

1 TOWN OF SUNAPEE

2 JOINT PLANNING AND ZONING BOARDS

3 DECEMBER 4, 2014

4 **PRESENT:** Peter White, Planning Chair; Robert Stanley, Planning Vice-Chair; Donna Davis Larrow; Tanner  
5 Royce; Kurt Markarian; Shane Hastings, ex-officio member; Michael Marquise, Planner; Edward  
6 Frothingham, Zoning Chair; Clayton Platt; William Larrow; George Neuwirt, Zoning Alternate; Roger  
7 Landry, Zoning Administrator

8 **ABSENT:** Daniel Schneider, Zoning Vice Chair; Aaron Simpson

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

10 Changes to the Minutes from the November 6, 2014 Planning meeting: The minutes were postponed  
11 until the next Planning Board Meeting.

12 Chairman White explained that Chairman Frothingham would be running the meeting for Case #14-28.

13 **ZONING**

14 George Neuwirt was appointed by Chairman Frothingham to be a voting member for the meeting.

15 **CASE #14-28: PARCEL ID: 0218-0061-0000: SEEKING APPROVAL OF A REHEARING ON CASE #14-13,**  
16 **DENIAL OF APPEAL. DUSTIN ALDRICH, 112A SARGENT RD.**

17 Chairman Frothingham explained that this is not a public hearing; the Zoning Board will discuss whether  
18 or not to have a rehearing and then vote on a decision. If the rehearing is approved, it will be held on  
19 January 8, 2015.

20 Chairman Frothingham said that the Board has received a letter from the Town's attorney as well as a  
21 packet from Mr. Aldrich's attorney.

22 **William Larrow made a motion for Case #14-28: Parcel ID: 0218-0061-0000: seeking approval of a**  
23 **rehearing on Case #14-13, denial of appeal, Dustin Aldrich, 112A Sargent Rd; for a rehearing approved**  
24 **for January 8, 2015 at 7:00pm. George Neuwirt seconded the motion. The motion passed**  
25 **unanimously.**

26 Dustin Aldrich informed the Board that he will not be able to attend the meeting on January 8, 2015.

27 Chairman Frothingham said that Mr. Aldrich will have to request the meeting to be heard a different  
28 night. There was further discussion regarding this matter and Mr. Aldrich requested a postponement of  
29 the hearing to a later date.

30 **William Larrow made a motion to accept for Case #14-28: Parcel ID: 0218-0061-0000: seeking**  
31 **approval of a rehearing on Case #14-13, denial of appeal, Dustin Aldrich, 112A Sargent Rd, that the**  
32 **hearing be moved to the second Thursday in February, 2015 at 7:00 pm. Clayton Platt seconded the**  
33 **motion. The motion passed unanimously.**

34 **JOINT ZONING & PLANNING**

35 **ZONING: CASE #14-27: PARCEL ID: 0104-0022-0000: SEEKING A VARIANCE OF ARTICLE III, SECTION**  
36 **3.10 TO REDUCE THE 10,000 SQ. FT. REQUIREMENT PER DWELLING UNIT TO 8,245 SQ. FT. ALLOWING**  
37 **THE ADDITION OF TWO (2) DWELLING UNITS. SUNAPEE MANOR, LLC, 27 PROSPECT HILL RD.**

38 **PLANNING: PARCEL ID: 0104-0022-0000; SITE PLAN REVIEW: SEEKING APPROVAL OF A SITE PLAN TO**  
39 **INCREASE DWELLING UNITS IN THE "MANOR" FROM 12 TO 14 UNITS AND VACATING THE RETAIL**  
40 **SPACE/UNIT. 27 PROSPECT HILL RD, SUNAPEE MANOR, LLC (GENE HAYES).**

41 Chairman Frothingham explained that they only have four voting members of the Planning Board  
42 present for the meeting. Applicants will need three people to vote in favor of an application in order for  
43 it to be approved.

44 Chairman White explained that both the Zoning Board and the Planning Board hearings will be held  
45 simultaneously with members from both Boards being able to ask questions of the applicant. When the  
46 public input portion is closed, the Boards will discuss the case individually and then the Planning Board  
47 will make their decision first as the Planning Board decision hinges on the Zoning Board's decision.

48 Gene Hayes presented the merits of the cases and said that he would like to proceed though there are  
49 only four voting members for the Planning Board.

50 Mr. Marquise explained that this case is an amendment to an original Site Plan. The Planning Board  
51 cannot act on the case until they have Zoning Board approval. Mr. Marquise explained that the  
52 testimony should be heard and then the Planning Board should go through the formality of accepting  
53 the application as complete and then making a decision.

54 Mr. Hayes gave some historical background regarding the building. He said that this building was the  
55 first guest / boarding house built in Sunapee in 1879-1880. Originally, the building housed 35 guests  
56 then and the owners increased it to 53 occupants. The building was sold and became the Hotel Pleasant  
57 Home and housed 75 guests. In 1954, the building was renamed Conrad Manor and in 1976 it was sold  
58 to Snell, who owned the building until Mr. Hayes purchased it. Mr. Hayes continued that, over the  
59 years, the building was used as a theater, a bowling alley, a bar, and a nightclub. The retail space was  
60 approved in 1999 and in the July 1999 meeting minutes, there is language about there being 11  
61 apartments and 1 main house being used in the building. There are two additional apartments in the  
62 barn that have not been used in quite a while; otherwise, the barn is empty.

63 Mr. Hayes said that in regards to the density issue, he did a survey of the neighborhood and a fair  
64 amount of the properties are either rentals or commercial. There are five properties that are in the  
65 vicinity that do not meet the density requirements, per the tax records. Mr. Hayes gave more  
66 explanation about these properties.

67 Mr. Hayes said that per the Site Plan there are 26 parking spaces. Under the current configuration with  
68 the apartments and the retail, the requirement is 23.5 parking spaces and with 14 residential units the  
69 requirement is 17 parking spaces. This would be less impact on the neighborhood with fewer vehicles.

70 Mr. Hayes said that he has made a number of trips to the Town Office to look at records. He also  
71 received a letter of acknowledgement that there were 14 units and instructed to pay the Water & Sewer

72 hookups, which was completed at closing. Mr. Hayes read the email he received from the Town that  
73 was copied to the Assessing Department and the Water & Sewer Department (see attached).

74 Mr. Hayes continued that he is fixing the building up as it has been neglected for a long time.

75 Mr. Larrow asked if Mr. Hayes will restrict what will be allowed for parking as there is a reduction in the  
76 number of parking spaces required. Mr. Hayes said that, per the Ordinance, there needs to be one  
77 space for every one bedroom unit and a half a space for every additional bedroom. The retail was  
78 required to have eight spaces. Mr. Hayes said that he is not giving up the 26 parking spaces but he is  
79 saying the impact is reduced as the formula indicates that he needs 17 parking spaces.

80 Mr. Neuwirt asked if Mr. Hayes has already paid the two additional hookups if it means he already had  
81 approval. Mr. Landry explained that Town never charged for the hookup on the retail space nor the  
82 owner's apartment. Mr. Royce said that in the Planning records it shows that in 1998 the retail space  
83 was approved and in 2001 it was approved to go from 8 to 11 residential units. Chairman White said  
84 that he believes that Mr. Hayes found some additional information that brought it up to 12 units. Mr.  
85 Hayes said that in the minutes of 7/19/1999, it says that there are 12 units, one main house and 11  
86 apartments and then the retail was approved in 1999.

87 Mr. Larrow asked Mr. Hayes to walk the Board through what is existing now and what he will have and  
88 asked if it takes into consideration what is in the barn. Mr. Hayes said that there are 12 apartments  
89 now, one main house, and a retail space. Mr. Larrow asked and Mr. Hayes explained that the barn the  
90 barn is four stories and pretty empty now.

91 Mr. Neuwirt asked if Mr. Hayes does not get approved if he will get a refund on the hookups. Mr.  
92 Landry said that he cannot answer that question. Mr. Landry said that the Town was remiss in not going  
93 after the hookup fees when the Site Plan was approved in 2001.

94 Mr. Hayes said that before he purchased the property he checked to make sure there were 14 units  
95 because that was how it was being advertised. Water & Sewer said that there were only 12 hookups  
96 and on the property records there were 13, though the tax card does not mention the main house.

97 Mr. Landry said that Mr. Hayes would like to change the four bedroom owners unit into two different  
98 units. This brings the property to 14 residential units.

99 Chairman Frothingham asked Mr. Hayes to go over the facts that support his request.

100 Mr. Hayes said that the proposed use would not diminish property values because the neighborhood is  
101 already mixed use with multi-family and commercial properties and his objective is to make the  
102 necessary improvements and make it a better neighborhood.

103 Mr. Hayes continued that granting the Variance would not be contrary to the public interest because it  
104 will provide affordable workforce housing that is needed in the community.

105 Mr. Hayes said that denial of the Variance would result in unnecessary hardship as the Zoning restriction  
106 as applied to the property interferes with the reasonable use of the property considering the unique  
107 setting and its environment because in the past the use was significantly greater and converting the  
108 property to a single family home is not practical. It is a huge building and is not useful for much else.

109 Mr. Hayes continued that no fair and substantial relationship exists between the general purposes of the  
110 Zoning Ordinance and the specific restrictions on the property because other properties in close  
111 proximity also do not meet the density requirements of the Sunapee Ordinance.

112 Mr. Hayes said that the Variance would not injure the public or private rights of others because the  
113 property's use does not change from what it has been for many years.

114 Mr. Hayes said that granting the Variance would do substantial justice because it provides the  
115 community with badly needed workforce housing.

116 Mr. Hayes said that the use is not contrary to the spirit of the Ordinance because the property has had  
117 substantially greater use and impact on the neighborhood as a nightclub, restaurant, or bar than it has  
118 as a residential use.

119 Mr. Hayes said that his other hardship argument would be that he purchased the property with the  
120 expectation that he had 14 units and the bank did their projections based on that and the closing  
121 attorney delivered the check to the Water & Sewer Department. Mr. Hayes said that he also had spoken  
122 with Mr. Landry prior to purchasing the property.

123 Chairman Frothingham asked if there was anyone in the audience with questions or comments and  
124 there were none.

125 Chairman White asked and Mr. Hayes confirmed that the parking is more than adequate and will remain  
126 "as is". Chairman White asked if the lighting or signage will be changing. Mr. Hayes said that the sign  
127 that belonged to the retail space will be removed and there is another sign that will stay. No exterior  
128 lighting will be added, there are nine post lights and some motion lights as well.

129 Mr. Royce said that some of the information has changed since the last Planning Board meeting.  
130 Previously there was discussion about there being 11 units and Mr. Landry has provided the minutes  
131 from July of 2001 that says that the property was grandfathered for 12 units, which was 11 plus the  
132 main house and then the retail space would be 13. Mr. Royce asked and Mr. Hayes confirmed that he  
133 would like to have a total of 14 residential units and not have the retail space.

134 Mr. Hayes asked if the apartment sizes can be increased using the barn space if possible. Mr. Landry  
135 said that if the Zoning Board grants the Variance, they could grant it with conditions that the retail space  
136 is abandoned and that there are 14 dwelling units and any additional dwelling units or retail space will  
137 need to come back to the Boards. Chairman White said that he thinks that Mr. Hayes can change the  
138 unit sizes as long as there are only 14 units. Mr. Markarian said that if the number of bedrooms  
139 increases it makes a difference as it increases the parking requirements. Mr. Landry said that the  
140 Planning Board can ask for a schedule as to the number of units and how many bedrooms in each  
141 apartment. Mr. Marquise said that it a good idea to keep a record.

142 Mr. Royce asked if the property was sold to Mr. Hayes as 13 residential units and one commercial. Mr.  
143 Hayes said that he has a letter or acknowledgement from the previous owner but that it was not  
144 designated; it was just sold as 14 units. There was further discussion regarding the number of units and  
145 the retail space.

146 Mr. Hayes said that he would like to have nine singles, three doubles and two triples. Mr. Hayes asked if  
147 the empty area in the barn can be reconfigured for the number of units as long as he does not change  
148 the number of bedrooms. Mr. Platt said that this seems like a reasonable request. Mr. Hayes explained  
149 that the building could house more apartments but that the parking and such would get crowded and he  
150 also has no interest in having a retail space.

151 Mr. Marquise read a letter from an abutter, Michelle Oldman, to the Boards (see attached).

152 Mr. Marquise asked Mr. Hayes if he plans on adding any more impervious surface. Mr. Hayes said that  
153 he does not. Mr. Hayes said that he spoke with Ms. Oldman and there are culverts that are dumping  
154 water onto her property but he does not know who installed them.

155 **William Larrow made a motion to approve Case #14-27: Parcel ID: 0104-0022-0000: seeking a**  
156 **Variance of Article III, Section 3.10 to reduce the 10,000 sq. ft. requirement per dwelling unit to 8,245**  
157 **sq. ft. allowing the addition of two (2) dwelling units, Sunapee Manor, LLC, 27 Prospect Hill Rd, subject**  
158 **to the condition that the building does not exceed 14 dwelling units with no commercial space and**  
159 **subject to Site Plan approval. George Neuwirt seconded the motion. The motion passed**  
160 **unanimously.**

161 Mr. Marquise said that the Site Plan amendment application was filed in advance, notices were sent,  
162 fees were paid, and abutters were notified. Mr. Marquise continued that based on the plans submitted  
163 and the Zoning Board approval, he believes the application is complete.

164 **Robert Stanley made a motion on Parcel ID: 0104-0022-0000; to accept the application as complete.**  
165 **Kurt Markarian seconded the motion. The motion passed unanimously.**

166 Chairman White said that the Board has heard the applicant address many of the issues that they were  
167 concerned about at the last meeting.

168 Mr. Markarian said that he understands that some of the parking is paved and asked how many of the  
169 spaces are paved. Mr. Hayes said that there are 12 paved spaces. Mr. Landry asked and Mr. Hayes  
170 confirmed that he is not paving any more spaces as he is not increasing the impervious surface.

171 Chairman White asked and Mr. Hayes said that there will be nine singles, three doubles and two three  
172 bedroom apartments.

173 Mr. Marquise asked and Mr. Hayes confirmed that Fire Chief Dan Ruggles has done a walkthrough of the  
174 building and he has a list of items that needs to be addressed. Mr. Hayes said that he has had many  
175 conversations with Chief Ruggles.

176 **Kurt Markarian made a motion to approve the application for Parcel ID: 0104-0022-0000; for the Site**  
177 **Plan Review, seeking the approval of a Site Plan to increase dwelling units in the "Manor" from 12 to**  
178 **14 units and vacating the retail space/unit at 27 Prospect Hill Rd; as stated there will be no more than**  
179 **14 dwellings at the site, there is adequate parking, and approval of the Fire Department is required; as**  
180 **per the Zoning Board Variance. Robert Stanley seconded the motion. The motion passed**  
181 **unanimously.**

182 **MISC. ZONING BOARD**

183 The Zoning Board will hear the meeting minutes at the next Zoning Board meeting.

184 **Clayton Platt made a motion to adjourn the Zoning Board portion meeting at 7:55 pm. William Larrow**  
185 **seconded the motion. The motion passed unanimously.**

186 **PLANNING**

187 **PARCEL ID: 0104-0010-0000: SITE PLAN REVIEW: SEEKING APPROVAL OF A SITE PLAN TO INCREASE**  
188 **DWELLING UNITS FROM FOUR (4) TO SIX (6), AS PER VARIANCE #14-15. 11 PLEASANT ST, GEORGES**  
189 **MILLS; 350 ENTERPRISES, LLC.**

190 Mr. Marquise said that this application is an amendment to a Site Plan, the notices were posted,  
191 abutters were notified, and the essentials of the previous case are there. He feels that all of the  
192 documents are in place and that the application is complete.

193 **Tanner Royce made a motion to accept the application for Parcel ID: 0104-0010-0000 as complete.**  
194 **Shane Hastings seconded the motion. The motion passed unanimously.**

195 Patrick Clapp of 350 Enterprises, LLC presented the merits of the case.

196 Chairman White asked and Mr. Clapp explained that he went to the Zoning Board and received a  
197 Variance to reduce the 10,000 square foot requirement. Mr. Clapp confirmed that there will be six  
198 units.

199 Mr. Clapp said that he purchased the property and he has plans to fix it up and bring it to code. He  
200 wants to make sure that everything is done legally and the right way. He has been going through the  
201 process for the past six months and is just trying to get the approvals before beginning the work. Mr.  
202 Clapp continued that the building does not have any tenants and he would like to start construction  
203 soon. He is not building any additions; he is just creating six apartments in the same space. There was a  
204 brief discussion as the building was approved for four units in 1994, though there were seven units in  
205 the building at the time Mr. Clapp purchased it.

206 Mrs. Larrow asked and Mr. Clapp explained that he will have two three bedroom units, two two  
207 bedroom units, and two one bedroom units. Vice Chair Stanley asked and Mr. Clapp confirmed that  
208 there is adequate parking for the number of bedrooms as the requirement is nine spots and he has  
209 eleven and could create more if needed. Chairman White asked and Mr. Clapp said that he will not be  
210 changing any of the parking areas or driveway. Mr. Clapp said that he is adding exterior lighting to make  
211 the parking area brighter. Chairman White asked and Mr. Clapp explained that he will be adding lighting  
212 to the sides of the building and the front; they will be motion activated.

213 Mr. Royce asked and Mr. Clapp explained that he will be absorbing the one unit he is eliminating into  
214 the other units.

215 Mr. Marquise asked about the southerly parking area off Pleasant St and asked if someone is able to get  
216 into the spaces and then turn and pull out onto the road. The Board tries to discourage backing out  
217 onto a road. Mr. Clapp said that there is enough space between the parking area and the building to do  
218 a three point turn.

219 Mrs. Larrow asked and Mr. Clapp confirmed that he is on Town Water and Town Sewer, though he has  
220 not yet paid for the fifth and sixth units. Mrs. Larrow asked and Mr. Clapp confirmed that he will be  
221 paying for those hookups.

222 Chairman White asked and Mr. Clapp confirmed that he would like to have a dumpster for trash  
223 removal. Mr. Clapp explained that he would like to have the dumpster on the north side of the building,  
224 to the right of the propane tank.

225 Chairman White asked and Mr. Clapp said that he has not spoken to the Highway, Fire, or Police  
226 Departments. Mr. Clapp will need to get the sign-offs from the Department Heads.

227 There was a brief discussion about snow removal.

228 Mr. Markarian asked and Mr. Clapp said that he will be redoing the roof and the siding on the building  
229 and a few new windows.

230 Chairman White asked Mr. Clapp if he will be doing any landscaping on the property. Mr. Clapp said  
231 that he has not thought about it yet but that he will be doing some things to enhance the curb appeal.  
232 He has already cleaned up the yard a lot and removed a lot of trash.

233 Mrs. Larrow asked and Mr. Clapp said that he does not have any signage.

234 Chairman White asked and there were no questions for the applicant by the members of the audience.

235 Chairman White asked about the exterior lighting. Mr. Clapp explained that they will be two spotlights  
236 with floodlights that are motion activated. Chairman White asked and Mr. Marquise confirmed that  
237 more detail about the lighting would be helpful. Mr. Marquise recommended that the Board ask for a  
238 cut sheet to go with the Site Plan.

239 There was a discussion about requiring a landscaping plan and receiving a revised plan showing the  
240 dumpster and some landscaping in front preventing parking in that area. There was a discussion about  
241 continuing the case until the next meeting to be able to see the landscaping plan, cut sheets, dumpster,  
242 and signoffs or making everything conditional and having Mr. Landry review and Chairman White sign  
243 off when it is complete.

244 **Robert Stanley made a motion on Parcel ID: 0104-0010-0000 to approve the Site Plan to convert a four**  
245 **(4) family residential unit to six (6) family residential unit, as approved by the Zoning Board of**  
246 **Appeals, at 11 Pleasant St, Georges Mills subject to the following: approval from the Police**  
247 **Department, Highway Department and Fire Department; the location of the dumpster on the final**  
248 **plan; the type of lighting (cut sheets) and the location of the down-lighting on the final plan; and the**  
249 **landscaping plan on the final plan; the Water & Sewer Department must also sign off and hookups**  
250 **must be paid for. Kurt Markarian seconded the motion. The motion passed unanimously.**

251 **PARCEL ID: 0225-0028-0000 & PARCEL ID: 0225-0027-0000 & PARCEL ID: 0231-0034-0000:**  
252 **SUBDIVISION / ANNEXATION: SUBDIVIDE 3.30 ACRE PARCEL FROM 0225-0028-0000 AND ANNEX TO**  
253 **0225-0027-0000 AND SUBDIVIDE 3.29 ACRES FROM 0231-0034-0000 AND ANNEX TO 0225-0028-0000.**  
254 **SUNAPEE REALTY & MANAGEMENT & ADER WOODLANDS, 108 YOUNGS HILL RD.**

255 Mr. Marquise stated that the application falls under the Subdivision Regulations 6.04 and is available for  
256 the waivers under 6.05 (b). Mr. Marquise said that he believes all of the items required for 6.04 are  
257 there and that the Board can waive the boundary survey of the entire parcel, existing and proposed  
258 contours, existing and proposed utility lines, storm-water drainage and water supply facilities; with  
259 those waivers the application is complete.

260 **Donna Davis Larrow made a motion to accept the application as complete for Parcel ID: 0225-0028-**  
261 **0000 & Parcel ID: 0225-0027-0000 & Parcel ID: 0231-0034-0000: Subdivision / Annexation: subdivide**  
262 **3.30 acre parcel from 0225-0028-0000 and annex to 0225-0027-0000 and subdivide 3.29 acres from**  
263 **0231-0034-0000 and annex to 0225-0028-0000, for Sunapee Realty & Management & Ader**  
264 **Woodlands, 108 Youngs Hill Rd; the waivers included will be the complete survey, contours, utility**  
265 **lines, storm-water drainage and water supply facilities. Kurt Markarian seconded the motion. The**  
266 **motion passed unanimously.**

267 Clayton Platt presented the merits of the case on the behalf of Alice Liu, the owner of Sunapee Realty &  
268 Management and Ader Woodlands.

269 Mr. Platt said that Ms. Liu has a contract to sell Parcel ID: 0225-0028-0000, the property with the house,  
270 tennis courts, etc. In 1995, Ms. Liu and her husband realized how close everything was to the property  
271 line and purchased a parcel of 3.29 acres and attached it to the back lot that is the Ader Woodlands  
272 property. The buyer of the house lot is not buying the other two properties and he realized that the  
273 buildings are close to the property line and wants the 3.29 acres to become part of his property. In  
274 exchange for this piece, they are taking 3.30 acres and adding it to the lot along the road.

275 Mr. Larrow asked if Mr. Platt verified the pins on all of the lots. Mr. Platt said he did on the Youngs Hill  
276 Rd lot and the pins around the 3.29 acre lot but he did not survey the entirety of the other lots.

277 Mr. Marquise asked and Mr. Platt confirmed that the back lot gets access from Pine Ridge Rd and is not  
278 land locked.

279 Mr. Stanley asked how the Current Use is effected on the 9.30 acre lot. Mr. Platt explained that by  
280 annexing the 3.30 acre piece to this piece, it makes it a parcel that is over 10 acres and can therefore  
281 stay in Current Use.

282 Chairman White asked if there was anyone in the audience with any questions or concerns.

283 Robert Lantz of 104 Youngs Hill Rd said that his property is right below this property. He asked if there  
284 will be any building on the property as one side of the gate has been removed. He is worried about  
285 runoff as he just installed a pool and did work on a retaining wall and he does not want to see someone  
286 cut a lot of the trees and create a runoff situation. Mr. Lantz continued that he has seen a lot of trucks  
287 going onto the property and they say that they are trimming branches but some trucks have grinders on  
288 the back and he doesn't know what they are doing.

289 Mr. Platt said that he is assuming that the new owner is going to keep it the same and live there but he  
290 does not know what his plans will be. Mr. Lantz said that he was concerned that the subdivision meant  
291 that someone was going to start building on the lot above him. Chairman White said that it is not part  
292 of this application. Vice-Chair Stanley said that this application is just for moving lines.



293 Lynn Santy of 113 Youngs Hill Rd said that she looks across at the driveway for this property and the  
294 piece of land that more land is going to be added to. She said that if she suddenly has houses across the  
295 street from her she is not going to be happy. Ms. Santy said that she is concerned that they are taking  
296 land from one parcel and adding to the frontage on Youngs Hill Rd. She wants to know if someone is  
297 going to build on the lot. Chairman White explained that the property owner has a right to do things  
298 with his land if he wants. If there is appropriate land it could be subdivided and there could be house  
299 lots there. There is nothing preventing them from doing that if the regulations are followed. Chairman  
300 White continued that this is not being proposed in this application but the owner could come to the  
301 Board in the future with that proposal and the abutters would get notified.

302 Ms. Santy asked what the added frontage on Youngs Hill Rd would equate to for the number of lots that  
303 the parcel could be subdivided into. Chairman White asked and Mr. Marquise said that the minimum lot  
304 size is 1.5 acres so it would effectively give two more lots if it could be done with the frontage.  
305 Chairman White said that there are specific guidelines as to how someone can break up a piece of land  
306 as there has to be enough frontage, it has to be a certain size, etc. There are limitations based on the  
307 Zoning District.

308 Ms. Santy said that she has concerns about the runoff as a lot of water runs onto her land and if the land  
309 is all cleared then they will have more. Chairman White said that there is nothing that says that the  
310 owner can't cut the trees. Mr. Lantz asked what happens if the runoff ruins their property. Chairman  
311 White said that if there is runoff due to cutting and clearing it becomes an issue but that there is nothing  
312 that says that the owner can't cut the trees. A lot of times no one knows what will happen until after it  
313 does. Mr. Platt said that adding three acres to this parcel allows it to stay in Current Use which is a  
314 program that encourages the land not to be developed. Mr. Marquise said that the owners could build  
315 a single family home on the property without coming to the Board but that if they wanted to do a  
316 subdivision they would need approval.

317 **Tanner Royce made a motion to accept the Subdivision & Annexation for Parcel ID's 0225-0028-0000,**  
318 **0225-0027-0000 and 0231-0034-0000 to subdivide a 3.30 acre parcel from 0225-0028-0000 and annex**  
319 **to 0225-0027-0000 and subdivide 3.29 acres from 0231-0034-0000 and annex to 0225-0028-0000 for**  
320 **Sunapee Realty & Management & Ader Woodlands on 108 Youngs Hill Rd. Robert Stanley seconded**  
321 **the motion. The motion passed unanimously.**

322 **PARCEL ID: 0211-0011-0000; SITE PLAN REVIEW: CREATION OF 62,000 SQ. FT. OF USABLE LAND BY**  
323 **ROCK REMOVAL AND PROCESSING. MATERIAL WILL BE PROCESSED AND EXPORTED FROM SITE. PINE**  
324 **HILL CONSTRUCTION (MICHAEL & ELIZABETH LEMIEUX), 1106 ROUTE 11.**

325 Mr. Marquise said that the application falls under the Site Plan Regulations Article V. The application  
326 was filed in advance, fees were paid, and notifications were sent and posted. Mr. Marquise said that the  
327 Board needs to have a conversation about completeness. Mr. Marquise asked and Michael Lemieux  
328 confirmed that they are specifically discussing the excavating at this meeting and not the commercial  
329 use of anything else. Mr. Marquise said that there are a few items that can be deemed as not applicable  
330 to this case including: the layout and size of the parking spaces, the water and sewer facilities, the utility  
331 lines, lighting, and fire alarms and sprinklers. Vice-Chair Stanley asked and Mr. Marquise confirmed that  
332 these items are not applicable because they are only discussing excavation of the land. Mr. Marquise  
333 continued that they can leave open for discussion the topic of drainage.

334 Chairman White asked and Mr. Lemieux confirmed that he has gone to the Zoning Board and received a  
335 Special Exception for the excavation of minerals in a Rural Residential Zone.

336 Chairman White asked if they are discussing anything about what is happening with the buildings. Mr.  
337 Marquise said that is why he asked the question about the Board approving anything other than the  
338 excavation. Mr. Lemieux said that there is no power in the building and it is vacant. Mr. Marquise said  
339 that if Mr. Lemieux wants to do anything with the building he will have to return to the Board.

340 Mr. Larrow said that when the Zoning Board approved the Special Exception it was strictly for dealing  
341 with the processing of minerals and the excavation on the property, nothing else. Mr. Lemieux also has  
342 to go back to the Zoning Board every three years to be re-approved.

343 Mr. Lemieux was asked and confirmed that the parcel is all ledge. Vice-Chair Stanley asked and Mr.  
344 Marquise explained that the Board has to approve the excavation because it is being done commercially  
345 as Mr. Lemieux is selling the minerals. It is a non-residential use which requires Site Plan Review. Mr.  
346 Lemieux received approval for the use in the Zone from the Zoning Board and the Planning Board needs  
347 to approve the Site Plan.

348 Mr. Royce said that it is his understanding that the Zoning Board gave approval and then expected Mr.  
349 Lemieux's next step was getting Site Plan approval before doing any more excavating. This did not  
350 happen and then the Board heard that excavation was happening and Mr. Lemieux was supposed to  
351 come in for a Site Plan. Mr. Larrow confirmed this and asked Mr. Lemieux why he did not take the next  
352 step. Mr. Lemieux said that when Cooper Street Partners, the owners of the lot next to him, was going  
353 to develop their lot he explained to the Board what he wanted to do and said that they were going to  
354 use the fill on the Cooper Street lot. Mr. Lemieux continued that the Planning Board told him that they  
355 did not have a problem with him doing that. Chairman White said that he remembers that meeting and  
356 does not remember it the same way that Mr. Lemieux does. Chairman White continued that he  
357 suspects that there was a little liberty taken on some of the implications that were discussed that night.  
358 There is no record of the Planning Board giving approval to Mr. Lemieux. Mr. Lemieux said that he was  
359 excavating for about a year before Mr. Landry said that he needed approval from the Zoning Board. Mr.  
360 Royce asked if the change from just leveling the lot to actually selling the resources that are removed is  
361 where the approval is needed. Chairman White explained that when something becomes a commercial  
362 entity it needs approval. Mr. Larrow said that, regardless of the amount of time the operation was going  
363 on without approval, when things are caught they try to do the needed steps. Chairman White said that  
364 he takes exception that it was going on for so long and was in plain sight. It was brought to the  
365 attention of the Zoning Administrator multiple times and then a year and a half later the case is finally  
366 heard.

367 Chairman White asked how the Board feels about the completeness of the application. The Board  
368 should include the items that are not applicable in the approval if they believe that the application is  
369 complete.

370 Vice-Chair Stanley asked and Chairman White explained that this Site Plan needs to be reviewed  
371 because all commercial uses need approval.

372 Mr. Lemieux said that he spoke to Doug King of the NH DOT and he did not have a problem with the  
373 trucks going onto and off the property.

374 **Donna Davis Larrow made a motion to accept the application as complete on Parcel ID: 0211-0011-**  
375 **0000; Site Plan Review; not applicable in this case are parking layout, water and sewer facilities, the**  
376 **utility lines, lighting, and fire alarms and sprinklers as there are no business buildings on this site; an**  
377 **item that will need to be reviewed is drainage. Kurt Markarian seconded the motion. Donna Davis**  
378 **Larrow amended her motion to include that there will be no occupation of the buildings on the site.**  
379 **Kurt Markarian seconded the amended motion. The motion passed unanimously.**

380 Mr. Lemieux continued presenting the merits of his case.

381 Chairman White said that the Board was provided with a plan that shows the existing contours, the edge  
382 of excavation, and some final contouring.

383 Vice-Chair Stanley asked if Mr. Lemieux will need approval from the Town Highway Department.

384 Chairman White said that they typically would receive a letter from the State Highway Department as  
385 this property is on a State road. Mr. Lemieux said that the State told him that he doesn't need to do  
386 anything differently and if he is ever going to pave the access road then he needs a permit.

387 Mr. Larrow said that he believes in the Special Exception the Zoning Board mentioned that Mr. Lemieux  
388 needed to address with the State the ingress and egress. Mr. Royce said that for anyone going onto a  
389 State road, the Board has had them get permitted from the State. Mr. Marquise said that he would  
390 think that even if Mr. Lemieux does not need to make any changes that the State would issue him a  
391 permit. Mr. Lemieux said that the State told him that the driveway is already permitted and he does not  
392 need another permit. Mr. Marquise said that in the past the State had reaffirmed the use. Mr. Lemieux  
393 said that he can get a letter from the State. There was further discussion regarding this issue.

394 Chairman White said that it looks as though the lot will be excavated to about 1325 elevation. Mr.  
395 Lemieux confirmed this and said it is about the same elevation of the existing garage. Mr. Marquise  
396 noted that the lot will be around 1320 on the north side.

397 Mr. Marquise said that one thing that Zoning requires is that in this District along Route 11 there needs  
398 to be a 25 ft dedicated buffer along the right-of-way line. Mr. Marquise said that it appears like the  
399 edge of excavation is in the buffer. Mr. Lemieux said that he can add the buffer to the plan. Chairman  
400 White explained that nothing is allowed to be added to the buffer except for a driveway cut. There  
401 needs to be vegetation in that area that is protected. Mr. Lemieux said that he will find the property pin  
402 and start there. Mr. Marquise explained that the buffer is off of the right-of-way line.

403 Chairman White said that the excavation will change the drainage pattern. Mr. Lemieux said that  
404 currently some of the water goes towards Georges Mills and some goes towards the existing buildings.  
405 There was a discussion about the way that the water will go after the excavation is complete. Mr.  
406 Lemieux explained that with these types of excavations the ground becomes more pervious and the  
407 water goes into the ground.

408 Mr. Marquise asked and Mr. Lemieux explained that he will be building something on the site after the  
409 excavation is complete.

410 Mr. Marquise asked about the slope to the east. Mr. Lemieux confirmed that it is completely a ledge  
411 slope and there is no worry about stability.

412 Chairman White asked if there is anything specific that needs to be discussed more including the storage  
413 of materials on site, runoff, etc. Mr. Marquise said that, considering the type of material, he does not  
414 believe that there will be runoff from it.

415 Mr. Marquise said that before the Board makes a decision he thinks that the plan should be corrected  
416 because it is pretty critical and that the letter should be obtained from the State. The Board explained  
417 to Mr. Lemieux that the continued case could be heard at the next meeting dates which are December  
418 18<sup>th</sup> or January 15<sup>th</sup>.

419 Chairman White asked and Mr. Marquise said that the letter from the State could be a condition of  
420 approval. Mr. Royce asked and Mr. Marquise confirmed that the plan should be reviewed and signed off  
421 on by the Police and Fire Departments. Chairman White said that the buffer zone will need to be added  
422 to the plan.

423 Mr. Lemieux asked if he could fix the 5' x 10' sign at the end of the pole barn as people are trying to  
424 determine who owns the property. Mr. Marquise told Mr. Lemieux to add the size and location of the  
425 sign to the plan. Chairman White said to include a picture of what will be on the sign. Mr. Marquise  
426 said that Mr. Lemieux will need to talk to Mr. Landry to get a sign permit.

427 The case was continued to the December 18<sup>th</sup> Planning Board meeting.

428 **CONCEPTUAL REVIEW ON OPTIONS TO DEVELOPMENT OF NATURE'S WAY, BROOK RD.**

429 The conceptual review has been canceled.

430 Kurt Markarian made a motion to adjourn at 9:23 PM. Robert Stanley seconded the motion. The  
431 motion passed unanimously.

432 Respectfully submitted,

433 Melissa Pollari

434

435 Planning Board

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Peter White, Chairman

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Robert Stanley, Vice-Chairman

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439 \_\_\_\_\_  
Donna Davis Larrow

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Tanner Royce

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441 \_\_\_\_\_  
Kurt Markarian

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Shane Hastings, ex-officio member