

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **JANUARY 19, 2017**

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

6 **ABSENT:** Donna Davis Larrow, Vice Chair; Kurt Markarian; Joseph Furlong; Shane Hastings, ex-officio  
7 member

8 **See attached sign in sheet**

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

10 Chairman White appointed Mr. Clark to sit in for Vice Chair Larrow.

11 **PUBLIC HEARING – PETITIONED ZONING AMENDMENT**

12 Chairman White read the petitioned Zoning Amendment:

13 Amend Article II, Section 2.30 District Purpose and Description; Mixed-Use I -to include a third area  
14 further described as: In Georges Mills, the Mixed-Use I District begins at the intersection of Jobs Creek  
15 Road and Route 11 and proceeds south east along Jobs Creek Rd. for 600 feet to a point where it turns  
16 south and runs parallel to Route 11 to a point on Browns Hill Road in Sunapee then south west along  
17 Browns Hill Road to the intersection of Browns Hill Road and Route 11 then North to the point of  
18 beginning.

19 Chairman White asked and Mr. Marquise said that they did not receive a map of the proposed area with  
20 the petition. The Board was given a copy of a map to pass around by a member of the audience.

21 Chairman White said that the area is currently zoned Rural Residential and the proposal is to change the  
22 area to a Mixed Use I Zone. Mixed Use I Districts are areas in the Town of Sunapee that provide  
23 opportunities for commercial, light industrial, and tourism related businesses. There are two Mixed Use  
24 I Zones, they are generally located in the Wendell Village area and the area surrounding the intersection  
25 of Route 103, Brook Rd, and Cross Rd.

26 Chairman White opened the meeting up to public comment and discussion and asked that before  
27 someone speaks they identify themselves for the record.

28 Linc Jepson asked about the organization that is question and how it is classified in reference to the  
29 proposed zone. Chairman White said that this is not about one local business, this proposal is for that  
30 whole zone, which would allow many commercial and industrial uses along that route. It is not about a  
31 specific business. Mr. Jepson asked if the auto repair shop that had an application falls under one of the  
32 categories for the Mixed Use I District. Chairman White said that the auto repair business is not a right  
33 in the Rural Residential District. In the Mixed Use I District, the permitted uses by right are: accessory  
34 uses, auction halls, Bed & Breakfasts, tourist homes, inns, lodging and boarding, boat storage, churches,  
35 contractor's yards, funeral homes, home businesses, home occupations, hospitals, laundromats and dry

36 cleaners, day cards, light industries, long term storage facilities, manufactures housing / mobile homes,  
37 motels and hotels, municipal buildings and facilities, professional offices and clinics, restaurants, retail  
38 (up to 15,000 sq. ft.), single-family dwellings, two-family dwellings, veterinarians, and warehousing.  
39 Permitted by Special Exception are: accessory use / wind generation systems, auto dealers, auto, boat  
40 and engine repair, and multi-family dwellings (3 to 5 units).

41 Vicki Jepson said that she and her husband have lived in Sunapee for 25 years and she has driven that  
42 route for all those years. Most of those things on the list are already there as there is a landscaping  
43 business, what used to be a boat storage business and is now rock and gravel crushing, two realtor's  
44 offices, what used to be a perfume factory and is now a dance studio, and a veterinarian home office.  
45 Chairman White said that the landscape business and the rock crushing facility were both granted  
46 Variances, they were not allowed uses in that District. Mr. Osborne said that the rock crushing facility is  
47 only being allowed that use for a limited time. Chairman White said that they have to go to the Zoning  
48 Board every year or two to show their progress. Mrs. Jepson asked if all the other businesses got  
49 Exceptions. Mr. Marquise said that before the year 2000, Sunapee did not have any Use Ordinances.  
50 Mrs. Jepson asked and Mr. Marquise confirmed that most of the other businesses were there prior to  
51 2000. Mrs. Jepson asked if the dance studio use was grandfathered. Mr. Marquise explained that the  
52 use was not grandfathered but a similar use can be used there, which is how it went from warehousing  
53 to the dance studio. Chairman White said that when a use is changed the grandfathering on that use  
54 expires. Mr. Marquise explained the process of getting permission from the Zoning Board and then  
55 going to the Planning Board for a Site Plan review.

56 Mrs. Jepson asked why small businesses are not encouraged in that area as she sees it as commercial on  
57 that side. Chairman White said that through the process of Zoning they are trying to keep the Town the  
58 same way as most people identified in the Master Planning that one of the reasons they liked Sunapee  
59 was the small and rural character. By allowing commercial development along the main drives and out  
60 of the commercial centers it starts to introduce sprawl. Mrs. Jepson said that it does not look like sprawl  
61 to her and it helps with taxes. Chairman White said that Sunapee is not as bad as some Towns. Mrs.  
62 Jepson said that Sunapee has its nice villages and this does not take away from those areas because  
63 businesses are needed as well. Chairman White said that there is no doubt that Sunapee needs  
64 businesses and he does not want anyone to think that the Planning Board is trying to squelch  
65 businesses. Proper Zoning and proper community development means that they have certain things in  
66 certain places in Town. The Zoning Board grants Variances and then businesses have to go to the  
67 Planning Board to discuss the Site Plan. There was further discussion regarding the Mixed Use I District.

68 Mrs. Jepson asked and Mr. Osborne said that his business is not in the Mixed Use District, the boat  
69 operation received a Special Exception and he got a Variance three years ago for the automotive  
70 business.

71 Mrs. Jepson said that she does not see a problem with Mixed Use in this area.

72 Mr. Jepson asked and Chairman White said that the Planning Board does not have the right to approve  
73 or deny any industry on the list of permitted uses in the Mixed Use I District. Once it is an allowed use,  
74 the Board does not have any control over what goes there if it falls in the list. There was further  
75 discussion regarding this matter.

76 Mrs. Jepson said that she thinks Chairman White is completely against the proposed Amendment.  
77 Chairman White said that he is not completely against it, he does not see that it makes sense. When he  
78 drives that road he thinks that it is nice to drive by trees. There was further discussion regarding the  
79 landscape company and the look of it and the Zoning Board decisions.

80 There was another discussion about the 600 ft wide strip that is being proposed and that it is pushing  
81 development closer to the road and the possibility of box stores going onto the lots.

82 Doug Gamsby, North Rd, said that by his calculation there are seven parcels with businesses: Pleasant  
83 Acres, a business at the bottom of Brown Hill, the storage facility, the dance studio, the realtor, the rock  
84 crushing business, and the fire station. There was further discussion regarding the businesses along the  
85 road and that Mixed Use II tries to maintain a residential feel while Mixed Use I does not.

86 Mr. Gamsby said that most of the lots through that area look to be about one to two acres and he does  
87 not think that this leaves enough room for box stores. He also thought that a Motel 6 could go in there  
88 with the current Zone.

89 Mrs. Jepson asked and Chairman White explained that the area is currently Rural Residential and what is  
90 allowed by right are: accessory use, cemeteries, farming, forestry, home occupations, manufactured  
91 housing / mobile homes, municipal buildings and facilities, single family dwellings, and two family  
92 dwellings. What is permitted by Special Exception are: accessory use / wind generation systems,  
93 marinas, boat storage, campgrounds, churches, day care, golf courses, high-tech research and  
94 development firms, saw mills, schools, veterinarians, bed & breakfast, tourist homes, inns, lodging /  
95 boarding, motels and hotels, nurseries and greenhouses, nursing and convalescent homes, professional  
96 offices and clinics, recreation facilities, resource extraction, restaurants (excluding drive-in restaurants),  
97 home businesses, and kennels. Mr. Marquise explained that an accessory use is a garage, a shed, or  
98 something that is secondary to a residential use. Chairman White said that there is a big difference  
99 between what is permitted by right and what is permitted by Special Exception as the Zoning Board can  
100 put conditions on Special Exceptions.

101 There was another discussion regarding Mr. Osborne's business.

102 There was another discussion regarding big box stores and the businesses that the members of the  
103 audience feel will go along the road, which are businesses that will serve the community.

104 Harry Gazelle said that Shaun Albee and Cortland Cross before him have supported the community by  
105 giving a service as he would describe as efficient, knowledgeable, professional, and extremely  
106 accommodating. He and his wife have lived in Sunapee for many years, owning property since 1978 and  
107 he has used this service on many occasions and was extremely satisfied. For the Town of Sunapee to  
108 deny their contribution, the least that can be done is to give them the support they are asking for. He  
109 suggest that people refrain from putting obstacles in their way to accomplishing their objective. They  
110 need help and are an asset to the community and people that use them are mostly from this  
111 community. He thinks that this will be less intrusive than having Dunkin Donuts in the center of town.

112 Charlene Osborne said she has experience in starting a business in Town and had to look through the  
113 Master Plan and Zoning Ordinances to see what the people of Sunapee wanted. Mrs. Osborne asked  
114 why the petitioned Amendment wasn't just to allow automotive use in the Rural Residential Zone to

115 allow the Town to maintain the same look that everyone seems to want. The Town should be able to  
116 say that a business doesn't fit but if automotive was allowed in Rural Residential it would not be as big  
117 of a deal rather than changing the Zone to Mixed Use I and can have industrial buildings and such and  
118 anyone could put anything in there. She feels as though it would have been great if the petitioned  
119 Zoning Amendment had been to allow automotive use as a Special Exception. There was further  
120 discussion regarding this matter and that making this change would be a change to the Zoning  
121 Ordinance and would need to come from the Planning Board or by a petition and it would not be able to  
122 be addressed until next year.

123 William McLaughlin, a Sunapee resident on Birch Point Rd, said that in some ways it can be construed  
124 that the Zoning Board dropped the ball in not granting the Variance for this, which is why they are  
125 having the discussion for the land use. Chairman White spoke many times during the Zoning Board  
126 meeting, identifying himself as the Chair of the Planning Board, which is a serious conflict of interest. A  
127 brief perusal of the Master Plan shows that listed under the goals as having commercial development  
128 along the State highways. Also, home businesses and light industries were favored by 2/3 of the  
129 respondents. Mr. McLaughlin said that he is in favor of the proposed Zoning Amendment.

130 Chairman White said that he was at the Zoning Board meeting and did err in not saying that he was  
131 speaking on his behalf and not on the Planning Board's behalf. There was no conflict of interest because  
132 he did not vote and he is allowed to have his own personal opinions as a resident of Sunapee. If it came  
133 before the Planning Board he was prepared to recuse himself to avoid any apparent conflict of interest.  
134 It was the Zoning Board who voted and made their decision. There was further discussion regarding this  
135 matter and that the Planning Board does not have any say on the Zoning Board.

136 Chairman White said that he does not think that this meeting is about him or the Albee's, he thinks that  
137 it is a little bigger than that. There was further discussion regarding the Planning Board and volunteers  
138 and the areas in Town which have been identified through the Master Plan to have certain areas of  
139 growth as well as getting more voters to the polls to get a true sense of what the Town wants.

140 The Board was asked what it would take to not say that they are against this proposed Zoning  
141 Amendment. Chairman White said that there are four members present and they will all cast their own  
142 vote and make their own decision. Mrs. Jepson asked if the Board would listen to people or just vote for  
143 themselves. Chairman White said that this is a small representation of the Townspeople and this  
144 impacts the whole Town. Chairman White asked if there are any abutters to the properties on Route 11  
145 or any owners on Route 11 and there were none.

146 Mr. Gamsby said that his other concern is that between the Village Commercial, Mixed Use I, and Mixed  
147 Use II, there are limited areas in Town where the automotive business can be and the Village  
148 Commercial District could have an automotive business right along the Sugar River, which is bad for the  
149 environment. The Village Commercial District is right in the middle of town and is a pristine area where  
150 everyone could see. He would rather see a commercial district on a State highway than right in the  
151 middle of Town. The other two Mixed Use I are in Guild and on Route 103 and it is very limited.

152 Mr. Gazelle asked if based on what the Board has heard if they can make a decision at this meeting.  
153 Chairman White said that the Board has to make a decision at this meeting. Mr. Gazelle asked what else  
154 the Board needs other than what they have already heard. Chairman White said that the Board

155 members are all members of the Town and there is no one who lives along Route 11 or any abutters.  
156 Mrs. Jepson said that they could be at the meeting and the people in attendance are passionate.

157 Debra Albee asked if the Board has the number of properties that are in the existing Mixed Use I  
158 Districts. Mr. Marquise said that there are roughly 60 properties between the two areas. Mrs. Albee  
159 asked and Mr. Marquise said that he does not know exactly but maybe 1/3 of those properties are being  
160 used commercially. Mrs. Albee said that she and her husband have looked for the last 3 years for  
161 property in Sunapee and it is either not an allowed use or is a wasteland. It was not just a selfish reason  
162 for going this route, it was for others to come after them and be able to have a business as it is difficult  
163 to find places that will work; there is nothing at the northern end of Sunapee for businesses.

164 Mr. Albee said that they were trying to move off Lower Main St because it is a problem. Their building  
165 sits on the lot line and the lot that they are talking about building on is 17 acres. Mrs. Albee said that  
166 the 600 ft wide proposed area was well thought out. Mr. Albee said that they want to put their business  
167 out of sight. Chairman White said that the Albee's seem like nice people, but the proposed Amendment  
168 doesn't only affect that one lot. Mr. Albee said that the other lots are only 1 to 2 acres and they will not  
169 have big box stores built on them. There was further discussion regarding this matter.

170 The Board was asked and Mr. Marquise explained that the law requires a public hearing to be held on  
171 petitioned Zoning Amendments. There was further discussion regarding this issue and that public  
172 meetings are to serve the public as well as the fact that there were no abutters at the meeting.

173 Mrs. Osborne asked if she can ask Mr. and Mrs. Albee a question as they wrote the petitioned  
174 Amendment. Mr. Marquise said that questions should go through the Chairman. Mrs. Osborne asked  
175 why the petitioned Amendment is for the area to be Mixed Use I and not a zone that more people might  
176 want or why it was not to have an automotive repair business be allowed in the Rural Residential Zone  
177 by a Special Exception. Mrs. Albee explained that with Mixed Use I what they want would be allowed  
178 with a Special Exception. Also, it was not for purely selfish reasons that they decided to do the petition,  
179 they think that there needs to be more opportunity for business and it should not just be up to a Board  
180 if it can happen. She does not think that Boards should make decisions for the entire Town without  
181 considering what the entire Town wants so her goal was to take them out of the picture. There was  
182 further discussion regarding this matter and other businesses that could go in that area with the Mixed  
183 Use I District, not just now but in the future.

184 There was a discussion regarding what can and cannot be done through a Site Plan Review as well as lot  
185 sizes in the Mixed Use I District.

186 Mr. Gazelle said that he sat on the Zoning Board for one term as an Alternate Member and one term as  
187 a Full Member and they routinely sent notices to abutters and if there were any objections they would  
188 let the Board know. The fact that they did not respond did not infer if they were for or against a case.  
189 Therefore, it cannot be assumed that abutters of this area are against the proposal as it is their  
190 responsibility to respond. Chairman White said that abutters did not get direct notice of this proposal as  
191 it is a Zoning Amendment, not a case that is coming before the Board.

192 Mr. Gamsby asked if some wants to make ½ acre parcels out of these lots if it would have to go to the  
193 Zoning and Planning Boards. Mr. Osborne explained that the Board would not be able to make any

194 restrictions to the lot sizes if it is changed to Mixed Use I. Mr. Marquise said that ½ acre minimum lots  
195 would be able to be created by right. Mr. Osborne said that there are setbacks but in the Mixed Use I  
196 District a 17 acre parcel could be cut into 34 parcels. Mr. Gamsby said that there are setbacks, wetlands,  
197 and steep slopes and asked how a ½ acre lot could meet the septic requirements. There was further  
198 discussion regarding this matter and the dimensional changes such as lot coverage allowances, lot size  
199 allowances, setbacks, and that five unit apartment buildings are allowed on these lots with Mixed Use I.

200 Mr. Butler asked and Mr. Marquise confirmed that this proposal is a drastic change from the Master  
201 Plan. Mr. Marquise said that he does not know how the Board is going to vote, however, the Board's  
202 attitudes towards this proposal are probably his fault. He has been with the Town for 27 years and has  
203 gone through two Master Plans. Master Plans are not just something that the Planning Board makes up,  
204 they are done through community questionnaires, community meetings, etc. If the Board has a feeling  
205 or an idea about what is to be limited it comes from the Master Plan and that is what he has been  
206 preaching. The last Master Plan showed that the top three things people liked about Sunapee were the  
207 small town atmosphere, peace and quiet, and unpolluted natural environment. When that is translated  
208 to a question about the type of uses, true home businesses were heavily favored by the respondents.  
209 But when they were asked about strip commercial development, and he does not see how this could be  
210 considered anything else as they are taking the most dense uses that can be in the Town and placing it  
211 in a mile and a half strip 600 ft wide, out of 589 people only 9 said that they strongly favored it. Out of  
212 589 people, 33 said that they favored it and 87% said that they were against it. Mr. Marquise said that  
213 though 95% – 100% of the people at the meeting seem to be in favor of this proposal, he thinks it is hard  
214 for the Board to go against the grain of the Master Plan about sprawl and strip development. It is true  
215 that Sunapee doesn't have the same pressures as other towns, but in other communities it seems to  
216 happen overnight such as between Claremont and Newport. Mr. Butler said another example of this is  
217 along Route 104 going towards Lake Winnisquam.

218 The Board was asked about the community attitude regarding light industry. Mr. Marquise said that  
219 light industry was favored by about 60% – 65% of the respondents. The Board was asked that as light  
220 industry was favored if the Planning Board can ask the Zoning Board to relook at the Albee's request.  
221 Chairman White explained that the Planning Board does not have any input or jurisdiction over what the  
222 Zoning Board does. Once a Zoning Board makes a decision there is a 30 day appeal period when the  
223 applicant or another aggrieved party can file for an appeal. It was stated by an audience member that,  
224 in view of the discussion at the meeting, he does not think it possible that the Board not approve the  
225 proposed Amendment because then it goes to the community people who are not at the meeting to  
226 participate in the discussion or the decision. By allowing the Amendment to go forward, it allows people  
227 one more time to engage. Mr. Osborne said that all the Planning Board can do is make a  
228 recommendation for or against the proposal, it has to go to the voters.

229 Mrs. Jepson said that she thinks the Town is doing a great disservice to small Mom & Pops and the  
230 Albee's wouldn't be here with this proposal if someone hadn't been against what they were doing. Mr.  
231 Osborne said that if it was just this one site he might have different feelings but it is the whole area.  
232 Mrs. Jepson said that it was for just the one site and the Albee's were turned down. There was further  
233 discussion regarding this matter.

234 Cory Flint asked why the proposed site was not approved by the Zoning Board as to him it seems like an  
235 ideal location and asked where the Town of Sunapee sees an ideal location for this business. Chairman  
236 White asked if the applicant had anything from the Zoning Board stating the reason for the denial. Mrs.  
237 Albee said that it stated that they did not meet the hardship. Mr. Gamsby said that the meeting minutes  
238 are online. Chairman White said that the underlying issue is that the application was for a business that  
239 was not allowed in that District. Mr. Flint asked and Chairman White confirmed that the Albee's did ask  
240 for a Variance. Chairman White explained the difference between a Variance and a Special Exception.  
241 Mr. Flint asked and Chairman White confirmed that there are Mixed Use I or commercial development  
242 areas in Town. Mr. Butler said that if there were not areas identified in Town then that would be  
243 considered a hardship.

244 Mr. Flint said that he and his wife moved their family from next door to the current Albee's location  
245 because they did not see it as a safe environment and he does not think Albee's is in the best location  
246 and wants to know where they could go. He does not think the few acres of commercial property in the  
247 harbor would be a great place for an automotive business. He would like to see it on Route 11 rather  
248 than in a village setting or in the harbor setting. He does not understand why commercial property is  
249 where it is except that it was the old Main St. There was further discussion regarding this matter.

250 The Board was asked and explained that the Master Plan was just redone in 2010, which is not that old  
251 in terms of a Master Plan. There was further discussion regarding this matter and Mr. Marquise  
252 explained that the first one was done in 1985, the second in 1998, and the most recent in 2010. The  
253 community attitudes have stayed relatively the same regarding the villages and commercial areas.

254 Mrs. Jepson said that if the Variance was granted for the Albees then this Amendment would not have  
255 been proposed. The property is an ideal location for this type of business and the location downtown  
256 should be something else.

257 Mr. Gazelle asked if the Dunkin Donuts is against the ideals of the principles expressed in the Master  
258 Plan. Mr. Marquise said that it is exactly in favor of the principles of the Master Plan because it is in the  
259 Village District, in a place people can walk to, and is not sprawl.

260 The Board was asked about the part of the Master Plan where it says that a goal is to have limited  
261 commercial use along the State Highway. Mr. Marquise said that he thinks that this means that there  
262 would be very limited commercial use along the State Highway, such as home businesses or light  
263 industry.

264 Mrs. Jepson said that she thinks that it is sad that someone who pays taxes and is well liked in the  
265 community cannot put his business in this area.

266 It was asked by an audience member if the Board is plotting for one direction, if it is not the Town's best  
267 interest to let the people vote. Mr. Osborne said that all the Board can do is make a recommendation  
268 based on their belief in the Master Plan. If enough people vote in favor of the Amendment then the  
269 change will be made. There was further discussion regarding this matter.

270 Mrs. Jepson asked and Chairman White said that he does not believe that the Albees can go back to the  
271 Zoning Board to get a Variance for their property unless the proposal is altered.

272 Mike Jesanis asked if the Board is allowed to not make a recommendation to the public. Mr. Marquise  
273 said that he thinks that the way the law reads is that the Planning Board has to hold a hearing and make  
274 a recommendation that goes to the voters. Mr. Jesanis asked and Mr. Marquise explained that if the  
275 vote is 2-2 it will go on the ballot showing that; this has to be done tonight because there is a deadline.

276 Mr. Osborne asked and Chairman White said that Zoning Amendments cannot be changed during  
277 Deliberative Session.

278 A member of the audience asked and Chairman White confirmed that if the area is rezoned from Rural  
279 Residential to Mixed Use then everything changes such as the minimum lot size. Mr. Osborne explained  
280 that a subdivision proposal has to go before the Planning Board but they cannot require anything more  
281 than a ½ acre lot. It could be changed next year but it would change for all of the Mixed Use I Districts.  
282 An audience member asked if this could be voted as a Mixed Use II District. Chairman White said that  
283 the proposal could have been for a completely new Zone, such as a Mixed Use III, but right now it is  
284 being proposed as a Mixed Use I.

285 Mrs. Osborne said that she feels like everyone in the audience is in attendance because they are mad  
286 because the Zoning Board turned down the Albee's case. As far as she knows it is the Planning Board's  
287 job to hold up the Master Plan. She feels as though it is a room full of people that want the Planning  
288 Board to change what the Zoning Board did and to go against what the Board is elected to do, which is  
289 to follow the Master Plan. There was further discussion regarding this matter.

290 A member of the audience asked and Mr. Marquise said that the Master Plan Questionnaire went out to  
291 everyone in Town and they received 20%back.

292 Mrs. Jepson asked Chairman White to recuse himself from the vote because of his feelings and the  
293 expressions he made when the Albee's went to the Zoning Board because he had a pre-formed opinion  
294 before he came to this meeting and he identified himself as a member of the Planning Board when he  
295 went to the Zoning Board meeting. Chairman White said that there is not a name on the proposed  
296 Amendment. Mrs. Jepson said that Chairman White knows who submitted the petition for the  
297 proposed Amendment and he knows the facts already. Chairman White said that he does know the  
298 facts. There was further discussion regarding this matter and why Chairman White spoke to the Town's  
299 legal counsel.

300 Chairman White said that he will think about recusing himself but they have to look at the big picture.  
301 He spoke against the project because he did not think it was good for that area because it is in a  
302 residential area. There was an abutter who just bought a brand new house next to the lot who was at  
303 the meeting who spoke about his concerns. Chairman White continued that the abutter said that he did  
304 not think having an auto body shop there was a good idea. He was not the only person who spoke  
305 against the application that night. Mrs. Jepson said that Chairman White said that he was the Chair of  
306 the Planning Board. Chairman White said that he has said that it was not necessarily appropriate and he  
307 should have said that he was speaking on behalf of himself. It was not against the law and did not put  
308 anyone in any compromising position. He appreciates that Mrs. Jepson wants him to recuse himself but  
309 he is not voting on the Albee's case. Mrs. Jepson said that she believes that Chairman White is  
310 prejudiced against this case. Chairman White said that the Board members are all individuals and can



311 think for themselves and can have their own determination as to whether this is good or not. Mrs.  
312 Jepson said that she would like Chairman White to recuse himself.

313 Mr. Butler asked if the Albee's exhausted all avenues against the Zoning Board. Mrs. Albee said that  
314 their next step would have been to take the case to court.

315 Mr. Albee said that they went with the Mixed Use I District for the area based on their attorney's advice.

316 Mr. Butler asked and Mrs. Albee said that a case against the Zoning Board is not pending and they are  
317 not going to court.

318 A member of the audience asked if the people who responded to the Master Plan knew what areas they  
319 were voting for were going to be or were they just saying that they like the small town community and  
320 Mr. Marquise explained that he was referencing two separate questions. The first question was "what  
321 do you like most about the Town of Sunapee?" and there were seven choices. The second was a list of  
322 potential uses which asked people to describe their attitude and the one that seemed to have the least  
323 favorability was strip commercial development, which is creating commercial development along a strip  
324 in Town. A member of the audience said that this could refer to a strip mall. Mr. Marquise said that this  
325 could develop over time, like any strip, to potentially develop into a strip development. Mr. Marquise  
326 was asked and confirmed that this questionnaire did not lay out the areas for the different zones. It was  
327 discussed in the meetings for the Master Plan. The audience member asked if anywhere in the  
328 questionnaire did the voters say where they felt the zones should be located. Mr. Marquise said that it  
329 was not specified in the questionnaire but when they had their meeting at the Safety Services building  
330 people drew where they wanted things and he does not believe that anyone drew any commercial  
331 development along Route 11. They wanted to keep the rural areas rural and wanted the villages to stay  
332 the same. That was the feedback that they received from the meeting that day. There was further  
333 discussion regarding this issue and businesses that can go in the Mixed Use I District.

334 There was a discussion as to whether the meeting should be closed to public comments and as it was  
335 not a case the meeting was not closed.

336 Mr. Clarke said that he is concerned as there is not a Town representation to make the vote and he feels  
337 a little uncomfortable making a recommendation. He thinks that it is up to the Townspeople to vote on  
338 the proposed Amendment. He knows the Albee's from using their services and believes that the Zoning  
339 Board should have granted the Variance because precedence had already been set. For him to vote for  
340 this would be difficult to make a recommendation as he disagrees fundamentally with opening that area  
341 up to development. There was further discussion regarding this matter as the proposed Amendment  
342 goes to the voters anyway.

343 Mr. Butler said that he is ready to vote.

344 A member of the audience said that as an RN she thinks that Mr. Osborne should be allowed to say his  
345 vote and then be allowed to go.

346 Chairman White asked and there were no more comments or questions.

347 A member of the audience asked if someone abstains from the vote if there is a quorum. Chairman  
348 White said that four people need to be involved. Mr. Marquise said that if someone recuses himself  
349 then the meeting is over because they do not have a quorum. Mr. Marquise was asked and said that he  
350 does not know what would happen because this is only the second time they have had a petitioned  
351 Zoning Amendment. There was a discussion about recusing oneself and abstaining from voting.

352 Mr. Osborne made a motion that the Planning Board oppose this Amendment because of the far  
353 reaching consequences. Mr. Butler seconded the motion. Chairman White was asked and said that he  
354 is not recusing himself. The motion passed unanimously to not recommend the petitioned Zoning  
355 Amendment on the ballot.

356 The meeting was adjourned at 8:55 pm.

357 Respectfully submitted,

358 Melissa Pollari

359 Planning Board

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361 Peter White, Chairman

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363 Kurt Markarian

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365 Joseph Furlong

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367 Shane Hastings, ex-officio member

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Donna Davis Larrow, Vice Chair

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Richard Osborne

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Joseph Butler

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Randy Clark, Alternate Member