

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **FEBRUARY 7, 2013**

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

6 **ABSENT:** Bruce Jennings, Chair;

7 **ALSO PRESENT:** See attached Sign-in Sheet.

8 Peter White, Vice-Chair, called the meeting to order at 7:00 PM.

9 Mr. Hastings gave a brief description of the questions and discussion that took place at the Deliberative
10 Session regarding the Zoning changes. There was a question regarding the change to the handicap
11 access ramps and if they would have to be torn down after a sale. Mr. Hastings said that he explained
12 the intent of the change is to make sure that the building can't be expanded using a handicap ramp as
13 part of the existing footprint.

14 Charlotte Brown said there was a question about why some parts of Maple St were originally changed
15 from Business to Residential. Mr. White asked and Mr. Marquise confirmed that the people who
16 attended the meeting who were protesting the Zoning change did go to the Town Office to find out how
17 to petition the change but it was never filed.

18 Mrs. Brown said that she thinks that people are not aware that the Planning and Zoning Articles are not
19 discussed at the Deliberative Session. Mrs. Brown said that she is not sure if the Public Hearing is not
20 advertised enough, but recommended the Board try to get the public to be aware that the Articles are
21 discussed at the December meeting. Mr. Stanley said that the meeting in December was well attended
22 and this question was discussed at length. There was a discussion as to why the Zoning Amendments
23 are not talked about at the Deliberative Session and the timing issues involved.

24 Changes to the Minutes for the November 15, 2012 Planning Board Meeting:

25 Shane Hastings made a motion to approve the November 15th meeting minutes are read. Donna Davis
26 Larrow seconded the motion. The motion passed unanimously.

27 Changes to the Minutes for the December 20, 2012 Planning Board Meeting: Lines 88-89 should read:
28 "Daniel Schneider, a member of the Zoning Board, said that this change was not discussed at the Zoning
29 Board meeting..." Line 90-91 should read: "Mr. Schneider reiterated that he does not think that it was
30 discussed by the Zoning Board." On line 104, change the word "go" to "going".

31 Robert Stanley made a motion to accept the amended minutes of the December 20th, 2012 meeting.
32 Shane Hastings seconded the motion. The motion passed unanimously.

33 Changes to the Minutes for the January 3, 2013 Planning Board Meeting: Change the date of the
34 minutes to January 3, 2013.

35 Kurt Markarian made a motion to accept the January minutes as amended. Shane Hastings seconded
36 the motion. The motion passed unanimously.

37 **PARCEL ID: 0132-0034-0001: SITE PLAN REVIEW: EXPAND EXISTING BOAT STORAGE TO INCLUDE**
38 **MARINE SERVICES, SALES, AND RETAIL STORE IN NEW BUILDING; 477 ROUTE 11, SUNHAVEN**
39 **PROPERTIES, DBA BURKEHAVEN MARINE**

40 Mr. Marquise stated that the application was filed in advance, fees were paid, abutters were notified,
41 and notices were posted. The application falls under Article V of the Site Plan Review Regulations. Mr.
42 Marquise said that he has been through the checklist and he believes everything is here but he wants to
43 comment that there are three items that, though they are normally waived, he believes should be left
44 open for this discussion and maybe waive them if they are not deemed applicable. The three items are:
45 drainage design and calculations, toxic waste storage, and storage of hazardous materials. Mr.
46 Marquise said that, other than these issues, the application appears to be complete. Mr. Marquise said
47 that there also appears to be a DOT (Department of Transportation) review and permit and a Shoreland
48 Permit.

49 Robert Stanley made a motion to accept the application as complete with the exceptions as noted by
50 Mr. Marquise. Kurt Markarian seconded the motion. The motion passed unanimously.

51 Brandon White presented the merits of the case on behalf of Sunhaven Properties. Mr. Brandon White
52 said that the toxic waste area is something that he drew onto the smaller Plans. Mr. Brandon White said
53 that Mr. Landry also wanted to see the route of travel to get back to the boat storage area and he has
54 indicated it with the two arrows on the side of the building. Mr. Peter White asked, and Mr. Brandon
55 White confirmed that this route will be between the parking areas and past the end of Mill Court. Mr.
56 Brandon White said that there is more space there than what it looks like on the Plan. Mr. Peter White
57 noted that there is boat storage on the back of the property which was something discussed at the
58 Consultation meeting though there is also "Secondary Boat Storage" indicated in the front. Mr. Peter
59 White asked if the secondary winter boat storage is approximately the same size as what is currently on
60 the site. Mr. Brandon White confirmed that it is but the difference is that they currently have boats
61 along the front and right up to where it says 'existing sign'. With the back area they will not need to
62 store boats there. Mr. Stanley asked and Mr. Brandon White confirmed that the brown building
63 indicated on the Plan is the new building which has been moved forward a little bit and the black outline
64 is the old building. Mr. Peter White asked, and Mr. Brandon White explained that though the building
65 was an apartment building, the new one will be strictly commercial.

66 Mr. Marquise questioned that as the Plan reads "Proposed Gravel Driveway" and "Existing Gravel
67 Driveway" if the gravel driveway would be all the way from the trees to the new building and if there
68 will be any lawn other than on the side and front of the building. Mr. Brandon White explained that the
69 existing driveway and the front lawn are going to stay basically the same other than the building will be
70 moved forward. Also, where the Plan shows 10' wide overhead doors there will be a gravel driveway

71 which will begin at the “service door” and end at the corner of the building. Mr. Marquise asked how
72 much of the area will be gravel. Mr. Brandon White confirmed that he spoke with both Mr. Landry and
73 the State regarding lot coverage.

74 Mr. Peter White asked and Mr. Brandon White confirmed that the vegetation along the front of the Plan
75 are the trees that currently exist. Mr. Brandon White also confirmed that the topography is not
76 changing.

77 Mr. Markarian noted the area on the Plan that is for toxic waste and asked if it will be used for waste oil
78 and used antifreeze. Mr. Brandon White verified this and that gasoline and such will also all be kept in
79 the same area. There was further discussion regarding gasoline storage and that they use the DOT
80 certified 55 gallon drums for draining gasoline from the boats. Mr. Brandon White also explained that
81 the owners use oil absorbent diapers when draining the boats. These are used for cleaning oil from the
82 lake when there is an oil spill as they absorb oil and not water.

83 Mr. Brandon White gave a copy of a report from Harper Environmental regarding a Phase 1 Site
84 Assessment that was done where they currently operate on the lake and, though it is not for this
85 property, shows that the owners are responsible.

86 Mr. Peter White asked about the lights that are shown on the building and Mr. Brandon White
87 presented a cut sheet that shows the downward facing shielded lights that they are going to use and
88 there will be four lights in total on the building and there will not be lighting on the sign.

89 Mr. Peter White asked if any of the other Departments had reviewed the Plan. Mr. Brandon White said
90 that Mr. Landry told him that the Fire Department and Sewer Department signed off and he got the
91 Road Agent and Police Chief’s signatures. Mr. Marquise confirmed that he has the Sewer Department
92 signoff, which noted that there is no Sewer service to the property and that any water will have to have
93 a backflow preventer valve. Mr. Marquise said that he does not see the Fire Department’s signoff. Mr.
94 Brandon White said that the Police Chief had asked about motion sensor lighting where the doors are
95 located and explained they chose not to use them as they do not want to have the lights going off
96 continuously. Mr. Peter White said that it is a security issue as if a light goes on and the Police notice
97 the owners they benefit. Mr. Marquise verified that, though Chief Cahill likes to have them, they are not
98 a requirement.

99 Mr. Stanley asked when the bilge is emptied on the boat, where the contents go. Mr. Brandon White
100 explained that most of the contents are water yet they use the oil absorbent diapers to dump the bilge
101 onto and then the leftover water just runs off. The oil absorbent diapers are disposed of into the
102 dumpster. Mr. Markarian said that he is concerned with the water being able to just run out the door,
103 regardless of whether or not they use diapers, as he questions the effectiveness of the diapers. Mr.
104 Markarian said that he feels there should be a filtration system that is used before the water goes into
105 the ground or river and potentially pollutes the ground water and surrounding wells. There was a
106 discussion regarding using a grey water system. Mr. Markarian asked if the diapers pull out antifreeze
107 as well as the oil and gas and Mr. Brandon White said he was not sure if they do. There was further
108 discussion regarding this issue and having a containment area or a walled off area inside the building

109 with a sump pump that goes into a filtration system also why the Water and Sewer Department was not
110 concerned with this issue. Mr. Marquise read the note from that Department that says that per
111 Sunapee Water Ordinance, a backflow preventative device is required and that the owner is responsible
112 for the water line from the building to the Municipal water line on Lower Main St and there is no Town
113 sewer service to the property. Mr. Stanley questioned whether the Board has control over this issue
114 and Mr. Marquise said that he feels as though the Planning Board is always able to add stipulations. Mr.
115 Peter White questioned how the Board should do this without knowing what is best. Mr. Marquise said
116 that he believes there must be standard ways marinas, especially in more sensitive areas, handle this
117 issue so perhaps they could make a condition that the best standard practices will be used. A member
118 of the audience, Mr. Montambeault, said that he was on the Water Commission for many years and
119 that, though Sunapee has never required this, where the NH National Guard does their trucks they have
120 just an approximately 5' x 5' x 6' cement tank for their runoff to skim off any oil, grease, or gasoline that
121 comes up after using the diapers. There was a question as to what happens to the water in the
122 separator / holding tank after it has been skimmed and then the water will be pumped out of the tank
123 onto the ground. There was further discussion regarding this matter and the Board feels comfortable
124 with Mr. Montambeault's recommendations.

125 Mr. Peter White asked the Board how they feel about the existing shrubbery and landscape buffer. Mrs.
126 Davis-Larrow said that it seems a little sparse. Mr. Peter White said that it does not seem like a height
127 issue but more of a fullness issue because you are sitting high and looking down. Mr. Markarian said
128 that even if the trees are filled in, you will be looking over the tops of them and will see the boats being
129 stored. There was further debate about the issue. Mr. Brandon White also explained that over on the
130 side next to the Secondary Storage area there are some taller trees.

131 Mrs. Davis Larrow asked Mr. Marquise about the issue with drainage. Mr. Marquise explained that his
132 concern was the lot coverage and he feels that the drainage is acceptable. Mr. Peter White asked and
133 Mr. Marquise confirmed that the drainage issue should also have been asked by the State as most of the
134 property is in the 200' setback. Mr. Marquise elaborated that the runoff is also less concerning as it is
135 directed towards the river and not abutting lots.

136 Mr. Peter White asked if there are any abutters present who have concerns regarding the case and
137 there were none.

138 Mr. Marquise said that he has some written comments from the neighbor, Beverly Isman, who is
139 easterly to the property and shares the driveway entrance. Mr. Marquise read Ms. Isman's three points
140 from her email to the Board (see attached). Her concerns were the chemicals being used on the
141 property and contamination from these chemicals and the runoff that comes from the driveway; the
142 driveway to be left clear at all times and no boats are stored on her property; and, no increase of noise
143 from the marine services. There was a discussion regarding the elevation of the house and how low it
144 sits. Mr. Marquise said that Ms. Isman's concern seems to be the runoff down the driveway to her well
145 and the runoff starts at a much higher elevation than any of the activities will take place as there would
146 have to be a flow up and then a flow down. Mr. Peter White said that a spill by the dumpster could also
147 seep over to the property. Mr. Peter White asked and Mr. Brandon White confirmed that major service

148 work, other than general service work or shrink-wrapping, will be done inside the building. Mr.
149 Marquise suggested making this a condition. Mrs. Davis-Larrow pointed out that the boat storage is on
150 the other side and back of the property so there will be no boats on Ms. Isman's property. Mr. Brandon
151 White said that there will be an increase in noise, such as when the engines are running for the boats to
152 be stored for the winter or in the spring for startup. The hours of operation per the Site Plan are
153 Monday through Saturday, 7:00am to 6:00pm. Mr. Brandon White explained that the hours will
154 generally be 8:00am to 5:00pm but Mr. Landry advised them to extend each end by an hour. Also, the
155 owners of the property plow and maintain the driveway so there should be no issues with access as he
156 has never plowed her driveway in before.

157 Mr. Peter White closed the public input part of the hearing as there were no other questions from the
158 Board or from the audience. There was a discussion regarding the conditions that need to be made in a
159 motion.

160 Robert Stanley made a motion to approve the Site Plan for the property owned by Sunhaven Properties,
161 LLC, at 477 Route 11 with the provisos: Fire Department approval; major engine work be done inside
162 the building; during the hours as marked on the Plan; and, it must be completed within one year or the
163 applicant must return to the Planning Board for reapproval. Kurt Markarian seconded the motion. The
164 motion passed unanimously.

165 **PARCEL ID: 0218-0062-0000: COMMENTARY AND DISCUSSION IN ACCORDANCE WITH RSA 41:14-A;**
166 **ACQUISITION OR SALE OF LAND, BUILDINGS, OR BOTH. FOR TRANSFER OF TOWN LAND TO DAVID &**
167 **SHARON MONTAMBEAULT**

168 Mr. White explained that the case was approved by the Board as a Subdivision / Annexation. However,
169 approving this did not mean that they approve the transfer of Town land. The Board therefore needs to
170 approve the transfer and it also has to go to the Conservation Commission. Mr. Montambeault
171 explained that the Conservation Commission met the night before and approved the transfer. Rem
172 Mastin, a member of the Conservation Commission, confirmed that the transfer was approved and they
173 did not have any concerns. Mr. White said that the plan seems like a straightforward and equitable
174 solution to the situation.

175 Kurt Markarian made a motion to make the recommendation to the Selectmen to approve the
176 acquisition or sale of land, buildings, or both for transfer of Town land to David and Sharon
177 Montambeault in regards to Parcel 0218-0062-0000. Donna Davis Larrow seconded the motion. The
178 motion passed unanimously.

179 **MISCELLANEOUS BUSINESS**

180 Mr. White informed the Board that he attended the walk that Ausbon Sargent put on down on Wendell
181 Marsh. The walk was very interesting and informative and he thinks that the property would be nice for
182 the Town to own for conservation and recreation. There are also two wells on the property that could
183 be available for Town water in the future. There was further discussion as to the location of the
184 property and size and that the Perkins Pond sewer line will go through the property.

185 **ALTERNATE MEMBER**

186 Mr. White said that he had asked Charlotte Brown, who is in attendance, to become an alternate for the
187 Planning Board. Mrs. Brown introduced herself to the Board and explained that she has served on
188 various Boards for many years and was occasionally an alternate member of the Planning Board when
189 she served on the Selectboard. She feels that being an alternate of the Planning Board will help her to
190 stay involved in the Town. Mr. White explained that the Planning Board typically only meets once a
191 month, though there are times they have to meet twice.

192 Mr. Stanley asked who signed up to run for the Planning Board and Mrs. Davis Larrow confirmed that
193 she is running. Mrs. Brown said she had not heard that anyone else had signed up as she is part of the
194 Sunapee Seniors and they do candidate forums. When she spoke to the Town Clerk's office, she was
195 told that Mrs. Davis Larrow is the only candidate. Mrs. Brown said that she does not want to make
196 another three year commitment and does not want to run for the position. Mr. White thanked Mrs.
197 Brown for her offer to be an alternate member.

198 Mr. Marquise said that the Planning Board needs to vote on appointing Mrs. Brown as an alternate. The
199 next step will be getting a Certificate of Appointment though he is not sure if this is done by the Planning
200 Board or the Board of Selectmen. Mrs. Brown said that she believes she will also need to fill out a
201 Volunteer Form.

202 Donna Davis Larrow made a motion to accept Charlotte Brown as an alternate member of the Planning
203 Board. Shane Hastings seconded the motion. The motion passed unanimously.

204 There was a discussion regarding the Sunapee Seniors candidate discussion and the candidates that are
205 running for the different Boards.

206 **LETTER**

207 Mr. White asked Mr. Marquise if Roger Landry, Zoning Administrator, had given him a copy of a letter
208 sent to the Planning and Zoning Offices by Clayton Platt. The letter, which was also sent directly to Mr.
209 White, is in regards to the Site Plan for the Pleasant Acres Property Maintenance property on Route 11.
210 Mr. White read the letter into the record (see attached). Mr. Stanley asked if Mr. Platt has gone to the
211 property and measured the buffer and Mr. White said that it does not seem as though he did this just
212 that it appears that the owner has cleared the lot to a strip that is 25' wide. Mr. Marquise said that
213 there is a Right of Way distance on Route 11 and then another 25' buffer back from the edge of the
214 Right of Way / property line. Mr. White said that Mr. Platt seems to have some legitimate concerns that
215 should be looked into further. Mr. Marquise said that the Planning Board gets put into a bad position
216 when there is a Variance to approve a Use that was not intended when they set up the Ordinance in that
217 area.

218 Mrs. Davis Larrow said that Mr. Platt is correct and the property is easily visible when you drive past it.
219 Mrs. Andersen said that when the Board approved the Site Plan she thought it would be more hidden
220 than it currently is after everything came down. Mr. Hastings said that he does not believe it would be

221 as noticeable if the parking were different and believes that they are not parking in the approved area.
222 There was a brief discussion regarding the placement of the building. Mr. Marquise said that he will
223 speak with Mr. Landry and bring the findings to the next Planning Meeting. Mrs. Brown asked if there is
224 someone that follows up on Site Plan approvals to make sure that what is approved is what is being
225 done. Mr. Marquise said that Mr. Landry follows up on buildings so in the case of the shed, he would
226 have to go and sign-off on it. Mr. White asked if Mr. Landry checks the Site Plan approval or just checks
227 setbacks. There was a brief discussion regarding this issue and Mr. Marquise said he will discuss it with
228 Mr. Landry.

229 Shane Hastings made a motion to adjourn the meeting. Erin Andersen seconded the motion. The
230 motion passed unanimously.

231 The meeting was adjourned at 8:55pm.

232 Respectfully submitted,

233 Melissa Pollari

234

235 _____

236 Bruce Jennings, Chairman

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238 _____

239 Erin Andersen

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241 _____

242 Robert Stanley

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244 _____

245 Shane Hastings, ex-officio member

Peter White

Donna Davis Larrow

Kurt Markarian

Emma Smith, ex-officio alternate member