

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **OCTOBER 1, 2015**

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

7 **ABSENT:**

8 **See attached sign in sheet**

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

10 **PARCEL ID: 0237-0001-0000: SEEKING AN APPROVAL OF A SITE PLAN REVIEW TO OPEN AND OPERATE**
11 **A BOAT, AUTO AND ENGINE REPAIR SHOP IN ADDITION TO BOAT STORAGE. DAN SINBERG, 43**
12 **PARTNERS, LLC, 489 ROUTE 103.**

13 Mr. Osborne recused himself from the case. Chairman White appointed Mr. Butler as a voting member
14 for the case.

15 Mr. Marquise said that the application was filed in advance, fees were paid, notices were posted, and
16 abutters were notified. The application falls under Article V of the Site Plan Review Regulations. The
17 plans are at a scale of 1:50 and it should be 1:20 so that requirement would need to be waived. There
18 are also details such as landscaping that are not on the plan that should be left open to discussion.
19 Other items that will also need to be discussed are the fire alarms, toxic waste storage, and hazardous
20 waste storage. Mr. Marquise continued that, overall, he thinks that the plan is complete while leaving
21 those items open for discussion. Chairman White asked and Mr. Marquise confirmed that the scale
22 should be waived in accepting the application as complete. He does not see it as an issue for this
23 property as there are no real proposed changes to the site as it is pre-existing, they are not looking at
24 grading and other things that the bigger scale would help determine.

25 Mr. Markarian made a motion to accept the application as complete with the exception that the
26 drawing is not a 1:20 scale, it is a 1:50 scale, for Parcel ID: 0237-0001-0000 seeking an approval of a Site
27 Plan Review to open and operate a boat, auto and engine repair shop in addition to boat storage, Dan
28 Sinberg, 43 Partners, LLC, 489 Route 103. Mr. Hastings seconded the motion. The motion passed
29 unanimously.

30 Rich Berio, a partner of 43 Partners, LLC and the sole proprietor of the proposed business, presented the
31 merits of the case. Mr. Berio explained that the business will be for boat storage, boat repair, and boat
32 restoration. They will have both indoor storage and outdoor storage; there is one building on the
33 property that will be used for the indoor storage. The middle building will be mainly shop space and an
34 office. The building to the westerly end of the property will be retail space that will probably be rented
35 to someone else.

36 Mr. Berio said that federal standards require that for every 250 sq ft there is one parking space though
37 Mr. Marquise told him today that the Town's requirement is one parking space for every 200 sq ft but
38 even given that there is ample parking. He has 10 designated parking spaces but one of the conflicts
39 that Mr. Marquise had was that it is designated for parking but also says boat display. Mr. Berio
40 continued that in his calculations for square footage he only came up with having 4 standard parking
41 spots and 1 handicap spot because the middle building, which is shown as 830 sq ft, will be renovated
42 with more than half as a shop, an office and the small retail space will be less than 200 sq ft. The small
43 building will stay the same. Mr. Berio said that Mr. Marquise did bring up employee parking and if he
44 were to eliminate all the spaces along the front to create boat display, it still leaves 6. There is also
45 room along the side of the most easterly building to put more parking for employees. Chairman White
46 asked and Mr. Marquise said that he thinks that there is probably the need of 6 to 8 spaces depending
47 on the number of employees and on the final plan the front spaces should not be designated for
48 parking, just for boat display. Vice Chair Royce asked if the other building gets rented if there will need
49 to be more parking for those employees. Mr. Marquise agreed that the approval should be for any
50 employees they may have on the entire site. Mr. Berio said that the only requirements he could find for
51 parking was based on retail space and was not based on employees. Mr. Marquise said that their rules
52 talk about retail and office space in addition to employees. Mr. Marquise was asked and explained that
53 for retail space it is a requirement of 1 space for every 200 sq ft and for office space it is 1 space for
54 every 300 sq ft. There was further discussion regarding the parking and the need to identify the total
55 number of employees both in the boat business and the anticipated employees for the other business.

56 Mr. Butler asked if Mr. Berio knows how many boats will be displayed in the designated area. Mr. Berio
57 said 6 to 8. Vice Chair Royce said that he thinks that there should be a separate area for parking and
58 boat display so they know how many parking spaces there will be.

59 Mrs. Larrow asked if Mr. Berio knows how many employees will be on the property. Mr. Berio said that
60 the most that he will have will be 2 and he can't imagine any more than 2 in the small building.
61 Chairman White said that the Board often encourages applicants to ask for more than what they think
62 they will need so they don't have to come back before the Board in the future. Mrs. Larrow asked and
63 Mr. Berio said that he could go with 8 employees instead of the 4. Chairman White said that they will
64 need to make sure that there is enough parking for the 8 employees and it has to be allotted on the
65 plan. Mr. Markarian said that if Mr. Berio is going to designate the front for boats then he would like to
66 see the spaces on the plan.

67 Mr. Markarian said that this property did receive a Special Exception from the Zoning Board to operate a
68 boat storage and boat / auto engine repair business; retail is allowed at this property since it is in the
69 Mixed Use District. Mr. Butler asked which building would be used for the repair and which for the
70 indoor boat storage. Mr. Berio said that the repairs will be done in the middle building.

71 Mr. Butler asked about hazardous waste in the service garage. Mr. Berio said that there is no hazardous
72 waste; batteries, oil, and antifreeze are not deemed hazardous waste by the State of NH, they are called
73 universal waste. Mrs. Gottling asked and Mr. Berio said that they will all be recycled. Mr. Berio
74 continued that he does not anticipate much auto repair there, the reason that is part of the application
75 is because it is how the category is written for the Town. Mr. Berio said that he has spent a lot of time
76 talking to the State and there is no permitting or licensing required and it is not monitored by the State

77 at this level. There are certain amounts of hazardous waste the State deals with, but not the universal
78 waste.

79 Mr. Berio was asked if he plans on selling boats or just repairing them. Mr. Berio said that it is possible
80 that he will sell boats in the future and that is what he is anticipating the boat display space for.

81 Mr. Markarian asked if Mr. Berio will store gasoline. Mr. Berio said not in any vast quantities, maybe a
82 few 5 gallon containers. The waste oil will be in a 55 gallon drum which when full will be removed. The
83 State has specific requirement regarding waste oil, it can't be kept for more than a year and the
84 amounts can't be more than 5,000 kilograms, which is over 1,000 gallons. They also have
85 recommendations on how it is stored and handled. Chairman White asked about containment if there is
86 a spill in the facility. Mr. Berio said that the State has recommendations on what to do but does not
87 have any policies or requirements for what must be done.

88 Mr. Butler asked and Mr. Berio confirmed that there is one leach field which is for the middle building.
89 There is a well and a septic, which was installed in 1968. There was an E101 done on the site when they
90 purchased the property and they did not find anything. Mrs. Gottling asked if the retail store will
91 require any facilities. Mr. Berio said that he does not know what the requirements are but they have
92 discussed that with the people that they have talked to about going into the space. Mr. Berio said that
93 they do not have any plans to put a septic in for that building so if they can't put someone in there they
94 won't. There was further discussion regarding the requirement of a septic system or facilities for retail
95 space.

96 Chairman White noted that Mr. Berio has the State driveway permits.

97 Chairman White asked about the proposed signage. Mr. Berio said that there is a packet regarding the
98 signage with what he submitted for his Site Plan.

99 Mr. Butler asked how many boats can be stored on the 9200 sq ft. Mr. Berio said that he has not
100 calculated it, it depends on the size of the boats. Mr. Marquise said that the Board has typically just
101 designated the space for the storage.

102 Mr. Marquise said that he has not received the Department Head sign-offs and he thinks that the two
103 most pertinent ones would be the Police and Fire Departments. Mr. Marquise continued that Fire Chief
104 Ruggles said that he is aware of the project but has not spoken with Mr. Berio. Mr. Berio said that he
105 has spoken with Police Chief Cahill but has not received a sign off from him either.

106 Mr. Butler asked if the boats will have gas in them when they are stored. Mr. Berio said that some of
107 the boats will have gas. Mr. Butler asked if this falls under the Fire Department's jurisdiction. Mr.
108 Marquise said that it would be up to Chief Ruggles.

109 There was further discussion regarding the proposed signs and their locations.

110 Mr. Butler asked and Mr. Berio said that the boat storage area has heat but it will not be used.

111 Chairman White noted that the proposed hours of operation are 7:00 am to 7:00 pm, 7 days per week.
112 Mr. Berio said that he put Sunday in because he may be there doing office work, he is not planning on
113 working on boats outside on Sundays.

114 Chairman White asked the abutters in the audience for their comments and questions.

115 Michael Bressette of Harding Hill Rd said that he had questions about the hours of operation but already
116 spoke to Mr. Berio.

117 Vice Chair Royce asked if they will be continuing the case to get the parking designated on the plan as
118 well as the Department Head sign-offs. Chairman White said that he thinks that the Board has been
119 clear about what they want to see allocated for the boat storage, parking and the boat display, and
120 taking into account the number of employees for the retail space and Mr. Berio's business. They will
121 also need to get signoffs from Police, Fire, and Conservation.

122 Vice Chair Royce asked if they will need to waive the plan size and Mr. Marquise said that it was waived
123 in the acceptance of the application.

124 Chairman White said that lighting is noted on the plan. Mr. Berio said that the lighting will be on the
125 building and there were some previously on the poles that are around the buildings. He does not think
126 that he will use the poles because they will shine into the property and to the neighbor's properties.
127 Chairman White asked Mr. Berio to provide cut sheets for the proposed lighting.

128 Mrs. Larrow asked about landscaping. Mr. Berio said that the property is asphalt and grass and he is not
129 changing much of the topography. They have removed some growth from around the middle building
130 and there is a stone wall there where he may build a fence. Chairman White said that the Board likes
131 landscaping. Mr. Berio asked if landscaping is required. Chairman White said that they do not require
132 landscaping but they do recommend it. There was further discussion regarding landscaping and Mr.
133 Berio said that he will be using white and green covers, not blue. Chairman White asked about the strip
134 along the front and Mr. Berio said that he will look at some low lying landscaping there. Mr. Berio said
135 that he was thinking about adding some landscaping to the back to hide some of the boat storage.

136 Chairman White asked about the 20 ft right of way indicated on the plan. Mr. Berio said that he does
137 not know what it was for and can't see a use for it. There was a brief discussion regarding Harding Hill
138 Rd.

139 Mr. Berio asked and the Board confirmed that they would like to have parking on the plan, Police, Fire
140 and Conservation sign-offs, a landscaping plan, and a lighting cut sheet.

141 The hearing was continued until November 5th Planning Meeting.

142 **PARCEL ID: 0133-0088-0000 & PARCEL ID: 0133-0089-0000: BOUNDARY LINE AGREEMENT /**
143 **ANNEXATION; 58 MAIN ST & 1 HIGH ST. TOWN OF SUNAPEE / LAKE SUNAPEE INSURANCE.**

144 Mrs. Gottling recused herself from the case. Mr. Marquise explained that you cannot appoint an
145 alternate to the Selectman's seat.

146 Mr. Marquise said that Donna Nashawaty, the Town Manager, was going to present the case but asked
147 him to do it. Mr. Marquise explained that this is a boundary line agreement, not an annexation. There
148 is an Ordinance that talks about boundary line agreements. Mr. Marquise said that boundary line
149 agreements are part of the Town's Subdivision Regulations which says "in cases where the proposal is
150 for a boundary line agreement or annexation, which will not create additional buildable lots, the

151 applicant shall apply to the Board for review and approval. This application shall be considered at a
152 regular meeting of the Planning Board. No public notice will be required for such a proposal, unless
153 requested. A Mylar and four (4) copies shall be submitted to the Planning Board 15 business days prior
154 to the meeting for which the plan will be considered. The Applicant shall pay an administrative fee of
155 \$50.00 at the time of submission". Mr. Marquise continued that this is not a hearing, the Board is just
156 looking at an agreement of a line that has not been previously established but has been agreed upon in
157 order for a sale to take place. There are no new lots, and there is no land transfer, the Town is making
158 an agreement with Lake Sunapee Insurance about where the property line is located.

159 Mr. Marquise said that he thinks that the Board, if they so desire, can just approve it and then sign the
160 Mylar. Chairman White asked if both parties agree that is where the line is located. Mr. Marquise said
161 that they have a document that shows that this is the agreed upon line.

162 Vice Chair Royce made a motion to approve the Boundary Line Agreement / Annexation for Parcel ID:
163 0133-0088-0000 and Parcel ID: 0133-0089-0000, 58 Main St and 1 High Street for the Town of Sunapee
164 and Lake Sunapee Insurance. Mr. Osborne seconded the motion. Vice Chair Royce amended his motion
165 to remove the word Annexation and just have it be a Boundary Line Agreement. Mr. Osborne seconded
166 the amendment. The motion passed unanimously.

167 **CONTINUED: PARCEL ID: 0237-0025-0000: SITE PLAN REVIEW / PUD (PLANNED UNIT DEVELOPMENT):**
168 **RECONFIGURE ORIGINALLY APPROVED "PRESERVE OF MT. SUNAPEE" DUPLEX CONDOMINIUM**
169 **PROJECT INTO A NEW RESIDENTIAL CONDOMINIUM DEVELOPMENT CONSISTING OF FIVE (5) SINGLE**
170 **FAMILY HOMES AND SIX (6) DUPLEX UNITS. BROOK ROAD SUBDIVISION, HP SUNAPEE, LLC.**

171 Brian Vincent of CLD Engineers, and Matt Burrows of Gallagher, Callahan, and Gartrell, PC, presented
172 the case.

173 Vice Chair Royce explained that this case was continued from the last meeting due to the questions
174 regarding the Condominium Documents and the storm water continued maintenance, the need for
175 Department Head sign offs, as well as concerns about the State Subdivision and Alteration of Terrain
176 (AoT) Permits.

177 Mr. Vincent explained that between 2005 and 2006 the project came before the Board and was
178 approved as a 24 unit condominium project. The State of NH also approved the AoT permit. The
179 construction began on the project between 2007 and 2008 and certain sections of the project were
180 built, including a section of road from Brook Rd and two driveways, one of which they will make into a
181 road called Flanders Way. One of the duplex buildings was also built.

182 Mr. Vincent said that they are proposing extending Nature's Way and building a loop road to Flanders
183 Way. They will have onsite water and septic and buried utility lines. Chairman White asked and Mr.
184 Vincent said that the septic systems will be shared and there will be individual wells. There will be 4
185 units per septic and then single wells for the 17 individual units as the State was opposed to shared
186 wells.

187 Mr. Vincent said that they have designed the plan to meet current AoT standards, which is one of the
188 reason why they have reduced the number of units from 24 to 17 as current AoT regulations are more
189 stringent than they were 10 years ago. There are many provisions in the project for storm water

190 treatment and management. Storm water is treated with open drainage, mainly swales and culverts.
191 There are also 4 bays for detention ponds with discharge that goes to rock apron and then sheets into
192 the downgrading areas.

193 Mr. Vincent said that the application with the State of NH Department of Transportation (DOT) still
194 needs to be filed. They are requesting waivers as they meet pre and post flows but are asking for the
195 waivers for treatment. This is focused primarily where the current road is because they are forced into
196 that as it is already built and the current regulations wouldn't allow what is built so they need to ask for
197 waivers. Mr. Vincent said that the soils in this site are Class C and there is a relatively high water table.
198 One of the requirements is regarding ground water infiltration / recharge and they can't really do that at
199 this site. These types of waivers are common and they don't think that they will have issues with the
200 State. Chairman White asked if there are any requirements with the storm water runoff from the
201 buildings. Mr. Vincent said that this has been incorporated into the plan.

202 Mr. Vincent said that they are planning some street trees and trees and shrubs around buildings. There
203 was a lot of clearing that took place 10 years ago and it has grown up to saplings and some 4 to 6 inch
204 trees. Their intent would be to hire an arborist to thin the areas and make little islands of trees around
205 the project.

206 Mr. Vincent said that the lighting would be building mounted lights with cutoff features. There would
207 be no street lighting or sign lighting.

208 Mr. Vincent said that there was a question at the last meeting relative to running storm water too close
209 to a leach field which they have addressed by adjusting the storm water to be sufficiently distant from
210 the proposed leach field.

211 Mr. Marquise said that they have sign-offs from both the Fire Department and the Police Department.
212 Mr. Marquise said that he believes that Scott Hazelton, the Highway Director, has emailed his questions
213 to Mr. Vincent. Mr. Vincent said that all of the questions have been addressed, however, one was just
214 done today. The questions were primarily concerned with erosion control and how construction would
215 take place and Mr. Hazelton asked that the erosion controls that are on the implemented on the project
216 are reviewed by them as the engineers. They have added some notes to the plan that say that before
217 the earthwork operation takes place, the erosion control measures need to be put in place and reviewed
218 and approved by the engineer. There is also a note that says that a mandatory preconstruction project
219 must take place and the Town must be invited. There is also a requirement on the project for an EPA
220 storm water pollution prevention plan, which is illustrated on the plan. The Town has asked for a copy
221 once it has been developed so they have added a note that a copy must be issued to the Town at the
222 time of construction.

223 Mr. Butler asked if the buildings will have full basements or slabs as there is a high water table. Mr.
224 Vincent said that they will be slab on grade as they are walkout basements. Charlie Hirshberg of CLD
225 Engineers said that all of the foundations will have perimeter drains around them. This is a sloping site
226 so the will have walkouts on the low side and the perimeter drains will go to the drainage system.

227 Chairman White asked why there are high water tables on the site. Mr. Hirshberg said that it has a
228 tighter subsoil and it is a western sloping hillside and the elevation goes higher than the area they are

229 developing so it drains down the site. A lot of the units with perimeter drains will end up picking up the
230 water table but they have designed the system to the AoT requirements.

231 Vice Chair Royce said that the Board had asked for a copy of the condominium docs so they could see
232 that there would be continued storm water maintenance. The Board also wanted to see the State
233 Subdivision and AoT Permits. Mr. Vincent said that the State Permits have not been submitted and
234 approved. They are not prepared to provide the condominium docs because this project is not being
235 built in the short term, the intent of the owner is to get a permitted set of plans and then sell it to a
236 builder as a project that is ready to be built. It would be more sense to do the condominium docs after
237 the sale. Mr. Burrows said that they would like to get a conditional approval for the Board to review the
238 condominium documents because it would make more sense for the person who purchases the project
239 to develop the condominium docs. Chairman White asked if this project would not receive a final
240 approval until it is sold. Mr. Vincent asked if the Board could make a conditional approval that the
241 condominium docs be submitted prior to construction. Chairman White said that even if they give a
242 final approval with that condition, once it is approved and the road is constructed, all that is required is
243 a building permit. Mr. Marquise said that there would need to be a middle step during the normal bond
244 hearing and Mylar signoff. The Board could give a verbal approval for a period of time and would be
245 subject to State Permits being in place, the bond being in place, and condominium docs being in place.
246 At that point they would have a bond hearing to sign off on the Mylar. Mr. Marquise said that he thinks
247 that the best that the Board can do at this point, without the bond and condominium docs, is a verbal
248 approval subject to the conditions.

249 Chairman White said that the Board's concern is that if the drainage elements that get built are not
250 maintained in the future. Mr. Hirshberg said that they could develop a document that talks about the
251 operation and maintenance of the storm water features and record. The document could be reviewed
252 by the Board and then would be passed down between the owners. Mrs. Gottling asked if this would go
253 with the deed. Mr. Hirshberg said that it would be a piece of the approval that the Board would grant to
254 go in the package to a new owner. Mrs. Gottling said that the Board's concern is if the property gets
255 sold again how they can ensure that the conditions travel with the property. Mr. Hirshberg said that it
256 could be a component of the deed. Chairman White said that they want to make sure that the
257 individuals who purchase property as part of the association will be aware of the responsibility for the
258 maintenance. Mr. Hirshberg said that there is another step to this project before it can be built with the
259 Attorney General's (AG's) Office. The AG's office will do a full review of the documents that they require
260 and that piece will go with the transfer. Mr. Hirshberg continued that they have designed elements that
261 require a certain amount of maintenance and if it is not spelled out in the transfer the are not good.
262 Vice Chair Royce said that they talked about the importance of phasing and when the responsibility
263 transfers to the individual owners so that it does not go to one owner. Mr. Vincent said that he thinks
264 that it would come down to the responsibility of the association. Mr. Hirshberg said that he believes
265 that this has been done as a condition in the past. Mr. Marquise said that he thinks that this can be a
266 condition as part of the sign-off. Mr. Hastings asked if something like this was done in Georges Mills at
267 Sunapee Cove. Mr. Hirshberg said that for Sunapee Cove there is a document that is recorded regarding
268 the parking lot and the infiltration basin.

269 Vice Chair Royce asked how long the conditional approval can stay open for the conditions to be met.
270 Mr. Marquise said that this is up to the Board, they have gone anywhere from a year to two years.

271 Mr. Butler asked about the phasing of the project and Mr. Vincent explained they were talking about
272 four phases. It is logical from both a storm water management standpoint and for a developer as it is
273 expensive to build an infrastructure with no houses. The idea is to build it in sections and start selling
274 units as they go. Mr. Hirshberg said that they talked about if they build in phases then the bond would
275 be done in phases as well. Mr. Marquise said that the sign-off would also go in phases. Mr. Hirshberg
276 said that he thought that in the past they got an approval for the full project but they had a bond
277 hearing that related to Phase One and as the project continued they were supposed to go back for the
278 next phases. Mr. Marquise said that he believes in subdivisions they have bonded for a phase and
279 approved a certain number of lots in the bonding. The same thing could happen here, the Board could
280 give a verbal approval of the project as a whole and then they could request an approval for Phase One
281 and give a bond for that amount. A plan would have to be submitted for Phase One and that would be
282 all that would be approved. They can't approve what is going on in Phase Four without bonding in
283 Phase Four because they can't sell a building without roads to it. Mr. Hirshberg said that their concern
284 for a Site Plan Review is if they are getting an approval for the whole development. They don't want to
285 come back to get approval for the next phase and have to go through the whole process again. Mr.
286 Marquise said that he thinks that they will receive a full verbal approval with a length of time deadline
287 and if all four phases are done within the deadline then they will need to return and present the phases
288 that have not been done. Mr. Hirshberg asked and Mr. Marquise confirmed they could ask for an
289 extension but the danger with that is that there could be changes to Zoning that may have an impact.
290 Mr. Markarian asked if the permitting would be done per phase to ensure that there is a bond
291 associated with each phase. Mr. Marquise said that for each phase they would need a bond hearing and
292 the Board would need to sign the Mylar for each phase, they would not be revisiting the plan as long as
293 it is within the time period and the plan has not changed. Mr. Butler said that he thinks that it would be
294 beneficial for the applicant to present the whole case up front with the condominium docs and the
295 bonding to make it more sellable. Mr. Marquise said that he thinks that there is an expense to have the
296 bond for the entire project and that it is up to the applicant. Mr. Hirshberg said that their engineering
297 estimate could relate to the whole buildout and then it could be broken down into phases. The cost to
298 put a bond up for the entire project and for the length of time that the bond may sit there could be very
299 expensive. Vice Chair Royce said that once the property is sold they would need to get a new bond from
300 the new owner anyway. Mr. Hirshberg said that they have to look at the buildout of a project this size
301 as it could take many years and to have a bond out there would be a big expense for someone. If they
302 are going to build it in phases, it does mean that they would have to return to get authorization from the
303 Board for each phase for the bond amount but thinking about how the current owner wants to market it
304 having the big bond amount up front would be an issue. Mr. Butler asked and it was confirmed that the
305 Board can verbally approve the whole project conditional on the bond. Mr. Hirshberg said that he wants
306 to make sure that they are getting an approval for the whole project. What happened before was that
307 the State regulations changed; if they get an approval for the whole thing from the Town and the State,
308 they can follow those regulations. Mr. Marquise said that it is his understanding that for any approval
309 the only protection would be if there is a Mylar in place, construction is started within a year, and the
310 project is completed within 4 years. According to State Statute, that is the only time you are insulated
311 from changes; a verbal approval is not as good as the Mylar. Mr. Hirshberg said that he wants to
312 understand what the Board needs if they wanted to get a full Mylar approval for the whole project. Mr.
313 Marquise said that they would need the full bond amount. Mrs. Larrow said that they would also need
314 the condominium documents. Mr. Hirshberg said that they could do the condominium documents up

315 front if it gave them an approval for the whole thing but he thinks that the biggest concern would be
316 what the bond amount would be. In selling this project if a bond for the whole amount is required it
317 would be difficult to market. Chairman White said that the only risk with just getting a verbal approval
318 of the whole project now is if the rules change. Mr. Burrows said that if the project construction is
319 started they have a vested right in operating under the prior regulations. Mr. Marquise explained that
320 this would be for the phase as once construction is began there is a four year window but to get to the
321 point of construction they have to have the Mylar and to get to the Mylar they need a bond. Mr.
322 Hirshberg asked and Mr. Marquise confirmed that the bond amount can be reduced after certain
323 aspects are completed. There was further discussion regarding this matter.

324 Mr. Osborne asked about the fire cisterns that will be built in Phase Three. Mr. Vincent said that he
325 thinks that the agreement was that there would be four duplexes before they would need a cistern.
326 Phase Three would be the fifth building and would be when they would build the 30,000 gallon cistern.
327 Mr. Osborne asked and Mr. Vincent confirmed that this has been discussed with the Fire Chief. Mr.
328 Marquise said that Chief Ruggles said that he is pleased with the cistern. Vice Chair Royce said that his
329 concern would be if Chief Ruggles is happy that this would be done in Phase Three. Mr. Marquise said
330 that this could be discussed at the phasing / bond hearing.

331 There was another discussion regarding the bond.

332 Mr. Hirshberg said that he thinks that what they are looking for is a conditional approval with the
333 stipulations on the bond.

334 Mr. Osborne said that if the storm water maintenance conditions can be included in the deed that
335 would an option that would eliminate that question. Then they would just need to determine which
336 method they would choose for the bond. Vice Chair Royce said that storm water maintenance could
337 also be worked into the phasing as the owner of the property could control the maintenance until he
338 finished Phase Two or Three so it is not passed off to the owners of Phase One. Chairman White said
339 that these conditions should be part of the condominium documents.

340 Chairman White asked about the current duplex. Mr. Hirshberg said that one of the sides is rented. Mr.
341 Vincent said that this is a private site so the developer is currently responsible for all the storm water.
342 Mr. Vincent said that the concern of the Highway Director is that he does not want the maintenance to
343 become the Town's responsibility. Chairman White asked and Mr. Hirshberg confirmed that they are
344 building the roads to Town specifications with the thought that they can become Town roads. The Town
345 would then maintain the slopes and the culverts associated with the roads but beyond those limits
346 would be maintained by the association.

347 Mr. Butler asked what else is needed from the State besides the AoT Permit and waivers. Mr. Vincent
348 said that they are asking for four waivers but they are related to storm water buffers and the water
349 infiltration. Mr. Hirshberg said that before they started the project they met with the State because the
350 part of the road that was built was done under different regulations. It is difficult to go back and rebuild
351 these parts to the new standards. DOT has told them that whatever they previously built should be
352 considered under the old regulations but whatever is built in the future should be under the new
353 regulations. This means that they need to request waivers for parts of the existing road they are
354 connecting to. There was further discussion regarding this matter.

355 Chairman White asked and Mr. Hirshberg confirmed that he did the original design and permitting
356 process in 2006. Those owners only built 1050 ft of road and one duplex. He has told the current owner
357 that they can't get the 24 owners with today's regulations, which is why they are asking for 17.

358 Mr. Hirshberg asked if this is being looked at as an amendment to the previous approval. Mr. Marquise
359 said that he thinks either way it is a new approval / project.

360 Chairman White said that it sounds as though the concerns from the last meeting have been addressed.
361 Vice Chair Royce said that they have discussed the concerns but he does not think that they have been
362 addressed. They are talking about ways around the concerns from the last meeting without talking
363 about the solutions. Vice Chair Royce said that he is confused about which way they are going, if it is
364 going to be phasing, if they are going to add in condominium docs, he does not see a clear path.
365 Chairman White said that he thinks that the phasing is their call and that it is not the engineer's decision
366 to make, it is the owner's decision; it may or may not happen. He thinks that they can do a verbal
367 condition for the whole project with conditions. Vice Chair Royce said that there are still some things
368 outstanding including the AoT permit and the Highway Department and Conservation sign-offs. Mr.
369 Hirshberg said that he did talk with Mr. Landry and he got the impression that they previously had
370 wetlands impacts that have been completed and that Mr. Landry did not see why the Conservation
371 Commission would be involved. One of the issue with the sign-offs is that he thought that Mr. Landry
372 would be getting them. Mr. Vincent said that they ask for things over and over but do not always get
373 them. Mr. Markarian said that the concern the Board would have regarding the Conservation
374 Commission was that they approved this a number of years ago and there may be changes in
375 regulations; to have their comments would be prudent. Mr. Burrows asked and the Board agreed that
376 this could be a condition of an approval.

377 Vice Chair Royce asked how they would talk about the timeframe for the approval. Chairman White said
378 that it is not necessary to close the public hearing because they may ask for input from the applicant.
379 Mr. Markarian said that he would recommend that, as this is a large project, they look at the maximum
380 limit of 24 months as the owner is looking to sell the property, not actually do the development himself.
381 Vice Chair Royce agreed that if the Board determines they are going to give a conditional approval that
382 the 24 months is good to help give them time to make it marketable. Mr. Hirshberg asked and Vice
383 Chair Royce said that the 24 months would be the time allowed to meet the conditions, have a bond
384 hearing, and get to the signing of the Mylar. Mr. Hirshberg asked if the property isn't sold within the 2
385 years if they can ask for a year extension. Mr. Marquise confirmed that they could and said that the
386 Board may look at any changes or conditions that have not been met to see if there are any changes
387 that may impact the project.

388 Chairman White asked and Vice Chair Royce said that he is still confused about how they would phrase
389 some of the conditions. It seems like they would like approval on the whole project and not in phases
390 and his concern is how it would impact them moving to a bond hearing. He is concerned about the best
391 plan going forward as it seems like the best way to develop the property is in phases but the best way to
392 market the project is as the whole project. Chairman White said that if this project sells they will see it
393 again if not for the phasing then for the bond hearing. Vice Chair Royce asked and Mr. Marquise
394 confirmed that one of the conditions would be a presentation of the cost estimate and a bond hearing
395 for whatever is proposed. Chairman White asked if this is part of the approval process and is something

396 that they need to state. Mr. Marquise said that he thinks that it is a condition that a bond will be
397 presented. Mrs. Gottling asked when they can do anything to the site. Mr. Marquise said that a bond
398 must be posted before anything can be done as the Mylar can't be signed until the bond is presented. A
399 verbal approval does not mean that they can construct anything on the site.

400 Vice Chair Royce said that in regards to the condominium docs the Board's main concern was the storm
401 water drainage and asked if they make the condominium docs or the storm water maintenance plan
402 conditional. Mrs. Gottling said that she thought that this would be part of the deeds. Mr. Markarian
403 said that in lieu of the condominium docs the storm water maintenance should be outlined in the deeds
404 of the property. Vice Chair Royce asked if the Board has the ability to mandate that a storm water
405 management plan be attached to a deed. Mr. Marquise said that he believes that it can be done as it
406 can be done various different ways. Mr. Hirshberg said that the condominium documents are reviewed
407 by the AG's office and get recorded at the Registry of Deeds. Vice Chair Royce said that the Board's
408 concern is that they do not see the condominium docs before or after approval by the AG's office so
409 they can't ensure that the storm water maintenance plan is in them. Chairman White asked what the
410 verbiage should be for a conditional approval. Mr. Hirshberg said that it sounds as though the Board is
411 looking for a storm water management plan that spells out responsibility and timing and continues from
412 owner to owner. Other Towns have given a condition that something has to annually be submitted to
413 them and there are different ways to do that such as a report that has to be given to the Town for the
414 Highway Director to review. Chairman White asked and Mr. Hirshberg explained that, initially, it would
415 be the developer's responsibility to get the report but then it would become the association's
416 responsibility and it would be spelled out in the condominium docs when the responsibility would
417 transfer to them.

418 Mrs. Larrow asked if there is a standard for the storm water management plan. Mr. Vincent said that
419 they have to do one for the AoT application and that is the standard that they use. Mr. Marquise asked
420 and Mr. Hirshberg confirmed that they do require maintenance. Mrs. Larrow asked if they said "storm
421 water management plan as described". Mr. Osborne added that they could say "or presented by the
422 State AoT to be maintained by the Association in perpetuity".

423 Mr. Butler asked if this will be an association or if they will want the Town to handle the roads. Mr.
424 Hirshberg said that, until it gets accepted by the Town, the road will be owned by the owner and then
425 the association, and the association could choose to keep it a private road. Mr. Hirshberg said that the
426 condominium docs sometimes spell out exactly what can be taken over by the Town and what will stay
427 part of the association. In this case they probably will want to spell out if the Town takes it over it will
428 maintenance of the road, the slopes off the roads, and the culverts. Mr. Butler asked how this has
429 worked in the past with other associations passing roads to the Town. Mr. Marquise said that it can just
430 be an action of the association but it is separate from this process. There was a discussion about other
431 projects that have happened in Town.

432 Mr. Burrows said that it is his understanding that if they receive a conditional approval and move on to
433 the bond hearing next month then notice will not need to be provided. Mr. Burrows asked if they do
434 not do that if the owner or future owner will need to provide notice again for the bond hearing. Mr.
435 Marquise said that if they want to move to the bond hearing as early as next month the Board could
436 wait to give the final approval at the bond hearing. However, if the Board gives approval at this meeting

437 then it ends this process and they would need to re-notify for another hearing Mr. Burrows said that he
438 does not think that they will try to do the bond hearing within the 65 days. There was a further
439 discussion regarding the rules of a bond hearing.

440 Chairman White closed the public input part of the meeting.

441 Vice Chair Royce made a motion to conditionally approve the Site Plan Review / Planned Unit
442 Development to reconfigure the originally approved "Preserve of Mt. Sunapee" duplex condominium
443 project into a new residential condominium development consisting of 5 single family homes and 6
444 duplex units, Brook Road Subdivision, HP Sunapee, LLC, the Parcel ID is 0237-0025-0000; conditions are
445 the Alteration of Terrain Permit; the remaining Department Head signoffs, specifically the Highway and
446 Conservation; presentation of estimate and bond hearing; and a storm water drainage plan approved
447 under the AoT Permit and a maintenance agreement outlining responsibility in perpetuity. Mr.
448 Markarian seconded the motion. Vice Chair Royce amended his motion to include that the conditional
449 approval will expire in 24 months. Mr. Markarian seconded the amendment. The motion passed
450 unanimously.

451 Mrs. Gottling asked and Mr. Hirshberg confirmed that the 1050 ft road that was previously built does
452 not have a lot of grade and meets the Town's standards.

453 **PARCEL ID: 0234-0005-0000 & PARCEL ID: 0234-0006-0000: LOT MERGER APPROVAL: ROBERT &**
454 **TANYA WILKIE, 437 STAGECOACH RD.**

455 Mr. Marquise explained that this lot merger is for two lots on Stagecoach Rd, both of which are fairly
456 good sized.

457 Chairman White asked and no one had any questions regarding the application.

458 Mr. Markarian made a motion to approve the lot merger approval for Robert and Tanya Wilkie at 437
459 Stagecoach Rd, Parcel ID's: 0234-0005-0000 and 0234-0006-0000. Mr. Osborne seconded the motion.
460 The motion passed unanimously.

461 **PARCEL ID: 0231-0028-0000 & PARCEL ID: 0231-0029-0000 & PARCEL ID: 0231-0030-0000: LOT**
462 **MERGER APPROVAL: ALAN PETERSON, 82 PINE RIDGE RD & PINE RIDGE RD.**

463 Mr. Marquise explained that one of these lots is a house lot and the other two are land lots that are
464 adjacent to the house lot. These are smaller lots as Pine Ridge was done before Zoning.

465 Mrs. Larrow made a motion to approve the lot merger for Alan Peterson, 82 Pine Ridge Rd, Parcel ID's:
466 0231-0028-0000, 0231-0029-0000, and 0231-0030-0000. Mr. Markarian seconded the motion. The
467 motion passed unanimously.

468 **Changes to the Minutes from the September 3, 2015 meeting:**

469 Mr. Hastings made a motion to accept the minutes of September 3rd. Vice Chair Royce seconded the
470 motion. The motion passed with four in favor and three abstentions.

471 **OTHER BUSINESS**

472 Mr. Marquise said that Mr. Landry told him that the Zoning Board will be working on the Zoning
473 Amendments at their next meeting. Mr. Marquise asked Chairman White if the two of them can discuss
474 them and see if there is a need to have a second meeting this month. There was a discussion regarding
475 having the meetings for the proposed Zoning Amendments.

476 Mr. Markarian made a motion to adjourn at 9:40 PM. Vice Chair Royce seconded the motion. The
477 motion passed unanimously.

478 Respectfully submitted,

479 Melissa Pollari

480

481 Planning Board

482

483 _____
Peter White, Chairman

Tanner Royce, Vice Chair

484

485 _____
Donna Davis Larrow

Kurt Markarian

486

487 _____
Richard Osborne

Shane Hastings

488

489 _____
Suzanne Gottling, ex-officio member

Joseph Butler, Alternate Member