

1 **TOWN OF SUNAPEE**

2 **ZONING BOARD**

3 **JULY 9, 2020**

4 Chairman White called the meeting to order at 7:04 pm.

5 Chairman White read the Governor's Emergency Order #12 that authorizes the Planning Board to meet
6 electronically: "As Chair of the Planning Board, I find that due to the State of Emergency declared by the
7 Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency
8 Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.
9 Please note that there is a physical location at 23 Edgemont Rd in the Meeting Room to observe and
10 listen contemporaneously to this meeting, which was authorized pursuant to the Governors Emergency
11 Order. Please note that all votes that are taken during this meeting shall be done by roll call vote. Let's
12 start the meeting by taking a roll call attendance. When each member states their presence, please also
13 state whether there is anyone in the room with you during this meeting, which is required under the
14 Right-to-Know law."

15 A roll call was taken:

16 **MEMBERS PRESENT BY VIDEO:** Peter White, Chair; Michael Jewczyn, Vice Chair; Randy Clark; Joe Butler;
17 Jeffrey Claus; Donna Davis Larrow, Alternate; Sue Gottling, Ex-Officio Member

18 **MEMBERS PRESENT IN THE MEETING ROOM:** Richard Osborne, Michael Marquise, Planner

19 **ALSO PRESENT IN THE MEETING ROOM:** See Sign in Sheet

20 Chairman White nominated Mrs. Larrow to sit in as a voting member for the meeting for Vice Chair
21 Jewczyn.

22 **PARCEL ID: 0123-0002-0000: SITE PLAN REVIEW: FARMER'S MARKET; 26 SEVEN HEARTHS LANE;**
23 **MOUNT ROYAL ACADEMY**

24 Mr. Marquise said that the application was filed in advance, fees were paid, notices were posted, and
25 abutters were notified. This is an amendment to an existing Site Plan so the Board is not reviewing the
26 entire Site Plan, just the amendment. The plan shows areas for vendors and parking; he does not
27 believe anything effects the overall Site Plan, though something may come up during the discussion.
28 Mr. Marquise continued that with the basics that are presented he feels as though the application is
29 complete.

30 Mr. Clark made a motion to accept the application as complete. Mr. Osborne seconded the motion. A
31 roll call vote was taken: Mrs. Larrow voted yes, Mr. Clark voted yes, Mr. Butler voted yes, Mr. Osborne
32 voted yes, Mrs. Gottling voted yes; Mr. Claus voted yes; Chairman White voted yes. The motion passed
33 unanimously.

34 Alexander Kalpakgian presented the merits of the case.

35 Mr. Kalpakgian said that they are planning on inviting local farms, families, and businesses to set up
36 booths on the school's athletic field. They believe that it will benefit the local community by bringing
37 people together and help to showcase the local talent and crafts in the area.

38 Chairman White said that the application includes a statement that there is enough parking for 90 cars
39 and there will not be any parking on Seven Hearths Lane and Mr. Kalpakgian confirmed these details.
40 Chairman White asked and Mr. Kalpakgian confirmed that there is approximately 9,200 square feet for
41 vendors.

42 Chairman White said that the Board has a drawing showing what the applicants intend to do and asked
43 if any of the Board members have any questions. The drawing shows the parking, vendor locations, and
44 porta potty locations.

45 Mr. Clark asked what day of the week and times the farmer's market will be held. Mr. Kalpakgian said
46 that he wants to have them on Saturdays, July 18th and 25th and August 1st and 8th and will run from 9:00
47 am to 1:00 pm.

48 Vice Chair Jewczyn joined the meeting.

49 Mr. Marquise said that there will be parking for 50 cars adjacent to the vendor area and then another 40
50 cars quite away from the vendor area and asked how the parking will be handled. Mr. Kalpakgian said
51 that he and four volunteers will be directing traffic to ensure that no one will be parking on the road and
52 to fill up the parking lot first and then the overflow parking lot.

53 Mr. Marquise was asked and said that he did speak with all the Department Heads and there were no
54 concerns.

55 Mr. Butler asked and Mr. Kalpakgian confirmed that he will be renting porta potties.

56 Mr. Clark asked if there are any restrictions due to COVID-19. Mr. Kalpakgian said that he believes that
57 the stay-at-home order has expired. Mr. Marquise said that even for the meeting room there are no
58 longer limits so he assumes that applies outdoors.

59 Chairman White asked and Mr. Kalpakgian said that the majority of the vendors will sell vegetables,
60 however, they do have several crafters and they also have vendors selling baked goods. Mr. Kalpakgian
61 was asked and said that an example is Grounds Coffee Shop in New London who will be providing baked
62 goods and small food but there will not be any vendors making food on the site.

63 Mr. Butler asked and Mr. Clark said that he is sure that insurance is needed but it does not sound as
64 though they are selling hot food, just prepared food. Mr. Clark said that there is a threshold to
65 determine if something is prepackaged. Mr. Kalpakgian said that he has spoken with the Department of
66 Health and Human Services (DHHS) as well as the Department of Agriculture and there are certain food

67 licenses required for selling meat and homestead licenses to sell vegetables or things like that. He has
68 spoken to all of the vendors and they all have the proper licensing.

69 Vice Chair Jewczyn asked if all of the abutters have been notified about the proposal. Mr. Marquise said
70 that all of the abutters have been notified via certified mail.

71 Mr. Butler asked if the approval will be good forever or just the one year. Mr. Marquise said that is up
72 to the Board and what they would like to have for conditions. The applicants have specifically requested
73 four dates so the Board can decide if they want to just approve those dates and then renew it later if
74 requested.

75 Bernie Towne said that he is sponsoring the event for the school and one of their questions for the
76 Board was if they need to get approval every year. He asked if the school needs permission for the
77 Chowder Challenge every year or if it is something that is allowed yearly. Mr. Clark said that he knows
78 that they need permission from the Selectboard every year but he does not know the specifics about
79 anything else. Mr. Towne said that they contacted the town to ensure that they did not break any rules
80 and were told they needed to do this presentation to the Planning Board; no one has said anything
81 about presenting to the Selectboard.

82 Vice Chair Jewczyn asked how they will handle deliveries and the pickup of what is not sold. Mr.
83 Kalpakgian said that the farmer's markets will be held Saturday mornings. Vice Chair Jewczyn asked and
84 Mr. Kalpakgian said that vendors will set up before the market opens and take down everything after
85 the market closes. Vice Chair Jewczyn said that he is concerned about the noise. Mr. Kalpakgian said
86 that he does not imagine the vendors will be there at 5:00 am or 6:00 am.

87 Chairman White said that he believes that events like the Chowder Challenge need to get permission
88 from the Selectboard when they use Town property.

89 Mr. Towne said that whether or not they hold the farmer's markets just this year or also subsequent
90 years depends on if they really need to come before the Planning Board. They view it as a school event
91 and were doing this as a formality to ensure that they were not doing anything wrong.

92 Chairman White asked and Mr. Kalpakgian said that each vendor is supposed to bring their own tent and
93 table. Chairman White asked and Mr. Kalpakgian said that none of the vendors will be leaving anything
94 at the site after the end of each event.

95 Vice Chair Jewczyn said that he is more inclined to approve the proposal for a short term because they
96 could have a situation where the cars are lined all the way down to Route 11, which would have an
97 impact. Chairman White said that the request for the four specific dates gives everyone the opportunity
98 to see how they go.

99 Chairman White asked if any abutters are present either in the meeting room or via Zoom.

100 Brian Garland, 31 Seven Hearths Lane, said that he is concerned about the traffic and parking on the
101 street; if that can be alleviated it would be wonderful. However, he thinks that the proposal is a great
102 idea.

103 Mr. Butler asked if they would be willing to have a police detail if needed. Mr. Kalpakgian said that he
104 would be willing if necessary.

105 Mr. Marquise asked and Mr. Kalpakgian confirmed that he has called NH DOT and explained what he is
106 proposing to do and has not received any comments or concerns from them.

107 Clayton Platt said that this school has 50 – 60 cars entering and existing the site every day during the
108 week. He does not see how a farmer's market will have hundreds of cars and becoming a problem. He
109 thinks that a lot of farmer's markets are struggling right now.

110 Mr. Marquise said that he thinks that the concern was that Mount Royal expanded without notifying NH
111 DOT and they were upset because they were not able to do any research on it so he wants to make sure
112 there are no additional issues. Mr. Garland said that he thinks the issue was before NH DOT put the turn
113 lane in on Route 11.

114 Mrs. Larrow said that she recently read that the Wilmot Farmer's Market has some things in place that
115 have been recommended by the CDC related to social distancing and such and asked if they will be
116 following any of the recommendations. Mr. Kalpakgian said that they want to be aware of what is going
117 on but have not put any specific regulations in place. Mrs. Larrow asked if there are any restrictions on
118 how many people can be there at a time in terms of flow in and out of the market area and social
119 distancing. Mr. Towne said that they do not currently have any regulations. It is an outdoor area and
120 even in terms of grocery stores they no longer have those kinds of regulations so he is not sure what
121 they would put into place for regulations. The vendors will be more than 6 ft apart from each other and
122 it is an outdoor space so he is not sure how they would control how close people may get to each other
123 so they might leave it up to people's own judgement. They are happy to put a sign-up requesting
124 visitors follow CDC guidelines if the Board would like.

125 Chairman White asked if there is a way that the traffic will be parking and Mr. Kalpakgian confirmed that
126 it is just a straight shot off the road. Mr. Towne said that the area has been used for parking previously.
127 The overflow parking area where the 40 spaces are located has a paved walkway down to where the
128 vendors will be.

129 Mr. Butler asked if they know what the traffic count is when school is in session and what time do the
130 students get to school. Mr. Towne said that they have about 180 students at the school and there are
131 probably 80-90 families. Drop off is between 7:30 am to 8:00 am and pick up is between 2:00 pm and
132 3:00 pm. The normal school traffic would significantly exceed what they expect for the event. Mr.
133 Butler asked and Mr. Towne confirmed that they will have enough parking for that many vehicles. Mr.
134 Towne continued that the only real difference is that people will be parking to attend the event rather
135 than just dropping off and picking up.

136 Chairman White said that the proposal includes a 7 x 3.5 ft sign on the bottom on Seven Hearths Lane
137 and Mr. Towne confirmed that the sign is proposed to go near Route 11. Mr. Towne continued that is
138 where the Mount Royal Academy sign is currently located and they are proposing having a flag that says
139 "Farmer's Market" so people see it when they are driving by.

140 Mrs. Larrow asked and Mr. Kalpakgian said that the entry to the market will be free.

141 Mrs. Gottling said that there is going to be a tent show in the Harbor on Saturday and they have
142 presented a detail plan for how they will abide the COVID restrictions. She believes the plan will be
143 attached to the Selectboard minutes and it might be helpful for the applicants to look at. The plan
144 includes how many people can be in a tent at a time, the signage that they will have, etc.

145 Mr. Osborne made a motion to approve the Site Plan Review for Parcel ID: 0123-0002-0000 for the
146 farmer's market at 26 Seven Hearths Lane. Mr. Claus seconded the motion. Vice Chair Jewczyn asked if
147 the motion should include a condition that police detail be requested if it becomes an issue. Mrs.
148 Gottling asked if the approval will be in perpetuity or if it will just be for the dates requested. Mr. Butler
149 asked if the Board should ask the applicant for feedback. Chairman White said that there is a motion on
150 the table so the Board should discuss just approving the dates and times presented for now and if they
151 want to revisit the proposal they can. Mrs. Gottling asked if there is somewhere on the application that
152 says the dates as she did not see that. Chairman White said that he did not see it but it should be part of
153 the motion. Mr. Clark asked why some events need Planning Board approval and others do not. Mr.
154 Marquise explained that events held on Town property do not need Planning Board approval. What is
155 being proposed is an amendment to an approved Site Plan; if there is something done in addition to an
156 approved Site Plan it requires an amendment. Anything that goes onto a private property that is
157 commercially oriented needs to have a Site Plan. Mr. Marquise was asked and explained that something
158 like a one-time wedding has been determined not to need a Site Plan. Mr. Towne asked and Mr.
159 Marquise explained that there was a proposal to have a farmer's market in the Harbor House Livery
160 building and that required a Site Plan because it was a change in the commercial use. Mr. Osborne
161 amended his motion to add that the approval will be for the last two Saturdays of July and the first two
162 Saturdays of August of 2020. Mr. Claus seconded the amendment. Mrs. Larrow asked and Chairman
163 White said that he does not believe that Vice Chair Jewczyn should vote as she was already sitting in for
164 him. A roll call was taken for the vote: Mrs. Larrow voted yes, Mr. Clark votes yes, Mr. Butler voted yes,
165 Mr. Osborne voted yes, Mrs. Gottling voted yes, Mr. Claus voted yes, and Chairman White voted yes.
166 The motion passed unanimously.

167 Mr. Towne asked if they need to contact the police for the first market and Mr. Marquise said that it was
168 not part of the motion. Mr. Osborne said that he thinks that the police will request that they be present
169 if they realize the events require it.

170 **PARCEL ID: 0104-0008-0000 & PARCEL ID: 0106-0004-0000: SUBDIVISION / LOT LINE BOUNDARY**
171 **ADJUSTMENT ON 0104-0008-0000 TO INCREASE LAND AND SHIFT LINE OFF ACCESS ROAD TO 0106-**
172 **0004-0000; MAIN ST; J. ANTHONY & MURIEL BERGERON**

173 Mr. Marquise said that the application was filed in advance, fees were paid, notices were posted, and
174 abutters were notified. The application falls under Section 6.04 of the Subdivision Regulations and is a
175 minor subdivision so it is eligible for waivers under Section 6.05 (b). He believes that all of the items
176 required under Section 6.04 are on the plan with the following waivers: the boundary line survey for the
177 entire parcel; the existing and proposed contours, the utility lines, and stormwater drainage. He also
178 cannot see that any State requirements are needed. Mr. Marquise continued that he believes that the
179 application is complete with those waivers.

180 Mr. Clark made a motion to accept the application as complete. Mr. Osborne seconded the motion. Mr.
181 Marquise said that the waivers should be noted in the motion and reread them for the Board. Mr. Clark
182 amended his motion to accept the application as complete including the waivers for the boundary
183 survey, existing contours, utilities, and plans for stormwater. Mr. Osborne seconded the amendment. A
184 roll call vote was taken: Mr. Clark voted yes, Mr. Butler voted yes, Mr. Osborne voted yes, Vice Chair
185 Jewczyn voted yes, Mrs. Gottling voted yes, Mrs. Larrow voted yes, and Chairman White voted yes. The
186 motion passed unanimously.

187 Clayton Platt presented the merits of the case.

188 Mr. Platt explained that the Bergerons have owned the property on Main St in Georges Mills for almost
189 50 years and it has been in their family for about 75 years. They own both tracts of land and would like
190 to do a lot line adjustment. The property has been owned by Mrs. Bergeron's family for a long time and
191 property lines were not always important. The rear property line is very close to the garage and the
192 northwest corner of the house lot crosses the access road to the back 41 acres. They want to move the
193 property lines a bit so that the property line moves away from the garage and off the access road. Mr.
194 Platt continued that at some point the Bergerons may sell the house lot and keep the wooded lot so this
195 cleans up the property lines.

196 Mr. Platt said that the house lot will end up smaller, however, it will still meet all of the Zoning
197 requirements. Mr. Marquise asked and Mr. Platt confirmed that this Zoning District only requires ½ acre
198 lots; the property is in the Village Residential Zoning District. The property line adjustment will make the
199 property a little more conforming to Zoning and better for the owners.

200 Mr. Marquise said that he did not get any questions or comments from any of the Department Heads
201 regarding the proposal.

202 Scott Conrad, 85 Springfield Rd, said that they do not have any questions regarding the proposal.

203 Mr. Claus made a motion to approve the boundary line adjustment for Parcel ID: 0104-0008-0000 to
204 increase land and shift line off access road to 0106-0004-0000; Main St; J. Anthony and Muriel Bergeron.
205 Vice Chair Jewczyn seconded the motion. A roll call vote was taken: Mr. Clark voted yes, Mr. Butler
206 voted yes, Mr. Osborne voted yes, Vice Chair Jewczyn voted yes, Mrs. Gottling voted yes, Mr. Claus
207 voted yes, and Chairman White voted yes. The motion passed unanimously.

208 **OTHER BUSINESS**

209 Mr. Marquise said that there are some things that need to be signed and the Town Office is opening on
210 July 13th to the public and asked the Board members can go in and sign what is needed to be signed.

211 Chairman White said that at some point he thinks that the Chair and Vice Chair positions need to be
212 visited. Mr. Marquise agreed that the Board did not have an April meeting to vote on the positions.
213 Chairman White asked if the vote has to be posted on an agenda or if the Board can just do it. Chairman
214 White asked and Mr. Osborne said that he thinks that they should keep the current slate. Mr. Butler
215 said that he thinks that they should just stay with the status quo.

216 Mr. Clark made a motion to keep Mr. White as Chair. Mr. Osborne seconded the motion. The show of
217 hands vote passed with six yes votes and one abstention (Chairman White).

218 Mr. Butler made a motion to keep Mr. Jewczyn as Vice Chair. Mr. Clark seconded the motion. The show
219 of hands vote passed with six yes votes and one abstention (Vice Chair Jewczyn).

220 Mr. Clark asked and Mr. Marquise said that the Meeting Room is opened to everyone, it is the Board
221 member's decision if they are comfortable to be at the meeting or still Zoom in. Mr. Butler asked and
222 Mr. Marquise said that it is his understanding that the State has said that the allowance for the Zoom
223 meetings is indefinite. There was further discussion regarding this matter.

224 **MINUTES**

225 Changes to the Planning Board minutes from November 14, 2019: The minutes were continued until the
226 next meeting.

227 Changes to the Planning Board minutes from December 12, 2019: The minutes were continued until the
228 next meeting.

229 Changes to the Planning Board minutes from January 9, 2020: The minutes were continued until the
230 next meeting.

231 Changes to the Planning Board minutes from February 13, 2020: The minutes were continued until the
232 next meeting.

233 Changes to the Planning Board minutes from March 12, 2020: The minutes were continued until the
234 next meeting.

235 Changes to the Planning Board minutes from June 11, 2020: The minutes were continued until the next
236 meeting.

237 Changes to the Planning Board minutes from June 25, 2020: The minutes were continued until the next
238 meeting.

239 Mr. Clark made a motion to adjourn the meeting at 7:56 pm. Mr. Butler seconded the motion. The
240 motion passed unanimously.

241 Respectfully submitted,

242	Melissa Pollari	
243	Planning Board	
244	_____	_____
245	Peter White, Chairman	Michael Jewczyn
246	_____	_____
247	Joseph Butler	Randy Clark
248	_____	_____
249	Jeffrey Claus	Richard Osborne
250	_____	_____
251	Donna Davis Larrow, Alternate	Suzanne Gottling, ex-officio member