

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **SEPTEMBER 15, 2016**

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

6 **ABSENT:** Kurt Markarian

7 **See attached sign in sheet**

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

9 Chairman White appointed Mr. Clark to sit for Mr. Markarian.

10 **MISCELLANEOUS**

11 Chairman White said that he attended the last Zoning meeting as he was concerned about one of the  
12 cases, a Use Variance for an auto body shop where the dance studio is on Route 11 right before the  
13 storage place. The proposal was for an auto body repair shop, the owner's future home on the site, and  
14 the dance studio and offices to remain. He went to express his concerns about the case; though the  
15 applicants had 20 to 25 people in support of them. Chairman White continued that one member of the  
16 Zoning Board has told him that he got a little carried away but he was concerned as the Board has  
17 granted nine Variances out of nine requests, though they did end up denying this Variance; the three  
18 Variances after this case was heard were approved.

19 Chairman White said that he thinks that at some point a joint meeting between the Planning Board and  
20 the Zoning Board is needed. He does not feel as though the Boards are aligned with how they look at  
21 the Master Plan. Vice Chair Larrow said that she thinks that there should be a review of the Master Plan  
22 because in the minutes of the Zoning meetings, Mr. Landry says that he feels as though it should be  
23 commercially zoned from Sunapee to Georges Mills. Chairman White said that it is Mr. Landry's  
24 personal opinion. Vice Chair Larrow said that it is not what the Master Plan says and she feels as though  
25 they need to make it clear that the goal is to stick with the Master Plan or they need to modify the  
26 Master Plan.

27 Chairman White said that there were a number of people that were in support of the project; though  
28 maybe 10 of them were not year round residents. He heard a few Zoning members say that the  
29 Ordinance and the Master Plan is wrong as the Route 11 corridor should be where commercial  
30 development should be, which is where he got offended as it is not up to the Zoning Board to decide, it  
31 is up to the Town's people to decide where development happens. Vice Chair Larrow said that it brings  
32 to light the training aspect of both Boards to make sure that everyone has a good grasp of the goals in  
33 order to keep personal opinions out. Mr. Marquise said that there cannot be Zoning Ordinances without  
34 a Master Plan.

35 Chairman White said that many people stood up and spoke about how good the owners are and  
36 business is and the only person who spoke against it was an abutter of the property who said that he

37 just bought the house a year and a half ago and does not want an auto body shop next door to him. The  
38 response to the abutter was that he bought on Route 11 and he is going to get noise anyway; which is  
39 not necessarily an appropriate response.

40 Chairman White said that he does not know if the applicant is going to appeal the Zoning Board's  
41 decision or what is going to happen.

42 Mr. Furlong asked and it was explained that the applicant was going to have two locations and on the  
43 proposed location they were also going to have a residence.

44 Chairman White said that the concern is if you develop along Route 11 that the look will be more like  
45 going from Newport to Claremont than what he thinks most people want Sunapee to look like. The  
46 Master Plan was done in 2010 and will need to be redone in four years.

47 Mr. Butler asked and Chairman White confirmed that Mr. Landry was in support of the application. Mr.  
48 Butler said that concerns him if the Master Plan shows something different. Chairman White said that  
49 Mr. Landry seems to think Route 11 is where commercial development should happen in Town. Vice  
50 Chair Larrow said that she thinks that Mr. Landry has sited that there have been other businesses  
51 approved in residential neighborhoods in the past few years so why would this application not be  
52 approved. Chairman White said that these businesses have been approved through Variances.

53 Mr. Furlong asked about the reason that the application was denied. Chairman White said that there  
54 was no hardship. The attorney who presented the case did allude to the fact that there have been other  
55 businesses approved. Vice Chair Larrow said that this may be grounds for appeal. Chairman White said  
56 that he would be surprised if the applicant does not appeal.

57 There was further discussion regarding the Master Plan, Route 11 corridor, commercial properties, and  
58 sprawl as well about the Variance application.

## 59 **PROPOSED ZONING AMENDMENTS FOR THE 2017 TOWN MEETING**

60 Mr. Marquise said that the Zoning Board was invited to attend this meeting and Mr. Platt is in  
61 attendance to discuss some of his suggestions. Mr. Platt said that Mr. Landry did not really encourage  
62 the Zoning Board members to attend the meeting.

63 Mr. Marquise said that from a Planning standpoint, one issue that they have come across that needs to  
64 be addressed is the Accessory Dwelling Unit law. The State passed a law last year that mandated that  
65 Towns must allow Accessory Dwelling Units, without regard to density, road frontage, shore frontage,  
66 etc. The law comes into effect on July 1, 2017, and if the Board does nothing, it is a free for all. They  
67 can make it so they are only allowed through a Special Exception with some restrictions that the State  
68 allows. Mr. Clarke asked and Mr. Marquise explained that the only requirement that has to be met is a  
69 setback requirement but if it is non-conforming based on size, it must be allowed. There was further  
70 discussion regarding the restrictions and about Special Exceptions as well about this law. The Board  
71 discussed limiting the size of the Accessory Dwelling Units to 1,000 square feet. The Board determined  
72 that they would not include design standards in the Ordinance. Mr. Marquise said that he will need to  
73 write a definition and then the Ordinance with the requirements.

74 Mr. Platt said that one of his proposed Amendments is in regards to the language for pre-existing lots,  
75 non-conforming lots. Currently, if you make a change to a pre-existing lot, it no longer qualifies as a pre-  
76 existing lot as it has been changed so setbacks and such are no longer applicable for a pre-existing lot,  
77 even if it is still non-conforming. Mr. Butler asked and Mr. Marquise said that the lot would no longer be  
78 a Grandfathered lot either. Mr. Platt said that he is suggesting changing the wording from “pre-existing”  
79 to “legal” so they still have the benefits of the pre-existing lots. There was further discussion regarding  
80 this proposed Amendment and the Board decided it is a reasonable idea.

81 Mr. Platt said that another Proposed Amendment has to do with road setbacks. Two years ago the front  
82 setback definition was changed, however, they did not change the language in Article III, the chart,  
83 which requires all the roads and private roads to be on the official map. If there is a lot that has a road  
84 going through the middle, to have a 50 ft setback on both sides it greatly reduces the buildable area.  
85 Mr. Platt suggested removing the language in Article III that says “official map” and to say “private  
86 roads, as defined in the Ordinance”, to make everything consistent. There was further discussion  
87 regarding this proposal. Mr. Marquise asked about Oakledge as the roads there are private and not to  
88 Town standards nor are they Town maintained. Mr. Platt said that he believes that they have their own  
89 set of Covenants and setbacks. Chairman White asked if a subdivision is created and the road is kept  
90 private at first if the development is not built to Town specs, can the lots not have a road setback. Mr.  
91 Marquise said that roads must be built to Town specs now, so new developments should not be an  
92 issue. Chairman White asked there is a private road already existing and things are not built to Town  
93 specs but then they upgrade the road and ask for it to be taken over, if in the conversion process they  
94 will look at the setbacks. Mr. Osborne said that the road would not meet Town specs. The Board  
95 agreed that Mr. Marquise would write something up on this proposal.

96 Mr. Platt said that it seems like the Boards should be able to make some changes to help people not  
97 have potentially three month before a project is approved. Mr. Platt suggested to change it so that the  
98 Zoning Board meeting is held before the Planning Board meeting or for simple things the Boards could  
99 have joint meetings. Mr. Marquise said that they discussed having joint meetings and asked if both  
100 Board would be in favor of holding additional meetings. Chairman White said that another concern that  
101 he would have would be how he could voice his concerns about Zoning. Vice Chair Larrow said that  
102 agenda items would also need to be determined so that the agendas are not too packed. Mr. Osborne  
103 said that he likes the ideas of switching the meetings. There was also a discussion about having just one  
104 day per month to have the applications in for both Boards.

105 There was a discussion about applicants paying for abutters notices with separate checks as it used to be  
106 done like this, however, the postage would come out of the Planning and Zoning Budget. The  
107 Selectboard would have to be OK with the budgets going up for this to work as the money comes back in  
108 but it doesn't go to their budget.

109 Mr. Platt made some suggestions on how to reduce paperwork as well as how to make things easier for  
110 audience members to know what is going on such as putting plans up during a meeting or having flat  
111 screen televisions, a projector, etc. Mr. Clark asked about electronic packets for the Board members.

112 Mr. Platt said that another Amendment proposal he has is in regards to structures that are being built  
113 further away from a setback, but not within the footprint and still within the setback so they require a  
114 Variance. Mr. Marquise said that the complication is how to fit it into an Ordinance as the law says that

115 the footprint is what is Grandfathered. Mr. Osborne said that it makes sense to change the Ordinance if  
116 you are further away from a non-conforming setback and not encroaching on another setback. There  
117 was further discussion regarding this proposal.

118 There was a discussion about the need for a Variance to change two non-conforming lots.

119 Chairman White asked if there were any issues with any definitions.

120 Mr. Platt said that there was an issue with a Special Exception for lesser front setbacks where it talks  
121 about "a majority of lots on the same side of the road and within 500 ft either side of the subject lot  
122 have structures of equal or greater type." He has always thought it was one side of the lot or the other  
123 and some people on the Board thinks that it is both sides of the lot. Mr. Marquise and Chairman White  
124 said that they believe that the intent was to be both sides of the lot. Mr. Platt suggested changing the  
125 wording to not have any confusion.

126 There was a discussion regarding Accessory Dwelling Units and septic systems and the requirement to  
127 replace a tank with a bigger tank if a septic system fails and the need to have a plan in place but you  
128 don't have to put in a bigger tank unless it does fail.

129 There was a discussion about changing the tree cutting allowance on the Shoreland from five trees per  
130 year calendar year to five trees per 12 month period as well as about if abutters should be notified for  
131 cutting and clearing requests to cut more than five trees. There was a discussion regarding setbacks and  
132 buffers for cutting trees on shorefront lots within 150 ft. The Board agreed to cut down the buffer to 12  
133 ft around the driveway, 10 ft around the parking area, and maybe making it a percentage allowance  
134 such as 25%.

135 Changes to the Planning Board minutes from August 4, 2016: Change "Mr. Dunn" to "Attorney Dunn"  
136 throughout the minutes.

137 Vice Chair Larrow made a motion to accept the August 4, 2016 minutes with the exception that Attorney  
138 Dunn will be referenced as Attorney Dunn as opposed to Mr. Dunn throughout the August 4<sup>th</sup> minutes.  
139 Mr. Osborne seconded the motion. The motion passed unanimously.

140 Changes to the Planning Board minutes from August 18, 2016:

141 Vice Chair Larrow made a motion to accept the August 18, 2016 minutes. Mr. Furlong seconded the  
142 motion. The motion passed unanimously.

143 Mr. Butler made a motion to adjourn the meeting at 9:19 pm. Mr. Furlong seconded the motion. The  
144 motion passed unanimously.

145 Respectfully submitted,

146 Melissa Pollari

147

148

149 Planning Board

150 \_\_\_\_\_

\_\_\_\_\_

151 Peter White, Chairman

Donna Davis Larrow, Vice Chair

152 \_\_\_\_\_

\_\_\_\_\_

153 Kurt Markarian

Richard Osborne

154 \_\_\_\_\_

\_\_\_\_\_

155 Joseph Furlong

Joseph Butler

156 \_\_\_\_\_

\_\_\_\_\_

157 Shane Hastings, ex-officio member

Randy Clark, Alternate Member