

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **NOVEMBER 3, 2016**

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

6 **ABSENT:** Joseph Butler; Randy Clark, Alternate

7 **See attached sign in sheet**

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

9 Mr. Osborne was not present for the start of the meeting.

10 **CONTINUATION: PARCEL ID: 0148-0025-0000: SUBDIVISION / ANNEXATION; LANCE & CHRISTINA**
11 **HARBOUR, HAMEL RD.**

12 Mr. Harbour gave the Board an update.

13 Mr. Harbour said that the owners of Mountain View Tavern have received their approval of their septic
14 plan so he believes that that process is finally getting done. He believes that he should be able to work
15 with them to move forward and get the Letter of Intent for the Easement. Mr. Harbour requested
16 another continuation of a couple of months to have time to get things worked out with the owners of
17 Mountain View Tavern and hopefully get it finalized.

18 Chairman White said that a request from the applicant is something that the Board does not typically
19 have problems with and asked Mr. Marquise for his recommendation. Mr. Marquise said that the
20 concern with the last continuation was if there were any Zoning Amendments that might affect the
21 property. However, he does not see any proposals that this might impact this so he does not see a
22 problem with a continuation.

23 Vice Chair Larrow asked and Mr. Marquise explained that once the Amendments are noticed the Zoning
24 is in effect and must be honored.

25 The case was continued until the December 1st meeting and then will be continued to the January 5th
26 meeting.

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

30 Chairman White said that he believes the applicants went to the Zoning Board for a rehearing and it did
31 not get approved.

32 Mr. Marquise said that the applicants have asked to continue this case until the December meeting,
33 however, the Board has not formally accepted the application as complete.

34 The Board moved the consideration for completeness to the December meeting.

35 Mr. Osborne arrived for the meeting.

36 **OTHER BUSINESS – MCCARTHY SUBDIVISION**

37 Mr. Marquise said it is his understanding from information received from a neighbor that they have
38 found wetlands on the property that hadn't been delineated on the plan and were disturbed. He does
39 not know what prompted this but the neighbor contacted DES and they said they'd look into it. The
40 neighbor has asked that the Board revoke the subdivision, which is a serious step. Mr. Marquise
41 continued that he thinks that the Board is in a position to ask Mr. McCarthy to come back in and have a
42 discussion regarding what the findings are as it sounds as though they will need to move some
43 driveways, which may affect the drainage. He has not heard anything from Mr. McCarthy nor DES; all he
44 has is an email from Matt Lowrie. Mr. Marquise said that if the Board wanted to revoke the subdivision
45 it would require a hearing and suggested a consultation first to address the issues.

46 Chairman White asked Mr. Marquise if DES is going to notify the Town about the issues. Mr. Marquise
47 said that the email said that there were attachments but he did not get any from Mr. Landry. Mr.
48 Marquise was asked and said that he does not see anything that would affect Zoning.

49 Chairman White noted that the wetlands look high on the lot. There was further discussion about the
50 wetlands.

51 Vice Chair Larrow asked and Mr. Marquise said that the approval was given two years ago for the
52 subdivision and the construction started last summer. They then had problems with the runoff so there
53 was a redesign of some of the drainage structures, though the email from Mr. Lowrie says that there are
54 still silt issues. He has not seen anything official from DES about any of the issues. Mr. Osborne said
55 that there is a detention pond by the road and the water in it was brown when he went by recently but
56 it seems to be a settling pond as it has a concrete perforated structure and a syphon that draws the
57 water down to empty the pond when it gets high enough. There was further discussion regarding the
58 drainage system.

59 Chairman White said that 15,000 sq ft is a lot of wetlands to find after the fact and finds it hard to
60 believe that this is the first that they are hearing about it if DES is involved. There was further discussion
61 regarding the issue.

62 **OTHER BUSINESS – LEAVITT TRUST**

63 Clayton Platt asked the Board why the Leavitt Trust subdivision plan has not been recorded yet. Mr.
64 Marquise said that he left it with the Selectmen's Office after the last meeting and he will check to see
65 what is happening with it.

66 **OTHER BUSINESS – SAFETY SERVICES BUILDING**

67 Mr. Marquise said that when the Safety Services Building Site Plan was approved, the plan showed the
68 second floor to be future space for the Fire Department. They are looking to create the space into a
69 residential type space for emergency services personnel to stay there and since there has never been a
70 discussion about this he feels as though it may require an amendment to the Site Plan.

71 Chairman White asked and Mr. Osborne explained that, currently, the ambulance crew stays at the
72 Safety Services Building from 10:00 am to 10:00 pm, 7 days per week. He is sure that some of the crew
73 are on a 24 hour shift and would appreciate sleeping during the day.

74 Mr. Osborne said that the first plan had office type space and the second plan showed that it is future
75 expansion for dormitory type space. They were going to not finish the space but when they put the
76 sprinklers in they realized they needed to put sheetrock up for the sprinklers.

77 Mr. Marquise said that the plan that he has shows an area for expansion for future use but nothing
78 designated. Typically, if there are changes made the Board asks for an amended Site Plan to specify the
79 number of rooms and what is going on.

80 The Board agreed that they think that the Fire Department needs to come before them for an
81 amendment to the Site Plan.

82 **OTHER BUSINESS – ZONING AMENDMENTS**

83 The First Amendment is regarding roads as the definition of roads was changed but they did not change
84 the reference in the table and this Amendment will make it consistent.

85 The Second Amendment is for front setback issues with Special Exceptions as there are some issues with
86 the language. This Amendment will change the language from “on either side” to be “on both sides” so
87 the comparison is not just on one side of the lot.

88 The Third Amendment is for the Shorelines as they took out of the Ordinance that the Planning Board
89 reviews Alteration of Terrains within the 50 ft setback, however, this is another place that discusses
90 Planning Board review for dock and beach construction and this will be removed to keep consistency.

91 The Fourth Amendment is regarding the tree cutting within the Shoreland that talks about the number
92 of trees cut in the Shoreland during a calendar year. The Amendment will change the Ordinance to
93 allow that there be a certain number of trees cut within a 12 month period. Mr. Platt asked and Mr.
94 Marquise said that a tree is defined as bigger than 6 inches in diameter and higher than 4 ft off the
95 ground.

96 The Fifth Amendment is regarding the exempted area for a building constructed in the Shoreland.
97 Currently, there is a 20 ft around the building, parking, and driveways that is allowed but the
98 Amendment will allow for 12 ft from the center of the driveway, 10 ft from the edge of the parking area,
99 keeping the 20 ft exemption around the building, and then to limit the exempted area to 25% of the
100 existing basil area. Mr. Platt said that this seems very convoluted and difficult to keep track of and he is
101 not sure how this will be able to be done. It would be nice if there was an investment into record
102 keeping to correlate with the Zoning as it is hard to find certain files as they are separate from the
103 Assessment files and not really assessable if Mr. Landry is not at the office. There was further discussion
104 regarding this Amendment.

105 The Sixth Amendment is regarding Accessory Dwelling Units and is a list of requirements and controls.

106 The Seventh Amendment is adding a word to Section 6.12 to change the wording from “the replacement
107 of a non-conforming structure” to “the replacement or alteration of a non-conforming structure.” Mr.

108 Marquise said that he believes that this is assumed and it is how the Zoning Board currently looks at the
109 Ordinance, but Mr. Landry asked that it be written into the Ordinance.

110 The Eighth Amendment is regarding non-conforming lots and the language proposed changes the
111 Ordinance from preexisting non-conforming lots to legal non-conforming lots and that an alteration to a
112 legal non-conforming lot does not take away its non-conforming status and still retains the same rights
113 as a pre-existing non-conforming lot even though it is no longer pre-existing. There was further
114 discussion regarding this issue as well as a pre-existing, non-conforming structure and if it ever loses its
115 pre-existing, non-conforming status and if the Ordinance should be changed from “structure” to
116 “footprint.”

117 The Ninth Amendment is regarding adding swing sets and pergolas to the minor structure definition.

118 Mr. Platt recommended adding a patio to the definition of a structure. Mr. Marquise said that was
119 attempted last year and voted down. Mr. Platt said that last year they tried to add a small patio to a
120 minor structure and that was voted down. He recommends adding a patio to the list in the definition of
121 a structure as some people come in for Variances for patios and others do not as they are told that they
122 are not structures. There was a discussion regarding if there should be clarification between a pervious
123 patio and an impervious patio. The Board determined to add an Amendment to include adding “patio”
124 to the list in the definition of structure but not to define a pervious patio or impervious patio.

125 **OTHER BUSINESS – DISCUSSION OF ROUTE 11 IMPROVEMENTS**

126 Mr. Marquise said that the Board has discussed making changes to Route 11 in the center of Town and
127 they have not had the funds to have plans drawn. Scott Hazelton, the Highway Director, has drawn
128 some plans for the Board to discuss.

129 Mr. Marquise explained that the plan goes from Main St to Sargent Rd. The proposal shows a plan for
130 parking spaces along the highway. The goal is traffic calming so there are green bump outs, which
131 they’ve been told that DOT will allow with benches, trees, or other areas for people to congregate. The
132 plan also shows sidewalks on both sides of the road and four crossings. There is also a beveled / raised
133 median to create a calming effect.

134 Mr. Marquise said that the proposed project will cost at least \$1 million but Mr. Hazelton has said that
135 the Town should qualify for a grant that will pay for 80%. There are also other grants available, one of
136 which is for drainage improvements, which this plan includes. There may also be some money for public
137 safety with the addition of crosswalks and sidewalks.

138 Mr. Marquise said that Mr. Hazelton has talked to DOT, who seem to be in favor of the proposal as well
139 as the Executive Counselor, who has been very positive with working on the grant money.

140 Chairman White said that he likes Mr. Hazelton’s proposal for Sargent Rd. It would also be interesting to
141 get Mr. Hazelton’s take regarding coming from Newport, maybe up by Pizza Chef. Mr. Hastings said that
142 the issue may be the bridge.

143 There was further discussion regarding the drainage.

144 Vice Chair Larrow asked and Mr. Marquise said that DOT and DES will need to approve the plan.

145 The Board discussed the timeline for the projected and said that there will be a Warrant Article for the
146 engineering money on the 2017 Warrant.

147 There was further discussion regarding the proposed plan.

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

149 Mr. Markarian made a motion to accept the meeting minutes of August 18, 2016 as written. Mr.
150 Hastings seconded the motion. The motion passed unanimously.

151 Changes to the Planning Board minutes from October 6, 2016:

152 Mr. Osborne made a motion to accept the minutes of October 6, 2016. Mr. Markarian seconded the
153 motion. The motion passed unanimously.

154 Mr. Markarian made a motion to adjourn the meeting at 8:15 pm. Mr. Furlong seconded the motion.
155 The motion passed unanimously.

156 Respectfully submitted,

157 Melissa Pollari

158

159

160 Planning Board

161 _____

162 Peter White, Chairman

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164 Kurt Markarian

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166 Joseph Furlong

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168 Shane Hastings, ex-officio member

Donna Davis Larrow, Vice Chair

Richard Osborne

Joseph Butler

Randy Clark, Alternate Member