

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **DECEMBER 05, 2013**

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

6 **ABSENT:** Charlotte Brown, alternate

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

8 Changes to the Minutes from the November 7, 2013 meeting: Change line 114 to read "...if they balance
9 off all the drainage onsite..." Change line 147 to read "this will give them a little more..." Change line
10 167 to read "...them in the next two weeks..."

11 Kurt Markarian made a motion to accept the minutes from November 7th as amended. Tanner Royce
12 seconded the motion. The motion passed unanimously.

13 **DISCUSSION**

14 Mr. Marquise informed the Board that as they took care of all of the Zoning Amendments at the last
15 meeting they do not need a second hearing, therefore, there will not be a meeting in two weeks. Also,
16 because the next scheduled meeting is for January 2nd, the Board has decided to not have this meeting
17 and to meet on January 16th instead.

18 Clayton Platt suggested the Board have a standing magnetic board that plans could be attached to
19 before a hearing so everyone could have the chance to look at them. There was a brief discussion
20 regarding Mr. Platt's suggestion.

21 There was a discussion regarding consultations and conceptual reviews.

22 **PARCEL ID: 0215-0028-0000: MINOR SUBDIVISION: SUBDIVIDE 4.2 ACRE LOT. 196 AVERY RD,**
23 **CHARLES M SORENTO ESTATE.**

24 Mr. Marquise stated that the application was filed in advance, fees were paid, copies have been
25 provided, abutters were notified, and notices were posted. This application falls under 6.04 of the
26 Subdivision Regulations and since it is a minor subdivision it is eligible for waivers under 6.05-b. Mr.
27 Marquise continued that the requirement of the proposed and existing Right of Way lines should be left
28 open for discussion. The only other item to note is that, because this is less than 5 acres, a septic
29 approval from the State is required and he understands that it is pending. The waivers would be: the
30 boundary survey of the entire parcel, utility lines, storm water drainage, and water supply facilities. Mr.
31 Marquise said he does not see a reason that those items should not be waived. Mr. Marquise continued
32 that with these items, the application is complete.

33 Donna Davis Larrow made a motion to accept the application as complete with the potential waivers of
34 the boundary of the entire parcel, utility lines, storm water drainage, water supply, and the Board will

35 look at the existing and proposed Right of Way lines. Robert Stanley seconded the motion. The motion
36 passed unanimously.

37 Teddy Gallup presented the merits of the case on behalf of Pat Sorento as Charles Sorento has passed
38 away. The subdivision was started in 2007 and has been in limbo but Mr. Sorento wanted Mr. Gallup to
39 follow through on the plan if he passed away so she would have something to sell.

40 Mr. Gallup was asked why the lot was not created as 5 acres if the septic approval is required for lots
41 under 5 acres. Mr. Gallup said that he did not know why but that he has done test pits and that he
42 believes the lot should handle a leach field. Someone noted that the boundary lines are on existing
43 stone walls so it made sense to do it like this.

44 Mr. Gallup asked if someone comes in for a building permit for this lot if they will need to have the road
45 up to Town specs up to the lot. Mr. Marquise said that this is not a Class VI road, it is just a private way
46 that goes up to the lot. There are a couple of options and bringing it up to Class V specs would imply
47 that the Selectmen were going to end up taking it over. It could be a permanent private way but it
48 would need to meet the requirements. Chairman White said that before approval either the road needs
49 to be brought up to Class V specifications, or it needs to be deemed to meet permanent private Right of
50 Way specifications and this needs to be indicated on the Plan. Mr. Gallup asked if he needs to talk to
51 Scott Hazelton, the Highway Director, or if Mr. Landry will do this. Mr. Marquise said that they can
52 discuss this with Mr. Hazelton but Mr. Gallup needs to talk to the surveyor, Cliff Richer, in order to get
53 the Right of Way shown on the Plan. There was further discussion regarding the Right of Way.

54 The Board determined to continue the case until the January 16th meeting.

55 **PARCEL ID: 0144-0037-0000, PARCEL ID: 0144-0038-0000, PARCEL ID: 0144-0040-0000: LOT LINE**
56 **ADJUSTMENTS TO THREE (3) LOTS-CHANGING ACREAGE ON ALL LOTS. 308 EDMONT RD, DANIEL &**
57 **CRYSTAL BONIN.**

58 Mr. Marquise stated that the application was filed in advance, fees were paid, notices were posted, and
59 abutters were notified. This application falls under 6.04 of the Subdivision Regulations and is a minor
60 subdivision, eligible for 6.05 waivers. Mr. Marquise continued that, in terms of completeness, he did not
61 see any issues with the requirements under 6.04. One of the lots will need a subdivision approval from
62 the State and, in terms of waivers, it would be the utility lines and storm water drainage. Mr. Marquise
63 said that there are some wet areas and that there will be a road going through so there may be a
64 Wetlands Permit needed. Mr. Bonin said that there was a Wetlands Permit submitted to the Town and
65 it was kicked back because it was dated in August. Mr. Marquise said that this Permit is required.
66 Chairman White asked and Mr. Marquise said that the Board could give approval and then sign the
67 Mylar after these permits are received.

68 Robert Stanley made a motion to accept the application as complete with the exceptions of the utility
69 and storm water drainage and to include the Wetlands approval by the Town and the approval by the
70 State for a septic system. Shane Hastings seconded the motion. The motion passed unanimously.

71 Clayton Platt presented the merits of the case on behalf of Dan & Crystal Bonin. Mr. Platt explained that
72 Mr. Bonin owns three lots on Edgemont Rd by Hells Corner Rd. His house sits on a five acre lot and he
73 has a ten acre lot behind his lot. Mr. Bonin would like to turn the ten acre lot into a three acre lot and

74 have a thirteen and a half acre lot for his house. Mr. Bonin also recently purchased a lot from Mr. Lear
75 and he is using some of this lot to create the three acre lot. This makes a better house site, set back
76 from the wetlands.

77 Mr. Platt said that the driveway will come off of Edgemont Rd and they have a State driveway permit.
78 They will be granting a 30' Right of Way to the other piece of land that is essentially landlocked due to
79 the marsh. This will be a common driveway to these two lots for approximately 100'. The other lot does
80 have road frontage so this would just be a driveway.

81 Mr. Platt was asked and confirmed that two of the lots are currently vacant. This subdivision /
82 annexation plan is not creating any new lots, it is just moving lines.

83 Mr. Platt said that the driveway is meant to minimize the impact to the wetlands with two culverts. Mr.
84 Royce said that he has concerns with the driveway permit as it says that it authorizes a single access to
85 be used as a single family residential drive; any change in use, increase in use, or reconstruction of the
86 driveway requires reapplication. Mr. Platt said that the permit should probably be updated as the
87 driveway permit came in before Mr. Bonin bought the other land.

88 Mr. Marquise said that one of the requirements in the subdivision regulations is that any new lot has to
89 have land that is buildable quality that is equal to 65% of the minimum lot size. In this case it would be
90 65% of an acre and a half, which is approximately an acre, and it looks as though it does have at least an
91 acre that is buildable. Mr. Platt explained that on the smaller sheet it shows that they have 75,000
92 square feet of buildable space which is roughly an acre and a half.

93 Mr. Marquise said that the property is in the Rural Residential Zoning District, not the Rural Zoning
94 District and should be changed on the Plan.

95 Mr. Royce asked and Mr. Platt confirmed that the Right of Way driveway crosses two different lots to
96 get to the third lot as it crosses a portion of the lot Mr. Bonin's house will be on as well.

97 Richard Hanssen of 310 Edgemont Rd explained that his lot is in the middle of the proposed subdivision
98 / annexation. He said that his and his wife's last names are spelled wrong on the Plan. Mr. Hanssen
99 continued that he has a problem with the proposed driveway as he feels that the driveway will be going
100 over wetlands and he is afraid of water coming up to his garage. He has contacted the Wetland Bureau
101 and they confirmed that there are wetlands there. Mr. Hanssen continued that he already has water
102 problems with his garage and has had to lift it and put in drainage. He does not think that the two
103 culverts will be sufficient and fears that the water will drain to his garage. A gravel driveway will not
104 keep the water from running and he feels as though they are building a dam, especially if the culverts
105 get clogged. Mr. Hanssen said that he has written a letter of objection to the Wetlands Bureau and he is
106 objecting to the road. He does not want his garage to be subjected to more water.

107 Mr. Platt said that he thinks that the garage is at an elevation of approximately 1125 and the culverts
108 will be about 6 feet below that. There is also a large amount of fill where the garage is right above the
109 culverts. And the top of the driveway should be at least 3 or 4 feet below where the garage is and if the
110 culverts are backed up they should go over the top of the driveway before going to the garage. There
111 was further discussion regarding the wetlands.

112 Mr. Royce asked and Mr. Platt confirmed that there is no existing Right of Way and that this is
113 something that this is something Mr. Bonin wants to create if he ever decides he wants to sell the other
114 properties. Mr. Royce asked if it is feasible to use the road frontage on Hells Corner Rd. Mr. Platt said
115 that there is frontage on Hells Corner Rd and Edgemont Rd but it is wetlands.

116 Mr. Royce asked about the Town's position on Right of Ways and if the Board is for or against them as
117 he sees them as causing problems with neighbors. Mr. Royce wanted to know if Right of Ways require
118 waivers or approvals or are they something that are allowed. Mr. Marquise said that they are usually
119 just deeded and if it is only for a driveway the Town really doesn't have a position.

120 Vice-Chair Stanley asked if there might be a reason that the State would turn down the driveway permit
121 because it is now two instead of one. Mr. Marquise said that he doubts it as they may turn down a
122 commercial drive based on traffic but just being used by two lots would not be heavy traffic. Mr.
123 Platt said they tend to encourage common driveways because they want fewer cuts on the State roads.

124 Chairman White noted that the comments to Mr. Hanssen's concerns was that if the culverts ever did
125 back up, the elevation of the road would cause the water to go over it before it backed up to his garage.
126 Mr. Hanssen said that there is some water in there now between where the driveway is and his garage
127 and he is worried about it. Mr. Marquise asked if Mr. Platt's representation that his garage is several
128 feet higher than the water is correct. Mr. Hanssen said that he is somewhat higher but he is not sure he
129 is high enough depending on how much water gets in there.

130 Chairman White asked if the State had requirements regarding the size of the culverts and depth based
131 on the area. Mr. Platt explained that the soil scientist / wetland scientist figured out. Mr. Hanssen said
132 that he was told that he proposed numerous culverts and that two is not numerous. Mr. Hanssen said
133 that Mr. Bonin does not keep his gravel driveway clear and questioned if he would clean out culverts for
134 a property he is not using. Mr. Hanssen said that he has no objection to the number of parcels; he is just
135 concerned about the water. Mr. Hanssen said that Mr. Bonin had his property logged and that there
136 was a path cut in for the big equipment but that turning it into a driveway would cut into a lot of Mr.
137 Bonin's property.

138 Mr. Platt said that the 10 acre lot was approved in 1984 and the frontage hasn't changed so is really the
139 only access to the lot as it is now, even without the subdivision someone could get a wetlands permit
140 and put a driveway in there. There was further discussion regarding the wetlands and the driveway.
141 Chairman White explained that when it comes to wetlands the State is the ones that set the rules.

142 Robert Stanley made a motion to approve the Plan of the lot line adjustment for Tax Map 144, Lots 37,
143 38, and 40, 308 Edgemont Rd, subject to a new approval for the driveway from the State since the
144 original approval is only for one lot; subject to State approval for a State subdivision approval and the
145 wetlands approval; and the correction on the Plan as to which Zone the lots are in. Kurt Markarian
146 seconded the motion. The motion passed unanimously.

147 Kurt Markarian made a motion to adjourn the meeting at 8:05 pm. Donna Davis Larrow seconded the
148 motion. The motion passed unanimously.

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150 Respectfully submitted,

151 Melissa Pollari

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157 Planning Board

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159 Peter White, Chairman

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161 Erin Andersen

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163 Tanner Royce

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165 Shane Hastings, ex-officio member

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Robert Stanley, Vice-Chairman

Donna Davis Larrow

Kurt Markarian

Charlotte Brown, alternate member