

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **NOVEMBER 5, 2015**

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

6 **ABSENT:** Tanner Royce, Vice Chair; Donna Davis Larrow

7 **See attached sign in sheet**

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

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

12 Mr. Osborne recused himself from the case.

13 Mr. Berio continued presenting the case and gave the Board a set of plans for their review.

14 Mr. Marquise said that they received sign-offs from the Police Chief, the Conservation Commission, and  
15 the Fire Chief, all with no comments.

16 Chairman White said that it looks as though Mr. Berio addressed all of the Board's concerns.

17 Chairman White said that he noticed some differences between the new plan and the plan submitted at  
18 the October meeting. On the old plan there were lights that were going to be on the existing poles and  
19 asked if those have been removed. Mr. Berio said that the poles exist but the lights are not there and  
20 will not be put back up.

21 Chairman White asked about the change in the square footage. Mr. Berio said that the change was in  
22 the middle building and it is because the building will be renovated and he has made some changes to  
23 the square footages of the retail, office, and shop space. The changes to the square footage does not  
24 affect the parking requirements.

25 Chairman White asked and Mr. Berio confirmed that the proposed boat display area will not be used for  
26 boat storage, only for boat display. Mr. Berio said that the boats stored for the winter will be in the  
27 back.

28 Chairman White asked and Mr. Berio confirmed that his business will be opened year-round. He may be  
29 doing some snowmobile repairs and he also restores wooden boats.

30 Chairman White asked and there were no further questions from the Board or Mr. Marquise. Chairman  
31 White closed the public input part of the hearing.

32 Chairman White appointed Mr. Furlong and Mr. Butler as voting members for the meeting.

33 Mr. Markarian made a motion to accept the Site Plan Review for 43 Partners LLC for Parcel ID: 0237-  
34 0001-0000 at 489 Route 103, seeking approval of Site Plan Review to open and operate a boat, auto,  
35 and engine repair shop. This was a continuation of a case heard on October 1, 2015 and all conditions  
36 that were asked have been met. Mr. Hastings seconded the motion. The motion passed unanimously.

37 **MISCELLANEOUS**

38 **PARCEL ID: 0126-0023-0000: 23 OLD NORCROSS RD, BOLSINGER – REVIEW TREE CUTTING PLAN.**

39 Chris Kessler from Pellettieri Associates presented the case.

40 Mr. Marquise explained that there is a zoning requirement that if a property owner in the Shorefront  
41 buffer wants to cut more than 5 trees a year then they require permission from the Planning Board.  
42 Chairman White asked and Mr. Marquise confirmed that this is a Zoning Ordinance. Chairman White  
43 asked how the Planning Board can provide relief for this Ordinance. Mr. Marquise explained that the  
44 Ordinance allows the Planning Board to do it.

45 Mr. Butler asked and it was explained that the minimum caliber of tree is anything over 6" or more. Mr.  
46 Kessler explained that property owners are allowed to cut 5 trees within the 50' buffer and another 5  
47 trees in the 50' to 150' natural woodland buffer per calendar years. Chairman White asked and Mr.  
48 Kessler confirmed that this has to be done while maintaining the State required points. Mr. Kessler said  
49 that the Town follows the State's point system that NHDES has set up, which requires a minimum of 50  
50 points in a 50' x 50' cell / cube along the Shoreland buffer.

51 Chairman White asked and Mr. Kessler confirmed that the property being discussed on the point. There  
52 is 1000 +/- lineal feet of frontage on this property. Chairman White asked how many trees they are  
53 asking to remove. Mr. Kessler said that Mr. Landry approved 5 trees within the 50' buffer to be  
54 removed. In addition, they are asking to remove 15 trees within the 50' buffer and 8 outside the  
55 waterfront buffer. There has been no application for any outside the 50' buffer so he is asking for an  
56 additional 3 over the allowed number of trees outside the 50'.

57 Mr. Kessler explained that the way that they have determined the trees to be cut is by evaluating the  
58 existing stand and looking to remove those that are dead, diseased, or in decline in order to promote  
59 the existing woodland stand which is there now. These trees could potentially harm the other trees if  
60 there is a windstorm, ice storm, etc. Mr. Kessler continued that adjacent to the house are some large  
61 pine trees that are outside the 50' buffer and the owners would like to remove them for safety and to  
62 allow more light to access the house.

63 Mr. Marquise asked if Mr. Kessler has obtained a DES Permit. Mr. Kessler said that you do not need a  
64 DES Permit to remove trees as long as you are keeping the appropriate cell count and are not removing  
65 any of the root zones. All the cells that they will be working in have over 100 points that will remain  
66 after the tree cutting will occur and no root zones will be removed. Mr. Marquise asked if they have to  
67 file a notice of intent or how they notify the State. Mr. Kessler said that they file a plan with the State.

68 Mrs. Gottling asked who determined the health of the trees that they would like to remove. Mr. Kessler  
69 said that the state of the trees was determined by Pellettieri Associates by a registered landscape  
70 architect.

71 Mr. Butler asked and Chairman White confirmed that this Ordinance is for trees cut in a calendar year  
72 and that the applicants are cutting these trees this year and then next year they can cut 10 more. There  
73 was a discussion regarding the tree stand.

74 Chairman White asked how they plan on removing the trees. Mr. Kessler said that for the most part the  
75 trees will be removed by climbing and taking them out by hand. Some of the large pines around the  
76 house may be removed by crane but there will not be a machine that goes out into the 50' buffer.

77 Chairman White asked if they will be limbing up at all. Mr. Kessler said that some of the species will be  
78 but they will not go above the 50% threshold that is allowed by the State. They will also be removing  
79 some deadwood on some of the trees to provide a cleaner effect and reduce the future litter but there  
80 will be no major cuts.

81 Chairman White said that the plan only shows 4 trees that they have already received permission to cut.  
82 Mr. Kessler said that they have already removed one of the trees. There was a discussion about the  
83 location of the trees.

84 Mrs. Gottling asked and Mr. Kessler said that the total number of trees to be removed, including those  
85 that have already been approved, is 27.

86 Mr. Kessler was asked and explained that the trees are not being removed for a significant view  
87 enhancement, they are mainly being removed as part of a forest management plan.

88 Mr. Furlong asked how the Board can be sure that the trees are dying and Mr. Kessler said that he has  
89 pictures if they would like to see them. Chairman White said that even if the trees were not dying they  
90 could still be removed with the Board's approval. Mr. Kessler said that if you were to take the true  
91 definition of a living tree, all of these trees are living, they are just not prime specimens.

92 Mr. Butler asked and Mr. Kessler confirmed that all stumps and root zones will remain in place for  
93 stabilization and habitat in the future. Mr. Kessler showed the Board the pictures of the trees and the  
94 site.

95 Mr. Markarian asked what kinds of trees will be removed. Mr. Kessler said that they are mostly red pine  
96 and white pine.

97 Mr. Butler asked about the average ages of the trees. Mr. Osborne said that it looks like the trees that  
98 are being removed are a lot of smaller trees, they are not taking down the big trees, there is one 23"  
99 tree in the list. Mr. Kessler said that the bigger pine tree is one that is close to the house. He thinks that  
100 the average age is probably in the 30 to 50 range, at the high end.

101 Mr. Butler asked how many years they have asked to remove trees on the property. Mr. Kessler said  
102 that this is the first year that he is aware that trees are being removed. The owner recently purchased  
103 the property and they have been asked to take a look at the trees. The homeowner loves the stand and  
104 does not want to see it significantly changed, just improved.

105 Mr. Jesanis, an abutter said that he has no objection to what is being asked but did want to know why  
106 abutters were not notified. Mr. Marquise said that this is not part of the Site Plan or Subdivision

107 regulations so it does not require notification. Mr. Jesanis said that he would recommend that they not  
108 try to bring a crane onto the property.

109 Mr. Butler asked if they will chip on site. Mr. Kessler said that he can't say as to exactly how they will do  
110 it because he will not be the one doing it; typically they climb and rope the logs down. The goal is not to  
111 damage any of the other trees.

112 Chairman White asked and there were no more questions or comments from the Board, the audience,  
113 or Mr. Kessler.

114 Mr. Hastings made a motion to approve the tree cutting plan for Parcel ID: 0126-0023-0000, 23 Old  
115 Norcross Rd, Bolsinger. Mr. Markarian seconded the motion. The motion passed unanimously.

## 116 **DISCUSSION**

117 Chairman White said that he recently went up Mr. Bell's driveway and it is quite extensive. He spoke  
118 with Mr. Bell about it who said that the Board members were welcome to go up the driveway even  
119 though it is posted. Mr. Marquise asked if Mr. Bell plans on coming before the Board soon. Chairman  
120 White said that it seems as though Mr. Bell is still having issues with the road as the new Road Agent  
121 seems to require more documentation than his predecessor.

122 Mrs. Gottling asked if the owners of the old Chase Marine property ever put a sign up. Chairman White  
123 said that they did put "truck entering" signs up. Mr. Hastings said that when you crest the top of the hill  
124 going east there is a sign.

## 125 **REVIEW PROPOSED ZONING REGULATION AMENDMENTS AND CHANGES FOR 2016.**

126 Mr. Marquise explained that Zoning Amendments have to be voted on at Town meeting. The Zoning  
127 Board recommends changes to the Planning Board who determines if they should go on the ballot. Any  
128 member of the public can also file a petition and present their own Zoning Amendments.

129 Mr. Marquise gave the Board a draft of the proposed Zoning Amendments from the Zoning Board. He  
130 went over them with Mr. Landry and has written some of the final wording. The final wording will be  
131 determined at a public hearing on December 3<sup>rd</sup>. The verbiage decision at the public hearing cannot  
132 change the intent. Chairman White asked and Mr. Marquise said that the intent of the changes goes  
133 into the public notices but not the full wording.

134 Mr. Marquise explained that the first proposed change is to the Shoreland Ordinance, Section 4.33.  
135 They are always tweaking this because when it was first written in the 90's it was the first set of such  
136 Ordinances in the State. Over the past 20 years, the State has taken over a lot of the regulation and the  
137 wording is archaic, duplicative, or otherwise troublesome. This change came from the Town's attorney  
138 who suggested that the Town should not be regulating docks as it is a State function. The proposed  
139 change is to say that docks are permitted and are subject to State permits and standards. The Board  
140 does not have any problems with the proposed change.

141 Mr. Marquise said that the second proposed amendment is to the tree cutting regulations. With the  
142 State overseeing this he does not see the need for the Planning Board to review and approve cutting  
143 and clearing plans. The proposed change is to say: a cutting and clearing plan shall be subject to State

144 approvals prior to submitting a cutting or clearing application to the Town for review and approval. The  
145 Board of Selectman or their agent shall review and approve any cutting or clearing approvals. Any  
146 cutting within the Shoreline Overlay District, including removal of natural vegetation, must be by permit  
147 from the Department of Environmental Services. Mr. Marquise said that they may add the term “(if  
148 required)” to the proposed amendment. There was continued discussion regarding tree cutting as well  
149 as if the application would go before the Selectmen or just be approved by Mr. Landry. Chairman White  
150 said that he thinks that it is a much more thorough process to come before the Planning Board to make  
151 the decision on cutting and clearing plans. The Board further discussed if they felt as though this was  
152 more appropriate for them to review or for Mr. Landry to review and then have it go to the Selectmen.  
153 The Board determined that they wanted to keep the Ordinance as is while allowing for a provision that  
154 the Selectmen look over the plan after it has been approved.

155 Mr. Marquise said that the next proposed Amendment is to Section 7.10, the conversion requirements  
156 for septic or water use. The change is to add that certification can come from a NH licensed septic  
157 designer. There was further discussion regarding this proposal. The Board wanted change the wording  
158 to include that the existing designed system will handle the additional septic plan.

159 Mr. Marquise said that the fourth proposed Amendment is to Section 8.21-e to add the word exterior to  
160 the Ordinance. The Board discussed adding the wording “additional living space” to the Ordinance or  
161 changing the Ordinance to include “when an existing structure is dimensionally changed or altered.”  
162 There was a discussion regarding what a major alteration is considered to be. The Board determined to  
163 move forward with this Amendment. Chairman White explained that Mr. Landry is not a Building  
164 Inspection, he is a Zoning Administrator.

165 Mr. Marquise said that the fifth proposed Amendment is to Section 8.22 to add at the end of the  
166 paragraph that “applications requiring DES approval shall be considered only with an approved DES  
167 permit”. Mr. Marquise explained that Mr. Landry would like to see this added so that he can require  
168 that a DES permit be in place before someone obtains a permit from the Town. Chairman White said  
169 that this is tough because it is a lot more money to apply to the State and some people do not want to  
170 do that before receiving permission from the Town. Mrs. Gottling said that DES is trying to combine  
171 many of the Agencies so that projects can be permitted at once. Mr. Markarian said that the Zoning  
172 Board has the option to make an approval conditional on DES approval and this may not be required.  
173 Mr. Osborne said that waiting for a DES permit could hurt the timing of approval from the Zoning Board  
174 if they need to wait before applying for a hearing. Mr. Marquise said that Mr. Landry said that this  
175 Ordinance also applies to building permits and he wants to make sure that he is covered. There was a  
176 discussion regarding adding the wording “conditional approval” and about if Mr. Landry can approve  
177 permits without a DES permit. The Board determined that the Regulation is fine the way that it is and  
178 they will not go forward with the proposed Amendment.

179 Mr. Marquise said that Amendment six is for the definitions section. Currently, under the definition of  
180 home occupation there is a sentence regarding screening and enclosing heavy equipment in contractor’s  
181 yards. This was from before there was a definition of contractor’s yards and they were treated as home  
182 occupations. Mr. Marquise continued that they want to take that sentence out of the definition of  
183 home occupation and put it in the definition of a contractor’s yard. The Board determined that they  
184 agree with this proposed Amendment.

185 Mr. Marquise said that regarding the next change, he feels as though this should be a given as maximum  
186 residential density is written into the Ordinance and that means that there are a certain number of  
187 dwelling / residential units. Mr. Marquise continued that he understands that there are people who are  
188 trying to say that they have an office space that is counted as part of their density and they want to  
189 convert it to a residence and Mr. Landry feels as though there needs to be a definition added to make it  
190 clear that residential density is strictly residential and office space / commercial space does not fall  
191 under requirements of the density. There was further discussion regarding this proposal. The Board  
192 determined to continue with the Amendment.

193 Mr. Marquise said that the last proposed definition change is to add that a patio an area covered by  
194 stone or pavers, less than 12" above existing ground elevation, concrete pads excluded, are limited to  
195 150 square feet and are not considered a footprint. There was a discussion regarding the proposed  
196 change and taking out the words stone or pavers and replacing it with pervious materials and also  
197 adding to the end that the patio "will not be considered a footprint for future structure."

198 The Board discussed suggestions for proposed Amendments. There was a discussion about setbacks  
199 from wetlands. Mr. Butler said that he would recommend that they ask a developer of a major  
200 subdivision to do an as built for water runoff as there have been a lot of issues that have been brought  
201 to the Board. Mr. Marquise explained that they can do this by making a change to the subdivision  
202 regulations and not as a Zoning Amendment. There was further discussion regarding this matter.

203 There was a discussion regarding the McCarthy subdivision on Lake Ave.

204 There was a discussion regarding putting a time limit on building permits for finishing construction  
205 projects.

206 **CONTINUATION OF PLANNING BOARD TRAINING SESSION.**

207 The Board determined to not have a training session.

208 **Changes to the Minutes from the October 1, 2015 meeting:** The minutes were postponed until the  
209 December meeting.

210 **NEXT MEETING**

211 Mr. Marquise explained that the next meeting will be December 3<sup>rd</sup> at 7:00 and they will discuss the  
212 Zoning Amendments. The Board also has 3 Site Plans to review.

213 Mr. Markarian made a motion to adjourn at 9:19 PM. Mrs. Gottling seconded the motion. The motion  
214 passed unanimously.

215 Respectfully submitted,

216 Melissa Pollari

217

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219 Planning Board

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221 Peter White, Chairman

Tanner Royce, Vice Chair

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223 Donna Davis Larrow

Kurt Markarian

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225 Richard Osborne

Shane Hastings

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227 Suzanne Gottling, ex-officio member

Joseph Butler, Alternate Member