

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **OCTOBER 2, 2014**

4 **PRESENT:** Peter White, Chair; Robert Stanley, Vice-Chair; Donna Davis Larrow; Tanner Royce; Kurt
5 Markarian; Shane Hastings, ex-officio member; Michael Marquise, Planner

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

7 Changes to the Minutes from the September 4, 2014 meeting:

8 Robert Stanley made a motion to accept the minutes as written. Kurt Markarian seconded the motion.
9 The motion passed unanimously.

10 **CONCEPTUAL REVIEW: PARCEL ID: 0106-0021-0000 & PARCEL ID: 0104-0087-0000: REVIEW**
11 **PRELIMINARY PLANS AND OPTIONS FOR A DEMENTIA CARE UNIT ADDITION. SUNAPEE COVE**
12 **ASSISTED LIVING, 1250 ROUTE 11, GEORGES MILLS.**

13 Charlie Hirshberg of CLD Engineers and Andy Burnes of HallKeen Properties presented the conceptual
14 review to the Board.

15 Chairman White explained the conceptual review process to the presenters.

16 Mr. Burnes explained that HallKeen purchased the property about two and a half years ago at auction as
17 it had gone through a foreclosure. The property needed to be updated to meet current assisted living
18 regulations. They currently do not have any dementia care at the property and that is a great need in
19 the market. When they looked at Sunapee Cove they thought that the land was part of what was being
20 auctioned; it was supposed to be combined into one lot but the former owner kept the second lot and it
21 was not foreclosed upon. They have spoken with the former owner and are under agreement with
22 them to be able to purchase it to add a dementia unit. Mr. Burnes gave the Board a plan of the wing
23 that they would like to add. The ground floor of the existing building and the proposed wing would
24 house the dementia unit.

25 Mr. Burnes said that they currently have 42 units and 44 beds and they would like to end up with a total
26 of 54 units and 59 beds including a 16 bed dementia care unit on the ground floor. These would be 16
27 studio units. Mr. Burnes continued that they will hopefully be finishing the plans in the next 40-60 days
28 and bringing a formal application to the Board. They would like to begin construction sometime next
29 year.

30 Mr. Hirshberg explained that the existing building is on .99 acres. The other parcel, which is .93 acres, is
31 where the new wing would be built but currently there is just an easement for access and parking. They
32 are talking about a total of 59 beds and for parking they will need one space for three beds, which
33 means they will need 20 spaces, and they have a maximum of 18 employees at any one time. Mr.
34 Hirshberg said that they are planning for 42 parking spaces.

35 Mr. Hirshberg asked for clarification as the parcels were originally meant to be merged, which never
36 happened. Currently, one of the lots is Village Residential and the other is Village Commercial. The way

37 that Mr. Landry explained it is that, based on the current Zoning line, when they merge the two lots, the
38 Zone in which the majority of the land is located would control which Zone the lot is in. Based on where
39 the line is, they would be in the Village Commercial Zone. As they are also in the Shoreland Zone, the lot
40 coverage can be 60%, which could be met if they look at the entire lot as one. Mr. Hirshberg said that
41 the interpretation from Mr. Landry is what they have based the proposal on; though they will be under
42 the maximum lot coverage.

43 Mr. Burnes explained that they would like to get approval subject to merging the lots and then proceed
44 with the purchase of the other lot. If they can't get the approval then they don't want to purchase the
45 other lot because the land does not have much value by itself.

46 Mr. Hirshberg said that there was a previous plan on record and when he went and did the existing
47 conditions survey to verify information, they found an old sluice way on Otter Brook that is actually
48 functional and there is a split in the channel. This means that the old plan had a 50' setback but it was
49 not measured from where the water currently flows; the addition therefore showed up in the 50'
50 setback so they have to change the angle. The other impact it has is that Fire Chief Ruggles would
51 ideally like some kind of fire access that would allow the fire department to get to the backside. Shifting
52 the building back would give them space to do this. However, some of the fire access will be within the
53 50' setback. Mr. Hirshberg continued that Mr. Landry explained to him that if it is a grass access he will
54 not call it a road per se, and therefore it could go into the 50' setback.

55 Mr. Hirshberg said that they will need a Shoreland Permit from the State for this project.

56 Chairman White asked about the handicap walkway that was approved by the Board. Mr. Hirshberg
57 explained that they were going to do an ADA accessible ramp which was very expensive with the
58 amount that they would have had to build it up. They are looking at making more of a natural access if
59 they can get approval and purchase the other lot. Chairman White recommended including this path on
60 the proposed plan.

61 Chairman White asked Mr. Marquise if there is a procedural issue with the lots not being merged before
62 getting approvals. Mr. Marquise said that he thinks they could make it a conditional approval and ask
63 for a basic lot merger form before signing off on the approval.

64 Mr. Royce asked and Mr. Marquise confirmed that if the lots are merged then it will put the entire lot
65 into the Village Residential Zone. Mr. Hirshberg said that he would like to get clarification from Mr.
66 Landry as to exactly where the line is located because exactly where it is measured from is critical.

67 Mr. Marquise asked Mr. Hirshberg how the proposal will work with the Shoreland Protection Act and its
68 maximum lot coverage requirement. Mr. Hirshberg said that he will have to see where they are because
69 his calculation assumes that everything is impervious while the parking could be pervious. Mr.
70 Hirshberg said that he will have to confirm his calculations but with the parking as pervious he is slightly
71 over the maximum lot coverage at 34%. There is a waiver process from DES. Mr. Burnes said that there
72 is pavement that could be torn out as well. Chairman White said that approval would also be
73 conditional on the State approval.

74 There was a brief discussion regarding parking on Cooper St.

75 Chairman White asked and Mr. Burnes confirmed that the addition will be two stories and probably only
76 one story will be visible from the road.

77 Mr. Stanley asked about the requirement for one parking space for every three beds. Mr. Hirshberg said
78 that is the criteria that Mr. Landry gave to them. Mr. Hirshberg read the Town Requirements and it says
79 that for assisted living the parking requirement is one space for every three beds and for nursing homes
80 it is one space for every four beds. Mr. Marquise said that because of lot coverage they might be better
81 off with fewer parking spaces. There was further discussion regarding the number of parking spaces.

82 Mr. Marquise said that he assumes that the units will be similar to the existing ones with a bed and no
83 kitchen. The concern would be living units as there is only a certain number of dwelling units allowed on
84 the property. Mr. Burnes explained that they will all be studio units that will be relatively small spaces
85 without kitchens. The dementia units do not have microwaves and typically just have small
86 refrigerators. There will be a lot of common areas including a large dining room, a living room, and a
87 circular walkway area that is important in a dementia area. Mr. Burnes further explained the space.

88 Mr. Royce asked about any deeded view easements that may be in place across the street. Mr.
89 Hirshberg said that there are no view easements.

90 Mr. Marquise said that he visited an assisted living facility in Boston and it was like a small Main St as
91 there was a little hair dresser shop, a little store, etc. Mr. Marquise asked if Mr. Burnes envisions
92 anything like that either in the dementia unit or added to the other part. Mr. Burnes explained that
93 there is a lot of common space on the ground floor that they are going to have to relocate to the rest of
94 the building. They have not gone into the design process enough to determine what they are doing.
95 Mr. Marquise said that he wants to make sure if they want those items that they will need to be added
96 to the application and the parking calculations. Mr. Burnes said that he does not anticipate outside
97 people using their facility. They have activities such as bingo night, but it is not generally involving the
98 outside community.

99 **CONCEPTUAL REVIEW: PARCEL ID: 0211-0009-0000: PRELIMINARY REVIEW AND DISCUSSION ON**
100 **RESOURCE EXTRACTION. MICHAEL & ELIZABETH LEMIEUX, 1106 ROUTE 11 (OLD CHASE MARINE).**

101 Chairman White explained the conceptual review process to the presenters.

102 Michael Lemieux presented his proposal to the Board.

103 Mr. Lemieux explained that he came in to the Board a few years ago with the Cooper Street Partners
104 subdivision. He was going to level some of the lot and use it as fill for the Cooper Street subdivision
105 roads and was told that was OK. Mr. Lemieux continued that he had explained that it would not be a
106 commercial operation and would have limited hours. It is a 5.5 acre lot and there is currently just three
107 quarters of an acre that is usable. He did the extraction for about a year and then was told he had to go
108 to the Zoning Board for a Special Exception, and he has to go back every three years to tell them where
109 he is in the extraction. Mr. Lemieux said that Mr. Landry then contacted him and said he needed to
110 come before the Planning Board for a Site Plan Review.

111 Chairman Frothingham said that he was on the Planning Board when Cooper Street came in and he does
112 not remember Mr. Lemieux's land extraction as part of the application. Mr. Marquise said it was a
113 separate part of the conversation but he does not think that there was any approval given.

114 Mr. Lemieux said that he wants to flatten the lot and make it marketable enough to sell.

115 Mr. Marquise said that he believes Mr. Lemieux is before the Board because the Zoning Board gave him
116 an approval for a Special Exception but part of the approval was a requirement for a Site Plan Review.

117 Mr. Lemieux said that he did not realize that and he currently does not have any plans for the property
118 such as renting the building out.

119 Mrs. Larrow asked and Mr. Lemieux confirmed that he sells the rocks that come out of the property.

120 Mr. Royce said that he does not think the Board knew that Mr. Lemieux had a Special Exception.

121 Chairman White said that the property is right on the main road and there are many people who have
122 noticed the extraction.

123 Chairman White said that he does not believe that the Planning Board gave Mr. Lemieux any type of
124 approval, especially without a permit, for the minerals extraction during the Cooper Street subdivision
125 hearings.

126 Mr. Lemieux asked what he needs to put together for the Board to show them what he wants to do. He
127 wants to flatten the lot and make it more valuable. Mr. Marquise said that he thinks a contour plan,
128 showing how Mr. Lemieux is going to grade the lot, etc. would be appropriate.

129 Chairman White said that there is also a substantial setback from the road that needs to be considered.
130 His concern is that there needs to be a buffer from Route 11. Mr. Lemieux said that he plans to daylight
131 right onto Route 11. Chairman White said that he can't do that.

132 Chairman White said that Mr. Lemieux is running a commercial operation on the site by extracting and
133 selling rock. Mr. Lemieux said that they have not been there for about a month. Mrs. Larrow asked
134 what happens if Mr. Lemieux does not sell the rock. Mr. Lemieux said that he will eventually sell the
135 rock. Chairman White said that Mr. Lemieux has different machines and trucks going off and onto the
136 property. Mr. Lemieux said that he talked to the State and they don't have a problem.

137 Chairman White said that they are not trying to stop Mr. Lemieux from doing what he wants with his
138 land but there are Regulations that need to be followed. The Board needs something on paper as to
139 what Mr. Lemieux's plans are for the property. Mr. Lemieux said that he thinks that it will take three
140 blasts in order to get the property where it needs to be. They didn't have a lot of room at first but as
141 they process the materials they can get a larger blasting area.

142 Mr. Royce said that he feels as though what was missed was that the Zoning Board gave the Special
143 Exception and said that a Site Plan Review was necessary.

144 Mr. Lemieux explained some of the equipment that he leaves on the lot.

145 Chairman White said to be as inclusive on the Site Plan as Mr. Lemieux is able to be so that he does not
146 have to come back before the Board. Mr. Lemieux asked if he has to have a licensed surveyor do the

147 work or if he can do it. Mr. Marquise said that as long as the information can be recognized on a scaled
148 plan that shows what the contours are and what they will be, the buffer, how it will be graded, steep
149 slopes, etc.

150 Chairman White said that another thing that a Site Plan does is that it gives notice to the abutters as to
151 what he is doing. The abutters would have the opportunity to come to the meeting and ask questions.

152 Mr. Marquise asked if Mr. Landry has issued a Cease and Desist and Mr. Lemieux said that he has not.
153 Mr. Lemieux asked if he can continue the excavation even if he is not able to meet the next meeting
154 deadline. Chairman White said that if Mr. Landry has not issued a Cease and Desist then they cannot tell
155 him to stop.

156 **MISCELLANEOUS: PRELIMINARY REVIEW ON PROPOSED ZONING AMENDMENTS FOR 2015**

157 Mr. Marquise gave the Board copies of the proposed Zoning Amendments from Mr. Landry.

158 The first proposed change is to Article II, Section 2.30 – change Mixed Use I District to include all of the
159 land along the Route 11 corridor from Granliden Rd to Jobs Creek Rd. Mr. Marquise said that it currently
160 is Rural Residential and the proposal does not match the Master Plan. 89% of the people in their
161 responses said that they do not want to see a strip of commercial through Town. Mr. Marquise
162 continued that he does not think the Board can even entertain the proposal without a new Master Plan.
163 The Board agreed that they do not support this proposed Amendment because the Zoning Ordinances
164 are supposed to support the Master Plan and this Amendment does not do this.

165 There was a discussion regarding Variances and the Board's feelings about them as well as the possibility
166 of talking to the Zoning Board about them and about hardship.

167 The second proposed change is to Article III, Section 3.20 – delete pervious / impervious column. Mr.
168 Marquise said that this column was added about two years ago so he is not sure why the Zoning Board
169 wants to throw it out. The purpose of the column was to have an upper limit for lot coverage so that
170 someone could not do an entire lot as impervious. The Board would like to know the Zoning Board's
171 justification of getting rid of this column.

172 The third proposed change is to Article IV, Section 4.10 – Rural Residential under Allowed Uses - Farming
173 add an asterisk that notes on the bottom of the allowed uses indicating by Special Exception and Site
174 Plan approval only in the Shoreland District. Mr. Marquise explained that there are some concerns
175 about having a farm in the Shoreland District. There was a case on Garnet Hill Rd where someone wants
176 to raise horses and there were some concerns. Mr. Marquise said that the State does have some laws
177 about this issue and he feels as though they covers anything that may come up in a Site Plan. The Board
178 determined to recommend that there be a note that refers to State Law in the Shoreland Zone.

179 The fourth proposed change is to Article VIII, Section 8.23 – add a Subsection "E" that states that
180 Certificates of Compliance are transferable within the time periods allowed and must follow deeded
181 ownership. Mr. Marquise said that he felt that it was understood that permits go with the land and that
182 the person is irrelevant. The Board asked Mr. Marquise to ask why this addition is necessary.

183 The fifth proposed change is to Article IX, Section 9.12 – change present wording to “a Variance for such
184 use may be a prerequisite to issuance of Site Plan approval or Certificate of Compliance”. Mr. Marquise
185 said that he believes that the Planning and Zoning Boards have been doing it the other way around and
186 that Mr. Landry feels the wording should be clear that a Variance is a prerequisite to any Site Plan
187 approval. The way that it is currently written is a little confusing. The Board thought that it should say
188 that “a Variance for such use shall be a prerequisite”. The Board also asked for more clarification on the
189 proposal.

190 The sixth change is for the definition of Setback. Mr. Marquise said that he does not know the basis of
191 this change as they have revised the Front Setback last year to address this issue.

192 The Board requested that there be representation from the Zoning Board the next time they present
193 Zoning Amendments.

194 Mr. Marquise said that he has been looking at some changes to the Site Plan Regulations to try and
195 make them consistent with the Master Plan.

196 There was a brief discussion about the Harbor House Livery plans.

197 Kurt Markarian made a motion to adjourn at 8:48 PM. Robert Stanley seconded the motion. The
198 motion passed unanimously.

199 Respectfully submitted,

200 Melissa Pollari

201

202 Planning Board

203

204 Peter White, Chairman

Robert Stanley, Vice-Chairman

205

206 Donna Davis Larrow

Tanner Royce

207

208 Kurt Markarian

Shane Hastings, ex-officio member