

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **JANUARY 17, 2014**

4 **PRESENT:** Peter White, Chair; Robert Stanley, Vice-Chair; Erin Andersen; Donna Davis Larrow; Tanner
5 Royce; Michael Marquise, Planner

6 **ABSENT:** Kurt Markarian; Shane Hastings, ex-officio member; Charlotte Brown, alternate

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

8 Changes to the Minutes from the November 21, 2013 meeting: Change line 149 to read "...whichever
9 the property gains its access from."

10 Donna Davis Larrow made a motion to accept the minutes as amended. Tanner Royce seconded the
11 motion. The motion passed unanimously.

12 Changes to the Minutes from the December 5, 2013 meeting: Change line 112 – 113 to read "... that this
13 is something Mr. Bonin..." Change line 131 to read "...scientist had figured it out." Change line 141 to
14 read "... the State is the one that sets the rules."

15 Robert Stanley made a motion to accept the minutes as amended. Tanner Royce seconded the motion.
16 The motion passed unanimously.

17 **DISCUSSION**

18 There was a discussion regarding the Board Member's whose terms are up this year.

19 **(CONTINUED) PARCEL ID: 0215-0028-0000: MINOR SUBDIVISION: SUBDIVIDE A 4.2 ACRE LOT FROM A**
20 **43.04 ACRE PARCEL. 196 AVERY RD, CHARLES M SORENTO ESTATE.**

21 Teddy Gallup continued presenting the case on behalf of Mrs. Sorento.

22 Mr. Marquise refreshed the Board on the case. The lot is accessed off of Avery Rd but at this point,
23 Avery Rd is a private Right-of-Way and the Board asked for, and the surveyor included on the Plan, a 50'
24 Right-of-Way which they have going to an iron pin. Mr. Marquise asked Mr. Gallup if he had spoken to
25 Scott Hazelton, the Highway Director as he hasn't heard anything from him. Mr. Gallup said that Mr.
26 Hazelton approved the Plan but he did not give him the actual approval. Mr. Marquise said that he did
27 hear that Mr. Hazelton approved the Plan. There was further discussion regarding the Right-of-Way.

28 Mr. Marquise said that he has spoken to Cliff Richer and the State Subdivision Approval for this lot has
29 not been acquired yet. Mr. Gallup said that they have not applied to the State yet because if the Board
30 did not approve the subdivision there was no sense in going to the State. Mr. Marquise said that the
31 Board could approve the Subdivision with a contingency that the State Subdivision be approved before
32 the Board would sign the Mylar.

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

34 Robert Stanley made a motion to approve Parcel ID: 0215-0028-0000: Minor Subdivision to subdivide a
35 4.2 acre lot from a 43.04 acre parcel, 196 Avery Rd, Charles M Sorento Estate subject to State approval.
36 Tanner Royce seconded the motion. The motion passed unanimously.

37 **PARCEL ID: 0133-0107-0000: MAJOR SUBDIVISION: LOT LINE ANNEXATION, SUBDIVIDE (5) NEW LOTS,**
38 **(1) COMMON LOT AND (4) BUILDING LOTS. PROSPECT HILL CONSTRUCTION, MAPLE ST.**

39 Mr. Marquise stated that the application was filed in advance, fees were paid, notices were posted, and
40 abutters were notified. The application falls under 6.04 of the Subdivision Regulations and is a major
41 subdivision so nothing can be waived. Mr. Marquise said that there are things on the list that need to be
42 discussed with the applicant including: a proposed name of the street and whether there are any State
43 Permits required including an alteration of terrain permit or a wetlands permit. Mr. Hirshberg said that
44 they are not disturbing over 1000 square feet nor are they impacting any wetlands. Mr. Marquise said
45 that other than the proposed street name it seems as though everything else is complete.

46 Donna Davis Larrow made a motion to accept the application as complete for Parcel ID: 0133-0107-
47 0000. Robert Stanley seconded the motion. The motion passed unanimously.

48 Charles Hirshberg of CLD Engineers presented the case on behalf of Prospect Hill Construction.

49 Mr. Hirshberg explained to the Board that they would like to create five buildable lots plus a common
50 lot. To access the property they have created a road that is designed as a Town road being 20' wide
51 with 2' shoulders and 380' long to a turnaround. The turnaround was worked out with the Fire Chief,
52 Dan Ruggles, and has the capability to turn a fire vehicle around. There will be two driveways off the
53 end of the road.

54 Mr. Hirshberg explained that the blueprint is the plat that shows the lots themselves and the easement
55 areas. Mr. Hirshberg explained that he has engineered the plans to include placing a house on each lot
56 with the driveways to meet the Town's criteria for the grades.

57 Mr. Hirshberg said that he also worked out all the drainage for the subdivision. On the common lot
58 there is an infiltration swale, which is an elongated swale that is 3' deep that will collect a lot of the
59 drainage from the road and a couple of the house sites. It is meant to hold the water and let it infiltrate
60 in. Mr. Hirshberg showed the Board on the plan the road, the water flow and the swale.

61 Mr. Hirshberg said that there has already been a minor subdivision completed and showed the Board
62 how the lot that Mr. Pollari sold is indicated on the Plan. Mr. Hirshberg continued that what they are
63 calling Lot 6 was also approved during the minor subdivision but they are modifying it because the drive
64 for the lot was originally considered to be an easement on the adjacent lot. In order to avoid this they
65 have adjusted the lot line. Mr. Hirshberg explained the numbering of the lots and their acreage.

66 Mr. Hirshberg said that the road is a maximum of 10% grade and the drives are a maximum of 12%.

67 Mr. Hirshberg said that each house will have a stone drip edge that will drain into a dry well. Mr.
68 Hirshberg said that when the drainage analysis was done they did not consider these aspects; they just
69 help and make the runoff less impacting by taking the roof runoff and putting it into the ground. Mr.
70 Hirshberg said that there is some drainage that comes from up above towards this site and there is a

71 diversion that brings this water to the wetland area. The runoff that the site generates is then taken to
72 the infiltration swale. Mr. Hirshberg said that 90% of the time there should not be water in the swale
73 but it is there for big events. Downslope of the swale there is a sub-drain in the ground because there is
74 an area that is wet down in the corner of the property that is common with Ms. Melson's backyard so
75 they installed a French drain so any ground water moving in that direction will be picked up and moved
76 towards the road ditch. There is also a sub-drain below Lot 2 on Lot 1 so any groundwater moving down
77 the property there is picked up. If the detention swale fills up, the water will come down along Beech
78 St, go around the corner and go through a 12" pipe onto Mr. Ostrom's property.

79 Mr. Hirshberg said that he submitted the plan to Mr. Hazelton about a month ago and the plans did not
80 get to him so Mr. Hirshberg hand delivered the Plans to him. Mr. Hirshberg said that he received
81 comments from Mr. Hazelton yesterday and he has addressed those comments, which were not
82 significant, but he did not have enough time to properly respond. Mr. Hirshberg said that he has a letter
83 from Water & Sewer and he believes Chief Cahill has submitted something as well. Mr. Marquise
84 confirmed that Chief Cahill sent an email basically saying he does not have any concerns at this time.

85 Mr. Hirshberg said that he has made some minor adjustments based on Mr. Hazelton's comments. Mr.
86 Hazelton wanted something to dissipate the flow coming into the infiltration swale so they have done
87 that. Mr. Hirshberg said that Mr. Hazelton also wanted copies of the hydrographs which he had on the
88 drainage report.

89 Mr. Hirshberg explained that the shaded areas are easement areas for Town Sewer and Water. There
90 are two lots, Lot 1 and Lot 5, that have a common sewer line. Lot 4 and Lot 3 also have common lines.
91 They worked out with the Sewer Department to have manholes on the properties as a point of access in
92 case there is an issue before the main line. Furthermore, where there are angles there are also clean-
93 outs so there are accesses into the lines to service them. Chairman White asked and Mr. Hirshberg
94 explained that Lot 6 is on a septic system. Mr. Hirshberg said that all of the lots are shown getting Town
95 Water but they are going to have Mr. Bailey pressure test the hydrant because they are close to the
96 maximum elevation that can be served. There is a question as to whether one of the lots will have
97 enough pressure to get water. If there is not enough pressure that lot, and possibly Lot 4, will not have
98 Town water. Mr. Marquise asked if the lots will need State Subdivision approval. Mr. Hirshberg
99 explained that Lot 6 does have approval because it will be on a septic system but the other lots will not
100 require State approval as they will be on Town Sewer. Mr. Marquise asked how the State regulates the
101 well radius. Mr. Hirshberg said that the well radius is really only regulated when there is a septic on site.
102 Chairman White asked and Mr. Hirshberg confirmed that Lot 4 has an old dug well on it. Mr. Pollari
103 explained that they have filled in the well.

104 Mr. Marquise asked if there could be a hydrant installed at the end of the road. Mr. Hirshberg said it is
105 possible but he is not sure there will be adequate pressure. He believes when they run a test on the
106 hydrant below they will be able to tell if it is possible. Mr. Marquise said that Chief Ruggles said that if it
107 is possible he would like the hydrant at the end of the road. Mr. Hirshberg said he does not believe they
108 will get enough pressure. Mr. Hirshberg asked and Mr. Marquise confirmed that Chief Ruggles did not
109 give a written response but he came in to speak to him in regards to the application and he has no
110 problems with it but that he would like the hydrant if possible.

111 Mr. Hirshberg explained that the houses are set up on the sites and the sites allow for drip edges and
112 drainage.

113 Chairman White asked if the unbuildable common lot will have deeded partial ownership by all the
114 other lots. Mr. Hirshberg said that the ownership and the maintenance of the lot will be shared.

115 Mr. Royce asked what type of maintenance is required for the infiltration swale. Mr. Hirshberg
116 explained that they will need to remove the sediment and leave build-up overtime. Mr. Stanley asked if
117 it has to be mowed and Mr. Hirshberg explained that it is better if it is not mowed like a lawn but it
118 could be weed-wacked periodically. Mr. Hirshberg continued that if there is other erosion or that type
119 of thing it will have to be repaired and that he wrote a document that talks about how everything should
120 be inspected and maintained. Mr. Marquise asked for a copy of the document.

121 Chairman White asked if the other property owners were permitted any other rights on the land such as
122 recreation or if it is strictly just for drainage. Mr. Hirshberg said that as long as it didn't obstruct the
123 function of the drainage elements it could be possible. Mr. Pollari said that he does not think that there
124 is enough room left on the lot for anything else. Mr. Royce asked if the developer will maintain the lot
125 until all of the other lots are sold and Mr. Hirshberg confirmed this. Mrs. Larrow asked what happens
126 after all of the lots are sold and who takes care of the drainage lot. Mr. Hirshberg said that the way he
127 worded it in his document is to ensure that the lot is maintained that he gave the Town the right to
128 maintain it if necessary and to bill the property owners. Mr. Pollari explained that the drainage system
129 will need to be inspected by an engineer. Mrs. Larrow asked who will spearhead calling the engineer
130 and taking care of the maintenance. Mr. Royce asked how the Town determines the need to step in and
131 determine that the maintenance needs to be done. Mr. Pollari explained that the responsibilities will be
132 listed in the deeds. The letter says that the drainage system needs to be inspected every two years and
133 if the Road Agent realizes while inspecting the road that it hasn't been done in two years then he could
134 call an Engineer or one of the property owners. Mr. Pollari continued that the property owners will
135 know that they will be responsible for it and confirmed that the wording will be in the deed. There was
136 further discussion regarding this matter.

137 Chairman White asked and Mr. Hirshberg confirmed that the drainage lot will be the first thing done in
138 the subdivision because the road runoff goes directly to the swale.

139 There was a brief discussion regarding the layout of the lots.

140 Mr. Royce asked if the driveways will be put in or if they lots will be sold "as is" and the owners will be
141 responsible for them. Mr. Hirshberg said and Mr. Pollari confirmed that his intent is to build the houses
142 himself. Mr. Hirshberg said that there are also grade limitations and if the driveways were shortened
143 they could be too steep.

144 Chairman White asked how much control the Town has over where the houses are placed. Mr.
145 Marquise said that the houses are laid out as part of the subdivision and as all of it ties to drainage,
146 water and sewer, etc. there is a lot of control. Mr. Pollari asked if they slid the house one way or
147 another if that would be acceptable. Mr. Marquise said that they just cannot do anything that will affect
148 the infrastructure.

149 Chairman White asked if the work that was supposed to be done on Beech St for Lot 6 has changed. Mr.
150 Hirshberg said that it has changed because one of the things that they did for the Town was to look at
151 the existing watershed. Mr. Hirshberg said that the ditch that runs down Beech St and turns to Maple St
152 has had sediment issues there and the ditch is minimal. They have agreed to improve the ditch so there
153 is better capacity. Mr. Hirshberg said that the 12' pipe that goes to Mr. Ostrom has half submerged and
154 they will get it cleaned out using a Permit by Notification.

155 Mr. Ostrom said the water that goes onto his property is his biggest concern and he is concerned about
156 the volume of water. It is a designated wetland but in the summer it is almost dry. Mr. Hirshberg said
157 that he thinks that there will be less water run through. Mr. Hirshberg explained that there could be
158 more water spread out over time but that it won't run like it is a full pipe. Because the water ponds at
159 the pipe, it does not dry out readily. Mr. Ostrom said that occasionally the Town has cleaned the pipe
160 out. He is concerned that the amount of water going to his property will increase dramatically. Mr.
161 Hirshberg said that the Town knows they have issues in this area and they have agreed to define a ditch
162 that takes the water to the ditch that goes under Ms. Melson's drive. Ms. Melson said that whatever
163 the Town did causes the water to pond by her driveway. Mr. Hirshberg said that they do not know what
164 is happening below the surface. Chairman White said that the purpose of the drainage system is to not
165 increase the water that leaves the site. Mr. Hirshberg said that these are designed to work for the 50
166 year flood levels. There was further discussion regarding the drainage.

167 Bob Lester, Heather Melson, and Bill Ostrom were abutters present who expressed concerns regarding
168 the drainage.

169 Mr. Lester asked about one of the driveways that will be put in and if all of the trees will have to be
170 cleared. Mr. Hirshberg explained that there is a woods road there now and the utilities will be run down
171 the woods road section. They will not be clearing to the property line. Mr. Lester said that he thinks the
172 canopy of trees helps to shed the water and they have seen small erosion since they built their house. If
173 there were missing trees, he thinks that there could be more erosion and there could be problems for
174 his fieldstone foundation. Mr. Hirshberg said that they can go down anywhere in the stretch and the 20'
175 wide utility easement could move further north. Chairman White said that it would be nice to have it
176 out of the setback which would center it more. There was further discussion regarding the easement
177 and Mr. Pollari said that he would put the utilities in where there is less impact.

178 Ms. Melson said she has concerns regarding the maintenance of the drainage system. Chairman White
179 explained that this has been a concern of the Board for years and there are many subdivisions without
180 the detail put in that this subdivision has. Chairman White continued that he thinks that Mr. Hirshberg
181 and Mr. Pollari have gone a long way to add the verbiage to the deeds which goes a long way to at least
182 notifying the owners that buy the properties of their responsibility. Ms. Melson asked who will be
183 responsible for ensuring the verbiage goes into the deeds. Mr. Hirshberg said that it could be a
184 condition of approval. Mr. Stanley said that if Ms. Melson noticed that there was more water on her
185 property she could go to the swale and inspect it and call the Town if necessary. Mr. Ostrom asked and
186 Mr. Hirshberg confirmed that there will be four lots with ownership to the common lot.

187 Ms. Melson asked and Mr. Pollari confirmed that the swale takes up almost the entire lot. Mr. Pollari
188 said that there will not be a lot of area left.

189 Mr. Marquise asked and Mr. Pollari confirmed that the goal is to have the road turned over to the Town.
190 Mr. Marquise said that he assumes that the maintenance of the drainage swale would also go to the
191 Town. Mr. Hirshberg said that this comes up in every Town and the Towns do not want the
192 responsibility. Mr. Marquise said that he does not see how the Town can accept the road and not the
193 land or at least an easement for the maintenance of the land. Mr. Hirshberg asked if they have had a
194 conversation with Mr. Hazelton regarding taking over the road. Mr. Hirshberg said that they have but
195 they have not talked about taking over maintenance of the swale. There was a discussion regarding the
196 wording of the deeds and adding the wording regarding the possibility of the Town taking over the
197 maintenance as well as about having a requirement of an inspection agreement for the drainage swale.

198 Mr. Marquise said that he believes there will need to be a bond or a letter of credit for the road and
199 possibility the utilities and the drainage area. Usually a Mylar is not signed until those are in place. The
200 Mylar will also need the name of the road on it which will need to be accepted by the Selectboard. Mr.
201 Pollari asked why the road needs to be bonded if it is private in the beginning. Mr. Marquise explained
202 that the Town needs to be ensured that the road will be built because, if Mr. Pollari sells a lot without
203 the road being in place, the Town could be liable for providing access. There must be a guarantee that
204 the road will be built. Mr. Hirshberg asked if the utilities should be brought to the lot line for each lot
205 and Mr. Marquise said he does not believe that each lot needs the utilities to be brought to the house.
206 Mr. Pollari said that he will probably not run the sewer line to the houses until they are ready to be built.
207 Mr. Hirshberg asked if they will need to be run upfront or bonded upfront. Mr. Marquise said that it
208 should be bonded for the shared portion. Mr. Marquise explained about bonding or having a letter of
209 credit for the lots.

210 Mrs. Larrow asked about the timeframe and Mr. Pollari said that he would like to do some work before
211 mud season if possible. Mr. Marquise mentioned a time limit but explained that it would not be on
212 building houses, just on the infrastructure.

213 Chairman White asked if anyone had any more questions for the applicant and as there were none,
214 Chairman White closed the public input portion of the hearing.

215 Mr. Stanley said that he believes the application should be approved with the condition of the bonds.
216 Mr. Royce said that he is trying to determine how to phrase a motion to include all of the necessary
217 conditions. There was a discussion about this issue.

218 Mr. Marquise said that if this application is approved subject to the items then there needs to be a bond
219 hearing. Mr. Marquise said that they could also continue the hearing in order for the applicant to get
220 everything together. Mr. Hirshberg asked if the bond hearing could be done at the next meeting if this
221 case is continued. Mr. Marquise said that it could and if they don't continue the hearing they need to
222 re-notice everyone regarding the bond hearing. Mr. Hirshberg asked and Mr. Marquise confirmed that
223 they will need a cost estimate and a letter of credit for the bond hearing. There was further discussion
224 regarding continuing the case.

225 Chairman White continued the case until the February 6th meeting.

226 **PARCEL ID: 0115-0039-0000 & PARCEL ID: 0209-0005-0000: SUBDIVISION / ANNEXATION: SUBDIVIDE**
227 **.07 ACRES FROM LOT #5 AND ANNEX TO LOT #39. ANNE VAN TINE & JOHN PATON, PERKINS POND RD**
228 **& NORTH SHORE RD.**

229 Mr. Marquise stated that the application was filed in advance, fees were paid, notices were posted, and
230 abutters were notified. The application falls under 6.04 of the Subdivision Regulations and it does have
231 the allowances for the waivers under 6.05-b. Mr. Marquise continued that he believes all the items are
232 in place for a subdivision / annexation and it is possible to waive the entire boundary survey, the
233 contours, utility lines, storm water drainage and water supply facilities. Mr. Marquise said that he
234 believes the application is complete with these waivers.

235 Donna Davis Larrow made a motion to approve the application as complete for Parcel ID: 0115-0039-
236 0000 & Parcel ID: 0209-0005-0000 with the exception of the waivers of the boundary survey, contours,
237 utility lines, storm water drainage and the water supply facilities.

238 Charlie Hirshberg presented the case on behalf of the applicants. Mr. Hirshberg explained that they
239 would like to take .07 acres from Mr. Paton's lot and annex it to Ms. Van Tine's. Mr. Hirshberg said that
240 they have surveyed Ms. Van Tine's entire property but they have not surveyed Mr. Paton's entire lot.

241 Mr. Marquise asked and Mr. Hirshberg confirmed that Mr. Paton's house is more than 50' from the new
242 property line. There are no setback issues created. Mr. Hirshberg said that there are also some
243 wetlands between the new property line and the house that act as a buffer.

244 Mr. Marquise explained to the Board that they are creating a non-conforming lot but that there was a
245 Zoning Amendment passed a few years ago that allows them to do this as they are making the lot more
246 conforming.

247 Chairman White asked and there were no abutters present with questions or comments.

248 Tanner Royce made a motion to approve the Subdivision / Annexation to subdivide .07 acres from Lot
249 #5 and annex to Lot #39 for Parcel ID's: 0115-0039-0000 and 0209-0005-0000, Anne Van Tine and John
250 Patton, Perkins Pond Rd and North Shore Rd. Robert Stanley seconded the motion. The motion passed
251 unanimously.

252 **PARCEL ID: 0129-0036-0000 & PARCEL ID: 0129-0039-0000: SITE PLAN REVIEW: DESIGN REVIEW**
253 **PHASE II, REVIEW SIT PLANS FOR CONNECTOR ROAD FROM ELEMENTARY SCHOOL TO SAFETY**
254 **SERVICES AREA FOR TWO-WAY TRAFFIC FOR BUSES AND CARS, SARGENT RD.**

255 Mr. Marquise stated that there was an issue with completeness of the application. Therefore, the case
256 will be continued until next month's meeting. There was a brief discussion regarding this meeting as
257 this case will be continued until next month's meeting. It was explained to the abutters present that the
258 meeting will not be re-noticed to them.

259 Erin Andersen made a motion to adjourn the meeting at 9:26 pm. Robert Stanley seconded the motion.
260 The motion passed unanimously.

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262 Respectfully submitted,

263 Melissa Pollari

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269 Planning Board

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271 Peter White, Chairman

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273 Erin Andersen

274 _____

275 Tanner Royce

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277 Shane Hastings, ex-officio member

278

Robert Stanley, Vice-Chairman

Donna Davis Larrow

Kurt Markarian

Charlotte Brown, alternate member