Hazelton was also very supportive. The spoke about the snow removal as they  
166 currently just push the snow into the parking area so they are going to cut the corner more and open  
167 the parking spaces and will remove the snow if needed.

168 Mrs. Larrow asked and Ms. Mills said that the employees typically park along River Rd or wherever is  
169 available.

170 Mr. Butler asked and it was explained that they would like to open by St. Patrick's Day.

171 June Fichter of Lake Sunapee Protective Agency said that they are very supportive of the restaurant  
172 expanding its hours.

173 There was a discussion regarding trying to have businesses open in the harbor in the winter.

174 Mrs. Larrow made a motion to accept the Site Plan Review for Parcel ID: 0133-0032-0000 to expand use  
175 to eventual year-round for the Anchorage in Sunapee Harbor. Mr. Jewczyn seconded the motion. Mr.  
176 Marquise recommended conditioning the approval that the parking be maintained as discussed with the  
177 Town and shown on the sketch and that Garnet St remain free and clear of dumpsters, etc. Mrs. Larrow  
178 amended her motion to include that parking be maintained as illustrated on the diagram and Garnet St  
179 be used as discussed. Mr. Jewczyn seconded the motion as amended. The motion passed unanimously.

180 **PARCEL ID: 0121-0026-0000 & PARCEL ID: 0121-0027-0000: LOT MERGER; 73 FERNWOOD POINT RD &**  
181 **WEST SHORE RD; POLLARD REVOCABLE TRUST.**

182 Mr. Claus recused himself from the case.

183 Mr. Marquise said that he does not know why Lot 27 is a lot because it is just a little triangular piece of  
184 land and was probably left over from when they did the original subdivision. The owner would like to do  
185 a merger of a lot that is developed and a lot that is undeveloped.

186 Mrs. Larrow made a motion to approve the Lot Merger for Parcel IDs: 0121-0026-0000 and 0121-0027-  
187 0000; 73 Fernwood Point Rd and West Shore Rd, Pollard Revocable Trust. Mr. Jewczyn seconded the  
188 motion. The motion passed unanimously.

189 **OTHER BUSINESS: 0 SUNNY LANE, LLC – DRIVEWAY PERMIT**

190 Mr. Marquise explained that the Board discussed this driveway at a prior meeting. There was a two-lot  
191 subdivision that was done and both driveways were originally proposed to be off of Sunny Lane. The  
192 owner discussed with the Board having the driveway for one of the lots coming off Old Route 11 / Cary  
193 Farm Rd, which is a Class VI road. The Board agreed to that proposal and sent the recommendation to  
194 the Selectmen. However, the way that the RSA reads, the owner cannot get the access until he gets a  
195 building permit. Per the last meeting, the Board asked that the driveway access be shown on an  
196 updated Mylar. Additionally, the Town Manager and Assessing Office wanted the plan to have the  
197 correct ownership, which is 0 Sunny Lane, LLC. Mr. Marquise continued that this is just a Mylar signing,  
198 he does not believe that the Board has to discuss anything as they have already done that. Mr. Butler  
199 asked and Mr. Marquise confirmed that the driveway off Sunny Lane is still shown on the plan.  
200 Chairman White and Mr. Butler asked and Mr. Marquise explained that the owners could decide to have  
201 two driveways if they wanted to use both. Mr. Marquise continued that to get the driveway permit off  
202 of Old Route 11 / Cary Farm Rd, the owner will need to file a waiver with the Town when they get the  
203 building permit. Mr. Butler asked and Mr. Marquise confirmed that the owner would need to maintain  
204 that portion of road. Mr. Marquise said that the road is in very good condition. Mrs. Larrow asked and  
205 Mr. Marquise said that Old Route 11 was a State Road that was given to the Town. A road that is given  
206 to the Town from the State automatically becomes a Class VI road unless the Town classifies it as a Class  
207 V. Mr. Butler asked and Mr. Marquise said that the frontage for both lots to meet Zoning are off Sunny  
208 Lane as the frontage off a Class VI road does not count.

209 **MISCELLANEOUS**

210 Mr. Marquise said that he would like to have the public hearing on the Subdivision Regulation and Site  
211 Plan Regulation changes in April. He will try to have them available at the March meeting for the Board  
212 to review.

213 Chairman White said that he attended the Deliberative Session and there was really only one question  
214 and it was regarding if there should be Zoning in Town. He does not think that there will be any issues  
215 with any of the Zoning Amendments.

216 Chairman White said that the Town Voting Day is March 12<sup>th</sup> and the Zoning Board meeting is March  
217 14<sup>th</sup>. Mr. Jewczyn and Mr. Claus have both signed up to run for the Board. However, they will be losing  
218 Mrs. Larrow as a full-time member. Chairman White expressed his gratitude to Mrs. Larrow for being on  
219 the Board and for everything that she has done for the Board, including all the motions that she has  
220 made. He would love for her to return to the Board as an Alternate Member if she is interested. Mr.  
221 Marquise asked and Mrs. Larrow said that she joined the Board in 2010.

222 **MINUTES**

223 Changes to the Planning Board minutes from December 13, 2018: There were no changes to the  
224 minutes.

225 Mr. Jewczyn made a motion to accept the minutes as presented with no corrections. Mr. Butler  
226 seconded the motion. The motion passed unanimously.

227 Changes to the Planning Board minutes from January 10, 2019: Change the date of the minutes (Line 3)  
228 to January 10, 2019. Change Lines 21 & 22 to read "...existing and proposed contours, the existing and  
229 proposed utility lines, plans for storm water drainage, and water supply facilities." Change Line 185 to  
230 read "...there will only be a few..."

231 Mr. Butler made a motion to accept January 10<sup>th</sup>'s meeting minutes as corrected. Mr. Jewczyn  
232 seconded the motion. The motion passed unanimously.

233 **MISCELLANEOUS**

234 Mr. Claus asked and Mr. Marquise confirmed that plans are required to have a Department Head  
235 signature block.

236 Mrs. Larrow made a motion to adjourn the meeting at 8:11 pm. Mrs. Larrow seconded the motion. The  
237 motion passed unanimously.

238 Respectfully submitted,

239 Melissa Pollari

240

241 Planning Board

242 \_\_\_\_\_

243 Peter White, Chairman

244 \_\_\_\_\_

245 Donna Davis Larrow

246 \_\_\_\_\_

247 Joseph Furlong

248 \_\_\_\_\_

249 Michael Jewczyn, Alternate

250 \_\_\_\_\_

251 Suzanne Gottling, ex-officio member

\_\_\_\_\_

Richard Osborne, Vice Chair

\_\_\_\_\_

Joseph Butler

\_\_\_\_\_

Randy Clark

\_\_\_\_\_

Jeffrey Claus, Alternate