

1 **TOWN OF SUNAPEE**

2 **ZONING BOARD**

3 **DECEMBER 14, 2016**

4 **PRESENT:** Edward Frothingham, Chair; Daniel Schneider, Vice-chair; Aaron Simpson; William Larrow;
5 Clayton Platt; George Neuwirt, Alternate; Roger Landry, Zoning Administrator

6 **ABSENT:**

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

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

9 **MISCELLANEOUS**

10 Vice Chair Schneider asked and Mr. Platt confirmed that he has decided to rescind his resignation given
11 at the last meeting.

12 **CASE #16-01: PARCEL ID: 0211-0011-0000: SPECIAL EXCEPTION – SEEKING APPROVAL OF A SPECIAL**
13 **EXCEPTION AS PER CASE #13-37 AND ARTICLE IV, SECTION 4.10 TO CONTINUE RESOURCE EXTRACTION**
14 **AS PER SITE PLAN APPROVAL DATED 02/05/2015. 1106 ROUTE 11, PINE HILL CONSTRUCTION /**
15 **MICHAEL LEMIEUX.**

16 Mr. Lemieux presented the merits of the case.

17 Mr. Lemieux explained that he received a Special Exception two years ago and part of the approval was
18 that he must get it renewed every two years. He has been to the Planning Board and has given them a
19 grading plan of what the lot will look like when it is done and he just needs the approval from the Zoning
20 Board.

21 Vice Chair Schneider asked and Mr. Lemieux confirmed that the property is the old Chase Marina lot.
22 Mr. Simpson said that he had heard that the lot was contaminated. Mr. Lemieux said that it is mostly
23 rock and thought it could be where the boats were stored, though he is not aware of any contamination.
24 Mr. Simpson asked and Mr. Lemieux said that the State has never said anything to him about it and it
25 has all been blasted down. There was further discussion regarding this matter.

26 Vice Chair Schneider asked and Mr. Lemieux explained the grading plan. He is trying to make the lot flat
27 to make more usable area that can be further developed. Vice Chair Schneider asked if Mr. Lemieux is
28 asking for an enlargement of what was already approved. Mr. Larrow asked and Mr. Lemieux confirmed
29 that he already has Site Plan approval but he needs a Special Exception every two years.

30 Chairman Frothingham said that the submitted grading plan has not been signed by the Chair of the
31 Planning Board. Mr. Lemieux said that he does not know why it was not signed.

32 Mr. Larrow said that he believes that Mr. Landry is supposed to be the one to make the determination if
33 something is being done according to the approved Site Plan.

34 Mr. Lemieux said that he was required to get a driveway permit from the State DOT, which he got, and
35 he had to put the signs up. Mr. Larrow asked and Mr. Lemieux said that there was nothing with the
36 State that he had to go back and redo.

37 Vice Chair Schneider asked if Mr. Lemieux has seen the Planning Board. Mr. Lemieux confirmed that he
38 say them last year. Chairman Frothingham said that according to Mr. Landry the Special Exception
39 needs to be renewed every two years.

40 Mr. Simpson asked and Mr. Lemieux explained that he does not need a State Excavation Permit because
41 it falls under leveling the lot, it is not a quarry. The State has determined that the do not need one per
42 the RSA.

43 Mr. Platt asked about the contours along Route 11 as the condition of approval from the Planning Board
44 says that the revised plan showing correct contours must be presented within thirty days or prior to any
45 work being done on site. Mr. Lemieux said that has been done and the Planning Board has received
46 several plans. Mr. Lemieux explained the contour changes to the Board. There was further discussion
47 regarding the grading and contours that were approved by the Planning Board and that the change in
48 the contours must not affect the buffer zone. Mr. Platt said that the plan that they are discussing does
49 not seem to be the approved plan as it is dated 10/23/2014 and does not show the revised contours.
50 Mr. Lemieux said that Mr. Landry must have another plan. Mr. Platt said that it is also up to the
51 applicant to bring them the correct plan that was approved by the Planning Board. There was further
52 discussion regarding the plan that went to the Planning Board.

53 Mr. Platt said that he reviewed the minutes from when the Zoning Board approved this Special
54 Exception and the general thought was that it would be done in two years, not that the Board would
55 need to reapprove the Special Exception every two years. Mr. Lemieux explained that they did not
56 crush at all last year as there was no market.

57 There was a discussion about the sloping towards the buffer zone.

58 Mr. Lemieux said that there have been no calls about noise, dust, traffic, or any other issues.

59 Mr. Simpson said that he is concerned that, contrary to the representation that was made, he believes
60 that it is a RSA 155-e regulated project. Chairman Frothingham asked and Mr. Simpson said that RSA
61 155-e relates to land excavation. Mr. Platt said that he thought that it had to be over 10,000 sq ft of
62 area. Chairman Frothingham said that the plan says that the area of excavation is 58,500 sq ft. Mr.
63 Lemieux said that to qualify for RSA 155-e, you have to be over 100,000 sq ft and then you need to get
64 an Alteration of Terrain Permit. Mr. Simpson said that the Town regulates RSA 155-e. Mr. Platt said that
65 he thinks that Mr. Lemieux is before the Board because this is an excavation project. Mr. Simpson asked
66 if Mr. Lemieux would have a problem with the Board making an approval conditioned on the fact that

67 the Town confirms that the project is not subject to RSA 155-e. Mr. Lemieux said that is fine but he did
68 call the State and ask them.

69 Mr. Simpson asked and Chairman Frothingham said that he does not have minutes from when this
70 Special Exception was approved two years ago.

71 Mr. Platt said that an Intent to Excavate must be submitted annually and asked what that means. Mr.
72 Lemieux said that he does file a PA-38 with the Town every year.

73 Mr. Platt said that he would like a condition of approval to be that the Zoning Board has a signed Site
74 Plan from the Planning Board at the next meeting.

75 Mr. Simpson asked if this is a 4.15 application, not a 4.10 application. Mr. Platt said that it is a Special
76 Exception for a use allowed by Special Exception and it has to meet the criteria under 4.15. There was
77 further discussion regarding this matter.

78 Mr. Platt asked if there was a driveway permit issued for this project. Mr. Lemieux said that there was
79 an existing driveway permit and all that was required was for him to put in some signs. Mr. Lemieux
80 said that he can have a driveway up to 50 ft wide there.

81 Chairman Frothingham asked if the Board feels as though because they approved it once before they
82 can approve it again.

83 Mr. Simpson said that he believes the Board has to go over the criteria for a Special Exception and the
84 Board read through the criteria.

85 Mr. Simpson asked if the buildings on the site are functional. Mr. Lemieux said that they are mostly
86 empty, he is storing his boats in one of them. There is septic and water on the site, but the power is not
87 on and all the pipes have been blown out and the water is shut off.

88 Mr. Platt said that for the criterion that the proposal will not be detrimental, hazardous, or injurious to
89 the neighborhood, he believes that with the time limit it should be fine. Chairman Frothingham said
90 that they have not had any complaints.

91 There was a brief discussion about the subdivision that was going to go on the lot next to Mr. Lemieux's
92 lot.

93 Mr. Simpson made a motion to approve the Special Exception for Case #16-01, Parcel ID: 0211-0011-
94 0000: seeking approval of a Special Exception as per case #13-37 and Article IV, Section 4.10 to continue
95 resource extraction as per site plan approval dated 02/05/2015, 1106 Route 11, Pine Hill Construction,
96 Michael Lemieux; subject to confirmation that a revised plan was presented to the Town of Sunapee
97 thirty days prior to any work being done on the site as stated in the Planning Board decision, with a copy
98 to be submitted to the Zoning Board of Adjustment at the next meeting; and that the Town confirms
99 that this excavation is not subject to a permit under RSA 155-e; and that it be limited to two years in
100 duration. Mr. Platt seconded the motion. Vice Chair Schneider said that he does not believe that it is

101 necessary for Mr. Lemieux to come and personally present a plan. The Board agreed. Mr. Platt said that
102 he would be less likely to extend this for another two years after these two years are up. The motion
103 passed unanimously.

104 **MINUTES**

105 Changes to the minutes from the December 12, 2015 Zoning Board Meeting: Change Line 14 to read
106 "The motion passed unanimously." Change Line 58 to read "...differs from that prescribed by any..."
107 Change Line 59 to read "...the provision that produces a greater restriction..." Change Line 83 to read
108 "...Rollins Rd is an easement..." Change Line 86 to read "... and Mr. Platt said that..." Change Line 102 to
109 read "...that the Rollins property..." Change Line 106 to read "...in the future, they can..." Change Line
110 115 to read "...a little different than this case." Change Line 153 to read "...serve Hopkins as well..."
111 Change Line 159 to read "...the Hopkins lot..." Change Line 160 to read "...that there is a little bit..."
112 Change Line 162 to read "...of the Hopkins lot..." Change Line 163 to read "... of the Hopkins property..."
113 Change Line 179 to read "...the Harbours will..." Change Line 202 to read "...the Harbours could..."
114 Change Line 205 to read "...going to be better for the other..." Change Line 207 to read "...lot does not
115 have frontage shown..." Change Line 231 to read "...discuss Mr. Platt's..."

116 Vice Chair Schneider made a motion to accept the minutes as amended. Mr. Simpson seconded the
117 motion. The motion passed with four in favor and one abstention.

118 **MISCELLANEOUS**

119 There was a discussion about changing the posted minutes online after the changes have been
120 approved.

121 Chairman Frothingham asked the Board to give any suggested changes to the Rules and Procedures to
122 Mr. Landry before the next Zoning Board meeting. Mr. Simpson had been working on it and has given
123 some of his suggestions to Mr. Landry. Chairman Frothingham said that he and Mr. Landry have
124 discussed some changes and the Board talked about some of them including if the Board should require
125 a survey for an approval on a setback. The Board also discussed having a Zoning Board application
126 checklist. Mr. Simpson said that he heard that the Town's attorney has advised that the Zoning
127 Ordinances should be rewritten. The Board discussed having an attorney go through the Zoning
128 Ordinances and make suggested changes. There was also a discussion regarding the Lake Sunapee
129 Protective Association's desire to have a compliance officer for the area towns.

130 Mr. Platt made a motion to adjourn the meeting at 8:05 pm. Mr. Simpson seconded the motion. The
131 motion passed unanimously.

132 Respectfully submitted,

133 Melissa Pollari

134

135	_____	_____
136	Edward Frothingham	Aaron Simpson
137	_____	_____
138	Clayton Platt	Daniel Schneider
139	_____	_____
140	William Larrow	George Neuwirt, Alternate