

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **AUGUST 9, 2018**

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

7 **ABSENT:** Joseph Furlong

8 **See attached sign in sheet**

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

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

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

12 Chairman White asked for a motion to go into a non-meeting to consult with the Town's legal counsel
13 under NH RSA 91-A:2 (l). Chairman White explained that the Board will be taking a brief recess to talk to
14 the Town's attorney on the phone in the kitchen adjacent to the meeting room.

15 Mrs. Larrow made a motion that the Board go into a non-meeting. Vice Chair Osborne seconded the
16 motion. The motion passed unanimously. The Board went into a non-meeting at 7:02 pm and
17 reconvened at 7:17 pm.

18 Chairman White explained that the applicant met all the conditions that the Board put on him so there
19 is no need to have any additional public meetings regarding the application. Regarding the appeal of
20 that case, the Board's understanding is that the appeal was submitted after the 30 day appeal period
21 concluded so the appeal is not valid. Therefore, the Board will be signing the Mylar.

22 Mr. Clark said that he interned at Cleveland, Waters and Bass from January 2018 until May 2018,
23 however, he was not involved in this case in any way.

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

26 Mr. Marquise said that he has not received anything regarding this case and the application has not
27 been accepted as complete by the Board. It was denied by the Zoning Board and there has not been an
28 appeal submitted. He recommends that the Board vote that they find the application incomplete.

29 Vice Chair Osborne made a motion for Parcel ID: 0136-0007-0000: Site Plan Review for a small antique
30 store at 179 Burkehaven Hill Rd, Richard Raps Revocable Trust to be declared incomplete. Mr. Butler
31 seconded the motion. The motion passed unanimously.

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

35 Mr. Marquise said that he received a letter from Rick Mastin and Cory Flint requesting that this case be
36 continued another 60 days (see attached). He suggests that the Board continue the case at least until
37 the next meeting and if an application has not been submitted to the Zoning Board by that time then the
38 Board can determine that the application is incomplete.

39 **PARCEL ID: 0133-0027-0000: SITE PLAN REVIEW: BUILD 3 FAMILY DWELLING UNITS AND A 4-CAR**
40 **GARAGE. 11 GARNET ST, MATHEWSON PROPERTIES, LLC**

41 Mr. Marquise said that the application was filed in advance, fees were paid, abutters were notified, and
42 notices were posted. The application falls under Article V of the Site Plan Review Regulations and is a
43 full Site Plan. He has reviewed all the items and believes there are elements of everything the Board
44 asks for on the plan. There were some questions from the Highway Department regarding drainage and
45 some layout issues but those can be discussed during the merits. Mr. Marquise continued that the
46 project will require a Shoreland Permit but the application can be accepted as complete without the
47 permit; with that requirement noted, he believes that the application is complete.

48 Mr. Clark made a motion to accept the application as complete. Mrs. Larrow seconded the motion. The
49 motion passed unanimously.

50 Phil Mathewson presented the merits of the case. Mr. Mathewson gave the Board updated plans as they
51 have added some trees and increased the size of the pervious area to try and make sure that the
52 Shoreland Permit matches the Site Plan.

53 Mr. Mathewson explained that he has owned the property for 14 years and it is currently a 6-unit
54 apartment building. There is a minimal foundation and most of the building is sitting on rocks and the
55 building keeps moving closer to the Lake. Mr. Mathewson continued to describe the current state of the
56 property.

57 Mr. Mathewson explained that the plan for the property is to tear down the existing building, which
58 does not currently meet any setbacks, and replace it with a more conforming three unit building. All the
59 units will have four bedrooms and there will also be four garage bays under the building. One of the
60 biggest hurdles regarding this project was the setbacks and the new design allows them to meet the rear
61 and side setbacks. They also received relief from the Zoning Board for the front setback for the front
62 porch. Chairman White asked and Mr. Mathewson said that the only condition from the Zoning Board
63 to obtain obtaining a Shoreland Permit.

64 Mr. Mathewson said that another hurdle for the project pertained to parking. Currently, the six units
65 require twelve parking spaces under the current regulations and he only has ten; the parking drove the
66 size of the building. They have six delineated parking spaces and another four bays in the garage, some
67 of which can hold two cars; they have doubled the parking needed for the property. The bylaws for the
68 association will make it clear that there will be no on-street parking to avoid people parking on the road.

69 Mr. Mathewson said that the third obstacle was the impervious vs pervious area on the property. The
70 existing impervious area is 5,238 sq ft, which is 66.3% of the lot. The goal was to get to 60%, which has
71 been done by making both the side driveways pervious concrete pavers. They were able to get the
72 impervious area to 4,670 sq ft, which is 59.2% of the lot. Mrs. Larrow asked and Mr. Mathewson said
73 that the pervious pavers are also where the parking areas will be. Mr. Mathewson explained that was

74 one of the changes that was on the new plan he submitted. He wanted to get the Shoreland Permit
75 approved, however, the State wants the Site Plan and the Shoreland Permit to match so he needed Site
76 Plan approval first. Mr. Claus asked and Mr. Mathewson explained that the Condominium Association
77 will maintain the pavers. There will be bylaws that include details regarding all of the maintenance for
78 the property. There was further discussion regarding the pervious pavers and the maintenance.

79 Mr. Mathewson said that he recognizes that the harbor is very busy and active and a project of this size
80 could have a negative effect on the area. His goal is to break ground on October 1st and wrap it up by
81 May 1st to avoid the busy time in the harbor.

82 Mr. Mathewson said that he provided all of the elevation plans and those include the lighting. He asked
83 the architect to do the minimum lighting that is required by State code as he feels as though the harbor
84 is lit up enough. They went with lighting that goes up and down and they have lights on all four sides of
85 the building. Mr. Jewczyn asked if Mr. Mathewson considers the lighting to be dark sky lighting and Mr.
86 Mathewson said that the lights will light from the ground to the light and then above the light. Mr.
87 Mathewson was asked and explained that the lights on the front will be on timers and the lights in the
88 rear will be controlled by the owners.

89 Mrs. Gottling asked how to get into the units and Mr. Mathewson explained where the entrances to
90 each unit are located using the plan.

91 Mr. Jewczyn asked if Mr. Mathewson knows how many permanent residents in town will be affected by
92 the construction traffic and if Garnet St will need to be closed at all. Mr. Mathewson said that he spoke
93 the Chief of Police about this issue. Across from the property is a paved parking lot owned by Indian
94 Cave and he is working with them to see if he can use that area as a detour if necessary. He was also
95 looking at the potential to expediate the project and use pre-formed panels but he does not think they
96 are going to go in that direction. The heavier traffic will be during the demolition, which will take about
97 two days. The only permanent residents that he knows who are immediate abutters are Glen and
98 Martha Field but they are going to Florida for the winter and the other people around him are seasonal.
99 Mr. Jewczyn said that he thinks that the people on the road should get plenty of notice of the project if
100 the road needs to be closed. Mr. Mathewson said that currently it does not look as though the road
101 needs to be dug up for the water or the sewer connection as there is an existing connection for the six
102 unit building. There was further discussion regarding the traffic and possible detour and placing a
103 condition on an approval regarding coordinating with local officials regarding the roadway.

104 Mr. Butler asked if Mr. Mathewson plans on tying into the existing storm water tank. Mr. Mathewson
105 said that he has spoken about this with the Highway Director. They will have a perimeter drain and
106 drainage at the bottom of the area with the pervious pavers. They will also do an interception drain at
107 the bottom of the driveway that will tie into the tank and the perimeter drains also tie into the tank.
108 This will help ensure that the road does not have any issues. Mr. Mathewson was asked and said that
109 the roof drainage can also be tied into the storm water tank but the current plan does not show that.
110 Mr. Marquise said that Mr. Hazelton did bring up the possibility of creating a catch basin at the south
111 edge of the parking lot and having it flow back to the tank. There was further discussion regarding the
112 drainage system and the tank that was installed upon his property by the Town without his knowledge
113 or permission.

114 Mr. Jewczyn asked and Mr. Mathewson explained that he will not use or only sparingly use sand in the
115 parking lots because it will fill up the pervious pavers. Mr. Jewczyn asked and Mr. Mathewson
116 confirmed that the Town might sand the road and there may be tracking onto the pavers. Mr. Jewczyn
117 asked and Mr. Mathewson confirmed that during construction they will be using a silt sack, hay bales,
118 socks filled with wood chips, and will stabilize areas that are disturbed; they understand that they need
119 to protect the catch basin. Mr. Mathewson said that the water continues down the street and will only
120 go into the lake on heavy flows. Mr. Jewczyn asked if the person running the job is trustworthy and
121 competent. Mr. Mathewson said that he is the person doing the project as this is what he does for a
122 living. Mr. Jewczyn asked about the tank that was installed on Mr. Mathewson's property without his
123 knowledge and Mr. Mathewson explained that the town installed the tank without his permission or
124 knowledge. Mr. Mathewson gave further explanation regarding his occupation and his experience in
125 construction.

126 There was a discussion regarding the foundation and the height of the stone walls as the Board was not
127 sure the walls were below the maximum height allowance.

128 Mr. Butler asked and Mr. Mathewson explained the garage parking for each of the units. The two end
129 units have one garage bay underneath them for those units and the center unit has two garage bays
130 underneath it for that unit.

131 Mrs. Larrow asked and Mr. Mathewson confirmed that he plans on keeping one of the end units. Mr.
132 Clark asked if the units will be high end. Mr. Mathewson said that they will have granite, hardwood
133 floors, and tile bathrooms. Chairman White asked and Mr. Mathewson said that the architect wants the
134 roof to be metal but it will not be metal.

135 Mr. Marquise said that the snow storage appears to conflict with the parking spaces. Mr. Mathewson
136 explained that there are four dedicated snow storage areas. The driveway areas are 60 ft long so there
137 is quite a ways that the snow can pile up before it has to be removed for the parking. One area of snow
138 storage is surrounded by a stone wall and will require the snow to be scooped up into that area. There
139 is more snow storage proposed than has ever been on this property.

140 Mr. Claus said that he does not see how one of the walls is less than 42 inches. Mr. Mathewson said
141 that there is an existing wall now which runs along the property line. There was further discussion
142 regarding the walls and the steps and the regrading of the lot.

143 There was a discussion regarding the lot coverage and the front setback that is measured from the
144 centerline of the road. Mr. Butler asked and Mr. Marquise confirmed that the Zoning Board approved
145 this application with the only condition being obtaining a Shoreland Permit.

146 The Board discussed putting a condition on the application that walls cannot be higher than 42 inches
147 within the setbacks. Mr. Mathewson explained that they are improving the lots by creating greenspace
148 and putting in more pervious area. Mr. Mathewson was asked if he is confident the silt and runoff
149 during construction will be contained and explained that this is an easy site to control with the closed
150 drainage systems and pavement and they will use silt fencing, haybales, etc. They are only opening up
151 approximately 5 ft past the building. During construction, they will dig into the ground and line those
152 areas with rip rap and have all the construction drainage go to those two spots. Mr. Butler asked and

153 Mr. Mathewson said that they are probably digging down 6 ft on the back side. Mr. Marquise asked and
154 Mr. Mathewson confirmed that all of the erosion controls will be on the Shoreland Permit.

155 Chairman White asked if there was another material considered for what is identified as a lawn area on
156 the plan. Mr. Mathewson said that it would be nice to have grass and it is a pervious surface. Chairman
157 White said that grass is not always ideal along the waterfront. Mr. Mathewson said that they discussed
158 having an open rain garden but the drainage would have to go to the Town's drainage system and would
159 not be filtered.

160 Mr. Jewczyn asked about snow removal if there is a significant snowfall. Mr. Mathewson said that he
161 cannot push snow into the lake but in years past he has received permission from Indian Cave to use
162 their parking lot to plow the snow into.

163 Chairman White said that he is not convinced that the stone wall is under 42 inches. Mr. Mathewson
164 said that he asked his architect to show the lighting on the plan and they are still working on the
165 elevations. The front lawn area will need to be tiered or sloped. There was further discussion regarding
166 this matter.

167 Chairman White asked if there was a discussion with the Highway Director regarding putting no parking
168 signs in the areas where parking will not be allowed. Mr. Mathewson said that he has not discussed this
169 with anyone as the spaces will be going with the condos. Chairman White asked and Mr. Mathewson
170 said that he was not planning on having any signage on the property. Mr. Marquise said that Mr.
171 Hazelton requested no parking signs to be posted in front of the lawn areas. Mr. Mathewson explained
172 that was why they did not push things back as much so if someone does park there then they are in the
173 road. Mr. Jewczyn asked if there are adequate sight lines from all the parking areas. Mr. Mathewson
174 said that there is plenty of visibility on both sides.

175 Mr. Claus said that he thinks that the plan looks great and it is a huge improvement.

176 Chairman White asked if anyone in the audience had questions or comments regarding the case and
177 there were none.

178 Mr. Jewczyn asked about parking for other vehicles such as ATVs or motorcycles. Mr. Mathewson said
179 that the spaces will be assigned to the units and the owners can decide how to use them. He is not
180 planning on using his garage space, he will put some kayaks in it and park in his outside space. Chairman
181 White asked and Mr. Mathewson confirmed that if an owner has a boat they could park it in the garage
182 and park their vehicle in front of the garage.

183 Mr. Claus asked about the two doors in the back and if there will be walkways to the doors. Mr.
184 Mathewson explained that they will lead out to a lawn area. Mr. Mathewson said that if they do put
185 walkways there they will be pervious. Chairman White asked and Mr. Mathewson confirmed that they
186 will be adding tress to the back of the property. Mr. Mathewson said that there is an area with some
187 bamboo and they are disturbing the area and will hopefully be able to get rid of it and he needs to talk
188 to the LSPA about what is on their property. However, the bamboo classifies as something for the
189 shoreland area and need to offset it with other plantings. There was further discussion regarding the
190 bamboo.

191 Chairman White asked and Mr. Mathewson explained that this will be a condominium building and he
192 will own one of the units. Mrs. Gottling asked if the condominium owners will be permitted to rent their
193 units. Mr. Mathewson said that he has spoken with an attorney about an association plan and has not
194 thought about not allowing people to rent their units. He is not sure how he would feel about
195 purchasing a condominium where the bylaws prohibit renting.

196 Chairman White asked and there were no addition questions or comments regarding the application.

197 Mrs. Larrow made a motion to approve the Site Plan Review for Parcel ID: 0133-0027-0000 to build a
198 three family dwelling unit and four car garage at 11 Garnet St, Mathewson Properties, LLC; conditioned
199 on a written agreement with the Indian Cave properties and supervised by the Town for construction
200 processes, traffic, etc.; also conditioned on receipt of the Shoreland Permit with the erosion details; also
201 conditioned on receipt of the details that have been worked out with the Town Highway Department
202 including the driveway and drainage. Mr. Butler seconded the motion. Mrs. Larrow wanted to clarify
203 that the final plans that the Board has received are the plans that the Planning Board received. Mr.
204 Mathewson said that the only changes that have been made have been done after consulting with the
205 Department Heads but the setback hasn't changed. He also plans on having a full survey crew at the site
206 the day that the new structure is laid out. The motion passed unanimously.

207 **PARCEL ID: 0231-0042-0000 & PARCEL ID: 0231-0043-0000: LOT LINE ADJUSTMENT TO RECONFIGURE**
208 **LOT BOUNDARIES. NO CHANGES IN ACREAGE. 67 PINE RIDGE RD, CHERYL CAVANAUGH.**

209 Mr. Marquise gave plans of the project to the Board. Pierre Bedard presented the merits of the case on
210 behalf of Cheryl Cavanaugh Webb.

211 Mr. Marquise said that the application was filed in advance, the fees were paid, notices were posted,
212 and abutters were notified. The application falls under Section 6.04 of the Subdivision Regulations and
213 is a minor subdivision and eligible for waivers under Section 6.05 (b). He believes that the basic property
214 information has been presented, though it will require an approval for the septic. Mr. Marquise
215 continued that the items that can be waived under Section 6.05 (b) are: existing and proposed contours;
216 existing and proposed utility lines; storm water; and water supply. He believes that the application is
217 complete with those waivers.

218 Mr. Clark made a motion to accept the application as complete. Vice Chair Osborne seconded the
219 motion. The motion passed unanimously.

220 Mr. Bedard explained that Mrs. Cavanaugh Webb owns two parcels of land (Lots 16 and 30 per the
221 original subdivision); one parcel has a dwelling unit on it and the other lot is directly to the north of that
222 lot. They would like to reconfigure the lot line for these properties and build a house near the southern
223 end of the reconfigured lot; the lot sizes have been kept the same. Chairman White asked and Mr.
224 Bedard confirmed that the current property line runs from east to west and the proposed line runs from
225 north to south. Mr. Bedard explained that there are a few jogs in the proposed property line to
226 maintain the setbacks for the existing leach field for the house.

227 Mr. Butler asked where the access will be for the proposed house. Mr. Bedard said that one option is
228 directly in front of the property, just north of the driveway across the street. Another option is to put

229 the driveway at the northerly end of the lot and then come down parallel to the road and going around
230 the proposed leach field to the house.

231 Chairman White asked where the leach field will be located on the proposed lot. Mr. Bedard gave the
232 Board copies of sketches that show two proposed areas. Mr. Bedard said that the existing leach field is
233 a large area and the new system will be an enviro-septic system and smaller.

234 Mr. Marquise said that there is a line that shows poorly drained soils but it does not seem to connect
235 back to an area. Mr. Bedard explained that there is a drainage way that goes through an area and is not
236 a wetlands area. Mr. Marquise suggested noting that it is a drainage way on the plan as it does not
237 show up on the Town's overlay as poorly drained soils.

238 Mr. Butler asked and Mr. Bedard explained that the lot is relatively flat and slopes towards the drainage
239 way.

240 Mr. Jewczyn asked if there is a setback distance off the centerline of the road from where the new septic
241 system is proposed. Mr. Marquise said that there is no setback requirement for a septic system.

242 Mr. Marquise said that the plan shows a 15 ft side and rear setback and in the Rural Residential District
243 the setback is 25 ft and needs to be revised. The front 50 ft setback is measured to the centerline of the
244 road. Mr. Marquise also said that Note 3 on the plan says that the property is in the Rural Lands District
245 and it is in the Rural Residential District. Mr. Clark asked and Mr. Marquise confirmed that the plan will
246 need to be corrected before the Board will stamp it as approved.

247 Mr. Clark asked and Mr. Bedard said that he will determine the location of the driveway after he meets
248 with the Highway Director. Mr. Marquise asked and Mr. Bedard confirmed that the driveway location
249 will be on the final plan.

250 Mr. Marquise said that he believes the initial subdivision pre-dated Town requirements and asked if
251 anything in the deed for Lot 30 sets the lot aside for greenspace. Mr. Bedard said that there were four
252 recorded plans on the subdivision, each with revised dates and different handwritten notes but that
253 were essentially the same plan. Mr. Bedard said that there was a survey done on the property and that
254 is what they used for the project. The lot was not set aside but Lots 16 and 30 were added to the
255 subdivision at different times.

256 Chairman White asked if there were any questions or comments from the audience.

257 Ann Harvey, 94 Pine Ridge Rd, said that when they purchased their property 33 years ago there were
258 covenants in her deed that state that there can only be one house on each lot and that there can be no
259 additional subdivisions. Alan Peterson, 82 Pine Ridge Rd, gave a copy of the covenants to the Board.
260 Mr. Bedard said that this is a lot line adjustment, not a subdivision of the lots as they are not creating a
261 new lot. Mr. Peterson said that he has heard the term "subdivision" several times from Mr. Marquise
262 and Chairman White. Mr. Peterson asked for a definition between the difference between a subdivision
263 and a reconfiguration. Mr. Bedard said that the lot with the existing structure, both the current
264 driveway and the shed are on Lot 30 so the encroachment cannot be adjusted to meet the requirement.
265 Mrs. Larrow said that it is both a subdivision and an annexation because the lot line is being changed.
266 However, they are not creating a completely new lot. Mrs. Larrow asked what the concern the abutters

267 have because they are discussing changing a lot line. The Subdivision Regulations have to be used
268 because they are changing the lot line; the end result is that there are still two parcels of land with the
269 same acreage and with only one house each. Ms. Harvey said that it will no longer be only one house
270 per lot as originally designed. Mrs. Larrow asked if Lot 30 cannot have a house on it. Ms. Harvey said
271 that they could have a house on Lot 30 because that is the original design. Mrs. Larrow asked if the
272 objection is the design of the two pieces of land because they will still only have one house on each lot.

273 Mr. Peterson said that his property is across from this property and he is concerned about what
274 drainage might come from the other building lot onto his property. The road drain currently goes from
275 across the street, through a culvert, and onto his property. Additionally, his house sits close to the road
276 and this will increase the traffic on the road. Mr. Peterson continued that there have been issues with
277 wells in the neighborhood, especially since another property in the area was built upon. There is iodine
278 in the water and they cannot drink it and he is concerned about well issues.

279 Ms. Harvey said that she purchased her property 33 years ago and if there had been two houses in that
280 area they would not have purchased their property.

281 Mr. Peterson said that this opens up things for him to if he wanted to subdivide his lots again and build
282 more houses. Mrs. Larrow said that is not what is being done. Mr. Peterson said that if this gets
283 approved it sets a precedence. Mrs. Larrow said that it does not change the covenants that say there
284 can only be one house on one lot. Ms. Harvey said that the covenants say that there are no additional
285 subdivisions; someone purchasing the property 33 years ago might not have understood the subtleties
286 of reconfigurations. Ms. Harvey continued to discuss her concerns about the proposal and that she
287 objects to a driveway across the street from her driveway.

288 Chairman White asked and Mr. Marquise said that as far as he knows Lot 30 is a buildable lot. Mrs.
289 Gottling asked why the applicant wants to reconfigure the lots as opposed to keeping them the way that
290 they are. Mr. Bedard said that is where the owners wanted to build the new house, they didn't want to
291 build behind the existing house. Chairman White said that with the view of the mountain, the proposed
292 location is a more desirable location. Mr. Bedard said that he thinks the proposed location has better
293 conditions and is not as shaded as Lot 30.

294 Mr. Marquise asked if the idea of no further subdivision is stated on the plats and Mr. Bedard confirmed
295 that it is only stated in the covenants. Mr. Marquise said that the Board cannot enforce private
296 covenants; they have to follow the Town's rules. Mr. Bedard said that there may have been other lots
297 that have had lot line adjustments in the subdivision and there have been lots that have been merged.
298 There was further discussion regarding this matter.

299 Chairman White said that with this proposal, no new lots are being created; the purpose is to position a
300 house on a different location. Mr. Bedard said that part of their jobs as surveyors is to try and
301 determine the intent of the parties when a parcel was originally conveyed and when he reads the
302 covenants, the intent is to not create another new lot.

303 Ms. Harvey said that he thinks it would be interested to find out why Lot 30 is not being used. She
304 would also like a definitive answer as to if it is a buildable lot. Chairman White said that the assumption
305 is that it is buildable, just like any other lot. Ms. Harvey said that she knows that there are wetlands on

306 the lot. Mr. Bedard said that the property is being taxed as a buildable lot and he feels as though there
307 is a capability to put a house on it, closer to the side of the road that the existing house is on. The
308 owners do not feel as though it is a desirable site because of the shade and the view.

309 Mr. Jewczyn said that he is conflicted because he does see the abutters' position regarding the
310 covenants but Mr. Marquise is saying that the Board cannot enforce the covenants.

311 Mark Thompson, 103 Pine Ridge, said that he thinks that the Board has to take seriously the comments
312 from the Harvey's that the lot line adjustment will affect the characteristics of the neighborhood. It is a
313 detrimental change as far as the Harvey's are concerned. If there are non-conforming lots in an existing
314 subdivision, the Planning Board should do something to limit lot line adjustments so that they do not
315 change the characteristics of a neighborhood and make it detrimental to the existing owners. Mr. Butler
316 asked and Mr. Thompson said that he does not have any thoughts or recommendations, he is just
317 commenting. Chairman White said that it is a residential area and the Board is discussing a proposed
318 house lot so he does not see how it changes the character of the subdivision. It may impact a few
319 adjacent lots, but it does not impact the character of the neighborhood or the subdivision. The abutters
320 disagreed with Chairman White. Chairman White said that the people who own the property also have
321 rights with the land and they want to do something within the laws of the Town. If the proposal goes
322 against the covenants, that is a civil issue and not a town issue. There was further discussion regarding
323 this matter.

324 Ms. Harvey asked if she wanted to purchase two lots of land somewhere else and chose to reconfigure
325 them to put a house beside a neighboring house it could be done. Chairman White confirmed that this
326 can be done within the Town's regulations. An audience member asked and Mr. Marquise confirmed
327 that the lot sizes either have to comply with zoning or remain the same as they currently are, they
328 cannot be smaller. Mr. Peterson asked and Mr. Marquise confirmed that Lot 30 can be built on the way
329 that it is because it is pre-existing and non-conforming. Mr. Marquise said that the lot can be
330 reconfigured as long as it remains the same size without Zoning approval.

331 Mr. Clark said that he'd like to see the driveway and corrected setbacks on the drawing before it is
332 approved.

333 Vice Chair Osborne said that no matter where a house is built, it will affect someone else's view and
334 property. Ms. Harvey said that the proposed house does not affect her view, it affects the intent of the
335 original development. Chairman White said that he understands that when Ms. Harvey purchased her
336 lot the house was already on Lot 16 and she thought that there would not be any other houses. Ms.
337 Harvey said that she knew that there were two lots, one with the existing house and the other was
338 vacant. There were several vacant lots when they purchased their property. Chairman White said that
339 he understands Ms. Harvey's thoughts, but it doesn't prevent the owners of Lots 16 and 30 from doing
340 what is within their rights within the Town's requirements. Mr. Marquise said that covenants are civil
341 issues. Chairman White asked was told that no one has consulted an attorney regarding their concerns.

342 Mr. Jewczyn asked and it was explained that there was never a plan that showed houses on any lots.
343 Mr. Jewczyn asked and it was confirmed that everyone in the subdivision was able to determine where
344 they wanted to build their houses.

345 Ms. Harvey said that she would appreciate it if the applicants had some consideration as to where her
346 driveway is located. Mrs. Larrow said that the driveway is not relevant as they are not doing a Site Plan
347 Review, they are doing a lot line adjustment. Chairman White said that the Highway Director has more
348 say about the location of the driveway. Mr. Bedard said that he thought that the driveway location
349 would be part of the building permit process. Mr. Marquise said that he recommends Mr. Bedard speak
350 to Mr. Hazelton before the final approval of the lot line adjustment and note the location of the
351 driveway on the plan.

352 Mr. Marquise said that the following will need to be fixed or added to the plan for the next meeting:
353 correcting the setback lines; to correct the Zoning District Title in Note 3; updating where the plan says
354 "very poorly drained soils" to note that it is a drainage way, not a soil classification; to show the
355 driveway in conjunction with a consultation with Mr. Hazelton. Mrs. Larrow said that the Board has
356 waivers for contours, utilities, and water supplies, however, there was a comment about water supply
357 pollution control. Mr. Marquise said that the Board needs an approval from the State and Mr. Bedard
358 said that they need to submit the approved lot to the State to get the subsurface approval. Mr. Bedard
359 continued that they will submit the soil data and have it mostly designed but cannot submit until the lot
360 is approved.

361 Mr. Butler asked and it was confirmed that the area only has wells.

362 Mrs. Larrow asked and Chairman White confirmed that the case is being continued.

363 Chairman White asked if anyone has any additional questions or comments as the case will be continued
364 to the next meeting. Chairman White suggested the applicants and abutters having a conversation
365 regarding the driveway.

366 Mr. Marquise said that this hearing will be continued to the September 13th meeting and the agenda will
367 be posted but abutters will not receive new notices.

368 **CONSULTATION: PARCEL ID: 0211-0017-0000: HIGH PINE PROPERTIES, LLC; SITE PLAN REVIEW: SELF**
369 **STORAGE**

370 Chairman White explained that a consultation is an informal discussion with the Board where nothing is
371 binding and no votes will be made. The applicant explains to the Board what they would like to do and
372 the Board explains their thoughts and concerns about the proposal.

373 Rob Finley, Pathways Consulting, and Scott Aiken, Chris Aiken, and Nick Aiken, the owners of the
374 property discussed the proposal with the Board.

375 The applicants explained that they own the self storage property at 1000 Route 11 across from Trow Hill
376 Rd. The property that has the self storage facility is 8.80 acres and they just purchased the property
377 next to them that is 8.30 acres. They are proposing merging the two lots and creating an approximately
378 17 acre lot. They would like to build three new storage buildings, two of which will be heated. They
379 currently have 23,880 sq ft of existing storage space and will add approximately 28,820 sq ft. Previously,
380 the use was non-conforming, however, Zoning has changed and it is a conforming use. There will be no
381 water or sewer services to the building but will need to deal with storm water. The applicants showed a

382 plan of the proposed buildings and explained the layout of the current and proposed buildings and
383 about the storm water drainage.

384 Mrs. Gottling asked if there are wetlands on the site. Mr. Finley said that there are wetlands and
385 showed the Board where the wetlands are located on the plan. They will be submitting an application
386 to the wetlands bureau for approval to build. Mr. Marquise said that if the buildings are going to be
387 built in poorly or very poorly drained soils according to Sunapee's overlay then a variance may be
388 required from the Zoning Board.

389 Mr. Jewczyn asked if the proposed storage units will be different than the existing storage units in terms
390 of what they will store. The applicants explained that they will not be different and there will not be
391 able a place to store and work on vehicles or anything else as there is no electricity provided for the
392 units. Currently, there is one heated building on the property. Mr. Jewczyn asked why the buildings are
393 heated and the applicants explained that it is mostly for humidity / climate control.

394 Chairman White asked if the long building will be accessed from both sides and it was confirmed that
395 the building will be accessed by 42 or 48 inches doors and all units will be accessed by an interior
396 walkway.

397 Mr. Butler asked and it was confirmed that the site is screened well from Route 11. Mr. Marquise said
398 that there is a buffer required on Route 11. The applicants explained that the right of way onto the lots
399 is shared and is 50 ft so it will be a single curb for both areas. Mr. Jewczyn asked and it was explained
400 that the buildings will be a little over 100 ft from Route 11. Chairman White asked and it was confirmed
401 that the buildings are only single story.

402 Mr. Butler asked how people access their units during the day and it was explained that there is gated
403 access and it is restricted between 10:00 pm and 6:00 am. Chairman White asked and it was confirmed
404 that everything will be run out of the existing office. Mr. Jewczyn asked and it was explained that the
405 current development is all gravel but they would like to pave. Chairman White asked if the applicants
406 plan on having any outside storage for boats, campers, or automobiles. The applicants said that they
407 always end up with a few but do not designate any specific areas for storing vehicles at this time. They
408 may do another phase and do plan on having some flat areas but currently it will be for snow storage as
409 plowing is challenging. They plan on constructing the buildings in phases.

410 Mr. Jewczyn asked and the applicants confirmed that the storm water drainage will be calculated based
411 on the construction of the buildings. The applicants explained that the calculations are rough but will be
412 finalized based on the area and storm event. Mr. Jewczyn said that he wonders if based on the
413 proximity to the wetlands if when they start digging they will hit water and it was explained that the
414 buildings are higher than the wetlands and they have done test pits to ensure that the buildings will be
415 above the water line.

416 Mr. Butler asked and it was confirmed that the applicants plan on merging the two lots so there will not
417 be any setback issues. Chairman White asked and it was explained that the proposed buildings will be at
418 roughly the same level as the other buildings.

419 Chairman White asked and Mr. Marquise said that the applicants may need to go to the State for a
420 revised driveway permit but there is already access so it shouldn't be difficult to get it certified. Mr.

421 Marquise asked and the applicants said that they think that they will be under 100,000 sq ft of alteration
422 but will probably be over an acre so will require a storm water prevention plan.

423 There was further discussion regarding the buffer from Route 11 and that the new Zoning District allows
424 for 700 ft off of Route 11 so the lots are entirely in the new Zone.

425 **OTHER BUSINESS**

426 **JOLYON JOHNSON, SUNAPEE HARBOR RIVERWAY FOLLOW-UP ON PRIOR DISCUSSION ABOUT ZONING** 427 **CHANGES IN HARBOR**

428 Jolyon Johnson and Patrick Clapp discussed with the Board the Zoning in the Harbor and having more
429 flexibility when looking at individual projects as well as looking a dimensional controls differently in the
430 area. There is a possibility to create an overlay district for the Harbor. Mr. Johnson has spoken with
431 Upper Valley Lake Sunapee Regional Planning (UPLSRP) regarding getting their assistance on the project.
432 Mr. Johnson thinks that consideration must be given to what the Town wants the Harbor to look like
433 while not necessarily following the dimensional controls. They are trying to not have to change Zoning
434 Ordinances in order for to make their projects work. Chairman White asked if the process has been
435 investigated as to how the State regulations will be dealt with as they may be a bigger hurdle than the
436 Town. Mr. Johnson said that he thinks that the Town would need to help them do deal with the State.
437 There was further discussion regarding this matter. There was also a discussion regarding that the
438 Planning Board needs to know what Zoning regulations do not work with the Riverway's projects in
439 order to better understand how to best make the adjustments. There was a discussion regarding the
440 concept plans that the Riverway has developed over the years and the Planning Board being able to
441 review them in order to assist with this issue. The Board would also like information on what other
442 towns have done about writing controls such as landscaping controls into an Overlay District.

443 **MISCELLANEOUS**

444 Mr. Marquise explained that the Town received a letter from the Town of New London regarding a Site
445 Plan that they are reviewing for a senior housing community to be built behind New London Hospital.
446 There will be a memory care unit, assisted living units, independent living units, and cottage style
447 condominiums. The New London Planning Board reviewed the project and determined that the project
448 will have a regional impact so they notified the Town of Sunapee because we share the sewer. The next
449 meeting of the New London Planning Board is August 21st. There was further discussion regarding the
450 proposed project and that because there is a regional impact, the Town becomes an abutter and has the
451 same rights as an abutter.

452 There was a discussion regarding inviting the Zoning Board members to a Planning Board meeting to talk
453 about proposed Zoning Amendments.

454 There was a discussion about the Harbor and the Shoreland setback. There was also a discussion
455 regarding other communities in other states and what has been done. There was a discussion about
456 needing a community center in Town.

457 **MINUTES**

458 Changes to the Planning Board minutes from July 12, 2018: The minutes were continued until the next
459 meeting.

460 Mr. Clark made a motion to adjourn the meeting at 10:22 pm. Mr. Butler seconded the motion. The
461 motion passed unanimously.

462 Respectfully submitted,

463 Melissa Pollari

464 Planning Board

465 _____

466 Peter White, Chairman

467 _____

468 Donna Davis Larrow

469 _____

470 Joseph Furlong

471 _____

472 Michael Jewczyn, Alternate

473 _____

474 Suzanne Gottling, ex-officio member

475

Richard Osborne, Vice Chair

Joseph Butler

Randy Clark

Jeffrey Claus, Alternate