

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **JULY 12, 2018**

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

6 **ABSENT:** Joseph Butler; 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. Jewczyn to sit in for Mr. Furlong for the meeting.

10 **ALTERNATE MEMBER**

11 Chairman White explained that Jeffrey Claus was not a resident when the Board appointed him as an
12 Alternate Member at a previous meeting, so they need to go through the process again.

13 Mrs. Larrow made a motion to appoint Jeff Claus as an alternate. Vice Chair Osborne seconded the
14 motion. The motion passed unanimously, and the Board signed the Certificate of Appointment. Betty
15 Ramspott, the Town Clerk Tax Collector, signed Mr. Claus in as an Alternate Member.

16 Chairman White appointed Mr. Claus to sit in for Mr. Clark for the meeting.

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

19 Mr. Marquise gave the Board documentation from the NH DOT that was requested as well as updated
20 plans based on that documentation.

21 Mr. Marquise updated the Board on the case that was first heard in May. The case was re-noticed to
22 include the boat storage as it was not part of the original application.

23 Mrs. Fico continued to present the merits of the case.

24 Chairman White asked and Mrs. Fico confirmed that the State has some required provisions for the
25 business. Chairman White asked and Mrs. Fico said that they cannot have a permanent or fixed sign in
26 the State's right of way; they can have a portable flag or sign and will put a sign on the building.

27 Mr. Jewczyn asked about a scaled layout design for the boat storage that DOT is requiring. Mrs. Fico
28 said that she does not have one yet. Mr. Marquise said that an approval can be conditioned on
29 satisfying the DOT requirements. Chairman White asked and Mrs. Fico confirmed that the DOT is asking
30 that the entrances to the property be narrowed. Mrs. Fico said that this is indicated on the revised plan.
31 There was further discussion regarding the DOT requirements.

32 Chairman White asked and there were no additional questions from the Board. Chairman White asked
33 and there was no one in the audience with any questions or comments.

34 There was a brief discussion regarding painting the building and the new roof.

35 Mrs. Larrow said that she thinks that the applicants have addressed everything that the Board has asked
36 for; she would like the motion to include that the DOT requirements must be adhered to. Mr. Marquise
37 said that the document from DOT is called an "Intent to Permit" and is not the actual permit, which
38 should be approved in approximately three weeks; it should be noted that there might be other
39 conditions in the final permit.

40 There was a brief discussion regarding landscaping and buffering as the applicants will be putting in low
41 bushes and flowers.

42 Mrs. Larrow made a motion to approve the Site Plan for an antique and consignment store and boat
43 storage, Route 103, for NAF Sunapee, LLC, Parcel ID: 0147-0019-0000, with the stipulation that all State
44 Intent to Permit and Final Permit details are complied with. Mr. Jewczyn seconded the motion. The
45 motion passed unanimously.

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

48 Mr. Marquise said that this case was previously continued because the case before the Zoning Board
49 was continued. The Zoning Board denied the application at their June meeting and the decision might
50 be appealed but he does not think an appeal has been filed yet. He thinks that the case can be
51 continued one more time to the August 9th meeting.

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

55 Mr. Marquise said that he spoke with Cory Flint and Rick Mastin regarding this case and they do want to
56 proceed with this project. They were denied by the Zoning Board, however, they are trying to alter their
57 plan to be able to get an approval and they should know before the Planning Board's next meeting what
58 direction they will be going in and will send a letter to either withdraw their case or to ask for an
59 extension. The hearing was continued to August 9th.

60 **PARCEL ID: 0235-0092-0000 & PARCEL ID: 0145-0020-0000: SUBDIVISION / ANNEXATION:**
61 **SUBDIVISION AMENDMENT PHASE 1 ANNEX 0.21 ACRES TO NOLEN; EDMONT RD; LYNNE BELL &**
62 **WILLIAM & ELLEN NOLEN**

63 Mr. Marquise said that the application was filed in advance, the fees were paid, the notices were
64 posted, and the abutters were notified. The application originally fell under the major subdivision
65 application requirements; however, this is now a minor subdivision as only three new lots are being
66 requested in this subdivision. There is also an annexation that will not create a new lot. Mr. Marquise
67 continued that with all the information previously submitted he believes that the application is
68 complete and the only thing to note that the State Subdivision Permit is not done.

69 Vice Chair Osborne made a motion to accept as complete the application for Parcel ID: 0235-0092-0000
70 and Parcel ID: 0145-0020-0000. Mr. Jewczyn seconded the motion. The motion passed unanimously.

71 Jason Bell and Clayton Platt presented the merits of the case.

72 Chairman White asked and Mr. Bell confirmed that the application is a scaled down version of Phase
73 One of the subdivision that was previously approved by the Board.

74 Mr. Platt explained that Phase One will be three new lots with road frontage on Edgemont Rd. They will
75 also be annexing a piece of land to the Nolen's property. There is a DOT driveway permit for Lots 1 and
76 2 to share a common driveway. They will then come in to the Board in the winter to discuss the other 7
77 lots and the road. The road has been built across the wetlands and approximately 600 ft into the
78 property.

79 There was a brief discussion regarding the annexation of the land to the Nolen's.

80 Mr. Platt said that they are hoping to submit the application for the State Subdivision Permit in the next
81 few weeks.

82 Mr. Claus asked if the existing barn and garage on the Nolen's property will be within the setbacks of the
83 new property lines. Mr. Platt said that he does not believe that they will be as the lot line will be moving
84 further away from them.

85 Mr. Platt said that the driveway access for Lot 3 is off the new road but it does have the required
86 frontage on Edgemont Rd. There are no current plans to sell Lot 3 as it is in the construction area. Mr.
87 Marquise said that for now the new road will just be considered a single driveway.

88 Mr. Marquise asked if the shared access between Lots 1 and 2 has been built. Mr. Bell said that it has
89 not but should be completed within the next two weeks when the test pits are done. Mr. Marquise said
90 that the DOT permit gave a year to complete the construction. Mr. Bell said that they will get the permit
91 renewed before the driveway is constructed.

92 Chairman White asked and there was no one with any additional questions or comments regarding the
93 case.

94 Mrs. Larrow made a motion to approve the subdivision and annexation, amendment Phase One, for
95 Parcel ID: 0235-0092-0000 and Parcel ID: 0145-0020-0000; to annex 0.21 acres to Nolen; Edgemont Rd,
96 Lynne Bell and William and Ellen Nolen. Vice Chair Osborne seconded the motion. Mr. Marquise
97 suggested adding two conditions, one being receiving the State Subdivision Permit and the other being
98 updating the DOT Access Permit. Mrs. Larrow amended her motion to include those items. Vice Chair
99 Osborne seconded the amendment. The motion passed unanimously.

100 **PARCEL ID: 0225-0020-0000: SUBDIVISION: ONE NEW LOT; 123 YOUNGS HILL RD; DAVID & PAULINE**
101 **BAILEY**

102 Mr. Marquise said that the application was filed in advance, fees were paid, abutters were notified, and
103 notices were posted. The application falls under Section 6.04 of the Subdivision Regulations and
104 qualifies as a minor subdivision so there can be waivers. The waived items for this application are the

105 existing and proposed utility lines and the plans for storm water drainage. Mr. Marquise continued that
106 he believes the application is complete with those waivers and the information presented. Additionally,
107 the State Subdivision has been approved. Mr. Marquise gave the Board copies of the plans with the
108 driveway for Lot 2 added.

109 Mrs. Larrow made a motion to accept the application as complete for the subdivision, one new lot, 123
110 Youngs Hill Rd, David and Pauline Bailey, Parcel ID: 0225-0020-0000 with the following waivers: the
111 utility lines and storm water drainage. Vice Chair Osborne seconded the motion. The motion passed
112 unanimously.

113 David Bailey presented the merits of the case.

114 Mr. Bailey explained that he purchased the property with the intent to subdivide it. The existing house
115 will be demolished and it was a requirement of the Zoning Board approval that the two sheds be
116 removed. The sheds have been demolished and will be cleaned up; the intent is to clean up the
117 property and have two building lots. He will build a house on one of the lots and sell the other.

118 Chairman White asked and Mr. Bailey confirmed that his intent is to create two lots, one being 1.50
119 acres and the other being 1.45 acres. Mr. Marquise said that Lot 2 is slightly below 1.50 acres but was
120 granted a Variance because the size the property was originally believed to be big enough to subdivide.

121 Chairman White asked and Mr. Bailey confirmed that the lot drains away from the road and is mostly
122 captured in the small wetland on the edge of the property. Mr. Bailey said that there is a cross culvert
123 at the property line that takes a lot of the water from the other side of the road into the wetland and
124 then it eventually drains to the waste water plant.

125 Mr. Jewczyn asked if the neighbors are close to the property. Mr. Bailey said that they are a little close
126 and described their location. Mr. Bailey said that his intent is to leave a boundary of trees between the
127 neighboring properties. There is plenty of road frontage and sight distance for both properties.

128 Chairman White asked and Mr. Bailey said that he currently plans on building a house on the lot where
129 the current house is located.

130 Mr. Jewczyn asked where the water from the spring goes and Mr. Bailey explained that there is a dug
131 well on the property that feeds the house. Mr. Bailey said that when he purchased the property there
132 was water in the well but hasn't looked at it recently.

133 The Board was asked and Chairman White confirmed that the applicant did not provide a storm water
134 drainage plan with the application. Chairman White said that reading the contours, the land falls away
135 from the road and there is an indicated wetlands on the map that looks as though everything flow into
136 it.

137 Mr. Jewczyn asked if there will be any additional outbuildings added. Mr. Bailey said that he doesn't
138 intend to rebuild any of the sheds.

139 Chairman White asked and there were no additional comments or questions.

140 Mr. Jewczyn made a motion to accept the subdivision as presented and explained for Parcel ID: 0225-
141 0020-0000 for one new lot, subdividing at 123 Youngs Hill Rd for David and Pauline Bailey. Mrs. Larrow
142 seconded the motion. The motion passed unanimously.

143 **PARCEL ID: 0148-0039-0000: TREE CUTTING REQUEST: TREE CUTTING ON SHORELINE; 41 CHANDLER**
144 **DR; THOMAS & DEBRA LECLERC**

145 Clayton Platt presented the merits of the case. Chairman White asked and Mr. Marquise explained that
146 Mr. Platt does not need a letter stating that he has permission to present the case as the owners signed
147 the application and he is the surveyor of the property.

148 Mr. Platt explained that the lot is 0.191 acres and is located behind the old store that is at the Mt.
149 Sunapee traffic circle. The owners purchased the property a few years ago and they plan on rebuilding
150 the property as it is not in very good condition. They are also installing a new septic system and small
151 leach field and a new well.

152 Mr. Platt explained the location of the trees that they are proposing to cut as well as the dimensions of
153 the trees and the species.

154 Chairman White asked and Mr. Platt confirmed that the well cannot be any closer to the leach field, it is
155 as close as it can be.

156 Doug Gamsby explained that they have not received the Shoreland Permit yet and need the Shoreland
157 approval before they can get the Septic approval.

158 Mr. Platt said that they will be replanting 100 sq ft of bushes and shrubbery along the shore and 250 –
159 300 sq ft in another area to restore it to an unaltered state. They may also plant a few trees near the
160 house. Mr. Claus asked and Mr. Platt confirmed that all of this has been indicated on the State
161 Shoreland Permit application.

162 Chairman White asked and Mr. Platt confirmed that most of the house is located within the 50 ft
163 shoreland setback. Mr. Platt said that the owners will be asking for a Special Exception to raise the
164 house but will rebuild in the same footprint.

165 Mr. Jewczyn asked and Mr. Platt said that the owners purchased the property in September of 2015.

166 There was a discussion regarding the trees being removed in the different “zones” indicated on the plan
167 as there will be one zone without any trees and the hope is that the plantings along the shore will make
168 up for this.

169 There was a discussion regarding the trees that are over the house as they are not leaning towards the
170 house but are within 10 ft of the house.

171 Mr. Gamsby explained that two oak trees that will be removed are for the septic tanks. Mr. Jewczyn
172 asked and Mr. Gamsby explained that there is an existing septic system on the site that they do not
173 know the condition of so it will be removed. The house will not expand and will remain two bedrooms.
174 The septic system needs to be 75 ft from the new well that will be installed as they have been drawing

175 water from the lake. Mr. Marquise said that there are limits to the number of bedrooms based on the
176 lot size.

177 Mr. Jewczyn asked if the reason for some of the removal of the trees to the south side is because the
178 house will be in peril. Mr. Platt explained that they will be digging 5 ft into the ground to install a frost
179 wall and the trees are mature and taller than the other trees in the neighborhood and will be in danger
180 of falling over. Chairman White said that the Ordinance is written that the lot is allowed to be cleared
181 within 10 ft of a foundation and the house is being rebuilt; by right, the two big pines on the south side
182 can be cut down. There was further discussion regarding these trees.

183 Chairman White asked and there were no additional comments or questions.

184 Mrs. Larrow made a motion to approve the tree cutting request, tree cutting on Shoreline, 41 Chandler
185 Dr, Thomas and Debra LeClerc, Parcel ID: 0148-0039-0000; conditioned that the Shoreland Permit that
186 has been submitted and septic design are approved. Vice Chair Osborne seconded the motion. The
187 motion passed with five in favor and one opposed.

188 **PARCEL ID: 0148-0038-0000: TREE CUTTING PERMIT: TREE CUTTING ON SHORELINE; 37 CHANDLER**
189 **DR; RICHARD & AMY NEVILLE**

190 Richard Neville and Doug Gamsby presented the merits of the case.

191 Mr. Gamsby explained that this property is next door to the property for the previous case. The
192 property is approximately 100 ft by 100 ft and Mr. Neville has the same situation as he just purchased
193 the property and wants to remove some trees.

194 Mr. Gamsby explained the location and species of the trees that the applicants would like removed;
195 some of the trees are dead, some of the trees are hazardous to the house, and some of the trees need
196 to be removed for a new septic system.

197 Mr. Gamsby said that he has an approved State Shoreland Permit by Notification as well as the septic
198 approval.

199 Mr. Gamsby said that they do have sufficient points in all four cells for the trees within the 50 ft
200 shoreland as well as outside the setback.

201 Chairman White asked and Mr. Gamsby and Mr. Neville explained the improvements that have been
202 done to the property and that they are adding a new septic system and a well.

203 Chairman White asked if the 10 ft perimeter allowed for the tree removal is for new construction. Mr.
204 Marquise said that it is allowed for existing structures as well. There was further discussion regarding
205 this matter.

206 Mr. Gamsby said that the main reason to take the trees down is that some have been hit by lightning,
207 some are hanging over the house, and some are dead.

208 Mr. Claus asked and Mr. Gamsby confirmed that the trees being removed are on the Shoreland Permit.

209 Chairman White asked and Mr. Gamsby explained the area on the plan that is the “proposed unaltered
210 area”.

211 Mrs. Larrow asked if there is a plan to replace any of the trees. Mr. Gamsby said that there is not a plan
212 at this time. Mr. Neville said that he and his neighbors have discussed putting some hemlocks between
213 their two properties as the two septic systems going in will open up the area that is currently treed.

214 Mr. Jewczyn asked and Mr. Neville explained that the LeClerc’s are the neighbors on one side and there
215 is a vacant lot on the other side of his property. Mr. Jewczyn asked and Mr. Neville said that the
216 property is owned by the Smith’s. Mr. Jewczyn asked and Mr. Neville said that once the septic tank goes
217 in the propane tank will be moved to the other side of the house. There was further discussion
218 regarding the propane tank.

219 Mr. Jewczyn asked and Mr. Gamsby explained the septic system and that it will be pumped up to the
220 leach field.

221 Mr. Osborne asked and Mr. Gamsby confirmed that there was a waiver required for the distance from
222 the well to the septic system; there were five or six waivers required for the septic system.

223 Theodore Gallup said that he was under the impression that if there is a hazardous tree and if the tree is
224 denied being removed and then comes down it could come back against the town. Chairman White said
225 that he understands and the Board did not do that with the first case. Mr. Jewczyn said that the Board is
226 also governed by certain regulations. Mr. Gallup said that with the Shoreland, usually when something
227 is a hazard tree they say to take it down. There was further discussion regarding this matter.

228 Chairman White asked and there were no additional question or comments.

229 Vice Chair Osborne made a motion to approve the Tree Cutting Permit for Parcel ID: 0148-0038-0000.
230 Mrs. Larrow seconded the motion. The motion passed with five in favor and one opposed.

231 **OTHER BUSINESS**

232 **PARCEL ID: 0128-0016-0000 & PARCEL ID: 0128-0017-0000: LOT MERGER; 25 GARNET ST; MORGAN &**
233 **LORETTA DEWEY**

234 Mr. Marquise explained that a lot merger is done when an owner with two or more parcels wants to
235 merge them into one lot. Regarding this case, the back lot, Lot 17, will be merged into the developed
236 lot, Lot 16. It will get rid of a non-conforming lot and make Lot 16 better.

237 There was a discussion regarding the tax map of the properties and the location of the structure.

238 Mr. Jewczyn made a motion that the lots be conjoined as presented on the plan for Parcel ID: 0128-
239 0016-0000 effectively with Parcel ID: 0128-0017-0000 and accept the lot merger for 25 Garnet St for
240 Morgan and Loretta Dewey. Vice Chair Osborne seconded the motion. The motion passed
241 unanimously.

242 **PARCEL ID: 0128-0020-0000 & PARCEL ID: 0128-0019-0000: LOT MERGER; 29 GARNET ST; GLEN &**
243 **SANDRA HAWKINS**

244 Mr. Marquise said that this application is to combine Lots #19 and Lots #20 into one lot. Eventually, the
245 plan is to subdivide and have part of what is currently Lot #19 become part of Lot #18, which is next
246 door. However, currently it just makes the two non-conforming lots, Lots # 19 and #20 more
247 conforming.

248 Mrs. Larrow made a motion to approve the lot merger for 29 Garnet St, Glen and Sandra Hawkins,
249 Parcel ID: 0128-0020-0000 and Parcel ID: 0128-0019-0000. Mr. Jewczyn seconded the motion. The
250 motion passed unanimously.

251 Mrs. Gottling asked as the combined lot will still be non-conforming how they can subdivide a piece of it
252 to merge it to Lot 18. Mr. Marquise said that it will require Zoning approval and then approval from the
253 Planning Board for the subdivision. There was a brief discussion regarding this matter.

254 **JOLYON JOHNSON, SUNAPEE HARBOR RIVERWAY FOLLOW-UP ON PRIOR DISCUSSION ABOUT ZONING**
255 **CHANGES IN HARBOR**

256 Chairman White asked and Mr. Johnson was not in attendance nor was there anyone from the Riverway
257 to discuss the matter with the Board. Mr. Marquise said that he spoke with Mr. Johnson about
258 attending the last meeting but the agenda was busy. Mr. Johnson may have seen this agenda and saw
259 how busy it was and will try another meeting.

260 Mr. Marquise explained that Mr. Johnson was before the Board in February to discuss Zoning changes in
261 the Harbor, including a possible overlay district, to help facilitate some projects in the Harbor. This
262 would also include loosening some of the Shoreland regulations as the area is already built up.

263 Chairman White said that this discussion can be moved to the next meeting.

264 **MYLAR: PARCEL ID: 0225-0027-0000: FURTHER DISCUSSION ON ROBERT GALLUP SUBDIVISION**

265 Chairman White said that at the last meeting the Board was given a letter from an attorney representing
266 a neighbor of Mr. Gallup and the Board wanted to have the Town's attorney review the letter for his
267 interpretation, which was done.

268 Chairman White said that the Board just received a letter from an attorney representing Mr. Gallup. The
269 Board read through the letter.

270 Vice Chair Osborne asked and Chairman White said that the Board did get a response from the Town's
271 attorney regarding the letter from Mr. Gallup's neighbor's attorney. The Town's attorney has not been
272 notified of the letter from Mr. Gallup's attorney.

273 Chairman White said that the Board does have some options; they do not need to sign the Mylar at this
274 meeting. The information from the Town's attorney is confidential, and the Board has the right to
275 review and discuss it during a non-public session. Mr. Marquise said that he has copies of RSA 91-A:3 for
276 the Board for their review. Chairman White said that the Board has to decide together if they want to
277 go into a non-public session and can choose to do that at this meeting or they can choose to send the
278 letter that the Board just received to the Town's attorney for review and then can go into a non-public
279 session at the next meeting.

280 Mr. Jewczyn said that he was not involved in any of the decision making for this case. His concern is
281 getting into the habit of going into a non-public session and he wonders if it sends a message that is not
282 correct. Chairman White said that the Town's attorney is acting on the Board's behalf and the Town's
283 attorney has not had a chance to review the letter given to the Board from Mr. Gallup's attorney. A
284 letter from the Town's attorney that is read at a public meeting makes it public and information from
285 the letter cannot be withheld. There was further discussion regarding this matter.

286 Mrs. Gottling asked and Chairman White said that currently no one knows the Town attorney's opinion.
287 Mrs. Gottling said that the Town attorney's opinion could change based on the new letter. Chairman
288 White said that he thinks that if the Board is relying on the Town's attorney for guidance then he should
289 get all the information that the Board has. The rest of the Board agreed with Chairman White.

290 Chairman White said that the Board can choose to disseminate the Town attorney's opinion in public at
291 the next meeting if they would like or can go into non-public session. Chairman White said that he'd
292 also like to have it noticed as a non-public session rather than just going into a non-public session. Mr.
293 Marquise said that everything that has been done thus far has been done as an agenda item; the Board
294 is just trying to decide if they are going to sign the Mylar.

295 Chairman White said that the non-public session that would relate to the Board is RSA 91-A:3 (L), which
296 is for "consideration of legal advice provided by legal counsel, either in writing or orally, to one or more
297 members of the public body, even where legal counsel is not present".

298 Mrs. Larrow said that the first thing the Board needs to do is decide if they are going to have the Town's
299 attorney review the letter from Mr. Gallup's attorney; currently the Board only has half an opinion. This
300 forces the Board to continue this to the next meeting. Mrs. Larrow continued that she feels that there is
301 a difference between an attorney giving the Board advice and giving an opinion of law. If the Town's
302 attorney is going to give advice it should be attorney-client privilege and done at a closed meeting. If
303 the attorney is giving an opinion of law and is going to be left for the Board to interpret then she
304 believes it should be made public. Mr. Marquise said that is something that is usually determined
305 during the non-public session. There was further discussion regarding this matter as Mrs. Larrow would
306 like part of the Board's request to the attorney when asking him to review the letter to include asking
307 whether the attorney is giving the Board advice or if he is making an interpretation of the law.

308 Mr. Jewczyn asked and the Board explained that the attorney's response cannot be given to the Board
309 members individually, it has to be done at a meeting.

310 Vice Chair Osborne asked and Chairman White said that the Board will need to make a motion to have
311 the non-public session and it should be held either before or after the meeting and should be noticed.

312 There was further discussion regarding holding a non-public session. The Board determined that they
313 will notice the non-public session on the next agenda for the August 9th meeting. The Board will discuss
314 if they can sign the Mylar per the legal input from the Town's attorney. Mr. Marquise said that there
315 will also be a discussion held in the public session regarding signing the Mylar or they may just sign the
316 Mylar.

317 Mr. Gallup's attorney said that this is not something that is scheduled as a public hearing and is not
318 subject to oral argument. He suggests that the Board consult with the Town's attorney and discuss it at
319 the next meeting.

320 MISCELLANEOUS

321 There was a brief discussion regarding Mr. Johnson's proposals for the Zoning in the Harbor.

322 Mr. Marquise gave the Board a copy of a letter from Michael Durfor regarding the Livery building. It
323 includes an update regarding the uses and the increase for the usage in the winter. There was further
324 discussion regarding the Livery and the Site Plan and the events that have been held.

325 There was a discussion regarding the removal of more than 5 trees along the Shoreland and the Board's
326 historical stance regarding them. Mr. Claus asked and Mr. Jewczyn explained his reasoning for voting to
327 deny the removal of the trees. There was further discussion regarding tree removal applications and
328 that people are allowed to remove trees within 10 ft of their house if they are within the 50 ft Shoreland
329 and the trees that are within 20 ft of their house if they are outside the 50 ft Shoreland. There was a
330 discussion regarding the tree cutting permits for 5 or less trees and that a final permit is required from
331 the Zoning Administrator for those. There was also a discussion regarding a property on Lake Ave that
332 has had trees removed.

333 Mr. Marquise said that there is a Zoning Ordinance that says that properties with poorly drained or very
334 poorly drained soils are considered to be wetlands and cannot be built upon; this is based on the
335 mapping was done years ago by the Soil Conservation Service, which is not very accurate. The
336 Ordinance allows this to be challenged by having a wetlands or soil scientist do a new map of the lot
337 proving that it is not in the wetland; it also requires the evidence be given to the Planning Board for a
338 decision. In the past, the Planning Board has allowed this to be handled administratively because the
339 information comes from a soil scientist. Mr. Marquise continued that he is going to try and rewrite this
340 Ordinance, however, in the meantime, he would like to know if the Board would like this to still be
341 handled administratively or if they would like to review these cases. There was a discussion regarding
342 this issue and if the Board would like the documentation regarding these properties sent to them but
343 still be handled administratively. There was further discussion regarding this matter as well as about the
344 legislation happening at the State level.

345 MINUTES

346 Changes to the Planning Board minutes from June 14, 2018: There were no changes to the minutes.

347 Mrs. Larrow made a motion to accept the minutes as printed. Vice Chair Osborne seconded the motion.
348 The motion passed unanimously.

349 Mrs. Larrow made a motion to adjourn the meeting at 9:47 pm. Vice Chair Osborne seconded the
350 motion. The motion passed unanimously.

351 Respectfully submitted,

352 Melissa Pollari

353 Planning Board

354 _____

355 Peter White, Chairman

Richard Osborne, Vice Chair

356 _____

357 Donna Davis Larrow

Joseph Butler

358 _____

359 Joseph Furlong

Randy Clark

360 _____

361 Michael Jewczyn, Alternate

Jeffrey Claus, Alternate

362 _____

363 Suzanne Gottling, ex-officio member

364