

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **JANUARY 5, 2012**

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5 **PRESENT:** Bruce Jennings, Chairman; Donna Davis Larrow; Daniel Schneider; Bob Stanley; Peter White;  
6 Erin Andersen, Michael Marquise, Planner

7 **ABSENT:** Emma Smith, ex-officio member, Roger Landry, Zoning Administrator

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

9 Chairman Jennings called the meeting to order at 7:00PM.

10 Changes to the Minutes for the December 5, 2011 Planning Board Meeting: On line 32, change spelling  
11 of "council" to "counsel". Change line 158 to read "...the Easement would go away as the lines would  
12 not be privately owned." Change lines 172-173 to read "...and that the subdivision is filed not later than  
13 one year from the date of the meeting." Change line 241 to read "Wojter Staszkiwicz, the owner of the  
14 One Mile West business..." Daniel Schneider made a motion to approve the minutes as amended. Bob  
15 Stanley seconded the motion. Motion passed unanimously.

16 Chairman Jennings commented about the Statements of Property Usage. He had received a call from an  
17 abutter regarding Slavin Haven's going into the old Tattered Pages space. The abutter asked why he  
18 hadn't received notification. Chairman Jennings stated that he informed the abutter that at this time  
19 there is no requirement to notify abutters regarding Statements of Property Usage, however, if he felt  
20 that this is something that is important then to send a letter to the Board and they would look at the  
21 issue. At this point, the Board really reviews the Statements of Property Usage to ensure that there is  
22 compliance. Furthermore, he told the abutter that if the Planning Board had felt that the Slavin Haven's  
23 change would have needed a higher level of scrutiny then the abutter would have been notified.

24 **MAP 118 LOT 60 & MAP 116 LOT 41, LOT MERGER, GEORGE & CONSTANCE GRIFFIN, BURMA ROAD**

25 Michael Marquise stated that there are two lots involved on either side of Burma Road. The lot that is  
26 on the non-lake side of Burma Road is not buildable and the owners have decided to merge the lots.  
27 Mr. Marquise said that it is allowable to merge two lots with a road in the middle as Burma Road is both  
28 a private road and there is not a fee simple ownership of the road, meaning that the road is a Right-Of-  
29 Way and the lot would be continuous. Donna Davis asked for clarification regarding fee-simple  
30 ownership. Mr. Marquise stated the fee-simple is a term that is used when a State or Town goes and  
31 buys the land for the road. Most roads were given as a "right to cross" to the town. There was a  
32 discussion regarding the purpose of the merger. Mr. Marquise stated that the Planning Board does not  
33 require a reason for the merger as typically mergers, from a Planning Board perspective, is considered a  
34 plus. They are often dealing with non-conforming lots and helping to make them more conforming.

35 Unless the merger creates another non-conforming lot, there are few reasons to deny mergers. There  
36 was further discussion regarding this merger about the road frontage and setbacks.

37 Bob Stanley made a motion to approve the merger of Map 118 Lot 60 and Map 118 Lot 41. Motion  
38 seconded by Peter White. Motion passed unanimously.

### 39 **DISCUSSION ABOUT STATEMENT OF PROPERTY USAGE FORM**

40 Michael Marquise stated the Roger Landry, the Zoning Administrator, was not comfortable with the  
41 previous form. Mr. Marquise and Mr. Landry reviewed the form together and have revised the second  
42 page of the form. On the second page, they have created new lines, which include: a line for notes for  
43 changes and such; a line for comments from Mr. Marquise; a line for recommendations from Mr. Landry  
44 based upon the findings and comments. The Statement of Property Usage could be signed off by Mr.  
45 Landry or could then go to the Planning Board for a decision or go straight to a Site Plan Review. The  
46 reason that Mr. Landry would make the recommendation is that his decision could be appealed to the  
47 Zoning Board. There was a discussion by the Board members and Mr. Marquise about the changes on  
48 the form and how they would affect the decisions as the Statements of Property Usage would not  
49 necessarily have to be heard by the Planning Board. There was a discussion about the wording on the  
50 form regarding "the Zoning Administrator's recommendation" and how perhaps the form should read  
51 "the Zoning Administrator's decision" and also perhaps the form should read "Planning Board decision,  
52 if required". There was further discussion about the wording on the Form. The Board determined that  
53 the Zoning Administrator's decisions should be numbered 1-3 and the Planning Board decision signature  
54 line should say "as per #2 above". Change "the Zoning Administrator's recommendation" to "the Zoning  
55 Administrator's determination". Decision number 2 should read: "based on the above data findings and  
56 comments, the applicant should apply for a Site Plan Review".

57 Donna Davis Larrow wanted to bring to the attention of the Planning Board that they have had a  
58 decision from the Supreme Court on her case with the Town. She presented the decision from the Court  
59 which basically states that Article I, Part I of the State Constitution has to be adhered to. The case was in  
60 relation to a decision by the Zoning Board. Mrs. Larrow stated that the decision basically says that the  
61 Planning Board, Zoning Board, the Town of Sunapee, etc., has an obligation to the citizens to treat them  
62 with helpful hands instead of making things difficult and there is a responsibility as members of the  
63 Government to hold the hands of the citizens through the processes and help them understand what  
64 they need to do. There was a discussion regarding whether the Board feels that during the various  
65 hearings if they have handled them well and how in the past there has been criticism that the Boards  
66 have been "too helpful" where the Board now strives to be helpful and educate the applicants.

67 Chairman Jennings asked and Mrs. Larrow confirmed that the case was heard at a lower court which  
68 upheld the Town's decision and the case then went to the Supreme Court who overturned the decision.  
69 Chairman Jennings asked Mrs. Larrow what her rights are now and Mrs. Larrow stated that she had  
70 hoped the Zoning Board would have contacted her; however, they haven't done so at this time. Mrs.  
71 Larrow is not sure how they will proceed at this time as her attorney is still talking to Town Counsel.  
72 However, in all reality, the Supreme Court gave it back to the Zoning Board. Mrs. Larrow gave a brief

73 explanation regarding the case: they had received a cease and desist letter for a business that was not  
74 valid. The Zoning Board had said that they could not hold a hearing regarding an appeal of a cease and  
75 desist letter which the Supreme Court found to be in error and the Zoning Board should hear the appeal  
76 case. However, the decision does not give an answer of what the decision from the Zoning Board should  
77 be. There was a discussion regarding how different cases go the Zoning Board for appeals.

78 There was a discussion about what is going on at the Chase's Marina property as there is blasting and  
79 clearing taking place.

80 Michael Marquise brought up the upcoming elections. Bob Stanley and Daniel Schneider are both up for  
81 re-election and Mr. Marquise encouraged them to run again.

82 There was a discussion regarding the upcoming meetings and availability of the members.

83 The meeting was adjourned at 8:00 PM.

84 Respectfully submitted,

85 Melissa Pollari

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Bruce Jennings, Chairman

\_\_\_\_\_ Robert Stanley

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Erin Andersen

\_\_\_\_\_ Daniel Schneider

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Donna Davis Larrow

\_\_\_\_\_ Peter White

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Emma Smith, ex-officio member