

TOWN OF SUNAPEE

PLANNING BOARD

JANUARY 9, 2020

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

ABSENT:

See attached sign in sheet

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

PARCEL ID: 0115-0038-0000: SITE PLAN REVIEW: HOME DAY CARE BUSINESS; 57 NORTH SHORE ROAD; JENNIFER SLAVIN

Chairman White explained that the Board needs to vote on the completeness of the application and then that starts the 65-day clock for the Board to make their decision regarding the case.

Mr. Marquise said that the application falls under Article V of the Site Plan Review Regulations and is for a home business so it falls under Subsection D of Article V and has fewer requirements. The applicant submitted a sketch and written statement regarding the proposed activity, there is also some information from the Zoning Board case as well as from the State regarding licensing. He believes that the Board should reserve their right to request more information, specifically in relation to the Site Plan. Mr. Marquise continued that the fees were paid, notices were sent, and notices were posted; he believes that the application is complete.

Mr. Clark made a motion to accept the application as complete. Mr. Claus seconded the motion. Vice Chair Jewczyn asked if the Board accepts the application as complete if it means that the Board cannot ask questions. Chairman White explained that questions can be asked during the discussion regarding the merits. The motion passed unanimously.

Jennifer Slavin presented the merits of the case.

Ms. Slavin said that she would like to change her childcare center to home based care. They care for preschoolers to after school children and have three children during the day and four afterschool and she also has a child. The house is set up for children as they have always had foster children. She has been in business for 20 years and started at St. Joachim's church and had 25 children. In 2011 they moved to 31 River Rd, which was sold last January and the new owners want the entire building for their business. Her home will be safer because the playground will be attached to the house; at 31 River Road they have to go across the bridge and through the Quack Shack lot to get to their playground. Their house is up near the road, not on the water.

Ms. Slavin said that they have three parking spaces and, per the Zoning Board, the four parents will be coming in from the north entrance so they are only traveling 200 ft on North Shore Road to and from the house. They can park a fourth car but it would block two other cars; this parking is all on their property.

37 Ms. Slavin said that the younger children are inside doing activities and are only outside 30 to 45 minutes;
38 the afterschool children do not go outside.

39 Ms. Slavin said that the State Licenser has done the site inspection, as have the Health and Fire
40 Departments. Ms. Slavin gave copies of the Health and Fire Department approvals to the Board. The
41 State Licenser has done the site approval but Ms. Slavin does not have a license yet as they must make
42 sure the application is complete.

43 Ms. Slavin explained a drawing of the property, including the parking spaces and fenced in play area. She
44 also explained a drawing of the inside of the house and said that the children will not be allowed into the
45 basement. Chairman White requested Ms. Slavin pass her drawings around to the audience for their
46 review after the Board is done asking their questions. Ms. Slavin explained pictures of the parking spaces
47 to the Board and gave copies of the pictures. Chairman White asked and Ms. Slavin said that they
48 decided not to have any parking on their lot across the street because they have been storing limbs there
49 and have not been able to bring them to the Transfer Station.

50 Chairman White asked and a member of the audience said that North Shore Road is an emergency access
51 road and that it was reclassified three years ago. Chairman White asked and Ms. Slavin explained the
52 location of the right of way over her property that is for the neighbors.

53 Vice Chair Jewczyn asked and Ms. Slavin explained that the day care will occupy the living room, dining
54 room, part of the breakfast area, a back bedroom, and the bathroom. Vice Chair Jewczyn asked and Ms.
55 Slavin confirmed that there is one bathroom that will be used by the daycare; they have a second
56 bathroom downstairs. Vice Chair Jewczyn asked and Ms. Slavin said that she does not know how many
57 square feet she has but knows that it is over 360 square feet available for the children because that is
58 what she legally needs for State licensing. Vice Chair Jewczyn asked and Ms. Slavin said that the State
59 requires 40 square feet of useable area per child. Vice Chair Jewczyn asked and Ms. Slavin said that the
60 exterior space can be different because there are preschoolers and afterschool children and they can be
61 outside at different times. Also, as her mother is a member of her staff, one of them can go out with the
62 children while the other stays in with the other age group as they have to be separated outside. She
63 believes that the square footage requirement is 45 or 50 square feet per child outside but it is a smaller
64 group at a time.

65 Mrs. Larrow asked and Ms. Slavin confirmed that they do have the children during the summer; however,
66 they take more vacations in the summer. They also take field trips to the school playground and Tilton
67 Park. Mrs. Larrow asked and Ms. Slavin confirmed that she will have the same number of children or less
68 in the summer. Mrs. Larrow asked and Ms. Slavin confirmed that State licensing allows for up to 9
69 children, ages 2 – 18. Ms. Slavin continued that she only takes children who are potty trained so she
70 typically does not have 2-year old children. Mrs. Larrow asked and Ms. Slavin said that she gave Mr.
71 Marquise her attendance sheet; she has one family with three children, one family with two children, and
72 then two other families each with one child. Mrs. Larrow asked and Ms. Slavin said that this group of
73 children means that she will have a total of four additional cars at her property. Mrs. Larrow asked and
74 Ms. Slavin said that she parks her vehicle in the garage as she has a three-car garage and one car. Mrs.
75 Larrow asked and Ms. Slavin said that she does not have any other staff besides her mother. Shen and
76 Her mother live at the house along with Ms. Slavin's great nephew, whom she is adopting, and her
77 adopted sister who is 20. Mrs. Larrow asked and Ms. Slavin confirmed that if everyone was there at the

78 same time there would be five cars at the property at one time, with her car in the garage. Mrs. Larrow
79 asked and Ms. Slavin showed the parking available on the property. Mrs. Larrow asked and Ms. Slavin
80 explained that drop off is between 6:30 am and 9:00 am and pick up is between 12:00 pm and 5:00 pm.
81 Ms. Slavin explained the typical drop off and pick up times of the children. Mrs. Larrow asked and Ms.
82 Slavin said that her license goes up to age 17 and she tries to keep the children as long as possible
83 because ages 10 to 12 are usually older siblings who are not ready to babysit their younger siblings; most
84 area daycares stop at age 10. She has one 13-year-old and the rest are 5, 7, 8, and her son is 11. Mrs.
85 Larrow asked and Ms. Slavin said that she believes the children she currently has will stay for a while,
86 though the 13-year-old may leave.

87 Mr. Butler asked and Ms. Slavin said that she has more square footage than required for State licensing,
88 however, because it is home family care, she cannot have more than nine children.

89 Mr. Butler asked and Ms. Slavin said that the lights shown on the Site Plan are existing. Ms. Slavin
90 explained the location of the lights to the Board.

91 Mr. Butler asked and Ms. Slavin said she will not have a sign.

92 Mr. Butler asked and Ms. Slavin said that she currently has a fence but wants to put up a privacy fence;
93 the fencing that she currently has is wire. The swing set in the photographs will be removed. She would
94 like to remove the fence that she has at her current location and move it to the new location but if not,
95 she will need to get new fencing.

96 Mr. Butler asked and Ms. Slavin said that she is 50 ft to 60 ft from the pond. Mr. Clark asked and Ms.
97 Slavin said that the State did not have any concerns with the property being so close to the water
98 because to go to the playground at St. Joachim's she was near two roads and at her current location to go
99 to the playground they have to cross the bridge over the river.

100 Mr. Claus asked and Ms. Slavin said that she does not have her State permit yet because things like the
101 criminal background checks and other licensing qualifications must be done. Mr. Claus asked and Ms.
102 Slavin said that she has had the Fire Inspection and the Health Inspection and the State Licenser has
103 approved the Site Inspection. They are waiting for the paperwork to be approved and that should be in
104 two to three weeks.

105 Vice Chair Jewczyn asked about the setback for the fence and if the existing fence is grandfathered even
106 though the property will be changing from residential to a business. Mr. Marquise said that the fence is
107 grandfathered, however, it is also a minor structure so the setback on the fence is decreased. The Zoning
108 does not have a setback for uses of a property, however, that does not prevent the Board from discussing
109 where the business activity will happen. There was further discussion regarding this matter.

110 Mr. Butler asked and Ms. Slavin said that she has had a license for the past 20 years. Mr. Butler asked
111 and Ms. Slavin confirmed that her current location is on River Rd with the same number of children that
112 she is proposing having in her new location. Mr. Butler asked and Ms. Slavin said that she is not renewing
113 her current license, she is changing it from a center license to a family care license. Her current license
114 says that she can have 20 children but she has been reducing the number of children over the past year.
115 Mr. Butler asked and Ms. Slavin said that they have to be out of their current location on February 8th.
116 There was a discussion regarding other options that Ms. Slavin has looked at.

117 Chairman White asked and Ms. Slavin said that in the past 20 years, even with 25 children, she has never
118 had more the two parents picking up or dropping off at one time. Chairman White asked and Ms. Slavin
119 confirmed that pick up and drop offs have been consistently staggered over the years. There was further
120 discussion regarding this matter.

121 Chairman White said that the letters in favor of Ms. Slavin's proposal were very supportive in how she
122 runs her business, which is good to see.

123 Chairman White said that the case went to the Zoning Board on January 2nd and the Special Exception
124 was approved. There were three conditions: there will be no parking on the street for daycare use; all
125 access to the property for daycare uses will be from the northerly entrance of North Shore Road off
126 Perkins Pond Road; and to comply with all State Regulations and Site Plan Review. Vice Chair Jewczyn
127 asked and Chairman White confirmed that one of the conditions is that there will be no parking on the
128 street for the daycare. Chairman White continued if everyone arrives at one time, they would be hard
129 pressed to have everyone park there at the same time. If the system is staggered, then the parking tends
130 to flow better, though he does not think there is a guarantee of this. Vice Chair Jewczyn said that there
131 are no photographs showing the road and he does not think it would be good if it is dark at 4:30 and
132 someone parks along the road. Chairman White said that he was at the property around 5:00 and it
133 appeared to be well lit. Ms. Slavin said that there are no streetlights and explained the lights that are on
134 the property.

135 Mr. Butler asked and Chairman White confirmed that the Town maintains the road.

136 Chairman White said that the Zoning Board made a condition to have any access to the daycare from the
137 intersection that is approximately 200 ft up North Shore Rd to Perkins Pond Rd. He does not know how
138 this will be policed and thinks that it is a difficult condition to put on a business, however, it is a condition.
139 Mr. Osborne said that Ms. Slavin will have to tell the parents that they will have to use that entrance. Mr.
140 Claus said that Ms. Slavin will also need to tell the parents that they cannot park on the road. Ms. Slavin
141 said that she will have all her parents sign new parent agreements.

142 Mr. Claus said that regarding the parking there are no regulations that specifically address family
143 daycares so he looked at other town's regulations and in every town that he looked at this site would
144 qualify.

145 Ms. Butler asked and Ms. Slavin said that she has someone who does the main snow removal and she
146 also snow blows. Mr. Butler asked and Ms. Slavin confirmed that the snow will be removed enough so
147 cars do not park in the street.

148 Ms. Slavin showed the Board a copy of her updated parent agreement.

149 Mr. Claus asked if this impacts the Town's sewer and it was said that there may be additional fees. Mrs.
150 Gottling said that usually there are only additional fees if bedrooms are added. Ms. Slavin said that they
151 used to have foster children and adopted children and had 11 to 12 people in her house at a time. Mr.
152 Butler asked and Ms. Slavin said that she has Town sewer and an artisan well. The Town's water is
153 drinkable but there is a chemical in it and her adopted son cannot drink it; they must test the well water
154 for the license frequently. In their current location they must drink bottled water because the State will
155 not let them use the Town's water.

156 Mrs. Larrow said that the current fencing does not seem sturdy and asked Ms. Slavin how that will be
157 dealt with. Ms. Slavin said that they currently only have two children who have outside play with two
158 adults watching them. Mrs. Larrow asked and Ms. Slavin confirmed that she will be replacing the fence
159 with a privacy fence and may need to come back to the Zoning and Planning Boards for approval.
160 Chairman White asked and Ms. Slavin said that the fence is 8 ft tall so it would require Zoning Board
161 approval. Mrs. Larrow asked and Ms. Slavin said that she will hire someone to do the outside work when
162 they are on vacation or during a field trip.

163 Chairman White asked if the school has a snow day if it impacts the daycare. Ms. Slavin said that some
164 parents keep their children home and others still go to the daycare. Chairman White asked and Ms.
165 Slavin said that she does not operate during the weekends.

166 Vice Chair Jewczyn said that Ms. Slavin said that when the children are outside they are supervised by
167 two adults. Ms. Slavin confirmed that she and her mother watch the two children outside and no
168 children are left inside. Ms. Slavin explained that she has three preschoolers in the morning and she has
169 mainly afterschool children. Out of the eight children, one is her son who goes to school, one preschooler
170 goes to the elementary school, two are all day preschoolers, and the others are there after school;
171 therefore, the two children who go outside are watched by the two adults. Vice Chair Jewczyn asked and
172 Ms. Slavin said that there are not children inside when she has children outside. Vice Chair Jewczyn asked
173 and Ms. Slavin confirmed that she and her mother are CPR certified and both worked at the elementary
174 school before starting their business.

175 Mr. Butler asked if the traffic on North Shore Road is the same in the winter and the summer. Ms. Slavin
176 said that her road is used all year because it is the better road. Chairman White asked and Ms. Slavin said
177 the afterschool children will ride the bus. Mrs. Larrow asked and Ms. Slavin said that the bus drops the
178 children off at North Road and she goes to meet the bus there and they walk to the house.

179 Robin Saunders, 46 Burma Rd, said that she is the Vice President of the Perkins Pond Protection
180 Association and she applauds people's entrepreneurial ventures. She is concerned because the area is
181 not appropriate for children. Chairman White said that he does not want to get into an argument as to if
182 this is an appropriate use as the Zoning Board has already approved the use and the Planning Board
183 cannot do anything about it.

184 Ms. Saunders asked and Ms. Slavin said that she does not know the slope from the house to the pond,
185 however, they are not using that area for the preschool. Ms. Saunders asked and Ms. Slavin agreed that
186 the slope is steep. Ms. Saunders said that it is a very steep drop off and asked Ms. Slavin if it is 50 ft or
187 less to the pond. Ms. Slavin said that the house is 50 ft to 60 ft to the pond. Ms. Saunders asked and Ms.
188 Slavin said that she already has a fence on the property. Ms. Saunders asked and Ms. Slavin confirmed
189 that the fence will protect the children from getting into the pond; the fence is hooked to the house and
190 garage. They are planning on returning to the Board to build a fence that is at least 6 ft tall like what they
191 have at the Quack Shack now. Ms. Saunders asked and Ms. Slavin confirmed that she will need to have a
192 Variance to have a taller fence.

193 Ms. Saunders said that the houses are close together in that area and people have purchased the houses
194 as vacation homes and retirement homes and these people are not expecting to have large groups of
195 children around. North Shore Road has been reclassified as an emergency access road and it is extremely

196 winding and narrow and treacherous if there are two people coming in different directions. She does not
197 know how Ms. Slavin's clients will be policed to ensure that they go in the approved direction and she
198 thinks that it will be a challenging situation for the residents who live there now. Perkins Pond is quiet
199 and small and there is a tight knit community and while she thinks that all entrepreneurial ventures are
200 wonderful, she does not think that this house is a good place for a daycare center. Chairman White said
201 that whether it is appropriate or not has already been decided. Ms. Saunders said that she was not at the
202 Zoning meeting but has driven past this house many times in the past 20 years and the house was in
203 disrepair. The house is better than it ever was, however, she is surprised the Board will allow that
204 number of people on North Shore Rd. Ms. Saunders asked and Chairman White said that Ms. Slavin
205 cannot have 20 children, she can only have nine. Ms. Slavin said that with family care she can only have
206 nine children and a maximum of five preschoolers.

207 Ms. Saunders asked if the house on North Shore Rd has potable water. Ms. Slavin said that she has an
208 artisan well and the water has to be tested every three months for bacteria, every six months for nitrates,
209 and every year for lead and copper. Ms. Saunders asked and Ms. Slavin confirmed that the water is
210 drinkable. Ms. Slavin said that they cannot drink the Town water at 31 River Rd.

211 Ms. Saunders asked and Ms. Slavin confirmed that they own land on the other side of North Shore Rd and
212 Ms. Slavin explained the size of the land. Ms. Saunders asked and Ms. Slavin confirmed that the land is
213 big enough to park a car there. Mr. Osborne said that the lot on the other side of the road is almost two
214 acres.

215 Ms. Saunders asked and Ms. Slavin confirmed that she will only ever have nine children at a time.

216 Anne VanTine, 61 North Shore Rd, said that she understands that the approval is forever and goes with
217 the house. Chairman White confirmed that the approval is a land use decision and if Ms. Slavin sells the
218 house the approval will go with the property with the same stipulations.

219 Ms. Saunders asked and Chairman White said that the owner can change but the use does not have to
220 change. Ms. Saunders asked and Chairman White said that the Zoning District does not change, the use
221 for the daycare has been allowed per a Special Exception. Chairman White continued that the decisions
222 that the Zoning and Planning Boards make are land use decision, not personal use decisions. Chairman
223 White continued explaining this matter.

224 Ms. Saunders said that she thinks that there are many other places in Sunapee that would be great for
225 this venture. Chairman White said that is a moot point and the Planning Board cannot tell Ms. Slavin that
226 she cannot have her business at this location as she has legal permission to do what she has proposed.
227 The Planning Board's purpose is to make sure that the proposal meets the regulations for parking,
228 lighting, etc. The Planning Board does not have any jurisdiction as to if the business is allowed to be there
229 or not.

230 Ms. Saunders said that she would like to caution the Board to consider the fact that North Shore Road is
231 only an emergency access and is very narrow; she does not think that it is a place to increase any traffic.
232 In the summer, a number of the houses are rented and there is a lot of traffic on that road and a lot of it
233 is fast. At every Perkins Pond meeting they have discussed the fact that people speed down the roads
234 and with children in the area it will be a problem.

235 Bill Sinatra, North Shore Rd, said that he has the largest parcel on North Shore Rd and has lived there for
236 20 years; he moved up full time approximately a year ago. The subject property is less than ¼ of a mile
237 from his house and his house is the first house on the corner of the road.

238 Ms. VanTine said that the traffic will be going directly past her house. They have submitted a letter to the
239 Board and also has some additional comments she would like to make. They value privacy and one of
240 their proposals is for privacy fencing, which has already been discussed and she thinks would be helpful
241 and she would like to see that written in as a requirement of the Site Plan. They do not want the children
242 to watch them on the beach or in the bathroom. Ms. VanTine said that they would also be willing to
243 financially help with the fencing if necessary.

244 Ms. VanTine said that they would like to see an accurate and scaled drawing of the proposed daycare
245 area in relation to the property line and the building. The hand drawn map is not very reliable and they
246 believe that the property should be surveyed and the area drawn to scale. They are also going to hire a
247 surveyor to mark the property line between themselves and the Slavin's property. Chairman White said
248 that there are existing buildings and the fence is existing and asked if Ms. VanTine thinks anything is on
249 their property. Ms. VanTine said that they do not know; the property has been surveyed in the past but
250 the markers have been moved. Ms. Slavin said that the former owner of Ms. VanTine's property used to
251 move the property markers. Vice Chair Jewczyn asked and it was confirmed that the abutters can survey
252 their properties any time that they would like. Ms. VanTine said that she thinks that Ms. Slavin should
253 create something to scale to show where the fencing is located and where the proposed fencing will go.
254 Vice Chair Jewczyn asked how different they expect the property line to be with the survey. Ms. VanTine
255 said that they do not know. Chairman White asked and Ms. Slavin said that the drawing was created as
256 close to scale as possible. Ms. VanTine said that Ms. Slavin then needs to translate the drawing to real
257 life. Mrs. Gottling said that the Board has the photos that show where the fence connects to the building.
258 Mr. Osborne asked and Ms. VanTine said that she does not think that the new fencing should be installed
259 until the line is surveyed. Chairman White said that it does sound as though there is time as the new
260 fence will not be installed until the spring. Ms. Slavin said that they were told that the rocks are on the
261 property line and she made sure that the fence was 2.5 ft from the property line. Vice Chair Jewczyn
262 asked and Ms. Slavin said that even if the property line is further away they will not be moving the fence.

263 Ms. VanTine said that they would like the areas of the property that the daycare will be used to be
264 designated on the Site Plan and stipulated that they are only allowed to be in those locations. Ms. Slavin
265 said that per State licensing the children must be in the fenced in area and in area of the house that is
266 approved. Chairman White asked and Ms. Slavin confirmed that the children will only be allowed to be in
267 the designated areas which are already identified on the drawings. Ms. VanTine said that the Site Plan
268 will continue and the State may change their regulations so they would like to see the permitted areas
269 written into the Site Plan.

270 Ms. VanTine said that her concerns regarding the detrimental effects the daycare could have on them
271 could be reduced if the number of children permitted at the daycare is reduced. Most people do not
272 agree that this is an optimal location for a home-based daycare, therefore, she thinks that it might be
273 good to reduce the number of children who are allowed to attend the daycare.

274 Ms. VanTine said that there has been a lot of discussion regarding the road and it can be terrifying to
275 drive the road because if you meet another car going in the other location you cannot get off the road.

Chairman White said that one of the conditions that has been agreed on is that the traffic from the business will not be going up and down North Shore Rd. They can sit and talk about traffic and how it will be policed, however, it is going to be part of Ms. Slavin's agreement and Site Plan. Ms. VanTine said that she would like to put on the record that her property and the Tarzia's property will have the majority of the traffic go by them and the condition was proposed at the Zoning meeting and they were not given an opportunity to give any feedback on that. Even if the pick ups and drop offs are staggered, it does not matter to them because it means that traffic will be going by their house all day. This will have a big impact on them as normally no one goes by their house. The parents will also be traveling on Perkins Pond Rd, which is a gravel road that will be covered in snow.

Vice Chair Jewczyn asked and Ms. Saunders said that this road is an emergency access. Ms. Saunders asked if it is appropriate to ask for a traffic study to be done before approval. Vice Chair Jewczyn said that he thinks that the Board can look at public safety. Mr. Osborne said that the proposal is already approved. Ms. Saunders asked if a traffic study has been done and if the approval can be delayed to have a proper traffic study done on the access to the daycare. Mr. Osborne said that they have not done a traffic study but the safety services have looked at the proposal and approved it. Chairman White asked and Mr. Marquise said that he believes that Mr. Hazelton looked at this for the Zoning Board; he has not received any comments as they did not have a Peer Review, which he thinks should happen before this is approved. Mr. Marquise continued that a formal traffic study is usually based on high volume such as for big box stores. Ms. Saunders said that she thinks that there is a big difference in the traffic between the summer and the winter; of the 105 houses on Perkins Pond there are only 30 occupied in the winter and all of them are occupied in the summer with multiple families and rentals. She thinks that there should be a proper study done from the Highway Department regarding the traffic that will congest the end of the road and affect the people whose houses are at the end of the road. There is also no way to police the parents to ensure that they take that entrance. Chairman White said that if there was not the stipulation from the Zoning Board, the traffic going by the abutters would probably be cut in half. Ms. Saunders asked if there is a problem with delaying an approval to have a proper traffic study done. Chairman White said that the only recent traffic study that the Town has requested was for Dunkin Donuts and that was a lot more impact than what is being discussed and they are not talking about many cars. Ms. Saunders said that there is another development off of Perkins Pond Rd and a lot of traffic that is off that road and taking the turn onto North Shore Rd could create a problem. Chairman White said that the Board does not even require traffic studies for subdivisions.

Dominic Tripoli, 21 North Shore Rd, said that they have been coming up for the past 40 years and just decided to build a home here. He thinks that the Boards are missing the fact that there are three residents on North Shore Rd, including Ms. Slavin's mother, that are over the age of 80. The Board looks at the times of drop offs and pick-ups but medical emergencies could fall within that time frame and asked how emergency people will get to houses with the traffic. He admires what Ms. Slavin wants to do but it is in a residential area. He spent a lot of money to move here and he wants to protect his investment and wants to make sure that everyone will be safe, including the children. Mr. Tripoli asked and Ms. Slavin confirmed that her mother is the other person who helps with the daycare. Ms. Saunders asked and Ms. Slavin said that her mother is 80 and goes to the preschool every day. Mr. Tripoli said that the population around Perkins Pond are mostly in their 60's and 70's and the main issue to him is safety and he would hate to be on the Board and making what could be a life or death decision.

318 Ms. Saunders asked and Ms. Slavin said that a fire truck can make the hairpin turn from Perkins Pond
319 Road to North Shore Road. Mr. Osborne said that if a fire truck needed to go onto North Shore Road
320 from the other way they would not need to go by the Slavin's house so it would be a moot point and he
321 does not understand the concern; it is not any different than any other narrow road in Town and the
322 traffic is not increasing that much.

323 Ms. Slavin said that the business will not be a daycare center, it will be a family care center; daycare
324 centers can have many more children. Additionally, family care centers have to follow the daycare center
325 rules as well as the family care center rules.

326 Chairman White asked and Mr. Marquise said that he has not been able to have a formal meeting with
327 the Department Heads due to the holidays. Chairman White asked and Mr. Marquise said that he
328 believes that there were comments given to the Zoning Board but he has not been privy to those. Mr.
329 Marquise said that he believes that the Police Chief had some concerns. Chairman White asked and Mr.
330 Marquise confirmed that he believes that the Police Chief's concerns were parking on the road.

331 Mr. Butler asked and Ms. Slavin said that the Zoning Board did not really talk about the fencing as she
332 told them she was going to change it. The Health Officer has examined the current fencing but she
333 explained that she wants the regular fencing to feel safer; for now, they have agreed that the current
334 fencing is acceptable. Mr. Butler asked and Ms. Slavin confirmed that she has approval for what is there
335 now but it will be upgraded in the future. Ms. VanTine said that she would like it written into the Site
336 Plan that Ms. Slavin install privacy fencing. Chairman White agreed that is a good idea.

337 Matt Mazgelis, 55 North Shore Rd, said that he is the other abutter to the subject property. He has a
338 right of way over Ms. Slavin's property and his wife is asthmatic so he is very concerned about the right of
339 way as the layout lends itself to obstruction of the right of way like it is now with the road piled up with
340 snow. Chairman White said that he assumed there is snow piled up because Mr. Mazgelis did not want to
341 plow it. Mr. Mazgelis said that he did not plow it because he does not use the property in the winter but
342 Ms. Slavin plowed the snow into the right of way. His right of way, which is also used for Lot 36, runs
343 along the edge of Ms. Slavin's property. The Planning Board does not want to hear their concerns about
344 the noise, diminished property values, or traffic concerns; the Zoning Board already stuffed that down
345 their throats. He came up to find his driveway blocked, though he could have had someone move the
346 snow. When his wife is in the middle of an asthma attack, every second counts and he would hate to pull
347 up his driveway and find it blocked with a car. He would really like to see this not happen.

348 Tanner Royce, 23 Central St, said that he owns the property at 35 North Shore Road and is concerned that
349 the approval can transfer to the next owner. The focus has been on having nine children and not on the
350 fact that any daycare after this could have the same number of children but not the same pick up and
351 drop off schedule than what is being discussed. The Site Plan just allows for a daycare with nine children
352 and he wants to make sure that the Board does not just focus on how Ms. Slavin runs her business but on
353 how any business could be run. He has young children in daycare and most of the parents pick up at or
354 after 5:00 as they pick up when they get out of work. He believes that the conversation should not be
355 about Ms. Slavin's business but about how any daycare business could be run.

356 Robert Evans, 61 North Shore Rd, said that he is concerned about the noise. If there are up to nine
357 children with nine different families there are four trips each day going past their house for each child.

358 This is a very quiet part of Sunapee and they hear every car that goes up Perkins Pond Rd and North
359 Shore Rd. He is sensitive to sounds and it would be less of a concern if there were fewer students. A
360 future owner might run the daycare a different way and have all the students arrive at the same time. He
361 would like the Board to consider the fact that whatever the plan is should apply to future owners.

362 Mr. Evans said that he was outside and looked at the fencing and believes that the fence is over the
363 property line. Mr. Evans continued to explain where he believes the fence is located and where he
364 believes the property line is located. He would like a time limit on when a privacy fence must be installed
365 and there needs to be a setback for the fence as privacy fences are usually over 5 ft tall. He is willing to
366 go to the Zoning Board with Ms. Slavin that he supports the fence to be installed 2 ft from the property
367 line as he thinks that would be the best for them.

368 Mr. Marquise said that he is struggling with the south side of the property as he sees the corner of the
369 house very close to the property line. He is concerned about the right of way and is trying to understand
370 if it goes across the property and only leaves a very narrow area for parking. He does not want to
371 question the plan but thinks that the Board would want to see a better plan that is drawn to scale. Mr.
372 Clark said that if he measures the distance it is 5.4 ft, using the online GIS. Mr. Marquise said that the
373 implication is that it is 25 ft to 30 ft. Ms. Slavin said that she took pictures. Mr. Butler asked and
374 Chairman White said that he believes that the Board can request a survey. Mr. Claus said that he does
375 not believe that pictures will solve this issue because the Board wants to know where the right of way is
376 located.

377 Mr. Mazgelis said that according to the map that Ms. Slavin submitted she has 58 ft on North Shore Rd,
378 the Evans have 205 ft and he has 123 ft. He believes that there is a right of way because his property line
379 comes out in front of Ms. Slavin's driveway. He would like to see a formal drawing from a surveyor. He
380 purchased the property two years ago based on the pins that were there and provided by the real estate
381 agent and he does not know if they are accurate. Vice Chair Jewczyn asked and Mr. Mazgelis said that he
382 does not feel that he should have to hire a surveyor, he is not the one asking for the business. Vice Chair
383 Jewczyn said that Mr. Mazgelis is the one with the exception to the business. Mr. Mazgelis said that he
384 will hire a surveyor if he must and Vice Chair Jewczyn said that he might. Mr. Mazgelis asked if the Board
385 will wait on their decision until he gets a survey done and Chairman White said that the Board has not
386 gotten to that point yet.

387 Mr. Evans said that everyone has been using the tax map because that is what is easily accessible,
388 however, the Slavin's deed states that they have 25.2 ft but the tax map shows 30 ft and the next line
389 shows 95 ft but the deed says 125 ft plus another 6 ft. They are using the tax map but thinks that they
390 should use something more legally binding like the deed, therefore, he thinks that there need to be a
391 survey done. Chairman White said that is a fair point, especially as Ms. Slavin mentioned she had a
392 neighbor who was constantly moving a pin. Typically, people purchase a property and go with what is on
393 the ground for the pins and very few people get their properties surveyed. He thinks that the challenge
394 in this case is that parking is very important to the application and it may be impeded by a right of way
395 that cannot be blocked. He thinks that it behooves everyone to know where the property line is located
396 and where the right of way is located. He thinks that the property line between the Slavin's and the
397 abutters to the north is as important as they will be installing a 6 ft to 8 ft fence. Ms. VanTine asked and
398 Chairman White said that it probably would not hurt to survey the whole property and the cost between

399 doing the two lines and the whole property is probably minimal. Mr. Marquise said that he believes that
400 it is almost impossible to survey just two lines. Vice Chair Jewczyn said that Mr. Marquise makes a good
401 point and had no idea that the right of way may be closer to the parking area. Chairman White said that
402 he thinks that is the issue because they know that there is a right of way but now they want to park cars
403 there but, in reality, there may not be enough room to park the cars. Ms. Slavin said that when they had
404 their driveway tarred they had a survey done and that is what said that they will be parking on. Chairman
405 White asked and Ms. Slavin said that many years ago her parents wanted to make sure that they tarred
406 their land only. She does not have a copy of that survey, however, when they did the sewer they did
407 another survey; they did not do a map but did do a quitclaim deed. Ms. Osborne asked and Ms. Slavin
408 confirmed that the pictures showing the cars parked on the property are all on the tar. Mrs. Larrow
409 asked if there was a right of way over the property. Ms. Slavin said that she stood on her deck and took
410 pictures of the right of way and showed the pictures on her phone to the Board. The Board said that Ms.
411 Slavin needs to have pictures that can be shared with everyone.

412 Chairman White asked and Vice Chair Jewczyn said that he does not think that the case can continue until
413 there is an official Site Plan which involves a survey of the property. Chairman White said that he thinks
414 that is an important element and would also like input from the Police, Fire, and Highway Departments.
415 Mr. Butler said that the safety issues are important. Mr. Marquise said that the Peer Review will be
416 before the next Planning Meeting. Vice Chair Jewczyn said that the Board needs to know that access to
417 the right of way will not be blocked.

418 Mrs. Gottling asked and Mr. Osborne said that Ms. Slavin said that she has to vacate her current location
419 by February 9th. Mrs. Gottling said that she is concerned that the Board is requesting things that they
420 would not ordinarily request.

421 Ms. Slavin said that she was told that she can watch the children without being paid like they are family
422 members and it would not be a business.

423 There was further discussion regarding the survey and the parking.

424 Mr. Marquise said that the Board does have a 65 day period allowed before they have to make a decision
425 so that the Board can ensure that they have enough documentation and information to make a decision
426 that is solid and if the Board does not have that the first night they do not have to make a decision.
427 Chairman White and Vice Chair Jewczyn said that they do not have enough information. Chairman White
428 said that he knows that Ms. Slavin is trying to get her business in but, as a Board, that is not necessarily
429 what they look at. Mrs. Gottling said that she does not want Ms. Slavin to be ignored. Chairman White
430 said that he is not ignoring Ms. Slavin.

431 Mr. Butler suggested postponing the hearing until the next meeting. Chairman White said that the Board
432 would like to have a survey of Ms. Slavin's property, they do not necessarily need topography but they
433 need a boundary survey that shows the lot lines, the buildings, the fence, and the right of way. He also
434 thinks that it would be prudent to show the location of where the children will be when they are outside
435 and the square footage. Ms. VanTine asked and Chairman White confirmed that the Board would like to
436 have it shown on the plan where the children are permitted to be to ensure that they are not down near
437 the water. In case the property changes hands it is good to have everything shown on the plan. Mr.
438 Evans asked and Chairman White confirmed that they would like the location of the existing and

439 proposed fence, if it needs to be moved, to be on the plan. Mr. Marquise said that it is important for the
440 Board to know that the proposed fence should be 2 ft off the boundary line to have it be something that
441 the Zoning Board is more apt to approve. Mr. Osborne said that they can have a 5 ft fence then it can be
442 done without Zoning approval but a higher fence does need approval. Mr. Evans said that they would like
443 a privacy fence that a teenager cannot see over. Vice Chair Jewczyn asked and Chairman White
444 confirmed that the survey will need to show the locations of the buildings.

445 Mr. Clark asked and Mr. Marquise said that Ms. Slavin could have 65 days to get everything done but if
446 she can get it done quicker the next Board meeting is on February 13th. Mr. Clark said that he knows that
447 surveyors are not always available. Mr. Marquise said that it is approximately 5 weeks until the next
448 Planning Board meeting. Chairman White said that there are some good surveyors who are local. Ms.
449 Slavin asked and Chairman White said that Ms. Slavin may get list of surveyors from Ms. Gage. Ms.
450 VanTine said that they are interested in having some ownership of the survey. Mr. Evans said that they
451 are willing to share the costs of the survey. Chairman White said that they can get together with Ms.
452 Slavin to work this out; the survey just needs to show what the Board is looking for. He thinks that the
453 offer to share the costs is great as it does benefit everyone.

454 Chairman White asked and Mr. Marquise confirmed that they will have a Peer Review Meeting before the
455 February Planning Board meeting.

456 Ms. VanTine said that getting a survey done in a month would be a miracle. Chairman White agreed that
457 it is a challenge and that if it is not done before the next meeting the Board has 65 days to make a
458 decision. If the applicant needs more time, they can request an extension and as long as the applicant
459 requests it the Board usually grants it because it is for the applicant's benefit. Mr. Osborne said that the
460 time limit protects the applicant. There was further discussion regarding this matter.

461 Chairman White asked and Ms. Slavin confirmed that she knows that the Board is looking for the
462 boundary survey, the location of the buildings, and the location of the fence. Ms. Slavin asked and
463 Chairman White said that she does not need a professional drawing of the inside of the house. Mr. Evans
464 asked and Chairman White confirmed that the parking spaces should be on the survey. Mr. Marquise
465 said that it would be good to show the parking spaces in relation to the right of way to make sure that
466 there is nothing being blocked. Mr. Evans said that he is not aware of a document that states where the
467 right of way is located, however, it is not his right of way. Mr. Marquise said that is what a surveyor will
468 do. There was further discussion regarding this matter.

469 Chairman White said that if Ms. Slavin has any additional questions, she can ask Mr. Marquise or Ms.
470 Gage.

471 Mr. Marquise said that this case will be continued so they will not be notifying abutters again. The next
472 meeting will be February 13th and there will be an agenda posted and usually continuations are heard
473 first. Ms. VanTine asked and Mr. Marquise said that the notice will not be posted in the newspaper. Mr.
474 Evans asked and Mr. Marquise said that it will be on the agenda. Chairman White asked and Mr.
475 Marquise said that he thought only the agenda for new cases was posted in the newspaper but
476 continuations may be in the newspaper.

477 **MISCELLANEOUS**

478 There was a brief discussion regarding setbacks for commercial properties.

479 **PARCEL ID: 0129-0012-0000: SITE PLAN REVIEW: RESIDENTIAL PROPERTY – 3 UNITS, GARAGE TO BE**
480 **USED FOR LANDSCAPING & CLEANING EQUIPMENT STORAGE; 62 LOWER MAIN STREET; LOWER MAIN**
481 **STREET 62, LLC**

482 Mr. Marquise said that the owners came in and had a consultation with the Board and then paid to have
483 the hearing. He understands that Ms. Vaughn spoke to them regarding submitting additional information
484 and they said they had a death in the family. The additional information has not been submitted but the
485 meeting was noticed. He has not seen any plans or anything but recommends to continue the case to the
486 next meeting as the Board cannot even accept the application as complete without plans. Mr. Clark
487 asked and Mr. Marquise confirmed that the case will not need to be re-noticed, it will just be a
488 continuation. Mr. Butler asked and Mr. Marquise said that the 65-day countdown has not started yet.
489 Mr. Clark said that he thinks that the hearing should be re-noticed. Mrs. Larrow asked and Mr. Clark
490 confirmed that the applicants would need to pay for the notices again. Mrs. Larrow said that the
491 applicants already paid for it once. Chairman White said that there is no one at this meeting regarding
492 the case. Chairman White asked and the Board agreed to table the case until the next meeting.

493 **CONSULTATION: SUNAPEE SAU**

494 Jesse Tyler, Chair of the Sunapee Schoolboard, was present to consult with the Board. Chairman White
495 explained that this is just a consultation with the Board and there is no formality or implied approval or
496 denial, there is just a general discussion regarding the proposal and feedback from the Board for site
497 concerns.

498 Mr. Tyler said that the Schoolboard is trying to talk to every taxpayer that they can to make sure that the
499 community is informed. They are proposing a different project now as the 92-year-old existing school is
500 past its reasonable and usable life and there are many concerns with the school. This has been an
501 ongoing conversation for the past 24 years and the urgency has accelerated as there are some issues with
502 the original parts of the building that are still being used such as the infrastructure, the temporary
503 modular classrooms that need to be replaced, etc. The Schoolboard has partnered with some architects
504 who have done many schools surrounding Sunapee; they have D.E.W. for the pre-bond pricing; and a
505 project manager to guide them through the process. They are trying to address all of the issues, including
506 the athletic fields and are looking at the buildable land and costs. They have settled on putting a new
507 elementary school on the only flat land the School District owns and having a K-12 campus for
508 operational cost efficiencies and educational benefits. This means that the new elementary school, which
509 will be 51,000 sq ft, will be built on the current soccer field. Mr. Tyler explained some of the construction
510 aspects to the Board.

511 Mr. Tyler said that the elementary school will be connected to the Middle High School, which is in pretty
512 good shape. There are some needed repairs to the HVAC and some classroom sizes that need to be
513 changed, however, the plan has been created so that there will not be a need for any additions to the
514 Middle High School area.

515 Mr. Tyler said that they have tried to show the community that their ideas are reflected while being as
516 prudent as possible in terms of impact and costs to the taxpayer.

517 Vice Chair Jewczyn asked Mr. Tyler to explain any weaknesses of the plan. Mr. Tyler said that he
518 personally sees a weakness with the schools and athletic fields not being on one campus. The
519 Schoolboard did push the consultant to have a campus with the fields but to do that with the ledge that is
520 behind the school it would have cost over \$8 million and it not practical. As a fairly new resident he sees
521 why it has taken a long time to come up with a plan and why there have been so many ideas but while
522 this is a plan that the Schoolboard is excited about, it would be good to have the athletic fields in the
523 same campus so having the athletic fields offsite is disappointing but they could not see a way around it.

524 Mr. Tyler said that his understanding with two different sets of consultants and a lot of discussion is that
525 Sunapee is looking at a multimillion-dollar bond in the next few years, whether it is with this or something
526 else. There are some people are pushing to disband the high school and use the current middle high
527 school building as an elementary school and modify it. Mr. Tyler continued that there are only a limited
528 number of options to have safe education space, but this plan and the process that the Schoolboard has
529 gone through with a lot of community input, he thinks this is exciting and a good choice and a good value.

530 Vice Chair Jewczyn asked and Mr. Osborne said that the proposal shows that the athletic fields will cost
531 \$4 million so having them at the school will cost another \$4 million. Mr. Tyler said that the field proposal
532 will be adequate but not what they would like as they would like another soccer field and another general
533 use field but there are no places to build them.

534 Mr. Tyler said that the Town has a very school tax rate and has not had a school bond in over 20 years but
535 the building needs to be addressed. There will be a tax impact and a 15-year bond for a \$26 million
536 project is \$2.07 per thousand and for his house it will be approximately \$621.00 per year. He
537 understands that there are challenges with workforce housing and mentioned at a Schoolboard meeting
538 the problem that area businesses are having with staffing. Mr. Tyler continued to discuss this issue with
539 the Board. There was also a discussion about the lack affordable housing in Sunapee and if having a new
540 school is good for the economy or makes it more difficult for young families to buy in Sunapee.

541 Mr. Tyler said that the Town has put off doing anything to the Elementary School for so long that it is past
542 its usable life. If the Town decides to disband the high school, they will have to make a huge investment
543 to turn the middle high school into an elementary school. They will be cutting the salaries of 10 to 12
544 staff but then need to send out 155 children at a tuition of \$16,000 to \$18,000 per year. Without
545 addressing the bond cost to convert the middle high school building, the cost of the new school will also
546 cost another \$1 million in operating costs. Mr. Osborne said that he is assuming that the things that are
547 wrong with the current middle high school building will also still need to be fixed. Mr. Tyler confirmed
548 this and said that when the spaces in the middle high school building are reconstructed to meet the State
549 and Federal Statutes, they will still need to fix the HVAC.

550 Mr. Tyler said that the Schoolboard feels as though the proposal is an excellent value and is well
551 researched and is the right thing to do. If this does not pass, then the first conversation with the
552 Schoolboard in April will be to come up with a Plan B because the Town has to educate the children.

553 Mrs. Larrow asked and Mr. Tyler said that the estimate is to start getting pricing and bids and permitting
554 and then they would start building in the middle of soccer season and it is a two-year project. Chairman
555 White asked and Mr. Tyler confirmed that the pricing includes permitting and buffer pricing as it has to be
556 a bondable price.

557 Chairman White said that it looks as though there is parking along the perimeter of the school and 35
558 parking spaces by the SAU building. Mr. Tyler said that there is not enough value to incorporate the SAU
559 staff into the school building. They want to have only one floor for the elementary school and are able to
560 accomplish that with this proposal. The taxpayers have already paid for the SAU building so part of the
561 plan is to have drop off for the elementary school in the back of the building so they are away from the
562 road and high school children. They are then moving the parking spaces that were in the back of the
563 building to the SAU and the children can either walk through the trail or walk along the road. Chairman
564 White asked and Mr. Tyler said that the SAU is not on the same lot as the school but there is a trail that
565 can be walked. Mr. Tyler said that at the top of the hill they are proposing a new soccer field and new
566 track and a softball field. The existing upper field will have the varsity baseball field and the parking at
567 the SAU will allow for parking to be away from the school. They are looking at what the school has and
568 what they can do with what they have. Mr. Osborne asked if the trail will be paved so that it can be
569 maintained in the winter. Mr. Tyler said that it will not be paved. Chairman White said that it will need
570 to be maintained somehow. Mr. Osborne said that if it is paved the Town could clear it. Mr. Tyler said
571 that he does not think that the Town does the plowing for the school anymore.

572 Mr. Clark said that he lives on North Road and there is an issue with parking during soccer games.
573 Chairman White said that it will not be an issue any longer. Mr. Clark asked if there will be enough
574 parking to accommodate things like graduation or plays and such. Mr. Tyler said that the parking will be
575 extended along the front of the building and along the side and back. They are confident with the
576 existing parking on the side it should alleviate the pressure for the parking for the events. They will also
577 have the auxiliary parking area at the SAU that can be used. Mr. Tyler said that the Sherburne Gym will
578 stay and be used for the same events that it is currently used for.

579 Mr. Tyler said that if the proposal is approved, he will be returning to the Board to discuss what will
580 happen to the current elementary school building; in some communities a dead school is difficult to
581 navigate. He has spoken to other people and he hopes that they can form a citizens committee and get
582 some guidance from the Planning Board and other Boards to come up with a solution for the site and use
583 that money to pay down the bond. There was further discussion regarding this matter.

584 Mr. Butler asked and Mr. Tyler said that the fields will not be turf but the teams have gotten used to
585 practicing at the turf fields at Colby or other fields because of the water issues. Mr. Tyler said that they
586 have done core drillings to make sure it is a viable building site and they found that the topsoil is so
587 impacted that the water cannot go through it. They resurface the field every year and the upper field is
588 not better. Mr. Butler said that is a reason to have a synthetic surface. Mr. Tyler said that the cost is
589 more for turf but there could be a fundraising effort to put turf down.

590 Mr. Marquise said that regarding the proposed fields on Seven Hearths Lane, when Mount Royal was
591 approved the Board asked for a traffic study and then they came back for an expansion of buildings and it
592 greatly increased the traffic. He knows that NH DOT was upset that there was not another traffic study
593 done and he thinks that if the school is going to add to the traffic, they will need to look at that
594 intersection. Mr. Tyler said that Andy Nichols ran a subcommittee for the fields and part of the discussion
595 regarding that element has to do with work that needs to be done at that intersection. Mr. Osborne
596 asked and Mr. Marquise confirmed that the section of Old Rout 11 that is there did get turned over to the

597 Town. Mr. Osborne said that the traffic could be one way up the road and then could come out at Old
598 Granliden Rd. Mr. Marquise said that he does not know if that intersection is any better for traffic.

599 Mr. Tyler said that he was used to the Minnesota schools with bullet proof doors and cameras and finds
600 the entrance to the Elementary School to be very different. From an access standpoint, there will be
601 more safety advantages with the proposed school. He understands that he may have offended the multi-
602 generation families, however, he has to look at the fact that just because the drop off at the gym has
603 been the same for years does not mean that it does not need to change. There was further discussion
604 regarding this matter.

605 Mr. Tyler said that he will be happy if the Board wants him to return to them again to discuss any
606 additional questions they may have and thanked them for their time.

607 Mr. Marquise said that he attended a K-12 school and thought that it was great. Mr. Tyler said that the
608 children will be segregated but they will share the cafeteria and administrator's offices; they want to keep
609 it efficient and the building will be energy efficient. The most expensive part will be staffing and the
610 Superintendent will be addressing that at an upcoming meeting. Mrs. Gottling asked and Mr. Tyler
611 confirmed that they are also holding a public forum at the Abbott Library and also explained other
612 meetings that they will be holding.

613 **CONSULTATION: ROYCE ENTERPRISES, LLC**

614 Tanner Royce and April Royce of Royce Enterprises, LLC and Travis Royce, surveyor, discussed the
615 proposal for 5 Garnet St.

616 Mr. Tanner Royce explained that they have received approval from the Zoning Board to tear down the
617 existing building and build a new building to serve their businesses; Mrs. Royce owns Royce Enterprises
618 and also does business as A & E Harbor Shop and his business is Robert A. Lucas & Associates, which is a
619 professional public adjusting company.

620 Mr. Travis Royce said that the approval from the Zoning Board is conditional on the Planning Board
621 approval, Shoreland approval, and a driveway permit. Chairman White said that the Board is not going to
622 approve anything at this meeting. Mr. Tanner Royce said that they applied to be on the February agenda
623 but would like to get some feedback from the Board before the meeting.

624 Mr. Travis Royce gave the Board copies of the proposed plan for their review. Chairman White said that
625 consultations are broad and just a discussion.

626 Mr. Travis Royce said that they will be tearing down the existing building and constructing a new building.
627 The plans show the exiting and proposed building and the new building will shift further up Garnet St by
628 approximately 30 ft. They are within the Town guidelines for impervious surface but have to get a
629 Shoreland Permit and it is beneficial to not increase the impervious surface. The footprint will be slightly
630 different as the existing building is an "L" shape and the proposed building is a rectangle and the roof
631 overhang is the same to keep the impervious surface the same. The current site does not have a
632 driveway and they will be adding one so the owners are no longer dependent on public parking. The
633 driveway location will be near the crosswalk as the other part of the property has a steep bank that is
634 unsuitable for a driveway. Some of the parking and patios will be pervious materials to keep the

635 impervious area the same. There is a retaining wall on the north side needs to meet setbacks and it does;
636 the other retaining wall will be under 42 inches and does not fall in the setback requirements.

637 Mr. Butler asked and Mrs. Royce said that Royce Enterprises is the LLC for the building and does not do
638 anything. Mr. Tanner Royce said that the building is currently a combination of retail and office space
639 and it will remain that way. There will be three professional offices and a conference room, three
640 restrooms for the offices and retail employees, and a large retail space on the south side of the building.
641 Royce Enterprises operates as A & E Harbor Shop and the previous store hours were sporadic and they
642 will probably be similar. They are proposing the business hours be Monday through Sunday, 7:00 am to
643 8:00 pm with the possibility of extended hours for special events such as whatever day the 4th of July
644 fireworks are on or other events that are in the harbor. A & E Harbor Shop is run by their children so the
645 hours were not consistent but they want to put down the hours of usage to meet the guidelines. Mr.
646 Tanner Royce continued that his business serves clients by appointment only so there is no stop in traffic;
647 they have put the hours as 7:00 am to 7:00 pm, though he could be there later without seeing clients. His
648 business has three employees, only two will occupy the building and one is a co-owner of Royce
649 Enterprises. The retail business only requires one employee to staff it at a time. He knows that the
650 parking in the harbor is an issue so they have talked to the Police Chief and the Highway Director and
651 they prefer that the parking be added to the site to serve the owners, not the public. They are removing
652 one municipal parking space but are adding a dedicated motorcycle parking side on the north side of the
653 building at the request of the Police Chief.

654 Mr. Tanner Royce said that they are hoping that this will be beneficial to everyone and will be before the
655 Board at the next meeting but would like to address any questions or concerns before that.

656 Mr. Marquise asked and Mr. Travis Royce said that the Zoning Board approvals were for the front and
657 rear setbacks. The current building is 6.35 ft from the back property line and the proposed building will
658 be a slight improvement at 7 ft from the back property line; the front of the building will be improving the
659 setback by approximately 4 ft. Chairman White asked and Mr. Tanner Royce confirmed that they are
660 taking the building and essentially sliding it back and changing it from an "L" to a rectangle. They are
661 becoming more conforming; however, they are moving the building envelope which required the
662 Variances. Chairman White asked and Mr. Tanner Royce confirmed that they are not going up, there are
663 deed restrictions that prevent that; their goal is to excavate down slightly to increase the interior ceiling
664 height while matching the peak elevation.

665 Mr. Clark asked how they will prevent public parking in the parking spaces. Mr. Tanner Royce said that he
666 has discussed this with the Police Chief who does not want to have sign pollution so they may have a
667 small sign on the side of the building that says that it is not public parking but there will not be a big sign.
668 Chairman White asked and Mr. Travis Royce said that the parking will be some type of hard surface but
669 will mostly be a pervious surface such as pervious concrete. The first 20 ft from Garnet St will be
670 traditional asphalt.

671 Mr. Butler asked if the building will be ADA complaint. Mr. Travis Royce said that the elevation from the
672 parking to the patio to the building will be minimal but he does not know if there will be a ramp.

673 Chairman White asked and Mr. Tanner Royce said that he has already spoken with the Police Chief and
674 Highway Department regarding repositioning the crosswalk. Mr. Tanner Royce continued that the

675 Highway Department's long-term plan is to make the island slide across and make the intersection to be
676 closer to where people think that it is. There was further discussion regarding this matter.

677 Mr. Marquise asked and Mr. Travis Royce said that the Shoreland Permit application has been submitted.
678 Mr. Marquise said that it would be good to get feedback from DES before the Site Plan Review meeting.
679 Mr. Travis Royce agreed and said that they are hoping to hear from them but may not be able to
680 incorporate any requested changes before the meeting.

681 Chairman White said that it is always nice to have some green plantings such as bushes on plans. Mr.
682 Tanner Royce said that they do not have the ability to have any doors or windows on the side that abuts
683 the LSPA property so they are putting two doors off the north side to have a small patio area. Chairman
684 White asked and Mr. Tanner Royce said that their intention is to have that side of the building mainly
685 concrete and act as a retaining wall. Chairman White asked if there is a restriction on having a flat roof
686 and a deck and Mr. Tanner Royce said that there is no reason that they could not but any railings for the
687 deck would have to remain below the current peak elevation so it might not be able to match up. There
688 was further discussion regarding this matter.

689 Chairman White said that overall the plan looks complete. Mr. Osborne said that the lighting is indicated
690 on the plan. Mr. Marquise requested a cut sheet for the lights to show they are down cast lights. Mr.
691 Tanner Royce said that they will bring the potential elevations of the building as well. They know the
692 general layout and roof height but are waiting to get the plans.

693 Mrs. Gottling asked and Mr. Tanner Royce said that they do not yet know what is under the building. He
694 has spoken to the owner of the property next to them and was told that they were pleased to find just
695 some large boulders but no blasting was necessary and the digging was easier than they thought it would
696 be. The power company also put in a new pole and told them that they got down 6 ft. Chairman White
697 asked and Mr. Tanner Royce said that they will be doing frost walls, not a full basement. There was
698 further discussion regarding this matter.

699 **OTHER BUSINESS**

700 Mrs. Gottling said that at the Selectboard meeting Josh Trow asked why one of the Zoning Amendments
701 has the Planning Board changed to the Zoning Administrator making certain decisions. Mr. Marquise said
702 that it is something that they have been having the Zoning Administrator do as part of their duties
703 anyway. Mr. Osborne said that he thinks it was more of a clarification rather than a change. Mrs.
704 Gottling said that she knows that the Board went over all of the changes with a lot of detail but would like
705 to answer him.

706 Mr. Butler said that he is on the Harbor South Dock Committee and was asked to get some civil and
707 structural engineering quotes to replace the retaining wall up against the boat club and Riverway
708 properties in the harbor and he was told that the Town owns some of that land. He questioned if they
709 should get the Town and Riverway involved as it is three separate parties. Mr. Marquise asked and Mr.
710 Butler said that they have not had is surveyed so he does not know if it is in the Town's right of way. Mr.
711 Marquise suggested having the area surveyed first to determine who has interest. There was further
712 discussion regarding this issue.

713 Mr. Marquise said that Amendment #1 is where the change from the Planning Board to the Zoning
714 Administrator is being made as, currently, the soil scientist speaks to the Zoning Administrator and the
715 Zoning Administrator makes the decision on the Zoning law and then the plan either goes to the Zoning
716 Board or not.

717 Mr. Claus said that there were also changes to the Subdivision Regulations which changed the
718 requirement for anyone looking to obtain a Driveway Permit was changed from the Town Planner to the
719 Highway Director. Mr. Marquise said that is how Driveway Permits are handled now, as Town Planner he
720 has never handled them.

721 Mr. Marquise said that Mr. Clark asked about the cars being kept at the old Alexander building. He has
722 spoken to Ms. Gage who contacted the owners and some of them are their personal cars but they are
723 talking about having some spaces for the automotive place down the street. They have been asked to
724 come to the Board to update their Site Plan if they are going to do anything commercially.

725 Mr. Marquise said that the Board needs to start talking about the Master Plan this year. He is hopeful
726 that they will get some of the census data to include as it drives a lot of the population and housing
727 sections. He would like the Board to look at the old Master Plan and determines what sections they
728 would like to focus on as he thinks that it can be an update, not a full re-write. Chairman White said that
729 housing is a challenge and it is difficult for people to buy into Sunapee with the way that property values
730 are. The Board may want to look at housing that could bring young families in to help create a
731 sustainable community. Mr. Marquise said that he is not sure what to do and if the Board should look at
732 giving incentives to create new lots. He just did his report for the 2019 Town Report and three new lots
733 were created last year and 14 houses were built; there are not enough lots being created to keep.
734 Chairman White said that with the costs of construction and the need for wells and septic systems on
735 many lots the buildup cannot happen the same way that it does in other areas. Vice Chair Jewczyn said
736 that the Board should begin targeting possible areas. Chairman White said that the Board has looked at
737 certain areas and taken into account some of the things that drive costs. Vice Chair Jewczyn asked and
738 Chairman White explained that the availability of someone coming into Town and being able to afford to
739 do a project has held them back. Mr. Marquise said it that raises the question as to if the Board should
740 look at expanding some of these areas. For example, Newbury has two-acre lot sizes throughout the
741 Town, which is traditional Zoning. Sunapee started this but then began creating new Zones with smaller
742 lot sizes and lot density but the Board may want to look at expanding these areas to encourage new lots.
743 Chairman White said that there are a lot of issues; the topography alone makes it difficult to build in
744 Town. There was further discussion regarding this matter.

745 Mr. Marquise said that there is a Warrant Article to cover the costs of the engineering for the Route 11
746 project. There was a brief discussion regarding this issue.

747 There was a discussion regarding which Board member's term is up this year.

748 **MINUTES**

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

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

753 Mr. Osborne made a motion to adjourn at 10:17 pm. Mr. Butler seconded the motion. The motion
754 passed unanimously.

755 Respectfully submitted,

756 Melissa Pollari

757 Planning Board

758 _____

759 Peter White, Chairman

760 _____

761 Joseph Butler

762 _____

763 Jeffrey Claus

764 _____

765 Donna Davis Larrow, Alternate

Michael Jewczyn

Randy Clark

Richard Osborne

Suzanne Gottling, ex-officio member