

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **MAY 10, 2018**

4 **PRESENT:** Peter White, Chair; Donna Davis Larrow; Joseph Butler; Randy Clark; Michael Jewczyn,
5 Alternate; Michael Marquise, Planner

6 **ABSENT:** Joseph Furlong; Richard Osborne; Suzanne Gottling, Ex-Officio Member

7 **See attached sign in sheet**

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

9 Chairman White appointed Mr. Jewczyn to sit in for Mr. Furlong for the meeting.

10 **PARCEL ID: 0147-0019-0000: SITE PLAN REVIEW: ANTIQUE & CONSIGNMENT STORE; ROUTE 103, NAF**
11 **SUNAPEE, LLC**

12 Mr. Marquise said that this is a revised Site Plan. The application was filed in advance, fees were paid,
13 abutters were notified, and notices were posted. The application falls under Article V of the Site Plan
14 Review Regulations and is an amendment to the original Site Plan for Double Diamond, which was
15 complete at that time. Mr. Marquise said that he thinks that this application is complete in terms of the
16 revisions. There was also a Zoning Board approval that was granted to change the height of the building
17 and to put a 8 ft by 19 ft addition in the back.

18 Mr. Clark made a motion to accept the application as complete. Mr. Butler seconded the motion. The
19 motion passed unanimously.

20 Gerald Fico presented the merits of the case.

21 Mr. Fico explained that the property will be used as an antique store and possibly have some
22 consignment.

23 Mrs. Larrow asked and Mr. Fico explained the location of the property.

24 Mr. Fico gave a broader description as to what will be sold at the store. Mr. Clark asked and Mr. Fico
25 said that his wife wanted the boat storage and there is a lot of flat land but he is not sure why she plans
26 on doing that.

27 Mr. Butler asked and Mr. Marquise explained that the Zoning issue was regarding the change in the
28 height of the building as it is a non-conforming building. Mr. Fico explained that the new roof height
29 should not be more than 16 ft. Mr. Butler asked and Mr. Fico said that it is currently a flat roof and it is
30 leaking.

31 Mr. Butler asked about the days and hours of operation as the application states 8:00 – 5:00 Wednesday
32 through Sunday. Mr. Fico said that he thinks that the hours will never go past 5:00 and there would not
33 be a need to be open Monday or Tuesday. Chairman White said that the Board always recommends

34 applicants to ask for more than what they might need just to be safe. There was further discussion
35 regarding the hours and days of operation.

36 Mr. Clark asked and Mr. Fico said that outdoor products will probably be set up right outside of the
37 building and then rolled back in.

38 Mrs. Larrow asked about the parking. Mr. Fico explained that there will be two handicap spaces, 11
39 total paved spaces as well as the overflow parking, which is not paved. The parking spaces were the
40 ones that were already painted. Mr. Marquise said that the spaces are properly sized.

41 Chairman White asked if the trees in the front will be replaced. Mr. Fico said that he spoke to someone
42 from the State who told them that they are past their lifetime. He recommended pulling them out and
43 adding something green that will not be killed with the sand in the salt in the winter.

44 Mr. Marquise asked and Mr. Fico explained that he spoke to the person from the State regarding the
45 green space. Mr. Marquise said that he is concerned that the plantings and the sign are in the State's
46 right of way. Mr. Fico said that there will probably be a sign on the building with lights facing towards
47 the building but he will talk to the State about the right of way. There was further discussion regarding
48 the right of way.

49 Mr. Butler asked what kind of plantings will be added. Mr. Fico explained that they will plant bushes
50 and there is one green area by the building where plants can be added. There was further discussion
51 regarding the plantings.

52 Mr. Clark asked and Mr. Fico said that he currently does not have any specs for the proposed signs.

53 Mrs. Larrow asked about the boat storage and Mr. Fico explained that it will probably be in the overflow
54 parking area. There was further discussion about where on the property the boats could be stored.

55 Mr. Jewczyn asked about the snow removal. Mr. Fico said that he will have to move the snow. Mr.
56 Jewczyn said that he is asking because if there is boat storage on the lot then there could be an issue
57 with the snow. Mr. Fico said that the parking area is paved to the wood line and the snow could be
58 pushed there.

59 Chairman White asked as the application says that as the seasons change the business offerings might
60 change. Mr. Fico said that he was thinking that they might sell wreaths and he does not see that they
61 would make a lot of money selling Christmas trees but that might be a possibility. There was further
62 discussion regarding this matter.

63 Chairman White asked if Mr. Fico knows what size the plantings might be. Mr. Fico said that he might
64 do some dwarf spruce trees. Chairman White said that Planning Boards like screenings and buffers. Mr.
65 Fico said that he thinks that spruce trees are hardy and look nice and do not require a lot of upkeep. Mr.
66 Butler asked and Mr. Marquise said that he thinks that Mr. Fico will need permission from the State for
67 plantings in the right of way. Mrs. Larrow asked where Mr. Fico will put plantings if the State says that
68 he cannot put them in the right of way. Mr. Fico said that there is only one spot where he can add
69 plantings, where it says "lighted awning" on the plan, because everything else is paved. They may just
70 need to shorten the green space in the right of way.

71 Mr. Jewczyn asked if Mr. Fico is a member of the LLC. Mr. Fico said that he is not a member but he does
72 have permission to speak on behalf of his wife's LLC. Mr. Fico confirmed that anything that he agrees to
73 is binding.

74 Mr. Butler asked about the signage and lighting and Mr. Fico said that the sign will be lit at night. Mr.
75 Clark asked about the Board reviewing the sign details. Mr. Marquise said that the Board can continue
76 the hearing for another month to allow Mr. Fico to get more details if they would like to. Mr. Butler
77 asked about the motion light on the post. Mr. Fico said that those lights are now on a switch, they are
78 not solar. Mr. Clark asked if there will be enough lighting for safety and Mr. Fico said that he does think
79 that they will because the lights face the parking lot but he will add more lighting if he needs to.

80 Mr. Butler asked and Mr. Fico said that they plan to open next spring. The roof remodel will take time
81 and he will be away for a month or so. Mr. Clark asked if that will give Mr. Fico enough time to speak
82 with the State. Mr. Fico said that he will not be available to talk to anyone in the State in the next
83 month. Mr. Marquise said that they can continue the hearing until the June meeting and then to the
84 July meeting if necessary. Mr. Fico asked and the Mr. Marquise confirmed that the Board would like him
85 to speak to the State about the plantings and would also like something from the State in writing that
86 they are OK with the plantings. The Board said that they would also like something from the State
87 regarding the sign and would like details about the sign. Mr. Marquise said that he has never known the
88 State to approve a sign in a right of way. Mr. Fico said that he thinks that the sign that is indicated to be
89 in a right of way is just an open sign / banner. The regular sign will be on the building and he thought
90 that there should also be a sign on either end of the parking lot.

91 Chairman White asked and Mr. Fico said that they will only have a dumpster when they do the roof
92 construction.

93 Mr. Clark asked for the boat storage to be clarified on the plan as in the overflow area, not the paved
94 area.

95 Chairman White asked and there were no additional questions or concerns.

96 Mr. Marquise said that the hearing will be continued to June 14th. Mr. Fico said that he will not be
97 available for that meeting. Mr. Marquise said that they need to continue it to that meeting and then will
98 continue the hearing to the July meeting as this means they will not have to re-notice the abutters.

99 **PARCEL ID: 0218-0080-0000: SITE PLAN REVIEW: HOME & STORAGE OF EQUIPMENT FOR TREE**
100 **SERVICE BUSINESS; 24 AVERY ROAD; XAN GALLUP & MICHAEL BALL**

101 Mr. Marquise said that the application is for a 18 ft by 24 ft garage. Mr. Ball said that it is an existing
102 structure that will be moved as a whole to their location. The current owners were going to demo the
103 structure but it was offered to Mr. Ball and Ms. Gallup so they are going to move it to their property.
104 Mr. Ball said that it is to store his equipment in the winter and allow him to work on things inside.

105 Mr. Marquise said that this is an amendment to a Site Plan Review. That the application was filed in
106 advance, fees were paid, abutters were notified, and notices were posted. The application falls under
107 Article V of the Site Plan Regulations and is an amendment to the Site Plan that was approved a year

108 ago. It meets all the Zoning requirements and all of the Department Heads have signed off on the
109 application. Mr. Marquise said that he thinks that the application is complete.

110 Ms. Gallup said that the garage will be 80 ft from the road and Ms. Gallup showed the Board pictures of
111 where the garage will go on the property.

112 Mr. Clark made a motion to accept the application as complete. Mr. Butler seconded the motion. The
113 motion passed unanimously.

114 Chairman White asked and Ms. Gallup showed the Board on the plan where the garage will be situated.

115 There was a discussion regarding how the garage will be moved from its current location.

116 Chairman Gallup asked and Mr. Ball confirmed that nothing is changing with the business, they are just
117 adding a building to the property.

118 Mr. Butler asked and Mr. Ball said that they will have a police escort to move the building. It will be
119 done on a Sunday morning before Memorial Day weekend and the State permits have already been
120 obtained.

121 Ms. Gallup said that because there will be equipment stored in the building, it will be higher than it
122 currently sits. Mr. Ball said that they will have 34-inch concrete walls to have a 10 ft door instead of a 7
123 ft door.

124 Chairman White asked and there were no further comments or questions from the Board nor the
125 applicants.

126 Mr. Clark made a motion for Site Plan approval for Parcel ID: 0218-0080-0000: Site Plan Review: home
127 and storage of equipment for tree service business at 24 Avery Road. Mrs. Larrow seconded the motion.
128 The motion passed unanimously.

129 **OTHER BUSINESS**

130 **PARCEL ID: 0235-0092-0000: REVISE APPROVAL OF NEW ROAD TO INDICATE TOWN WILL REQUIRE** 131 **ENGINEERING REVIEW; EDGEMONT ROAD; BOB BELL**

132 Mr. Marquise explained that the Planning Board has given the Bell subdivision on Edgemont Road an
133 approval to build the road. The approval required a bond of construction to be worked out with the
134 Highway Director. They received a bonded amount for the engineering review, however, there is no
135 authority from the Planning Board. It has been requested that the Planning Board amend the motion
136 and then have Chairman White sign the Consulted Services Agreement to show that they have
137 authorized the payment of the escrow amount to the engineer.

138 Chairman White asked if the Board has to be cognoscente of these Consulted Service Agreements
139 moving forward. Mr. Marquise explained that engineering reviews of construction have not happened
140 in 30 years as Mr. Bergeron used to do them, therefore, an outside firm was not utilized. Mr. hazelton is
141 now going to hire outside companies for these reviews and any time that an outside firm is going to be
142 hired, the Planning Board has to authorize it. Mrs. Larrow asked and Mr. Marquise explained that the
143 Planning Board will be authorizing payment to the engineering firm from the escrow account.

144 Chairman White said that when a development comes before them with a road design on it the Board
145 says that the Highway Director must approve the road. The Board does not know at the time that the
146 Highway Director will require the utilization of outside services. Mr. Marquise said that he thinks that it
147 will need to be included in the Board's motions the authorization of paying outside consulting services
148 as may be necessary. This authorizes the Town to spend the money. Mr. Butler asked and Mr. Marquise
149 explained that the money comes from the developer and the Town holds the money in escrow. There
150 needs to be authorization for the money to be spent. This is not a bond, this is a consulted service.
151 Chairman White said that he is surprised that this is not an action done by the Board of Selectmen. Mr.
152 Marquise said that he was told that this is done by the Planning Board.

153 Mr. Jewczyn asked and Mr. Marquise confirmed that the agreement is just for the installation of the
154 road; it does not have anything to do with water and sewer, electrical, etc. Mr. Jewczyn asked and Mr.
155 Marquise explained that eventually there will be a bond for the whole project that will allow the Board
156 to sign the Mylar. This would include the drainage structures, hydrants, finishing the road, etc. At that
157 time the Board will also need to require that money be set aside for consulted services again.

158 Mr. Butler asked and Mr. Marquise explained that the engineer was hired by the Town but is paid for by
159 the developer.

160 There was further discussion regarding the Board voting to authorize the money to be spent. There was
161 also a discussion regarding how to word the motions for bonds to be required as well as that any outside
162 consulting services must be paid by the developer.

163 Chairman White said that the Board did not require any outside consultation. Mr. Marquise said that
164 the Board said that it needed to be worked out with the Highway Director and that is how it was worked
165 out. In the future, as projects come up, Mr. Marquise will ask at Peer Review if outside services will be
166 required in order for the Board to know at hearings.

167 Mr. Butler said that he is concerned that the Board is authorizing a payment when they have not seen
168 any paperwork or contracts regarding what was done. Mr. Marquise said that the Board is not
169 authorizing the payment, they are authoring the process and they are allowed to authorize the process
170 under 4.07 of the Subdivision Regulations. There was further discussion regarding this matter.

171 Mrs. Larrow made a motion to revise the Planning Board's approval for Parcel ID: 0235-0092-0000 for
172 Edgemont Rd, Bob Bell's development; which was granted under the specifications of Subdivision
173 Regulation 4.07 for the engineering requirement. Mr. Clark seconded the motion. Mr. Marquise said
174 that he would add that it is for Special Consulting Services for the engineering. Mr. Butler asked and it
175 was explained that this is the first time the engineering services have been required but it will probably
176 be required again in the future. Mrs. Larrow amended her motion to include that it is under the
177 specifications of Subdivision Regulation 4.07, Special Consultants Services of the Regulations. Mr. Clark
178 seconded the amendment. The motion passed unanimously.

179 The Board asked and Mr. Marquise explained that the form needs to be signed by Chairman White. The
180 form came from another Town and edited to fit Sunapee's use. The money has already been collected
181 from Mr. Bell. Chairman White said that he is not approving a receipt of \$6,000. Mr. Marquise said that
182 Chairman White is just approving the agreement.

183 **WETLANDS REGS – ZONING ORDINANCE SECTION 2.30**

184 Mr. Marquise explained that there is a Wetlands Overlay District that is sited in the Zoning Ordinance
185 under Section 2.30 and is basically defined as any area on the map that has poorly drained soils per the
186 CS Soil Map; it is available as a layer on the online GIS map. Any time that type of lot is found, the
187 Zoning Administrator is supposed to deny all building on the lot. There is a process that says that a
188 Certified Wetlands Scientist can go designate the wetlands and present it to the Planning Board for
189 approval. When this first started the Planning Board did not have hearings on these cases and it was
190 handled administratively as the Board felt that a Certified Wetlands Scientist was enough evidence that
191 there were no wetlands. Mr. Marquise asked the Board if these things can still be handled
192 administratively by himself and Ms. Gage or if they want to review these cases.

193 Mr. Clark asked and Mr. Marquise confirmed that the State certifies the Wetlands Scientists. They will
194 delineate the wetlands and sign off on the plan. Some of the areas on the current maps are shown as
195 wetlands but are not wetlands.

196 Chairman White asked and Mr. Marquise said that the Ordinance says that the Planning Board makes
197 the judgement on the wetlands and he wanted to know if they want to do this or have it handed by
198 himself and Ms. Gage as the delineations will be done by a Certified Scientist. Mr. Butler asked and Mr.
199 Marquise explained that it is not for subdivisions or anything that the Planning Board would be looking
200 at, it is part of the basic building permit process. If a Wetlands Scientist does determine that there are
201 poorly drained soils then an application will need to be made to the State before going to the Zoning
202 Board to get a Variance to build in the Wetlands Overlay District. There was further discussion regarding
203 this matter.

204 The Board determined that they do not have a problem with this being handled administratively. The
205 Board discussed that this section of the Ordinance will need to be updated.

206 **CAPITAL IMPROVEMENT PROGRAM (CIP)**

207 Mr. Marquise explained that the CIP was authorized in 1991 and the Planning Board spent a lot of time
208 on it in the early years. When John Wheeler became the Town Manager in 1995 / 1996 he took a lot of
209 it over and the Planning Board did not have as much to do with it. There has been a committee
210 developed to make recommendations to the Advisory Budget Committee and the Board of Selectmen,
211 though there hasn't been a lot of activity because no one has been on the Committee. They are now
212 trying to get the committee going again and need a Planning Board committee on it. Mr. Clark said that
213 he would volunteer for the committee after he takes the Bar in July. Mr. Jewczyn asked and Mr.
214 Marquise explained what the CIP Committee does for the Town.

215 **MINUTES**

216 Changes to the Planning Board minutes from April 12, 2018: Change Line 28 to read "...one of the lots
217 has a sewer easement as well as..." Change Line 80 to read "Mr. Clark asked about the water on the site
218 and Mr. Lemieux said that..." Change Line 82 to read "...lot shaped like a bowl. There is a vegetative
219 buffer..."

220 Mrs. Larrow made a motion to approve the minutes as amended. Mr. Jewczyn seconded the motion.
221 The motion passed unanimously.

222 **MISCELLANEOUS**

223 Mrs. Larrow said that at the May Zoning Board meeting, one of their approvals included that the plan
224 submitted must be part of the applicant's submission to the Planning Board and she wanted to make the
225 Board aware of that.

226 Mr. Clark asked and Mr. Marquise said that the Planning Board will meet with the Zoning Board in
227 September.

228 Mr. Clark made a motion to adjourn the meeting at 8:37 pm. Mr. Butler seconded the motion. The
229 motion passed unanimously.

230 Respectfully submitted,

231 Melissa Pollari

232

233

234

235 Planning Board

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237 Peter White, Chairman

Richard Osborne, Vice Chair

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239 Donna Davis Larrow

Joseph Butler

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241 Joseph Furlong

Randy Clark

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243 Michael Jewczyn, Alternate

Suzanne Gottling, ex-officio member

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