

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **FEBRUARY 4, 2016**

4 **PRESENT:** Peter White, Chair; Tanner Royce, Vice Chair; Shane Hastings; Donna Davis Larrow; Richard  
5 Osborne; Sue Gottling, ex-officio member; Joseph Butler, Alternate; Joseph Furlong, Alternate; Michael  
6 Marquise, Planner

7 **ABSENT:** Kurt Markarian

8 **See attached sign in sheet**

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

10 Chairman White appointed Joseph Furlong to sit in for Kurt Markarian for the meeting.

11 **CONTINUATION: PARCEL ID: 0148-25-0000: SUBDIVISION / ANNEXATION; LANCE & CHRISTINA**  
12 **HARBOUR, HAMEL RD.**

13 Mr. Marquise said that he received an email requesting a continuation of the case to the March 3<sup>rd</sup>  
14 meeting.

15 **MISCELLANEOUS: DISCUSSION WITH LAKE SUNAPEE PROTECTIVE ASSOCIATION (LSPA) ON THE**  
16 **CREATION OF A WATER SHED COMPLIANCE OFFICER FOR THE LAKE SUNAPEE AREA.**

17 June Fichter, director of the LSPA, explained that she along with members of the LSPA Watershed  
18 Committee would be talking to the Board. The members of the LSPA Watershed Committee present  
19 were: Diane Robbins, Garnet Hill Rd; Betsy Lyons, Garnet Hill Rd; and Nancy Marashio, Newbury.

20 Chairman White asked and Ms. Fichter confirmed that this meeting is related to the seminar that LSPA  
21 held a few months ago.

22 Ms. Fichter explained that there are four major towns in the Watershed: Sunapee, New London,  
23 Newbury, and Springfield, though Springfield does not have frontage on Lake Sunapee. There were two  
24 meetings that LSPA held and at both meetings, one of the issues that the Towns spoke about was the  
25 lack of enforcement of their Ordinances. Out of that came a proposed process / outline and each Town  
26 is looking at it. A shared Compliance Officer is one potential outcome, similar to the Tri-Town Assessing  
27 model. The main idea was that if there are rules on the books, how might there be a process to ensure  
28 that they are followed.

29 Ms. Fichter said that the first component of the process is education for contractors and owners to meet  
30 with someone to talk about what they can and cannot do. Then there should be a follow up during  
31 construction and after the project is done to determine if they did what they said they were going to do.  
32 Ms. Fichter said that these steps do not seem to be followed consistently in all the towns.

33 Chairman White asked how the Watershed Compliance Officer would work with the already established  
34 Zoning Administrator. Would they work in conjunction with each other or take the place of the Zoning

35 Administrator? Ms. Fichter said that Zoning people could take on the tasks of the Watershed  
36 Compliance Officer. There was further discussion regarding this matter.

37 Chairman White asked and Ms. Fichter confirmed that part of the issue is that each Town has their own  
38 Ordinances. Chairman White asked if the goal is to get the Towns to align at some level and make the  
39 oversight more feasible. It was explained that this was an original thought but after sharing it with the  
40 Towns people did not see many significant differences between the Towns. The Towns indicated that  
41 they want to work on the compliance parts. Chairman White said that he knows that Sunapee has very  
42 specific Special Exceptions that the other Towns do not have. It was explained that each Town has told  
43 LSPA that they do not want to give up those things which are appropriate for their Town. The three  
44 priorities that came out of the meetings were: establishing a multi-town compliance process; establish a  
45 fulltime position for a four town environmental compliance officer; and to establish an education  
46 process for contractors so that they are able to be held more accountable.

47 Ms. Robbins said that so much work goes into the Ordinances but that there is a disconnect when  
48 people come to get a permit and then build. There is no assurance that people are building what they  
49 say they are going to build. There is no assurance that they are not using more pervious materials than  
50 what they say. There was further discussion regarding this issue.

51 Ms. Lyons said that she noticed that there are Warrant Articles for Zoning and many of them are for  
52 compliance but said that she wonders if there is not a Compliance Officer how the Town is operating.  
53 She realizes that there is someone in Town who probably does it but she is not quite sure how it works.  
54 Ms. Lyons continued that she wants to preserve the Lake. She thinks a Compliance Officer would help  
55 people to be educated and to ensure that they do what they need to do.

56 Ms. Fichter said that she does not believe things should end with the Lakefront as all the water is  
57 connected.

58 Chairman White said that in terms of compliance he does believe that there should be a penalty that is  
59 somewhat of a deterrent to people doing what they know they should not be doing. It is great to have  
60 the laws but there needs to be a deterrent to have people follow them. Ms. Fichter said that it is tricky  
61 and she knows that the Planning Board in Newbury is looking into how they may legally handle this  
62 issue. There was further discussion regarding this matter.

63 There was a discussion regarding projects that have been done without proper protection to the  
64 watershed.

65 Chairman White asked if LSPA has thought of any education venues for homeowners and contractors.  
66 Ms. Fichter said that they have held workshops and had speakers but the problem is making it enticing  
67 enough to make contractors want to go to them. Education wise, if there is the initial interaction with  
68 the Town's Code Enforcement Officer then it is right there for them. Ms. Fichter said that one way to  
69 get contractors to go to the education seminars would be if they got credit for attendance. Mrs.  
70 Gottling said that there is something similar with the NH Roads Scholars. Chairman White asked if  
71 Towns have the right to say that people cannot work on waterfront properties without certain licenses.  
72 Ms. Fichter said that she thinks that is going too far. Mr. Osborne said that in Maine, contractors have

73 to attend a class in order to work in a Waterfront District. There was further discussion regarding this  
74 issue.

75 Mr. Marquise said that there have been conversations with himself, Town Manager Donna Nashawaty,  
76 and Zoning Administrator Roger Landry. Regarding the Lake Ave situation, they do not believe that a  
77 Compliance Officer would have done anything different. Mr. Marquise said that they have started a  
78 peer review with the Department Heads and possibly engineers for projects if needed, to discuss  
79 questions and concerns that they may have regarding different proposed projects. Mr. Marquise  
80 continued that in Sunapee, he does believe that they get close to 100% compliance, though it may be  
81 delayed compliance. This happens because the assessors go out and bring things to Mr. Landry's  
82 attention. However, regarding the Lake it is the real time compliance that is the issue and they have  
83 discussed various ways to handle this. Ms. Fichter said that she was happy that the assessors went to  
84 one of the meetings they held as they were very insightful and had a lot of knowledge.

85 There was another discussion about the benefits of a Compliance Officer and about the State's  
86 compliance procedures. There was another discussion about the Lake Ave project and if a Compliance  
87 Officer would have helped prevent the issues with the project. There was a discussion about sediment  
88 and algae as well as a discussion about erosion control and dirt roads.

89 Mr. Marquise explained that Sunapee does have a process that they have land disturbance bonds for  
90 waterfront projects.

91 Mr. Marquise was asked and confirmed that when someone gets a building permit they sign that they  
92 are giving authorization that they will get a final inspection. There was further discussion regarding the  
93 inspection process as Sunapee does not have a Certificate of Occupancy there is not a Building  
94 Inspector.

95 Chairman White asked what the LSPA's timeline is to get a Compliance Officer for the Towns. Ms.  
96 Fichter said that they would have liked them to be in this year's budgets but understands that there is a  
97 process.

98 Mr. Butler asked if the LSPA sees the Compliance Officer as a paid position or as a volunteer position.  
99 Ms. Fichter said that it could be either but she imagines that it would be paid. Ms. Marashio said that  
100 Newbury's Building Inspector position was restructured to a Compliance Officer position and that is a  
101 paid position. New London has a Town Planner and they have changed the definition of the position to  
102 include more compliance and enforcement. Chairman White said that the Towns all have a person who  
103 is in the position as Compliance Officers but it is a matter of having enough time and money.

104 Chairman White said that he thinks that the education process of this is the perfect spot for the LSPA to  
105 be involved in as they are more apt to do a better job at it than a town. Ms. Fichter said that she sees  
106 the LSPA's role as getting in touch with UNH's storm water center to see if they can structure something.  
107 In terms of them calling the Town's and sitting down with them and/or applicants that is overreaching.  
108 She thinks Mr. Landry would be in a better spot for that. Chairman White said that Mr. Landry does not  
109 have the time for that and part of the problem with having these part time Zoning positions is that they  
110 are so busy taking in new work, for him to find the time to make sure that people are complying is too

111 much. There was further discussion regarding this matter and about how to possibly pay for a  
112 Compliance Officer.

113 Chairman White said that he does not think that it is manageable for all three towns to have a  
114 Compliance Officer when they all have someone now. The LSPA members thought it would be good to  
115 look at the functions of the three people to see if it could be done somehow. Mr. Butler said that there  
116 are differences in all the Zoning Regulations that have to be considered.

117 The discussions regarding the different thoughts about the Compliance Officer and the processes that  
118 could happen continued.

119 **PARCEL ID: 0104-0087-0000 & PARCEL ID: 0106-0021-0000: LOT MERGER APPROVAL, HALLKEEN**  
120 **MANAGEMENT, SUNAPEE COVE, 1250 ROUTE 11.**

121 Mr. Marquise said that this is not an application that the Board wants to deny as it is a condition of one  
122 of their approvals.

123 Mr. Osborne made a motion to approve the lot merger. Mr. Hastings seconded the motion. The motion  
124 passed unanimously.

125 **PARCEL ID: 0136-0018-0000: ROAD NAME APPROVAL, MCCARTHY SUBDIVISION, LAKE AVE. BRUCE**  
126 **MCCARTHY.**

127 Mr. Marquise explained that Mr. McCarthy has three suggested names for the road. It is up to the  
128 Planning Board to sign off on the name before it goes to the Selectboard. Mr. Marquise said that the  
129 first three names that have been suggested neither he nor the Fire Department feel will work as they all  
130 start with words that are already on the roads list and there should not be any duplication. The three  
131 names that Mr. McCarthy has listed are: Lake House Lane, Stone Terrace, and Sunrise Circle. Mr.  
132 Marquise said that he recommends that the Board suggest Mr. McCarthy try three more names without  
133 any duplications; Lake, Stone, and Sun all have a duplicate.

134 Mrs. Larrow asked where Mr. McCarthy can get a list of the road names so that he can choose  
135 something that is not a duplicate. Mr. Marquise said that he thinks Mr. McCarthy can get information  
136 from the Town Office.

137 The Board determined that they would not accept any of the names.

### 138 **PUBLIC INPUT / CONSULTATIONS**

139 Chairman White asked and there was no public input or any consultations.

### 140 **OTHER BUSINESS**

### 141 **APPOINTMENT OF RANDALL CLARK AS AN ALTERNATE TO THE PLANNING BOARD.**

142 Mr. Marquise explained that Mr. Clark was not formally a resident when he first approached the Board  
143 asking to be an Alternate. However, he has since become a resident.

144 Vice Chair Royce made a motion to approve the appointment of Randall Clark as an Alternate to the  
145 Planning Board. Mr. Furlong seconded the motion. The motion passed unanimously.

146 **MISCELLANEOUS**

147 Chairman White said that he was happy to hear that Mr. Furlong is running for the Board and that Mrs.  
148 Larrow is running again. Chairman White continued that Vice Chair Royce will be missed.

149 There was a brief discussion about Mount Royal Academy as Mr. Marquise explained that they have  
150 decided to stop renting the chapel for services on Sundays. Mount Royal has also asked to meet with  
151 the Board of Selectmen at the meeting on Monday, February 8<sup>th</sup>.

152 **Changes to the Minutes from the December 3, 2015 meeting:** No changes were made to the minutes.

153 Mr. Osborne made a motion to accept the minutes of the December 3<sup>rd</sup> meeting as read. Mrs. Gottling  
154 seconded the motion. The motion passed with six in favor and one abstention.

155 **Changes to the Minutes from January 7, 2016 meeting:** Change Line 42 to read "...I must protect  
156 myself..." Change Line 144 to read "...asked Mr. Hopkins not to do it..." Change Line 145 to read "...it  
157 was his opinion..."

158 Vice Chair Royce made a motion to accept the minutes of January 7<sup>th</sup> as amended. Mr. Hastings  
159 seconded the motion. The motion passed with six in favor and one abstention.

160 Vice Chair Royce made a motion to adjourn at 8:57 PM. Mr. Osborne seconded the motion. The motion  
161 passed unanimously.

162 Respectfully submitted,

163 Melissa Pollari

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165 Planning Board

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167 Peter White, Chairman

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169 Donna Davis Larrow

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171 Richard Osborne

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173 Suzanne Gottling, ex-officio member

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Tanner Royce, Vice Chair

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Kurt Markarian

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Shane Hastings

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Joseph Butler, Alternate Member