

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **OCTOBER 11, 2018**

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

6 **ABSENT:** Jeffrey Claus, Alternate; 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 **PARCEL ID: 0126-0018-0000 & PARCEL ID: 0126-0016-0000: ANNEXATION / BOUNDARY LINE**  
11 **ADJUSTMENT WHERE 0.26 ACRES WILL BE ANNEXED FROM THE BISSELL PROPERTY TO THE DAVIS**  
12 **PROPERTY. EXISTING PARCELS ARE LOT 18, 1.78 ACRES AND LOT 16, 0.31 ACRES. PROPOSED PARCELS**  
13 **LOT 18, 1.50 ACRES AND LOT 16, 0.57ACRES. 130 GARNET HILL RD, SUMNER AND LARRY BISSELL; 10**  
14 **STONE END RD, DAVIS FAMILY INVESTMENTS, LTD.**

15 Mr. Marquise said that the application was filed in advanced, fees were paid, notices were posted, and  
16 abutters were notified. The application falls under the Subdivision Regulations and is a minor  
17 subdivision and is eligible for waivers under Section 6.05 (b). He believes all the requirements under  
18 6.04 are on the plan and the eligible waivers are: existing and proposed contours, existing and proposed  
19 utility lines, and plans for storm water drainage. Mr. Marquise continued that he thinks those waivers  
20 are appropriate and that the application is complete.

21 Mrs. Larrow made a motion to accept the application as complete for Parcel ID: 0126-0018-0000 and  
22 Parcel ID: 0126-0016-0000 for a lot line adjustment / annexation / boundary line adjustment for Sumner  
23 and Larry Bissell and Davis Family Investments. Vice Chair Osborne seconded the motion. The motion  
24 passed unanimously.

25 Clayton Platt presented the merits of the case on behalf of the applicants.

26 Mr. Platt explained that Mr. Davis' family is getting bigger and they want to put a small addition off the  
27 back of the house and to accommodate that the Bissell's agreed to sell them this piece of land. The  
28 Bissell property will still meet Zoning requirements and the non-conforming Davis lot gets a little bigger.

29 Mr. Platt explained that they may eventually put a small parking area on the annexed piece. Vice Chair  
30 Osborne asked and Mr. Platt confirmed the area where the parking area will be. Mr. Marquise said that  
31 the only comment that came out of peer review is regarding the parking area because it is in the 250 ft  
32 setback and it will need the proper permits.

33 Mr. Butler asked and Mr. Platt said that the proposed addition is not shown on the plan as he does not  
34 know the dimensions. The proposed parking is only shown because the right of way is shown on the  
35 plan.

36 Mr. Platt said that there was a change made to the Mylar as he was not aware that there was a Variance  
37 granted for the cottage when it was rebuilt in 2005 to allow for a 12.5 ft setback as opposed to a 15 ft  
38 setback and he made a note of that on the corrected Mylar.

39 Mrs. Gottling asked and Mr. Platt explained that the gravel parking area is owned by the Lake Sunapee  
40 Yacht Club.

41 Chairman White asked and there were no additional comments or questions from the Board.

42 Mr. Clark made a motion to approve the annexation / boundary line adjustment for Parcel ID: 0126-  
43 0018-0000 and Parcel ID: 0126-0016-0000. Vice Chair Osborne seconded the motion. The motion  
44 passed unanimously.

45 **OTHER BUSINESS: CONSULTATION WITH SUNAPEE SCHOOL DISTRICT RE: SUNAPEE ELEMENTARY**  
46 **SCHOOL RENOVATION AND NEW ACCESS ROAD**

47 Jesse Tyler, 7 Dowd Lane, and Chair of the Sunapee School Board presented the proposal to the Board.  
48 Dan Bisson, Harriman Engineering, and Russ Holden, the Superintendent of the School District, were also  
49 present to assist in the presentation.

50 Chairman White explained that a consultation allows the Board to hear ideas and proposals; they do not  
51 vote and there is not anything to approve, it is just an informal discussion.

52 Mr. Tyler said that there is a sub-committee on the School Board for this project. They started looking  
53 at the history of the building and other proposals that have been voted on in town. Their current  
54 proposal is essentially the same as the one that was voted on in 2006 but the cost is estimated to now  
55 be roughly \$26,000,000; they are trying to be as clear and transparent for the taxpayers.

56 Mr. Tyler said that there are 7 to 8 pages of non-compliance in code, safety, etc. with the current  
57 building. There is also only a small road up to the school and they have known since 1996 that they  
58 need a second egress, however, there is no easy path for that. Mr. Tyler said that they feel as though  
59 there is a responsibility to the School Board for the benefit of the students and the staff to bring this  
60 back to the voters' attention and work towards a Warrant Article.

61 Mr. Tyler gave an overview of the proposed plan for the addition to the elementary school and the  
62 access road as well as what would have to happen to the current building to bring it up to code.

63 Mr. Bisson explained that Harriman Engineering was involved in the 2006 project and prior projects.  
64 They understand that there is a CIP project for Route 11 and they plan on working with the Town to  
65 consolidate the efforts for NH DOT. There was further discussion regarding the proposed road and  
66 parking area.

67 Mr. Tyler explained the plan to have the space in the building in order to have events in the building and  
68 allow ADA compliance and such.

69 Mr. Tyler said that there is another proposal that includes putting a new elementary school on the field  
70 behind the current middle / high school but then they would need to build another field and road as  
71 well as another gym. Mr. Clark asked if the addition to the current elementary school is the plan that

72 the School Board is going with as he knows that there were three different options. Mr. Tyler said that  
73 the proposed plan is the one they have chosen for a variety of reasons and explained them to the Board.

74 Mr. Bisson explained that they plan to build the addition so that it blends in with the old building.

75 Mr. Butler asked and Mr. Tyler confirmed that they will build the road first, then do the addition to the  
76 building, then renovate the current building. There was further discussion regarding the proposed plan  
77 and that the road would be the main road to the building.

78 Mr. Butler asked and Mr. Tyler explained that the cost will updated with current pricing. Mr. Butler  
79 asked and Mr. Tyler and Mr. Bisson confirmed that the project will be going on the Town Warrant. Mr.  
80 Bisson said that the updated costs will include the soft costs such as the contract fees, furnishings for  
81 the buildings, the permits, etc. There was further discussion regarding the proposed costs and  
82 construction costs and how they rise and that every year the costs will go up.

83 Mr. Tyler said that the building has been well cared for but if something significant breaks they will need  
84 to determine what to do with the children. Mr. Butler asked if the committee looked at razing the  
85 building and having modulars and rebuilding all at once. Mr. Bisson explained that they have done that  
86 before but having all the educational requirements would make it difficult with the size of the complex  
87 needed and the site. Mr. Butler said that he has worked on schools and knows that renovations are  
88 three times the costs of rebuilding. Mr. Tyler said that they did not extensively look at that as they were  
89 trying to honor the work that has been done over the last 15 years and honor the old building and  
90 location. Mr. Clark said that a lot of people in Town want to see the school on the hill the way that it  
91 currently is.

92 Chairman White asked about the road as it is proposed to come out between Veteran's Field and the  
93 Safety Services Building and asked if there are wetlands. Mr. Bisson said that they did identify wetlands  
94 on the site and will be contacting the original engineer because they need to be reidentified because  
95 they change. Mr. Bisson said that there is also ledge near the Safety Services Building so there will be  
96 some blasting as well. There was further discussion regarding the wetlands.

97 Mr. Butler asked and Mr. Bisson said that there will be street lights along the road and a sidewalk. Mr.  
98 Butler asked if a traffic light will be required and Mr. Bisson explained that they will need to do a traffic  
99 study to determine if one will be needed. There was further discussion regarding this matter and how it  
100 fits in with the Route 11 project.

101 Mr. Jewczyn asked and Mr. Bisson explained that the wiring for technology is included and further  
102 explained everything that would be done.

103 Mr. Tyler said that the current end of the building that is closest to School St, which is an addition that  
104 was built in 1958, will be more work than it is worth to secure so it will be demolished as part of the  
105 project. They will probably put parking spaces on that area.

106 There was a discussion about the road and the location of the building and that the new road will be  
107 interconnected to School St and that a cut will be required to go around the building as the addition is  
108 proposed to be angled to the old building. There will also be a road around the building for fire access.

109 Chairman White asked and Mr. Bisson confirmed that the main road will mainly be for busses and  
110 teacher parking as the kids will have to cross the road to get to the playground.

111 Chairman White said that it would be helpful to have a site plan on how the addition will lay down on  
112 the site, how the road will be positioned, how the traffic will be handled, etc. Mr. Bisson said that they  
113 will do a presentation to the Planning Board; it typically happens halfway through the process so that if  
114 there are any recommended changes those can be integrated. There was further discussion regarding  
115 this matter as well as about School St.

116 Mr. Platt said that it is frustrating to go to a public meeting and not have anything to look at when  
117 something is being discussed. The Board is looking at plans and maps but they are not displayed  
118 anywhere for the public.

119 Mr. Tyler said that they will have all the information for a Site Plan, however, they are not quite at that  
120 stage currently. Chairman White said that when they do get that information it would be beneficial to  
121 have another consultation for the Board to respond to the specifics as they are laid out on the plan.  
122 There was further discussion regarding this matter.

123 Vice Chair Osborne said that the drop off and pick up is currently a nightmare. His thought was to have  
124 a road that would go around the gym and then go through the bank parking lot. This would help the  
125 flow of traffic and prevent kids from going in front of cars and would be safer. There was further  
126 discussion regarding the drop off and pick up area and the bus route and how they will prevent people  
127 from going up the road to the school and if it is a possibility to have the busses and parents drop off at  
128 the school instead of the gym parking lot.

129 Mr. Butler asked if the new addition will only satisfy the existing need or if they are also planning for the  
130 future for the number of students. Mr. Tyler said that currently only three of the classrooms meet the  
131 Department of Education standards but they are also looking at possible growth in the future. Mr.  
132 Holden said that they have an enrollment projection out to 2026 which shows the population pretty  
133 consistent but they bring 27-30 in each year for tuition. Vice Chair Osborne said that the minimum  
134 classroom size is 900 sq ft, which is for up to 25 students; from 25 students and up more square footage  
135 is needed. There was further discussion regarding this matter as there will be enough room for the  
136 current students as well as spaces for staff members who are currently using closets, corridors, elevator  
137 areas, etc.

138 Mr. Tyler explained the different programs that Sunapee offers such as for autism and special education.  
139 He explained that when they moved to Sunapee his family was surprised to find that there are teachers  
140 who use closets, under the stairs, etc.; people purchase houses in Sunapee for the schools and it is a  
141 surprise that the building has been stretched to that point.

142 There was further discussion regarding the building and how it can handle future populations and how  
143 the potential future enrollment is determined and about how the school is a major consideration for  
144 families looking to move.

145 Mr. Tyler said that there are numerous concerns with the current building and if something catastrophic  
146 happens the school might not be able to be opened. It would completely transform the basis of the  
147 community because the Town would not have an elementary school any more. Mr. Butler asked why

148 the school has not done anything since 2006 and Mr. Tyler said that he does not know. There was  
149 further discussion regarding this matter.

150 There was a discussion regarding school choice and the potential effect it would have on Sunapee.

151 Mrs. Gottling said that her granddaughter just passed the bar exam. She went through Sunapee schools  
152 and Mrs. Gottling places a lot of her achievements on her parents, grandparents, and the school district.  
153 Mr. Tyler and Mr. Holden explained that Sunapee's average SAT scores are 100 points higher than the  
154 State's average.

155 Mr. Clark said that he moved to Sunapee partly for the schools. However, he thinks that the School  
156 Board needs to do more outreach in Town as they do not have a lot of time. Mr. Tyler said that there  
157 will be a meeting on October 24<sup>th</sup> and they have all of the information on the School's website. They will  
158 be meeting with the Board of Selectmen, the Sunapee Harbor Riverway, and the Library Board. They  
159 have also done a presentation at Coffee with the Chief and will be doing as my presentations as they  
160 can.

161 Mr. Holden said that the Planning Board received a letter from Bruno Bernard on January 15, 2014  
162 questioning who owns the parcel of land indicated on the plan as Lot 39. There is a deed to the Town of  
163 Sunapee but they have not been able to determine who actually owns the land. There is a potential for  
164 them to use some of that lot and they would like to know who owns the land so they can ask for  
165 permission to use it. Mr. Marquise said that this parcel is the greenspace for Orchard Park and there  
166 was a discussion about having trails on the lot. Mr. Marquise asked and Mr. Holden said that they have  
167 not spoke to Van Webb, the Chair of the Conservation Committee, regarding the lot. Mr. Marquise said  
168 that Mr. Webb may know if Conservation wanted to do something there. Otherwise, if Orchard Park has  
169 an association the parcel may be controlled by that as greenspace. There was further discussion  
170 regarding this matter.

171 Vice Chair Osborne asked if they have done any studies regarding the high school's infrastructure for  
172 longevity as one of the options was to build a new high school. Mr. Holden said that the school has 16  
173 more students this year than last year; they typically stay around the 220 – 230 range. They just had  
174 Honeywell come through and give a full infrastructure report; there could be a massive amount of work  
175 done but they think that they can continue to manage the issues and there is not a major need. Some of  
176 the current spaces have been redone and made them look bigger while not actually being bigger; the  
177 classroom sizes all meet the current standards. There was further discussion regarding this matter and  
178 about if they built a new middle / high school they would have to still renovate the current middle / high  
179 school in order to meet the needs for an elementary school.

180 Mr. Clark asked and Mr. Tyler explained that the intent is to build the road around Veteran's Field and  
181 not disrupt the field. Mr. Holden said that part of the work they do will hopefully help the proposed  
182 project at Veteran's Field.

183 Mr. Butler asked if they are proposing the project to be completed by 2020 and Mr. Tyler said that they  
184 hope it will be done by 2021. Mr. Bisson explained that the documents will take 6 to 7 months so  
185 construction will not be done in 2018. They will be working on the road first and will start construction  
186 in 2020 and it will take 18 months for the construction to be complete. Mr. Jewczyn asked and Mr.

187 Bisson said that they include a 7.5% increase the estimated costs for the first year and 5% for the next  
188 two year. Mr. Jewczyn asked and Mr. Bisson said that the building will begin in the summer of 2020.  
189 There was further discussion regarding the construction and the effects the construction might have on  
190 traffic.

191 There was another discussion regarding plans for presentations and having “living room presentations”.

## 192 **OTHER BUSINESS – SUNAPEE HARBOR RIVERWAY**

193 Mr. Clark said that he followed up with the Upper Valley Lake Sunapee Regional Planning District  
194 regarding the discussion the Sunapee Harbor Riverway had with the Planning Board regarding  
195 exemptions on the Shoreland Protection. He is not lobbying for anything nor does he represent the  
196 Riverway. Mr. Clark gave copies of the RSA to the Board and explained that it comes from the Office of  
197 Energy and Planning and he thinks that it is a way to give local control for areas that are challenging. He  
198 has not looked into it a lot but it is an option and might come before the Board in the future. Chairman  
199 White asked and Mr. Clark said that there are two communities in our area, Newport and Claremont,  
200 that have this. There are 13 areas in the State that have it, most in southern part of the State like  
201 Manchester, Dover, and Nashua and are huge blocks. It allows development in those area without  
202 Shoreland Protection rules though they require local controls. Mr. Clark said that they could develop a  
203 new overlay in the Harbor. There was further discussion regarding this matter and about the way the  
204 Riverway could look into beginning the process the requirements involved in developing it as well as  
205 about the restrictions that could be implemented in the overlay.

## 206 **OTHER BUSINESS: ZONING AMENDMENTS**

207 Mr. Marquise explained that the draft is just for discussion to make sure that everything is covered.  
208 There will be a further draft with more specific wording in November, which is when they will need to  
209 get things ready to be noticed for the public hearing to be held in December.

### 210 **Amendment #1**

211 Index – Create an index for the Zoning Ordinance (being drafted by Nicole Gage)

212 Mr. Marquise said that he emailed the Town’s attorney and it was felt that a formal amendment is not  
213 needed to add an index. Therefore, Ms. Gage has drafted one and it will be permanently added to the  
214 Ordinance and this Amendment is not needed.

### 215 **Amendment #9**

216 Amend Article XI by adding a definition of Primary Structure as follows:

217 Primary Structure – A primary structure includes homes, garages, commercial buildings, and institutional  
218 buildings. It does not include sheds, decks, patios, or similar structures.

219 Mr. Jewczyn asked when a shed is not a garage regarding primary structures. Mr. Marquise said that  
220 they do not have a definition but he thinks that a shed would not be able to house a vehicle. Vice Chair  
221 Osborne asked if a shed should be defined. Chairman White said that a patio is not a structure and  
222 should not be included in this definition; the Board agreed and patios will be removed.

223 Mr. Marquise asked if the Board thinks that a garage should be a primary structure or if they want to  
224 remove it from the definition so they do not need to worry about it. The reason this for this  
225 Amendment is the Zoning Board asked for it due to Section 3.50 (f) which allows for lateral expansions  
226 even though the structure is in the setback. If they eliminate the garage as a primary structure then it  
227 puts it into the same category as a shed. Vice Chair Osborne asked and Mr. Marquise confirmed that  
228 they will not be able to expand a garage if it is not part of the definition. Chairman White asked and Mr.  
229 Marquise confirmed that many of the Zoning Board's cases do deal with garages. Mr. Clark asked and  
230 Mr. Marquise said that he can tell the Zoning Board that there is a concern about the difference  
231 between a garage or a shed. Vice Chair Osborne said that they could also define a shed to be something  
232 that is moveable or without a foundation or give it dimensional restrictions. There was further  
233 discussion regarding sheds and about other possible wording for the amendment.

#### 234 **Miscellaneous**

235 Mr. Marquise said that he emailed the Town's attorney questioning if they need an Amendment if they  
236 want to highlight words in the Ordinance that have definitions and that is not necessary. They will  
237 attempt to do this when they reprint the Ordinance.

#### 238 **Amendment #5**

239 Amend Article VIII, Section 8.21 to better define which construction activities require a Certificate of  
240 Zoning Compliance (being drafted by Nicole Gage).

241 Mr. Marquise explained that this Section of the Ordinance deals with when Certificate of Zoning  
242 Compliances (CZCs) are required. It originally started off with Items A, B, and C and D was added in the  
243 1990s and G was added a few years ago. They are having a hard time finding how items E and F were  
244 added to the Ordinance and they need to get it clarified to make it right. Ms. Gage has been talking to  
245 the Board of Selectmen and they have questions regarding Item E, which deals with major alterations,  
246 and if they are include things like roofing and siding. The determination has been to have the Planning  
247 Board direct this. Mr. Marquise continued that from a Zoning standpoint these renovations do not  
248 impact things like setbacks, density, and lot coverage but they do need to know if there is an increase in  
249 the number of dwelling units or the number of bedrooms. It went too far in the past as there was a per  
250 square foot cost but Sunapee does not have any building codes. Mr. Clark asked and Mr. Marquise  
251 explained that a lot of other towns have building codes. Chairman White said that the Town does not  
252 issue building permits, they issue CZCs which show that the building is in compliance. Chairman White  
253 asked why the Town is concerned with what someone does inside a house with major interior  
254 improvements; there is nothing in the Ordinance that addresses the interior of a house. Mr. Marquise  
255 agreed and said that the Town is concerned if a dwelling unit is added, which is covered in Item C. Mr.  
256 Marquise continued that adding bedrooms might affect the septic system, which is covered in Article VII.  
257 However, if people are not being asked these questions then how does the Town know if they are  
258 adding a bedroom or dwelling unit.

259 Mrs. Gottling said that it seems like a lot of the interior or exterior changes are beneficial to the  
260 assessor. Mr. Butler said that a lot of towns say that if the alterations are more than 50% of the  
261 assessed value then they need a CZC and that might be a way to monitor it. Chairman White asked and  
262 Vice Chair Osborne said that the assessors are scheduled to go out every five years, however, if you do a

263 major renovation to your house and it changes the value then it should be reassessed. Mrs. Gottling  
264 said that people get permits for updating their kitchens and bathrooms. Mr. Butler asked and Mr.  
265 Marquise confirmed that the assessors get the CZC information. There was further discussion regarding  
266 this matter.

267 Chairman White said that if there was a building department in Sunapee it would be a different  
268 discussion. He does not know if it is a good enough reason to have to issue CZCs for interior alterations  
269 just to give the assessors a heads up that work is being done. Mr. Butler said that the Board of  
270 Selectmen are also trying to generate revenue for the Town. Mrs. Gottling said that they would need to  
271 look at the impact.

272 Mr. Jewczyn asked if a structure is made smaller if the grandfathered use goes away. Chairman White  
273 explained that if a grandfathered use is made smaller then it is difficult to make it bigger. Mr. Marquise  
274 explained that Item F would remain so if a structure is demolished it requires a CZC. There was further  
275 discussion regarding this matter and grandfathering and intent.

276 Vice Chair Osborne said that Ms. Gages questions should be addressed. Item C should be major  
277 alterations and / or interior improvements; it is not only related to interior improvements; if you are  
278 reroofing or residing like to like then it will not change the value of the house it is bringing it back to its  
279 original value. Mr. Clark said a reroof should not require a permit unless they are talking about a  
280 construction value. Vice Chair Osborne said that if you are changing from an asphalt roof to a metal roof  
281 then you are changing the value of the house.

282 Mr. Butler asked why the assessor cannot look at a CZC to determine if an evaluation is needed.  
283 Chairman White explained that the Board is trying to determine when a CZC is needed and that the  
284 assessor will not know about work being done if a CZC is not issued. Mr. Marquise asked if the Zoning  
285 Ordinance should be used to collect tax dollars. Vice Chair Osborne said that is the only vehicle the  
286 Town has. Mr. Marquise said that the question is if changing an asphalt roof to a metal roof makes any  
287 difference to Zoning. Chairman White said that it doesn't make a difference. Mr. Marquise said that the  
288 Board needs to look at if they are asking for more than what Zoning requires and if they are doing it for  
289 another purpose and if they should be. Mr. Clark asked how the assessors will find things that have  
290 been done without a house being sold. Mr. Marquise said that is why there are revaluations. Mr. Clark  
291 asked and Mrs. Gottling confirmed that when the assessors do a formal revaluation they go door to  
292 door. Mrs. Gottling continued that usually the land value for a property is a lot more than the house  
293 value so a \$10,000 change will not affect the value of the house a lot. Mr. Butler said that they should  
294 have a value amount required for a CZC and then let the assessor determine if they need to evaluate the  
295 property. There was a discussion regarding how people determine the value of the work that they do  
296 because sometimes they do it themselves, sometimes they hire someone, etc. and about bumping up  
297 the value of the construction on the permit.

298 Chairman White said that he does not think that Item E needs to be included. Mr. Marquise  
299 recommended that they change Item E to be that a CZC is required if a bedroom or kitchen is added so  
300 they catch the dwelling unit and septic issues. There was further discussion regarding bedrooms.



301 Mr. Clark asked and Mr. Marquise explained that Item E will be changed to read “a bedroom and / or  
302 kitchen are added.” Vice Chair Osborne asked and Mr. Marquise confirmed that a deck requires a CZC  
303 as it is a new structure.

304 Vice Chair Osborne asked if the remove “major alterations” and Item E if they will miss anything on the  
305 exterior. Mr. Marquise said that Item B should say “an existing structure is to undergo expansion”  
306 because they have a definition of expansion now.

307 Chairman White asked about Item D and Mr. Marquise said that it was not there in the original  
308 Ordinance. The State law says that a Town does not have to follow the Ordinance unless it is part of the  
309 Ordinance so this was added in 1992 / 1993. Mr. Clark asked and Mr. Marquise said that they can  
310 change Item D to read “any municipal structure is to be constructed or undergoes expansion”. Mr.  
311 Marquise said that at the Sunapee / New London town line there is a metering station for New London’s  
312 sewage because Sunapee would not allow the structure to be as close to the road as it is.

313 **Amendment #6**

314 Amend Article XI by adding a definition of Land Clearing as follows:

315 Land Clearing – The removal of vegetation associated with forestry or agricultural operations. This  
316 includes only the removal of trees and vegetation but not stumping or other activities included in the  
317 definition of Land Disturbance.

318 Mr. Marquise said that he received a comment from Daniel Schneider as he is concerned about not  
319 requiring an erosion control plan for Land Disturbance because it has more impact than Land Clearing,  
320 however, the State has a strict Land Disturbance law and covers this matter.

321 Vice Chair Osborne said that he thought Ms. Gage wanted something to define the difference between  
322 “selective cutting” and “land clearing” and asked if there was a discussion about that. Mr. Marquise said  
323 that he thinks that is a forestry matter. There was further discussion regarding this issue and the  
324 forestry rules.

325 **Amendment #7**

326 Amend Article XI by adding a definition of Land Disturbance as follows:

327 Land Disturbance – Any activity which disturbs the ground surface. This includes but is not limited to  
328 excavation, grading, cuts/fills, grubbing, and other earth moving activities.

329

330 There was no discussion on the following proposed amendments:

331

332 **Amendment #2**

333 Amend Article III, Section 3.50 (f) by clarifying that the exception allows lateral expansions only (i.e. no  
334 closer to the road) and that any expansion must be at least 10' from the Right-of-Way.

335 The full text of Section 3.50(f) as amended will be as follows:

336 If a pre-existing primary structure is non-conforming due to inadequate front setback, the ZBA may  
337 allow additions within the front setback provided that the following conditions are met:

338 1) the addition does not further decrease the front setback

339 2) the addition is at least 10' from the right-of-way at all points

340 3) the addition is no higher than the predominant ridge line of the existing building.

341 **Amendment #3**

342 Amend Article III, Section 3.50 (i) by deleting provision (1) of the section (i.e. remove the statement that  
343 the enlargement will not increase the horizontal dimensions.) and altering the heading as follows:

344 The ZBA may allow a pre-existing non-conforming structure to be vertically enlarged or replaced with a  
345 higher structure provided that:

346 1) deleted

347 2) the existing structure is a house (living space only), garage.....

348 **Amendment #4**

349 Amend Article VI, Section 6.12 to indicate that non-conforming structures may be replaced in a smaller  
350 envelope.

351 The full text of Section 6.12 as amended will be as follows:

352 A Pre-Existing, Non-Conforming Structure existing at the time of the passage of this Ordinance (March  
353 18, 1987) may be replaced in the same or smaller envelope by a new structure.....

354 **Amendment #8**

355 Amend Article XI by adding a definition of Living Space as follows:

356 Living Space – The area of a structure that is used primarily for gathering, eating, sleeping, or hygiene. It  
357 includes enclosed porches but does not include decks or open porches.

358 **MISCELLANEOUS**

359 Chairman White said that people are constantly parking in front of Dunkin Donuts but it is not a parking  
360 area and asked if the Planning Board can do anything about this such as recommend signs that say “no  
361 parking”. Vice Chair Osborne said that they do have signs, people just park there anyway. Mr. Marquise  
362 said that they are dealing with Dunkin Donuts regarding the cross walk and the curb and there have  
363 been many delays so he and Ms. Gage are talking to the Town’s attorney now. There was further  
364 discussion regarding this matter and if they should have striping if the signs do not work.

365 Mrs. Larrow asked about the dance studio across from Trow Hill. The fenced area is supposed to be a  
366 parking area according to the Site Plan and when they discussed this with Mr. Landry they were told that

367 it was temporary. She thinks that they need to come back for another Site Plan Review because the  
368 property has changed, and the existing Site Plan is not being followed. There was a discussion regarding  
369 what is happening on the property and Mr. Marquise said that he will look into it.

370 **MINUTES**

371 Changes to the Planning Board minutes from September 13, 2018: Change Line 23 to read "...be marked  
372 "drainage way". Change Line 237 to read "...will also be apprised of this and will..." Change Line 391 to  
373 read "...assesses the value;..."

374 Mr. Clark made a motion to accept the minutes as amended. Mrs. Larrow seconded the motion. The  
375 motion passed unanimously.

376 **MISCELLANEOUS**

377 Mrs. Larrow said that she will not be at the next meeting.

378 Mr. Clark made a motion to adjourn the meeting at 9:26 pm. Mrs. Larrow seconded the motion. The  
379 motion passed unanimously.

380 Respectfully submitted,

381 Melissa Pollari

382 Planning Board

383 \_\_\_\_\_

384 Peter White, Chairman

385 \_\_\_\_\_

386 Donna Davis Larrow

387 \_\_\_\_\_

388 Joseph Furlong

389 \_\_\_\_\_

390 Michael Jewczyn, Alternate

391 \_\_\_\_\_

392 Suzanne Gottling, ex-officio member

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Richard Osborne, Vice Chair

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Joseph Butler

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Randy Clark

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Jeffrey Claus, Alternate

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