

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **FEBRUARY 5, 2015**

4 **PRESENT:** Peter White, Chair; Donna Davis Larrow; Kurt Markarian; Tanner Royce; Shane Hastings, ex-
5 officio member; Michael Marquise, Planner

6 **ABSENT:** Robert Stanley, Vice-Chair

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

8 **PARCEL ID: 0235-0062-0000 & PARCEL ID: 0235-0061-0000: SUBDIVISION / ANNEXATION; SUBDIVIDE**
9 **8.23 ACRES FROM LOT #0235-0062-0000 AND ANNEX TO LOT #0235-0061-0000. 50 MIDDLEBROOK RD**
10 **– OAKLEDGE, HELMUT & RENATE SCHMIDT.**

11 Mr. Marquise said that the application was filed in advance, fees were paid, abutters were notified, and
12 notices were posted. The application falls under 6.04 of the Subdivision Regulations and as a minor
13 subdivision is eligible for waivers under 6.05-b. The waivers for this application are contours, utility
14 lines, storm water and water supply facilities. Mr. Marquise continued that with those waivers he
15 believes the application is complete.

16 Donna Davis Larrow made a motion to accept the application as complete for the Subdivision /
17 Annexation of Parcel ID: 0235-0062-0000 and Parcel ID: 0235-0061-0000 with the waivers of contours,
18 utilities, storm water, and water supply facilities. Kurt Markarian seconded the motion. The motion
19 passed unanimously.

20 Helmut Schmidt and Clayton Platt presented the merits of the application.

21 Mr. Schmidt explained that the application involves three parcels, 0235-0062-0000, 0235-0061-0000 and
22 Parcel B, which is not part of the Oakledge Subdivision. Parcels 62 and 61 are both part of the Oakledge
23 Subdivision. He plans to build a house on Parcel B, which will consist of 8.23 acres. Mr. Schmidt
24 continued that he was before the Board last year to annex Parcel B to Lot 62, which was approved. He
25 has had a slight change in plans and is asking to reverse the annexation and subdivide Lot 62 from Parcel
26 B and annex Parcel B to Lot 61. Lot 61, an undeveloped lot, will then provide the required street
27 frontage and make Parcel B a buildable lot.

28 Chairman White asked and Mr. Schmidt explained that after Parcel B is annexed to it, Lot 61 will be
29 10.08 acres. Mrs. Larrow asked and Mr. Platt said that Parcel B was owned by Nielson before and now
30 they are flip flopping which lot Parcel B will be annexed to. Mr. Marquise explained that Parcel B was
31 cut from Nielson and added to Lot 62 and now it is being taken from Lot 62 and annexed to Lot 61.

32 Mr. Marquise asked and Mr. Platt confirmed that on Lot 62, the previous annexation did not make
33 something non-conforming, conforming. Lot 62 will meet all of the setbacks and everything else
34 required.

35 Mr. Markarian asked if Mr. Schmidt had an idea of where he would be building the home on the parcel
36 and Mr. Schmidt showed the Board on the plan.

37 Mr. Royce asked if Mr. Schmidt will need a driveway permit and Mr. Marquise said that Middlebrook Rd
38 is a private road.

39 Chairman White asked if the Board or anyone else had any questions for the applicant and as there were
40 none closed the public input portion of the meeting.

41 Kurt Markarian made a motion to accept the Subdivision / Annexation of Parcel ID: 0235-0062-0000 and
42 Parcel ID: 0235-0061-000050 Middlebrook Rd, Oakledge, to accept the merits as discussed. Shane
43 Hastings seconded the motion. The motion passed unanimously.

44 **(CONTINUED) PARCEL ID: 0211-0011-0000: SITE PLAN REVIEW; EXCAVATION AND PROCESSING OF**
45 **CRUSHED ROCK. PINE HILL CONSTRUCTION, 1106 ROUTE 11, MICHAEL LEMIEUX.**

46 Theodore Gallup presented the merits of the case on behalf of Mr. Lemieux.

47 Chairman White explained that this case was continued because the Board asked for a few additions to
48 be made to the Plan. Mr. Marquise said that they were looking for an updated DOT permit for the
49 access, acknowledgement of the buffer strip, the requested sign to be shown on the plan, and the sign
50 offs. Chairman White said that the plan looks as though the buffer was added and asked about the sign
51 offs. Mr. Gallup said that he gave Mr. Landry a copy of the State DOT letter and the requirements
52 received, including where the signs must be located, how big they can be, how they have to be installed,
53 etc. Mr. Marquise said that they heard from the Police Chief, his comments are that daylight hours
54 would be preferred as it is in a 50 MPH and trucks will be crossing three lanes; signage is required to
55 warn oncoming vehicles. Mr. Marquise continued that, though he did not see anything, he understands
56 that the Fire Chief did not have any comments as the proposal does not involve buildings and there is
57 nothing with Water and Sewer. Mrs. Larrow asked about the Highway Department and Mr. Gallup said
58 that it is a State road. There were no comments received from the Conservation Commission.

59 Mr. Marquise said that he discussed with Mr. Landry that there were changes made to the buffer. Mr.
60 Gallup said that there were some clarifications about the ledge and the view of sight and Mr. Lemieux
61 may want to come back to the Board in the future. For the time being, the buffer will be let alone. Mr.
62 Marquise said that he would like to see the contours on the plan showing that they are leaving the
63 buffer. Mr. Marquise explained that the buffer is written in Zoning and the Planning Board can't waive
64 it. Mr. Marquise continued that he thinks that the contours need to reflect what the finished grade
65 contours will be outside the buffer so that if the Board approves it can't get changed. The current
66 contours show that the finished grade will be changed within the buffer zone and that needs to be
67 changed before the Board will sign off.

68 Mrs. Larrow asked and Mr. Marquise confirmed that the plan has everything that they asked for except
69 for the change in the contours on the plan.

70 Chairman White asked if the Board approves the Site Plan if there is a timeline as to when the applicant
71 will need to submit a revised drawing. Mr. Marquise said that they can put a condition on an approval
72 and he assumes that the applicant wants to be able to continue with the excavation as soon as he can.
73 Mr. Gallup explained that he does not know Mr. Lemieux's plans but that he thinks that he goes to the
74 property when he is able to. Mr. Royce said that there can be no work done until the signs go up and
75 Mr. Lemieux indicated in an email that he has no intentions of doing that until the spring.

76 Mr. Marquise said that the Board could give a conditional approval that the Site Plan be corrected within
77 30 days or prior to any activity.

78 Mr. Markarian asked and the Board agreed that they should also require a signoff from the Conservation
79 Commission.

80 Mr. Gallup asked if the Board wants the contours to show that Mr. Lemieux will create a gradual slope
81 to the buffer zone or if he can create a cliff at the edge of the buffer. Mr. Marquise said that he thinks
82 that it will depend on the materials; if it is a solid face of ledge then the Board cannot stop them from
83 doing that. Mr. Marquise said that there needs to be indication on the plan that shows a 1 on 1 face or
84 a 1 on 2 face; whatever it is. Chairman White said that it is Mr. Lemieux's prerogative as long as it does
85 not encroach on the buffer. Mr. Marquise said, if nothing else, showing the contours diving into a wall.
86 Mr. Gallup suggested that the buffer along Route 11 not be called a "buffer" but called an "unaltered
87 area". Mr. Markarian suggested that, from the 25' setback, any feathering of the excavation area is
88 towards the excavation area and not towards the buffer. Chairman White said that he thinks that a
89 straight ledge would eventually damage the buffer zone and the vegetation on the buffer zone so he
90 thinks that Mr. Lemieux would be better off having a bit of a slope and indicating it on the drawing.

91 Mr. Royce asked and Mr. Marquise said that the application cannot be continued again. Mr. Royce said
92 that he would like to see the plan done the way that the Board asked and be complete. He felt as
93 though the Board was clear about what they wanted and he feels disappointed with the presented plan.
94 Chairman White said that it appears as though, in order to approve the application, they will need to
95 make things conditional for sign off. Mrs. Larrow said that she does not disagree with Mr. Royce but
96 that she thinks the Board can move forward with a conditional approval.

97 There was further discussion regarding the feathering of the area or having a cliff wall and Chairman
98 White said that it is Mr. Lemieux's prerogative, however, if there is damage to the vegetation due to the
99 choice then it will need to be fixed. Mrs. Larrow asked how that needs to be worded in an approval.
100 Chairman White said that they should indicate that the contours listed on the plan would reflect Mr.
101 Lemieux's desired finished contours where it meets the buffer. Mr. Marquise said that they could say so
102 as it preserves the buffer.

103 Kurt Markarian made a motion to accept the Site Plan Review for Parcel ID: 0211-0011-0000 for the
104 excavation and processing of crushed rock for Pine Hill Construction at 1106 Route 11 for Michael
105 Lemieux with the condition of approval being that contours for the buffer zone are marked as such so
106 that the buffer zone will be preserved without disturbing the existing landscape and that the plan be
107 presented within thirty days or prior to any work being done on site and that the Conservation
108 Commission either signoff or present something to the Board that they are OK with what is being done.
109 Donna Davis Larrow seconded the motion. Mr. Royce said that he is struggling with the fact that this
110 hearing was continued on December 4th, then Mr. Lemieux skipped the January meeting, and then at
111 this meeting the plan is not what the Board asked for. He is struggling to accept a plan that is not what
112 the Board asked for and also that if this plan had been presented in January, the applicant would have
113 had enough time to fix it. The motion passed with four in favor and one opposed.

114 Mr. Gallup asked about the Conservation Commission sign off and Mr. Marquise advised that Mr.
115 Lemieux speak with Mr. Landry.

116 **PARCEL ID: 0211-0006-0000 & PARCEL ID: 0211-0061-0000: INFORMAL DISCUSSION ON ROAD GRADES**
117 **FOR FUTURE SUBDIVISION. TROW HILL RD & ROUTE 11, ROBERT & LYNNE BELL.**

118 Mr. Marquise said that the Board and Mr. Bell had a previous discussion about roads and about this
119 project and the Board was told that this road was strictly a driveway. This discussion is about the roads
120 and how they relate to a potential subdivision.

121 Mr. Platt explained that there is State approval for an Alteration of Terrain Permit, one was done two to
122 two and a half years ago for the road going through the property and three to four weeks ago one was
123 approved for the side roads. Mr. Platt said that there is storm water drainage including catch basins and
124 such.

125 Chairman White asked and Mr. Platt confirmed that he is before the Board because there is concern
126 with the grades of the roads for the future subdivision. Mr. Platt said that there is concern in one area
127 that is about 10 – 12%. Mr. Platt said that the roads are under construction and are not finalized yet and
128 he talked to Mr. Bell before he left and he feels as though it will be difficult to get it under 10%. Mr.
129 Marquise said that in the past, with waivers and agreement from the Road Agent, the Board has allowed
130 up to 12% in short sections. They measured today and one section is about 220 ft and the other is a
131 little over 100 ft. Mr. Marquise asked about the second section and if it could be made up with a little
132 more curvature. Mr. Platt said that there is a wetland by the wall.

133 Chairman White asked if the reason to build the roads to Town specs is with the hope that the Town will
134 take them over someday. Mr. Platt confirmed this and showed the Board on the plan the roads that Mr.
135 Bell would like to become Town roads and the proposed private road that would also be built to Town
136 specs and would access six to seven houses.

137 Mr. Platt said that the rest of the grades are approximately 10% and sandwich between lesser grades.

138 Mr. Platt said that another question they have is if there will be a problem with splitting up the roads to
139 have the Town take over some and the other remain private. Mr. Marquise said that a Planning Board
140 can approve a plat with potentially public roads; however, they have no control whether they do
141 become public roads as that is something the Board of Selectmen does and the question should be
142 posed to them and the Road Agent.

143 Chairman White said that this feels as though this proposal is asking for forgiveness rather than
144 permission as it is already a done deal. Mr. Platt said that the road is under construction and he does
145 not know what the obligations are to the Planning Board if there is no subdivision plan. Mr. Platt
146 continued that one of the challenges the Mr. Bell faces is that if he comes in with plans to get approved
147 the Board requires a bond for the road which is getting more expensive and difficult to obtain.

148 Mr. Markarian said that there is a section of private road and asked how Mr. Bell will keep it from being
149 used publicly. Mr. Platt said that there would not be a reason for the public to use that road but there
150 are other private roads in town that the public do drive on.

151 Mr. Marquise pointed out that there is a road intersection at the center of the drawing where two roads
152 intersect within about 130' of each other. The rules require a 150' minimum separation between

153 intersections. Unless there is a problem with wetlands, Mr. Marquise recommends that the 150' be
154 maintained by adjusting the access point of the side road.

155 Mr. Marquise said that he is concerned with the intersection at Route 11 and asked if it has been
156 approved by the State. Mr. Platt said that he believes that Mr. Bell had a permit for a driveway and was
157 told before he went to subdivide the land he would need to get a new permit. Chairman White asked if
158 the road / driveway is within the State's Right of Way. Mr. Platt said that he thinks that it is halfway on
159 the State property and halfway on Mr. Bell's property. Mr. Marquise said that at one point Old Route 11
160 went back to the Town and Mr. Platt may want to check to see if they reverted that section back to the
161 land owner.

162 There was further discussion regarding the higher grade levels and if there was a possibility of making
163 them less steep.

164 Mr. Markarian asked if everything on the plan is already done. Mr. Platt explained that there are two
165 roads that are proposed and some of the areas are currently under construction.

166 Mr. Hastings said that where the private road begins the Road Agent would probably want an area to
167 turn the trucks around if the Town does take the other roads over. Mr. Platt said that something at the
168 intersection may accomplish that if the intersection was widened.

169 Mr. Platt said that there was a discussion about phasing the project and asked if that is the preference of
170 the Board. Mr. Platt said that he thinks that Mr. Bell will be coming to the Board in the next few months
171 for the project. Mr. Platt said that when they went to the State they wanted to know everything that
172 would potentially happen which is why the full plan was drawn.

173 Chairman White said that the two sections with the grade over 12' is what concerns the Board.
174 Chairman White asked and Mr. Marquise explained that waivers have been granted on a case by case
175 basis with the approval of the Road Agent. Mr. Hastings said that he thinks that the Fire Chief should
176 look at the plan as well.

177 Mr. Marquise asked if Mr. Platt has looked at the horizontal alignments for the curves. Mr. Platt said
178 that he thinks everything meets the minimum radiuses. Mr. Marquise said that there is a steep area
179 coming around one of the curves and guard rails may be appropriate there. Mr. Platt said that there is
180 quite a bit of fill on that side and is out about 20' from the side of the road.

181 Mr. Hastings asked if Mr. Platt knows the number of lots that Mr. Bell will have. Mr. Platt said that it is
182 very preliminary and he thinks that there will were 32 or 33 lots that went to the State so it could be 30
183 to 40 lots.

184 Chairman White asked if there is a way to get to 10% or under 10% in one of the sections. Mr. Platt said
185 that it may be able to be pushed out a little bit but then they run into the property line and it is fairly
186 steep there with a retaining wall already. There was further discussion regarding this issue.

187 Mr. Platt said that the next meeting he thinks they will have will be a design review meeting. Chairman
188 White said that he would be very interested to have input from the Road Agent for this meeting.

189 Mr. Platt asked if it will be phased in if he can just show the roads as possibilities on the plan. Mr.
190 Marquise said they could get approval for the whole plan and then make it a phased plan or could just
191 call it future development. Mr. Marquise said that the Board would like to see driveways on the plan.

192 **MISCELLANEOUS**

193 Mr. Marquise said that he had a request to amend a minor item in the July 18, 2013 minutes on a
194 Conceptual Review project. The Parcel ID was listed as Map 0111 and it should have been Map 0211.

195 Donna Davis Larrow made a motion to amend the July 18, 2013 minutes on Line 54 to change Parcel ID:
196 0111 to amend it to read Parcel ID: 0211. Shane Hastings seconded the motion. The motion passed
197 unanimously.

198 There was discussion about the 65 day process and how the clock begins the day that the application is
199 accepted as complete. There are recourses that the applicant can take if the Board fails to make a
200 decision in the 65 days, such as going to the Selectboard and asking them to make a decision or going to
201 the Zoning Board. However, there is a reason that they take the steps that they do and when someone
202 comes in for a final plan it should be almost complete.

203 **Changes to the Minutes from the January 15, 2015 meeting:** Change Line 11 to read "...HallKeen
204 Management..."

205 Shane Hastings made a motion to accept the minutes of January 15th as amended. Tanner Royce
206 seconded the motion. The motion passed unanimously.

207 Kurt Markarian made a motion to adjourn at 8:25 PM. Shane Hastings seconded the motion. The
208 motion passed unanimously.

209 Respectfully submitted,

210 Melissa Pollari

211

212 Planning Board

213 _____

214 Peter White, Chairman

215 _____

216 Donna Davis Larrow

217 _____

218 Kurt Markarian

Robert Stanley, Vice-Chairman

Tanner Royce

Shane Hastings, ex-officio member