

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **JUNE 14, 2018**

4 **PRESENT:** Peter White, Chair; Richard Osborne; Donna Davis Larrow; Joseph Butler; Randy Clark;
5 Michael Jewczyn, Alternate; Michael Marquise, Planner

6 **ABSENT:** Joseph Furlong; Suzanne Gottling, Ex-Officio Member

7 **See attached sign in sheet**

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

9 Chairman White appointed Mr. Jewczyn to sit in for Mr. Furlong for the meeting.

10 **CONTINUED: PARCEL ID: 0147-0019-0000: SITE PLAN REVIEW: ANTIQUE & CONSIGNMENT STORE;**
11 **ROUTE 103, NAF SUNAPEE, LLC**

12 Mr. Marquise explained that the applicant has asked for the meeting to be continued until the July
13 meeting in order to allow him to get all the information the Board requested. They are also going to re-
14 notice the case because the applicants would like to have boat storage and it wasn't specifically noted in
15 the last notice. Chairman White said that the hearing will be continued to July 12th.

16 **PARCEL ID: 0136-0007-0000: SITE PLAN REVIEW: SMALL ANTIQUE STORE (SUMMER SEASON ONLY);**
17 **179 BURKEHAVEN HILL RD, RICHARD RAPS REVOC TRUST**

18 Mr. Marquise explained that this case went to the June Zoning Board meeting and has been continued.
19 He spoke to Mr. Raps about coming to the Planning Board informally, but Mr. Raps said he wanted to
20 get the Zoning part done first. Mr. Marquise recommended continuing the case to the next meeting so
21 the hearing does not need to be re-noticed. Chairman White asked and there was no one in the
22 audience for the hearing.

23 Chairman White asked and Mr. Marquise explained that the case before the Zoning Board was for a
24 retail use in a Residential Zone. Mr. Marquise continued that Mr. Raps applied for a Special Exception
25 for a home business and the Zoning Board was trying to determine where the home is located vs where
26 the retail area is on the lot.

27 **PARCEL ID: 0104-0023-0000: SITE PLAN REVIEW: ARTISAN GALLERY (ART GALLERY, CUSTOM**
28 **FURNITURE GALLERY, ARTISAN MADE PRODUCTS & ANTIQUES); 37 PROSPECT HILL RD, NEW**
29 **DIRECTION IRA, FBO ROGER CRICHTON SMITH**

30 Mr. Marquise explained that this case went to the June Zoning Board meeting and was denied. They
31 may be filing for a re-hearing so he recommends the case being continued to the next meeting.
32 Chairman White asked and there was no one in the audience for the hearing.

33 Mr. Jewczyn asked and Mr. Marquise explained that the Variance was denied because there were
34 concerns about parking and about access on a right of way over the property. He also believes that

35 there were neighbors with concerns about the size of the business and going from a church that
36 operated one day per week to something that might be operating 7 days per week.

37 Chairman White asked and there was no additional discussion so the case was continued to the July 12th
38 meeting.

39 **CONSULTATIONS**

40 **PARCEL ID: 0128-0003-0000, 59 CENTRAL ST, TIM FENTON**

41 Tim Fenton gave the Board copies of maps of the property being discussed.

42 Chairman White explained that a consultation is a non-binding discussion regarding a proposed plan.

43 Mr. Fenton explained that he is interested in purchasing 59 Central St and has a few thoughts of what
44 he'd like to do with it.

45 Mr. Fenton said that the first idea is that he would like to keep the two units in the front as rental units
46 and then build a house in the back of the lot. Chairman White asked and Mr. Fenton confirmed that the
47 lot is 0.86 acres. Chairman White asked and Mr. Marquise explained that the density allowance in this
48 District is one unit for every 10,000 sq ft. There are currently two units in the main building and Mr.
49 Fenton confirmed that there is not currently another unit in the back of the building. Mr. Fenton said
50 that his other idea is to do three units in the front as well as build a house in the back of the lot. The
51 house would have its driveway off of Alpine Court and there is water and sewer on Alpine Court.

52 Mr. Butler asked and Mr. Fenton explained that the main structure would remain and the back
53 structure, which he believes is a garage or shed, would be removed. Mrs. Larrow asked and Mr. Fenton
54 confirmed that there are currently two units in the building and he is thinking about putting another unit
55 in the building as permitted according to the density allowance. Mrs. Larrow asked and Mr. Fenton
56 confirmed that the house that he would build would be single family residence.

57 Mr. Clark asked about the contours of the lot and it was explained that it slopes towards Central St.

58 Chairman White said that with the lot size, three units would be permitted with the density
59 requirements. Mr. Fenton said that he is interested in speaking with the neighboring property owner to
60 see if they will sell a piece of land to give them enough for four units as they would only need 0.06 acres.
61 Mrs. Larrow asked and Mr. Fenton confirmed that he would ask the neighbor with the 1.60 acre lot. Mr.
62 Fenton said that he spoke with a builder about doing an assessment on the run off and drainage and the
63 effects of the number of units allowed on the property. Mr. Marquise said that the density requirement
64 is a Zoning Board issue.

65 Mr. Clark asked and Mr. Fenton explained on the plan where the parking would be situated. Mr.
66 Jewczyn asked and Mr. Fenton explained that the only traffic that would be on Alpine Court would be
67 the traffic for the house, not the apartment building.

68 Mr. Marquise said that it has always been considered that two residential buildings does not constitute
69 a subdivision of a lot and everything is handled through Site Plan Review under the Multi-family
70 regulations. Mr. Marquise said that Mr. Fenton might want to consider that if he wants to subdivide the

71 lot that he would need a full acre of land so if he is going to ask the neighbor for land he might want to
72 ask for enough to two half acre lots. There was further discussion regarding this matter.

73 There was a discussion regarding the Zoning of the property as the lot lies in within two zones but
74 regulated in the Zone with the most land.

75 There was a discussion regarding the abutters as Mr. Fenton does own one of the abutting lots and Mr.
76 Fenton said that he will talk to other abutters.

77 Mr. Jewczyn asked if Mr. Fenton does not choose to subdivide the land at this time if he would be
78 prohibited from subdividing in the future. Mr. Marquise said that he might be because there might not
79 be enough land to subdivide. There was further discussion regarding this matter.

80 Mr. Jewczyn asked if there is a hydrant in this area and Mr. Fenton said that he is not sure that there is
81 one. Vice Chair Osborne said that there is one close but he isn't sure specifically where it is located. Mr.
82 Fenton said that he is not planning on changing the footprint of the front building.

83 Chairman White asked and there were no additional questions or concerns from the Board.

84 Mr. Marquise explained all of the things that the Board looks at in a Site Plan Review including parking
85 and lighting would be discussed at a public hearing.

86 Mr. Fenton asked if the structure in the back was used as a residence if there is a potential for it to be
87 grandfathered. Mr. Marquise explained that there is a two year time limit on grandfathering so it would
88 have had to be used as a residence in the past two years. Mr. Fenton asked if they could prove that it
89 was a grandfathered residence if it could be torn down and rebuilt into a bigger house. Mr. Marquise
90 explained that it will need to comply with Zoning if it is going to become bigger. Chairman White said
91 that even if it is a grandfathered use, it does not mean that another unit automatically can be added
92 because they need to be under the density requirements. Mr. Marquise said that it would keep Mr.
93 Fenton from coming back for a Site Plan Review for three units because they would be grandfathered.
94 Mr. Marquise continued that Mr. Fenton will need to do something to meet the density requirements if
95 he wants to have four units.

96 **PARCEL ID: 0131-0025-0000, 70 WEST COURT RD, DEBBIE SAMALIS**

97 Debbie Samalis explained that she is asking for guidance regarding her property. She purchased the
98 property eight years ago and had spoken with Roger Landry, the former Zoning Administrator, about it
99 before purchasing. She told Mr. Landry that she wanted to do a house for herself and a house for each
100 of her children and was told that she could do that as she has enough land. She started out with a shed,
101 which housed her belongings and she then moved into it after fixing it up. She has put in a well and is in
102 the process of putting a septic system in because there was a complaint to the Town and the State; even
103 though she has an ancillary toilet, she needs a septic system if she has running water.

104 Ms. Samalis said that she met with Nicole Gage, the new Zoning Administrator, and discussed having
105 multiple houses on the lot and Ms. Gage spoke to Mr. Marquise about it and there were concerns about
106 the lack of road frontage even though there is currently a camp and a shed on the lot. She has now

107 been told that she can only have one house on the lot. There was further discussion regarding who gave
108 Ms. Samalis the differing information regarding what can be done with the property.

109 Chairman White asked and Ms. Samalis said that she is in the Rural Residential District and she believed
110 that she could have one dwelling unit for every 1.5 acres. Ms. Samalis continued that her intention is to
111 eventually convert the camp that she will putting the septic system on into a guest house. There is a
112 second camp on the property that has electricity but no water or septic and would be the first of three
113 additional buildings. She would like to build small houses for each of her two sons and herself. She
114 would like two houses to be 600 – 700 sq ft and one to be 1,000 sq ft. They would share a well and a
115 septic system so it is less impact on the environment.

116 Ms. Samalis said that she wanted to know if these three structures would just be considered to be
117 houses, or a cluster development, and if she need permitting. Ms. Samalis gave the Board copies of the
118 tax map showing where she would like to build the houses on her property. The existing cabin is 550 ft
119 from the neighbor's house, and the second existing cabin is 780 ft from the neighbor's house and the
120 two proposed cabins are 890 ft and 900 ft from the closest house. Ms. Samalis asked if the cabins can all
121 share the same septic and well.

122 The Board asked and Ms. Samalis said that her property is almost 12 acres. Chairman White said that a
123 lot of the property is wetlands and Ms. Samalis said that where the houses are proposed will be 100 ft
124 from all of the wetlands. This is why she wants to share a well and a septic, so that none of the wetlands
125 are impacted. Mr. Jewczyn asked if Ms. Samalis brought any plans showing the wetlands and the
126 proposed houses. Ms. Samalis said that she has a survey and the one of the houses is on it but the
127 others are not. Ms. Samalis showed the Board where on the survey all the houses will go. Mr. Jewczyn
128 asked about a map showing the setbacks for the wetlands and Chairman White said that Sunapee does
129 not have any setbacks from wetlands. Ms. Samalis said that for the septic and well she is within the
130 required State setback from the wetlands.

131 Chairman White asked if with this amount of land if what Ms. Samalis wants to do needs to be a Planned
132 Unit Development. Ms. Samalis said that she is not looking to subdivide or rent out the houses and
133 asked if she needs to connect them to make them a single unit. There was a discussion regarding
134 accessory dwelling unit and trailer parks.

135 Mr. Clark asked if these structures have foundations. Ms. Samalis said that the cabin where she is
136 attaching the septic to is pinned to a giant boulder and there is no basement. The second cabin is sitting
137 on stones and the third will also sit on stones.

138 Ms. Samalis said she discussed a Planned Unit Development with Ms. Gage and Ms. Samalis believes
139 that she meets those requirements. There is also no minimum house size in Sunapee's Zoning
140 Regulations. Mr. Marquise said that he thinks that there are tools in Sunapee's Zoning to make this
141 work and it fits well into the Planned Use Development regulations. However, there could be an issue if
142 she ever wants to subdivide.

143 Mr. Marquise said that the biggest issue that he spoke about with Ms. Gage is that this part of West
144 Court Rd is a Class VI road and a waiver needed to be obtained to build on the property. Ms. Samalis
145 said that she received a building permit for the shed and as she was building it NH Electric Coop asked

146 for an address so the Town needed to give the property a 911 address. The Town then decided that this
147 was not a buildable lot because there was not a Class V road to get to it so she signed the waiver to build
148 on a Class VI road. However, it is not a road to her house, it is an access driveway to her property that is
149 written in the deed as a right of way. The Town wanted them to upgrade the driveway / road to a Class
150 V road and she could not upgrade the width so the Town asked for a waiver to be signed that if an
151 emergency vehicle can not get through then the Town will not be liable. It had been a logging road and
152 they have had construction equipment go through there as well as emergency vehicles and there were
153 no issues. Mr. Marquise said that there is Town liability that goes with Class VI roads and the Town can
154 sign a waiver for a single home, however, the Planning Board cannot approve multiple homes if it is off a
155 Class VI. Additionally, any of the roads to the buildings will need to meet Town standards, though it can
156 be private road standards. Mr. Marquise continued that the right of way needs to be wide enough to
157 meet the Town standards and if it needs to be widened that will need to be worked out. There was
158 further discussion regarding this matter and where West Court ends and where the right of way is
159 located and if the deeded right of way is wide enough to meet the Town's specifications and that you
160 can only service two houses off a driveway then needs to be built to be a road.

161 Mr. Butler asked and Ms. Samalis confirmed that there is currently a driveway on her property to both
162 of the cabins. Mr. Butler asked and Ms. Samalis said that the road is an old logging road and does not go
163 through wetlands.

164 Mr. Butler asked and Ms. Samalis said that if they can get this proposal approved she will probably start
165 building the cabins soon. Ms. Samalis said that part of the hardship with this is that now she has to hook
166 a septic system up to the first cabin in order to stay on the property and she was told when she bought
167 the property that she was allowed to have one building per 1.5 acres. The cost of hooking up a septic
168 system and a well to the cabin is a hardship. There was further discussion regarding this matter.

169 Mr. Butler said that he recommends Ms. Samalis hire someone to help her create a plan for the location
170 of the cabins, the septic system, the well, the driveway, and the road. Mr. Clark said that the Board
171 would want to know the location of the leach field as well. Ms. Samalis said that she doesn't want to
172 move forward if there are not options for her and she wanted to know if it is a feasible plan. Chairman
173 White said that feasibility usually has to do with money and that is up to Ms. Samalis. The first issue is
174 with the road that goes up to the property and what is in the deed and if there is a specified width, if not
175 then Ms. Samalis will need an attorney to help her as the Board does not address deeds. Additionally, if
176 there are going to be more than two houses on the lot, the driveway becomes a road and needs to meet
177 certain specifications. Mr. Marquise said that if there is an overriding Class VI issue than that might also
178 be a problem as a building permit cannot be issued on a Class VI road without a formal process. Ms.
179 Samalis said that she already has had two building permits on the property. Mr. Marquise asked and
180 Ms. Samalis said that she has a permit for the shed that was turned into a house and for the second
181 structure, which is a camp that has electricity and is a house. Ms. Osborne said that if the Town plows
182 West Court Rd to the end then it is not a Class VI road as a Class VI road would not be plowed. Mr.
183 Marquise said that if a portion of the access is a Class VI road it has implications for development. Also,
184 anywhere there is a right of way to cross someone's property it has to be adequately sized to make a
185 road to meet the Town standards. Ms. Samalis asked and Mr. Marquise said that the road standards are
186 in the Town's regulations.

187 Ms. Samalis asked and Mr. Butler said that Ms. Samalis should hire a surveyor and / or an engineer to
188 establish what she has. Chairman White said that Mr. Platt has already surveyed the property and
189 indicated the gravel driveway as a right of way and notes that it was granted to the property on the
190 deed in 1977 and reestablished in 1979. The first step should be to find out what the deed says about
191 the right of way to see if there is a width associated with it. Ms. Samalis said that the right of way
192 wording just allows for access to and from the lot. Chairman White said that he recommends that Ms.
193 Samalis consult with an attorney for a legal reading on the right of way to find out what she can do with
194 it as she cannot do what she wants to do off the right of way because it needs meet road standards. Ms.
195 Samalis asked if she can get a Variance in this situation and the Board said that they do not have enough
196 information about it. Mrs. Larrow said that when additional residences get added that is where this
197 issue comes up.

198 Ms. Samalis asked about the allowance for one structure per 1.5 acres and why she cannot put
199 structures on her property. Vice Chair Osborne said that the 1.5 acre per dwelling unit Ordinance is
200 actually so people do not create smaller lots in this Zone. Ms. Samalis asked if this means that she can't
201 have more structures if she has enough land. Vice Chair Osborne said that she can except there needs
202 to be a road for those structures. Ms. Samalis asked for the specific requirements for a road in Sunapee.
203 Chairman White said that it is in the Town's regulations and it tells the requirements. Mr. Jewczyn said
204 that he thinks that an attorney would help with this situation as well to determine the width of a logging
205 road.

206 There was a brief discussion regarding the lots that have been purchased by the Town that are near this
207 property. There was another discussion regarding widening the right of way to build the road. The
208 Board recommended that Ms. Samalis consult with an attorney.

209 **OTHER BUSINESS**

210 **PARCEL ID: 0225-0027-0000, REVIEW GALLUP PAPERWORK**

211 Mr. Marquise explained that on October 5, 2017, the Board approved a four lot subdivision for Robert
212 Gallup on Youngs Hill Rd. At the time, there were conditions set, one was an approval of the State
213 Subdivision, which was approved in late October; one was State approval of the well radius easement,
214 which was obtained; and the other was Highway Director approval of the driveway sight lines. Mr.
215 Marquise gave the Board copies of the driveway permits that have been signed by Mr. Hazelton.

216 Mr. Marquise said that there is an abutter, Susan Cancio-Bello of 100 Youngs Hill Rd, who spoke at a
217 previous meeting regarding the subdivision and he received a letter from her attorney that he gave to
218 the Board for their review.

219 Mr. Butler asked and Mr. Marquise said that the driveways have not been built.

220 Mr. Marquise said that ordinarily the Board would determine if the conditions have been met and then
221 they would sign the Mylar. However, this letter has raised two points, one is if the Board would look at
222 Section 5.11 of the Subdivision Regulations after-the-fact and is usually not considered on lots without
223 new roads. Secondly, whether there needs to be a public hearing to accept the conditions, which has
224 never been done and has been handled administratively and usually just done via a conversation with
225 the Board.

226 Mr. Clark asked and Mr. Marquise said that he just received the attorney's letter so it has not gone to
227 Town Counsel. Mrs. Larrow said that she believes that the Board should have the Town Counsel's
228 opinion. They would be looking at Section 5.11 after the fact and if they have never done this they want
229 to make sure they understand the change. Mr. Marquise agreed as there is no precedence for it in any
230 of the Board's decisions. Mrs. Larrow said that she'd also like to know the Town Counsel's opinion
231 regarding holding a public hearing on if the conditions of the subdivision have been met. Mr. Marquise
232 said that he thinks that the Board should make an official vote on having the Town Counsel's review
233 before a Mylar is signed.

234 Mr. Butler asked and Mr. Marquise explained that, ordinarily, after the conditions have been met the
235 Board would just sign the Mylar. This case was put on the agenda in order to discuss signing the Mylar,
236 however, getting the letter changes things.

237 Stephan Wagner, the attorney for Susan Cancio-Bello, said that he is happy to answer any questions the
238 Board may have about the letter that he sent. Attorney Wagner continued that they have been to this
239 Board as well as the Zoning Board to try and get the Town to take action regarding the damage that has
240 been done to Ms. Cancio-Bello's property. They have laid out their specific requests, which is either
241 denying the subdivision or conditioning it on meeting the requirements of Section 5.11. The Board is
242 within its power to do this as the subdivision is not approved until the Mylar is signed.

243 Chairman White said that the Board would like to get the Town Counsel's opinion. Mr. Clark said that
244 this is a legal decision and the Board needs guidance.

245 Robert Gallup said that he questions Attorney Wagner's recommendation regarding having a public
246 hearing about the conditions because the Board held a public meeting when he asked for permission to
247 subdivide the property. The letter from Attorney Wagner also discusses creating more impervious
248 surface and there would be a public hearing when he applies for a building permit. Chairman White said
249 that there are not public hearings when someone applies for a residential building permit and he
250 explained the process.

251 Mr. Butler asked if the Town or Mr. Gallup owns the culverts. Mr. Marquise said that they are in the
252 Town's right of way. Vice Chair Osborne said that does not necessarily meant that the Town maintains
253 them as often, it is the home owner who is responsible for maintaining the ditch along the road.

254 Mr. Gallup asked if this discussion will be continued to the next Board meeting in order for the Board to
255 get the Town Counsel's opinion. Mr. Marquise said that this discussion will be held at the next meeting
256 under "Other Business".

257 Chairman White said that there was a discussion about Mr. Gallup and the neighbors meeting with Mr.
258 Hazelton and asked if that occurred. Mr. Gallup said that he met with Mr. Hazelton and he does not
259 know if he ever spoke to the neighbors, however, Mr. Gallup has not met with the neighbors and Mr.
260 Hazelton at the same time. Chairman White asked and Mr. Marquise confirmed that the Board
261 recommended a meeting but cannot force it. Attorney Wagner said that he did follow up with Mr.
262 Hazelton and he was informed that it would be a private discussion between the application and Mr.
263 Hazelton.

264 Mr. Marquise asked if the abutter has seen the driveway permits and Attorney Wagner confirmed that
265 they have. Mr. Marquise said that there are conditions on the permits for drainage. Attorney Wagner
266 said that Ms. Cancio-Bello has consulted an engineer whose opinion is that Mr. Hazelton's conditions
267 may address the drainage issues on the driveway but it is not enough to address the drainage issues that
268 will occur on the property as a whole.

269 Ms. Cancio-Bello said that she does not have any issues with water from the culvert on the side of the
270 road because she is on a turn. However, the water is going through a culvert on her property and
271 washing out her yard and driveway. At the October meeting the Board stated that they did not see any
272 drainage issues and there are a lot of issues. Chairman White asked and Ms. Cancio-Bello confirmed
273 that there is a culvert further up on her property where the water is coming from. Mr. Gallup said that
274 he believes that the property owned by the Henry's (which abuts his property), the property owned by
275 the Lantz's (between the Henry's and the Cancio-Bello's), the property owned by the Cancio-Bello's, and
276 the rest of the properties continuing down Youngs Hill Rd all have culverts.

277 Mr. Gallup said that he has spoken to a number of people who did not necessarily feel that what he did
278 was the cause of Ms. Cancio-Bello's problem, which he expressed to her when he met with her in
279 January. Ms. Cancio-Bello said that Mr. Gallup thought it was an issue with the neighbor's property. Mr.
280 Gallup said that he thinks that based on the topography he thinks that it would be difficult for the
281 majority of the area of his property to be causing the problem. Ms. Cancio-Bello said that was why they
282 asked for permission to come onto the property to do a survey but they were denied.

283 Chairman White said that the Board will need to have a vote and this will probably be continued to the
284 next meeting in order to get the opinion of Town Counsel.

285 Mrs. Larrow made a motion to request an opinion from Town Counsel on this case; Parcel ID: 0225-
286 0027-0000, Mr. Gallup, Youngs Hill Rd. Mr. Butler seconded the motion. The motion passed
287 unanimously.

288 Mr. Clark asked if the Board will get the legal opinion before the meeting. Chairman White said that
289 there has been questions as to if a legal opinion read at a public hearing makes it public information and
290 he believes information from the Town's Counsel is private. Mr. Marquise said that the Board can
291 discuss the Town Counsel's opinion during an Executive Session and then choose whether or not to
292 release it. Mr. Marquise said that he will send the Board what he gets from the Town's Counsel to
293 review and then at the meeting they can decide how to proceed. The Board discussed that they can talk
294 about the Town Counsel's opinion in a non-public session.

295 Mr. Clark asked and Mr. Marquise said that he can go visit the site the owner signs permission for under
296 the application for the subdivision for Planning Board officials to visit the site. Vice Chair Osborne asked
297 and it was explained that if the Board wants to go as a group it has to be noticed as a meeting.

298 **PARCEL ID: 0148-0038-0000, NEVILLE TREE CUTTING PERMIT**

299 Mr. Marquise said that this case will be continued to the next meeting because the engineer was not
300 able to attend this meeting.

301 **MISCELLANEOUS**

302 Chairman White asked if all the Board members will be present for the next meeting on July 12th. Mr.
303 Clark said that he may not be available. Chairman White asked that anyone else not available please let
304 him know before the next meeting.

305 Mr. Marquise said that Article XII of the Site Plan Regulations says that “no building or zoning permit
306 shall be issued for the construction of any structure, including additions, covered by these Site Plan
307 Regulations unless the applicant first presents a Site Plan approve by the Planning Board to the Board of
308 Selectmen or Agent.” About five years ago the Board had several requests that were being sent to them
309 from the Zoning Administrator to talk about changes to their commercial projects. At that time, the
310 Board determined that they wanted to have a Statement of Property Usage process that starts with
311 himself and to the Zoning Administrator and then possibly goes to the Planning Board. Mr. Marquise
312 continued that he thinks that they should continue to do this, however, wanted to affirm that the Board
313 still wants it to be done this way as this will help the new Zoning Administrator. Also, he thinks that
314 language needs to be added to this Article so that it references this process.

315 Mr. Marquise said that Ms. Gage currently has two applications that in the current process would just be
316 signed off on by himself and the Zoning Administrator. The first is Eversource, who has a substation on
317 North Rd. They have a small control building which they would like to add on to and there is no change
318 in use or increase in use and might be a decrease in use with new technology and fewer people on the
319 site. Mr. Clark asked if they are adding poles and Mr. Marquise said that they may be adding poles but it
320 does not change the use itself.

321 Mr. Marquise said that the other application is for the new Ziggy’s restaurant. It did not have a Site Plan
322 Review but they wanted to do a small deck to hold a cooler. He thinks that this would have been a
323 simple sign off as there is no change of the use or anything that impacts the site.

324 Mr. Marquise said that the Statement of Property Usage can also be used when one retail establishment
325 goes into a place where there was a different retail establishment. In cases where there has been a Site
326 Plan when there are changes to the hours of operation or to the lighting etc., those are cases where
327 they do come back before the Board. The basic building permits have been handled administratively.
328 Chairman White agreed that this makes sense. Mr. Clark asked and Mr. Marquise said that he has not
329 had any issues with this process brought to his attention. Chairman White said that he has found that
330 the administrators have always been overly conservative as the Board has had quite a few of the
331 Statement of Property Usages come before them. He thinks that the process is working well. Mr. Butler
332 asked and Mr. Marquise confirmed that a change of use will come before the Board for a Site Plan
333 Review.

334 There was further discussion regarding this matter and the Board agreed that they would like to
335 continue with this procedure.

336 Jeffrey Claus introduced himself to the Board and explained that he would like to become an Alternate
337 member. Mr. Claus continued to explain his background and such to the Board. Mr. Marquise
338 explained how being an Alternate member works. Mr. Marquise said that they already have a prepared
339 Certificate of Appointment and the Board can vote and sign off on the appointment.

340 Mrs. Larrow made a motion to accept Jeff Claus as a new Alternate on the Board. Vice Chair Osborne
341 seconded the motion. The motion passed unanimously.

342 There was a discussion regarding the Dunkin Donuts property and people parking in front of the building
343 and having Ms. Gage speak to them about the issue. There was a discussion regarding the curbing that
344 will be installed on the lot. There was also a discussion regarding the bridge construction

345 Chairman White asked about the extension of the deck at the Stacy's Smoothies building in the Harbor.
346 Mr. Marquise said that there was not an increase in the use so it was done through a Statement of
347 Property Usage and a Certificate of Zoning Compliance.

348 Mr. Jewczyn asked about when a subdivision is approved and if they can go back. Mr. Marquise said
349 that this is the question for Town Counsel; until the Mylar is signed, nothing is final, however, there is an
350 approval based on the process that the Board has. Chairman White said that the Board did have
351 conditions on the approval and he thinks that it would be difficult to go back and say that the conditions
352 were met but now there are more. There was a brief discussion about the storm and the selective
353 cutting.

354 Mr. Clark asked if the Board can request enough copies of submitted documents for each members. Mr.
355 Marquise said that for a hearing they try to make sure there are enough copies, however, for a
356 consultation they are not supposed to tell an applicant what to bring as it is just supposed to be a
357 discussion. The Board said that they would like applicants who are coming for consultations to be told
358 that there are seven members so if they would like to bring a handout it would be appreciated to have
359 enough copies.

360 **MINUTES**

361 Changes to the Planning Board minutes from May 10, 2018: Change Line 34 to read "...applicants ask for
362 more..." Change Line 116 to read "Chairman White asked..." Change Line 138 to read "...has to be
363 cognizant..." Change Line 140 to read "Mr. Hazelton is..."

364 Mr. Clark made a motion to approve the minutes as amended. Mr. Butler seconded the motion. The
365 motion passed unanimously.

366 Mr. Clark made a motion to adjourn the meeting at 9:08 pm. Mr. Butler seconded the motion. The
367 motion passed unanimously.

368 Respectfully submitted,

369 Melissa Pollari

370

371

372

373

374 Planning Board

375 _____

376 Peter White, Chairman

Richard Osborne, Vice Chair

377 _____

378 Donna Davis Larrow

Joseph Butler

379 _____

380 Joseph Furlong

Randy Clark

381 _____

382 Michael Jewczyn, Alternate

Suzanne Gottling, ex-officio member

383