

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **OCTOBER 6, 2016**

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

7 **ABSENT:**

8 **See attached sign in sheet**

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

10 **PARCEL ID: 0211-0018-0000: SITE PLAN REVIEW: AUTO REPAIR SHOP WITH 10-15 EMPLOYEES,**
11 **TOWING, AND STORAGE. THE WAREHOUSE TO STAY AS DANCE STUDIO WITH 4-6 EMPLOYEES. 962**
12 **ROUTE 11, ALBEE AUTOMOTIVE.**

13 Mr. Marquise said that he received an email from Deborah Albee, dated September 16th, that was
14 addressed to Mr. Landry. It says: "I'd like to formally request that our case for Parcel ID: 0211-0018-
15 0000, Site Plan Review, be continued to the following meeting in November. Please let me know if you
16 have any questions." Mr. Marquise continued that he believes that this is because there is a Zoning
17 Board appeal. Chairman White confirmed that the case was denied by the Zoning Board and the
18 applicants have appealed the decision. Mr. Marquise said that the case can just be continued until next
19 month as it hasn't been opened yet.

20 **CONTINUATION: PARCEL ID: 0129-0075-0000 & PARCEL ID: 0129-0076-0000: SITE PLAN REVIEW: TO**
21 **CONVERT THE CURRENT PIZZA RESTAURANT TO A DUNKIN DONUTS. THE CONVENIENCE STORE WITH**
22 **GAS PUMPS WILL REMAIN. 552 ROUTE 11, J & F REALTY.**

23 Brian Vincent, of CLD Engineers, and Frank Souliotis, and John Souliotis continued presenting the case.

24 Chairman White said that they have received an email relevant to the case. Mr. Marquise said that the
25 items are blue are questions from Scott Hazelton, the Highway Director, and the comments in red are
26 Mr. Vincent's answers.

27 Michael Chiarella, an attorney for the Souliotis', said that he read the minutes from the last hearings and
28 he wants to make sure that it is on record that Mr. Furlong said that he was definitely against a Dunkin
29 Donuts coming to Town and would not vote for it. Attorney Chiarella said that his clients, the
30 applicants, feel as though it is an extreme prejudice in pre-judging the case and feel as though Mr.
31 Furlong should recuse himself in this matter. Chairman White said it is a personal decision for a member
32 to recuse himself, he can't be forced to do it. Mr. Furlong said that he is surprised he cannot have his
33 own opinion on the matter. Chairman White said that it is a matter as to whether Mr. Furlong feels he
34 can act impartially. Mr. Furlong said that he has based his opinion on the facts that he has already seen,
35 if there are new facts presented tonight he would be happy to change his mind. Attorney Chiarella said
36 that it is Mr. Furlong's decision, however, he wants to make sure that it is clear on the record that they

37 object to Mr. Furlong sitting on the case because of his prior statements as they feel he prejudged the
38 whole issue.

39 Mr. Vincent said that they have been through two hearings and have spoken a lot about traffic. He can
40 go through the site layout again if the Board would like. Chairman White asked and Mr. Vincent
41 confirmed that the site layout has not changed since they added the mountable curb to the area
42 between the site and the Old Abbott Library. Chairman White asked the Board did not have any
43 questions about the site layout.

44 Mr. Vincent said that at the last meeting there were concerns about traffic. CLD has developed a traffic
45 memo that they believe addresses the Board's questions. They did a traffic count on Wednesday,
46 September 14th, between 7:00 am and 9:00 am, which was concurrent with school operations at the
47 Sherburne Gym, as well as regular Route 11 traffic and the operations at this facility. The facility
48 currently has an Evan's Expressmart, a convenience store with gas pumps; presently and during the
49 study, part of the facility was vacant. The peak hour was between 7:00 am and 8:00 am. The area study
50 include the two driveway sites for the facility as well as the intersection of Lower Main, Main St, and
51 Route 11, as well as the school exit closest to this facility. The level of service of the Route 11 / Lower
52 Main St intersection was measured to be a D; the rating goes from A to F and it is the wait time that is
53 measured. The average wait time at this intersection was 27.0 seconds and the stacking was two cars
54 on average. The level of service of the Main St / Route 11 intersection was measured to be a C with an
55 average of 17.0 seconds waiting time and an average of one car stacked. The school drive intersection
56 with Route 11 level of service was a C with 16.0 seconds average and one car stacked. The level of
57 service for the Evan's drives was not studied in the original study but was a comment that they got from
58 Mr. Hazelton. They looked at it and ran an analysis and the existing conditions have a level of service C.
59 The trip generation in and out of the site was 83 trips during that peak hour (45 entering and 38 exiting
60 the site). The majority of the traffic on Route 11 was going northbound and the majority of traffic in and
61 out of the site was northbound in and northbound out, about 60%.

62 Mr. Vincent said that they have some data from Evans about coffee sales, the daily total was 107 cups,
63 and this was at their peak in October of last year; 23% of the daily sales were between 7:00 am and 8:00
64 am and 85% of the store's coffee sales are from when the store opens until 12:00 pm.

65 Mr. Vincent said that they used data from a Vermont Dunkin Donuts to predict the change in the facility
66 from going to just the convenience store to a convenience store / Dunkin Donuts. They determined that
67 there would be 10 new trips onto the site and 10 new trips off the site for a total of 20 trips during the
68 peak time so it goes from 25 to 35 during the peak hour. Chairman White asked if this will affect the
69 level of service for the area. Mr. Vincent said that it will have a non-detrimental impact according to the
70 report and it will be a change in the level of service an average of about 0.2 seconds, but the grade level
71 will not change.

72 Mr. Vincent said that they believe the onsite traffic circulation will be improved as they will better define
73 the north driveway to be only 30 to 35 ft wide and the traffic will be able to enter and exit the site
74 better. They also got rid of the parking in front of the store in order to clear up operations at the gas
75 pumps. Mr. Hazelton asked them to consider one way in on the south and one way out on the north,
76 however, because of the gas pumps they feel as though it wouldn't work as well because of the ways

77 that cars are manufactured and it could be confusing to motorists. Also, because the community has
78 quite a bit of boating activity, they think that the two way traffic helps the maneuverability for boats.

79 Chairman White asked about the arrows on the northerly side of the site plan and the flow of traffic.
80 Mr. Vincent explained the two way lanes and parking lots on the site and where it will only be one way.

81 Mr. Vincent said that the study showed that the pedestrian movements showed six students using the
82 crosswalk and the crosswalk guard was there to assist with that, and he is there every morning and
83 afternoon. Mr. Butler asked and Mr. Vincent confirmed that they only had one person counting the
84 cars. Mr. Butler said that at a previous meeting they stated that they believed the business would triple
85 with the Dunkin Donuts but now they are saying that there will only be 20 more trips. Mr. Vincent
86 confirmed that this will be the increase during the peak. Mr. Butler asked and Mr. Vincent confirmed
87 that this number is justified from data from four other locations, one being Stowe, VT.

88 Mr. Butler asked why the traffic study was also not conducted between 4:00 pm and 6:00 pm as that is
89 when the majority of traffic goes through there. Mr. Vincent said that the main reason was because the
90 operations of the donut shop will be most active in the morning and the evening activity will be less,
91 they predict four to five customers per hour during that time. Chairman White asked and Mr. Vincent
92 confirmed that Dunkin Donuts will be open until about 9:00 pm or it will close when the convenience
93 store closes.

94 Mr. Vincent said that based on their data they do not predict any detrimental impact to the
95 intersections, the school driveway, or the site exit and entrances. There will be a slight increase, but
96 they don't think it will be detrimental. This study was done using ITE traffic study methodologies and he
97 is comfortable that what the traffic study person did was comprehensive.

98 Vice Chair Larrow asked about the school traffic during the peak hour. Mr. Vincent said that during that
99 hour the study shows the number of cars entering and exiting: two cars entering from the north, 29 cars
100 exiting and turning north, and 14 exiting and going south; there are 277 cars that go straight by that exit
101 on Route 11. Chairman White noted that 66 cars out of 89 off Lower Main St turn left.

102 Mr. Osborne asked about the crosswalk and the island on the right hand side and if there was any
103 consideration about making the island a sidewalk. He feels that there should be a sidewalk in front of
104 the Old Abbott Library, then a crosswalk over this site's entrance, and then a sidewalk where the island
105 is to connect to the crosswalk. Mr. Vincent said that he talked to Mr. Hazelton and Chief Cahill about
106 this and it is something that they can consider but it depends on the Old Abbott Library site and the
107 Town as well.

108 Mr. Vincent said that the first comment that Mr. Hazelton has is in respect to the PM activities,
109 particularly when school is letting out. They could do traffic study during those times, however, they do
110 feel as they looked at when it would be the worst case scenario, being that it is a donut shop that
111 operates at the same time as a convenience store, which operates at the same time as students arrive at
112 school. They do not feel as though the donut activity will be as much during that period of time and the
113 commuter time doesn't really overlap with the time that school lets out. Chairman White said that the
114 PM is when the pizza shop would have been open and he does not think that Dunkin Donuts would have

115 more traffic in the evening as the pizza shop. Mr. Markarian agreed that there will be lesser an impact
116 in the evening than in the morning.

117 Mr. Vincent said that Mr. Hazelton had some comments about the level of service and what the Dunkin
118 Donuts would do to the intersections including Lower Main St and the school driveway. Their conclusion
119 is that the level of service will remain unchanged as far as the letter designation and will be a slight
120 increase in seconds of wait time.

121 Mr. Markarian asked about the level of grading for wait times and the range for each level. Mr. Vincent
122 said that Level of Service A is 0.0 – 0.10 seconds; Level of Service B is 0.10 – 0.15 seconds; Level of
123 Service C is 0.15 – 0.25 seconds; Level of Service D is 0.25 - 0.35 seconds; Level of Service E is 0.25 – 0.50
124 seconds; and Level of Service F is 0.50 seconds and higher.

125 Mr. Vincent said that one of Mr. Hazelton's comments is about the two way entrance and exits and they
126 feel as both entrances / exits need to be two way.

127 Mr. Vincent said that they looked at this being at an approach speed of 40 MPH, which is incorrect, it is
128 30 MPH and drops to 20 MPH during school hours.

129 Mr. Vincent said that Mr. Hazelton asked about the coffee sales as 23% of the sales are during the peak
130 hour; 85% is from the time the store opens at 6:00 am until 12:00 pm and 15% of the sales were after
131 12:00 pm.

132 Mr. Vincent said that Mr. Hazelton asked how much of the traffic is flow through and they found that a
133 majority of the traffic will be, however, they do predict that some traffic will be destination traffic as it is
134 not a drive thru and they have seats.

135 Vice Chair Larrow asked if Mr. Hazelton had any comments for Mr. Vincent's comments. Mr. Vincent
136 said that Mr. Hazelton has not had a chance to do this.

137 Mr. Markarian said that if Mr. Hazelton had a concern about the traffic being two way on and off the site
138 he thinks that there would have been the same concern when the pizza place was there because traffic
139 is greater at night time and there was more flow in and out. He does not see a need to change it with
140 the islands that they are putting in, which will make it better. Chairman White said that he does believe
141 that this will work well and removing the parking spaces in the front will free up a lot of the traffic. They
142 would need a lot of signs in order to accomplish only having one way in and one way out of the site.

143 Chairman White asked and Mr. Marquise confirmed that Chief Cahill has not had any comments for him
144 about the traffic study nor did the Fire Chief. There was a brief discussion regarding fire trucks entering
145 the site.

146 Mr. Butler asked about the school. Mr. Marquise said that he did receive an email about it but he is not
147 sure if it addresses the questions the Board had.

148 Vice Chair Larrow asked about the side of the building near the Old Abbott Library. Mr. Vincent said that
149 there will no longer be access between this site and the Old Abbott Library. Mr. Osborne explained that
150 this is a Town project that Mr. Hazelton proposed, not this owner. Mr. Frank Souliotis said that they will
151 work with the Town with whatever they need. Vice Chair Larrow said that she is concerned about

152 walking back and forth and wants to confirm that there will be no access from that side to the Old
153 Abbott Library. There was further discussion about the possibility of having a side walk in that area.

154 Mr. Marquise said that he received an email from Russ Holden, the Superintendent of the Schools, that
155 says "I spoke with our Transportation Director and based on the information I received, I learned that
156 the crosswalk was placed at its current location by the Town or State based on traffic safety coming east
157 over the bridge on Route 11. The crosswalk enters and exits into parking lots which is not the safest
158 situation for our students. With that being said, a traffic detail is posted during morning drop-off and
159 pick-up to assist students and traffic in that area. The school has no objection to moving the crosswalk."
160 Mr. Marquise said that he thinks that the biggest concern is where the crosswalk is and he does not
161 think that the project is as much concern as where the crosswalk is located. Chairman White asked if
162 the crossing guard is provided by the School or the Town. Mr. Hastings said that he is a part time police
163 officer. Chairman White asked if the Town will be keeping the crossing guard position for the
164 foreseeable future. Mr. Vincent said that their study did include the crossing guard's presence.

165 Mr. Vincent said that they believe that by the time the November meeting comes they will be beyond
166 the 65 days and he thinks that that the applicant is under pressure to replace the underground storage
167 tanks as there is a time limit for that. They need a decision as to how they are going to proceed before
168 they have to shut down.

169 Chairman White opened the meeting to public input and questions.

170 Diane Robbins of Garnet Hill Rd said that she supports businesses coming into Sunapee but wanted to
171 know if it were not a Dunkin Donuts what would be allowed to go into the facility because something
172 would go in there that would cause traffic to go in and out. Mr. Marquise said that restaurants are an
173 allowed use, though they cannot have drivethrus; there are also other options like professional offices,
174 to other types of businesses. This is the area that the Town has identified they want businesses to be
175 located.

176 Jan Bettencourt said that in the last minutes there was an expression of concern about the historical
177 look of the Town and asked the Board to explain the concern. Chairman White said that as a general
178 sense, the Master Plan has identified certain areas of Town, mainly Lower Main St and Main St down by
179 the Harbor, a certain look that is not a registered historical relevance but is recommended to be a small
180 town appearance. These are recommendations such as gabled roofs, parking in the rear of businesses,
181 etc., some of which are hard to codify in an Ordinance. There has not been an area identified in Town to
182 be specifically preserved. Mrs. Bettencourt asked if there are concerns with the look of Dunkin Donuts
183 as she does not see Route 11 having historical value. Chairman White said that the only historical value
184 on Route 11 is the Old Abbott Library. He feels that the proposal is not really changing what is there, it
185 will be fixed up and maybe change some colors but the look will remain basically the same.

186 Chairman White asked and there were no additional comments or questions from the public so he
187 closed the public input portion of the meeting.

188 Mr. Osborne said that he believes that most of the Board's questions have been addressed. He does not
189 see any tremendous difficulties being created by the traffic going in and he feels that Mr. Vincent has
190 addressed Mr. Hazelton's questions about the afternoon traffic.

191 Mr. Furlong said that he still feels like with the Master Plan that Sunapee has a franchise would be
192 detrimental to the property values as people move here for a village like feel. He would like to see a
193 traffic study conducted on a Monday morning between 7:00 am and 9:00 am, when it is much busier.
194 He feels like the Sunapee forefathers had the Master Plan in place to keep Sunapee a village feel /
195 Norman Rockwell town, though it is up to the Board to let them in if they want to, he is going to go with
196 his vote.

197 Vice Chair Larrow said that the fact that the school is not making a bad pitch and that this is the business
198 district, she thinks that it is probably what should be there as it is a restaurant.

199 Mr. Markarian said that based on what the applicants are proposing they are actually improving the
200 beauty of the area based on what is there now. The entrances will be easier to maneuver in and out of;
201 they have done their due diligence to improve traffic flow in and out of the facility.

202 Mr. Butler said that the only "what if" is that they don't know how much increase in traffic the Dunkin
203 Donuts will have onto the site. The applicants have met all the criteria of what the Board has asked, but
204 they really don't know how much more business Dunkin Donuts will have. Mr. Markarian said that the
205 question really isn't how much more traffic, but how it will change the traffic. The pizza place had traffic
206 at night and they didn't have any during the day. It is a shift in flow from night time to morning. Mr.
207 Butler said that the name Dunkin Donuts will bring more people. Chairman White said that from a
208 personal experience, he thinks that the biggest bottle neck is trying to turn onto and out of Lower Main
209 St during the school hours and he believes that the Town needs to address that at some point. The fact
210 that it is a franchise is, to him, irrelevant. Mr. Markarian said that Pizza Chef is a franchise as they have
211 multiple locations. Chairman White said that it is a business doing business where the Town wants it to
212 be. Mr. Furlong said that he thinks that a small local coffee shop would move in there if it wasn't a
213 Dunkin Donuts. Chairman White said that it will still be local people who will work there, regardless of
214 the name. Mr. Furlong asked Chairman White if a Family Dollar wants to move into Sunapee if he will be
215 OK with it. Chairman White said that if a Family Dollar can find a spot in Sunapee in the business district
216 and they want to move there it is their prerogative. Mr. Furlong said that then property values will
217 decrease. Chairman White said that his issue is with sprawl and businesses going up along Route 11 so
218 that it looks like driving from Newport to Claremont. There was further discussion regarding this
219 matter.

220 Vice Chair Larrow asked about the State Driveway Permit and the State Shoreland Permit. Mr. Vincent
221 said that the Shoreland Permit has to be submitted. He has spoken with NHDOT and they want to see
222 the outcome of this Board's decision before they make a decision.

223 Mr. Clarke said that another issue was the lighting. He asked if there could be a non-lit sign after they
224 closed, and he thinks Mr. Vincent said that the lights would be on timers. Chairman White asked and
225 Mr. Vincent said that the square footage of the sign in the front will remain the same and will not be lit.
226 Chairman White showed the Board and audience a picture of the proposed sign.

227 Vice Chair Larrow made a motion to approve the Site Plan Review to convert the current pizza
228 restaurant to a Dunkin Donuts, the convenience store with the gas pumps will remain for Parcel ID:
229 0129-0075-0000 and Parcel ID: 0129-0076-0000 with the condition that the State Shoreland Permit and
230 Driveway Permits are in place. Mr. Markarian seconded the motion. Vice Chair Larrow amended her

231 motion to include Department Head signoffs with the understanding that the traffic study pattern and
232 circulation have been accepted by the Board. Mr. Markarian seconded the amendment. The motion
233 passed with six in favor and one against.

234 **PARCEL ID: 0124-0028-0000 & PARCEL ID: 0124-0029-0000: LOT LINE ADJUSTMENT / ANNEXATION:**
235 **ANNEX 0.041 ACRES FROM LOT 0124-0028-0000 TO LOT 0124-0029-0000. 33 / 37 PINEY POINT RD,**
236 **LEAVITT TRUST / NORTON TRUST.**

237 Mr. Marquise said that the application was filed in advance, fees were paid, abutters were notified, and
238 notices were posted. The application falls under Section 6.04 of the Subdivision Regulations and being a
239 minor subdivision by definition is eligible for waivers in 6.05-b: contours, utility lines, storm water, and
240 water supply facilities. Mr. Marquise continued that with those waivers he believes that all of the
241 documentation is in place and the application is complete. Mr. Marquise added that the case received
242 two Zoning Variances.

243 Mr. Furlong made a motion to accept Parcel ID: 0124-0028-0000 and Parcel ID: 0124-0029-0000: lot line
244 adjustment / annexation, annex 0.041 acres from Lot 0124-0028-0000 to Lot 0124-0029-0000. Mr.
245 Butler seconded the motion. Mr. Furlong amended his motion to waive the contours, utility lines, storm
246 water, and water supply facilities. Mr. Butler seconded the amendment. The motion passed
247 unanimously.

248 Clayton Platt, a land surveyor, and Marian Leavitt, of 33 Piney Point Rd, presented the merits of the
249 case.

250 Mr. Platt explained that the Leavitt's have owned the property for approximately 45 years and first
251 owned both lots then sold the other to their daughter about 10 years ago. The property line has always
252 been touching the foundation of the house, with the deck hanging over it and they have always wanted
253 to take care of it but because it is family have put it off. They want to change the property line so that it
254 runs between the two houses. They received a Zoning Variance to make Mrs. Leavitt's lot a little smaller
255 and reduce the frontage by about 10 ft.

256 Mrs. Leavitt explained that her daughter's deck encroaches on her lot because when she built the house
257 there wasn't a deck and then they built the deck without really knowing where the property line was
258 located. She doesn't want there to be a problem in the future.

259 Chairman White asked and Mr. Platt explained that the deck will still not be in compliance to the
260 setbacks but it will be better than it is now. There is a propane tank on Mrs. Leavitt's property and they
261 didn't want to get too close to that.

262 Chairman White asked and no one on the Board or in the audience had any questions or comments on
263 the case so he closed the public input part of the meeting.

264 Mr. Hastings made a motion to approve the lot line adjustment / annexation for Parcel ID: 0124-0028-
265 0000 and Parcel ID: 0124-0029-0000 on 33 / 37 Piney Point Rd. Mr. Osborne seconded the motion. The
266 motion passed unanimously.

267 **PARCEL ID: 0225-0036-0000: SITE PLAN REVIEW: INSTALL A TOTAL OF 100 KW AC OF SOLAR PANELS**
268 **AND INVERTERS ON ROOFS OF BUILDING #2 AND #4. 36 ROUTE 103, MCDONOUGH FAMILY**
269 **PROPERTIES, LLC.**

270 Mr. Marquise explained that this is an amendment to a Site Plan Review for the self-storage facility. The
271 application was filed in advance, the fees were paid, notices were posted, and abutters were notified.

272 Mr. Marquise continued that the application falls under Article V of the Site Plan Review Regulations and
273 it met all the criteria in the previous approval process and he believes that all the elements are still in
274 place, with the changes to the solar arrays on the buildings; he believes the application is complete.

275 Chairman White asked and Mr. Marquise confirmed that this is a change to a Site Plan due to the Solar
276 Panels or due to a change in an Ordinance.

277 Mr. Markarian made a motion to accept the application as complete for Parcel ID: 0225-0036-0000: Site
278 Plan Review to install a total of 1000 KW AC of solar panels and inverters on roofs of Buildings #2 and #4
279 at 36 Route 103. Mr. Butler seconded the motion. The motion passed unanimously.

280 Jack Bingham, a Solar Developer with Seacoast Energy, and Christopher Berry, a civil engineer with Berry
281 Surveying, presented the merits of the case for the applicants.

282 Mr. Berry explained that they hope that this is a basic case for the Board. The site has been built out in
283 two phases and the Board has been presented with full engineered drawings in the past based on those
284 phases. He has walked the site on many occasions and has viewed the site from different angles. The
285 last time the applicant was before the Board it was for the second phase of the project to construct the
286 last building. The site is sandwiched between Depot Rd and Route 103. There is a fairly substantial
287 grade change down to the back, towards Depot Rd. With the four buildings which are on site, what they
288 want to do is put in a 100 KW system which will generate solar power for the site as well as generate
289 some net metering. Mr. Berry continued that he and Mr. Bingham have worked together on various
290 projects and they have had some success doing this.

291 Mr. Berry said that he did not conduct his own field survey, he contacted the previous surveyor and
292 engineer of record who sent over his files. He used those CAD files and visited the site to confirm
293 approximately what was built and that the files were correct. Mr. Bingham and Mr. Berry have chosen
294 the two buildings to install the solar panels on because they offer the best southern exposure of the site,
295 which is needed to achieve maximum output. They are also the buildings which have the overhead
296 utilities constructed to them, which is needed to be slightly modified for their use. Mr. Berry continued
297 that the inverters, which are mentioned in the application, are not to be constructed to the roofs, they
298 will be mounted to the sides of the structures so that they are not a vertical nuisance.

299 Mr. Berry said that the arrays will be fairly small in profile and are silver. The face of the arrays are
300 tempered so that they don't have reflection issues. The arrays will face south so they will not face any
301 of the abutting land owners. Regarding the abutting land owners to the east and west, though they are
302 mounted on the roof, they will be less than two feet tall and taper down to zero.

303 Mr. Berry said that they are not changing the overall impervious footprint of the project, they are taking
304 one impervious surface and trading it for another. He also checked to see if they would be changing
305 direction of flow or rate of flow on the site and they are not. The gable end roofs gable off storm water

306 towards the center islands, then to the constructed infiltrations and detention systems. The addition of
307 the solar panels will not change the direction of storm flow in any of the directions.

308 Mr. Berry said that there is an overhead utility line that goes to the end of one of the buildings. The
309 utility will need to be updated with a new pole installed and new lines brought across. The inverters will
310 be places on the edges of the building. Mr. Berry explained the location of another utility pole and said
311 that the only change to that location will be the installation of a small meter and then the underground
312 utility would run back to the pole, which would then be metered at the office location.

313 Mr. Berry said that the bracket systems that the solar arrays will sit on are grey or silver, so they are not
314 intrusive in color. The overall section that can be viewed from side to side is about 20 inches at the
315 maximum and then it tapers down to about zero.

316 Mr. Berry said that he would be happy to answer any questions that the Board may have. They have
317 also provided the Board with engineering work that should show them that it is appropriate to put the
318 panels and racking systems onto the roofs.

319 Chairman White asked and Mr. Berry confirmed that the height will be 20 inches maximum. Mr. Berry
320 showed the Board a profile of what would be seen if you are looking from the west. Chairman White
321 asked and it was confirmed that the solar panels will be along the entire roof areas.

322 Mr. Butler asked if there are any height restrictions in that Zoning District. Chairman White said that
323 there is, but that he suspects that they would be under it. Mr. Marquise said that the height restriction
324 is 40 ft. Mr. Berry said that one building is two stories on the back side and is one story on the front
325 side, though he does not have the exact height.

326 Chairman White asked if anyone in the audience has any comments or questions about the case.

327 Tammy Gonyo, 22 Depot Rd, said that she and her husband, Robert Gonyo, are the direct abutters to
328 the backside of Depot Rd. Chairman White asked if the Gonyo's have had a chance to look at the plan.
329 Bert Spaulding Sr, Mrs. Gonyo's father, confirmed that the Gonyo's have looked at the plan, however, it
330 is not the solar panels that is the problem and asked for the Board's indulgence to hear some history
331 that may assist them in their deliberations. Chairman White asked if the comments are relevant to the
332 case. Mr. Spaulding said that it is relevant to the Site Plan Review and the problems that have occurred.
333 Chairman White asked if the problems have been brought to the owner's attention or to Town Officials.
334 Mrs. Gonyo said that she brought her concerns to the last Site Plan Review meeting. Mr. Spaulding said
335 that what he has contains their objections to the changes. Chairman White said that he didn't know if
336 the concerns have been brought to the Town Officials yet because sometimes the Town Officials such as
337 Mr. Landry, the Zoning Administrator, or the Selectboard have more input than the Board does. Mr.
338 Spaulding said that the Board made a decision on a bond, which is part of the dilemma.

339 Mr. Spaulding said that on July 7, 2005, the Board made a motion that included a stipulation that "on
340 next month's agenda Mr. Blakeman and Mr. McDonough will come back with a landscape plan." In
341 August of 2005, the minutes do not reflect that there was a landscape plan, though the prior minutes
342 said that it was a requirement, though he garnered this from the wording, not from the absence of it
343 being there, so he could be wrong. The minutes do not state anything about the landscape plan but it
344 says that "A motion was made by Bruce Jennings to approve the plan as presented with the conditions

345 of sign off by the Fire Chief and NH DOT. The motion was seconded by Emma Smith and approved
346 unanimously by the Board.” Mr. Spaulding continued that the landscaping issue appears to have been
347 dropped. Chairman White asked Mr. Marquise if there was a landscaping plan submitted. Mr. Marquise
348 said that he believes that there was a whole discussion about the landscaping because there were going
349 to be pine trees removed. Chairman White said that he believes that this was going to be done in Phase
350 Two. Mr. Marquise said that he does not remember the first meetings, but he clearly remembers the
351 second phase because they discussed removal of the trees. Mr. Marquise said that he can dig up the old
352 file, but he doesn’t know if he could do it during the meeting. Mr. Spaulding said that the presence of
353 the issue was there in 2005 and should have had some sort of outcome that was favorable to the
354 abutter.

355 Mr. Spaulding said that the next set of minutes he’d like to reference is from October 3, 2013 lines 108
356 to 113 which said “Robert Gonyo of 22 Depot Rd said that they are concerned that the landscaping that
357 was on the original proposal has not been completed and they are still looking at black plastic. Tammy
358 Gonyo said that the silt fence is still there from 2005-2006 and is hidden amongst the weeds. Mr. Gonyo
359 continued that there were supposed to be rhododendrons and other shrubbery planted and now the
360 applicants are talking about taking down the major trees. Mr. Gonyo asked what the guarantee is that
361 the other trees will be planted as the other landscaping was never done.” Mr. Spaulding continued that
362 this is an abutter looking back at history and saying that prior incomplete acts are still present, the
363 difference between 2005 and 2013.

364 Mr. Spaulding read Line 123 of the minutes which says “Mr. Blakeman said that when the pine trees
365 come down it will remove the buffer but they are planning to plant 8-12’ evergreens.” Mr. Spaulding
366 said that is a key statement “plan to plant 8-12’ evergreens.” Mr. Spaulding read the minutes from part
367 of line 138 to 140 “Mr. Blakeman confirmed that the rhododendrons and bushes proposed on the
368 original plan will not be planted because they will have more evergreens to create a complete buffer.”
369 Mr. Spaulding also read part of line 148 to 149 “plan that have not been done and Mr. Marquise said
370 that they do as it was part of the approval.” Mr. Spaulding said that what is being said there is that it
371 was a condition of part of an approval in the past that has been carried forward. Mr. Spaulding said that
372 on Line 172 of the minutes, the Board in the motion required a “bond, a letter of credit or cash deposit
373 posted to guarantee the completion of the original landscaping plan from 2005 and the present
374 landscaping plan showing the trees on Depot Rd to replace the trees that will be taken down and that
375 there is a one year limit on the time frame to complete the landscaping. Kurt Markarian seconded the
376 motion. The motion passed unanimously.”

377 Mr. Spaulding said that the Board should have a fair understanding of the landscaping issue and passed
378 around pictures to the Board. Chairman White said that it sounds like the landscaping that the
379 applicants were supposed to do has not been done. Mr. Spaulding said that he thinks that when the
380 pictures come to Chairman White they will answer his question. The pictures show the back side view of
381 the self-storage property, Building Four, looking from the Gonyo’s house. They have gone through the
382 process since 2005 about landscape screening, and the applicants are asking to put another 20 inches
383 onto the building when the landscaping is not adequate. Mr. Spaulding continued that Mrs. Gonyo, who
384 is 5 ft tall, is standing next to the trees in one of the submitted pictures and it shows that the trees
385 planted were not 8 – 12 ft, they may have been 3 ½ - 4 ft at the time they were planted two years ago.
386 The trees were also planted at a very low plateau in relationship to the building.

387 Mr. Spaulding read from the meeting minutes of July 17, 2014, Lines 104 -106 "Mr. Blakeman said that
388 they have added a note to the Site Plan that they will be staking out the areas for the trees and other
389 vegetation and allowing the abutters to comment before proceeding with planting them." Mr.
390 Spaulding said that this was never done. Mr. Spaulding read part of Lines 135 – 140 "Donna Davis
391 Larrow made a motion to approve the Site Plan Review for Parcel ID: 0225-0036-0000, to include the
392 landscaping plan, new emergency access, and grading and drainage to the property; the approval is
393 subject to an engineer's estimate based bond of 110% of the project for the landscaping." Mr.
394 Spaulding said that the motion passed unanimously so there should be a bond for the landscaping, as
395 the purpose of the bond was for the landscaping for screening. Line 109-111 of the minutes say that Mr.
396 Grigsby, the landscape person, says that "Norway spruces to grow at 109 least 12" – 24" per year, the
397 balsam firs are in the 6" – 12" range and the white spruces are somewhere 110 in between." Mr.
398 Spaulding continued that it is 20 years, at least, to see any actual screening because they started so low.
399 Now, the building will be growing faster than the trees by adding another two feet to them. Mr.
400 Spaulding said that, taking into consideration the bad or incomplete acts that were fairly simple to do,
401 the Board had said 8 - 12 ft trees and they are not even close to that height today.

402 Mr. Spaulding said that the Gonyo's property value was reduced significantly. Mrs. Gonyo has gotten
403 from the Assessor the impact of the Planning problem. Mr. Spaulding gave copies of document
404 regarding this issue to the Board and read part of a document into the record. "Attached is a
405 breakdown of reading the property record card, hopefully it helps. Because both you and your
406 immediate abutter stare at a new, very large storage structure, we applied a negative factor (what we
407 call external obsolescence) to your homes. This is a typical reduction when some outside influence out
408 of your control affects value." Paragraph three reads "You would take the \$186,440, less the normal
409 depreciation based on age and condition equaling 31%. That number comes to \$128,643, then deduct
410 an additional 5% for the external obsolescence, which is the original number, \$186,440 take away the
411 5% is a \$9,322 reduction in assessed valuation. The final house assessment would be \$128,643 - \$9,322
412 equaling \$119,321. Additionally, I deducted another 5% on the land assessment as you were most
413 directly affected. You would see the adjustment on the first page under "C-factor", that reduction is
414 \$2,391. So overall, your assess value is being reduced by \$11,713." Mr. Spaulding said that this is a
415 direct impact due to what is seen in the picture, done by the Town's Assessor, and reducing the
416 valuation of the property. He assumes that if proper screening were done, the deduction would not
417 have happened. Mr. Spaulding referred to the document's last paragraph "Follow along similarly on
418 your neighbor's property card. No adjustment was made to the land value, since my opinion is that your
419 property is more affected. However, there was an adjustment made of external obsolescence 5%
420 equaling \$13,799 reduction to the assessment." Mr. Spaulding said that this is a total of \$25,000 worth
421 of equity loss per someone who assesses buildings for a living because the applicants did not adequately
422 screen a commercial entity whose back stood in a residential zone, and they had a responsibility to do it.

423 Mr. Spaulding said that the question that comes up now is will this project really end up looking like
424 what has been presented; is the glare taken care of, what about the height and does this take more
425 value out of the Gonyo's property. He does not know if the Board should not approve the solar panels
426 because of the applicant's prior bad acts, but they are exasperating the problem by going higher. Mr.
427 Spaulding asked why the applicants picked the second and fourth building because if they had chosen
428 the first and the second building, very little would have been seen from Depot Rd.

429 Chairman White asked if the Gonyo's have contacted anyone at the Town Office such as Mr. Landry, the
430 Zoning Administrator. His job is to follow up on this stuff and make sure it was done correctly. Mrs.
431 Gonyo said that she called him when there were two trees that were dead. Chairman White asked if Mr.
432 Landry was made aware of the issues with the trees. Mrs. Gonyo confirmed that he was and that the silt
433 fence is still there from the construction of the first three buildings. The two dead trees are still there as
434 well.

435 Mr. Spaulding said that the Gonyo's have lived at the property for 29 years. If property values are
436 important, how can the Board approve the Site Plan for the additional height on the building which is
437 closest to them when they have been so trespassed on in the regulations that were put forward to the
438 applicants that they did not comply with; how can the Board allow the bad situation to get worse. Mr.
439 Spaulding said that he is asking, indirectly, is for the application to be turned down. He not against
440 solar, it just has to be done in the proper way. The buildings have a disparaging effect on the
441 surrounding property values and part of the Planning Board's job is to protect property values. If the
442 Board denies this application, maybe the applicants will plant some 8 - 12 ft trees and replace the 4 ft
443 trees that are there now, and maybe they will pay attention to fertilizing the trees to get them to grow
444 at their maximum, rather than just leaving them there.

445 Mr. Butler asked if the Gonyo's were approached by the applicants regarding the solar project and Mrs.
446 Gonyo said that they were not. Mrs. Gonyo said that she did not know that there were going to be
447 more poles on the site. Mrs. Butler asked and Mrs. Gonyo confirmed that she was just notified by
448 certified mail as an abutter.

449 Chairman White said that the two gentlemen presenting the case, unfortunately, do not have anything
450 to do with the issues and asked if there was anyone present who could answer the questions. The
451 owners of the property were present.

452 One of the owners said that the comments from the Gonyo's and Mr. Spaulding are completely
453 irrelevant to the proposed project. Chairman White said that it is irrelevant, however, as a Board when
454 they hear cases they ask very specific questions and when they are told one thing, they expect it to be
455 done as part of the approval. Buffering, especially businesses in a residential area, is very important and
456 it has a direct impact on abutters and their property values. They take it seriously as a Board when
457 someone says that a plan that has been presented has not been done. Chairman White said that they
458 are not the enforcement Board, Mr. Landry as the Zoning Administrator is the one who should be
459 addressing the issues. The Planning Board doesn't have a way to enforce things, it is Mr. Landry's
460 responsibility, and it sounds as though Mr. Landry has spoken to the owners. One of the owners said
461 that Mr. Landry did speak with them about the landscaping plan and returned the bond. He spoke to
462 the landscaper about replacing the two dead trees after he received an email from Mr. Landry about
463 them. The landscaping was done according to the plan and Mr. Landry approved it.

464 Chairman White asked and the owner confirmed that he was told by the landscaper that the trees that
465 were planted were 8-12 ft, though he never went and measured them. Chairman White said that 8 ft is
466 pretty tall. The owner said that the trees were planted in the low areas off the paved area and it is
467 where they were designed to go. Chairman White asked if the trees that were planted are what is
468 shown in the pictures. The owners said that they have not seen the pictures.

469 Mrs. Gonyo had a copy of the landscape plan and gave it to the Board for their review. Mr. Berry
470 explained that the plan shows evergreens to be planted along the front, which is about 130 ft and shows
471 the trees to be planted as well as the sizes, between 7 – 8 ft tall. It also shows some shrubs to be
472 planted at 5 - 6 ft tall. Mr. Butler asked about the spacing, it was explained that it is a 30 scale plan and
473 the trees are shown to be about 18 ft on center apart. Mr. Berry continued that designer chose the
474 trees to be 7 – 8 ft tall and he was at the site and the trees are not 7 – 8 ft tall. They are in a hollow, so
475 there is a berm and the trees were planted in the low area, approximately 2 ft lower than the edge of
476 the pavement. It is an enforcement issue, additionally, he is not sure if the application causes that much
477 more detriment to the abutters than they feel they have already been disparaged. Mr. Berry continued
478 that he thinks that the Board could hold the application as a condition of what they would hope would
479 be an approval and hold the applicants to a standard that they install the trees as per the landscape
480 plan, or they could modify the plan and discuss an additional planting scheme, location, etc. The owners
481 are here and he could recommend a tree species type that may work for the owners and the abutting
482 properties.

483 Mr. Butler asked about the reason to put the solar panels along Depot Rd rather than the other
484 buildings. Mr. Bingham said that there is electrical service directly to the buildings, which would
485 eliminate trenching between the buildings. Potentially, they can make it easier and use building number
486 three, which can be barely seen from Depot Rd, and trench between the two buildings. Mr. Berry said
487 that he and Mr. Bingham did walk the property and he does not think that the panels would be seen
488 with the exception of one corner if they moved the panels to the third building. Mr. Butler said that
489 they could see the entire line of solar panels on the building that abuts Depot Rd. Mr. Berry said that he
490 did not say that they would not be seen. Mr. Butler asked and it was explained that there is a wind dam
491 on the back of the 20 in side of the solar panels. Mr. Bingham and Mr. Berry explained what would be
492 seen. Chairman White noted that the panels are not going perpendicular to the building, they are going
493 on an angle. There was further discussion regarding the wind dam and the way that the panels would
494 sit.

495 Chairman White asked and Mr. Bingham explained that the panels are not reflective. Mr. Osborne said
496 that the wind dam would be facing north, and there would not be any reflection from the wind dam.

497 Mr. Butler asked and it was confirmed that the applicants would be willing to move the panels to the
498 third building if it makes the Board happier. Mr. Berry explained that there would be one modification
499 to the plan with the installation of a utility pole and the inverters would stay on Building Four. Mr.
500 Bingham said that the inverters are 2 ½ ft tall, 8 in thick, and 12 in wide, and there will be four of them.
501 They are like electrical panels. Mr. Butler asked and Mr. Bingham confirmed that they will be surface
502 mounted on the building.

503 Chairman White asked about the pictures submitted that show buildings three and four. Mr. Gonyo said
504 that they are standing on the deck. Mr. Furlong asked if the Board could recommend some lattice
505 maybe across from where the inverters would be. Mr. Berry said that he doesn't know how they could
506 mount it but they could look at doing that.

507 Chairman White asked and Mrs. Gonyo said that they do not have an issue with solar power. They have
508 an issue with seeing the panels in an already bad situation that should have been addressed years ago.

509 Mark McDonough, one of the owners of the property, said that he'd like to go on record to the Board
510 that they have been painted in a pretty poor light and he and his brothers are very responsible,
511 community orientated business owners and it is frustrating to be demonized. They hired a landscape
512 architect to design the landscaping plan and submitted it to the Board and it was approved. They went
513 to Mr. Landry, who went to the site and signed off on the work that was done, and it is not as though
514 they ignored what they promised. They have tried their best to accommodate the Gonyo's. Mr.
515 McDonough continued that when the trees died, they were replaced immediately. They are sensitive to
516 the fact that they have a commercially zoned property that is adjacent to a residentially zoned area.
517 Unfortunately, storage buildings are not pretty and it is unfortunate that it appears as though there has
518 been some property value diminished. He does not want the Board to have the impression that they
519 have ignored their responsibility as business owners and not followed through on the plans that have
520 been submitted and approved. Mr. Butler asked and Mr. McDonough confirmed that they hired the
521 landscaper. Mr. Butler asked if the landscaper did not put the right trees in and Mr. McDonough said
522 that he thinks that they are the right species, he does not know if they are tall enough. Mr. McDonough
523 continued that the Town's Enforcement Officer went to the site and signed off on the plan and it has
524 been insinuated that they did not have a bond on the project, which they did. The bond was signed off
525 on by Mr. Landry. Mr. Berry said that the height and the number seems to be the discrepancy.

526 Mr. Gonyo said that one of the trees was dead last winter and it took them calling the Town for it to be
527 replaced.

528 Mr. Furlong asked if all the trees were the correct height if there would still be a problem. Mrs. Gonyo
529 asked if Mr. Furlong would like that in his front yard. She feels that the trees need to be bigger, she
530 doesn't care that there was an engineer who did it; obviously he didn't have screening in his mind.
531 Chairman White said that the plan shows that it should be a fairly efficient visual buffer if the trees were
532 the appropriate size, species, and so forth, planted at the right spacing and at the right contour. Mr.
533 Furlong asked if the trees were the right height if the building would be hidden from the Gonyo's view.
534 Mr. Gonyo said no. Mr. Osborne said that the spacing is so far apart that even at 10 ft, you'd still see
535 every other door down the line.

536 Mr. Spaulding said that he gave only facts and he is not demonizing anyone. These are items that have
537 not been done in a satisfactory manner. If someone is hired to put a tree in and it put in at a lower
538 elevation and is a shorter tree, it is important to an abutter, though it may not be recognized by the
539 owner at the time. The Planning Board doesn't have the power of enforcement, but they do have the
540 power to restrict the increasing disparity by going higher with this unfinished surface / saw tooth going
541 across the building and adding to the problem. Mr. Spaulding continued that moving the panels to
542 Building Three would require some viewpoint of how that would look. He would like a plan that shows
543 that it would not be worse for the Gonyo's and other people on Depot Rd. People have been impacted
544 by what was not done and it is the Board's power to make it so that it is not worse.

545 Chairman White said that there are some things that need to be addressed, mostly screening, and the
546 impact that it will have on the abutters. The Board needs to look at what should have been there and
547 what needs to be there going forward.

548 Mr. Berry said that he does not think that moving the panels from the Building Four to Building Three is
549 a huge substitute to the application and the abutters have noted that it would help the situation. He

550 thinks that the Board can act on the application with this modification and in so doing enforce the
551 existing landscaping plan. They could plant 8 – 12 ft trees instead of 7 – 8 ft trees. He does not think
552 that they were intentionally planted in the gully, he feels as though they were shown on the plan to be
553 planted in the swale line so where they are proposed is the low point and to overcome this is to go with
554 a larger tree. Mr. Berry continued that the number of trees on the plan are not what has been planted
555 and he thinks that utilizing the existing plan that the Board has approved in the past, with the
556 modification of the height is appropriate. They can also screen the end of the building where there is
557 currently transformers with some lattice work so the small cylinders at the end of the building can't be
558 seen and will be a benefit.

559 Chairman White said that he remembers when the applicants came in about cutting down the very large
560 pines the case was made that they were dying. One of the owners said that many of the limbs were
561 coming off the trees. Chairman White said that they did provide quite a bit of screening and he thinks
562 that is the Board's concern at the time was to put something in that would block some of the view of the
563 buildings.

564 Chairman White asked the Board what they feel about moving forward.

565 Vice Chair Larrow said that she is more inclined to continue the case until the Board can speak with Mr.
566 Landry to see what he did or did not sign off on and to see if the plan that Mr. Landry may have signed
567 off on is what Mrs. Gonyo has a copy of and to make their decision on what they do moving forward
568 dependent on that. If the plan that was approved is inadequate, they need to make sure that this plan
569 covers the issues. Mr. Butler agreed with Vice Chair Larrow and added that he thinks that the applicants
570 need to talk to the abutters and straighten out the original plan. Vice Chair Larrow said that Mr. Landry
571 might also have a different plan that he signed off on.

572 One of the owners said that time is of the essence in this project and he'd like to defer to their
573 engineer's suggestion to make the changes recommend to the Board so that they can appease their
574 abutters. They have made an effort each and every time that they have come to the meetings and it
575 seems like they are being painted as insensitive to the fact that they have these buildings. Their goal is
576 to get the solar panels completed as it has been financed and the panels are ready to go into place. If
577 they have to continue the case they might have to wait until after the winter.

578 One of the other owners said that the only thing that he has heard negatively from the abutters was
579 about the two trees that had died and that was from Mr. Landry, he thought that they were happy with
580 what was done.

581 Vice Chair Larrow said that she feels like the Board is hearing a lot of opinions but they need to have the
582 facts in order to make an adequate decision. She thinks that it is important to get what is on file, what
583 was signed off on, and compare it to what is actually there and if it is not appropriate to what the plan
584 says they need to adjust that. One of the owners said that they are willing to do that, they are not
585 digging their feet in the sand, they just didn't know that the abutters were this distraught and wanting
586 to hold up what they think is a good project; they are not adding more buildings or changing the
587 footprint. Vice Chair Larrow said that they are changing the view and that is part of what her concern is.
588 One of the owners said that they are willing to move the panels to minimize the impact. Vice Chair
589 Larrow said that there will still be an impact and if you look at the landscaping plan it says that the

590 abutters would be included in the landscaping plan. One of the owners said that they were, which is
591 why they have a copy of it and they kept them totally involved. Chairman White said that he does not
592 think that the plan is the issue, he thinks it is the implementation of the plan.

593 Mr. Spaulding said that the facts are the height of the trees and where they were planted. The trees
594 could have been staggered or planted higher, which would have helped. The point is that the rationale
595 behind the landscaping was to protect the building from being seen, not the pavement. The owners
596 should have done something about the landscaping and they did not. Mr. Spaulding continued that for
597 the owners to say that they have not heard from the Gonyo's. The Gonyo's had the right in the motion
598 to be part of the landscaping plan and they never got notification the trees were just planted. Mrs.
599 Gonyo said that they came home one day and the trees were there. Mr. Spaulding said that the
600 question is whether the Board is going to approve the application to disparage the Gonyo's property
601 further; to make it more costly to them. This \$11,000 is their property value and Board members would
602 have a concern about a business across from him or her that had that impact on his or her property.

603 Chairman White said that what the applicants are proposing to do does meet the Ordinance. There is
604 nothing that they are proposing to do that they don't allow. The Board looks at what concerns might be
605 there, and this is a big concern. Chairman White said that he thinks that the applicants have been
606 responsive in the abutter's concerns, they are willing to move the solar panels to another building,
607 though it will cost them more money. The owners are working with the Board, but he understands the
608 Gonyo's concerns that some of the things in the past may not have been done the way they were
609 supposed to be done. It is a matter of what the Board can address, which may be requiring more
610 planning. He wants to make sure that what is there is on the plan. Chairman White continued that
611 another issue is that there will be some additional visual impairments to the site which will impact the
612 Gonyo's.

613 Mr. Spaulding said that on the picture that shows the utilities outside, he can see a fence that would be
614 quite easily built at the edge of the pavement that would hide them.

615 Mr. Berry said that one thing that always comes up is the effect of solar panels on people's property
616 values and he has never found any evidence of that being the case. He can understand that the
617 abutter's might not want to look at them, however, it doesn't mean that it will do anything to their
618 property values. Chairman White said that the abutters have already had an issue. Chairman White said
619 that moving forward he does not think that it is a property value issue, he thinks that it is a visual issue.

620 Chairman White asked and the Board members agreed with Vice Chair Larrow about continuing the
621 case. Chairman White asked Mr. Marquise what they should do about hearing from Mr. Landry. Mr.
622 Marquise suggested getting a report from Mr. Landry about what he observed, if he released the bonds,
623 and his issues with it. Also, if the bond was released but it is not adequate, the Board needs to decide
624 where to go. Mr. Marquise continued that he thinks that the applicant would want to be proactive to
625 address any shortcomings in the plan, regardless of what Mr. Landry thought, which may be moot if the
626 applicant can address the concerns of the abutter and bring in a supplemental proposal.

627 Chairman White said that the Board understands the applicants' concerns about the schedule, but they
628 are also hearing the abutter's concerns and he does not know if there is a pathway to an approval at this
629 meeting. One of the owners said that he can sense that if they didn't have the landscape issue the

630 Board wouldn't have an issue with the solar project. Chairman White said that there is nothing wrong
631 with what the applicants are trying to do. The owner continued that he and his brother were not aware
632 that there was this great of concern, nor were they aware of the property value issue or about the
633 abutters' concerns with the landscaping. He and his brothers are responsible business owners and they
634 want to be good neighbors and will do whatever it takes to get it together.

635 Mr. Markarian asked if other than calling and reporting the dead trees if the Gonyo's contacted the
636 owners of the property to tell them that it was insufficient. Mrs. Gonyo said that they did not. Mr.
637 Markarian said that he heard the Gonyo's speak about their concerns when Building Four was going into
638 place and he understands that they were concerned about the trees coming down. The applicants
639 presented a landscaping plan that the Board felt was adequate at the time. Mr. Markarian continued
640 that he understands the applicant's concerns because they were not contacted that the landscaping
641 wasn't sufficient so they are at the same odds as the Gonyo's because this is the first time they are
642 hearing that it isn't sufficient. Mr. Landry had gone out and signed off on the plan and the bond was
643 released. One of the owners asked and the Board said that they do not know how much the bond was
644 for. Mr. Markarian said that it seems like there is a lack of communication from both sides and
645 Chairman White has said that there is nothing wrong with the project as it is presented. The Board
646 cannot say that it isn't a good project, the only thing that is in question is the landscaping behind
647 Building Four. Though they don't have all the information, he has a hard time saying that the
648 application should be tabled based on the facts that they have about the project itself.

649 Mr. Butler asked Mrs. Gonyo about the email submitted by the Assessor as it was dated September 30th
650 and if that is when she found out about the assessment. Mrs. Gonyo said that she knew about the
651 assessment prior but never dug into it further. Mr. Spaulding said that Mrs. Gonyo knew her property
652 value went down but she didn't know how much and how it was done. Mrs. Gonyo said she knew when
653 she put her deck on and her property value did not go up.

654 Chairman White said that Mr. Markarian's point is good because even though there are some issues the
655 Board needs to decide if they should move on the application at this meeting. Mr. Osborne said that he
656 thinks that the applicants have expressed that they are willing to address the landscaping issue. Looking
657 at the photos, it looks like they should add at least another tree in between the ones that are already
658 planted, taller than what they are now. Also, it wouldn't take much to add one or two trees by the
659 utility area to mostly screen that area. Mr. Spaulding said that they could also put in a fence there. Mr.
660 Osborne said that he'd rather look at a tree than a fence but there are options. One of the owners said
661 that they are willing to do more plantings, but no matter what they do he does not think that they will
662 be able to hide the two story metal building. Mrs. Gonyo said that they can do a better job of it.

663 Mr. Berry said that they've said that they will do three things: move the panels from Building Four to
664 Building Three; install the actual landscaping plan; and the addition of maybe some 8-10 ft trees and a
665 fence to screen the end of the building. Mrs. Gonyo asked if they can remove the silt fences. One of the
666 owners explained that during construction there was a 100 year rain fall and the NH DES was there as
667 silt crossed the road and they intentionally did not take them out because they didn't want any more
668 issues. Mr. Berry said that it should be stable now so the fence can be removed.

669 Chairman White said that he wants to see something in writing on a plan for everyone to agree to and if
670 the 8 - 12 ft trees had been planted they would be 16 ft now. Mr. Berry said that the plan shows 7 - 8 ft

671 tall trees. Mr. Spaulding said that the landscaper stated at the hearing that the trees would be 8 - 12 ft,
672 which he read to the Board. Chairman White said they could go with 8 ft as the plan says 7-8 ft and it
673 was said they'd be 8 - 12 ft. Mr. Spaulding asked if they could compromise with 10 ft trees to add the
674 two years of growth. Chairman White said that he wants to see what will be established in addition to
675 what is already there and he also wants to see what the applicants are proposing to screen for this plan.
676 Chairman White said that the applicants can do this at this meeting, they can go into the kitchen and
677 work on it while the next case is heard and then come back before the Board.

678 **PARCEL ID: 0129-0077-0000: SITE PLAN REVIEW: HISTORICAL SOCIETY PLAN TO ENTER INTO A LEASE**
679 **/ PURCHASE WITH THE TOWN OF SUNAPEE FOR USE OF THE OLD ABBOTT LIBRARY TO CREATE A**
680 **HISTORICAL LIBRARY AND ARCHIVES FOR THE TOWN. 542 ROUTE 11, TOWN OF SUNAPEE / OLD**
681 **ABBOTT LIBRARY.**

682 Chairman White recused himself from the case.

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

684 Mr. Marquise said that the application was filed in advance, fees were waived as it is a Town project,
685 notices were posted, and abutters were notified. The application falls under Article V of the Site Plan
686 Regulations and he has been through all the items and he believes they have been addressed so the
687 application is complete.

688 Mr. Markarian made a motion to accept the application as complete for Parcel ID: 0129-0077-0000: Site
689 Plan Review: Historical Society plan to enter into a lease / purchase with the Town of Sunapee for use of
690 the Old Abbott Library to create a historical library and archives for the Town at 542 Route 11, Town of
691 Sunapee / Old Abbott Library. Mr. Furlong seconded the motion. The motion passed unanimously.

692 Becky Rylander, President of the Sunapee Historical Society, and Barbara Chalmers, Vice President of the
693 Sunapee Historical Society, presented the merits of the case.

694 Ms. Rylander said that Ms. Chalmers was instrumental in designing some of the walkways on the plan.

695 Ms. Rylander said that the Historical Society would like to obtain the Old Abbott Library to create an
696 archive. They would lease the building initially in order to give them time to raise funds to purchase the
697 building. The Town thinks that they would like to put the Thrift Shop in the lower level and after they
698 purchase the building the Town would lease the lower level from the Historical Society. Therefore, they
699 needed to create a compliant walkway to the entrances, which is what is shown on the plan.

700 Ms. Rylander said that they have looked at the number of parking spaces and the two uses and both
701 parties have agreed that they will not be there at the same time so the number of parking spaces will be
702 adequate for their uses.

703 Mr. Marquise said that there will be a drivable buffer between this property and the abutting property.

704 Ms. Rylander said that this plan does include Mr. Hazelton's plan about doing the buffer between the
705 two properties and also redoing the curbing making it a sidewalk. The walkways will require moving the
706 two steps back so that they come out at grade level with the parking lots to allow handicap access. Ms.
707 Rylander was asked and confirmed that there will be one way in and one way out onto Main St.

708 Mr. Furlong asked about the hours and days of operation. Ms. Rylander explained that the Thrift Shop
709 will maintain their current hours, which are: Tuesday evenings, Thursday afternoons (or vice versa), and
710 Saturday mornings. The Historical Society plans to be open Friday afternoons, but would want to adjust
711 that outside the Thrift Shop hours as they have needs or interest.

712 Mr. Furlong said that there are seven parking spots and asked how many employees they will have
713 working at one time. Ms. Rylander said that they will probably only have two or three people at a time,
714 it is all volunteers.

715 Mr. Osborne asked and Ms. Rylander confirmed that they are keeping the museum and this will be for
716 photographs and documents that are currently getting moldy.

717 Ms. Rylander said that one of their main objectives is maintaining the building much in the same way that
718 it looks now other than the changes to the yard. Mr. Butler asked and Ms. Rylander confirmed that the
719 Historical Society will be in charge of the maintenance of the building once they own it but the Town is
720 responsible for it until then.

721 Mr. Furlong asked and Ms. Rylander said that the Historical Society does not pay taxes because they are
722 a non-profit organization.

723 Mr. Clarke said that he thinks that it will dress up the corner.

724 Mr. Osborne asked if along the retaining walls they will need railings. Ms. Rylander said that they will
725 need to have railings along the wall if the height requires it and plantings to screen the railings.

726 Mr. Clarke asked if the Historical Society has approached the owners of the Evans Expressmart / Dunkin
727 Donuts property that if there are events at the building if they can use the parking. Ms. Rylander said
728 that she has had discussions with Mr. Wiggins across the street and the bank to use a few spaces as
729 needed. Mr. Osborne asked and Ms. Rylander said that they would hold Board meetings there, not any
730 programs because it wouldn't be suitable.

731 Mr. Butler asked about the timing and if it needs to be approved at the Town Meeting. Ms. Rylander
732 said that they need the first year approved and then final details of the agreement need to be worked
733 out. There would then be a couple of public hearings. Vice Chair Larrow asked when the Historical
734 Society anticipates it all coming together and Ms. Rylander said that she does not know.

735 John Augustine, a Selectboard member, said that it is his understanding that the Thrift Shop has to be
736 out of their current location by the end of March, unless an extension is negotiated with the Riverway
737 who now owns the building where they are located. The clicking time clock of March means that there
738 is some incentive to figure it out before then.

739 Vice Chair Larrow asked if the building is Town owned or is owned in conjunction with the Library. Ms.
740 Rylander said that she believes that now the Cy-Pres is in effect the Town is the primary owner. Vice
741 Chair Larrow asked if the Town could potentially put the Thrift Shop in the building anyway. Ms.
742 Rylander said that they could but she does not think that they would want to do that unless they make a
743 deal with the Historical Society, otherwise they'd need to find another buyer who may not want the
744 Thrift Shop there.

745 Ms. Rylander said that there is some work that needs to be done to the building such as the walkways
746 and a downstairs bathroom.

747 Mr. Augustine said that currently the building is vacant and is not providing a benefit to anyone. The
748 Town is paying for the electricity, the heat, etc. and the current state is not optimal. In addition to the
749 Historical Society's interest, the Town has listed the property with a real estate agent so any person or
750 entity could come forward and offer a price. This Historical Society has been the most vocal in their
751 interest, but it is not to say that they are the only person that may come forward. Mr. Augustine
752 continued that even though the building is controlled by the Town, the Library Trustees have an interest
753 in the building given that approximately 60% of the building to maintain and renovate the building over
754 the year came from private donations. This means that the Town, meaning the taxpayers, are on the
755 hook to give the Library Trustees roughly \$250,000. Mr. Augustine continued that if the money does not
756 come from a sale or from lease payments, the taxpayers will have to come up with that money because
757 the Library Trustees want their money, and they've expressed patience, but not "forever" patience. In
758 addition to paying off the Library Trustees, there are costs associated with the renovations indicated on
759 the plan. The Planning Board's purpose is to decide if it is an appropriate use for the building, but there
760 will be a lot of financial considerations and discussions that will come up after this.

761 Mr. Butler asked about the ramifications if a private business came to the Town with an offer and the
762 Planning Board has approved this Site Plan. Mr. Hastings said that the new business would have to
763 come to the Planning Board with a new Site Plan. Ms. Rylander said that there are preservation
764 restrictions on the building. Mr. Butler asked if the Board should put a condition on the approval if the
765 building is being marketed. Mr. Augustine said that part of the listing with the realtor states that the
766 new buyer would not be able to change the exterior of the building or the basic green space around it.
767 Mr. Hastings said that there are about five different restrictions. Mr. Augustine said that an example of
768 what would not be allowed would be the owners of the Dunkin Donuts / Evans Expressmart building
769 purchasing the building and knocking it down for a parking lot. The Town does need to find a home for
770 the Thrift Shop, though there have been various discussions about the if Town should be in the business
771 of running the Thrift Shop or if they should be their own non-profit entity and find a space; but those
772 things do not have anything to do with the Planning Board's decision. There was further discussion
773 regarding this matter.

774 Vice Chair Larrow asked if there were any further questions or concerns and there were none.

775 Mr. Osborne made a motion approve Parcel ID: 0129-0077-0000: Site Plan Review: Historical Society
776 plan to enter into a lease / purchase with the Town of Sunapee for use of the Old Abbott Library to
777 create a historical library and archives for the Town. Mr. Furlong seconded the motion. The motion
778 passed unanimously.

779 **PARCEL ID: 0225-0036-0000: SITE PLAN REVIEW: INSTALL A TOTAL OF 100 KW AC OF SOLAR PANELS**
780 **AND INVERTERS ON ROOFS OF BUILDING #2 AND #4. 36 ROUTE 103, MCDONOUGH FAMILY**
781 **PROPERTIES, LLC.**

782 Mr. Berry said that to see this level of basic democracy functioning is a pleasure; they had a problem and
783 resolved the problem.

784 Mr. Spaulding said that he will explain the agreement that the applicants and the Gonyo's came up with
785 and it has been marked on the plan. They have agreed to four 10 ft tall trees to screen the area where
786 the tank is and the utilities at the end of the building. They have agreed to 11 other trees to be
787 staggered in different rows, in addition to the trees shown in the pictures. They will move the solar
788 panels from Building Four to Building Three and that requires the solar panels to be moved back some
789 so the ends will be visible. The intent of the screening is to screen and buffer the garage doors on the
790 backside of the two story building so the trees will be planted higher so that they cover most of the
791 doors. They are not looking for 100% coverage, they are looking for a reasonable effort and by
792 staggering and making the trees higher, they believe in the short period of time they will be screened.
793 Mr. Butler asked and Mr. Spaulding explained that they agreed that the 11 trees in the buffer will be 8 ft
794 tall. Mr. Berry said that they also agreed to plant the trees in 2017 because planting them in the fall of
795 this year is probably detrimental to the trees. Mr. Spaulding said that if it is done next year and done
796 correctly then there shouldn't be an issue. He believes that the Board should include it in their motion
797 that the trees are planted by the end of 2017. Mr. Markarian asked and it was explained that the trees
798 will be white spruce trees.

799 Chairman White said that he appreciates everyone effort to work together and get this completed.

800 Mr. Bingham said that they were going to start the solar panels more set in on Building Four so that not
801 as much of them would have been seen but Building Three is longer than Building Four.

802 Vice Chair Larrow asked and it was explained that the silt fence will be removed.

803 Mr. Butler said that he'd like to have Mr. Landry sign off on the plan.

804 Vice Chair Larrow asked if the panels will remain on Building Two and it was confirmed that they will.

805 Vice Chair Larrow asked about bonding the landscape plan as it was bonded at 110% of the cost for
806 Phase Two of the applicants construction of the facility. Chairman White asked the Board if they felt it
807 was appropriate to bond the landscape plan.

808 There was a brief discussion about the agreement and the new landscaping plan. Mr. Marquise said
809 that the Board will need a finalized plan that shows all the changes that they can sign off on.

810 Mr. Spaulding said that the applicants did admit that there needs to be a change so he could see
811 requiring a bond for someone who did not intend to do the work, but he does feel as they intend to
812 make the change. The applicants gave the Gonyo's their phone number in case something doesn't work
813 right and they need to contact them.

814 Chairman White asked and the Board agreed that they feel as though the issues have been addressed.

815 Chairman White said that the Board will need an updated plan to sign off though they will keep the
816 marked up plan. Mr. Berry asked if they need to wait for the plan to get signed off before they can
817 obtain a building permit. Mr. Marquise explained that there will be a Notice of Decision that Chairman
818 White will sign which is typically enough to get a building permit.

819 Mr. Markarian made a motion to accept the applicant on its merits for Parcel ID: 0225-0036-0000: Site
820 Plan Review for installation a total of 100 KW AC of solar panels and inverters on the roofs of Buildings

821 #2 and #3, 36 Route 103; also noted that the inverters will be on the ground level at Buildings #2 and #4
822 and the solar panels will be on Buildings #2 and #3; referencing the plan that was marked up to indicate
823 additional landscaping needs to be completed by October 1, 2017. Mr. Butler seconded the motion.
824 The motion passed unanimously.

825 **ADDITIONAL BUSINESSES**

826 Mr. Marquise said that the Board has received a request from the smoothie place in the Harbor, Stacie's
827 Smoothies. This was approved as a takeout restaurant four years ago for Quacks and at that time the
828 Board approved the takeout window and some picnic tables in the back. It then became the smoothie
829 business and it was changed with just a Statement of Property Usage. Mr. Marquise continued that the
830 smoothie place has submitted another Statement of Property Usage that he was uncomfortable signing
831 off on because the request is to take the tables from outside and bring them inside. The applicants state
832 that it will effectively be the same number of seats, which was 4 tables and 6 seats per table, which
833 went beyond the parking spaces. Mr. Marquise continued that the only other thing that he could see
834 changed, which may have already been this way, is that they moved the hours back to 9:00 am, as
835 opposed to 10:30 am, and are ending at 9:00 pm instead of 10:30 pm.

836 Vice Chair Larrow asked if the business is seasonal and Mr. Marquise said that it was approved as a
837 seasonal business.

838 Mr. Markarian said that there was seating in the building when Marzelli's Sweet Shop was there. Mr.
839 Marquise said that they will also be keeping the retail space.

840 Vice Chair Larrow asked if they will be moving the seating inside and then adding seats outside. Mr.
841 Marquise said that he thinks that the understanding is that there will be no more seats than were
842 originally allowed. They could have indoor and outdoor seats if they did not go over the 24 seats total.

843 There was further discussion regarding the matter and the way that a Statement of Property Usage is
844 done and if changing the hours would trigger Site Plan Review. There was further discussion regarding
845 the seats and that if they wanted additional seats it would trigger a Site Plan Review.

846 Mr. Osborne made a motion to waive the Site Plan Review for Parcel ID: 0133-0093-0000, Soo Nipi
847 Realty Trust, 36 River Rd to move the seating from outside to inside, as long as the total number stays at
848 four tables of six people each. Mr. Markarian seconded the motion. The motion passed unanimously.

849 **ZONING AMENDMENTS**

850 Mr. Marquise said that Mr. Landry had some recommendations for some Zoning Amendments that he
851 would like to discuss with the Board.

852 The first recommendation is that in the area between Brown's Hill Rd to Jobs Creek Rd ,at a depth of 500
853 ft, to become mixed use, similar to what is in Wendell. Chairman White and Vice Chair Larrow said that
854 it does not fit with the Master Plan. The Board agreed that they do not want to go forward with this
855 recommendation.

856 The second recommendation is regarding the Planning Board looking at tree cutting within the buffer
857 and he feels like the Board was clear that they felt as though the Planning Board and the Selectboard

858 should both look at the plans. Mr. Hastings said that the Selctboard takes the recommendations from
859 the Planning Board. The Board agreed not to go forward with this recommendation.

860 The third recommendation is regarding road setback and if a building fronts on two road, they have the
861 front / road setback from both roads. Mr. Landry's proposal is to have the front setback be only on the
862 side where there is access. There was further discussion regarding this matter and the intent of the
863 Ordinance and the Board determined not to move forward with this recommendation.

864 The fourth recommendation is to add a definition of minor structures that do not require a permit such
865 as: treehouses; play gyms / swing sets; and an 8 ft x 10 ft pergola. The Board felt like they need to
866 define what a treehouse is as that would be a concern as well as building in setbacks.

867 Changes to the Planning Board minutes from September 15, 2016: Change Line 130 to read "...as well as
868 if abutters should be notified..." Change Line 132 to read "...agreed to reduce the buffer to..."

869 Mr. Hastings made a motion to accept the minute of September 15th as corrected. Mr. Osborne
870 seconded the motion. The motion passed unanimously.

871 Mr. Butler made a motion to adjourn the meeting at 10:19 pm. Mr. Furlong seconded the motion. The
872 motion passed unanimously.

873 Respectfully submitted,

874 Melissa Pollari

875

876

877 Planning Board

878 _____

879 Peter White, Chairman

880 _____

881 Kurt Markarian

882 _____

883 Joseph Furlong

884 _____

885 Shane Hastings, ex-officio member

Donna Davis Larrow, Vice Chair

Richard Osborne

Joseph Butler

Randy Clark, Alternate Member