

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **NOVEMBER 2, 2017**

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

6 **ABSENT:** Joseph Furlong; Shane Hastings, Ex-Officio Member; Suzanne Gottling, Alternative 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 explained that he asked Vice Chair Larrow to run the meeting.

11 **PARCEL ID: 0121-0055-0000 & PARCEL ID: 0121-0056-0000: LOT MERGER – 4 & 10 FERNWOOD**
12 **SOUTH; MARGARET H. THOMPSON REVOCABLE TRUST OF 1996**

13 Mr. Marquise said that this is a merger of two lots. There are currently two pre-existing houses on one
14 of the lots and another house on the other lot. The owners want to tear down one house and add on to
15 the other. Due to setback issues, they will be merging the lots to remove the property line between the
16 two lots. They have a conditional Certificate of Zoning Compliance to do the work based on the lot
17 merger. The lot merger approval will need to be conditional on the house being removed so there are
18 not three houses on one lot.

19 Mr. Butler asked if there is a time frame on the demolition. Mr. Marquise explained that the lot merger
20 document will not be filed until there is evidence that the house is demolished. The lot that needs the
21 house demolished is 0121-0055-000.

22 Mr. Clark made a motion regarding the lot merger for Parcel ID: 0121-0055-0000 and Parcel ID: 0121-
23 0056-0000 with a conditional approval that the house be removed on Parcel ID: 0121-0055-0000 prior
24 to recording. Mr. Butler seconded the motion. The motion passed unanimously.

25 **PARCEL ID: 0133-0088-0000: HARBOR HOUSE LIVERY: STATEMENT OF PROPERTY USAGE – 56 / 58**
26 **MAIN ST; SUNAPEE HARBOR RIVERWAY.**

27 Mr. Marquise explained that this hearing is for a Statement of Property Usage for the Harbor House
28 Livery building. Essentially, everything is the same, however, they want to have a longer period of use.
29 As there was a previous Site Plan, Mr. Marquise felt as though the Board should review the Statement of
30 Property Usage.

31 Mike Durfor, Aaron Simpson, Donna Gazelle, and Sue Mills presented the case on behalf of Sunapee
32 Harbor Riverway / Sunapee Heritage Alliance.

33 Mr. Durfor explained that they were asked to submit a Statement of Property Usage to clarify the usage
34 of the building and how the usage has expanded. The building was sold in October 2015 and in the

35 summer of 2016 they collaborated with the Sunapee Community Coffee House to hold musical events
36 and they held some other events as well. It was a good test to have music in the building and there was
37 very good response.

38 Mr. Durfor continued that they have met with Chief Ruggles regarding capacity and they have stayed
39 within those limits. They would like to expand the usage in terms of the number of events they can hold
40 and would like to start operating in the winter as they are making some modifications to the heating
41 system. They could not use the building in the winter previously as the Thrift Shop was in the building.
42 They need to demonstrate the viability of the building in order to show investors that people love the
43 building. They would also like to do more events in the summer and they recognize when other events
44 go on in the area and try not to hold events at the same time. Mr. Durfor continued explaining the
45 events that they have held and others that they have scheduled as well as the costs of the events.

46 Vice Chair Larrow asked and Mr. Durfor explained that the biggest change has been that the Thrift Shop
47 has left the space and they are able to use it for events as it is insulated and heated. There was
48 continued discussion regarding the building and the events.

49 Mr. Butler asked and Mr. Marquise explained that the first approved use of the building was for a
50 farmer's market, which was intended to be open during the summer months. In 2016, the Board
51 additionally approved school dances, special events, and the Coffee House. The use was supposed to be
52 once per week for 10-12 weeks and working off the farmer's market use.

53 Mr. Durfor said that they do not think that the farmer's market use will work now; right now, they want
54 to hold more music events and things like that. The music school was the recommended use by the
55 Better Future Alliance and they are still pursuing that. There was further discussion regarding this
56 matter.

57 Mr. Butler asked and Mr. Durfor said that they are allowed 75 people in the main space and today got
58 the old barn doors to swing out. When they were swinging in they had to keep the doors open or had a
59 maximum capacity of 49 people but it has been increased to 75 people.

60 Mr. Butler asked where people park in the winter. Mr. Durfor said that the parking lot next to the
61 building has room for 17 cars and there are other parking areas in the harbor. Chief Cahill counted and
62 there are approximately 300 spaces in the general vicinity of the harbor. Chairman White asked if there
63 is access from the main level to downstairs and across the bridge in the winter. Mr. Simpson said that
64 access will not be usable in the winter. Mr. Durfor said that only the main level is accessible at the
65 moment.

66 Mr. Durfor said that they are trying to use the events as an incubator to demonstrate that this is a viable
67 use for the property and people will support it. The long-term plan is to have all the floors usable and
68 have an elevator installed. They are already getting inquiries for private parties for next year and they
69 want to be able to book them.

70 There was further discussion regarding the building and potential events and the use of the building for
71 the arts, music, and community events.

72 Mr. Butler asked and Mr. Durfor said that all three sections of the main floor have heat. Mr. Durfor
73 explained the heating systems to the Board.

74 Vice Chair Larrow asked and Mr. Marquise explained that the original approval was for use 10 to 12
75 weeks in the summer and once weekly. Mr. Simpson said that the farmer's market would have been
76 extensive use. The minutes of 2016 allowed for an additional 10 to 12 events and did not require a Site
77 Plan Review. Mr. Marquise said that the concern is that now they are going from events once per week
78 to potentially more and from four months per year to all year. Mr. Durfor said that in 2016 they did not
79 have access to the entire building. Mr. Marquise said that his concern is that they are working off the
80 original farmers market approval without going through Site Plan and getting abutters input. Mr.
81 Simpson said that there was a store in the location, the Thrift Shop, on top of this approved use. Mr.
82 Osborne said that the Thrift Shop had limited hours. Mr. Simpson said that they do not know if anyone
83 will come to events in the winter. Mr. Durfor said that they want to see if they have people attend
84 events in the summer as well as the winter; they do not want to be restricted. There was further
85 discussion regarding these matters.

86 Vice Chair Larrow asked and Mr. Simpson explained that Mr. Marquise asked the Riverway to come
87 before the Board. The deed from the Town to the Riverway reads that "the property conveyed shall be
88 used for regular community use." The Town last used the building as a police station, which was a much
89 more intense use. They've had at the most 60 people at an event during the summer with the doors
90 open. They do not know if the events in the winter will work. Mr. Simpson continued that he thinks
91 that the proposal is within the spirit of the use that the Riverway requested and was approved for in
92 2016.

93 Mr. Durfor said that they want as many events as they can so that they can pay the taxes, the insurance,
94 etc. They do not want to be limited to the number of events with no change in the types of events and
95 the size of the events. There is no adverse impact if events are held multiple days or more than one day
96 per week. They want to come before the Board for Site Plan Review once they have a plan for a full
97 time, year-round arts center.

98 Mr. Clark asked and Mr. Durfor said that there is no issue with safety with heating the building in the
99 winter and further explained this matter.

100 Chairman White said that the Statement of Property Usage form is a limited document and he
101 understands that there are plans for the future. Chairman White asked and Mr. Durfor confirmed that
102 when they are able to achieve the plans they will be in for a Site Plan Review. Mr. Durfor said that they
103 cannot do a Site Plan Review based on the final use as they do not know what they will need. There was
104 further discussion regarding the future use of the building.

105 Mr. Marquise said that he is not recommending a Site Plan for something long term, he just doesn't
106 want to bootstrap too much off the farmer's market approval. He thinks that all the abutters should
107 have a chance to talk about their concerns if they have any. Mr. Clark asked why the Riverway does not
108 want to do a Site Plan Review. Mr. Simpson said that he is not sure that there will be increased intensity
109 as much as it will be increased frequency. They do not want to lock themselves into something as they
110 will be back before the Board in the future for another Site Plan Review. Until they can legally have

111 more people in the building there will be 50-75 people in the building. Mr. Durfor said that they have
112 never had an event in the building in the winter and asked how it constitutes a change in use.

113 Vice Chair Larrow asked and Mr. Durfor confirmed that they would like the daily hours of operation to
114 be 7:00 am to 11:00 pm, seven days per week, year-round, with no limit on the number of events. Mr.
115 Simpson said that they do not want to have a limit on the types of events either. They have someone
116 who wants to do something related to a wedding in the building; the Town used it in the summer, etc.

117 Mr. Butler asked and it was explained that currently members of the Sunapee Heritage Alliance Board
118 handles scheduling the events; currently, it is run by volunteers.

119 Vice Chair Larrow asked and Mr. Marquise explained his views behind the need for a Site Plan Review
120 and how to put restrictions on the use without a Site Plan Review. There was further discussion
121 regarding when a Site Plan Review should be required for a change of use.

122 Mr. Clark asked if the unlimited use could be conditionally approved with the requirement that the
123 applicants return in a year. Mr. Marquise explained that the Planning Board has the authority to
124 approve applications with conditions but they must decide how much they want to allow changes to the
125 original Site Plan. There was further discussion regarding the proposed increase of usage and the
126 applicants coming back next year to explain the events that they held during the year.

127 Mr. Durfor said that they have almost completed a Site Plan Review as they have spoken to both Chiefs
128 and none of the abutter seem to be unhappy. Most of the people involved in the Harbor House Livery
129 had been part of the Town's committee and they all have similar goals for the building. They will not be
130 adding a restaurant or anything like that currently as the building cannot handle it; they would just like
131 to hold events without constraints to the time of year or the number of events.

132 Mr. Osborne said that he does not see a problem with the increase in the number of events and using
133 the building year-round. Mr. Osborne continued explaining his opinion regarding the application.

134 Mr. Butler agreed with Mr. Osborne but felt that there should be a six-month time frame to see how the
135 winter goes. There was further discussion regarding the number of events held in the past as well as the
136 types of events held. There was a discussion regarding coming back to the Board in six months or a year
137 for scheduling purposes. Vice Chair Larrow said that if the same events are being held, she thinks that
138 they can reassess in a year to see the volume of the whole year. Mr. Durfor said that he will give Mr.
139 Marquise an update in six months as well.

140 There was another discussion regarding what events have been held in the Harbor House Livery.

141 Chairman White made a motion that the Statement of Property Usage for the Harbor House Livery at
142 Parcel ID: 0133-0088-0000 continues with the understanding that they have the same type of events of
143 they are currently holding; they are not limited in the number of these types of uses; they will file a
144 report in six months to the Town on the types of uses and the amount of use; and they will come back to
145 the Planning Board in one year to review the amount of events and types of events and possible need
146 for Site Plan Review at that point. Mr. Osborne seconded the motion. The motion passed unanimously.

147 **OTHER BUSINESS: ZONING AMENDMENTS**

148 Mr. Marquise gave handouts of the proposed Zoning Amendments (see attached) to the Planning Board
149 and members of the Zoning Board who were present. There was a discussion regarding the timing of
150 the public hearings and that the wording can be altered in public hearings but the intent cannot.

151 Amendment #1

152 Article II, Section 2.30 and Article III, 3.10 and Article IV, 4.10

153 Mr. Simpson asked about the intent of the Amendment and if it relates to the petitioned Zoning
154 Amendment from last year. Mr. Marquise explained that this is to show that the Board is sensitive to
155 the needs of a District. There were great points made during the discussion about the petitioned
156 Amendment but the proposed Zone was extremely intense and this Zone would be less intense.

157 There was further discussion regarding this new District and if it fits within the Master Plan. There was a
158 discussion regarding potential traffic in this area. There was a discussion last year regarding applications
159 that Zoning has had for businesses in the proposed Mixed Use III District. There was a discussion
160 regarding increasing the distance from Route 11 that can be Mixed Use III as well as increasing the
161 setbacks. There was a discussion regarding how this Amendment was proposed. There was a discussion
162 regarding the part of Rural Lands that would become Mixed Use III if it should be kept on one side of
163 Route 11. There was a discussion regarding keeping the Zone from Trow Hill Rd to Browns Hill Rd to
164 keep it out of the Rural Lands. There was another discussion regarding changing the wording of the
165 proposed amendment and increasing the setback for commercial uses in the Zone. There was a
166 discussion about putting parking lots next to property lines as it is allowed now in any Zone and about
167 natural buffers and if they can be addressed in Site Plan Review. The Boards discussed waiting until next
168 year to have this Amendment to address all the questions that have been raised or going ahead with the
169 Amendment and getting public comments.

170 The decision was to have the Mixed Use III District run easterly 600 ft along Route 11 and remove the
171 Rural Lands.

172 Amendment #2

173 Article VI, Section 6.12 – Reconstruction; and add Article VI, Section 6.13 - Expansion

174 Mr. Marquise explained these proposed Amendments. Mr. Platt said that this seems different than
175 what the Zoning Board proposed. Mr. Marquise said that he thinks that 6.13 solves the problem with
176 expanding a non-conforming building into a conforming area. Mr. Platt explained his views regarding
177 the Amendment and bettering situations. Mr. Marquise said that he does not believe that a Zoning
178 Administrator can give permission for someone to put something into a non-conforming area. There
179 was further discussion regarding this matter. There was a discussion regarding pulling the definition of
180 Envelope (Amendment #7) into this Amendment so they are voted on together.

181 Amendment #7 (to become part of Amendment #2)

182 Article XI - Definitions - Envelope

183 There was a discussion as to if cupolas, weathervanes, overhangs, etc. are part of the envelope.

184 Amendment #3

185 Article X, Section 10.42 – Variance

186 Mr. Marquise said that the full text of this Amendment will come from the NH RSA.

187 Amendment #4

188 Article X, Section 10.43 Equitable Waivers

189 Mr. Marquise explained that this Amendment is to correct a mistake from last year to include the entire
190 wording of an Equitable Waiver.

191 Mr. Simpson asked if there could be an Addendum added to this Article and to the Article X, Section
192 10.42 to say “shall be as written in RSA...” so when the law changes they do not need to be amended
193 again. Mr. Marquise said that this is possible and there was further discussion regarding this matter and
194 the wording.

195 Amendment #5

196 Article XI, Definitions - Structures

197 Mr. Marquise explained this proposed definition. There was a discussion regarding this Amendment and
198 removing “natural” and “pervious”.

199 Amendment #12

200 Definitions – Walkways

201 There was a discussion regarding this Amendment in relation to the definition of structure and what
202 should be included in the definition of a walkway.

203 Amendment #13

204 Definitions – Patios

205 There was a discussion regarding this Amendment in relation to the definition of structure and the
206 difference between a stone and concrete patio and stone and sand patio and a concrete slab patio.
207 There was a discussion regarding pervious and impervious patios along the Shoreland and water
208 drainage and runoff.

209 There was further discussion regarding the definitions of structures, walkways, and patios within the
210 Shoreland and lot coverage. There was a discussion regarding not defining patios and walkways and just
211 put that they are excluded as a structure. There was a discussion regarding rock walls and retaining
212 walls and if rock walls are structures and if they should be excluded from the definition of structure.

213 The decision was to remove the definitions of walkways and patios and to add rock walls as part of the
214 exclusions for structures.

215 Amendment #6

216 Article XI – Definitions – Impervious Surface

217 Mr. Marquise explained that this definition will come from the State. There was a discussion as to if the
218 definition’s purpose should be referenced. Mr. Marquise read the definition of Impervious Surface to
219 the Board. There was a conversation regarding the definition of “coverage” for the Shoreland District.
220 There was a discussion regarding using both impervious and impermeable in the Ordinance. There was
221 a discussion regarding having a statement at the end of the definition stating “anything that does not
222 meet this definition will be considered pervious”.

223 Amendment #8

224 Article XI – Definitions – Non-Conforming Structure

225 Mr. Marquise read the proposed definition and there was no discussion.

226 Amendment #9

227 Article XI – Definitions – Maximum Structure Height

228 Mr. Marquise explained that the only change is to add the words “Maximum Structure” before “Height”,
229 which conforms to the table of Article 3.10.

230 Amendment #10

231 Article XI – Definitions – Expansion

232 Mr. Marquise read the proposed definition and Mr. Simpson asked if “expansion” relates to going
233 outside the envelope. The decision was to say “any outward change to the existing envelope” to keep
234 things consistent.

235 Amendment #11 – Definitions – Reconstruction

236 Mr. Marquise read the proposed definition and there was a brief discussion regarding this definition and
237 how it relates to tearing down and rebuilding a structure in the same or smaller envelope and if there is
238 a fire or a tree falls through the house. There was a discussion regarding keeping or removing the word
239 “voluntary” from the definition and it will be removed.

240 Mr. Marquise thanked the Zoning Board for their input and assistance with the process.

241 **MINUTES**

242 Changes to the Planning Board minutes from October 5, 2017: Change Line 240 to read “...Sections 6.12
243 and 6.13 address that you cannot...” Change Line 266 to read “...to discuss with them the flow of
244 traffic.”

245 Mr. Osborne made a motion to approve the minutes as amended. Mr. Butler seconded the motion. The
246 motion passed with four in favor and one abstention.

247 **MISCELLANEOUS**

248 There was a discussion regarding classes that are offered for Zoning and Planning Board members.

249 Mr. Osborne made a motion to adjourn the meeting at 10:23 pm. Mr. Butler seconded the motion. The
250 motion passed unanimously.

251 Respectfully submitted,

252 Melissa Pollari

253

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255

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257 Planning Board

258 _____

259 Peter White, Chairman

260 _____

261 Richard Osborne

262 _____

263 Joseph Furlong

264 _____

265 Shane Hastings, ex-officio member

Donna Davis Larrow, Vice Chair

Joseph Butler

Randy Clark

Suzanne Gottling, ex-officio alternate member