

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **JUNE 7, 2012**

4 **PRESENT:** Peter White; Erin Andersen; Kurt Markarian; Donna Davis Larrow; Michael Marquise, Planner

5 **ABSENT:** Bruce Jennings, Robert Stanley, Shane Hastings, ex-officio member, Roger Landry, Zoning
6 Administrator

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

8 Peter White called the meeting to order at 7:05 PM.

9 Changes to the Minutes for the May 3, 2012 Planning Board Meeting:

10 Kurt Markarian made a motion to accept the minutes as presented. Erin Andersen seconded the
11 motion. The motion passed unanimously.

12 Michael Marquise spoke about the future of schedule for meetings. One possible issue is the July
13 meeting is scheduled for the 5th. Last year the meeting date was moved up two weeks to the third
14 Thursday in June. There will be at least two cases and it was suggested to move the meeting to July 19th.
15 Mr. White said that he does not have a problem pushing it out two weeks. There was a general
16 consensus and the Board members agreed to move the meeting to July 19th.

17 Mr. Marquise said that the training that was proposed for tonight should be postponed as some of the
18 newer members are not present. Mr. White agreed that with only half a Board it does not make sense
19 to do the training. Mr. Marquise said the Board will have to try and pick another time to do training.

20 There was a general discussion regarding an addition to the Board members' packets from the Regional
21 Planning Office and projected growth in the area.

22 **PARCEL ID: 0119-0009-0000, SITE PLAN REVIEW, OPERATE AND MAINTAIN A PROPERTY**
23 **MAINTENANCE BUSINESS ON A FIVE (5) ACRE PARCEL., PLEASANT ACRES PROPERTY MAINTENANCE,**
24 **LLC, HEIDI WILSON, ROUTE 11**

25 Mr. White explained that in order to hear a case there needs to be a quorum, which is a majority of the
26 Board, which in the Planning Board case is four members. There are four members present but one
27 member needs to recuse themselves from this case which would only leave three. Mr. Marquise said
28 that according to Donna Nashawaty they cannot continue with the case as she asked Town Counsel and
29 they need a quorum to sit on any action of the Board. Once someone steps off, the Board doesn't exist
30 as there is not a quorum which is needed to operate.

31 Mr. White told Matt McClay who was going to be presenting the case that they were hoping another
32 member was going to arrive but if he doesn't they can't hear the case tonight. Mr. McClay was given
33 the option to wait to see if Chairman Jennings would arrive and chose to do this as his Purchase and

34 Sales Agreement expires in a week and he worries about if it would be renewed without permission to
35 operate the business.

36 Mr. Markarian asked how it would work if the member who had to recuse themselves if they did not
37 recuse themselves and just abstained from the vote. Mr. Marquise said that he would have to ask Donna
38 Nashawaty. Mr. White said that he feels that you can always abstain from a vote but recusing yourself is
39 because of a conflict.

40 Donna Davis Larrow said she would be the one recusing herself from the case and her issue is that she
41 works with Mr. McClay. While she feels that she could be objective, she does not want it to come back
42 on Mr. McClay that he somehow had preferential treatment and is looking at it more on his behalf. Mr.
43 McClay clarified that he does not work with Mrs. Larrow as part of this business but as part of a different
44 part time job that he has. Mr. McClay suggested that Mrs. Larrow could sit and listen to the case and
45 then determine whether she felt comfortable voting. Mrs. Larrow told Mr. McClay that he is the one
46 who could potentially suffer the consequences but she would be happy to not vote if that seems
47 reasonable. Mr. McClay said that he is happy to go with whatever the Board decides as if they don't
48 hear the case or make a decision denying the Site Plan the deal will probably fall apart but he would like
49 the chance to go forward if it is possible. Mr. White said that it is up to Mrs. Larrow if she wants to
50 decide to recuse herself or not, though he feels that as she does not work in the business that is coming
51 before the Board, that there does not seem like there is any personal gain for her but it is up to her to
52 decide whether she thinks that she can act impartially on it. Mr. White explained that if someone
53 doesn't recuse themselves who maybe should have on a case, it could be grounds for an appeal of the
54 decision. There was further explanation of this issue including that the appeal period is 30 days. Mrs.
55 Larrow said that she would sit in on the hearing and not vote on the decision if it would allow the case
56 to be heard. Mr. Marquise said that by doing it this way the case could go forward. Mr. McClay asked if
57 it would make it a valid vote and it was confirmed that it would.

58 Mr. Marquise stated that the application was filed in advance, notices were posted, abutters were
59 notified and fees were paid. The application falls under the Site Plan Review Regulations, Article 5.
60 There are a few items missing from the plan and the Board can decide whether to waive them or ask for
61 them on the final plan. Mr. Marquise said that plan is missing the scale of the drawing though he
62 assumes, and Mr. McClay confirmed, that it is a 20 scale drawing. Mr. Marquise continued that the
63 other items missing are contours; parking spaces, though parking is shown generally; water and sewer
64 facilities, which may not be applicable; design and calculations of drainage, which is waived at times
65 though the Board may want to keep it opened based on the scope of the project. Also, the Board may
66 want to keep in mind any DOT access, any septic approval and any site specific review. Mr. Marquise
67 said that he does not believe any of the missing items stop the Board from reviewing the case but they
68 should be seriously talked about and considered as they move forward with the merits.

69 Kurt Markarian made a motion to accept the Site Plan application presented for Parcel 0119-0009-0000
70 with the noted deficiencies that should be addressed during the merits. Erin Andersen seconded the
71 motion. The motion for approval of completeness passed with three votes in favor and one abstention,
72 Donna Davis Larrow.

73 Matthew McClay, owner of Pleasant Acres Property Maintenance, currently run out of Wilmot,
74 presented the merits of the case. Mr. McClay said that the company is a landscaping, lawn care, snow
75 removal, and property management business that was started in 2001. There are currently six people
76 employed year round and nine to ten people in the summer. In addition to the aforementioned items,
77 Mr. McClay said they also do light excavation, materials delivery, firewood production and sales, some
78 tree work, and other things that go along with the landscaping type business. Mr. McClay continued
79 that what they would be looking to do would be to use this site as their main operation facility as most
80 of their work is in the Sunapee, Georges Mills, and New London area and twenty five minutes back to
81 their work zone every day is getting expensive with fuel and labor costs and they are trying to get a little
82 more central to where they work. Mr. McClay said that they would not be having customers to the site,
83 it would just be the business working out of there, delivering material and working from the site. Mr.
84 McClay said he would like to construct a main garage with the ability to park vehicles inside to be able to
85 get them out of the weather in the winter in order to work on them. There would also be a small office
86 space off the west side and a loam shed to keep the loam out of the weather in the northwest corner of
87 the lot. Mr. McClay continued that the bulk of the rest of the area would be used for storage of bark
88 mulch, loam, stone, etc. and for parking for employee and work vehicles and equipment. Mr. McClay
89 said that he has tried to construct a plan that keeps in mind the neighbors and the integrity of the area.
90 Mr. McClay said that there is an abutter present and all the abutters have submitted letters on their
91 thoughts and he is not aware of any other abutters who are planning on coming.

92 Mr. McClay said that the closest house that could possibly be somewhat affected would be Mike Huff's
93 house. They have positioned the building and operations over the high spot that would help to protect
94 Mr. Huff and by putting the materials storage over on his side and leaving a buffer there was something
95 Mr. McClay felt that Mr. Huff liked as it would keep the operation away from him as much as was
96 reasonably possible.

97 Mr. McClay said that he met with the State in regards to the access and he has a letter from them
98 stating that Route 11 is a limited access highway and no more accesses to properties will be granted.
99 Mr. McClay continued that the access for this property is the driveway that is shared with Mr. Huff and
100 this property. The plan is to come in just past the tree line and take a left to the property. Mr. McClay
101 said he can submit a copy of the letter if the Board would like.

102 Mr. McClay said that regarding the items that Mr. Marquise mentioned were missing from the
103 application, he was under the impression that those wouldn't be needed for what will be going on which
104 is why he didn't include them though the scale is his fault, he did forget that. Mr. McClay continued that
105 for contours and such he was under the impression that it wasn't necessary. Mr. Marquise said that
106 they might not be necessary but it leads to questions and if you see it on the plan, the answers are
107 simple.

108 Mrs. Larrow asked Mr. McClay about the parking as she assumes that the parking is not only for
109 employees but for the equipment. Mr. McClay said that it would be for the company vehicles they have,
110 they have seven company one ton truck and pickups, two tractors, a mini-excavator, a small mini-loader
111 and five trailers and it would be parked in the indicated area. Mr. McClay said that it is hard to outline

112 specific parking spaces as different pieces of equipment are going to fit different areas and have trailers
113 hooked up to them so it would be hard to layout an exact parking plan. Mrs. Larrow asked about the
114 employees and if they would be bringing their own vehicles. Mr. McClay said they would be and they
115 would park in that area as well to keep all the vehicles over on the northwest side of the high spot to
116 protect Mr. Huff from vehicles starting and such, though obviously loading materials there would be
117 some noise over there but it would be minimal. Mr. White asked Mr. Marquise how many parking
118 spaces are required based on the business and the number of employees. Mr. Marquise asked Mr.
119 McClay and Mr. McClay confirmed that there are not going to be any customers' service at the facility
120 and people would not be coming to buy materials. Mr. McClay continued that he learned through the
121 Zoning Board that, with a contractor's yard, customers onsite are not allowed. Mr. White asked why Mr.
122 McClay went to the Zoning Board and it was for a Variance as a contractor's yard is not permitted in this
123 Zone. Mr. Marquise said that the requirement would be one parking space per employee. Mr. White
124 asked, and Mr. McClay confirmed that he has six employees year round and at the most three or four
125 seasonal employees in the summer. Mr. McClay said that he would like permission to expand in the
126 future. Mr. McClay continued that he thinks the parking area is significantly more than what would be
127 needed for any number less than fifty employees as it is a good size area. Mr. McClay said that at this
128 moment his plan is to clear a small area and get the building in and work as needed going forward.

129 Mr. Marquise said that it raises another question, in terms of not seeing contours, how would Mr.
130 McClay describe what he will have to do to make the site ready for the parking and storage areas and
131 would there have to be a lot of grading, land disturbance, etc. Mr. McClay said that the parking area is
132 relatively level so there would not be significant grade changes or anything like that. The high spot is
133 ledge, as is most of the property, and the high spot is sort of the only awkward spot on the property but
134 then, working around it for material, there would be some slight grading around the high spot to get
135 some areas for material storage but it doesn't have to be perfectly level and they can kind of work with
136 the contours of the land. Mr. McClay continued that the whole thing, until you get to the back, slopes
137 up drastically but the area he is looking to use is relatively level and slopes up slightly to the east. Mr.
138 Marquise asked and Mr. McClay confirmed that it is a wooded lot. Mr. Marquise said that it raises a
139 couple of questions, number one is the Ordinance that says when you clear 100,000 square feet you
140 need to have a statement from a professional engineer about any run-off; also if you cause any Land
141 Disturbance, over 100,000 square feet that triggers State requirements. Mr. Marquise said that he
142 knows it is a five acre parcel and proportionally it looks like it is more than the 2.5 acres that would
143 trigger a land disturbance which should be considered in what the Board is approving. Mr. McClay
144 asked if it could be approved pending that approval if needed and Mr. Marquise said it would be up to
145 the Board.

146 Mr. White opened up questions to the public.

147 Clayton Platt said that getting a site specific permit is a fairly lengthy and involved process that would
148 take five to six months. Charlie Hirshberg added that they have 50 days once it is submitted. Mr. White
149 asked for and received clarification that they were discussing a disturbance over 100,000 square feet
150 which is around 2.25 acres.

151 Mr. Platt said that he has two comments in reference to the case. The first is he is a little concerned
152 about the buffer on the road side and he wanted to know if it will be a 25' natural buffer with trees and
153 shrubs along the road. Mr. McClay said that it would be. Mr. Platt continued that in the Zoning hearing
154 Mr. McClay indicated that he wanted it to be a showcase for his work so people driving by could see
155 things and he was concerned because he thought it should be a contractor yard with a fairly substantial
156 woodland buffer, maybe even more than 25' to try and hide it as it is a residential neighborhood. Mr.
157 Marquise said that the Town added an Ordinance that anything along the highways needs a natural
158 buffer. Mr. McClay said that he was talking more about cleaning it up and it wouldn't be so people
159 could see his material or trucks. There was further discussion about the natural buffer and the
160 Ordinance. Mr. McClay asked if he could mow the grass out near the road as opposed to letting it grow.
161 Mr. White said that when you start cutting grass there are other things that start coming up and the
162 reason for the buffer ordinance is to maintain the feeling along the major Routes such as 103, 103B, 11,
163 etc. that there is still a sense you are driving through the country. Mr. White said that while he doesn't
164 want to tell Mr. McClay that he cannot mow his grass, once that starts things can progress negatively.
165 Mr. Marquise said he wasn't sure if Mr. McClay was talking about the area in the State Right of Way
166 grass but he wanted to clarify the buffer is 25' back from the State Right of Way and it says in the
167 Ordinance that if there is no vegetation you are supposed to do new plantings of trees and shrubs. Mr.
168 Marquise continued that if Mr. McClay is talking about an area in the State Right of Way it actually is
169 between him and the State. Mr. McClay said that he asked if he could pick up the woods, meaning dead
170 branches and that type of thing, and he wondered if it would be appropriate. Mr. Platt said he wasn't
171 thinking about the dead branches, he just doesn't want to see it pruned up so you can look through and
172 see the trucks and equipment. Mr. Platt continued that he was concerned that it would become an
173 advertising opportunity instead of a contractor's yard.

174 Mr. Platt's second comment is that he would like the Site Plan to be complete enough with details for
175 someone to pick up five years down the road and be able to tell that the materials storage isn't where it
176 is supposed to be or something along those lines in order to understand exactly was approved.

177 Mr. White told Mr. McClay that the Planning Board is not anti-business and the purpose of the Board is
178 to find out what kind of business is going to be run, what the plans are, and what impact the business
179 will have on an area. Mr. White continued that the Board encourages people to tell them what their
180 future plans are so they don't have to come back to them every time they do something like hire a few
181 new employees and need a few more parking spaces. In order to do this it is good to have a base
182 drawing showing where the business is and what the future plans are so that at least there is a
183 foundation so in five to ten years, if the business grows, it can be determined what happened. Mr.
184 McClay asked if it was required to have an exact plan showing where the different materials were going
185 to be stored, etc. as that his problem is laying it out with all the ledge and he doesn't know where he will
186 be able to do certain things without going in and digging. Mr. McClay continued that this is why he is
187 trying to just lay it out and keep it as least intrusive as possible. Mr. Marquise said that Mr. McClay
188 could always come back to the Board, if necessary, if there was a change to the property. Mr. White
189 agreed that it would be a quick process to come back to the Board and tell them that something had to
190 be changed. Mr. Marquise said that at least the Board would know the intent, but to be so generalized

191 they don't know how big of an area will be taken up by the business. Mr. White said that looking at the
192 drawing, and while he knows Mr. McClay would not do this, Mr. McClay could with this plan, go in and
193 strip the whole area off, then it could all be gravel and there would be no drainage control. Also, if Mr.
194 McClay sold his business, that person now has an approval and might go in and clear cut and add a
195 gravel base and really cause havoc as there are not controls on it that the Board might be able to put on
196 it at this stage. Mr. White said that it is a land use issue and what is approved goes with the land which
197 is why the Board tends to be very concerned about these things.

198 Mr. Markarian asked if Mr. McClay had more specific thoughts to the dimensions of the areas. Mr.
199 McClay said that he was just going to work with the land the best that he could and do as little
200 disruption as possible but it is very difficult to plan that when he does not know where he will find ledge.
201 Mr. Markarian asked that, for normal use, what size area Mr. McClay would have for mulch. Mr. McClay
202 referenced Noel Eastman's property and the storage he has and said that is what he would like to do,
203 about the same size as well. Mr. McClay said that a tractor trailer carrying bark mulch has about 90
204 yards and there needs to be a bit more space than that, roughly 100 yards, to make sure it doesn't run
205 out. Mr. McClay explained the tractor trailers are also why the parking area is laid out the way it is so
206 that they can pull in and around and out easily. Mr. Markarian said that the Board is asking Mr. McClay
207 to give them an idea of the storage space he needs such as the 100' yards for mulch and be more
208 specific which will make it easier for the Board to make their decision.

209 Mr. Marquise asked Mr. McClay if the building would have any bathroom facilities or any water hooked
210 up to it. Mr. McClay said that it would not. Mr. Marquise asked if there would always be someone on
211 site or it would just be people coming and going. Mr. McClay answered that people would just be
212 coming and going and the office is just for him to be able to stop and do some paper work there and
213 store records for vehicles. There will be no onsite water or sewer.

214 Mr. Marquise asked if Mr. McClay had spoken to the Sunapee Fire, Police or Conservation. Mr. McClay
215 said that Roger Landry had him leave that information with him so that he would have them sign it and
216 he hadn't heard that there were any issues. Mr. Marquise said that he hasn't seen any of the sign-offs.

217 Mr. Marquise said that Mr. McClay shows his sign to be 20' off the edge of Route 11 and asked if Mr.
218 McClay was sure it was out of the State Right of Way. Mr. McClay said he is not sure; he was going off
219 the other signs going down Route 11. Mr. Marquise said he is not sure that they are out of the Right of
220 Way and as Mr. McClay will have to get a sign permit from Mr. Landry anyway, it might be something he
221 wants to check.

222 Mr. Markarian asked how many different types of materials Mr. McClay plans on having on site besides
223 the mulch. Mr. McClay said that there will be mulch, loam, bluestone, two different kinds of stone,
224 stone dust, garden mix and firewood. Mr. Markarian asked if all the bins would be the same size and
225 Mr. McClay answered that the other bins would be smaller as the mulch is the bulk of what they would
226 be doing. The other materials are delivered 12 to 18 yards at a time and they don't use a lot of so there
227 might be 30 yards at the most of these different materials.

228 Mr. McClay asked if there was a way the Board could approve certain things about the plan or amounts
229 or square footage of material storage. Mr. Marquise said that there might be a way to do a cross
230 between the two. There needs to at least be limits on the site. Mr. Marquise spoke about a bubble
231 diagram that Mr. McClay had and that perhaps something like that would be able to be used. Mr. White
232 said that Mr. McClay should do some type of calculation to determine how many square feet he is going
233 to disturb so it is on the drawing with a base to go from. Mr. White said that maybe some bubble
234 diagrams or boxes or rectangles would go a long way to identify the areas. Mr. Markarian added that if
235 Mr. McClay laid out the number of different boxes and the dimensions he was going to need, at least
236 there would be a basis as to where it is on the site, knowing that with the land it might have to shift.

237 Mr. McClay asked if there was a way to work with the current plan tonight. There is not quite 500 feet
238 of clearing one way and 200 feet back would be 100,000 square feet and if is there a way to work with
239 that area and then try and outline the areas that he would like to get approval. He knows the primary
240 areas that he would like to get approval for and the areas in the back were more down the road, he does
241 not think that they are anything he will realistically ever do as he does not want to go over 100,000
242 square feet. Mr. McClay continued that the bins, other than the mulch bin, would all be the similar size
243 as the loam shed which is essentially a bin. Mr. McClay proposed six other of these bins and one for the
244 bark mulch. Mr. White asked Mr. Marquise how much flexibility the Board had to do that. Mr.
245 Marquise asked if the approval would be with conditions. Mr. White asked if Mr. McClay adds more
246 plans and details to his drawing this evening during the discussions, based on what the Board would like
247 to see, if that would work. Mr. Marquise said that the danger is adding enough details that would
248 warrant the abutters to want to speak on them and added it would be hard not to have another hearing.
249 Mr. McClay said the details would be making it more restricted, not less restricted, based on what is
250 already on the drawing which could only be in the abutters favor. Mr. Marquise said it comes down to
251 what an abutter could say if they felt like they were being left out of a discussion on details so if the
252 Board were to approve it with conditions, normally the Board doesn't see it again. Mr. Marquise
253 continued that from what he understands the Board wants to see the plan more detailed to be able to
254 make a decision. Mr. White said that is a fair assessment and he felt one of the solutions would be to
255 have the applicant fill in more detail on the information already given. Mr. White stated that what he
256 hears Mr. Marquise saying is that it may cause an abutter to have some questions. Mr. Marquise said
257 that it could also be a Board member with a question as normally when the Board approves things with
258 conditions it is something that when completed either himself or Mr. Landry can sign off on. However, if
259 the Board was to approve something with the condition that more details come in, it is a judgment call
260 rather than just seeing if something is physically there. Mr. McClay and Mr. White both asked about the
261 details being added to the drawing tonight and being reviewed tonight. Mr. Marquise said that has
262 been done before.

263 Mr. McClay said the area between the driveway and the 25' buffer would be one primary area along
264 with the rest of the front third of the lot. What he proposes is that along either side of the driveway to
265 be used for materials storage with seven additional bins, one being larger for mulch. Mr. McClay said he
266 would like the freedom to place them where it makes the most sense with the lay of the land. There
267 would be six bins approximately 20 x 18 in the materials storage area and one additional bin that would

268 be about 20 x 40. Mr. Marquise said what is being suggested is to get a scaled drawing added tonight.
269 Mr. White asked if it was within the Board's procedural capabilities and Mr. Marquise said that it has
270 been done in the past with other cases so there is a precedent.

271 Mr. McClay asked if the details would be just nixing the storage areas in the back, circling the indicated
272 areas, and giving more details as to how many bins he would fit in into the two areas, or would he have
273 to put in the actual bins. Mr. Marquise said that he doesn't think that they need to see the actual bins
274 but something saying the bins sizes. Mr. Markarian added that if Mr. McClay puts in that he is going to
275 have six bins that are 18 x 20 and then another bin that is 20 x 40, at least that is details about what he
276 wants to put in. Mr. Markarian continued that Mr. McClay should nix off the material and equipment,
277 storage and parking that is beyond the 100,000 square foot area, especially as he is not doing anything
278 now. Mr. White said he is a little on the fence about that as with a business of this type, with all the
279 materials storage, tractor trailers coming in, and a lot of trucks and vehicles, from the Board's
280 standpoint it is a safety and impact issue.

281 Mr. McClay said that he has been working with Mr. Landry for years to try and find a property in
282 Sunapee and they have been through many properties and this seemed to be good as it is on Route 11
283 so there is minimal impact to abutters and it is virtually unbuildable for a house which is why it has been
284 on the market for so long. Mr. McClay continued that the owners have hauled in hundreds of yards of
285 fill up to the back trying to put in a septic system and they gave up on it. Mr. McClay said that what was
286 discussed with the Zoning Board is that the business will fit, it is the least impact to the Town, there is
287 some benefit to the Town with the people they employ, customers they serve, etc. and this is at least
288 intrusive to the Town's people as possible. Mr. McClay added that there are nice big shoulders on Route
289 11 for exiting and entering. Mr. White said it is the nature of the business and he is assuming there will
290 be sand storage, but he doesn't know if there will be salt in it and for him the concern is the runoff issue.
291 Mr. McClay said the bin for the sand storage would be covered to avoid any runoff; he would be
292 switching out the loam and putting in sand to avoid that problem.

293 Mr. White asked the Board how they would like to continue. Mr. Markarian said that he would like Mr.
294 McClay to add more detail, hear the other case, and then discuss this case some more. Mr. White said
295 that another option would be to continue the case until the next hearing which would not be an
296 approval, it would be asking for additional information to be presented on the drawing before they vote
297 on it. Mr. White continued that he realizes that it doesn't fit with Mr. McClay's timeframe. Mr. McClay
298 responded that he is trying to see if he can find something that works for him and works for the Board
299 so that he can make it happen so it would be preferable to try tonight. Mr. White said that he feels as
300 though the Board has been clear about what details they want and their concerns and if they did choose
301 to continue the case, they would be very specific about what they would want to see on the plan in
302 order to come back and hopefully be approved. Mr. White continued that he is concerned that if Mr.
303 McClay adds details to the drawing whether it will be enough, but it doesn't hurt to at least try that. Mr.
304 Markarian and Mr. Marquise both agreed that it was fair to do this. Mr. White asked Mr. Marquise and
305 it was confirmed that the next step would be to continue the case, hear the other case, and then hear
306 this case again.

307 William Trainor, of Browns Hill Rd, an abutter to the parcel, said that he came to listen to the discussion.
308 Mr. Trainor said that his concerns are the shielding of everything from Route 11 and also from his
309 property as it is not far down from his property but what Mr. McClay is proposing won't bother him
310 from his property. Mr. Trainor continued that he agrees that it should be shielded well from Route 11
311 and to have a good buffer that is maintained well. Mr. Trainor said that what he found interesting is
312 that if Mr. McClay sells the business and the Plan is not detailed then the Town is in trouble as there
313 could be major expansion that might not be appropriate therefore he would like the details put on
314 tonight based on that with whatever they approve that the Board finds reasonable. Mr. Trainor
315 continued that he thinks that Mr. McClay is trying to work it within the lay of the land so he needs the
316 flexibility but the Board and the Town needs some restrictions as to what he is going to do and for in the
317 future what someone else could be able to do.

318 Mr. White stated that the case would be continued until after the hearing for the next case.

319 Mr. McClay said that one other item that he spoke about was firewood storage which would not have a
320 bin and asked if square footage would be acceptable for the description and was told it would be. Mrs.
321 Larrow said that one other thing that should be discussed is how much of the space is going to be used
322 for parking. Mr. Markarian said that looking at Mr. McClay's plans for the future, he has six full time
323 employees with the addition of three to four in the summer months, which including himself is eleven.
324 Mr. Markarian continued that looking at the plans, Mr. McClay would like to add one other employee in
325 the future and if he wants to continue adding employees in the future, he feels that fifteen slots for
326 those vehicles would be appropriate. Mr. Markarian asked Mrs. Larrow if she meant the parking spaces
327 for the work vehicles as well. Mrs. Larrow said that she thinks that the work vehicles and equipment
328 should have square footage marked on the plan and then parking spaces for employees. Mr. McClay
329 asked what the parking size is and Mr. Marquise said it is 9 x 18.

330 Mr. Marquise asked to take a copy of the State approval.

331 **PARCEL ID: 0135-0007-0000, APPROVAL TO RAISE THE GRADE MORE THAN 12" WITHIN 50' OF**
332 **LAKEFRONT AS PER ARTICLE IV SECTION 4.33.VII, JAMIE MILLER, 19 LOVEJOY LANE**

333 Mr. White asked Mr. Marquise, as this is a different type of hearing, do they have to go vote on the
334 completeness of the application. Mr. Marquise said that it is mostly a review that the Board approves or
335 denies it but there are no abutters' notices, and it is not a regular hearing. Mr. White said that the
336 Ordinance requires that anyone who plans on raising the grade more than 12" within the 50' setback,
337 has to come before the Planning Board.

338 Charlie Hirshberg, from CLD Engineers and a resident of Sunapee, presented the case. The house is off
339 of Birch Point and is on the water. Mr. Hirshberg said that there is an existing house on the property
340 and he presented a drawing showing that the existing house sits within the 50' setback line from the
341 water. The existing house has a stone patio, then a porch, then the structure of the house and from the
342 water's edge it is about 13 feet to the start of the stone patio, 23 feet back to the shore side edge of the
343 porch, and 42 feet to the actual wall of the living space. Mr. Hirsbberg said that the current house will
344 be removed and a new house will be constructed behind the 50' setback. Mr. Hirshberg continued that

345 there is a patio shown and what he understands from Mr. Landry, a patio can be within the 50'. The
346 patio will be pervious as long as the structure is above 42" which is the existing grade. Mr. Hirshberg
347 said that the patio meets the criteria of the State shoreline permit and the way that the State interprets
348 that currently is the portion of the patio that is inside the footprint of the existing house is not counted
349 as accessory structure when you go by the State shoreline calculation. Mr. Hirshberg explained that the
350 accessory structure shoreline calculation taking the water frontage distance times 1.5 which gives you
351 the allowable accessory structure that you can put within the 50' but if a portion is within the existing
352 structure then you don't count that, even though it is being removed. Mr. Hirshberg said that in reality,
353 you can put more than what counts out for the accessory structure. Mr. Hirshberg stated that they are
354 not exceeding the calculation in terms of the patio that is outside the footprint of the existing house.
355 Mr. Hirshberg continued that because they are removing the house and the porch is higher than the 12"
356 above grade than the house, they are going to be filling in the foundation area, grading it off and sloping
357 it away from the patio. Mr. Hirshberg pointed out the 1100 and 1098 contours on the plan. Mr.
358 Hirshberg said that most of the filling is occurring within the impact of the existing house. Mr. Hirshberg
359 explained that the proposal is the patio, a wall, which is the edge of the stone patio, that would come
360 down and then the grade would slope off. Mr. Hirshberg said that the client is not 100% sure that they
361 are going to build the patio but they want it to be permitted so if they decide they want to build it they
362 can. Mr. Hirshberg continued that he is here before he submits the State Shoreland.

363 Mr. Marquise said it appears that most of the grade change is already where there is building and patio
364 or something else with very little exception. Mr. Hirshberg agreed. Mr. White said that the 1096
365 contours do not really move and the 1098 only moves a little bit but it joins back up to where it was at
366 the house. Mr. Hirshberg said it is all disturbances when you remove the existing house.

367 Mr. White asked Mr. Hirshberg what the most that would be filled outside the original house footprint.
368 Mr. Hirshberg responded that if you look at the drawing, on the left side there is a section of patio that
369 sticks out, they are sloping the section. The 1100 contour, which is behind the 50', currently runs into
370 the sidewall of the existing house, is moving about 26' in to go around the patio to try and make the
371 grade consistent around the patio. Mr. White asked and Mr. Hirshberg confirmed, that around that
372 section, the existing grade is 1099 and the new patio will be slightly under 1103 so the total change
373 there is about 4'. Mr. White continued that the wall can't be over 42". Mr. White asked if there was a
374 plan to have a seat around the patio. Mr. Hirshberg said that it was not planned. Mr. White asked if
375 that meant that there would be a 3' drop off. Mr. Hirshberg said that there may be some type of rail so
376 people will not walk off the edge but the intent was to not go over the 42". Mr. Hirshberg continued
377 that the patio was laid out by the architect and the owner is not sure that they are going to do it but
378 they want to make sure that they can.

379 Mr. White said that the patio is permissible so the issue is the grade change within the 50'. Mr.
380 Hirshberg said that the change of the existing grade is over 12" and less than 2' and that the corner is
381 the maximum fill area. Mr. Hirshberg said that what dictated it is keeping the basement of the house
382 above the 100 year flood elevation and being able to daylight perimeter drains to the drywall without
383 going into the Lake. Mr. White asked and Mr. Hirshberg confirmed that the maximum grade would be
384 by the corner of the patio and then it would immediately tie into the existing grade. Mr. Hirshberg

385 pointed out the drive and the rain garden at the edge which is beyond the 50', he wanted to slope that
386 off gradually because they are putting to so that storm water is basically infiltrating into the ground.
387 They are starting up at the edge of the drive elevation, 1104, and want to make sure that whatever
388 storm water they are putting into the ground isn't going to run out.

389 Mr. White asked Mr. Marquise if he had any questions and he does not. Mr. White said that he believes
390 that the way the Ordinance is written is that a 42" height on a retaining wall is their limit, though he
391 doesn't know if the State would agree on this. Mr. White continued that anything over 42" is
392 considered a structure and has to meet the setback which is why he was referring to a 42" retaining
393 wall, if it goes over that it has to meet the setbacks but if it is 42" or below, it doesn't have to meet the
394 setback. Mr. White asked if the State allows you to put a retaining wall within the 50' now and Mr.
395 Hirshberg replied that he believes so though if you are at the water it is a wetlands permit. Mr. White
396 asked and Mr. Hirshberg confirmed that this is in lieu of a possible retaining wall they are running the
397 grade out to meet the actual grade, which means this has to be above the existing grade.

398 Mr. White asked if anyone else has any questions or concerns about the project. Mr. Hirshberg said he
399 wasn't sure about the procedure. Mr. White said that the Board just votes on the case.

400 Donna Davis Larrow made a motion that Parcel 0135-0007-0000 is approved to raise the grade more
401 than 12" within 50' of Lakefront as per Article IV, Section 4.33. Kurt Markarian seconded the motion.
402 The motion passed unanimously.

403 **OTHER BUSINESS**

404 Mr. Hirshberg asked if he could give the Board an update on the Brook Road Preserves culvert issue and
405 working with NHDOT (NH Department of Transportation).

406 Mr. Hirshberg said that they are working on a wetlands permit to do work in late August, basically in the
407 stream to clean out that channel. Mr. Hirshberg continued that they have been working with NHDOT
408 and have been doing some other work that is outside the wetlands jurisdiction along Brook Road. They
409 are having some maintenance issues with run-off coming from up above and running across the
410 intersection and have agreed that they are going to do work up above that will take the run-off away
411 from the edge of the road. Mr. Hirshberg said that originally when they did this project, one of the
412 agreements was that at that time the road ditch was so close to the road that the road was eroding, so
413 for the State to issue a drive permit the agreement was that they would take the State's road ditch and
414 move it further away and that some of it is on this property as it is a much broader ditch. Mr. Hirshberg
415 continued that what they are doing now is as the work was never completed as it hadn't been stabilized
416 so when there was a major event it washed out the area. Mr. Hirshberg said that the current owner
417 inherited this which is why it is now being down. Mr. Hirshberg said that the Wetlands Bureau said that
418 they had to do a permit, even though they permitted it once, because their permits are good for five
419 years and the project was done beyond five years. Mr. Hirshberg continued that instead of them saying
420 to do it under an emergency corrective work, which they would have done if it was still within the five
421 year duration, they said to file a whole new permit.

422 Mr. Marquise asked when the work will be completed. Mr. Hirshberg said it will be done in August but
423 may extend into September but it would be in that period so there would not be a major event.

424 Mr. Hirshberg said that when he was here before, he was given 120 days and was told that if he needed
425 more time to ask for an extension and he that they do need one because the work won't be done until
426 late August. Mr. Marquise asked if when the work is done if there will be a sign-off from NHDOT and
427 Mr. Hirshberg confirmed there will be one. Mr. Marquise said that there is no pending enforcement
428 from the Town and asked if the Board gave them until the end of the year, does Mr. Hirshberg think that
429 will give them enough time to get the work done and the sign-off from NHDOT. Mr. Hirshberg said that
430 it should be and they are working right now on that. Mr. White said that he feels that is appropriate and
431 asked Mr. Marquise if there needs to be a vote. Mr. Marquise said that, as there is no pending action
432 from the Town, he feels as though it can just be part of the record that the Board will hear from Mr.
433 Hirshberg by the end of the calendar year.

434 **PARCEL ID: 0119-0009-0000, SITE PLAN REVIEW, OPERATE AND MAINTAIN A PROPERTY**
435 **MAINTENANCE BUSINESS ON A FIVE (5) ACRE PARCEL., PLEASANT ACRES PROPERTY MAINTENANCE,**
436 **LLC, HEIDI WILSON, ROUTE 11**

437 Mr. White stated that the Board is hearing the continuation of the previous case from this evening.

438 Mr. McClay presented his revised drawing to the Board. Mr. McClay showed where he removed the
439 parking and materials storage on the drawing and tried to get rid of some of the general parking areas to
440 consolidate them. Mr. McClay said that he added the scale showing 1" is 20'. Mr. McClay continued
441 that he tried to create some parking spaces in two areas as they seem to be the most conducive to
442 parking and with outlining the two areas it gives him 30 parking spaces which he thinks is more than
443 adequate for anything that he would ever plan to do in the future. Mr. White asked for clarification and
444 Mr. McClay responded that it is an area that is 160' x 20' which would give 17 spaces, and another area
445 that is 120' x 20' giving just over 13 spaces. Mr. McClay continued that the area in the back, 7650
446 square feet wise, would be for parking of equipment, and there is another area for equipment parking
447 which is about 2400 square feet. Mr. McClay said he added a couple of parking spaces in front of the
448 shop, 4 total spaces, on either side of the office. Mr. McClay showed an area that isn't really usable for
449 anything else which would be used for firewood storage, 3600 square feet would give him the area that
450 he could work within and move. Mr. McClay continued that within the two materials storage areas, he
451 is asking for 8 bins that would be 18 x 20 and 1 bin that would be 20 x 40 to be able to have some
452 growth. They would be in whichever of the areas would be most conducive to fitting them into the
453 terrain of the land.

454 Mr. McClay concluded that the total disturbed area is kept under the line indicated to keep it less than
455 100,000 square feet. Mrs. Larrow asked how far up the line goes. Mr. McClay answered that it is just
456 under 200' because 200' x 500' is 100,000 square feet and it is a little less than 500' across, 522' is the
457 widest point and that is outside the 25' buffers.

458 Mr. McClay said that he believes that he has addressed the Boards concerns by compartmentalizing
459 where things will be but still giving him some freedom to locate the bins where it works best with the

460 least land disruption. Mr. McClay was asked how large the building is and replied that it is 60' x 40' with
461 a 15' x 15' office off the front which makes it 2625 square feet.

462 There was a brief discussion about if the Board had voted to approve the previous plan without the
463 additions and the reasons that the Board asked Mr. McClay to make the additions.

464 Mrs. Larrow asked about the hours of operation as Mr. McClay put that due to the type of business he
465 does not set hours but that he puts hours of 7:00am to 5:00pm and wondered what is being done during
466 that time period and what might be done during other time periods. Mr. McClay replied that the
467 7:00am to 5:00pm are the typical hours of the work day and the off hours are snow storms where they
468 have to start plowing early in the morning, or a washout that is occurring that they need to fix in the
469 middle of the night, it is emergency type stuff or storm related. Mrs. Larrow said that what it sounds
470 like to her is that the employees are going to the business to get equipment and then will be leaving.
471 Mr. McClay responded that is correct, which is why he has a bin towards Route 11 and not near Mr.
472 Huff's. Mr. White asked Mr. Marquise how the Board handles these types of cases as it is not like a
473 normal retail business. Mr. Marquise responded that in the past, he thinks that the Board has said that
474 if someone is just coming onto the property to do a minor item that it has been outside what the Board
475 expects for hours. Mr. Markarian added that probably the best way to describe outside the normal
476 operating hours of 7am to 5pm would be to say seasonally conducive to bad weather.

477 Mr. White asked, because Mr. McClay does not have any plans for water and sewer, technically can he
478 have an office. Mr. Marquise said that he would say so as there are not really employees and, as he
479 understands, the office is more to do paperwork. Mr. McClay confirmed that there will not be
480 customers on site. Mrs. Larrow said that it sounds as though the office is basically to store paperwork.
481 Mr. White asked Mr. McClay if there would be someone in the office answering calls. Mr. McClay said
482 calls come into his cell phone; there is no secretary in the office. Mr. Marquise said what would be
483 different is if there was someone in the office then there would have to be some type of facilities. Mr.
484 White said that is his concern, as the business grows, Mr. McClay might need office support, and at that
485 point, to do water and sewer it would have to be a State issue. Mr. McClay asked if it came to that could
486 he make arraignments for an outhouse onsite like a lot of contractor type yards do. Mr. Marquise
487 answered that it would be up to the State but the Board would have to see something that shows that
488 the State approval. Mr. Marquise continued that normally if there is no water to the building you are
489 free to do what you want, whether it is a Port-a-Potty or an outhouse, because there is no disposal that
490 is going into the ground. Mr. McClay said that as of right now he would not have anyone on site but he
491 would like to not be limited to not having a secretary and asked if he did would he need some type of
492 Port-a-Potty or something. Mr. McClay continued that he does not want to decide that he wants a
493 secretary on site and then have to come back to the Board. Mr. Marquise and Mr. White responded
494 that they think that Mr. McClay would need to come back to the Board because the Board would want
495 to see a septic or some approved means of handling it. Mr. McClay asked if the State would have to
496 approve a Port-a-Potty onsite and Mr. Marquise confirmed that would be needed or a sign-off that it is a
497 normal accepted practice. Mr. Marquise continued that Mr. McClay would then come back to the Board
498 and ask for an amendment as he wants an employee on site and give the means of doing it including on
499 the site where it is going to happen.

500 Mr. Markarian asked for clarification regarding the size of the parking area for the equipment. Mr.
501 McClay responded that it is 7650 square feet, which is 45' x 170' and explained some of the equipment
502 that will be stored there.

503 Mr. White said that he feels the additions have included most, if not all, of the Boards concerns and the
504 rest of the Board concurred. Mr. White continued that there is information for the signs and they are all
505 lit appropriately with down lighting. Mr. White continued that there is lighting indicated on the building.
506 Erin Andersen asked if there will be any other lighting around the material storage. Mr. McClay said he
507 doesn't think so as the tractor has lights on it. Mr. McClay continued that he does not want to pay the
508 electric bill for that but also that his intention is not to make it a lit up parking lot though he would like
509 some freedom down the road to add some lighting for security purposes if necessary.

510 Mr. White asked if Chief Cahill had signed off on the plan. Mr. Marquise said that he does not have the
511 sign-offs. Mr. White said that Chief Cahill usually requests some flood lights on a motion detector so if
512 the police are driving by in the middle of the night and the lights are on they know someone is there and
513 he might ask for that in this case.

514 Mr. White asked Mr. Marquise that with the plan, application and addition to the plan and with no
515 further questions from the Board, if someone makes a motion, how many of the things have to be
516 included in the motion. Mr. White asked if they can just say per revised plan of what has be submitted
517 or should they consider being more specific in the motion. Mr. Marquise said that they have run into
518 this before and he thinks that if it is on the plan, the Board should feel comfortable with it, if they are
519 going to be very specific, they should ask for it to be on the plan. Mr. Marquise continued that he has
520 four things in general that can just be conditions to the approval but if there are any specific things,
521 those should be fixed on the plan, not in a motion.

522 Mr. Markarian asked if Mr. Marquise would like to say what he thinks should be part of the motion. Mr.
523 White asked if the Board had any other questions or were ready to make a motion. Mr. White and Mr.
524 Markarian agreed that Mr. McClay gave a lot of additional information in the packet that was very
525 helpful. Hearing no more discussion from the Board, Mr. White asked Mr. Marquise to go over what he
526 would like in the motion.

527 Mr. Marquise said that he has four things to add to the motion. The first is that there will be less than
528 100,000 square feet of land clearing and land disturbance. The second is that then Board receives the
529 sign-offs from Police, Fire and Conservation. The third is that there is no water and sewer proposed for
530 the property. The fourth is that all signs be out of State and Town Right of Ways.

531 Mr. McClay said that he would like to be able to split firewood and prepare it for sale; he only has
532 firewood sales and delivery, not production of on the application. Mr. McClay continued that if they cut
533 wood from a site and bring it back he would like to be able to prepare it and not just store it and
534 wondered if that is a detail that needs to be clarified. Mr. McClay said it would not be a big operation,
535 just splitting the wood and then selling it to customers when it they want to buy it. Mr. Markarian asked
536 if the wood would be brought back in a log truck or just in a one-ton. Mr. Markarian said it would be in
537 the one ton and he would just bring it to the site, cutting it, split it, and the stockpiling it for sale. Mr.

538 Marquise said that was a different operation. Mr. McClay said that if anyone has any objections it isn't a
539 big deal. Mr. Marquise said that the issues he would see with this is that it implies someone will be on
540 site, there will be noise, there will need to for facilities and it is different than just a contractor's yard.
541 Mr. McClay said that is fine. Mr. White continued that it is OK to have wood there ready to be delivered
542 but to process it is another operation as it is a bigger impact on the neighborhood.

543 Kurt Markarian made a motion to approve the application for Parcel 0119-0009-0000 with the
544 exceptions being noted that there be less than 100,000 square feet of clearing or disturbance on the
545 property, sign-offs need to be submitted from the Fire and Police Chiefs, noting that there is no sewer or
546 water proposed on the application and that all signs need to be off the State Right of Way so that may
547 require a slight modification to the drawing as presented tonight. Added to the sign-offs from Fire and
548 Police Chiefs, is Conservation also the business is to operate and maintain a property maintenance
549 business. Erin Andersen seconded the motion. Mr. White asked if there was a need to mention the
550 revised plan and Mr. Marquise said that it has been done tonight it is in the record already. Mr. White
551 asked if there should be a time element and Mr. Marquise agreed that there should be and in the past
552 the Board has given anywhere from 12 to 18 months to get going. Mr. White explained that the reason
553 that this is done is because no one knows what will happen tomorrow and plans can always be put on
554 hold and in an long amount of time many things can happen with an open approval, Zoning laws change,
555 land use laws change, etc. If the approval is still out there, there is still the right to do that and there
556 may be other issues that should be addressed; therefore they try to put a time limit on an approval
557 because if it hasn't been started, the approval terminates and the applicant has to come back to the
558 Board. Mr. McClay asked if the time limit was to get the project underway. Mr. White confirmed that it
559 is just for establishing the business so that if nothing is started years from now it can't be started. Mr.
560 McClay asked for as long as reasonably possible, he hopes to be starting next year, hopefully within 12
561 months but would like 18. Mr. Marquise said he thinks 18 months is fair as it gives to next summer to
562 get established. Mr. Markarian amended the motion that the business have a period of 18 months to
563 begin, after which time the applicant would have to reapply for permitting. Erin Andersen seconded the
564 amended motion. The motion passes with three votes for approval and one abstention, Donna Davis
565 Larrow.

566 **OTHER BUSINESS**

567 Mr. Marquise said he had one other issue to address with the Board in regards to the Board's future
568 events and calendar. Mr. Marquise said that the Master Plan talks about revitalizing Route 11 and
569 creating a better Main St. connection and that there are some conceptual drawings on how to do that.
570 Mr. Marquise continued that the Board has been talking about getting Transportation Enhancement
571 Funds that would help pay for it and he is hoping to get the ball rolling and has tentatively scheduled to
572 meet with the Selectboard on July 16th which is the Monday before the July meeting. Mr. Marquise said
573 he would love to have any Planning Board members who can go to the meeting be there to offer him
574 support. Mr. White said he will be there if he can. Mr. Marquise explained that it is a different Board so
575 there might not be as much support needed though when he went two years ago the reception was not
576 favorable. Mrs. Larrow asked what the Selectboard did not like and if it was the changes proposed. Mr.
577 Marquise said he thinks the issues were spending the money, not wanting to change the traffic flows,

578 and the dislike of rotaries. Mr. White said that he thinks the case needs to be made that they need to
579 look at the issue in a broader spectrum, not just focus on the traffic circle or intersection. It is the whole
580 corridor, from just west of Pizza Market to just past the Town Garage, to make it look like you are
581 coming into a town and have people slow down. There was further discussion regarding safety and
582 other factors that this project will help. Mr. Marquise said that at the Sunapee 2020 meeting that was
583 held; at least 90% to 95% of the people who came through had positive comments. Mr. Marquise
584 explained some of the steps that will have to be taken to get the project started including getting the
585 Town to vote on it, getting the costs figured, and applying for the funds as next summer starts the next
586 two year cycle and if they miss it they will have to wait three years.

587 Kurt Markarian made a motion to adjourn the meeting. The motion passed unanimously. The meeting
588 was adjourned at 9:25PM

589 Respectfully submitted,

590 Melissa Pollari

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594 _____
Bruce Jennings, Chairman

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597 _____
Erin Andersen

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600 _____
Robert Stanley

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603 _____
Shane Hastings, ex-officio member
