

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **SEPTEMBER 20, 2012**

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

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

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

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

9 Changes to the Minutes for the August 2, 2012 Planning Board Meeting: Line 63-64 should read
10 "...logging truck and it is not backing out..."

11 Kurt Markarian made a motion to accept the minutes as corrected. Shane Hastings seconded the
12 motion. The motion passed unanimously.

13 **TOWN PLANNER**

14 Mr. Marquise reminded the Board about the lecture series that is coming up in October and asked about
15 interest from the Board. There was a discussion regarding the different lectures and if any of the Board
16 members wanted to attend.

17 Mr. Marquise told the Board that Roger Landry, the Zoning Administrator, and a few members of the
18 Zoning Board may be attending the next meeting to discuss amendments to the Rules and Procedures
19 and Zoning Ordinances. There was a discussion regarding one of the changes that was discussed in the
20 Zoning meeting about eliminating Use Variances and if it were doable, what it would mean to the Town.

21 **PARCEL ID: 0132-0017-0000: SITE PLAN REVIEW; EXPAND EXISTING VACANT SPACE INTO A**
22 **CONVENIENCE STORE. SYLVIA KATSENES; 474 ROUTE 11**

23 Mr. Marquise stated that the application was filed in advance, fees were paid, and notices were sent
24 and posted. The case falls under Article V of the Site Plan Review Regulations. This is an amendment to
25 a previously approved Site Plan, however, at the time it was approved it was for an expansion of the
26 building which has been removed from the current application. This application is for the existing built
27 area; the gas pumps, and seating outside is not on this Plan. Mr. Marquise stated that with the basic
28 information and added notes regarding lighting and signs, he believes the application is complete as an
29 amendment to the previously approved Site Plan, though there should be discussions regarding the
30 State of NH Department of Transportation (DOT) permitting and highway access.

31 Donna Davis Larrow made a motion to accept the application as complete subject to the highway access
32 for the Department of Transportation for Parcel 0132-0017-0000. Kurt Markarian seconded the motion.
33 The motion passed unanimously.

34 Dave Cook presented the merits of the case on behalf of Ms. Katsenes. Mr. Cook explained that the
35 owners would like to begin to use the vacant space as a convenience store and they are not looking to
36 expand the building.

37 Mr. White asked Mr. Marquise for a brief history about the building. Mr. Marquise explained that when
38 the restaurant went into the building, it went before the Planning Board, and because it wasn't Zoned
39 for that district, it was approved as a 50% expansion as there were tables with seating for 20 in the old
40 convenience store so they were allowed 30 seats. Retail is allowed in that Zone by Exception, and as
41 more than two years have passed since the store was operational, a question was asked as to whether
42 the case should be heard by the Zoning Board. Mr. Marquise said that he will speak to Mr. Landry about
43 this issue. The Board decided to proceed with hearing the case with the assumption that the Zoning is
44 acceptable but either make a condition on anything that is decided or wait until the next meeting to
45 make a decision. Mr. White explained to the applicants that the Planning Board cannot approve
46 something that doesn't meet the Zoning Ordinance. The reason that the store might need to go before
47 Zoning is because it has been out of operation for longer than two years, and as Zoning rules change, it
48 is not allowed to just go back in to the building as the operation of the store was voluntarily given up
49 and it now has to meet the current Zoning Ordinance.

50 Mr. Marquise said that Mrs. Larrow pointed out that the Zoning Exception is up to 1000 square feet and
51 the proposed store is 1520 square feet which might require a Variance. Mrs. Larrow said that she
52 questions whether the Planning Board has the authority to continue with this case as it is over the 1000
53 square feet. Mr. Marquise said that it will require either a statement from Mr. Landry to explain why
54 this meets Zoning, or a Zoning Variance or Exception. Mr. Marquise advised the Board to hear the
55 merits of the case and then wait to make a decision as they have up to 65 days by law to make a
56 decision.

57 Mr. Marquise asked the applicant how many total employees the businesses will have. Mr. Cook said
58 that there are eight employees in the pizza place and there will be one employee on at the convenience
59 store, there would be a maximum of nine employees at any one time. Mr. White asked if the parking
60 meets the requirements and Mr. Cook said that Mr. Landry said that the parking is sufficient. There was
61 further discussion regarding the parking and how many spaces are needed and how many are available.
62 It was determined that since the parking requirements are guidelines that the 25 spaces shown are
63 sufficient to satisfy the estimated need for 26-27 spaces. Mr. Marquise asked where deliveries will be
64 made and if there would be issues with getting a delivery truck maneuvered in the parking area. Mr.
65 Cook explained that there isn't a need for a truck to turn around; they park on the right hand side and
66 deliver through the front door.

67 Mr. Marquise asked if there have been any conversations with DOT regarding the highway. Mr. Cook
68 said that there have not been any that he is aware of; however, they are not actually changing anything.
69 Mr. Marquise said that the DOT might even just sign off on it, but the Board needs to have something
70 from them.

71 Mr. Marquise showed the Board the specs of the new lights that are on the Plan. Mr. Cook clarified that
72 there are two existing lights, they are adding another, and there is also the lighting that goes all the way
73 across the front of the store, as well as a few others on the sides. Mr. White stated that Chief Cahill
74 usually asks that the lights in the back be on a motion sensor. Mr. Cook said he didn't know if the
75 current lights are on a motion sensor, but they could change them to be if needed.

76 Mrs. Larrow asked if the proposed sign is going to be lighted. Mr. Cook confirmed that they are going to
77 have a lighted sign in the middle of the proposed island and that the other sign will either be used for
78 that sign or it will be removed.

79 Mr. Cook explained to the Board that part of the plan is, as the convenience store will be open earlier in
80 the morning, that they might decide to open the restaurant for breakfast. Mr. White asked Mr. Cook
81 what the hours of operation will be and Mr. Cook said that they will be open from 6:00am – 10:00pm.

82 Mrs. Larrow asked if Mr. Cook knew of any conversations with any of the abutters regarding the
83 proposal. Mr. Cook said that they have not had any conversations with abutters.

84 Mr. Marquise asked if Mr. Cook knew of any conversations with any of the Boards or Departments
85 including, Fire, Police, Water & Sewer. Mr. Cook said that he hasn't heard anything from them and Mr.
86 Landry said that he was going to send the information to all the Departments.

87 Mr. White asked if there was a reason that the two parking spaces were added to the left side and not
88 to the right as he questions the accessibility of getting in and out there. Mr. Cook explained that on the
89 right side there is a walkway as that is where the deliveries come into the building, though they could
90 probably move those two parking spots. There was further discussion regarding this issue and moving
91 the two spaces and the delivery trucks.

92 Mr. White asked about the landscaping for the site. Mr. Cook said that there is already existing
93 landscaping. Mr. White asked about the additional landscaping that is on the Plan and explained that if
94 it is on the Plan, that is going to be what is expected as that is what is going to be approved. There was
95 a discussion regarding a fence and planting shrubbery between the fence and the parking. Mr. Cook
96 explained that he doesn't know what the symbols on the Plan mean.

97 Mr. White asked the Board what they feel about the application. Mr. Markarian said that at this point,
98 he thinks they have more questions than answers and it might be better to wait to hear about the
99 Zoning before they entertain a motion. Mrs. Larrow agreed and said that she thinks that the Board
100 needs to have actual definitions of the Landscaping Plan as well as the moving of the two parking
101 spaces, and finally, the access from the State should have approval. Mrs. Andersen also agreed and said
102 that they also do not have the sign-offs from the Departments. Mr. Hastings agreed that there are too
103 many questions. Mr. Marquise suggested a list for the applicant to have and to continue the hearing in
104 two weeks which would also give Mr. Marquise time to follow up with Mr. Landry.

105 Mrs. Larrow went over the list of items the Board would like the applicant to clarify: the highway access
106 from the DOT; the landscaping plan; the parking and parking spaces; a more defined area for delivery

107 trucks; more definition of the signage; the issue with the Zoning District and if an Exception or Variance
108 is required; and sign-offs from the Department Heads.

109 The Board agreed to continue the case until the next meeting.

110 **PARCEL ID: 0134-0006-0000 & PARCEL ID: 0134-0007-0000: LOT MERGER. THE SUNAPEE LAKE, LLC,**
111 **215 & 217 LAKE AVE**

112 There was a question as to whether there is living space in the boathouse. Mr. Marquise said that there
113 could be living space but the Board still has the right to merge the properties under the Zoning
114 Regulations as long as it is not becoming more non-conforming. This merger will not make the property
115 meet the one acre lot size requirement, but usually mergers are a plus in terms of Planning because it
116 makes the lots better. Mr. White said the only concern he has is the possibility of living space in the
117 boat house. Mr. Marquise said that even if the boathouse has living space, they are not creating a
118 worse density situation because there is still the same amount of land. Mr. White disagreed because
119 when they merge the properties, there would be two dwelling units on one non-conforming lot, instead
120 of two dwelling units on two non-conforming lots. He looks at it as each lot having just one dwelling
121 unit but he isn't sure that it matters as one of the units is actually a boathouse. There was further
122 discussion regarding this issue. Mr. Marquise went upstairs to check the records and see if the
123 boathouse has living space.

124 Mr. Marquise returned and said that the boathouse has a bedroom, a kitchen, a loft, a bathroom and is
125 heated and winterized. Mr. White said that the merger, in his view, would make the lot more non-
126 conforming because there would be two dwelling units. Mr. Marquise recommended asking the Town's
127 attorney for an opinion. Mrs. Larrow said that part of the issue is because they don't have anybody
128 representing the case who the Board can ask questions about the property and their intent. Mr.
129 Marquise asked, if the properties were merged and they rented the boathouse, how is it different than if
130 they rent the boathouse when it is on its own lot. Mr. White has a problem because of the intent of the
131 ordinance, that there be no more than one dwelling unit on a lot unless there is the required square
132 footage for it. If the boathouse did not exist on the lot, and the lots were merged, then later on they
133 asked to build another dwelling unit on the lot, it would need a Variance and it may or may not be
134 approved. Mr. Marquise said that they are two different cases and there are already dwelling units on
135 both lots so the situation exists whether the property line is there or not. This means that any use
136 impact makes no difference whether there is a boundary line or not and it doesn't create a more non-
137 conforming property. The Board determined that they wanted to hear from the Town Attorney as to
138 how to continue.

139 The case was continued to the next meeting.

140 **MISCELLANEOUS**

141 **MYLAR SIGN-OFF**

142 **NOYES/BOUWKAMP - SUBDIVISION ANNEX**

143 Kurt Markarian made a motion to adjourn the meeting. The motion was approved unanimously. The
144 meeting was adjourned at 8:25 PM.

145 Respectfully submitted,

146 Melissa Pollari

147

148 _____

149 Bruce Jennings, Chairman

_____ Peter White

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151 _____

152 Erin Andersen

_____ Donna Davis Larrow

153

154 _____

155 Robert Stanley

_____ Kurt Markarian

156

157 _____

158 Shane Hastings, ex-officio member

_____ Emma Smith, ex-officio alternate member