

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **JUNE 4, 2015**

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

6 **ABSENT:** Kurt Markarian

7 **See attached sign in sheet**

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

9 Joseph Butler was appointed by Chairman White to sit in for Kurt Markarian for the meeting.

10 **CONTINUED: PARCEL ID: 0210-0061-0000: DESIGN REVIEW: MAJOR SUBDIVISION THIRTY (30) LOTS,**  
11 **TROW HILL RD / KEYES RD. LYNNE M. BELL.**

12 **CONTINUED: PARCEL ID: 0211-0006-0000: DESIGN REVIEW: MINOR SUBDIVISION TWO (2) LOTS,**  
13 **TROW HILL RD / KEYES RD. ROBERT W. BELL.**

14 Chairman White explained that the applicant for these cases has requested another continuation as he  
15 has some outside issues that he needs to deal with before coming back before the Board.

16 Mr. Marquise said that he has received some correspondence from the Town's attorney that he was  
17 going to hand out to the Board later. The Board decided to keep the case open until the end of the  
18 meeting.

19 **PARCEL ID: 0133-0107-0003 & 0133-0107-0002: SUBDIVISION / ANNEXATION: SUBDIVIDE AN 8'**  
20 **EASEMENT AREA FROM PARCEL ID: 0133-0107-0003 AND ANNEX TO 0133-0107-0002. IN ADDITION:**  
21 **CREATE A 403 SQ FT SEWER EASEMENT FROM LOT #3 TO LOT #2. SAVILLE LANE, PROSPECT HILL**  
22 **CONSTRUCTION & MICHAEL & IRIS HANNON.**

23 Mr. Marquise said that the application was submitted in advance, the fees were paid, abutters were  
24 notified and notices were posted. The application falls under 6.04 of the Subdivision Regulations and is  
25 eligible for waivers as it is a subdivision / annexation. Mr. Marquise said that he believes that all of the  
26 items are there for 6.04 with waiving existing and proposed contours, utility lines, storm water drainage  
27 and water supply.

28 Vice Chair Royce made a motion to accept the application for a subdivision / annexation for Parcel ID:  
29 0011-0107-0003 as complete with the waivers for existing and proposed contours, utility lines, storm  
30 water drainage and water supply. Mr. Hastings seconded the motion. Mrs. Gottling noted that the  
31 Parcel ID on the agenda is partially wrong. Vice Chair Royce amended his motion for the Parcel ID to be:  
32 0133-0107-0003. Mr. Hastings seconded the amendment. The motion passed unanimously.

33 Andy Pollari of Prospect Hill Construction presented the merits of the case.

34 Mr. Pollari explained that they gave an easement to the original property owners of Lot 2, which was  
35 partially going to be used for sewer and water and also for access to the back. As they did the project  
36 they found that there were some other sewer attachments on the street that the Town did not know  
37 about so they used those. They would like to discontinue the easement and by discontinuing the  
38 easement they would like to give them 8 ft of land. Chairman White asked and Mr. Pollari confirmed  
39 that they are giving the 8 ft strip of land from Lot 3 back to Lot 2.

40 Mrs. Larrow asked about the 403 sq ft easement and Mr. Pollari explained that is down by the road and  
41 is where the sewer attachment actually ended up so they need to give them an easement if they ever  
42 need to access this corner.

43 Mr. Marquise asked if the access to the back still works with the 8 ft. Mr. Pollari said that when Lot 3  
44 develops that property they will have their own driveway as they have plenty of frontage. Mrs. Gottling  
45 asked and Mr. Pollari confirmed that Lot 2 already has a house on it. There is a driveway that went to  
46 the old Roach house and they are giving part of that to Lot 2 so if they want to put a driveway there up  
47 to the back part of their property they are able to do that.

48 Chairman White asked and there was one abutter in the audience but she did not have any questions.  
49 Chairman White asked the Board if there were any further questions and there were none. Chairman  
50 White closed the hearing to public comment.

51 Mrs. Gottling moved to approve the subdivision / annexation. Ms. Osborne seconded the motion. The  
52 motion passed unanimously.

53 **PARCEL ID: 0226-0030-0000: HILLSIDE AUTO CONSULTATION, 284 ROUTE 11.**

54 Mr. Osborne recused himself from the hearing as he is the owner of the business.

55 Mr. Osborne explained that, when they filed the application to do the auto and truck repair business,  
56 they did not specifically ask to have an inspection station and Mr. Landry felt that they needed to go  
57 before the Board to get the OK to do inspections. Mr. Osborne said that it falls under the heading of  
58 auto and truck repair and they are not doing anything different.

59 Chairman White asked Mr. Marquise for his thoughts. Mr. Marquise said that mention of an inspection  
60 station did not show up in the minutes but it probably falls under what normal auto repair would be.  
61 Mr. Marquise said that what prompted this is that the Town received a sign off from the State to make  
62 sure that they had permission to do an inspection station. The sign off could be signed off by Mr. Landry  
63 but he feels as though the Board needs to ensure that they feel as though this qualifies to fall under  
64 auto repairs.

65 Vice Chair Royce said that he thought that the Board did discuss having an inspection station and that he  
66 believes that it falls under the definition of auto repair as he does not see having an auto repair shop  
67 without having an inspection station. Chairman White said that it is almost an implied thing that you  
68 will have an inspection station with an auto repair shop. Mrs. Larrow said that she recalls having a  
69 conversation about it but it may have been in the preliminary hearing.

70 Mr. Butler asked if the State inspects where in the garage the inspections will be done. Mr. Osborne  
71 explained that the State does go to the property to make sure that they have all the equipment  
72 necessary and that they have the facility capable of doing the inspection as the vehicle must be fully in  
73 the building.

74 Vice Chair Royce said that the only thing he has in his notes is that they are going to expand the marina  
75 site to include heavy equipment repair, auto repair and RV repair so there was nothing specific that they  
76 discussed. The only thing left was a holding tank to be installed prior to the auto or heavy equipment  
77 repair commencing.

78 Mrs. Larrow made a motion that the Board identifies State Inspection as included as the pervious  
79 approval for Parcel ID: 0226-0030-0000, Hillside Auto Consultation. Vice Chair Royce seconded the  
80 motion. The motion passed unanimously.

81 **PARCEL ID: 0136-0018-0000: DISCUSSION – BOND REQUIREMENT, THREE (3) LOT SUBDIVISION.**  
82 **BRUCE & MARY MCCARTHY, 314 LAKE AVE.**

83 Mr. McCarthy said that they are currently just cutting trees but that they want to get as much done as  
84 they can before the summer really starts and then continue again in the fall. Mr. McCarthy said that he  
85 did get a bond and as he read the letter that the Town sent them, it is for 110% of the cost of building  
86 the road.

87 Mr. Marquise explained that this is for an approved subdivision on Lake Ave that occurred six to eight  
88 months ago and one of the requirements is that there will be a performance bond. Chairman White said  
89 that he does not remember anyone needing to come back in with a performance bond and he thought  
90 that it was something that happened internally. Mr. Marquise said that what usually happens is that the  
91 applicant comes back with the estimate or it is part of the hearing and the Board does not actually see  
92 the bond.

93 Chairman White asked and Mr. McCarthy confirmed that they would like to work through until July. Mr.  
94 McCarthy explained that the plan is to get whatever road work needs to be done in the Right of Way  
95 first and then get it cleared so they can work on the site so they are not in anyone's way. When  
96 vacation time comes they do not want to be disturbing their neighbors in the height of the season.  
97 Therefore there will be no trucking up and down the road after July 1<sup>st</sup>, just occasional heavy equipment  
98 on a flatbread. None of the fill will be taken offsite as it will all be used onsite.

99 Mr. Marquise said that he sees in the estimate the removal of a culvert pipe but does not see anything  
100 for new culverts. Mr. McCarthy said that he does not remember but if a culvert is being removed it will  
101 need to be replaced.

102 Mr. Marquise asked and Mr. McCarthy said that he does not remember the length of the new road but  
103 it was cut back in the approval from the original application, it is a couple of hundred feet.

104 Chairman White said that it is considerate of Mr. McCarthy to think about his neighbors. Mr. McCarthy  
105 said that he will be living at one of the lots and wants to maintain good relations with the neighbors.

106 Mr. Marquise looked at a plan and said that it looks as though the drainage will be swaled around the  
107 road.

108 Mr. Marquise said that that Board is approving the amount of the Bond, not taking possession of the  
109 Bond. Mr. McCarthy asked if the Bond is approved who he gives the Bond to. Mr. Marquise said that he  
110 believes it should go to Donna Nashawaty, the Town Manager, who will give it to the Town's attorney.

111 Mr. Marquise said that he thinks that the amount of the Bond is adequate based on the length of the  
112 road.

113 Mr. McCarthy explained to Mrs. Gottling where the property is located.

114 Vice Chair Royce made a motion to accept the amount of the Bond for Parcel ID: 0136-0018-0000, as a  
115 requirement for the three lot subdivision for Bruce & Mary McCarthy, 314 Lake Ave. Mr. Osborne  
116 seconded the motion. Mr. Marquise said that the estimate amount is \$88,742 and the bond amount is  
117 \$97,617. Vice Chair Royce amended his motion to include the estimate amount of \$88,742 and the  
118 bond amount of \$97,617. Mr. Osborne seconded the amendment. The motion passed unanimously.

119 **CONTINUED: PARCEL ID: 0210-0061-0000: DESIGN REVIEW: MAJOR SUBDIVISION THIRTY (30) LOTS,**  
120 **TROW HILL RD / KEYES RD. LYNNE M. BELL.**

121 **CONTINUED: PARCEL ID: 0211-0006-0000: DESIGN REVIEW: MINOR SUBDIVISION TWO (2) LOTS,**  
122 **TROW HILL RD / KEYES RD. ROBERT W. BELL.**

123 Mr. Marquise said that he does not think that the Board will discuss anything at this meeting as the  
124 applicant has asked it to be continued to the next meeting. There has been some email communication  
125 from Town counsel which is considered privileged information, however, it is up to the Board to decide  
126 whether it can be released. Mr. Marquise continued that the email is in regards to a question he had  
127 about Keyes Rd and its ability to serve as a second access.

128 Chairman White asked and Mr. Marquise confirmed that the Board can stay in public session and it is up  
129 to the Board if they want to release the contents of the correspondence. Chairman White said that the  
130 correspondence seem to be a procedural outline. Vice Chair Royce said that it seems that it is guidance  
131 to the Board to be used to make their determination based on what comes in. Mrs. Larrow said that she  
132 does not know why the Board would not disclose this information. Chairman White said that he'd  
133 rather be as transparent as possible. Mr. Hastings said that there are no decisions in the email, it is  
134 procedural and the Board has to make decisions and he feels as though it can be released. Mr. Butler  
135 that he thinks it can be released. Mr. Bell said that he is before the Board requesting a copy of the  
136 correspondence. Vice Chair Royce said that he is against releasing it as he thinks that it is information  
137 for the Board to use as developing their opinion on the case, but to provide direct communication with  
138 Town employees and the attorneys for the Town is not a good precedent to set; the Board openly  
139 discuss the information when their decision is made, but he does not think they should release the  
140 actual email. Mrs. Gottling agreed with Vice Chair Royce as they proposed at the last meeting all the  
141 questions that the developer needs to have answered and she thinks that he needs to keep trying to get  
142 these answers. This is the Board's guidance and she feels as though Mr. Bell needs to get the answers to  
143 the questions. Mr. Butler said that he thinks a lot of things were discussed at the previous meeting that  
144 were in the email. Mrs. Larrow said that she can only go by what the minutes say and they say that the

145 Board will get legal opinion. The email is the legal opinion and the applicant needs to know the answers  
146 in order for the continuance because the Board did not give him the answers he needed at the time.  
147 Chairman White said that there is nothing there that he feels is proprietary to the Board. Vice Chair  
148 Royce said that when the Board seeks legal opinion they are seeking it as information for the Board and  
149 then they can provide the information back during the course of the hearing and not necessarily provide  
150 the direct communication. There was further discussion regarding this issue.

151 Mr. Bell said that he is withdrawing his request for a copy of the correspondence as he doesn't need to  
152 stir up the pot. There is a simple solution to get around everything as he can build another road out to  
153 Trow Hill Rd. Mr. Bell continued that it is not that big of a deal to him; it doesn't make any sense to have  
154 two parallel roads but if that is what he has to do then he will do it.

155 Chairman White asked and Mr. Marquise said that the Board still needs to determine whether the  
156 correspondence with the Town's attorney will be distributed because there may be someone such as an  
157 abutter who wants to read it. There was another discussion regarding the Board's thoughts about  
158 sharing the email or just using the information.

159 Mrs. Larrow made a motion that the Board allow the email to be used as public information. Mr. Butler  
160 seconded the motion. The motion failed with three in favor and four opposed. The correspondence will  
161 be kept as private, privileged information.

162 Mr. Royce made a motion to continue the design review on Parcel ID: 0210-0061-0000 and Parcel ID:  
163 0211-0006-0000 to the July 2<sup>nd</sup> meeting. Mr. Hastings seconded the motion. The motion passed  
164 unanimously.

#### 165 **MISCELLANEOUS**

166 Mr. Marquise says he does the training and it is an overview of how the Land Use process is structured  
167 and how the rules are created by the Planning Board. There are some other items such as what the  
168 Planning Board is required to do (i.e. Master Plans, etc.). There was further discussion about the  
169 training.

170 There was a discussion about the amount of vehicles that have been at Albee's (formally Redding) on  
171 Lower Main St and their Site Plan. Mr. Marquise said that he would speak with Mr. Landry about it.

172 Mrs. Larrow asked about the discussion in the last meeting regarding Michael Lemieux's property. Mr.  
173 Marquise said that he will check with Mr. Landry to see what has happened.

#### 174 **Changes to the Minutes from the May 7, 2015 meeting:**

175 Mrs. Gottling made a motion to accept the minutes of May 7, 2015. Mr. Osborne seconded the motion.  
176 The motion passed unanimously.

177 Mr. Hastings made a motion to adjourn at 8:16 PM. Chairman White seconded the motion. The motion  
178 passed unanimously.

179 Respectfully submitted,

180 Melissa Pollari

181

182 Planning Board

183

184 Peter White, Chairman

Tanner Royce, Vice Chair

185

186 Donna Davis Larrow

Kurt Markarian

187

188 Richard Osborne

Shane Hastings

189

190 Suzanne Gottling, ex-officio member

Joseph Butler, Alternate Member