

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **APRIL 12, 2018**

4 **PRESENT:** Peter White, Chair; Donna Davis Larrow; Joseph Butler; Randy Clark; Richard Osborne;
5 Michael Jewczyn, Alternate; Suzanne Gottling, Ex-Officio Member; Michael Marquise, Planner

6 **ABSENT:** Joseph Furlong

7 **See attached sign in sheet**

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

9 **VAN WEBB – CONSERVATION COMMISSION, WENDALL MARSH PROJECT**

10 Mr. Webb explained that the Sunapee Conservation Commission is scheduled to meet with the Board of
11 Selectmen on Monday, April 23rd for the first public hearing for this project. If the Town is purchasing or
12 selling property the Board of Selectmen (BOS) requires input from the Planning Board and the
13 Conservation Commission as part of the public hearing process. The Conversation Commission voted at
14 their last meeting to recommend the BOS supports the project and they are hoping that the Planning
15 Board will also vote to support the project.

16 Mr. Webb gave the Board three maps for this project. Mr. Webb explained that this project contains 35
17 acres and the land owner is Jolyon Johnson, who feels strongly about conservation and wildlife
18 protection. Mr. Johnson has offered this land to the Town of Sunapee for less than what he paid to
19 purchase it. Mr. Webb continued that the Conservation Commission hopes to use funds that are put
20 into their fund each year through Warrant Articles. Mr. Webb gave further explanation regarding the
21 project, including that part of the project includes gating the bridge by Trow Mill and putting signs up so
22 the use can be controlled.

23 Mr. Webb said that the Conservation Commission has received a lot of community support for
24 fundraising for the project and they have also received a grant from an entity that supports conservation
25 so they have been able to cut some of their expenses.

26 There was a discussion regarding the Wendall Marsh North and Wendall Marsh South parcels.

27 Mr. Jewczyn asked if the abutters of the project have been approached regarding this project. Mr.
28 Webb explained that one of the lots has a sewer easement over one of the parcels as well as a reserved
29 right to do some agriculture on the property. Mr. Webb said that they have not heard anything from
30 any abutters that they are opposed.

31 Mr. Jewczyn asked if there will be any issues with any of the abutting properties with their septic
32 systems leaching into the preserved area. Mr. Webb said that he does not think that there will be any
33 issues. Mr. Jewczyn asked if there have been any tests conducted and Mr. Webb said that they have not
34 done any tests. There was further discussion regarding this matter.

35 Mr. Marquise said that in terms of the developability of these lots, except for a small area, all of the lots
36 have very poorly drained soil and would fall in the wetland category and not be buildable. It seems
37 appropriate to put this into conservation. Chairman White asked and Mr. Webb explained that Ausbon
38 Sargent will hold the Conservation Easement Deed like the other two parcels.

39 There was a discussion regarding the Town's reserved right to draw water from the wells that are on the
40 property and about the possibility of E.coli on the parcels due to the ducks and geese.

41 There was a discussion regarding if the parcels could ever be used as a learning marsh for the schools
42 and that there is a plan to develop recreational trails around the marsh. Mr. Johnson has not allowed
43 hunting or trapping on the marsh but allows fishing. Mr. Webb said that they have funds for gates and
44 to rebuild the bridge for public safety but they will not currently allow for public access and that there is
45 not any parking.

46 Mr. Marquise said that he thinks that the Master Plan called for 25% of the land to be conserved and he
47 thinks that at the time the Master Plan was created they were at about 20% so with the Wendall Marsh
48 areas they should be getting closer.

49 Mr. Butler asked and Mr. Webb said that the Fire Department has never requested access to Wendall
50 Marsh. Mr. Osborne explained that there is a dry hydrant just down the road past Treatment Plant Rd.
51 There are also hydrants at the school and a small hydrant at Trow's Mill. There was further discussion
52 regarding this matter as they are just re-decking the bridge, not rebuilding it.

53 There was a discussion regarding if permitting is required for the decking and the signs.

54 There was a discussion regarding the Conservation Commission's role in the Town as well as about the
55 Town's reserved right to the water.

56 Chairman White asked and there were no further questions regarding this project. Mr. Webb explained
57 that the next step is to have two public hearings with the BOS.

58 Mr. Osborne made a motion that the Planning Board recommend to the Selectboard to go ahead with
59 the purchase of Parcel 0131 Lots 11, 23, and 22 to put into Town Conservation land. Mr. Butler
60 seconded the motion. The motion passed unanimously.

61 **PARCEL ID: 0211-0011-0000 – SITE PLAN REVIEW: OUTSIDE STORAGE OF BOATS AND TRAILERS, SITE**
62 **STAFF BY APPOINTMENT ONLY; APPROXIMATELY 3 ACRES OF GRAVEL PARKING AREA. 1106 ROUTE**
63 **11, MICHAEL & ELIZABETH LEMIEUX.**

64 Mr. Marquise said that this is an amendment to a prior Site Plan. The application was filed in advance,
65 the fees were paid, notices were posted, and abutters were notified. The original Site Plan, which was
66 for earth excavation, was accepted in terms of the layout and this proposal is to create boat storage on
67 the excavated area. This is a permitted use in the new Mixed Use III District that was created in March.
68 Mr. Marquise said that he thinks that the application is complete, however, he does think that there
69 needs to be a discussion about the original Zoning approval and the excavation and how complete it is.

70 Mr. Osborne made a motion to accept the application as complete. Mr. Butler seconded the motion.
71 The motion passed unanimously.

72 Michael Lemieux presented the merits of the case. Mr. Lemieux explained that there was a lean-to on
73 the property that was mostly falling down and he removed a lot of it. They wanted to level the land to
74 make it usable and they have decided to finish doing the leveling in order to make a parking area to
75 store boats. There is probably another 15,000 yards of material left to pull out of the lot; the current
76 pile on the land has about 12,000 yards of material and they are selling it to whomever wants to buy it.

77 Mr. Butler asked and Mr. Lemieux said that he will leave the existing buildings on the site. He figures
78 with a 20 ft x 30 ft area per boat he can park 150 boats on the property.

79 There was a discussion regarding the contours shown on the plan as they include pre and post blasting.
80 Mr. Clarke asked about the water on the site and Mr. Furlong explained that the water flows into the
81 site because it is all bedrock with cracks in it. There was further discussion regarding this matter as the
82 lot will be shaped like a bowl and there is a vegetative buffer that is required along Route 11 and there is
83 a significant difference in height between the buffer and the flat area

84 Mrs. Larrow asked when Mr. Lemieux believes the boat storage will start. Mr. Lemieux said that he is
85 hoping at the end of next summer.

86 Mr. Marquise asked and Mr. Lemieux confirmed that the boat storage will occur behind the current
87 buildings. Mrs. Larrow asked and Mr. Lemieux explained that he currently does not have plans for the
88 buildings except for some storage.

89 Mr. Jewczyn asked how many boats Mr. Lemieux thinks will enter and leave the property on a given day.
90 Mr. Lemieux said that he does not think that there will be any that go on or off during the summer. Mr.
91 Lemieux said that he doubts that there will be 150 boats on the same day. Mr. Clarke asked and Mr.
92 Lemieux said that he does not anticipate that the lot will be used as daily storage but will be used as
93 long term storage. Chairman White asked and Mr. Lemieux said that he will not go and get people's
94 boats. He will also not be winterizing the boats, just storing them. There was a brief discussion
95 regarding the layout of the boats.

96 Chairman White asked and Mr. Lemieux said that there will not be any lighting on the site; there will be a
97 sign.

98 Mr. Jewczyn asked if there will be more development of the entrance to the site with the increase in
99 elevation towards Jobs Creek Rd as there is not a good site view. Mr. Lemieux said that they currently
100 enter and leave the site with large trucks and have never had an issue. Mr. Jewczyn said that Mr.
101 Lemieux will not be moving the boats onto and off the site. Mr. Lemieux said that he spoke with NH
102 Dept. of Transportation (DOT) who said that the boat storage will have less traffic impact than what they
103 are currently doing. There was further discussion regarding this matter.

104 Mr. Butler asked and Mr. Lemieux said that the power is not connected to the building. They are not
105 currently planning on any security lighting.

106 There was another discussion regarding the traffic on and off the site and that the lot used to have boat
107 storage on it.

108 Chairman White asked and Mr. Marquise said that this is a permitted use by right.

109 Mr. Marquise said that given the numbers that Mr. Lemieux has provided the excavation can probably
110 be considered substantially complete, however, he thinks that Mr. Lemieux needs to get that clarified
111 because the Zoning Board approval for the operation may have expired or be close to expiring. Mr.
112 Marquise recommended Mr. Lemieux speak with Ms. Gage. Mr. Lemieux explained that the Zoning
113 Board gave him four years to do the excavation and then they wanted to see a plan for the site.
114 Chairman White said that if the Zoning approval has expired, Mr. Lemieux may need to go back before
115 them. The boat storage can be done by right but the mineral extraction is not a rightful use.

116 Chairman White asked and there were no further questions for Mr. Lemieux.

117 Mrs. Larrow made a motion to approve the Site Plan for Parcel ID: 0211-0011-0000 on 1106 Route 11,
118 Michael and Elizabeth Lemieux; conditioned upon the completeness of the existing Zoning Board
119 approval for rock extraction. Mr. Clark seconded the motion. Mr. Marquise suggested including that
120 the surface remain in its natural, pervious state so it is not paved or hard gravel. Mrs. Larrow amended
121 her motion to include that the material remain natural crushed stone and pervious. Mr. Clark seconded
122 the amendment. The motion passed unanimously.

123 **REVIEW OF SUBDIVISION AMENDMENTS**

124 Mr. Marquise explained that the Board discussed the Site Plan Regulations at the last meeting and
125 would like to discuss the Subdivision Regulations at this meeting. The goal is to have a public hearing on
126 both sets of Regulations at a future meeting.

127 **Section 2 - Add definition for "Minor Lot Line Adjustment"** - Minor Lot Line Adjustment means a
128 change in boundary between two properties that does reduce either lot by 5%, does not require relief
129 from the ZBA, and does not create new lots.

130 Mr. Osborne asked if the wording should say "...does reduce either lot by 5%" or "...does not reduce
131 either lot by 5%". Mr. Marquise said that it should read "...does not reduce either lot by more than 5%."

132 Mr. Marquise said that the goal of the change is to consider these subdivisions to be boundary line
133 agreements and they won't have to go through the whole subdivision process. The Planning Board
134 received the authority through Zoning a few years ago to approve non-conforming lots as long as they
135 are not more non-conforming. However, if something has to go through the ZBA then it would have to
136 go through the whole subdivision process.

137 **Section 2 - Change definitions of "Subdivision" and "Subdivision, Minor"** to clarify what constitutes a
138 new lot. In Subdivision, change to state "... parcel of land into one or more additional lots, parcels..."
139 and in Subdivision, Minor change to state "...no more than three additional lots or sites..."

140 Mrs. Gottling asked and Mr. Marquise that the word should be "clarify" not "clarity".

141 Mr. Marquise explained this change to the definitions to the Board to include the word "additional".

142 **Section 3.01 - Change all headings and references to Conceptual Consultation Phase** - At the end of
143 paragraph add the following, "A noticed public hearing is not required but this conceptual consultation
144 must occur at a regular meeting of the Planning Board."

145 Mr. Marquise explained that in Section 3.01, they are changing it to be called a “Conceptual
146 Consultation Phase” because the review part starts at Section 3.02 – Design Review.

147 **Section 3.02 - Change Fees as follows: For a Subdivision and Annexation: \$ 75.00; For a Minor**
148 **Subdivision: \$150.00; For a Major Subdivision: \$300.00**

149 Mr. Marquise explained that it has been 12 years since the fees were changed so he has increased them
150 all by 50%.

151 **Section 3.03 - Delete this section**

152 Mr. Marquise explained that this is not a required part of the process, however, with the Design Review
153 Phase there is almost never a Preliminary Plan Submission so he is suggesting that they remove that
154 section.

155 **Section 3.04 - Change review time from 65 days after submission to “acceptance”**

156 Mr. Marquise explained that the change to Section 3.04 is some terminology as by Statute the approval
157 or disapproval is after 65 days of acceptance, not 65 days from submission.

158 **Section 3.04 - Add the fees from 7.02 to this section: Base Fee (All Final Submissions): \$150.00;**
159 **Additional Fees: Subdivision and Annexation: \$ 75.00; Minor Subdivision: \$150.00 per additional lot;**
160 **Major Subdivision: \$300.00 per additional lot**

161 Mr. Marquise explained that there are fees that are buried in Section 7.02 and he suggests bringing
162 them up to the Final Plat Submission Section so applicants understand they have to pay a final plat fee.
163 He has also increased these fees by 50%.

164 **Section 3.06 - Change Section 5 to Section 6.04**

165 Mr. Marquise explained that for Section 3.06 it says “Within 65 days of receipt of all material required in
166 Section 5” and it should say “Section 6.04”.

167 **Section 3.06 - Add a sentence that reads, “The Board's time for action may be extended by mutual**
168 **agreement of the Planning Board and applicant.”**

169 Mr. Marquise said that they are adding the sentence regarding the extension of the decision. If the
170 Board has not approved the application in 65 days then the applicant can go to the BOS and make them
171 take action. However, if the applicant and the Board agree to an extension then it is in everyone’s best
172 interest to do this.

173 **Section 3.07 - Change title to Boundary Line Agreements/Minor Lot line Adjustment**

174 Mr. Marquise explained that the change to Section 3.07 is to help clarify the process. The name would
175 change to “Boundary Line Agreements & Minor Lot Line Adjustments” to take out the notification
176 process for these cases as the Board has the authorization to approve these.

177 **Section 3.07 - Divide this section to 3.07 (A) and (B) - (A) remove “for” in first line and change**
178 **annexation to minor lot line adjustment. Add statement to following sentence “No public notice will be**

179 required for such a proposal, except that notification must still be made per RSA 6.76; (B) Put “Voluntary
180 Merger” as heading and change “to the Town of Sunapee” to at the time of submission.

181 Mr. Clark asked and Mr. Marquise confirmed that the RSA referenced should be RSA 676:4. Mr.
182 Marquise said that he will narrow down the reference to the specific subsection of the RSA to help with
183 clarification.

184 Mr. Marquise said that the Voluntary Merger heading will be changed to be Section 3.07 B of this
185 Regulation.

186 Mr. Clark asked if the Board can require more than four copies of the submitted Mylar to have enough
187 for the whole Board. Mr. Marquise asked and the Board agreed that they do not require the full sets
188 but would like to each have a set. Mr. Marquise said that they ask for four copies because two go to the
189 Assessors, one goes in the file, and one goes back to the applicant. Mr. Marquise said that they can ask
190 for four full sets and three additional sets that do not have to be full size.

191 **Section 4.09 Add subsection (e) to Waterfront Development:** (e) All common property located within
192 the Shoreline Overlay District shall meet all provisions of the Shoreland Protection Act (RSA 483-B-1).

193 Mr. Marquise explained that this change will be made in the Site Plan Regulations and Zoning to keep it
194 consistent.

195 **Section 5.05 Change heading to Cluster Development**

196 **Section 5.05 - Delete subsections (a) , (b), and (c) and replace with the following: The Planning Board**
197 **shall review all cluster developments per Section 4.50 of the Zoning Ordinance.**

198 Mr. Marquise explained that Section 4.10 talks about Cluster and Planned Unit Developments, however,
199 Planned Unit Developments fall under the Site Plan Regulations because they are commercial
200 developments. He recommends taking “Planned Unit Development” out of this section and Section
201 5.05. Mr. Marquise also recommended getting rid of the subsections and referring to the Zoning
202 Ordinance.

203 **Section 5.07 After the first sentence add the following:** All roads that are proposed as potential public
204 town roads must meet the <insert name> Standards as well as the standards set forth in this ordinance.
205 If the standards are in conflict then the strictest standard shall apply.

206 **Section 5.07(h)(2) Change 1200 feet to 1700 feet (check with Fire Dept.)**

207 Mr. Marquise said that he has spoken to Scott Hazelton, the Highway Director, about Section 5.07 and
208 getting a proper set of standards. This will help to make sure that everything is covered. He is also
209 going to check with Chief Ruggles regarding the 1200 ft limit for the dead-end road as they are always
210 giving waivers for this requirement. There was further discussion regarding this matter.

211 **Section 5.09 (A) At the end of the second paragraph add the following:** This includes temporary
212 driveways for construction or logging activities.

213 Mr. Marquise explained that the Town's driveway regulations come from the Subdivision Regulations, so
214 they need to be rewritten to allow Mr. Hazelton the authority to approve temporary driveways as well
215 as permanent driveways. There was further discussion regarding this issue.

216 **Section 6.01 Change heading to Conceptual Consultation Phase** - Update any reference as conceptual
217 consultation phase, plus proper references to future phases.

218 Mr. Marquise explained that this heading will be changed to "Conceptual Consultation Documents".

219 **Section 6.02 Change heading to Design Review Documents**

220 **Add subsection (k) as follows:** (k) If poorly or very poorly drained soils exist on the lot, a wetland
221 delineation shall be completed and shown on the plans. If there are presumptive wetland areas, a
222 wetland delineation shall also be completed.

223 Mr. Marquise explained that "Design Review Documents" becomes "Conceptual Review Documents" in
224 Section 6.02. They will also be adding Subsection K to this section to address wetlands and make sure
225 that they are identified. There was a discussion regarding wetlands and identifying them and if they
226 should be required to be delineated on a plan, at least where the land will be disturbed. There was also
227 a conversation regarding setbacks from wetlands.

228 **Section 6.03 Delete this section**

229 Mr. Marquise explained that Section 6.03 will be deleted.

230 **Section 6.04 Add the following to subsection (l)** wetland delineation per Section 6.02(k) shall be
231 included.

232 Mr. Marquise explained that the changes in Section 6.04 correlate with the changes in Section 6.02.

233 **Section 7.02 Delete this section**

234 Mr. Marquise explained that Section 7.02 will be deleted because the fees will be moved to the
235 beginning.

236 Mr. Clark asked why there are different definitions in the Subdivision Regulations and the Zoning
237 Ordinance. Mr. Marquise said that he will go through the definitions to make them consistent.

238 **MISCELLANEOUS**

239 There was a brief discussion regarding the RSA books.

240 **ELECTION OF OFFICERS**

241 Mr. Clark made a motion to appoint Peter White as Chairman. Mr. Osborne seconded the motion. The
242 motion passed with six in favor and one abstention.

243 Mrs. Larrow made a motion to nominate Richard Osborne as Vice Chair. Mr. Butler seconded the
244 motion. The motion passed with six in favor and one abstention.

245 **MISCELLANEOUS**

246 There was a discussion regarding the member of the Board who has not been able to attend many times
247 in the past year; the Board member has been able to attend 2 meetings in 17 consecutive meetings. Mr.
248 Marquise said that there is a RSA that discusses this issue and the demonstrated absence of the
249 member. The Board decided to have Chairman White send a letter to the Board member to ask him to
250 respond to their concerns.

251 **MINUTES**

252 Changes to the Planning Board minutes from March 8, 2018: Change Line 102 to read “Mr. Clark
253 asked...”

254 Mr. Clark made a motion to approve the minutes of March 8th. Mr. Butler seconded the motion. The
255 motion passed with six in favor and one abstention.

256 Mr. Clark made a motion to adjourn the meeting at 9:12 pm. Mr. Butler seconded the motion. The
257 motion passed unanimously.

258 Respectfully submitted,

259 Melissa Pollari

260

261

262

263 Planning Board

264 _____

265 Peter White, Chairman

266 _____

267 Donna Davis Larrow

268 _____

269 Joseph Furlong

270 _____

271 Michael Jewczyn, Alternate

272

Richard Osborne, Vice Chair

Joseph Butler

Randy Clark

Suzanne Gottling, ex-officio member