

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **FEBRUARY 6, 2014**

4 **PRESENT:** Peter White, Chair; Erin Andersen; Donna Davis Larrow; Tanner Royce; Kurt Markarian; Shane
5 Hastings, ex-officio member; Charlotte Brown, alternate; Michael Marquise, Planner

6 **ABSENT:** Robert Stanley, Vice-Chair

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

8 Chairman White asked Charlotte Brown to sit for Robert Stanley.

9 Changes to the Minutes from the January 16, 2014 meeting: There were no changes to the minutes.

10 Donna Davis Larrow made a motion to accept the minutes as presented. Kurt Markarian seconded the
11 motion. The motion passed unanimously with one abstention (Charlotte Brown).

12 **DISCUSSION**

13 There was a brief discussion regarding if anyone besides Chairman White has signed up to run for the
14 Planning Board.

15 There was a discussion regarding the Deliberative Session and that a contractor had a question after the
16 meeting about the height restriction of non-conforming structures.

17 **(CONTINUED) PARCEL ID: 0129-0036-0000 & PARCEL ID: 0129-0039-0000: SITE PLAN REVIEW: DESIGN**
18 **REVIEW PHASE II, REVIEW SITE PLANS FOR CONNECTOR ROAD FROM ELEMENTARY SCHOOL TO**
19 **SAFETY SERVICES AREA FOR TWO-WAY TRAFFIC FOR BUSES AND CARS, SARGENT RD. APPLICATION**
20 **REMAINS INCOMPLETE, CONSIDER MOTION TO WITHDRAW**

21 Mr. Marquise read an email memo from Donna Nashawaty, the Town Manager, saying that the Board of
22 Selectmen at the January 26th meeting did not agree to submit a Site Plan Review application to the
23 Planning Board for the access road. They had more questions relative to the access road's use and how
24 it was to be proposed at the Planning Board meeting based on Department Head comments and there is
25 a question about the actual ownership of the Orchard Park open space land. This needs to be
26 completed before they proceed. This is not a complete application since the applicant is the Town.

27 Shane Hastings made a motion to accept the withdrawal of the Site Plan Review for the Safety Services
28 area two way traffic. Charlotte Brown seconded the motion. The motion passed unanimously.

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

31 Charlie Hirshberg of CLD Engineers and Andy Pollari continued presenting the case.

32 Chairman White asked and Mr. Hirshberg confirmed that there are new plans with slight modifications
33 and passed them out to the Board for their review. Mr. Hirshberg explained that he met with the

34 Highway Director to review drainage and there were some things he was interested in that are offsite,
35 including the swale on Beech St and the swale on Maple St in front of Heather Melson's house. Mr.
36 Hirshberg continued that the Highway Director wanted these ditches to be cleaned out and he has done
37 some calculations in order to do this. The Highway Director also asked that for the 12" culvert that
38 crosses Maple St and goes to Bill Ostrom's property that they clean that out and put some stone there.
39 Mr. Hirshberg continued that for the 24" culvert that is on the north end of Mr. Pollari's property that
40 crosses Maple St, the Highway Director asked that they create a pool at the inlet and place stone and
41 create an outlet area. They are doing something that is fairly new called a Routine Roadway
42 Maintenance Notification. This means that for things like this where there is minor impact they can file
43 with DES and within 5 days they can do the work. Mr. Hirshberg said that they have permission from
44 Mr. Ostrom to do the work on his property. Mr. Hirshberg continued that, according to Roger Landry,
45 the Highway Director has signed-off but he is not sure what was submitted.

46 Mr. Marquise said that he has sign-offs from all of the Department Heads, including one from the
47 Highway Director with no comments.

48 Mr. Hirshberg said that Mr. Ostrom asked if they could direct more of the run-off to the wetland that is
49 on Mr. Pollari's property and it would ultimately go through the 24" culvert. They have done an analysis
50 and are able to do this and the Highway Director has signed-off on this. This means that there will be
51 less flow in front of Ms. Melson's house and to Mr. Ostrom's property through the 12" pipe.

52 Mr. Hirshberg said that they have a sign-off from the Fire Chief. He is not requiring a hydrant as there is
53 one on Maple St., right in front of this property and with the amount of hose the Town has they can
54 reach all of these lots. Chairman White asked and Mr. Hirshberg confirmed that there was a question
55 about the hydrant's pressure and they have tested it and it has 75 psi pressure. This tells them that they
56 can hook up to the hydrant and run a hose to the properties. It also gives them the indication that they
57 can probably go to Town Water on all the Lots except for Lot 6. Mr. Marquise asked about putting a
58 hydrant up the road and Mr. Hirshberg explained that there would not be high pressure and there was
59 some issue that if they hooked the pumper they could draw too much water which would cause issues
60 downstream.

61 Mr. Hirshberg said that there was a question as to whether they could shift the Easement for Water and
62 Sewer on Lot 1 as it goes down to Maple St. and they have done this and it is reflected on the new plans.

63 Mr. Hirshberg said that there were questions regarding the maintenance of the infiltration swale. Mr.
64 Hirshberg said that they have added wording to the maintenance agreement that the properties that
65 are on the proposed road are required to maintain the drainage swale. He has also added wording that
66 if the Town takes it over it will relieve the property owners of this responsibility. Chairman White asked
67 if Mr. Hirshberg has discussed this with the Highway Director. Mr. Hirshberg said that they have and the
68 Highway Director said that it has to be done by vote but did not say anything positive or negative about
69 it. Mr. Hirshberg said the maintenance is fairly simple and he has listed the types of maintenance in the
70 agreement. The maintenance agreement will be recorded as part of the deeds for the properties.

71 Mr. Hirshberg said that another thing that was asked for is an estimate for the road construction, the
72 drainage components and the utilities as they relate to easements. Mr. Hirshberg gave the Board the
73 estimate which is approximately \$93,000 and they have added 10% to this. Mr. Hirshberg continued

74 that the Board asked for a bond or a letter of credit and they have a letter of credit of \$110,000 which is
75 more than the 10% that they added. Chairman White asked if Mr. Marquise saw the estimate and he
76 confirmed that he did. Mr. Marquise asked Mr. Hirshberg about the “installed cost” and if it includes
77 the equipment cost. Mr. Hirshberg explained that the equipment costs are in the “machine and labor
78 cost” line items. The “installed costs” are the material costs and equipment time is above that but
79 shown in the other lines.

80 Mr. Hirshberg said that Mr. Pollari has decided on a name for the road. Mr. Pollari said that he would
81 like to have the road name be Saville Lane as Saville is one of the original names of Sunapee.

82 Chairman White asked if there are any changes to the drainage to Beech St. in the new plan. Mr.
83 Hirshberg said that they are reducing the amount of flow but where it goes still stays the same. They
84 are still doing the maintenance that they indicated they would be doing at the last meeting.

85 Chairman White asked if there were any abutters present for the case and there were none. Chairman
86 White asked if the Board members had any other questions for the applicant and there were none.
87 Chairman White closed the public input part of the meeting.

88 Mr. Royce asked if they should make the maintenance agreement being part of the deed part of the
89 approval and Mr. Marquise said that they should do this. Chairman White asked who makes sure that
90 the agreements get filed with the deeds. Mr. Marquise said that they can ask that within a certain time
91 a draft of the deed be presented. They could also ask that something be noted on the Mylar. Chairman
92 White asked and Mr. Marquise explained that there is a State law that subdivisions have to be started
93 within 1 year and completed within 4 years. Mr. Marquise also said that the letter of credit is only good
94 for 1 year so they may want to require that the work that they letter is for be completed in 1 year.

95 Tanner Royce made a motion to accept for Parcel ID: 0133-0107-0000, Major Subdivision / Lot Line
96 Annexation, subdivide (5) new lots, (1) common lot and (4) building lots for Prospect Hill Construction on
97 Maple St. subject to the condition that the maintenance agreement for the storm water drainage
98 system is added to the Mylar and that they have one year to finish the estimate of work as listed on the
99 Bond Estimate Worksheet or file for an extension or a renewal of the letter of credit. Kurt Markarian
100 seconded the motion. The motion passed unanimously.

101 **PARCEL ID: 0102-0002-0000: CONCEPTUAL: ADDING A FOURTH (4TH) UNIT TO OTTER POND YACHT**
102 **CLUB CONDOMINIUMS. BERNS, MORGAN, AND PEEL, PALAZZI POND RD.**

103 Doug Peel and Missy and Jeff Owen presented the case on behalf of the Otter Pond Yacht Club
104 Condominiums.

105 Chairman White explained that the hearing is about presenting ideas to the Board and that no notices
106 have been sent out yet. Nothing that is discussed is binding but the Board is able to give them some
107 guidance as to what they have concerns about.

108 Mr. Owen explained that he gave Mr. Landry a drawing, however, he does not have any for the Board
109 but he can make copies if they would like to do so.

110 Mr. Peel explained that this property is 28 acres on Palazzi Pond Rd, near Exit 12A. They have 28 acres
111 and when they purchased the property in 2001 there were three cabins on it. In 2005, the Berns tore
112 the cabin down and built a house. Since that time, some portion of the property was taken away but
113 they still have roughly 28 acres. They are looking to get approval to build a fourth house on the
114 Common Lot.

115 Mr. Owen said that Mr. Landry indicated they would need approval from the State to add more cars to
116 Springfield Rd and they have received a letter from DOT that this is fine.

117 Chairman White asked and Mr. Marquise said that this does not appear to be a density issue with
118 approximately 28 acres. In terms of frontage, it appears as they have enough. Mr. Owen explained that
119 there is approximately 3000 feet of frontage on Otter Pond and Palazzi Pond. Mr. Marquise asked about
120 the roadway and the driveways and the width. Mr. Peel said that Mr. Owen has talked to the Highway
121 Director and there are not any issues as it is wide. The State has a private right of way to the first bend
122 and then there is a private right of way for the remainder. Mr. Marquise explained that they will need
123 to confirm that the road is up to the road specs.

124 Mr. Marquise explained that this will need Department Head sign-offs, including Police, Fire, and
125 Highway. They will not need Water & Sewer as they are not connected.

126 Mr. Marquise explained that they will need Shoreland Permitting from the Department of
127 Environmental Services.

128 **PARCEL ID: 0211-0018-0000: SITE PLAN REVIEW: REVIEW PROPOSAL TO OPEN AND OPERATE A DANCE**
129 **AND FITNESS STUDIO AND RETAIL SALES SPACE IN EXISTING WAREHOUSE AND PACKAGING BUILDING.**
130 **ALSO, CONTINUE TO USE SEPARATE OFFICE BUILDING AS LEASED OFFICE SPACE. 962 ROUTE 11,**
131 **MURIEL M. KULOW REVOC. TRUST (KELLIANN BOGAN-BUYER).**

132 Mr. Marquise explained that the application was filed in advance, fees were paid, notices were posted,
133 and abutters were notified. This case falls under Article V of the Site Plan Review Regulations. On the
134 Title Block, they are missing a couple of Departments. They also do not have information on fire alarms,
135 hazardous waste or toxic materials. They will also need an approval from the NH DOT as the application
136 has been filed but they have not received approval yet. Mr. Marquise said that with the exception of
137 those items, the application is complete. Chairman White asked if there was anything there that
138 produced hazardous waste that the Board needs to be concerned about. Mr. Marquise said that this
139 application does not have anything and that he does not know anything about what was there before.
140 Doug Gamsby of CLD Engineers said that they worked with sun tan lotion, bug spray and things like that
141 but he does not believe that they manufactured products there. Kelliann Bogan-Buyer said that the
142 products were all natural.

143 Kurt Markarian made a motion to accept the application as complete for Parcel ID: 0211-0018-0000: Site
144 Plan Review for 962 Route 11, with the stipulations that the Mylar have additional signature blocks for
145 the Fire and Water & Sewer and that the approval from DOT be received. Shane Hastings seconded the
146 motion. The motion passed unanimously.

147 Mr. Gamsby and Ms. Bogan-Buyer presented the merits of the case.

148 Mrs. Brown asked and Ms. Bogan-Buyer explained that there will be approximately 25 students at a time
149 in the dance studio.

150 Mr. Gamsby explained that nothing will really change, the warehouse and office both exist and the
151 outside will not change. The inside of the warehouse will be changed to have two dance studios. The
152 biggest change is that they will have a new septic system installed, and they have a plan approved. Mr.
153 Gamsby presented a copy of the approved plan.

154 Mr. Gamsby said that the parking will remain a gravel lot but he has shown on the plan that there is
155 sufficient space. Ms. Bogan-Buyer will give dance lessons during the day and early evening with a
156 maximum of 25 students. They have sufficient parking for the dance studio, the 3 employees for the
157 dance studio, and additional space for 5 more employees. Chairman White asked and Mr. Gamsby
158 explained that the parking lot will not change at all.

159 Mr. Gamsby explained that he has indicated the lighting on the plan and has shown a couple of cuts of
160 what the lighting could look like. There will be 3 lights on the exterior of the warehouse and then 1 light
161 on the office building.

162 Mr. Marquise asked about the septic as the approval shows 300 gallons per day which is 20 employees
163 at 15 gallons per employee and asked if they add students. Mr. Gamsby explained that the current
164 owner had the septic design done based on the warehouse space but that it was greatly oversized.
165 Mr. Gamsby changed the lot loading it to be able to handle 25 students and 8 employees and it is 240
166 lineal feet based on lot loading and the available is 360 lineal feet so it is oversized. Mr. Marquise asked
167 if the approval will need to be revised for the number of gallons. Mr. Gamsby said that he does not
168 think so because they meet the lot loading calculation. Mr. Marquise looked at the plan and said that it
169 does appear to be oversized. Mr. Gamsby said they could amend the septic if necessary but that it is a
170 failed system so it is on a 90 day clock and must be done fairly quickly.

171 Chairman White asked and Ms. Bogan-Buyer confirmed that she will have a dance and fitness studio in
172 the existing warehouse and that there will be a retail space in the warehouse. Ms. Bogan-Buyer said
173 that she will be selling dance related items. Mrs. Larrow asked and Ms. Bogan-Buyer explained that the
174 retail space will only be open before and after she has students.

175 There was a brief discussion regarding the Variance approval that was received by the Zoning Board.
176 Chairman White asked and Ms. Bogan-Buyer confirmed that the Zoning Board did not put any conditions
177 on the retail space.

178 Chairman White explained that he has concerns regarding people trying to turn into the driveway at the
179 same time that someone is trying to pull out. Also, he has concerns regarding delivery trucks for the
180 retail space. Chairman White asked if Ms. Bogan-Buyer will have any internet sales and she explained
181 that it will all be done on site and will mostly be handmade items.

182 There was another brief discussion regarding the driveway and parking. Chairman White asked about
183 requirements about parking lots over a certain size. Mr. Marquise said that this is a pre-existing parking
184 lot. Mrs. Brown asked if there will be lighting and Mr. Gamsby confirmed that there will be lighting on
185 the building. Ms. Bogan-Buyer said that there are no street lights on the lot.

186 Mrs. Larrow asked if 25 students is the maximum and Ms. Bogan-Buyer confirmed that it is the
187 maximum and it depends on the time of year if she gets that many students.

188 Mr. Marquise asked that as they are not defining spaces how people will know how to properly park in
189 the middle area. Chairman White said that this is a concern he has as it is a big open lot and even
190 though there is the physical space, there is no delineation for spaces. Mr. Marquise asked if there will
191 ever be an event and Ms. Bogan-Buyer confirmed that there might be. Mr. Marquise said that during
192 these times it may be necessary to have some direction for parking. Chairman White asked if the classes
193 ever overlap and Ms. Bogan-Buyer said that they do not, typically there is a half an hour between classes
194 to allow for people to leave and arrive.

195 Mr. Marquise asked how big the retail area will be and Ms. Bogan-Buyer explained it will be in the
196 entrance / reception area and will be small, approximately 12' x 12'.

197 Mr. Marquise asked if Mr. Gamsby had heard from any of the Department Heads. Mr. Gamsby said that
198 he has not.

199 Mrs. Larrow asked if they will hold a class upstairs at the same time they will hold a class downstairs.
200 Ms. Bogan-Buyer said that they will not, they just have one space that is more for dance and the other
201 will be more for yoga.

202 Chairman White asked how many employees Ms. Bogan-Buyer will have and she explained she will have
203 two besides herself.

204 Ms. Bogan-Buyer was asked and confirmed that she will be operating six days a week, she will not be
205 open on Sundays. Chairman White asked about the hours of operation. Ms. Bogan-Buyer explained
206 that three days a week she will have evening classes and three days a week she will have morning
207 classes. The morning classes will start at 9:00 and the evening classes will run as late as 8:00. Ms.
208 Bogan-Buyer said that there will also be private classes held within the time frame.

209 Mrs. Brown asked if there will be child and adult classes and Ms. Bogan-Buyer said that she will offer
210 classes to both children and adults.

211 Mrs. Brown asked they are moving the driveway and Mr. Gamsby explained that they are leaving it as is
212 but if it requested from the State that they widen it they will do so. Chairman White said that it seems
213 to him that someone can't pull into the driveway when someone is trying to pull out and he doesn't
214 know why this happens. Chairman White asked and Mr. Gamsby explained that he does not know the
215 specifics of the drainage along the property in terms of culverts and such.

216 Mr. Royce asked what triggered the need for a new driveway approval and Mr. Gamsby explained that it
217 is because of the change in use. Mr. Gamsby explained the process of approval from the State which
218 includes comments from Police and Fire.

219 Chairman White said that the access to and from the site concerns him. Mrs. Andersen said that she
220 does not feel uncomfortable with the access as there are other dangerous intersections such as Mount
221 Royal and Trow Hill and there have been employees pulling in and out of there already. Chairman White
222 said that there will be more people entering and exiting at the same time and he feels like the drive

223 should be a little wider. Mount Royal and Trow Hill are roads and people can go by other cars without
224 waiting for them to pull out. Mr. Markarian said he thinks there should be some type of delineation of
225 the parking, perhaps with timber that can be picked up in the winter. There was a discussion regarding
226 moving some of the parking to allow for more width for the driveway. Mr. Gamsby said that for the
227 parking spaces, the office space is based on square footage which needs 10 spaces and then there are
228 25 spaces for the students. There was further discussion regarding this matter.

229 Chairman White told the applicant that she should ask for the maximum days, hours, people, etc. that
230 she wants. Ms. Bogan-Buyer asked if she decides to have more classes if she has to come back before
231 the Board and they said that she does not if they happen on the days and during the hours she has
232 indicated she will be open. If she decides to have more students at one time then she does have to
233 come back before the Board.

234 The Board decided to continue the case so that they can hear comments from Fire and Police. Mr.
235 Marquise noted that the applicant wants a lighted sign so they would like some details on the sign.

236 **PARCEL ID: 0226-0030-0000: CONCEPTUAL: OPERATE A HEAVY EQUIPMENT AND AUTO REPAIR**
237 **CENTER AND STORAGE FOR RV. 284 ROUTE 11, RICHARD OSBORNE.**

238 Roger Rodewald presented the case with Richard and Charlene Osborne. Mr. Rodewald gave drawings
239 to the Board for their review.

240 Mr. Rodewald gave the Board copies of permits they had obtained from the State DOT, from DES for a
241 holding tank, and from Waste Management for a used oil burner. Mr. Rodewald also sent the plan to
242 Wetlands, though it is not within their jurisdiction, and he has an email with their comments.

243 Mr. Rodewald explained that they are increasing the setbacks to 200 feet on three sides of the lot and
244 100 feet from the front of the lot. The front of the building will therefore be camouflaged by trees. By
245 increasing the side setback, they feel that they are well away from neighbors and any disturbance of
246 their views.

247 Mr. Rodewald continued that they have a drawn a drainage plan and the facility is surrounded by the
248 drainage plan, so runoff will go into a drain that will go into a spreader. They are in the process of
249 obtaining the septic design approval. The State wants the design to be updated to the specifications for
250 a 3 bedroom.

251 Mr. Rodewald explained that dotted lines on the building are noted for further expansion. The
252 expansion will include an office, bathrooms, and customer service area. The other area, near where the
253 drainage is, will be for expansion for storing more boats. There is currently 15,000 square feet for boat
254 storage. They would like to put in an area for 6 RV's and these spaces will be 50' long by 15' wide. Mr.
255 Rodewald continued that on the other side there are two spaces for heavy equipment vehicles and six
256 spaces for customer and employee parking. Mr. Rodewald said that the heavy equipment will be big
257 and they are not intending to have a lot of these vehicles on the property at once.

258 Mr. Rodewald said that the specs on the Plan are basically what the DOT letter includes. Mr. Osborne
259 said that the only thing he has to do is pave 25' from the highway. Mr. Osborne said that there is plenty
260 of room to go in and out but that the State wants it paved so there is no damage from the heavy

261 equipment. Chairman White asked if there were any concerns regarding sight lines and Mr. Osborne
262 explained that he has to maintain the clear sight, including trimming the trees.

263 Mr. Marquise asked if Mr. Rodewald knows the grade of the drive and he said that he does not. The
264 applicants were before the Board for the marina and the driveway was the same at that time.

265 Mr. Osborne said that right now has the storage space that he uses, but he has had one person ask
266 about RV storage. Mr. Osborne explained that they are also in the process of obtaining a Variance for
267 use from the Planning Board.

268 Chairman White said that there are certain requirements that need to be met and his first concern is the
269 driveway. Mr. Osborne said that he would like to widen it so that it is easier to come in from the
270 Newport side.

271 Mr. Osborne said that they tried to get all the permits to eliminate any concerns. The floor drains have a
272 holding tank that has an alarm for when it gets full and it is then pumped out by a person who is
273 licensed to handle that type of material. Mr. Osborne said that 90% of the heavy equipment will be
274 done offsite as they will need to be mobile if something breaks; they just want to be able to fix things at
275 the shop as well.

276 Mr. Osborne asked the Board if they have any concerns or questions so when they have the meeting
277 they are ready for it. Chairman White said that a question he would have would be in regards to the
278 future area of boat storage as it obviously will need to be modified in some way. Mr. Osborne explained
279 that it is already cleared; it is just a matter of leveling it. Chairman White said that they would be
280 concerned with visibility and Mr. Osborne said that they would be maintaining the 100' buffer. Most of
281 the area is evergreen and dense, but there may be a chance to see the boats a little more.

282 Mr. Rodewald said that the expansion to the building may come before the other expansion but it
283 depends. Mr. Osborne said that the Zoning Board is concerned that they will have 10 bays for
284 automotive repairs, which is not the plan.

285 Mrs. Larrow asked if the applicants have the items that the Zoning Board were asking for and they
286 confirmed that they do. Mr. Osborne said that one of the concerns that the Zoning Board had was the
287 buffer, and then they also had concerns about the hazardous waste. The State does not consider used
288 oil a hazardous waste and they use it in a waste oil burner to heat the building.

289 Mrs. Larrow asked if the sign will change at all and Mr. Osborne said that they may change the wording,
290 he does not intend to change the size.

291 Mr. Osborne said that Mr. Landry said that the Planning Board would be concerned about knowing how
292 many bays they would have for heavy equipment, automobiles, etc. Mr. Osborne said that they have
293 room for only three bays.

294 Mr. Rodewald said that another concern of the Zoning Board was concerned with the waste and they
295 fall under a general category. Chairman White said that in a recent case the Board was concerned with
296 waste from working on vehicles outside as things can be more easily contained inside.

297 Mr. Rodewald said that he has contacted DES about the marsh but the building is surrounded by the
298 drainage system so it collects the storm water runoff.

299 Kurt Markarian made a motion to adjourn the meeting at 9:24 pm. Erin Andersen seconded the motion.
300 The motion passed unanimously.

301

302 Respectfully submitted,

303 Melissa Pollari

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309 Planning Board

310 _____

311 Peter White, Chairman

312 _____

313 Erin Andersen

314 _____

315 Tanner Royce

316 _____

317 Shane Hastings, ex-officio member

318

Robert Stanley, Vice-Chairman

Donna Davis Larrow

Kurt Markarian

Charlotte Brown, alternate member