

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **MAY 2, 2013**

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

6 **ABSENT:** Erin Andersen

7 **ALSO PRESENT:** see attached sign-in sheet

8 Peter White appointed Charlotte Brown as a voting member in place of Erin Andersen.

9 Changes to the Minutes for the April 4, 2013 Planning Board Meeting:

10 Donna Davis Larrow made a motion to accept the minutes. Shane Hastings seconded the motion. The
11 motion passed with six in favor and one abstention (Robert Stanley).

12 **ELECTION OF OFFICERS**

13 Robert Stanley nominated Peter White as Chairman. Donna Davis Larrow seconded the nomination.
14 The nomination passed with six in favor and one abstention (Peter White).

15 Donna Davis Larrow nominated Robert Stanley as Vice-Chairman. Kurt Markarian seconded the
16 nomination. The nomination passed with six in favor and one abstention (Robert Stanley).

17 **OLD BUSINESS**

18 Mr. Marquise explained that Roger Landry had left him a note regarding the boat storage at the Corbett
19 property on High St. The note said that Mr. Landry was told that the boats will not be placed there next
20 year.

21 **PARCEL ID: 0114-0007-0000: SITE PLAN REVIEW CONTINUATION: CHANGE OF USE FROM AMERICAN**
22 **SAND-BANUM, INC AND TED WAYLAND REAL ESTATE TO A NEW OPTICAL COATING CHEMICAL**
23 **MANUFACTURING COMPANY. 11 BROWNS HILL RD, MARTIN & MARGERY BRADIE**

24 Arthur Springsteen continued presenting the merits of the case from the previous meeting.

25 Chairman White asked what RoHS means and Mr. Springsteen explained that it is a specification,
26 particularly enforced in Europe, which says that you do not use any of a list of toxic materials. Mr.
27 Springsteen explained that they are both RoHS and Reach compliant and that Reach pertains to
28 organics.

29 Chairman White asked Mr. Marquise if the application had received sign-offs from all the Departments.
30 Mr. Marquise said that he has a letter from the Police and the Highway Department and Water and
31 Sewer is not applicable. Mr. Marquise explained that he had spoken with Chief Ruggles and that he

32 would like a copy of the MSDS for his files so that he knows what chemicals are present. Mr. Marquise
33 continued that Chief Ruggles said that he would like a knock box on the building which is place to get a
34 key to get in if needed. Mr. Springsteen confirmed that he could give Chief Ruggles copies of all the
35 information as pdf files.

36 Chairman White asked if there will be signage at the property. Mr. Springsteen explained that there will
37 be a sign on the window.

38 Chairman White asked if there were abutters present who would like to comment or ask questions.

39 Jim Woodley said that his wife, Elizabeth Woodley, owns 913 Route 11 which is directly across Route 11
40 from the building and that he has some questions for the applicant. Mr. Woodley said that he has
41 concerns regarding the representations he was given about the building and the septic system. Mr.
42 Woodley said that he was told that the upstairs cannot be finished and that the septic system is only
43 good for 100 gallons per day. Mr. Woodley continued that he believes that the standard now is 150
44 gallons per day per bedroom or 300 gallons per day minimum. Mr. Woodley said that he feels that this
45 building is not appropriate for an active business as the applicant has said that he will be doing a lot of
46 washing of equipment and that he does not believe the septic system will handle that. Mr. Woodley
47 also questioned as to whether the business really was there the past two years as the property has been
48 on the market for over 1000 days and it was explained to him that the chemical business was long over.
49 Mr. Woodley said that he is worried that there will be toxic chemicals used at the building in the future.

50 Martin Bradie, owner of 11 Brown Hill Rd, said that there was a business at the property for thirty years
51 and until a year ago there was a chemical business that was registered with the Federal Government.
52 The chemicals were safe to use and safe to make and they did not have any chemicals spill onto the
53 ground or go into the septic. They used plastic tanks to wash their items and then the materials were
54 reused. Mr. Bradie continued that the upstairs can be finished though it may need to be dormered, but
55 the structure is strong. Also, there is no stairway to get to the upper level; there is an opening with a
56 ladder. Mr. Woodley said that he does not feel with the truss construction of the building that there is a
57 way to have a full second level on the building. Chairman White said that the Site Plan Review does not
58 include any plans to expand to the upper level.

59 Mr. Woodley said that his main concern is the septic system being only capable of 100 gallons per day.
60 Mr. Springsteen said that they use less than 20 gallons per day. Mr. Woodley said he has no proof of
61 this and Mr. Springsteen gave further detail regarding his water usage and invited Mr. Woodley to visit
62 the business to monitor the water usage. Chairman White asked if the building has ever been a
63 residence and Mr. Bradie said that it has not and gave a description of its uses. Chairman White asked if
64 the septic system was in place when Mr. Bradie purchased the building and Mr. Bradie explained that he
65 installed the septic system in 1983.

66 A member of the audience asked if there is a way to limit the size of the building. Mr. Springsteen said
67 that they are not changing the footprint. Chairman White explained that the Site Plan Review is to have
68 the applicant give the Board the information regarding the business, including the number of employees
69 they will have, what they will be doing there, etc. Mr. Springsteen confirmed that they currently have

70 one employee and the maximum they will have will be three. Chairman White said that for any future
71 expansion they would need to come back before the Planning Board for approval. The Board also
72 explained to the audience that they can make complaints to the Zoning Department if they feel the
73 business is violating its approval.

74 Chairman White asked Mr. Marquise how he feels about the septic issue. Mr. Marquise suggested
75 putting a limit at 20 gallons used per day for the manufacturing process and cleaning and said that in NH
76 the gallon per day usage is 15 gallons per employee.

77 Chairman White asked if the proposed business is a Permitted Use in the Zone and if it isn't if it had
78 been to the Zoning Board. Mr. Marquise said that it is not but if the chemical business was in operation
79 less than two years ago then it is Grandfathered. Mr. Woodley said that he believes the Grandfathering
80 has expired. Mr. Springsteen said that the business was in operation within the past two years and is
81 still registered with the State of NH. Mr. Marquise said that the matter would be something that would
82 need to be appealed to the Zoning Board and confirmed that if the application is approved that is who
83 the appeal would go to based on the Grandfathering issue. Mr. Marquise said that they do have a
84 record of a shipment from the business that was done within the past two years. Chairman White said
85 that they also have a copy of an Annual Report filed with the State of NH dated April 4, 2012 and the
86 address of the principle address was 11 Brown Hill Rd.

87 Chairman White said that he feels as though all the questions have been addressed and asked if there
88 were any other questions for the applicants and there were none.

89 Mr. Springsteen explained that he would like to begin renovating the building soon if he is approved and
90 asked if there is an appeal to the Zoning Board what the timeframe would be for this process. Mr.
91 Marquise explained that there is a 30 day appeal period and then, if an appeal is filed, there is the time
92 period for the Board to have a hearing. Chairman White said that every application has a 30 day appeal
93 period and that with any approval if someone moves forward it is at their own risk.

94 Chairman White closed the meeting to the public and asked the Board if they had any comments. Mr.
95 Stanley said that it seems straightforward if the Grandfathering is legal as all the other requirements are
96 met. Mrs. Larrow said that she feels as though the applicant did a good job providing the Board with the
97 information they asked for. Mr. Royce said that as long as the usage for the septic is under 100 he feels
98 comfortable moving forward. Mr. Marquise said that the second condition should be the agreement
99 with the Fire Department and the access to the building.

100 A member of the audience asked what chemicals are entering the processed water and if they are legal
101 to put into a septic system. Chairman White said that the Board discussed this at the previous meeting
102 but asked Mr. Springsteen for clarification. Mr. Springsteen said that the only chemicals that could
103 enter the processed water are barium sulfate which is used in barium-enemas and polyvinyl alcohol
104 which is a polymer that used to be used on the back of postage stamps.

105 Robert Stanley made a motion to approve the Site Plan Review for Parcel 0114-0007-0000, 11 Brown Hill
106 Rd, as presented with the proviso that a knock box be provided for the access for the Fire Department

107 and that the amount of water used in the processing of the materials will be no more than 50 gallons
108 per day. Charlotte Brown seconded the motion. The motion passed unanimously.

109 **PARCEL ID: 0129-0043-0012: SITE PLAN REVIEW: NEW SUNAPEE PUBLIC LIBRARY. SARGENT RD,**
110 **TOWN OF SUNAPEE**

111 Chairman White recused himself from the case.

112 Mr. Marquise stated that the application was filed in advance, abutters were notified and notices were
113 posted. The case comes under Article V of the Site Plan Regulations. Mr. Marquise said that it appears
114 everything on the checklist is on the Plan except for the sewer connection though this could be a
115 condition. Mr. Higginson pointed out the sewer connection on the Plan. Mr. Marquise said he also has
116 comments from all the departments and that he believes that the application is complete.

117 Donna Davis Larrow made a motion to accept the application as complete. The motion was seconded by
118 Kurt Markarian. The motion passed unanimously. The motion passed unanimously.

119 Peter Urbach, Vice-Chair of the Library Trustees, Peter Tennant, the architect for the library , Tim
120 Higginson, the engineer for the library, Mark Danko, the library director, John Wilson, Library Trustee,
121 and Anne Nilsen, Alternate Trustee for the library, presented the merits of the case.

122 Mr. Stanley said that the Board has seen the plans twice and asked the applicants to go over the
123 changes that have been made from the last time they met regarding the proposal. Mr. Urbach
124 explained that there is a change to the curbed landscape area as there are Requirements that parking
125 lots with 10 or more spaces need landscaping. Mr. Urbach said that the Road Agent had an issue with
126 the proposed changes because it will present an issue with plowing as the Town will plow the lot and
127 asked that the indents be moved to facilitate the plowing. There was further discussion regarding this
128 issue. Mr. Stanley asked and Mr. Marquise confirmed that the parking lot conditions are Site Plan
129 Regulations and can be waived by the Board.

130 Tim Higginson explained that another change is with the proposed storm water basin located down by
131 the wetland by Route 11. The previous development did not deal with the runoff correctly and the
132 agreement in the purchase of the land was to collect the existing water and contain and send it into the
133 detention basin so the drainage has been revised to pick up that existing drainage and also deal with the
134 library in the proposed storm water drainage. Mr. Higginson gave further explanation regarding this
135 issue.

136 The future proposed Community Center is also shown on the Site Plan for informational purposes as
137 well as future parking. Mrs. Brown asked about the proposed 10' x 10' dumpster pad as if the parking
138 area needs to get expanded, the cars will be driving over it. It was explained that anything in the future
139 perspective would have to be brought back before the Board and that would have to be addressed then.

140 Mr. Marquise asked if the actual delineation of the wetland is on the Plan and Mr. Higginson confirmed
141 that it is.

142 Mrs. Brown asked for an explanation of the walls that are along the building. Mr. Tennant and Mr.
143 Higginson explained the drip edge, walls, sidewalk, and handicap ramps.

144 Mr. Marquise asked if the library will have meeting space in it. It was explained that there is a “Schools
145 Out” program space but it was designed around 25 people. Mr. Marquise noted that he asked because
146 there seems to be about 30 parking spaces and that a bigger meeting space would require more parking.

147 Mr. Stanley asked if there were any comments from the public or from abutters and there were none.

148 Charlotte Brown made a motion to accept the Site Plan Review for Parcel 0129-0043-0012 as presented
149 with the waiver for the curbed planting area to be on the outside of the parking area rather than the
150 inside to ease the snow removal. Kurt Markarian seconded the motion. The motion passed
151 unanimously.

152 **PARCEL ID: 0106-0021-0000: SITE PLAN REVIEW: NEW HANDICAP WALKWAY & PATIO TO**
153 **ACCOMMODATE LAKE ACCESS. 1250 ROUTE 11, HK SUNAPEE COVE LLC / HALLKEEN MANAGEMENT**
154 **LLC**

155 Mr. Marquise said that this is an amendment to a previous Site Plan and the application was filed in
156 advance, fees were paid, notices were sent and abutters were notified. Mr. Marquise said that he
157 believes that they can go off the completeness of the original Site Plan Review with adding this as an
158 amendment. Mr. Marquise said that he believes that this application is therefore complete.

159 Kurt Markarian made a motion to accept the application as complete for Parcel 0106-0021-0000, 1250
160 Route 11. Robert Stanley seconded the motion. The motion passed unanimously.

161 Charlie Hirshberg from CLD Engineers and Bob Batson from HallKeen Management, LLC presented the
162 merits of the case. Mr. Hirshberg explained that they are proposing an ADA accessible walkway from
163 the lake side of the building that would allow people from the facility to go down to the water and then
164 they would have access to the lake and a boat. Mr. Hirshberg continued that they are working to get
165 the State approval for the boat slip.

166 Mr. Hirshberg said that the walkway will be 239 feet long, going out of the back of the building. It will
167 be made of pervious material and includes a pervious patio. It meets the ADA requirements and Mr.
168 Hirshberg explained the criteria and specifications of how it meets them.

169 Mr. Hirshberg explained the location of the pervious patio to the Board as well as the walls and curves
170 along the walkway. Mr. Hirshberg continued that, though the plan shows pervious pavers, they are
171 looking into pervious concrete as an alternate as it may be more effective for what they want to do. Mr.
172 Hirshberg gave more details regarding the usage of pervious concrete.

173 Mr. Hirshberg said that they have received a State Shoreland Permit for the walkway as it is within the
174 50’ setback. Also, within the 50’ setback, three trees will be impacted by the project but they will be
175 relocated. The existing impervious walkway that comes from the East side of the building will be
176 shortened and then tied into the patio with a series of granite steps.

177 Chairman White asked if the patio will have a roof over it. Mr. Hirshberg confirmed that it will not have
178 a roof and will just be a sitting area with perhaps a bench.

179 Mr. Hirshberg said that they are going to the Zoning Board because they are proposing a walkway more
180 than four feet wide.

181 Mr. Hirshberg explained that between the low side of the walkway retaining wall and the actual
182 walkway they are going to have a planter strip. The walls on the uphill side of the walkway are right
183 along the edge of the walkway.

184 Mr. Marquise asked if the Shoreland Permit was like a Wetland Permit where the Conservation
185 Commission comments before it gets approved. Mr. Hirshberg explained that they do not do that for
186 Shoreland Permits but they will have input on the dock permit. Mr. Marquise said that he would like
187 Conservation to make comments on this application. Mr. Marquise confirmed that the Fire Department
188 did sign-off on the application and that Chief Ruggles concern was at the east end of the building and
189 being able to get access to the back though he feels that this is an improvement as there will now be flat
190 areas for this purpose.

191 Chairman White asked if the trees on the Plan are existing and Mr. Hirshberg confirmed that they are
192 and that they will just be moving three trees. Mr. Hirshberg gave further details regarding the existing
193 and proposed landscaping.

194 Mrs. Brown asked about the width of the walkway as she has concerns regarding two wheelchairs
195 meeting and not being able to get by each other. Mr. Hirshberg gave an explanation of how they could
196 go around each other at different platform areas or the patio. Mr. Batson added that they would
197 coordinate between staff members to go up and down.

198 Mrs. Brown asked and Mr. Hirshberg explained the walls and grade changes. Mr. Hirshberg also gave an
199 explanation regarding the curb and railings along the walkway.

200 Mr. Stanley asked and Mr. Batson explained that they hope to start construction in June and open in the
201 fall. There was further discussion regarding the construction needed.

202 Chairman White asked if anyone from the public had any comments or questions.

203 A member of the audience asked about maintenance of the pervious concrete as it needs vacuuming
204 sometimes and also said that the building has some other requirements regarding maintenance that
205 should be addressed. There was a comment that the property was one of the first in the State to have a
206 BMP maintenance contract and that it should have been passed to new owners. Mr. Hirshberg
207 explained that the walkway should not collect the same amount of sand as a parking lot but agreed that
208 it should be maintained over time.

209 Chairman White asked if the entryways have to remain accessible in the winter. Mr. Batson confirmed
210 that they do need to remain clear and they will be shoveled but they will not be used regularly in the
211 winter.

212 Chairman White closed the hearing to the public.

213 Chairman White asked Mr. Marquise if approval should be conditioned upon approval from the Zoning
214 Board. Mr. Marquise confirmed that it should be and that it should be put into the motion.

215 Chairman White asked if maintenance of the walkway should be addressed in the motion. Mr. Marquise
216 said that he believes the original maintenance agreement was pertaining to the storm water separator
217 system but he does not sure what is in the deed. He does not believe this proposal would be covered in
218 the same requirement and suggested putting a condition that it is inspected annually. Mr. Marquise
219 asked and Mr. Hirschberg confirmed that they are not changing the lot coverage with this proposal and
220 that if the walkway became impervious it would change the lot coverage. Mr. Marquise pointed out
221 that keeping the walkway pervious is therefore critical to the numbers for the lot coverage.

222 Kurt Markarian made a motion to accept the merits for Parcel 0106-0021-0000 with the note that the
223 proposal needs to go before the Zoning Board for approval; that the applicant is looking to use pervious
224 concrete versus the pavers that are presented in the plan and the walkway should have maintenance
225 performed annually to ensure that it is still safe for the residents of the facility; and, that the proposal
226 needs comments from Conservation. Shane Hastings seconded the motion. The motion passed
227 unanimously.

228 **PARCEL ID: 0207-0011-0000: CONCEPTUAL REVIEW: FOUR LOT MAJOR SUBDIVISION. NORTH RD,**
229 **NANCY KELL.**

230 Chairman White explained that the case has not been noticed at all as it is just to get the Board's
231 opinion and thoughts. Nancy Kell explained that she is not quite sure what she is going to do but
232 wanted the Board's input.

233 Ms. Kell presented copies of her plans to the Board and showed the Board the current lot 0207-0011-
234 0000. Ms. Kell explained that she needs to build a new house and showed the Board where she would
235 like to build and the location of her current residence. Ms. Kell gave further description regarding her
236 road frontage, the lot she previously subdivided and sold, and the different proposed lots. Ms. Kell
237 asked if there will be enough road frontage to subdivide up to the north and the south. Mr. Marquise
238 explained that it will as long as the road meets the private road standards which means it will need to be
239 18 feet wide with ditches, a turn around, etc. Ms. Kell gave further details regarding this issue.

240 Mr. Marquise explained that the minimum lot size in this Zone is three acres and the proposed lot sizes
241 meet the requirements. There was further discussion regarding the created lots and the different
242 options.

243 Mrs. Brown asked and Ms. Kell confirmed that one of the lots would no longer have waterfront access.
244 Ms. Kell explained that each lot needs a minimum of 200 feet of water frontage to subdivide.

245 Chairman White and Mr. Marquise explained that there will be costs involved for the plan to subdivide
246 the property. However, if she sold the other lot she owns she would not have the costs.

247 Mrs. Brown asked and Ms. Kell explained that there is a snow mobile trail through her lots.

248 Chairman White asked and Mr. Marquise confirmed that wetlands need to be identified on a major
249 subdivision plan. Ms. Kell explained that she has a lot of the information from the last subdivision she
250 did and she will use the same surveyor for the next one.

251 Ms. Kell asked what she would have to do regarding the road and if she needs a turn around. Mr.
252 Marquise explained that the rules say that any dead end road needs to have a turn around and that it
253 could be a bump out or a hammerhead. Ms. Kell asked and Mr. Marquise confirmed that she could have
254 a hammerhead with driveways coming off it. In terms of the road, the Road Agent would look at the
255 width, material, depth, and ditches and would need to sign off on it. Mr. Marquise asked and Ms. Kell
256 said that the grade of the road is steep and Mr. Marquise said that she should look into that to make
257 sure the Town requirements are met for the entire portion that is being counted on as a road. There
258 was further discussion regarding this issue and the frontage requirements.

259 **LAKE SUNAPEE PROTECTIVE ASSOCIATION – GENERAL UPDATES**

260 Robert Wood the Associate Director and Watershed Steward of the Lake Sunapee Protective Association
261 (LSPA) and June Fichter, the Executive Director, explained that they have a few issues they would like to
262 update the Board on because they could be pertinent in the future.

263 Mr. Wood said that they have started a new initiative called the Watershed Committee. His position at
264 the LSPA involves watershed protection and water quality protection and is strictly in an advisory point
265 of view. Mr. Wood explained that they do not have any jurisdiction over anybody or anything, they
266 advise and educate. Mr. Wood gave a description regarding the Watershed Committee, including what
267 they do and the members who are assisting the committee. Mr. Wood gave the Board documents for
268 their review and explained their purpose and a description of them. Mr. Wood explained that the
269 committee would like the opportunity to advise the Planning Board regarding low impact development
270 and try to get more techniques into the Town Ordinances to protect water quality. Chairman White
271 commented that it is interesting that the low impact development does not pertain to lots strictly
272 around the lakes but it is actually much broader in terms of culverts and storm water management.

273 Mr. Wood explained to the Board that there are a lot of invasive species that are working their way
274 towards New England and New Hampshire. Some lakes are now requiring mandatory boat inspections
275 and mandatory boat washes before launching and then after taking the boat out. Mr. Wood said that
276 there may be a point in the future that the Town may need inspection at the ramp. Chairman White
277 asked and Mr. Wood explained that the invasive species come from boats and other recreational gear
278 such as fishing gear though some species could come by birds or float planes. Mr. Wood gave an
279 example of an invasive species that has infested the Connecticut River and it was found that it came in
280 from trout fisherman. Mr. Wood explained that there are fourteen species on the list that NH has
281 outlawed from transporting. For most of these species, there is no way to get rid of them if they do
282 invade the lakes. DES is responsible for invasive plant species and Fish & Game is responsible for
283 invasive animals and they have agreed to create new signage to include plants and animals. Mr. Wood
284 gave copies of pamphlets to the Board regarding the invasive species and how to try to prevent

285 spreading them. Ms. Fichter explained that it may come to the point where the Town might want to
286 take more drastic measures as currently the State does not. There was a discussion regarding a boat
287 wash and the costs involved. Mrs. Brown said that if one of the invasive species came to Lake Sunapee
288 it would affect property values.

289 Ms. Fichter explained to the Board that House Bill 513, which has to do with the Shoreland Protection
290 Act, was passed by the Senate. Ms. Fichter explained the Bill and what changes it makes to the
291 Shoreland Protection Act. Ms. Fichter said that the three towns around Lake Sunapee have better
292 regulations than the State.

293 Kurt Markarian made a motion to adjourn the meeting at 9:56pm. Robert Stanley seconded the motion.
294 The motion passed unanimously.

295 Respectfully submitted,

296 Melissa Pollari

297

298 _____

299 Peter White, Chairman

Robert Stanley, Vice-Chairman

300

301 _____

302 Erin Andersen

Donna Davis Larrow

303

304 _____

305 Tanner Royce

Kurt Markarian

306

307 _____

308 Shane Hastings, ex-officio member

Charlotte Brown, alternate member