

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **MARCH 3, 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; Randy
6 Clark, Alternate; Michael 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 **CONTINUATION: PARCEL ID: 0148-0025-0000: SUBDIVISION / ANNEXATION; LANCE & CHRISTINA**
11 **HARBOUR, HAMEL RD.**

12 Chairman White appointed Mr. Butler to sit in for Kurt Markarian for the case.

13 Mr. Marquise said that this case first began in January and the 65 days to make a decision are almost up.
14 One issue was the right of way for access, which has been agreed upon but they need to go through
15 another process with the Zoning Board. There is a request from Mr. Harbor that Mr. Marquise read to
16 the Board. "I am writing in regard to our item currently under consideration by the Planning Board. I
17 am respectfully requesting a waiver of the 65 day limitation for Planning Board consideration. In
18 addition to the waiver, I am asking for an addition 90 days to allow consideration through the month of
19 June, 2016. As you recall, the Planning Board postponed their decision pending a resolution regarding
20 the Griffin property and the restricted access to Hamel Rd as a result of the proposed annexation. Miss
21 Griffin has opted not to grant a right of way but rather to sell us a portion of her property that
22 Morningside Drive crosses. This negotiation has taken some time, as will the process of completing the
23 transaction. It is our intention to ask the Planning Board to revisit this plan as soon as we have legal
24 ownership of the property in question and I appreciate your consideration of this request."

25 Mr. Marquise said that the 65 days is for the benefit of the applicant. If the Board wanted to delay it
26 they would have to go before the Board of Selectmen and get an extension. When the request comes
27 from the applicant, it can just be a mutually agreed upon agreement to extend it for whatever length of
28 time the two parties agree. Mr. Marquise continued that because 90 days have been requested he
29 recommends that the Board follow along with that.

30 Chairman White asked and there was no one in the audience with any comments on the case.

31 Mrs. Larrow asked and Mr. Marquise explained that every time there is a hearing, it serves as a notice.
32 Also, there will be another case that will go with this that will be for the division of the Griffin property,
33 which will be advertised. Vice Chair Royce asked and Mr. Marquise confirmed that they will just
34 continue the case from month to month, not for the full 90 days, they will set the deadline for 90 days.
35 The case will be on the agenda every month.

36 Mr. Osborne made a motion to extend the case of Parcel ID: 0148-0025-0000: subdivision / annexation
37 for Lance and Christina Harbour, Hamel Rd, for the requested 90 days. Vice Chair Royce seconded the
38 motion. The motion passed unanimously.

39 **MISCELLANEOUS**

40 Chairman White asked Mr. Marquise if he ever got any advice from the Town's attorney whether they
41 should release correspondence from them. Mr. Marquise said that he has spoken with Donna
42 Nashawaty regarding this issue and she is going to have another Right to Know training session and she
43 feels that it would be an appropriate question for that time. Chairman White said that this has
44 happened to the Board twice and he feels that they have been put into an uncomfortable position and it
45 would be nice to know exactly what they should do. Mr. Marquise said that he thinks that the Board
46 decided that any future request would be from the Board and as part of the request they would ask the
47 attorney if the information should be released so that they have a guideline. Mrs. Nashawaty feels like
48 there should be a bigger discussion about who has the right to release information that comes in as the
49 email was addressed to several people. Mr. Marquise continued that the meeting should be held in the
50 next couple of months.

51 **PARCEL ID: 0128-0068-0000 & PARCEL ID: 0128-0067-0000: BOUNDARY LINE AGREEMENT WITH**
52 **PHILIP HENNEMAN AND FRANK & HELEN MACIOCE, 109 LAKE AVE.**

53 Chairman White appointed Joseph Butler to sit in for Kurt Markarian for the case.

54 Chairman White explained the process of hearing a case to the applicants. Mr. Marquise gave the Board
55 copies of the plan.

56 Mr. Marquise said that this application falls under the Boundary Line Agreement Regulations, not the
57 normal Subdivision / Annexation Regulations so it is not a regular case where the Board needs to
58 determine completeness. The Board looks at the application and plans and if there are no issues they
59 are stamped as non-applicable and can be sent to the Registry. Mr. Marquise continued that the plan
60 looks good as they only established a line that was previously unknown.

61 David Burnham of Pierre Bedard and Associates presented the merits of the case.

62 Mr. Burnham said that a Boundary Line Agreement versus a Boundary Line Adjustment happens when a
63 line is unambiguous and undeterminable. They went south and three lots north and could not find
64 anything along the Lake to determine the line. Along the road, there is a pipe and it actually was a little
65 longer than what the deed distances are and that was the only place they had to establish anything
66 from, nothing along the Lake. Mr. Burnham said that the Hennemans and Macioces got together and
67 agreed that the landscape / timber retaining wall would be the boundary line. The plan will go to the
68 Registry to be recorded and they also made a few monuments along the boundary line so that if one is
69 destroyed they don't have a problem.

70 Chairman White asked if this line was an assumed line and Mr. Burnham explained that everyone in the
71 neighborhood said that the line was parallel to the building and had their own ideas. There is nothing in
72 the research that anything can be established on the shoreline; both owners felt that this was close to
73 the line.

74 Vice Chair Royce asked if the lengthening along the road by a foot is absorbed by the Henneman's
75 property. Mr. Burnham said that they can only give their client what they were deeded. If they find that
76 there is excess or less frontage they can do an apportionment, which is all that they can do by law.
77 There was further discussion regarding this issue.

78 Mr. Burnham said that another thing about this lot is that Clearwater Drive was thrown up years ago
79 when Lake Ave was relocated. What happened with that is that each of the owner's properties go to
80 the centerline of the old right of way that has been extinguished or to the edge of the new right of way
81 that has been adopted. That is why there is a triangular piece that used to be part of Clearwater Drive
82 and is now part of Henneman's property.

83 Mr. Butler asked if setbacks for the house come into play for the line for agreement. Mr. Marquise said
84 that he does not believe so as they are just establishing a line that was previously unknown and it should
85 not affect Zoning setbacks. Chairman White said that was his question, though it looks like the house
86 under construction is being built within the existing footprint. Mr. Burnham said that side of the house
87 is being built in the same footprint.

88 Chairman White asked if the easterly side of the Henneman property has been questioned. Mr.
89 Burnham said that it has not as far as being able to find information and monumentation as to where it
90 was. There was a question about where the 6 ft right of way was but it was determined that it is 6 ft
91 long the edge of Clearwater Dr and is a walking path to the Lake.

92 Chairman White asked and there were no comments from the audience.

93 Vice Chair Royce made a motion that the Board finds the Boundary Line Agreement does not fall within
94 the Subdivision Regulations for Parcel ID: 0128-0068-0000 and 0128-0067-0000. Mr. Osborne seconded
95 the motion. The motion passed unanimously. The Board signed the Mylar.

96 Mr. Burnham said that the stamping professional did not get noticed of the hearing. They pay for and
97 expect notice and it is concerning to them to not be noticed when plans of theirs are to be reviewed and
98 could potentially be reviewed and accepted without them being made aware of it. Mr. Marquise said
99 that the rules say that there is no need for public notice for these types of cases because they are
100 marked as not applicable. Mr. Burnham said that they paid for the noticing because the Town of
101 Sunapee determined, through their attorneys, that they needed to; though he realizes that this is the
102 only time that they have done this type of case. They did pay for the noticing and did not get anything
103 from the Town. Mr. Marquise asked and Mr. Burnham confirmed that he did give an abutter's list and
104 paid for noticing. Mr. Marquise said that he will look into it as it should have been noticed if it was
105 noticed to all the other parties, though it is not something that is typically required. Mr. Burnham said
106 that it was the first time that it has been requested that they do a notice for any type of Boundary Line
107 Agreement in any town.

108 **PARCEL ID: 0145-0030-0000 & PARCEL ID: 0145-0029-0000: LOT MERGER APPROVAL: ESTATE OF**
109 **GLORIA L. ACHILLES, 42 HELLS CORNER RD.**

110 Chairman White appointed Mr. Furlong as a voting member for this case in place of Mr. Markarian.

111 Mr. Marquise explained that this is a merger of two lots on Hells Corner Rd. One of the lot appears to
112 be mostly wetlands and they are two good size lots that are being merged together.

113 Chairman White asked and Maureen Brandon, an abutter, said that she is listening to the hearing
114 because the executor of the estate is out of state.

115 Chairman White asked about the map and Mr. Marquise said that he does not have it but can get one.

116 Mr. Furlong made a motion to accept the Lot Merger approval for the Estate of Gloria L. Achilles at 42
117 Hells Corner Rd, Parcel ID: 0145-0030-0000 and Parcel ID: 0145-0029-0000. Mr. Osborne seconded the
118 motion. The motion passed unanimously.

119 **Changes to the Minutes from the February 4, 2016 meeting:** There were no corrections.

120 Vice Chair Royce made a motion to accept the minutes of February 4th as written. Mr. Osborne
121 seconded the motion. The motion passed unanimously.

122 Mr. Hastings made a motion to adjourn at 7:39 PM. Mrs. Gottling seconded the motion. The motion
123 passed unanimously.

124 Respectfully submitted,

125 Melissa Pollari

126

127 Planning Board

128 _____

129 Peter White, Chairman

130 _____

131 Donna Davis Larrow

132 _____

133 Richard Osborne

134 _____

135 Suzanne Gottling, ex-officio member

Tanner Royce, Vice Chair

Kurt Markarian

Shane Hastings

Joseph Butler, Alternate Member