

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **FEBRUARY 13, 2020**

4 **PRESENT:** Peter White, Chair; Michael Jewczyn, Vice Chair; Joseph Butler; Jeffrey Claus; Randy Clark;
5 Suzanne Gottling, Ex-Officio Member; Michael Marquise, Planner

6 **ABSENT:** Richard Osborne; Donna Larrow, Alternate Member

7 **See attached sign in sheet**

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

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

11 Wayne Mccutcheon, surveyor, said that he did the survey and site plan for Ms. Slavin and gave a copy of
12 the plan to the Board and to some members of the audience. Chairman White asked and Mr.
13 Mccutcheon said that the paper plan is slightly different than the digital plan that was previously
14 submitted.

15 Mr. Mccutcheon explained the locations of asphalt on the property for parking purposes. Mr.
16 Mccutcheon said that Ms. Slavin has pictures showing the parking spaces and Ms. Slavin showed them to
17 the Board. Mr. Mccutcheon said that with the parking shown on the plan, a vehicle should be able to go
18 up and down the right of way without any problems.

19 Mr. Mccutcheon said that the Board asked for a survey of the property to be completed, which is what he
20 did. The survey was a little confusing, he easily found the line that he did for the Fontaine's 1981 survey
21 for their property, which is now owned by the VanTines / Evans. The pin at the road had been removed
22 but he was able to determine where it should be located and put it back. He has flagged all the pins for
23 the abutters to be able to see.

24 Mr. Mccutcheon said that he has shown on the plan where a 6 ft fence can be constructed. The wire
25 fence that is currently on the property is slightly over the property line but the new fence can be
26 constructed 2 ft from the property line.

27 Mr. Mccutcheon explained the building setbacks for the Zone that are shown on the plan for
28 informational purposes. Mr. Mccutcheon explained the history of the property and how he determined
29 the layout of the property for the survey from prior surveys and deeds.

30 Chairman White asked if the neighbors have looked at the plan and if everyone is on board with how the
31 property lines have been determined. Robert Evans, 61 North Shore Rd, said that they have seen the
32 plan and are satisfied with their boundary line. Mr. Mccutcheon said that line is 4 ft shorter than
33 indicated on the deed. Chairman White said that they were told some of the pins had been moved. Mr.
34 Mccutcheon said that the pin on the waterfront was not moved. Mr. Claus said that the two boundary
35 lines that were being questioned were the one that abuts the fence and the one that abuts the right of
36 way. Chairman White said that it sounds like the boundary line that Mr. Mccutcheon had to make

adjustments to was the one between the Slavins and the Mazgelis. Mr. Mccutcheon confirmed this and explained that the person who did the work in the past did not do the surveys correctly.

The discrepancies on the road front are minor as the Slavin's lose 1 ft, however, the Mazgelis' line is 2 ft shorter. Mr. Butler asked and Mr. Mccutcheon said that there was an agreement between the parties that they were going to hire a surveyor so he is working for all three parties and he did what he was required to do. Chairman White said that it was great that everyone decided to work together. Anne VanTine, 61 North Shore Rd, said that it was a loose agreement and they were solid with it but she does not know if the Mazgelis were. Mr. Evans said that the only discussion was at the last Planning meeting and they have not heard from the Mazgelis since then. Chairman White asked and Mr. Evans said that they are helping to share the costs of the survey, the Mazgelis said that they were willing to help but they do not know if they will. Chairman White said that Ms. Slavin did what the Board asked which was to hire a surveyor and have the lines verified.

Mr. Evans asked and Ms. Slavin said that the parking space indicated on the other lot is not part of the Site Plan. Mr. Evans said that the abutters for that lot have not been notified and it was not part of what was approved by the Zoning Board. Mr. Marquise said that the Zoning Administrator has said that she does not feel it would be an appropriate parking spot as the Zoning Board did not consider it. Mr. Mccutcheon said that spot can be removed and he can submit a new copy of the plan. Vice Chair Jewczyn asked if there were a certain number of parking spots indicated during the presentation at the last meeting. Ms. Slavin said that there will be three parking spaces. Vice Chair Jewczyn asked and Ms. Slavin explained where the three parking spaces will be located. Vice Chair Jewczyn said that the parking space that is shown to be in front of the garage is smaller than the car indicated on the plan. Ms. Slavin said that she has pictures of her car parked in that space. Mr. Clark said that the plan shows the car hugging the building and the doors could not be opened. Vice Chair Jewczyn said that the space beyond that line belongs to the Town. Mr. Claus said that the car shown on the plan is just a graphic. Mr. Mccutcheon said that the Town maintains the road but it is a private road. Vice Chair Jewczyn said that he is not disputing that; he is disputing the fact that the area is being called a parking space but the car can barely fit. Mr. Mccutcheon said that Vice Chair Jewczyn said that the Town owns it, which is not correct, the Town just maintains it; North Shore Road is a private road and is not owned by the Town. Robin Saunders, 46 Burma Rd, said that the road was reclassified as an emergency access. Mr. Mccutcheon said that he was reading the deeds and did not know that the road was reclassified. Chairman White asked and Mr. Marquise said that parking spaces are required to be 10 ft wide. Vice Chair Jewczyn said that he does not think the parking space conforms to the requirements and he does not know of anyone who can park as close to a building as indicated on the plan. Mrs. Gottling asked and Ms. Slavin confirmed which of the photos presented shows the parking spaces. Chairman White said that in the photo it appears as though there is plenty of room, however, the property line is closer to the garage than the road. Vice Chair Jewczyn said that over time the Slavins have presumed ownership of something that they do not own and on the plan it clearly shows that the area is not owned by them. Mr. Mccutcheon said that people cannot have adverse possession on something owned by a government entity. Vice Chair Jewczyn asked Ms. Slavin if they are taking the parking space by adverse possession. Ms. Slavin said that they have always parked there. Vice Chair Jewczyn asked and Mr. Mccutcheon said that you cannot take anything from the Town by adverse possession. Chairman White asked and Ms. Slavin said that she parks in the garage but when they have family gatherings people park in that space. Chairman White asked and Ms. Slavin said that her car is always parked in the garage.

Sue Fernald, 10 Paradise Rd, said that she has been taking her three grandchildren to Slavin's for the past two years and has only seen another parent at the same time about a handful of times. They do not spend hours to drop off and pick up the children, they spend minutes. Chairman White said that the Board needs to ensure that there is the appropriate number of parking spaces available as a matter of record. Vice Chair Jewczyn said that he appreciates Ms. Fernald's comments, however, the Board has to address the plan that has been presented to them and it shows a car across the street as well as the parking space in front of the garage.

Mr. Claus said that a parking space is defined as a 9 ft by 18 ft area and that space clearly is not big enough and the car might fit but it does not fit the Town's standards. Mrs. Gottling asked and Ms. Slavin explained that the garage has three parking spaces, one above and two below. Mr. Mccutcheon said that he was mistaken to identify the parking space across the road and he will take it off the plan.

Mr. Marquise said that North Shore Road is an emergency lane and asked if there is ownership of the road. Mr. Mccutcheon said that the Town must have the right to maintain the road. Mr. Marquise asked and Mr. Mccutcheon said that the road originally was a private road and the road would had to have been approved at a meeting to become Town maintained. Ms. Saunders said that a few of the properties have deeds that say that they own the property that the road is on, the rest of the residents' ownership ends at their property lines. Mr. Mccutcheon confirmed that Ms. Slavin does not own the road but said that the road is a private way in the deed. Ms. Saunders said that she agrees with the Board regarding that parking space because a fire engine has to be able to go down the road, which is very narrow. There cannot be a car parked there and have it block the road. Ms. Slavin said that they had a police office park there once and then had an ambulance come down the road without any problems. Ms. Saunders said that there is a big difference between the size of a fire truck and the size of an ambulance.

Chairman White asked and Mr. Mccutcheon explained the right of way that goes over Tax Map 0115-0037-0000 to Tax Map 0115-0036-0000. Chairman White asked if Ms. Slavin has a right of way to access her property and Mr. Mccutcheon said that she has been doing it for over 20 years. Chairman White said that Ms. Slavin has to go over her neighbor's property to access her property as the only driveway cut is for the garage; the driveway goes across the Mazgelis' property. Mr. Mccutcheon said that there is not a right of way in the deed but the Slavins have owned the property since the 1960s and it has always been that way. Chairman White asked and Ms. Slavin confirmed that she has been accessing and egressing her property from this driveway, however, she parks on her property. Chairman White asked and Ms. Slavin said that the three parking spaces do not include a space for her car. Mr. Butler asked and Ms. Slavin said that the State requires one parking space for her pick up and drop off times, however, if the times are shortened then she will need to have two. Mr. Butler asked and Ms. Slavin said that she is showing three parking spaces because she has them.

Vice Chair Jewczyn said that he is asking Ms. Slavin these questions so that if she ever sells the property and an incident happens then the Town will not get involved. Vice Chair Jewczyn continued to discuss his thoughts regarding this matter.

Chairman White asked and Mr. Marquise said that the Zoning Board did not required a certain number of parking spaces, they just put a condition that there not be any parking in the street. Mr. Marquise said that he does not see anything in the Regulations that addresses a home business like this; an education facility has parking requirements but that is typically a school. Mr. Butler said that he thinks that they can

121 just go with two parking spaces and eliminate the one across the street and the one in front of the
122 garage.

123 Mr. Evans said that if this property is ever sold a normal family will have two cars and currently things are
124 being stored in one half of the garage. There are three spaces in the garage and the two outside but
125 there could be times when other people are at the property and there needs to be a parking space for
126 that while still having the business run and two parking spaces is a little tight; the parking for the business
127 should not be in the garage.

128 Ms. Slavin said that she understands that the Board is looking at the future; however, for State licensing
129 purposes, if she sells the house she cannot sell the business. A new owner would have to go through the
130 process for the State licensing. Mr. Butler asked and Ms. Slavin said that there is nothing in the State
131 guidelines regarding parking. Vice Chair Jewczyn said that the Board is bringing up future owners who are
132 parking in a space who could get run over and he does not want anyone to say that the Town said that it
133 is a parking space. Ms. Slavin said that Mr. Evans brought up the issue of parking for other people and
134 they own the land behind them and the parking is not included for the business so the other people could
135 park there.

136 Mr. Butler said that there was a question regarding the shed being over the property line and asked if it is
137 on the property line or over it. Mr. Mccutcheon said that the corner of the shed is right on the line but
138 does not go over it.

139 Mr. Mccutcheon spoke about the deed for the property and the private right of way, which is North
140 Shore Rd., and explained that Ms. Slavin does own the other side of the road. Mr. Butler said that he
141 thinks that the Board is concerned with children crossing North Shore Rd.

142 Mr. Mccutcheon asked if the Board would be willing to approve the Site Plan for only as long as Ms. Slavin
143 owns the property.

144 Mr. Claus asked how many parking spaces the project needs. Chairman White said that is what needs to
145 be determined because he does not think that the Board has any other questions except for the parking.
146 Mr. Butler said that the Regulations do not require any spaces. Mr. Marquise said that the Regulations do
147 not specify the number of parking spaces required but it will be needed.

148 There was a discussion regarding the State licensing requirements.

149 Chairman White asked and Mr. Claus said that the Site Plan could be approved with the two spaces. Mr.
150 Clark said that the plan could go back to Zoning for approval of the parking space across the road. Vice
151 Chair Jewczyn said that then people would have to cross the street. Chairman White said that the Board
152 is considering the parking spaces in the garage to be enough for the inhabitants of the residence. He
153 thinks that the Board can only consider two of the parking spaces that are shown on the plan.

154 Vice Chair Jewczyn asked and Mr. Mccutcheon said that the rule is that if you access your property via
155 another property uncontested for 20 years or more then it allowed. Vice Chair Jewczyn said that the
156 Mazgelis are not at the meeting to contest the access. Chairman White said that they did not seem to
157 have a problem with it at the last meeting and are not at this meeting. Mr. Mccutcheon asked and Ms.
158 Slavin said that the Mazgelis bought the property approximately two years ago. Mr. Mccutcheon asked

159 and Ms. Slavin said that her parents bought their property in 1968. Mr. Mccutcheon said that 20 years
160 from 1968 is 1988 so they have the right to use the access. Chairman White asked and Ms. Slavin said
161 that the access has never been an issue. Chairman White said that the Board does not need to make it an
162 issue now.

163 Ms. Slavin said that the square footage inside the building is 575.35 sq ft and the bathroom is 40 sq ft; the
164 bathroom square footage cannot be counted for the State license. Chairman White asked and Ms. Slavin
165 confirmed that she has received the State license for the day care and gave a copy to the Board.

166 Chairman White asked and Ms. Slavin confirmed that she will have a total of eight children including her
167 nephew. Chairman White asked and Ms. Slavin said that her license says that her license allows her to
168 have children up to age 18 but understands that the Evans / VanTines are requesting not to have children
169 over the age of 13. Chairman White asked and Ms. Slavin said that she is OK with that request because
170 she has never had a child over the age of 14. Chairman White asked if the Board places a condition on
171 the approval that no child can be there over the age of 13 if it will work for Ms. Slavin. Ms. Slavin said
172 that it will work as long as her nephew is not included as part of the condition. The Board said that he
173 does not count because he lives there.

174 Mr. Butler asked and Ms. Slavin said that she is going to the Zoning Board on April 2nd regarding the fence
175 and she has spoken to a fence company who has said that they should be able to install it by the end of
176 April or beginning of May. Chairman White asked and Ms. Slavin confirmed that she is going to the
177 Zoning Board because the fence will be over 5 ft.

178 Vice Chair Jewczyn asked and Ms. Slavin said that she is hoping to start having children at the facility on
179 the Monday following the meeting.

180 Vice Chair Jewczyn asked if there is any liability with the location of the current fence. Ms. Slavin said
181 that the current fencing is approved by the State and they will do fieldtrips when the fence is being built.
182 Mr. Evans said that the current fencing is not acceptable because it is over the property line and he has
183 liability. Ms. Slavin said that she can block off the area that is on Mr. Evans' property. Mr. Clark said that
184 he thinks that it will need to be blocked off for liability purposes. Mr. Marquise said that he thinks that
185 the area will need to be blocked off before the facility opens and it will need to be a condition of
186 approval. Ms. Slavin said that she can block off that area before she opens.

187 Mr. Mccutcheon said that he has spoken with Mr. Evans and Ms. VanTine and they have agreed that if
188 the Site Plan is approved that they would like the approval to only be for Ms. Slavin. Chairman White said
189 that he does not know that the Board can do that. Mr. Mccutcheon said that the Board can do that by
190 requiring the next party come before them for approval. Chairman White said that other Boards do
191 things all the time and sometimes it is legal and sometimes it is not and he would be more comfortable
192 with doing what the Board determines is appropriate. Chairman White asked and Mr. Marquise
193 confirmed that an approval is usually a land use decision that runs with the land. Chairman White said
194 that if someone does purchase the property and wants to run the business they will have to comply with
195 the plan as well as the conditions that the Board imposes on the approval. Ms. Slavin said that they will
196 also have to go through the State licensing and explained the requirements to the Board.

197 Mr. Butler asked and Ms. Slavin said that the State license has to be renewed every three years but there
198 are checks at least once per year.

199 Ms. VanTine said that if the Board could make the approval only good for Ms. Slavin would make it more
200 acceptable to them because having a commercial property next door to them is a blight on their property
201 and if they knew it might not continue forever she thinks that it would be a benefit.

202 Ms. Saunders asked and Ms. Slavin said that her current day care is located at 31 River Rd but they have
203 removed almost everything from that location except for some toys. Ms. Saunders asked and Ms. Slavin
204 said that the children currently get dropped off at 31 River Rd.

205 Vice Chair Jewczyn asked if Ms. Slavin puts up the temporary fence to block the part of the play area on
206 the Evans / VanTine property if she will have to give proof that she does that before she is allowed to
207 open. Mr. Butler said that he thinks that the Zoning Administrator or someone else from the Town could
208 check. Chairman White said that he is sure if it is not put up the Town will hear from the neighbors. Ms.
209 Slavin asked and it was confirmed that she can send pictures of the fencing.

210 Ms. VanTine said that she wrote some suggested conditions and would like to go over them with the
211 Board. She suggested a condition on the type of State license because she could not determine from the
212 application what type of license has been approved and the other license could be a much larger day
213 care. She believes that the location of the play area will be what is approved on the Site Plan. She
214 believes that the privacy fence will be on the Site Plan so it will be a documented condition. She believes
215 that the access for the Mazgelis will be important. Ms. VanTine continued that they have a tempting
216 looking parking spot up near the road and they would like to have Ms. Slavin take care to not have
217 parents park there. Ms. Slavin said that parking space is on the other side of her garage so people would
218 have to walk all they way down from that spot to her house. Ms. Slavin said that she has already spoken
219 with the parents and sent out paperwork that there will be designated parking spaces for them to use.
220 Ms. Evans asked and Mr. Mccutcheon said that he will show the parking spaces on the Site Plan that the
221 Board will be approving.

222 Ms. Slavin asked the Board if they would like the drawing of the inside measurements. Ms. VanTine
223 asked and Chairman White said that she can finish before Ms. Slavin continues her presentation.

224 Ms. VanTine asked if there will be a condition about avoiding the parking space for her lot. Mrs. Gottling
225 said that she thinks if they find that there is a problem they can inform the police. Ms. Slavin said that
226 the parking spaces shown on the Site Plan will be the only places people can park for the day care; she
227 can have parking across the street for herself or family members. Mr. Mccutcheon said that he will make
228 the necessary changes to the Site Plan and remove the two parking spaces that will not be approved and
229 he can put language on the Plan that the daycare use will be confined to the parking spaces shown.
230 There was further discussion regarding this matter.

231 Ms. VanTine asked about snow storage as she said that she assumes that snow from the day care parking
232 spaces should not end up on her property. Ms. Slavin said that she snow blows the parking areas.

233 Ms. VanTine asked and Chairman White said that he believes that the agreement is that the maximum
234 age of the children Ms. Slavin will be allowed to care for will be 13. Ms. VanTine suggested limiting the
235 number of children to eight as she believes that is how many children Ms. Slavin currently has and it is

236 more difficult to run a daycare with more children. Ms. Slavin said that she is approved for 20 children at
237 her current location. Chairman White said that has nothing to do with this location and the State license
238 is limited to nine children but Ms. Slavin has said that she currently has eight. Chairman White asked and
239 Ms. Slavin said that she would like to be allowed to have a maximum of nine children. Mr. Claus asked
240 and Ms. Slavin said that for the amount of square footage she has she could have 11 or 12 children;
241 however, the State license limits family childcare to nine children. Ms. VanTine asked that the approval
242 be more explicit regarding which State license this falls under. Ms. Slavin said that if she wants to change
243 to a daycare center she has to go back to Zoning. There was further discussion regarding this matter and
244 it was confirmed that the State license is for a family childcare business.

245 Ms. VanTine asked and Mr. Clark said that he is not comfortable putting a condition on the approval that
246 includes the State's full title and rules. Ms. VanTine said that she wants the information to be correct.
247 Mr. Clark said that he understands that Ms. VanTine wants it but the Board does not need to do
248 everything she wants for their approval. Mr. Claus said that there are other protections for Mr. Evans
249 and Ms. VanTine in the approval. Ms. VanTine said that she thinks that the Board should designate
250 exactly what license the approval will be for. Chairman White said that he does not think that the Board
251 has ever done anything like that for a business. This is a unique situation but thinks that if they state that
252 it is for a family childcare home it is pretty specific; there will be limits on the age of the children and the
253 number of children and agrees that there are some built in protections.

254 Mr. Butler asked and Ms. Slavin explained that she will need to renew her license in October because the
255 current State approval is only to change over her license. This will require the Zoning Administrator to
256 sign off and the Health Office and Fire Chief to visit the site.

257 Vice Chair Jewczyn asked if the operation of the facility is connected with the State license. Mr. Marquise
258 said that if a use is discontinued for two years the approval goes away. Vice Chair Jewczyn asked and Mr.
259 Marquise explained that if the State license is not approved then the property is just a residence. Ms.
260 Slavin said that an unlicensed daycare cannot have more than three children. Vice Chair Jewczyn asked
261 and Ms. Slavin said that her sister could not take over the daycare, however, her mother is also on the
262 license and sometimes steps into the director's position as she is a head teacher. Vice Chair Jewczyn said
263 that he just wants to make sure that the Board is serving everyone. Ms. VanTine asked what happens to
264 the license if Ms. Slavin's mother retires and Ms. Slavin said that she is still allowed to have the same
265 number of children. She cannot hire anyone as it is a family childcare but her sister who lives in the
266 house could help and her nephew could help after he turns 14, however, they would not be head
267 teachers or left in charge. There was further discussion regarding this matter and the State licensing
268 process.

269 Chairman White closed the meeting to public input.

270 Chairman White said that the conditions that he has written down are: the parking is to be as shown on
271 the revised plan, there will be two spaces for customers; there will be temporary fencing put up prior to
272 the start of the business with the expectation that as soon as Ms. Slavin gets Zoning approval, with the
273 understanding about scheduling, there will be a 6 ft tall fence installed; the age of the children will be
274 limited to 13 years old; the number of children allowed at the business at any one time will be nine; the
275 business is called a family childcare home. Ms. Slavin asked and the Board confirmed that her nephew
276 will not count as he is a family member. Chairman White asked and Mr. Marquise said that he thinks that

277 the approval should state that there will not be outside employees as they do not have the parking; he
278 thinks that the approval should include that only the house and play area will be used for business
279 purposes. Ms. Slavin asked and Mr. Marquise said that field trips off site are fine as they have nothing to
280 do with the property. Mr. Marquise said that another note, not necessary a condition, is that North
281 Shore Rd is an emergency lane and is one of the last roads that is plowed so there may be some
282 inconveniences. Mr. Mccutcheon said that he will add a note to the plan that the parking for the business
283 will be shown as on the plan.

284 Chairman White opened the hearing up to public comments.

285 April Royce, 23 Central St, asked about the access to the property only from one end of North Shore Rd
286 and Mr. Evans said that was a Zoning condition.

287 Mr. Clark is concerned about setting a condition on the height of the fence being 6 ft as it is beyond what
288 the Board can approve. He suggested the condition be that the fence will be installed per the
289 specification of the Zoning Board. Chairman White said that he thinks that the condition should be that it
290 is a 6 ft fence per the plan, pending Zoning approval. If Zoning does not approve it then by default will be
291 a 5 ft fence. Mr. Clark said that he is hoping that if the abutter agrees with the fence then the Zoning
292 Board will approve it. Mr. Evans said that they do not have a problem with the proposed height of the
293 fence. Mr. Mccutcheon asked and Chairman White said that the note about the fence should stay as it
294 currently is written on the plan.

295 Mr. Butler asked about the temporary fencing and Chairman White said that it will have to be installed
296 before the business is opened. Ms. Slavin said that she will send Mr. Marquise and the Zoning
297 Administrator a picture after it is completed. Vice Chair Jewczyn asked and Ms. Slavin said that she will
298 put up an orange snow fence as the temporary fence.

299 Mr. Clark said that this case will have the most conditions of any case that he has heard before. Mr. Claus
300 asked if the Board can talk about the conditions before the motion is made so that they do not have to
301 make any amendments. Chairman White said that the Board can talk about everything ahead of the
302 motion being made.

303 Chairman White and Mr. Claus said that the type of fencing does not have to be specified in the motion.
304 Mrs. Gottling suggested just saying that the temporary fencing must be within the boundary line. Mr.
305 Claus asked and Ms. Slavin said that the State does not have any requirements regarding the type of
306 fencing, it has to be 4 ft and the children cannot climb it. Mr. Claus said that the requirement for the
307 temporary fencing should be per the State's requirements. Ms. Slavin asked and Chairman White said
308 that if the 6 ft fencing is not approved by the Zoning Board he thinks that she will have to return to the
309 Planning Board because the Site Plan conditions will not be met.

310 Chairman White said that other conditions are: the children will be 13 years old or younger; the
311 maximum number of children allowed at one time will be nine, not including the family members; the
312 type of business will be a family childcare home; there will be no outside employees; and children are
313 only to be allowed to be in the designated areas shown on the plan, which are the play area and house.
314 Mr. Claus asked if the Board should specify that these conditions are for the children attending the

315 daycare. Chairman White said that he will leave that up to whomever makes the motion. Chairman
316 White said that another condition is the 6 ft fence per the Site Plan.

317 Mr. Clark made a motion for Parcel ID: 0115-0038-0000 to approve the Site Plan with the following
318 conditions: the type of business stated is a family childcare home; two parking spaces are required; a
319 temporary fence is to be installed inside the Slavin's property, prior to operation of the business, that
320 meets State requirements; construction of a 6 ft screen fence is to be installed at a later date per
321 specifications of the Zoning Board; maximum age will be 13; the maximum number of children allowed
322 will be nine per the license; there will be no outside employees except family members permitted to
323 work at the facility; only the house and play areas are to be used for the business and by children of the
324 said business; a new plan will be submitted from the surveyor. Mrs. Gottling seconded the motion.
325 Chairman White asked and Mr. Marquise recommended having a time limit of 6 months for the
326 conditions to be met. Mr. Clark amended his motion to include that a maximum time of 6 months to
327 complete the requirements. Mrs. Gottling seconded the amendment. The motion passed unanimously.

328 Ms. Slavin asked and Chairman White explained that she will have to notify Mr. Marquise that she has
329 met all the conditions. Chairman White continued that Ms. Slavin will have to return to the Board if the
330 Zoning Board does not approve the 6 ft fence.

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

334 Mr. Marquise said that the applicants filed a Statement of Property Usage for the property and the Board
335 discussed it in December and felt as though a Site Plan was required and the case was scheduled for
336 January. The Zoning Administrator has spoken to the applicants and has discovered that the property
337 was used as a storage facility and workshop since 1997, which was prior to rezoning. She believes that
338 the applicants can continue with the grandfathered use as long as public safety and health are not
339 affected and as long as it is done within the two year grandfathering period. The building was used by
340 Andy Pollari for his business and he has not seen any more documentation such as plans but the request
341 might just be a straight transfer for a business, which can be discussed.

342 Mr. Marquise asked and the applicant said that they have not prepared any plans to show how the site
343 will be used. Chairman White said that the Board needs to discuss if the applicants need to prepare
344 plans.

345 Mr. Clark asked and Mr. Marquise said that it has not been two years since the property was used as a
346 business. Mr. Clark asked and the applicant said that they purchased the property in the spring / summer
347 of 2019. Mr. Marquise said that it sounds like there is another year before the grandfathering expires.

348 Mr. Marquise said that he was concerned about the intensity. Mr. Marquise asked and the applicant said
349 that they are not planning on expanding any of the buildings. Mr. Marquise said that his biggest question
350 is about use intensity because he does not know how many employees Mr. Pollari had or what he did.
351 The applicant said that he does not know how many employees Mr. Pollari had but he knows that they
352 met and parked there before going to the jobs. Mr. Clark asked the applicant said that Mr. Pollari had

353 build trucks and machinery stored on the site. Mr. Clark asked and the applicant said that the biggest
354 thing stored on the site might be a trailer with lawn mowers on it.

355 Mr. Marquise said that it has been discussed to have a landscaping company use the building and asked if
356 there will be materials stored at the property. The applicant said that no materials will be stored. Mr.
357 Marquise asked and the applicant said that the property will be a place to meet and the garage is heated
358 so the trucks and equipment will be stored inside.

359 Vice Chair Jewczyn asked and the applicant said that the only cleaning materials stored will be residential
360 cleaning products. Mrs. Gottling asked and the applicant said that the cleaning products are not
361 commercial products. Vice Chair Jewczyn said that even residential cleaning products has chemicals in it
362 and if there are trucks with leaking fluids then they can inform the fire department if there is an issue.
363 The applicant said that they will not be tanks of chemicals. Vice Chair Jewczyn said that they do not need
364 to be tanks; small amount of chemicals can contaminate water supplies. He asked if Material Safety Data
365 Sheets (MSDS) will be able to be supplied for the chemicals stored on the property. The applicant said
366 that he can ask exactly what will be stored on the property. Vice Chair Jewczyn explained that a MSDS
367 sheet describes what chemicals are in the cleaning products. Mr. Marquise said that they are available
368 online. Mr. Clark said that he would think that for a cleaning company to have liability insurance those
369 would be required.

370 Mr. Claus asked if Mr. Marquise is saying that this new business would fall under the previously allowed
371 use and no conditions would be able to put on this new use. Mr. Marquise said that this is technically a
372 Site Plan Review so he thinks that the Board needs to determine if the application is complete and ask for
373 the information that they are talking about and asked if the Board wants a sketch showing what is being
374 discussed, etc. He is leaving it up to the Board to determine where to go. The new information from the
375 Zoning Administrator kind of pulls him back to think that this may not be something that is as big of a deal
376 that he may have felt before he knew the previous use.

377 Vice Chair Jewczyn said that he is not trying to make things more complicated, however, there is
378 information that the Board does not know such as the cleaning materials that will be on the trucks. Also,
379 if there was a pre-existing business that was on the property does the soil have oil or gasoline deposits.
380 Vice Chair Jewczyn asked and the applicant said that he has not seen any indication of spills. Vice Chair
381 Jewczyn asked and the applicant said that the driveway and parking areas are gravel. Vice Chair Jewczyn
382 explained that the spills will seep into the ground through the gravel. Vice Chair Jewczyn asked and the
383 applicant said that he has not had the soils tested. Mr. Marquise said that usually the Board does not ask
384 for anything like that.

385 Mr. Butler asked and the applicant said that he is trying to get the approval for potential tenants. Mr.
386 Clark asked and the applicant explained that the garage will be rented by a husband and a wife; the wife
387 has a cleaning business and the husband has a landscaping business. Mr. Butler asked and the applicant
388 said that they are not current tenants. Chairman White asked and the applicant said that the tenants will
389 not be living at the property. Mr. Butler asked and the applicant said that there is a three apartment unit
390 building that sits close to the road and then the driveway that goes along the right side of the building
391 goes to a parking area and the garage that is being discussed. Mr. Butler asked and the applicant
392 confirmed that before he purchased the property the owner stored excavating equipment like dump
393 trucks and such on the site. Mr. Butler asked and the applicant confirmed that the proposed use will be

394 less than what was previously at the property. Mr. Clark said that he does not remember a time that
395 there was equipment in the road or any issues for school traffic. Mr. Butler said that the proposed use
396 will have less impact with just trucks and trailers.

397 Vice Chair Jewczyn asked and the applicant said that the SAU office is to the left and he does not know
398 the abutter to the right. Mr. Marquise said that the property across the street is a commercial property.

399 Mr. Butler said that if the Zoning Administrator is not concerned then he is not concerned. Mr. Clark
400 asked if the Board would be agreeing that the applicants do not need to have a formal Site Plan Review.
401 Mr. Butler said that he thinks that the applicant would need to come back in a year when the
402 grandfathering expires. Chairman White said that the applicant would complete a Statement of Property
403 Usage that would state that he would not need to come before the Board. Mr. Marquise explained that
404 the Zoning Administrator said that the use is grandfathered for Zoning. In December, the Board felt that
405 this needed to be looked at as a full Site Plan but they did not have the information from the Zoning
406 Administrator at that time. This hearing is for the Site Plan so the Board needs to determine if they want
407 to table it or hold the meeting to get all the Site Plan information. Mr. Butler asked and Mr. Marquise
408 gave him the agenda showing the notice of the meeting and explained that the only paperwork that was
409 provided was a description of the use. Mr. Claus asked if the Board has to classify the use as something
410 that is permitted by right and Mr. Marquise explained that is what the Zoning Administrator has said is
411 grandfathered. Mr. Claus asked and Mr. Marquise said that the Zoning Administrator feels as though this
412 use is grandfathered because it is similar to what was there before.

413 Chairman White asked and the applicant said that he believes some of the employees will be meeting at
414 the property; most of the employees will be using the company vehicles so they will park their personal
415 vehicles there.

416 Mr. Clark asked why the potential tenants have not presented to the Board. The applicant said that he
417 was going to have them come to the meeting but he did not know if that was acceptable.

418 Mr. Marquise said that the hearing was noticed and he is not sure if there are any abutters with
419 comments or questions. Chairman White asked and there were no abutters present.

420 Chairman White asked the Board if they would like to table the Site Plan or ask for additional information.
421 Mr. Butler asked and Mr. Marquise said that because the application has not been accepted as complete,
422 the Board does not have to approve or deny it. Mr. Butler said that he thinks that the application should
423 be tabled. Mr. Claus asked if there were conditions placed on the previously allowed use if they would
424 transfer to the new use. Mr. Marquise said that they normally would, however, Mr. Pollari's business
425 never went to Site Plan so there were never conditions put on the business. Chairman White said that
426 one of the reasons that the Board is talking about this is because when businesses change hands it gives
427 the Board an opportunity to get a Site Plan to get details on paper. If the business is similar with the
428 number of employees, traffic, etc., then a Site Plan is usually not necessary but if there are numerous
429 differences then the Board may want to have a Site Plan to have it as a baseline.

430 Mrs. Gottling said that she wonders how many employees the previous owner had and the applicant said
431 that he does not know. Mrs. Gottling said that the application says that the business will have 6 to 10
432 employees and the applicant said that he thinks that 10 employees will be the absolute high side of the

433 number of employees. Mrs. Gottling asked and the applicant said that there is plenty of parking available
434 for all the vehicles.

435 Mr. Claus said that he was concerned because the site is non-compliant with more dwelling units than
436 allowed but the yard is large and a lot of it is gravel so there could be a lot of machinery parked on the
437 property; however, it sounds as though the previous business had even more machinery than what is
438 being proposed. The applicant said that he does not know the amount of equipment the potential
439 tenants will have but the garage is very large. Mr. Claus said that he is questioning if the tenants will
440 store materials like mulch on the property or if they will be working on the lawn mowers on the
441 weekends and it would have been helpful to ask the tenants. The applicant said that they have put in
442 their lease that there will not be any materials stored on the site.

443 Mr. Marquise said that if the application is tabled then the owners have to understand that there should
444 not be any effective change in the use; there will not be materials stored outside, the hours will not be
445 different than before, etc., and it should not feel any different than what was previously done.

446 Chairman White asked and the applicant said that, currently, the tenants park in front of the building but
447 the end goal is to have them park out back and make the front grass and look uniform with the SAU
448 office.

449 Mr. Claus asked if the Board agrees that the use is the same and allows them to carry on but the Town
450 receives complaints if something can be done to police the matter. Mr. Marquise said that is why there is
451 some type of paper trail; if the Board votes to table the application then it is based on their
452 understanding that the business is similar.

453 Chairman White asked and the Board said that they feel as though they should table the application.

454 Mr. Clark made a motion for Parcel ID: 0129-0012-0000 to table any requirement for a Site Plan Review.
455 Vice Chair Jewczyn seconded the motion. The motion passed unanimously.

456 **PARCEL ID: 0133-0026-0000: SITE PLAN REVIEW: COMBINATION OF RETAIL AND OFFICE SPACE; 5**
457 **GARNET ST; ROYCE ENTERPRISES, LLC**

458 Mr. Marquise said that the application was filed in advance, fees were paid, notices were posted, and
459 abutters were notified. The application falls under Article V of the Site Plan Review Regulations and it
460 appears as though everything is on the plan except for the location of the signage. Mr. Marquise asked
461 and it was confirmed that the owners already have an existing sign permit. Mr. Marquise said that
462 normally drainage can be waived, however, he would like to keep that open for discussion. He does feel
463 as though the application is complete though they will need to have approval from NH DES for the
464 Shoreland Permit. Vice Chair Jewczyn asked and it was explained that the property falls in the 250 ft
465 waterfront setback, which requires a DES permit.

466 Mr. Claus made a motion to accept the application for Parcel ID: 0133-0026-0000. Mr. Butler seconded
467 the motion. The motion passed unanimously.

468 Travis Royce, agent, and April Royce, 23 Central St / Royce Enterprises, LLC, presented the merits of the
469 case.

470 Mr. Travis Royce explained the location of the property and said that the reason for the proposed project
471 is that the current building is in poor condition and it does not make sense to fix up and the owners
472 would like to add a driveway and parking to the property. The reason that the building is being pushed
473 back is because the grade toward the north side is excessive so the parking needs to go on the south side.
474 Due to DES constraints, the impervious area needs to stay the same to facilitate the permitting. Also, the
475 building currently does not meet setback requirements and the new building is slightly better. There is
476 also a deed restriction that affects the height of the building.

477 Mr. Travis Royce explained the location of the existing building and that the existing building is wider than
478 the proposed building. The new building will be longer than the existing building because they still had
479 room to work with while still complying with the setbacks. Mr. Travis Royce continued to explain the plan
480 to the Board.

481 Mr. Travis Royce said that they will be adding two parking spaces, which will help to facilitate snow
482 removal and storage. The parking spaces are oversized at approximately 50% bigger than the minimum
483 required 9 ft x 18 ft size. They originally showed the pervious patios as either decks or patios and they
484 have changed it to make it clear that they will be pervious patios.

485 Mr. Travis Royce said that he has heard from DES regarding the submitted application and their only
486 question was regarding the trees shown on the plan; he replied back regarding the existing vegetation
487 which is an invasive species but has not heard back again. Chairman White asked and Mr. Travis Royce
488 explained the existing and proposed impervious areas.

489 Mr. Travis Royce explained how he feels like the new building will be beneficial to the Harbor.

490 Mr. Travis Royce said that the proposal received approval from the Zoning Board as it improves the non-
491 conforming aspects of the building. There has been discussion regarding the retaining wall but he
492 believes that the one on the north side of the building meets the setbacks so it can be higher than 42
493 inches. The one on the upper left will meet the height restriction but will need to be graded to meet that
494 restriction. There was further discussion regarding the retaining walls.

495 Mr. Butler asked if the building will have a full basement and Mr. Travis Royce said that he believes that it
496 will just be frost walls; however, he does not want to be tied to that as a condition. Mr. Butler said that
497 he is concerned about the existing retaining walls if they are going to dig a full basement. Mr. Travis
498 Royce said that there will need to be considerations made for the concrete. The back of the building will
499 have concrete walls above the slab grade that will act as a retaining wall and will probably have some sort
500 of piers built into the wall for structural integrity.

501 Mr. Butler asked when the project may start as he is concerned with tying up the municipal parking
502 during the busy season. Mrs. Royce said that they already have the estimates and have been urged to get
503 things done as soon as possible; her daughters also want to be able to have their store open when
504 summer starts. Chairman White asked and Mrs. Royce said that they are still working on determining
505 how long the construction will take and explained this further. Chairman White said that the outside
506 things such as parking could be completed first and then framing could be done after so they are parking
507 onsite.

508 Chairman White asked and Mrs. Royce said that the parking will be for the owners and will not be for the
509 public.

510 Mr. Marquise asked if they would require an engineer to design the retaining walls or if they will be pre-
511 engineered. Mr. Travis Royce asked and Mr. Marquise explained that the Highway Director is concerned
512 about the walls over 42 inches. Mr. Travis Royce said that it has not been discussed but it may be
513 incorporated into a poured wall. Mr. Marquise said that the Town does not have building codes so it
514 defaults to the State's requirements but he wanted them to be aware of this. There was further
515 discussion regarding this matter and the parking area.

516 Mr. Clark asked and Mrs. Royce explained that they are going from six municipal spaces in front of the
517 building to five spaces and one motorcycle space per the request of the Police Chief and Highway
518 Director.

519 Mr. Marquise said that there was a question regarding runoff as there is pervious paving for the parking
520 area but there is also traditional pavement and now that it is open to the street. He asked if there have
521 been any thoughts to preventing water from going onto the street as the lot slopes that way. Mr. Travis
522 Royce said that currently there is sidewalk and patio space that is equal to the impervious area that is
523 sloping that way. The area slopes and the road is crowned so all the runoff currently goes to the catch
524 basin. The 21 ft driveway cut will be sloped so that the water goes to the catch basin. Mr. Marquise
525 asked and Mr. Travis Royce said that they will not be changing anything on the road and the driveway
526 access will be tilted in the direction that water currently goes so there will not be any issues. Mr. Butler
527 asked and Mr. Travis Royce said that the current and post construction impervious area will be the same
528 and the current impervious area has been that amount since at least the 1960s. Mr. Butler said that the
529 building currently does not have a basement. Mrs. Royce said that she is not planning on a basement but
530 does not know yet. Mr. Royce said that he does not want to agree to not have a basement if the
531 contractors decide that having a basement for the utilities is best. Mr. Claus asked and Mr. Marquise
532 confirmed that the water is a concern for the Highway Director. Mr. Travis Royce said that Mrs. Royce
533 was granted a driveway permit based on these plans. Mr. Claus asked if the Board says that they are fine
534 with Mr. Travis Royce's explanation if the Highway Director gets any say after the construction is
535 complete. Mr. Marquise said that he thinks that the Board can make a condition to clarify what has been
536 stated that the runoff from the site will be directed towards the catch basin and if there is a problem then
537 it is a violation of the Site Plan. Chairman White asked and Mr. Travis Royce explained that the parking
538 will be pervious because they are only allowed a certain amount of square footage to be impervious and
539 there must be regular paving because the grade and runoff. There was further discussion regarding the
540 pervious and impervious paving and patios.

541 Mr. Butler asked and Mr. Travis Royce said that the existing building is on piers. Mr. Butler asked and Mr.
542 Travis Royce said that he does not know how deep the existing retaining walls go.

543 Mr. Clark asked and Mr. Travis Royce said that the lighting will be down cast. Mrs. Royce gave the Board
544 pictures of the lights and explained the locations of the lights. Mr. Claus said that he does not like the
545 flood light. Mr. Travis Royce said that they found that there is a problem at night with people using that
546 area and going onto the property and causing some trouble so the light is more for security, not to
547 function normally. Mrs. Royce said that they want to have cameras and the light to prevent people from
548 coming onto the property. Mr. Claus asked and Mrs. Royce explained that they will not be open often at

549 night but when there are events in the Harbor they want to be open and they need lights for people to
550 see the walkways. Mrs. Royce said that the flood light will not be commercial but residential. Mr. Claus
551 said that he thinks that the other lights should be enough as even the residential flood lights can be bright
552 and this light will be shooting towards the intersection. Mr. Clark asked if the light will be turned on if
553 people are walking towards the parking spaces or if the sensitivity will be turned down. Mrs. Royce said
554 that it will only turn on if people are on the property.

555 Vice Chair Jewczyn said that his concern with the plan is the possibility of the basement and if that were
556 to happen then he would like to see some geological engineering to ensure that the wall does not end up
557 in a pile behind the building. They do not currently know how deep the wall goes and the building is only
558 on piers so the retaining wall may not be stable. Chairman White said that this is a building issue. Mr.
559 Butler agreed that it is a building issue but said that it is a valid concern because if there is a washout
560 there could be a problem. Vice Chair Jewczyn said that they do not know if there will be a basement and
561 as it is not shown on the plan it has not been addressed yet and if it is an option someone will have to
562 deal with it. Mr. Travis Royce asked that if the applicants do decide they want to add a basement, if the
563 Board could put a condition on the approval. Mr. Claus and Chairman White said that the Board does not
564 get involved in how a building is constructed. Vice Chair Jewczyn said that he was thinking out loud about
565 what might happen.

566 Chairman White said that he is concerned about the drainage component; the existing walkway is only 4
567 ft to 5 ft wide, which is narrow, and there is not a lot of runoff coming off it now. Mr. Travis Royce said
568 that he agrees in some ways, however, the walkway is approximately 80 ft long in one direction and also
569 goes to the patio. At the road, the patio is not that wide but taking into consideration the 21 ft driveway
570 cut and the 20 ft of the traditional pavement before the pervious pavers, that impervious square footage
571 matches the impervious square footage of the existing wood deck, patio, and walkway. Mr. Royce
572 continued that the slope will not be nearly as steep as what it is now and explained the changes in the
573 grade to the Board and that the grade will be lowered across the entire property. There was further
574 discussion regarding this matter.

575 Mr. Claus said that he believes that there will be an increase in surface area water and thinks that there
576 are already conditions on the site that are not working adequately now. If the Highway Director says that
577 he does not want this then Mr. Travis Royce need to ensure that he is cautious and looks hard at the plan.
578 Mr. Travis Royce asked if they decide to add an infiltration basin to try to reduce the runoff if they can
579 decide during construction and not have to come back before the Board. Mr. Claus asked and Mr. Travis
580 Royce explained that the existing conditions plan was done by a surveyor, Chris Paton. Mr. Travis Royce
581 continued that he is a certified septic designer and has worked on surveys and site planning for
582 approximately 20 years. He is not an engineer; he is confident in the accuracy of the plan but he does not
583 have the qualifications to say that it will not create runoff. Mr. Claus said that he only questions it
584 because he does not want to end up with a situation that needs to be fixed after the fact. Mr. Travis
585 Royce said that the issue that Chairman White said may be there now may also not be related to this
586 property as there is runoff coming from a lot of different locations to that area. Mr. Claus asked if the
587 Board should involve the Highway Director more to help avoid issues. Mr. Clark said that this project will
588 be under a microscope. There is water on the road, however, it is the winter and it is not as big of a deal.
589 Mr. Claus said that there may be an issue already existing, however, it does not mean that they can
590 increase to it somehow.

591 Chairman White said that part of the walkway looks to be white marble. Mr. Travis Royce said that he
592 does not know when it was done but the walkway is paved. Also, the patio will be a benefit to help
593 infiltrate the water as it will be a flat surface rather than the steep slope that goes to the road.

594 Mr. Claus explained his concerns regarding the slope and runoff to Mr. Travis Royce using the submitted
595 plan.

596 Chairman White asked and Mr. Marquise said that the Highway Director wants the applicant to be aware
597 that if there is any runoff he does not want it going into the street. He understands that there is the
598 catch basin but if that is not feasible then another catch basin might need to be added up by the
599 driveway. Chairman White asked and Mr. Marquise said that the Board can ask the applicant if that is
600 feasible to do. Chairman White asked if it is realistic for runoff to come off the site and run along the
601 parking spaces at a fairly level pitch and go to the catch basin. Mr. Claus said that he believes that where
602 the driveway comes out it is the same elevation as the rim of the catch basin. Mr. Claus asked and Mr.
603 Marquise said that the Highway Director does not want any water to go into the street. Mr. Butler asked
604 if the applicant is willing to get an engineer involved to do some calculations. Mr. Claus said that he
605 thinks that the Board is trying to ensure that the applicants do not get into a situation where the Town
606 feels as though they increase the runoff. Mr. Butler said that an engineer may be able to look at the
607 existing plans and give a recommendation such as adding another catch basin. Mr. Travis Royce said that
608 the water situation is only partially related to this property and right now he believes that for some of the
609 parking spaces it looks as though the Town is plowing their snow onto this property to clean out the
610 parking spaces and he can see an argument regarding whose water it is. Mr. Butler said that they can
611 discuss the existing and proposed conditions with an engineer and / or the Highway Director and work it
612 out. Chairman White asked if there is a point where the Highway Director signs off on the plan. Mr. Clark
613 asked if the Highway Director just wants the Board to talk about the issue. Mr. Marquise said that the
614 Highway Director brought up his concerns during their peer review meeting and there is a process now
615 that requires the Department Heads to sign off on a Site Plan before the business is occupied.

616 Vice Chair Jewczyn said that it sounds like the applicants may have inherited a problem. Mr. Claus said
617 that he believes that this project may increase the flow and make a bad problem potentially worse. Mr.
618 Marquise said that the overall impervious area is not increasing so the flow may not increase but it will
619 start concentrating at a different point, which is what concerns the Highway Director as it could be a
620 problem for the Town. Chairman White asked and Mrs. Royce said that they met with the Highway
621 Director first to make sure that they had everything they needed. Chairman White asked and Mrs. Royce
622 said that they brought the preliminary plans to the Highway Director regarding the new driveway and
623 parking spaces, moving the building, etc., and got a lot of feedback, including his recommendation to
624 move the crosswalk. Chairman White asked and Mrs. Royce said that there was no discussion regarding
625 the drainage. Mr. Marquise asked and Mrs. Royce said that they met before the last Planning meeting.
626 Mr. Marquise said that the peer review meeting was held after the last Planning meeting so this may
627 have been an afterthought. Mr. Clark said that the plan was in its preliminary stage when they met with
628 the Highway Director and after the plan was completed it was submitted to the Town and they had the
629 peer review discussion. Mrs. Royce said that when they met with the Highway Director he assured them
630 that they had his support, which they knew was a big hurdle for them to get over. They then met with
631 the Police Chief and went over the plans and got his blessing on the project.

632 Chairman White said that it may behoove everyone if the applicants have another meeting with the
633 Highway Director to talk about the plan as the Board does not have to approve the application at this
634 meeting. Mr. Claus asked if the Board can approve the application with conditions. Mrs. Royce said that
635 the Police Chief requested that the project be expedited as much as possible to not have construction
636 during the summer. Chairman White said that the Board could do a conditional approval if they are all
637 comfortable with it. Mr. Clark said that he would be concerned as to how someone would check to
638 ensure the conditions are being met. Mr. Butler said that if the applicants talk to the Highway Director
639 and agree to install another catch basin it would be nice to see it on the plan that the Board approves.
640 Mr. Claus said that the revised plan can be brought back to the Board. Chairman White said that if the
641 Board is comfortable with a conditional approval that is how they can do it, however, he does feel as
642 though there should be another conversation between the applicant and the Highway Director to
643 determine what he is looking for. Mr. Claus asked and Chairman White confirmed that the condition
644 could be that the applicants meet with the Highway Director to resolve the issues. Mr. Marquise said
645 that the reason that he does not have a big concern with that is because he does not think that this will
646 change what the Board is approving. The issue must be resolved and if it cannot be resolved then the Site
647 Plan is not going to happen, however, it is not a condition that changes the Site Plan.

648 Vice Chair Jewczyn said that he would like the project to move along, however, one of the issues that he
649 sees is that the Board does not know if they want to have a basement, even though that is not the
650 Board's purview. Another issue is that the Board does not know where the water is going. Mr. Clark said
651 that they are also waiting for DES approval. Mrs. Royce said that her concern is that they could get DES
652 approval before the next meeting and could start the project. Mr. Travis Royce said that the applicants
653 would like to get as much done as possible before the summer. Mr. Claus said that the Board is sensitive
654 to that issue. Chairman White said that he thinks that the Highway Director needs to address this. Mr.
655 Butler said that ultimately it is the applicant's liability.

656 Chairman White asked if they would be willing to add some planting to the front of the building. Mr.
657 Claus said that he wished that there were landscaping requirements in the Regulations. Chairman White
658 said that there are landscaping requirements. Mr. Marquise said that the requirements are usually to
659 take care of parking areas and things like that. There was further discussion regarding this matter.

660 There was another discussion regarding the possible conditions for approval and ensuring the conditions
661 are met administratively.

662 Mr. Travis Royce asked if there is anything stopping the applicants from getting a demolition permit to
663 remove the building. Chairman White said that he would suggest not demoing the building without a
664 permit to build something else. Mr. Travis Royce said that he thought that with a properly documented
665 footprint if they were to tear the building down they would not lose the footprint. Mr. Marquise said
666 that they could demolish and rebuild the building in the same footprint.

667 Chairman White said that looking at the existing building there is some greenspace and a tree. Mr. Travis
668 Royce said that the tree is growing into the building and might actually be helping it stay up. Chairman
669 White said that on the proposed plan there are some plantings on the right side. Mr. Travis Royce said
670 that those plantings are the only proposed plantings and are subject to DES approval regarding the
671 number and types of plants required. Chairman White said that it looks like there is an opportunity to do
672 some sort of foundation plantings or shrubs in the front of the building. Mrs. Royce said that she will

673 have Mike Kennedy do plantings, they are not shown on the plan but she will be deferring to him for his
674 recommendations. She hesitates to put anything nice along the front of the road as people throw
675 cigarettes onto their lawn there. Chairman White said that he would like to see some greenery or bushes
676 added to the site. Chairman White asked and Mr. Royce confirmed that the bank in front of the building
677 down to the parking spaces will be grass.

678 Mr. Tanner Royce arrived at the meeting.

679 Chairman White said that the Master Plan discusses what they want the Harbor to look like and this
680 property is a main view. Mr. Clark said that this is a retail building and he thinks that the applicants
681 would want to entice people to come to the business. Chairman White said that there have been many
682 cases where there has been a discussion about landscaping and then it does not happen. Chairman
683 White asked and the Board agreed with him regarding the landscaping. Mr. Tanner Royce asked if there
684 is a landscaping requirement. Chairman White said that there are suggestions for landscaping.

685 Mr. Clark asked and Mr. Marquise said that he thinks that the condition for approval regarding the
686 drainage should be that the drainage be reviewed between the applicant and the Highway Director and
687 that the Highway Director make recommendations on how the runoff can be handled with the new
688 driveway. Chairman White asked and Mr. Marquise confirmed that the Highway Director will need to
689 sign off on the Site Plan. Mr. Marquise continued that he thinks that the applicants need to work with
690 the Highway Director to make sure that things are done.

691 Chairman White asked and Mr. Clark said that he thinks putting a condition regarding landscaping on an
692 approval is difficult. Mrs. Royce said that she will add some landscaping. Vice Chair Jewczyn said that he
693 thinks that the building could look too industrial without landscaping. Mr. Clark said that he thinks that it
694 should be a suggestion rather than a requirement. There was further discussion regarding this matter
695 and the plantings that DES requires.

696 Chairman White said that the landscaping is a suggestion. Mr. Tanner Royce said that they did hire a
697 landscaper last year and intend to take care of their property and make it attractive but they are not
698 required to put in any specific plants. They understand the concerns, however, giving specifications is
699 outside what they should be required to do. They do not want foot traffic to his professional office,
700 however, so they may not make it attractive for people to try and go in the wrong door. Chairman White
701 said that plantings can help direct foot traffic.

702 Chairman White asked and June Fichter, LSPA, said that it is a tough lot to do anything with and she
703 appreciates the applicants respecting the height restriction. Her only concern is that in order for the
704 pervious pavement to be effective long term they need to be maintained. Chairman White asked and Mr.
705 Marquise confirmed that there have been previous approvals that were conditioned upon the
706 maintenance of pervious pavers. Chairman White asked and Mr. Travis Royce explained that the
707 pervious pavement will be a concrete product but he has not specified if it is poured or pavers. Mr. Travis
708 Royce continued that DES does have language that maintenance is required. Chairman White asked and
709 Mr. Travis Royce said that they will not use pervious asphalt. Mr. Tanner Royce said that their goal is to
710 use as little asphalt as possible.

711 Mr. Marquise said that it is understood that the existing striping for the sidewalk and crosswalk will be
712 taken off by the applicants and then the Town will be responsible for painting the new striping. Mrs.
713 Royce said that when they met with the Police Chief he made it clear that he did not think that was
714 something that they should be doing. Mr. Marquise asked if they have discussed with the Highway
715 Director as he seemed to think that it was agreed on. Mrs. Royce said that the Police Chief said that he
716 would talk to the Highway Director because he disagreed with him. Mr. Marquise said that the Highway
717 Director thought that it was clear that they would be removing the striping. Mr. Tanner Royce said that
718 the Highway Director mentioned it to them as something that he would like them to do but said that it
719 was not something that he could require them to do because it is not their responsibility. They are
720 allowed to have a driveway cut and the Town may not have been allowed to stripe parking across the
721 face of the entire lot and not allow them to have a driveway cut. They did said that they would talk to
722 their contractor to see if he is able to scrub off the paint and how much it was cost, however, it was not
723 an agreement that they would do it. They are happy to talk to the Highway Director about this issue.
724 Chairman White said that the plan says that the existing crosswalk shall be relocated to the satisfaction of
725 the Town of Sunapee Road Agent. Mr. Tanner Royce said that this was at the direction of both the
726 Highway Director and Police Chief. He believes that the Highway Director's intention is to change the
727 intersection and create an island across from the triangular area in front of the property to move the stop
728 sign more into the intersection rather than where it currently sits.

729 Chairman White asked and there were no additional comments or questions from members of the
730 audience regarding the case.

731 Chairman White asked and Mr. Tanner Royce said that they did the best that they could to reach out to
732 their neighbors and feel like they took the necessary steps. He was a little surprised with the addition of
733 the Highway Director's concerns and wish that he had reached out to them after the peer review
734 meeting. However, they are happy to meet with him in order to make sure that he is comfortable with
735 the drainage plan.

736 Mr. Claus asked and Mr. Travis Royce said that they are planning on seeding the lawn areas. Mr. Claus
737 said that the silt fence will need to stay up until the site is stabilized.

738 Chairman White asked and there was no further questions or comments from anyone regarding the case.

739 Mr. Clark made a motion to approve the Site Plan Review of Parcel ID: 0133-0026-0000, conditioned
740 upon: the applicant speaking to the Road Agent concerning both sidewalk striping and drainage concerns;
741 and DES approval. Vice Chair Jewczyn seconded the motion. The motion passed unanimously.

742 **PARCEL ID: 0129-0075-0000 & PARCEL ID: 0129-0076-0000: SITE PLAN REVIEW: PROPERTY IS**
743 **CURRENTLY USED AS A CONVENIENCE STORE WITH GAS PUMP AND A RESTAURANT. AMEND THE**
744 **APPROVED SITE PLAN DUE TO CONSTRUCTION VARYING FROM APPROVED DESIGN. THE CURB ISLAND**
745 **AND BOLLARDS AS INSTALLED ARE CONSIDERED NON-MOUNTABLE; 546 & 550 ROUTE 11; J & F REALTY**

746 Mr. Marquise said that this is an amendment to an approved Site Plan. All the paperwork was filed in
747 advance, fees were paid, and notices were sent. The amendment is strictly for the change of the
748 mountable curb to a non-mountable curb and the drawings have been amended to reflect that so he
749 believes that the application is complete.

750 Mr. Clark made a motion to accept the application as complete. Vice Chair Jewczyn seconded the
751 motion. The motion passed unanimously.

752 Dan Monette, Fuss & O'Neill, and Frank Souliotis, J & F Realty, presented the merits of the case.

753 Mr. Monette said that he did the amended drawings for the approved Site Plan from 2017. The
754 amendment is to address the curb island that wraps around and connects to another curb island that is in
755 front of the Old Abbott Library. For the original Site Plan they discussed the island with the Highway
756 Director but it went to NH DOT for approval because it is on a State highway and they required that they
757 prevent vehicles passing from the Old Abbott Library parking lot into this parking lot. It was also the
758 Highway Director's requirement to add mountable curbing and breakaway bollards in that area for
759 emergency access. Chairman White asked and Mr. Monette explained that mountable means that
760 someone can drive over them. Mr. Monette continued that since the approval of the original design, the
761 library has changed hands and the Fire Chief has said that he has no intention on driving through this area
762 with a fire apparatus as it is too close to the building. The contractor constructed asphalt curbing that
763 matches the existing curbing on site and they installed bollards in that area that are connected to springs
764 at the bottom so they are more of a visual barrier. Vice Chair Jewczyn asked and Mr. Monette explained
765 that originally, they were planning breakaway bollards but these are not breakaway, they bend. Vice
766 Chair Jewczyn asked and Mr. Monette said that all the bollards have concrete bases. Vice Chair Jewczyn
767 asked Mr. Monette said that they are substantial and mounted to a steel plate but are replaceable if they
768 need maintenance. Chairman White asked and Mr. Monette said that nothing else on the plan has been
769 changed. Mr. Monette said that the bollards are just a barrier between the two parking lots. Mrs.
770 Gottling asked and Mr. Monette confirmed that they are already installed.

771 Vice Chair Jewczyn said that he recalls on the original Site Plan that the shed storage area where propane
772 tanks are located was going to be moved but is still there. Mr. Marquise said that he thinks that they are
773 only addressing the curb. Chairman White asked and Mr. Marquise said that he thinks that everything
774 has been addressed according to the Site Plan. Mr. Claus asked and Mr. Souliotis said that the propane
775 tanks are still stored where they were. Vice Chair Jewczyn said that it is not shown on the plan.
776 Chairman White said that it is not something that is before the Board for this meeting, they are only
777 talking about the curbing.

778 Mr. Marquise said that he noticed that the breakaway bollards detail was crossed out but he would like a
779 note on the Site Plan that there are bollards in that area so that they stay. Mr. Monette said that he
780 believes that he has something that shows an inset of that area that was sent to the Highway Director
781 that he can send to Mr. Marquise. Mr. Marquise agreed that would be acceptable as the purpose of this
782 meeting was to get on record what was installed and that the Fire Chief has signed off on it so everyone's
783 liability is covered. Mr. Monette said that the curb is not mountable, it is regular curbing. Mrs. Gottling
784 asked and Mr. Monette said that he will send a cut sheet showing what was installed.

785 Mr. Clark made a motion to approve the Site Plan for Parcel ID: 0129-0075-0000 and 0129-0076-0000.
786 Mr. Butler seconded the motion. Mr. Clark amended his motion to include the condition that the cut
787 sheet will be provided for the bollards. Mr. Butler seconded the amendment. Vice Chair Jewczyn asked
788 and Mr. Monette said that there are five bollards. Chairman White said that they are already installed.
789 The motion passed unanimously.

790 There was a brief discussion regarding the parking on the property.

791 **OTHER BUSINESS**

792 Mr. Marquise said that at 45 Lower Main St, the old Alexander building, there was a question about cars
793 being parked there and the Zoning Administrator has spoken to the owner. The owner said that he has a
794 boat trailer, a flatbed trailer, a canoe, and a rowboat that are all part of his business. He had two
795 unregistered cars parked there and they belong to the Albee's who have a property down the street.
796 There was a talk that they might rent out more parking spaces as well as potentially some spots in the
797 building but that has not come to fruition yet. It sounds as though they may be currently renting some
798 spaces and he does not know if it triggers a Site Plan or if the Board should wait to see what the full use
799 of the property will be. The owner feels as though he has to do something else with the building and is
800 talking about possible retail space or renting to another machine shop. Mr. Clark said that the
801 information Mr. Marquise has gathered is good enough for him for now. Vice Chair Jewczyn asked and
802 Mr. Marquise explained that the current business is a machine shop and this use has been grandfathered.
803 Mr. Clark said that it is a massive parking lot that was paved and cars began being stored there. Mr.
804 Marquise said that it does not sound as though there are any formal agreements currently but it may
805 come to be more and if it does come to that point it would need a Site Plan.

806 Chairman White said that he and Mr. Butler both signed up to run for the Zoning Board again but
807 someone else did as well so there are three people running for two seats. There was further discussion
808 regarding this matter.

809 **MINUTES**

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

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

814 Changes to the Planning Board minutes from January 9, 2020: The minutes were continued until the
815 next meeting

816 Mr. Clark made a motion to adjourn at 10:44 pm. Mr. Butler seconded the motion. The motion passed
817 unanimously.

818 Respectfully submitted,

819 Melissa Pollari

820 Planning Board

821 _____

822 Peter White, Chairman

Michael Jewczyn

823 _____

824	Joseph Butler	Randy Clark
825	<hr/>	<hr/>
826	Jeffrey Claus	Richard Osborne
827	<hr/>	<hr/>
828	Donna Davis Larrow, Alternate	Suzanne Gottling, ex-officio member