

TOWN OF SUNAPEE

PLANNING BOARD

DECEMBER 12, 2019

PRESENT: Michael Jewczyn, Vice Chair; Joseph Butler; Jeffrey Claus; Randy Clark; Donna Larrow, Alternate Member; Suzanne Gottling, Ex-Officio Member; Michael Marquise, Planner

ABSENT: Peter White, Chair; Richard Osborne

See attached sign in sheet

Vice Chair Jewczyn called the meeting to order at 7:00 pm.

Vice Chair Jewczyn appointed Mrs. Larrow as a voting member for the hearing.

CONTINUATION: PARCEL ID: 0129-0078-0000: SITE PLAN REVIEW: 350 SQ FT FABRICATING SHOP; 7 MAIN ST; LEENA MARK

Mr. Marquise said that this case has been withdrawn.

PARCEL ID: 0234-0001-0000 & PARCEL ID: 0234-0002-0000: SUBDIVISION / ANNEXATION; ANNEXATION OF 7.2 ACRES FROM PARCEL 0234-0001-0000 TO PARCEL 0234-0002-0000 AND MINOR SUBDIVISION OF 8.6 ACRES FROM PARCEL 0234-0001-0000; 428 & 456 STAGECOACH RD; NUTTING FAMILY TRUST, JOANNE NUTTING MENARD

Mr. Marquise said that the application was filed in advance, fees were paid, notices were posted, and abutters were notified. The application falls under Section 6.04 of the Subdivision Regulations and is a minor subdivision so it is eligible for waivers under Section 6.05(b). The plan has almost everything except a full boundary survey, storm water management, and water and sewer lines. Mr. Marquise continued that, with these waivers, he believes that the application is complete.

Mr. Claus made a motion to accept the application as complete. Mr. Butler seconded the motion. Mr. Clark asked and Mr. Marquise confirmed that typically the motion includes the waivers. Mr. Claus amended his motion to include the waivers of the water and sewer, boundary, and storm water. Mr. Butler seconded the motion. Vice Chair Jewczyn asked and Mr. Marquise explained that those items are allowed to be waived and do not make the application incomplete if they are waived. The motion passed unanimously.

Clayton Platt, surveyor, presented the merits of the case on behalf of the applicants.

Mr. Platt explained that the property has been in the Nutting Family for about 100 years and they are within preliminary discussions with the town to put a conservation easement over part of the backland. The family would like to do these minor subdivisions before this is complete in order to keep the land that they want out of the conservation easement. Ms. Menard owns lot 0234-0002-0000 and it is currently a 5.04-acre lot that will become 12.23 acres. There is also another new lot that the family wants to create that will be 8.6 acres. There are no existing buildings on the lots that will be subdivided from Parcel 0234-0001-0000. There is a small wetland on Ms. Menard's lot, however, all the lots will

36 meet the Zoning requirements in terms of lot size, road frontage, etc., and most of the land is flat and the
37 soils are good.

38 Mr. Butler asked and Mr. Platt explained which piece is the 7.2 acres that will be annexed to Parcel 0234-
39 0002-0000. Mr. Platt said that there will be over 600 ft of frontage remaining on Stagecoach Rd for Parcel
40 0234-0001-0000.

41 Vice Chair Jewczyn asked and Mr. Clapp and Mr. Marquise confirmed that they think all the abutters have
42 been notified.

43 Vice Chair Jewczyn asked if anyone in the audience had any questions or comments.

44 Al Peterson said that he is an abutter and does not know what they would like to do. Ms. Menard and
45 Mr. Nutting explained the plan to Mr. Peterson and explained that they hope that the back land that
46 abuts his property will have a conservation easement.

47 Mr. Clark asked and Mr. Platt said that he could not find any information regarding an easement for the
48 overhead lines over the property. He used to be able to go to the office and ask, however, now it takes
49 submitting a request and it can take two months for a response.

50 Vice Chair Jewczyn asked and there were no additional questions or comments regarding the proposal.

51 Mrs. Larrow made a motion to approve the application for Parcel ID: 0234-0001-0000 and Parcel ID:
52 0234-0002-0000 for the subdivision and annexation of 7.2 acres from Parcel 0234-0001-0000 to Parcel
53 0234-0002 and minor subdivision of 8.6 acres from Parcel 0234-0001-0000; 428 & 456 Stagecoach Rd;
54 Nutting Family Trust and Joanne Nutting Trust. Mr. Claus seconded the motion. The motion passed
55 unanimously.

56 **PARCEL ID: 0140-0022-0000: TREE CUTTING & VEGETATION CLEARING; 78 BURKEHAVEN LANE;**
57 **ANDREW BOWDITCH**

58 Doug Gamsby presented the merits of the case on behalf of the applicants.

59 Mr. Gamsby explained that the applicants would like to cut nine trees within 150 ft of Lake Sunapee and
60 that none of the trees that they would like to cut are within the 50 ft waterfront buffer. The primary
61 reason they would like to cut the trees is because the lot has recently sold and the new owners would like
62 to open up some space around the house to let in more light. Also, a few of the trees are close to the
63 foundation so there is some root penetration under the foundation. Mr. Gamsby continued that there
64 will not be any clearing in some areas as they will remain unaltered and explained the trees that they
65 would like to remove and the reasons for removing them.

66 Mr. Gamsby said that he also recently did a new septic design for this property and explained where it
67 will be located.

68 Mr. Butler asked and Mr. Marquise explained that five trees are allowed to be cut per calendar year and if
69 an applicant wants to cut more they have to come to the Planning Board for approval.

70 Vice Chair Jewczyn asked and Mr. Gamsby confirmed that the property line goes through one of the
71 buildings. The properties used to be owned by two related families and they built the garage without

caring about the property line and then the properties have been sold over the years; there is an easement for the power line, but everything was informal. There was further discussion regarding the property line and garage. Mr. Clark asked and Mr. Gamsby said that if the garage is moved he does not think many more trees will be removed because the area is currently driveway.

Vice Chair Jewczyn asked and Mr. Gamsby explained the layout of the driveway. Vice Chair Jewczyn asked and Mr. Gamsby said that they are just before the Board to talk about the trees.

There was further discussion regarding the garage that is over the property line.

Mr. Clark asked and Mr. Marquise said that the Board will look at all nine trees even though they are permitted to remove five. Mr. Clark said that he is just wondering which of the trees are problem trees. Mr. Gamsby said that he would say all the trees are problems except for one 8-inch oak trees. Three of the trees are very unhealthy and five are either affecting the foundation and / or affecting the roof with potential limbs falling on the house. The owner would also like to add more light to the side of the house.

Vice Chair Jewczyn asked and Mr. Gamsby said that the foundation is a frost wall with crawl space. Vice Chair Jewczyn asked and Mr. Gamsby said that the roots are affecting the footings, not a basement.

Mrs. Larrow asked and Mr. Gamsby explained that there is a clothesline going into one of the trees.

Vice Chair Jewczyn asked and Mr. Gamsby said that he believes all the abutters have been notified by the Town regarding the proposal.

Mr. Claus made a motion to approve the Tree Cutting and Vegetation Clearing for Parcel ID: 0140-0022-0000 at 78 Burkehaven Lane. Mr. Butler seconded the motion. Mr. Butler asked why they did not remove five trees this year and five next year. Mr. Gamsby explained that they are large trees that will require a crane to remove; not only is it a monetary issue, but Burkehaven Lane is very narrow and the crane barely fits so it makes more sense to do it all at once. Mrs. Gottling asked and Mr. Marquise explained that the Ordinance was changed so that people can only remove five trees per 12 months, not per calendar year. The motion passed unanimously.

PARCEL ID: 0101-0009-0000 & PARCEL ID: 0101-0010-0000: LOT MERGER: 20 STONEY BROOK RD & SPRINGFIELD RD; GARRETT JUDKINS

Mr. Marquise gave the Board a copy of a tax map showing the parcels that the owner would like to merge. Mr. Clark asked and Mr. Marquise said that the proposal will make the lot more conforming and he does not see any issues with the merger.

Mr. Clark made a motion to accept the lot merger for Parcel ID: 0101-0009-0000 and Parcel ID: 0101-0010-0000 at 20 Stoney Brook Rd, Garret Judkins. Mr. Butler seconded the motion. The motion passed unanimously.

CONSULTATION: J & F REALTY – MOUNTABLE CURB & BOLLARDS BETWEEN DUNKINS & HISTORICAL SOCIETY

Frank Souliotis, J & F Realty, was present to consult with the Board regarding the mountable curb and bollards in between the Dunkin Donuts building and the Old Abbott Library / Historical Society building.

108 Mr. Marquise said that there was a requirement in the Site Plan to have a barrier between the Dunkin
109 Donuts building and the Old Abbott Library building. The Police and Fire Departments requested a
110 mountable curb to have access between the buildings and there have been two attempts to build the
111 mountable curb that have not been successful. Mr. Marquise has spoken to Fire Chief Ruggles and he has
112 written a memo that he approves the current curb and bollards and read the memo to the Board (see
113 copy in file).

114 Mr. Marquise said that he thinks that the Board needs to determine what they would like to do with the
115 change to the Site Plan. His recommendation is to have another hearing and allow the abutters a chance
116 to comment as well as to get more formal comments from the Fire and Police Departments.

117 Mr. Butler asked and Mr. Marquise said that it was supposed to be a mountable curb and was supposed
118 to be 4 inches and ended up 7 inches so they had to remove the curb and then decided to install the
119 bollards. Mr. Clark asked and Mr. Souliotis explained that the curb was too high because the concrete
120 base that was installed was too high. Mr. Souliotis said that he believes that the Fire Department can get
121 all the way around the building and there should not be a reason to cross that area. Also, the Historical
122 Society has only one place to put the snow and it is up against that curb so it will make it unusable in the
123 winter anyways. If the Police Department do not have a problem with the curbing and bollards he would
124 like to leave them as is.

125 Mrs. Larrow asked if the curb and bollards impinge on the Historical Society in any way. Mr. Souliotis said
126 that he does not believe that they have an issue with it the way that it is now because they can plow their
127 snow against it. Mrs. Larrow said that she would like to know if there is any issue for the Fire Department
128 accessing the Historical Society. Mr. Souliotis said that he thinks that the Fire Department can access that
129 whole building without needing to go over that curb.

130 Mr. Butler asked and Mr. Marquise said that this can be an amendment to the already approved Site
131 Plant and should be a public hearing to make sure that they go on record that the Town is accepting the
132 change to the Site Plan and that the plan shows the change so in the future it is not questioned.

133 Vice Chair Jewczyn said that he thinks that it is a good idea to have a public hearing because this seems to
134 be a hot spot; if the Old Abbott Library ever catches fire it is next to the propane exchange station and
135 could create a bomb and is right next to the gas pumps. Mr. Marquise said that he thinks that the
136 location of the propane exchange station is where it has always been and is not new.

137 Mr. Clark said that he is comfortable if the Fire Chief signing off on the new curb to amend the Site Plan.
138 Mr. Butler said that he thinks that the Historical Society should have the chance to comment as well and
139 Mr. Clark agreed.

140 Mr. Marquise asked if the Board would like a time limit on the owners getting the application in to them
141 so that it keeps the ball rolling. Mr. Marquise recommended that Mr. Souliotis get the application in
142 within 60 days for the public hearing. Mr. Souliotis asked if he will need to have an engineered plan. Mr.
143 Marquise said that he just thinks that there will need to be an alteration to the current Site Plan drawing
144 to show it is not a mountable curb, it is regular curbing and bollards. The Police and Fire Departments
145 can then sign off on the new plan and it can go in the record.

146 Mr. Clark asked and Lela Emery, Sunapee Historical Society, said that when it was the Abbott Library, the
147 Town plowed the lot and when it got too deep they hauled the snow away. The snow would go between
148 the parking lot and Route 11 and now that the berm is there it makes an area for the snow.

149 Ms. Emery said that the Historical Society is agreeable with whatever the Town decides. They want to
150 work with Mr. Souliotis on the snow removal, as long as they are able to remove the snow on their side
151 the Historical Society will take care of their side.

152 Mr. Platt said that he walks in the area a lot and pedestrian access from Lower Main St is cut off because
153 there is not a crosswalk across Route 11 to Main St. People are supposed to walk down to the Dunkin
154 Donuts cross walk and then across to Main St but there is no access from Dunkins to Main St anymore,
155 especially with the snow. Ms. Emery said that the lines need to be painted from the bank to Lower Main
156 St and Lower Main St across Route 11 to Main St because there are sidewalks there. Mr. Clark asked and
157 Mr. Marquise explained that the Police Benevolent Association donated money to install a flashing
158 sidewalk sign between the gym and Dunkin Donuts. Mr. Marquise said that they are also looking at
159 Route 11 improvements that will address all of the pedestrian circulation from this area to Sargent Rd.
160 However, in the short term it may be worth talking to the Highway Director regarding painting the lines.
161 There was further discussion regarding this matter.

162 Mr. Marquise said that Mr. Souliotis needs to get an application to the Board for a Site Plan Review
163 hearing within 60 days. Vice Chair Jewczyn asked and Mr. Marquise said that the Fire and Police
164 Departments will be able to give their comments during the Peer Review meeting. Mr. Clark asked and
165 Mr. Marquise confirmed that he will get comments in writing for the file. Vice Chair Jewczyn asked and
166 Mr. Marquise said that the notice for the hearing will be posted and abutters will be notified.

167 **CONSULTATION: LOWER MAIN ST 62 LLC – 62 LOWER MAIN ST**

168 Mr. Marquise explained that this property was formerly owned by Andy Pollari and has three residential
169 units and the garage was used as a business. The new owners would like to know if what they need a Site
170 Plan Review for what they would like to do.

171 The new owner said that Mr. Pollari had much bigger equipment than what the company that wants to
172 lease the building to will have. All the equipment will be contained in the garage and there will not be
173 any materials stored outside. Mr. Butler asked and the owner said that it is essentially the same use.

174 Mr. Marquise asked and the owner said that Mr. Pollari did not live at the property but used it for
175 himself.

176 Mrs. Larrow asked and the location of the property was explained.

177 Vice Chair Jewczyn asked and the owner explained that Mr. Pollari owns a construction business. He
178 does not know how many employees he has but a lot of materials and equipment were stored on the site
179 including dump trucks and excavators and things were being stored outside as well.

180 Vice Chair Jewczyn asked and the owner explained that he would be renting the property to a husband
181 and wife. The wife owns a cleaning company and her cleaning supplies have to be stored in a controlled
182 temperature so she needs to keep her vehicles inside. The husband owns a landscaping business so it

183 would also be used to store his equipment. Mr. Clark asked and the owner said that the husband will not
184 be storing any landscaping materials at the property. Mrs. Larrow asked and the owner said that he
185 thinks that the use will be less of an impact than it was when Mr. Pollari owned the property.

186 Mrs. Larrow asked and the owner said that they have already purchased the property and would like to
187 lease it out.

188 Mr. Clark asked and Mr. Marquise said that he does not know how long Mr. Pollari used the property and
189 does not remember him ever having a formal Site Plan. The Board needs to determine if they think the
190 fact that the new owners are going to lease the property will trigger the need for a Site Plan Review.

191 Mr. Butler asked and the owner said that they do not have a lease yet. Mr. Butler said that he would like
192 to know how many employees the people who will hold the lease will have. Vice Chair Jewczyn said that
193 the Board needs to know how many people will be entering and exiting the site. Mr. Marquise said that
194 the property has never had a formal Site Plan and a home occupation is exempt so it probably flew under
195 the radar. The owner said that he knows all of the information for the proposed businesses such as hours
196 and employees. The people who want to lease the property said that they will have 6 to 10 employees
197 depending on different things. Mr. Marquise said that he thinks a Site Plan Review hearing would be
198 helpful to get all of the information documented. Vice Chair Jewczyn asked and Mr. Marquise said that
199 with a public hearing, abutters will be able to make comments and ask questions. There was further
200 discussion regarding this matter.

201 Mrs. Larrow asked and the owner said that he does not live in any of the apartments on the property.

202 The Board agreed that they would like to have a Site Plan Review for the new businesses.

203 **OTHER BUSINESS**

204 Mr. Clark said that he has noticed quite a few used cars being sold in the machine shop across the street.
205 Mr. Marquise said that he knows that in the past if a certain number of used cars were sold it required a
206 dealers' license and needed approval from the Zoning Administrator. There was further discussion
207 regarding this matter and Mr. Marquise said that he will ask Ms. Gage if she has heard anything about it.

208 **ZONING AMENDMENTS**

209 Mr. Marquise said that the Board can make changes to the text of the Amendments, however, they
210 cannot make changes to the intent without another public hearing.

211 Amendment #1

212 Amend Article II, Section 2.30 and Article IV, 4.31 – Wetlands - by making changes to the definition of the
213 Wetland Overlay District. The current broad wording of poorly or very poorly drained soils would be
214 replaced by a more specific definition of larger wetlands that contain these types of soils. A 25-foot
215 buffer would be added around delineated portion of the wetland.

216 Mr. Marquise said that he did try to get a map done but the tax map company wanted \$1,000 to do it and
217 since it is not something that is approved he figured he would wait until it is approved. He can get a map
218 from Upper Valle Regional Planning for a lot less but it will take more time. He does have a small map

219 that shows the recommended changes and said that the wetland areas around the lake will be included.
220 Mr. Marquise explained the map to the Board.

221 June Fichter, LSPA, said that she commends the Board for putting a wetlands buffer in the Ordinance and
222 asked what make the Board select 25 ft and why are some of the wetlands not being counted.

223 Mr. Marquise said the orange pieces on the map are just poorly drained soils. The Wetlands District was
224 very broad and the red pieces on the map are more confirmed very poorly drained soils and are evident
225 wetlands such as Wendell Marsh, Trask Brook, etc. and the areas around them are major wetlands. Many
226 years ago, a process was started to define prime wetlands and the project was not completed but the
227 idea was to use these prime wetlands as the Wetlands District. This does not mean that other pieces of
228 land are not wetlands, they are just not part of the Wetlands District. If another areas is delineated as a
229 jurisdictional wetland they will also need to have a 25 ft buffer. Mr. Marquise was asked and explained
230 that even if a wetland is not mapped it does not mean that it is not a wetland; the Board is just defining
231 an area as an Overlay District. There was further discussion regarding this matter.

232 Mr. Marquise said that he 25 ft buffer is a starting point and have at least a small separation. Mrs.
233 Gottling asked and Mr. Marquise said that unless the orange areas on the map are deemed jurisdictional
234 there are no buffers for them. Mrs. Gottling asked and Mr. Marquise explained that a wetlands scientist
235 would declare an area jurisdictional and further explained the process. Mr. Claus asked and Mr.
236 Marquise confirmed that if a wetlands scientist delineates wetlands on a property then it requires a 25 ft
237 setback. Mr. Clark said that a homeowner could have a wetlands scientist determine exactly where the
238 bounds are located for the wetland. There was further discussion regarding this matter.

239 Mr. Claus made a motion to approve Amendment #1 as written. Mr. Butler seconded the amendment.
240 The motion passed unanimously.

241 Amendment #2

242 Amend Article III, Section 3.20 - Table of Dimensional Controls – by adding dimensional controls to the
243 Mixed Use III district for the District Overlays that would be consistent with the requirements in the other
244 districts.

245 Mr. Marquise explained that when the Mixed Use III District was done there were no dimensional
246 controls for the District Overlays added and this Amendment will correct that.

247 Mr. Clark made a motion to accept Amendment #2 as written. Mrs. Gottling seconded the motion. The
248 motion passed unanimously.

249 Amendment #3

250 Amend Article III, Section 3.40 (o) - Additional Requirements – by adding the Mixed Use III district to the
251 Rural-Residential and Rural Lands Districts as those districts requiring highway buffering.

252 Mr. Marquise explained that this was another omission when they did the Mixed Use III District and it is
253 to just make sure that there is a buffer again.

254 Ms. Fichter asked if the buffer needs to be maintained. Mr. Marquise said that they like the natural
255 buffer so it can do whatever it wants naturally. Ms. Fichter asked and Mr. Marquise confirmed that if
256 there is not a buffer it has to be created and, either way, it has to remain and cannot be removed.

257 Mr. Clark made a motion to accept Amendment #3 as written. Mr. Butler seconded the motion. The
258 motion passed unanimously.

259 Amendment #4

260 Amend Article III, 3.50 (k) – Special Exceptions –to include in this exception houses that may be only
261 partially within the 50’ shoreland setback.

262 David Beardsley, 19 Westwood Rd, said that he is surprised that the State allows anything to be built in
263 the 50 ft shoreland setback beyond what is already there. Mr. Marquise said that he is not sure how the
264 State is looking at these but the Ordinance will allow for additions on houses that are partially within the
265 50 ft setback to be allowed with a Special Exception as currently they are only allowed for houses that are
266 fully within the 50 ft setback. There was further discussion regarding this matter.

267 Mr. Butler made a motion to approve Amendment #4. Mr. Clark seconded the motion. The motion
268 passed unanimously.

269 Amendment #5

270 Amend Article IV, Section 4.33(8)(b)(I) – Cutting and Removal of Natural Vegetation within the Natural
271 Woodland Buffer – by making changes to this section to exempt dead trees from the permit
272 requirements if the trees have been declared such by an arborist, forester, or Selectmen’s agent.

273 Ms. Fichter said that there is no mechanism in the Ordinance for someone to record that the trees are
274 confirmed dead. In some towns the owner has to take a photograph and then they need to get an
275 arborist or forester to certify that the trees are dead. Mrs. Gottling asked and Ms. Fichter said that in
276 Newbury they require documentation that the tree is dead. Ms. Fichter was asked and said that she
277 believes that the documentation is required in the Ordinance. Mr. Clark said that he was concerned that
278 there is no trail for the trees to be removed. Mr. Marquise said that he believes that a Tree Cutting
279 Request would still be required by the Zoning Administrator. They can add to the end “provided that this
280 determination is on file with the Town”. The Board agreed that they want to make sure that there is
281 documentation. Mr. Clark asked and Mr. Marquise said that he believes that the wording can be added
282 without changing the intent. Mr. Clark asked and Mr. Marquise said that it will be up to the Zoning
283 Administrator how it is documented.

284 Mr. Butler made a motion to approve Amendment #5 as amended. Mr. Clark seconded the motion. The
285 motion passed unanimously.

286 Amendment #6

287 Amend Article IV, Section 4.90 – Accessory Dwelling Unit – to make it clear that applicants only need to
288 meet the list of special exception requirements in Section 4.90 and not the additional requirements of
289 Section 4.15.

290 Mr. Marquise said that there was an application for an ADU and the Zoning Board questioned if the
291 application had to meet the requirements under Section 4.15 so this clarifies the Ordinance and complies
292 with the State law.

293 Mr. Clark made a motion to accept Amendment #6 as written. Mr. Butler seconded the motion. The
294 motion passed unanimously.

295 Amendment #7

296 Amend Article V, Section 5.31 – Sign Regulations – by changing this section so that signs defined in
297 Section 5.20 (exempt signs) are not included in the overall square footage allowed on a property.

298 Mr. Marquise explained that the Amendment fixes the Ordinance because currently the signs that are
299 exempt are being counted in the overall square footage of the property which is not fair because they are
300 exempt.

301 Mr. Butler asked about lighting on the signs and Mr. Marquise said that lighting is addressed in another
302 part of the Ordinance.

303 Mrs. Gottling made a motion to approve Amendment #7, Sign Regulations. Mr. Claus seconded the
304 motion. The motion passed unanimously.

305 Amendment #8

306 Article IX - Section 9.12 – Site Plan Review – by changing the allowance that “Home Occupations” be
307 given special consideration by the Planning Board to “Home Businesses” being accorded such
308 consideration, since this is the actual procedure outlined in the Site Plan Review Regulations. Home
309 Occupations will remain exempt from the Site Plan Review Regulations.

310 Mr. Marquise said that the Board does not review home occupations as they are exempt; the Board gives
311 special consideration to home businesses.

312 Mr. Butler made a motion to approve Amendment #8. Mrs. Gottling seconded the motion. The motion
313 passed unanimously.

314 Amendment #9

315 Amend Article X, Section 10.14 – Meetings – by changing the time requirements for the Zoning Board to
316 hear appeals from 30 days of the date of application to 45 days and also make notification times for
317 Board meetings to be consistent with RSA 91-A.

318 Mrs. Gottling said that this is based on a bill that was requested by the Zoning Board that was recently
319 passed. Mr. Clark asked if it should say “...for Board meetings as required by RSA 91-A.” as “to be
320 consistent with” leaves some grey area. Mrs. Gottling explained the reason that the RSA was proposed.
321 Mr. Claus said that the Ordinance says it is a requirement. Mr. Marquise explained that the question
322 goes on the ballot, the full wording of the Ordinance does not.

323 Mrs. Gottling made a motion to approve Amendment #9. Mr. Butler seconded the motion. The motion
324 passed unanimously.

325 Amendments #10

326 Amend Article X, Section 10.16(e) – Powers – to specify that all ZBA approvals (variances and special
327 exceptions) are valid for 2 years from date of approval and that all approvals granted before August 19,
328 2013 will stay valid for 3 years from the posting of a notice of this fact.

329 Mr. Marquise said that even before 2013 the Town added a condition that all approvals were only good
330 for two years. It came to the attention of the Town's attorney that there is a State law that says that the
331 Town has to go back and allow people who received approvals before 2013 the right to exercise them
332 and that it needs to be in the Ordinance that there is only two years. The Town did it right, however, it
333 was felt that the Town still needs to give people the opportunity to exercise their approval. Mr. Marquise
334 continued that the Town has to change the Ordinance and then post a notice for a year that people have
335 two years to exercise their approval, which essentially gives them three years to exercise the approval.

336 Mr. Claus made a motion to accept Amendment #10 as written. Mrs. Larrow seconded the motion. The
337 motion passed unanimously.

338 Amendment #11

339 Amend Article XI – Definitions – Owner Occupied – by eliminating the two existing definitions of "Owner"
340 and "Occupied" to create a single definition of "Owner-Occupied" that ties into other definitions such as
341 ADU and Bed & Breakfast.

342 Ms. Fichter asked why the occupancy is for more than 120 days in a calendar year rather than the
343 residency requirement of six months and one day and what defines a "natural person". Vice Chair
344 Jewczyn said that a "natural person" is not a corporation. Mr. Marquise said that "natural person" is
345 defined and 120 days is and IRS regulation and the Board felt that it was more appropriate.

346 Mike Jesanis, 8 Old Norcross Rd, thanked Mr. Marquise and the Board for working on this and said that
347 he thinks that it is a good fix though there is still work to be done on some other issues and he
348 understands that the Board will be working on them.

349 Mr. Butler made a motion to approve Amendment #11. Mrs. Gottling seconded the motion. The motion
350 passed unanimously.

351 Amendment #12

352 Amend Article X – Definitions – Dwelling Unit – by changing this definition to better define what
353 constitutes a dwelling unit, especially in terms of the kitchen area.

354 Mr. Marquise said that the sentence that starts with "A bar equipped with a bar-sink..." should have a
355 parenthesis before "A".

356 Mr. Clark made a motion to approve Amendment #12 as amended. Mr. Butler seconded the motion. The
357 motion passed unanimously.

358 **MINUTES**

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

361 Mr. Clark made a motion to adjourn at 8:48 pm. Mr. Butler seconded the motion. The motion passed
362 unanimously.

363 Respectfully submitted,

364 Melissa Pollari

365 Planning Board

366 _____

367 Peter White, Chairman

368 _____

369 Joseph Butler

370 _____

371 Jeffrey Claus

372 _____

373 Donna Davis Larrow, Alternate

Michael Jewczyn

Randy Clark

Richard Osborne

Suzanne Gottling, ex-officio member