

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **MARCH 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:** Charlotte Brown, James Woodley, and Elizabeth Woodley

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

9 Changes to the Minutes for the February 7, 2013 Planning Board Meeting: Change line 96 and 97 to
10 read: Mr. Peter White said that it is a security issue if a light goes on and the police notice." Change line
11 100 to read "...that most of the content is water yet they use..." Change line 109 to read "... into a
12 filtration system and also why the Water and Sewer Department..." Change line 145 to read "...and the
13 grade starts at a much higher elevation..." Change line 150 to read "...there will be no boats near Ms.
14 Isman's property." Change line 180 to read "...Ausbon Sargent put on at the Wendell..."

15 Robert Stanley made a motion to accept the minutes as amended. Kurt Markarian seconded the
16 motion. The motion passed unanimously.

17 **OLD BUSINESS**

18 Mr. Stanley asked Mr. Marquise if he had followed up with Mr. Landry regarding the parking at the
19 Pleasant Acres property on Route 11. Mr. Marquise said that he spoke with Mr. Landry and there was a
20 change in the location of the shed. He had thought that there was going to be a plan available showing
21 where the shed was moved but he does not have anything. Mr. Marquise said that he believes that Mr.
22 Landry said that the parking was acceptable but he is going to give Mr. Marquise a report on the issue.

23 **PARCEL ID: 0114-0003-0000: SITE PLAN REVIEW: MINOR SUBDIVISION: SUBDIVIDE 5.6 ACRE LOT INTO**
24 **A 2.10 ACRE LOT AND A 3.50 ACRE LOT; 913 ROUTE 11 & SUNNY LANE, ELIZABETH WOODLEY**

25 Mr. Marquise stated that the application was filed under Article 6.04 of the Subdivision Regulations, fees
26 were paid, abutters were notified and notices were posted. This is a minor subdivision so it has the
27 allowances of the 6.05-b waivers. In this case, the items that would be waived are: existing and
28 proposed contours; existing and proposed electric; existing and proposed telephone; and plans for
29 storm water drainage. Mr. Marquise continued that, with these waivers, he believes everything else is
30 on the Plan and the application is complete.

31 Kurt Markarian made a motion to accept the completeness of the application as presented for Parcel
32 0114-0003-0000, minor subdivision to subdivide a 5.6 acre lot into a 2.10 acre lot and a 3.50 acre lot.
33 Shane Hastings seconded the motion. The motion passed unanimously.

34 Elizabeth and James Woodley presented the merits of the case. Mr. White asked and it was explained
35 that the property is located across from Browns Hill Rd. Mr. Woodley explained that they have a 5.6
36 acre lot and would like to subdivide it into two smaller lots. One piece will have frontage on Route 11
37 and the other will have frontage on Sunny Lane. There will be access to the "Sunny Lane" lot via a right-
38 of-way because there is a wet area that would be difficult to cross from the Sunny Lane frontage.

39 Mr. Stanley asked and Mr. Marquise confirmed that the Zoning requires 1.5 acres per lot in this Zone.
40 Mr. Marquise also pointed out the setback lines that show there is plenty of room to build on the
41 "Sunny Lane" lot.

42 Mr. Marquise explained that because this is a subdivision that creates lots less than 5 acres it was tested
43 and approved for subdivision by the Department of Environmental Services (DES) for the septic systems.
44 Mr. Marquise confirmed neither Town Water nor Sewer is available for the lots.

45 Mr. White asked and the Board confirmed that they do not have any further questions for the applicant.
46 Mr. White noted that no abutters are present. The hearing was closed to public comments.

47 Robert Stanley made a motion to accept the application from Elizabeth Woodley, Parcel ID 0114-0003-
48 0000 to divide the 5.6 acre lot into a 2.1 acre and a 3.5 acre lot, 913 Route 11 in Sunapee. Donna Davis-
49 Larrow seconded the motion. The motion passed unanimously.

50 **PARCEL ID: 0106-0054-0000 & 0106-0055-0000: LOT MERGER; 747 JOBS CREEK RD & JOBS CREEK RD;**
51 **JAMES SPERO & SUSAN PEARSALL**

52 Mr. Marquise explained that this is a standard lot merger, one of the lots has been developed and the
53 other has not and the owners would like to merge the two together. There was a discussion regarding
54 the location of the lots. Mrs. Davis-Larrow asked if there was any reason not to approve the lot merger
55 and Mr. Marquise explained that with the steepness of the empty lot, it is unlikely that anyone would
56 want to develop it. The merger would also remove the "bowling alley" feeling of the lots and make it
57 more conforming.

58 Mr. White asked about the area that is "in contention". Mr. Marquise said it is something that the Town
59 has noted but they are not making a reference to that part with this merger. They are just merging Lot
60 55 and Lot 54 together.

61 Mr. Stanley asked and Mr. Marquise confirmed that the owners will pay less in taxes after the lots are
62 merged. Mr. Marquise noted that it is proportional, however, as part of the lots are probably
63 considered back land.

64 Shane Hastings made a motion to allow the Lot Merger between Parcels 0106-0054-0000 and 0106-
65 0055-0000 at 747 Jobs Creek Road. Kurt Markarian seconded the motion. The motion passed
66 unanimously.

67 **DISCUSSION: REVIEW PLANNING BOARD POLICY ON RECORDED AGREEMENTS RELATING TO PARCEL**
68 **BOUNDARIES AND CHANGES TO STATE REQUIREMENTS. RE: RSA 676:18**

69 Mr. Marquise explained that this issue came out of a specific case on West Court Rd by property owned
70 by Dick Leone. A surveyor did a boundary line agreement which didn't transfer any land per se but
71 established a line between two properties. The Plan was filed with the Registry of Deeds and there is a
72 provision under RSA 676:18, that says that if a surveyor makes a statement on a Plan that there are no
73 new lots, rights of way, street lines, etc. that the Registry can accept the Plan without a Planning Board
74 stamp. Mr. Marquise continued that the Town has a requirement in the Subdivision Regulations that
75 discusses boundary line agreements and the need to bring the Mylar in and get it stamped by the Board
76 before bringing it to the Registry. Mr. Marquise recommends amending the Regulation and actually
77 eliminating this process as the surveyors now have the power to just go to the Registry without going to
78 the Planning Board.

79 Mr. Stanley asked if this Amendment would be done next year and Mr. Marquise explained that it can
80 be done at any time. Mr. Marquise explained that Zoning Amendments go to the voters but Subdivision
81 or Site Plan Amendments are done by the Board. The hearing would have to be noticed and posted and
82 public comments would have to be allowed but the process is easier. There was further discussion
83 regarding this issue as well as notifying the surveyors regarding following the RSA.

84 Donna Davis-Larrow made a motion to adjourn the meeting. The motion was seconded by Robert
85 Stanley. The motion passed unanimously. The meeting was adjourned at 7:36pm.

86 Respectfully submitted,

87 Melissa Pollari

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90 Bruce Jennings, Chairman

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93 Erin Andersen

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96 Robert Stanley

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99 Shane Hastings, ex-officio member

Peter White

Donna Davis Larrow

Kurt Markarian

Emma Smith, ex-officio alternate member