

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **MARCH 5, 2015**

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

6 **ABSENT:**

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

8 **PARCEL ID: 0102-0002-0000: SITE PLAN REVIEW: INCREASE CONDO UNITS AT OTTER POND YACHT**
9 **CLUB FROM THREE (3) UNITS TO FOUR (4) UNITS AS PER STATE APPROVAL. PALAZZI POND RD, JANE**
10 **PEEL.**

11 Mr. Marquise said that the application was filed in advance, fees were paid, notices were posted and he
12 was told that abutters were notified but did not see the green cards in the folder. The application falls
13 under Section 5 of the Site Plan Regulations and he believes all of the items are there, other than certain
14 criteria that typically fall under commercial applications that may not be applicable. These items are
15 lighting, drainage, and signs, all of which may not be necessary but should be left open for discussion.
16 Items such as hazardous waste are not applicable, and other than all of these items, the application is
17 complete.

18 Robert Stanley made a motion to accept the application as complete on Parcel ID: 0102-0002-0000, with
19 keeping open for discussion lighting, drainage, and signage. Kurt Markarian seconded the motion. The
20 motion passed unanimously.

21 Doug Peel presented the merits of the case.

22 Mr. Peel explained that there are three owners, Peel, Burns, and Morgan and when they purchased the
23 lot from Palazzi it was purchased under one deed. They converted the property to a condominium in
24 2004 / 2005 so that they could each have their own deeds. The property is roughly 26 acres and they
25 feel as though they have the density to add another lot, which will be owned by the Owens.

26 Vice-Chair Stanley asked and Mr. Peel confirmed that the new lot is indicated as number 4 on the plan.
27 Mr. Peel was asked and confirmed that the new lot will have its own leach field and its own well. Peels
28 and Burns share a leach field and Morgan still uses the old leach field and has the opportunity to tie in
29 with the shared leach field.

30 Chairman White asked and Mr. Peel confirmed that there are written Condominium Bylaws in place.

31 Vice-Chair Stanley asked if there are plans for plantings along the waterfront. Mr. Owens said that he
32 only has permission to remove 5 trees within the 50 ft. Vice-Chair Stanley said that he is thinking in
33 terms of how the LSPA encourages owners of waterfront to plant certain types of plants and shrubs
34 along the water. Mr. Peel said that they have taken advice from Pierre Bedard, a local engineer, who
35 has been guiding them in the Shoreland requirements. He does not know if there are any specifics

36 planned. Mr. Marquise said that, according to the map, it is quite dense along the Shoreland now and
37 there is no proposed disturbance. Mr. Marquise said that the Shoreland Permit is in place.

38 Mr. Marquise asked and Mr. Peel confirmed that all of the land is owned in common with all of the
39 units. There are limits as to what the owners can do on the land.

40 Mr. Marquise wanted it to be clear that the Planning Board is not approving a subdivision because the
41 plots of lands are substandard to what normal building lots requirements are. It is not a traditional
42 subdivision as all of the owners own all of the land.

43 Mr. Markarian said that the only issue that he has is that one plan shows that it will be a four bedroom
44 dwelling unit and that the application for Site Plan Review says that it will be a three bedroom, two
45 bathroom dwelling unit. Mr. Owens explained that he is putting in a larger septic system in case they
46 want to convert a room to a bedroom in the future. He is only planning on building a three bedroom
47 house but didn't want to be limited by the septic. Mr. Marquise said that if the Board feels as though
48 they need to put the number of bedrooms in an approval than he would go with four. Mr. Markarian
49 said that he would rather have the Board state it as a four bedroom house. Mr. Royce asked if the
50 Board is actively concerned with the structure that goes in or if they are more concerned with the fact
51 that they are adding another unit / building lot. Mr. Markarian explained that in a traditional
52 subdivision that is the case, however, with a Site Plan the Board can look at anything, including the
53 driveway, the house, the landscaping, etc.

54 Chairman White asked if they are adding any more lighting. Mr. Owens said that they are not adding
55 anymore lighting other than what would normally be added on a house and garage and maybe one at
56 the end of the driveway.

57 Chairman White said that a lot of the drainage issues are handled in the Shoreland Permit. Mr.
58 Marquise said that he does not see anything that would raise any concerns. There are no steep slopes
59 and there are no real issues with drainage.

60 Chairman White asked and Mr. Peel confirmed that they are not putting any signage up and there is no
61 existing signage.

62 There were no abutters present and no further questions for the applicant by the Board.

63 Robert Stanley made a motion to approve the Site Plan Review for Parcel ID: 0102-0002-0000, on Palazzi
64 Pond Rd, this is not a Subdivision approval. Kurt Markarian seconded the motion. The motion passed
65 unanimously.

66 **PARCEL ID: 0211-0011-0000: AS PER CONDITIONS OF APPROVAL, REVIEW THE NEW DRAWINGS**
67 **SHOWING CONTOURS AND REQUIRED GREENSPACE AND CONSERVATION COMMISSION APPROVAL**
68 **OF PROJECT. 1106 ROUTE 11, MICHAEL LEMIEUX, PINE HILL CONSTRUCTION.**

69 Chairman White said that there is no one present to represent the applicant.

70 Mr. Marquise said that the Chair of Conservation signed off on the plan without any comments.

71 Mr. Marquise said that the applicant has submitted a slightly better drawing showing the edge of
72 excavation and a clearly marked buffer. They did not do the contours and said that they are reluctant to
73 do them as they feel that with a straight face you will not see contours and since they do not know what
74 it is going to be they do not feel like they can do contours. Chairman White said that he feels as though
75 the Board was very clear that a straight face would have an impact on the buffer. Mr. Marquise said
76 that what the Board needs to discuss is if they feel like a straight face will disturb the buffer then they
77 need to have something with a little clarity that says that it will back off the buffer. Mr. Markarian said
78 that they also talked about them feathering off the buffer, however, even if it is a straight face then the
79 contours should be indicated. Mr. Marquise said that what they are doing is creating it so that the
80 contours dive into a wall. Chairman White said that the plan indicates that anything above 1320 will be
81 gone.

82 Mrs. Larrow said that the approval says that the buffer zone must be preserved without disturbing the
83 existing landscape. Mr. Marquise said that one thing that the new plan shows which was not indicated
84 on the old plan is the buffer zone. He is more comfortable with this plan and if they are going to have a
85 straight face then they may not need to show contours. Mr. Marquise continued that he is comfortable
86 with the delineations shown and with letting them determine how to do it and keep the buffer from
87 being disturbed. Mrs. Larrow said that as it is part of the approval and the Board can ensure that they
88 maintain the buffer.

89 Mr. Marquise said that he thinks that Chairman White's concern is that it may not work practically, in
90 other words, they can have the best intentions of going along the line and, after blasting, everything
91 could start to erode and fall into the buffer. Chairman White said he does not know how you can stop a
92 blast on a property line. Mr. Marquise suggested sending a certified letter that the approval has been
93 given and the Board has signed off on the plan, however, their understanding is that the owners will
94 maintain the 25 ft buffer and none of the excavation work will disturb it at any time. Chairman White
95 said that he feels as though the Board has been pretty clear about it up to this point and that it may take
96 something like sending a certified letter. Mrs. Larrow asked if sending a certified letter would give them
97 a stronger position if the buffer winds up being damaged. Chairman White explained that if the buffer is
98 damaged it becomes a Zoning enforcement issue. Mrs. Larrow asked if the Board is better off having a
99 letter that Mr. Lemieux has signed off as receiving. Mr. Royce asked if the issue of a damaged buffer
100 zone was brought to the Board of Selectmen what they would like to had have happened. Mr. Hastings
101 said that he does not know but that the Board has said 25 ft and he does not know if a letter would
102 make a difference and he does not know what recourse the Selectmen could do. Mr. Marquise said that
103 they can assess a per day fine until the owner remediates a situation. Mr. Marquise said that he does
104 not remember if there is a substantial buffer there. Mr. Hastings said that most of the buffer there is
105 rock. Chairman White said that, as this lot will more than likely be a commercial lot, the buffer zone is
106 even more important to maintain. Chairman White said that his concern is that Mr. Lemieux seems to
107 only hear what he wants to hear and made it clear when he said that he was before the Board four years
108 ago and mentioned to the Board what he wanted to do and because the Board didn't tell him not to do
109 it he went and did it. Whatever the Board can do to explain what they really mean is good. Mr.
110 Hastings said that he is not opposed to sending a letter. Mr. Markarian suggested the letter indicate
111 that there should be no blasting or excavating within a certain area without Mr. Landry being present so
112 that they can witness what is going on and ensure the buffer is not damaged. Mr. Marquise said that
113 may be too difficult, however, a letter that indicates the Board's intent can help Mr. Lemieux to

114 understand that he has to preserve the buffer. Chairman White asked and Mr. Marquise explained that
115 he could draft the letter and send it to the Board for review and for Chairman White to sign. The Board
116 agreed that they would like to send a letter.

117 **PARCEL ID: 0218-0070-0000: REVIEW AND SIGN OFF DRAWINGS AND MYLAR FOR RECORDING**
118 **PURPOSES ON APPROVED SUBDIVISION. 21 AVERY ROAD, BRADEN & NATALIE MILES.**

119 Mr. Marquise explained that this was a simple two lot subdivision and that there really isn't anything to
120 discuss. The Board signed off the Mylar for 21 Avery Rd.

121 **Changes to the Minutes from the February 5, 2015 meeting:** Change line 95 to read "Mrs. Larrow said
122 that she does agree with Mr. Royce..."

123 Kurt Markarian made a motion to accept the minutes as amended. Donna Davis Larrow seconded the
124 motion. The motion passed unanimously.

125 **MISCELLANEOUS**

126 Mrs. Larrow said that she wanted to clarify from last month's meeting what she meant by saying that
127 she agreed with Mr. Royce but that the Board could move forward with a conditional approval. The
128 Board has, many times in the past, allowed for applicants to alter their plans during the meeting. They
129 have been allowed to make significant changes to them and she feels as though the Board should be on
130 one page or another with that. Mrs. Larrow continued that she agrees that she would have liked to
131 receive the plan that the Board received at this meeting, but she thinks that they need determine if the
132 Board is going to require a more professional plan or if they are going to allow for plans to be altered
133 during a meeting. Pleasant Acres was one plan that did not have parking spots and other things and
134 they completed much of the plan at the meeting. Mrs. Larrow said that she is trying to make the
135 comparison between what was received from Mr. Lemieux and what was received from Mr. McClay.
136 Chairman White said that he thinks part of it is a timing issue, if Mr. Lemieux had done it a year and a
137 half ago it probably would have been a little more understandable but it has been dragged out for quite
138 a while. In the case with Pleasant Acres, the applicant was trying to get his operation going, as opposed
139 to an operation that has been conducting business for quite a while and has repeatedly not shown up
140 before the Board in order to get the approval. Chairman White continued that he thinks that, overall,
141 the Board is pretty fair about things. Mr. Marquise said that the Board would typically like things to be
142 professionally done and he would hope that the Board does not get into the same situation again as
143 what happened with Pleasant Acres. Chairman White said that he thinks that they were fortunate to get
144 what they got considering how the whole process went through Zoning and not knowing the constraints
145 or limitations that were put on them with the Zoning approval. Mr. Markarian said that he thinks that it
146 would be nice to get what the constraints that the Zoning Board has put on the applicants in the
147 packets. Mr. Marquise agreed that they should get copies of Decision Sheets. Mr. Royce said that he
148 was not part of the Board for the Pleasant Acres decision, however, it seems to him that when the Board
149 asks applicants to make changes, the applicants make the changes and come back to the Board and
150 there are very few questions asked after. Mr. Royce continued that Mr. Lemieux came before the Board
151 a number of times and the Board also had to request his presence. The first meeting was basically a
152 conceptual and the Board gave him guidance and told him what they wanted on the plan. Mr. Lemieux
153 then skipped the January meeting and for the February meeting sent a representative with an

154 unprofessional plan that did not include what was asked for and the representative did not know what
155 was asked and was dismissive of the Board when he was commenting. Mr. Royce said that he feels
156 strongly that the Board missed an opportunity by approving a plan conditional upon a plan being
157 submitted that was approvable and feels like the Board mis-stepped. As a Planning Board, there are
158 certain requirements that must be met and every other applicant that he has met with have responded
159 to the request with professional plans and presentations and this one missed the boat. Mrs. Larrow
160 asked if the Board requires a professional plan. Mr. Marquise said that it does not have to be and
161 people have taken surveys and done their own drawings. Chairman White said that they have struggled
162 with this on both the Zoning and the Planning Boards for years and the argument is that it costs more
163 money for the applicant but 99% of the time it is for a waterfront lot or commercial lot and it should be
164 part of the cost of doing the project. The Board may want to look at their requirements and see if they
165 have the option to request professionally prepared plans. Mr. Royce said that he does not worry much
166 about the professionally prepared plan as much as having a plan contain everything that the Board has
167 asked for. There was further discussion regarding the issue.

168 Chairman White wanted to thank Vice-Chair Stanley for his many years of service on the Board and for
169 holding the shortest meeting of all time.

170 Mr. Markarian asked the Board if they were aware that Richard Osborne would be willing to accept the
171 position if people write him in.

172 Vice-Chair Stanley said that Daniel Schneider needs to be written in for the Zoning Board as he was away
173 when it was time to sign up.

174 Kurt Markarian made a motion to adjourn at 7:55 PM. Robert Stanley seconded the motion. The
175 motion passed unanimously.

176 Respectfully submitted,

177 Melissa Pollari

178

179 Planning Board

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181 Peter White, Chairman

182 _____

183 Donna Davis Larrow

184 _____

185 Kurt Markarian

Tanner Royce

Shane Hastings, ex-officio member