

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **APRIL 11, 2019**

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

6 **ABSENT:** Richard Osborne

7 **See attached sign in sheet**

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

9 Chairman White asked Mrs. Larrow to sit in for Mr. Osborne as a voting member for the meeting.

10 **ELECTION OF OFFICERS**

11 Mr. Clark made a motion to nominate Peter White as Chair. Mr. Butler seconded the motion. The
12 motion passed with five in favor and one abstention.

13 Chairman White made a motion to nominate Michael Jewczyn as Vice Chair. Mr. Clark seconded the
14 motion. The motion passed with for in favor and one abstention.

15 There was a discussion regarding the Capital Improvement Plan (CIP) Committee as the Board needs a
16 member to serve on the committee. Mr. Jewczyn said that he would serve on the committee.

17 **PARCEL ID: 0211-0016-0000 & PARCEL ID: 0211-0017-0000: BOND HEARING & LOT MERGER; 1000**
18 **ROUTE 11, HIGH PINES PROPERTIES, LLC**

19 Rod Finley of Pathways Engineering presented the case on behalf of the applicants.

20 Mr. Finley said that the owners of the property have completed a lot merger application and there is an
21 approval with eleven conditions that they believe are also completed. Mr. Marquise said that the
22 conditions were: the lot merger, which will be handled at this meeting; the storm water management
23 plan and drainage calculations, which is part of the packet; an updated DOT approval, which has been
24 received; the distance between the buildings being approved by the Fire Chief, which has been
25 completed with all the Department Heads sign offs; the bond hearing is going to happen at this meeting;
26 the berm and split rail fence needs to be a discussed because it has been changed as part of the
27 Wetlands Oermit; and the Wetlands Permit, which Mr. Finley said he has received.

28 Mr. Marquise asked about the recommended split rail fence the Board recommended and the berm.
29 Mr. Finley said that the NH Wetlands Bureau wanted the storm water to be able to enter the isolated
30 upper piece of wetlands area to keep it wet and thought that the berm would dry it out so they
31 removed the berm to allow the water to enter the area. The Board asked and Mr. Finley confirmed that
32 the berm was going to be situated around the wetland that is between the buildings. Chairman White
33 said that the Board had asked for a split rail fence along the berm to help protect it. One of the property
34 owners confirmed that the Board requested the fence to help with erosion and to keep the berm safe

35 from snow being plowed into the area. Mr. Marquise asked if they will keep the fence even with the
36 berm being removed and the one of the owners said that the fence will be around the wetland area and
37 will help to protect the wetland. Mrs. Larrow said that the Board was concerned about snow being
38 pushed into the wetland but if the fence is there then it will prevent that from happening.

39 Mr. Marquise asked and Mr. Finley said that they do have the bond estimate. One of the owners gave
40 Mr. Marquise the copy of the estimate of the work to the Board. Mr. Marquise said that the bond
41 amount is \$480,020.06, which includes a 10% contingency. Chairman White asked and Mr. Marquise
42 confirmed that the agreement is made with the Town, through the Board of Selectmen. The bond
43 agreement is typically reviewed by the Town's attorney to ensure that the Town is protected before the
44 Selectmen sign it.

45 Mr. Marquise said that with the bond and everything else, he thinks that all the conditions have been
46 met.

47 Mr. Marquise said that the oversight of the site work has to be ironed out with Mr. Hazelton and the
48 Board of Selectmen. Mr. Finley said that he spoke to Mr. Hazelton about it and he indicated he would
49 require part time construction observation to confirm the site work is done according to the approved
50 plan. Pathways has submitted a change order to the owners of the property, which has been executed,
51 and they will be on site to observe the construction. Mr. Marquise asked and Mr. Finley gave the Board
52 a copy of the signed change order.

53 Mr. Marquise said that there will need to be two motions regarding this case. The first will be to
54 approve the lot merger and the second will be to approve the bond amount. The lot merger is for the
55 lot with the existing self-storage buildings being merged with the lot where the new buildings are
56 proposed to be built.

57 Mr. Jewczyn asked if there is a time limit for the work to be completed. Mr. Marquise said that there
58 was a time limit of six months for the owners to meet the conditions of approval and return for the bond
59 hearing. Mr. Jewczyn asked and one of the owners said that a scenario where they would not be able to
60 complete the project would be if the project costs more than the contractor quoted them and they
61 would have to run out of money. The site work is fairly easy and there should not be any issues; the
62 worst-case scenario is that the bonding company steps in and finishes the work. There was further
63 discussion regarding this matter.

64 Chairman White said that Pathways Consulting is working for the owners, but the change order says that
65 they will "visit the site periodically upon request during site construction" and asked if that would be at
66 Mr. Hazelton's request or the owner's request. Mr. Marquise said that he is going to pass this on to Mr.
67 Hazelton as it is a little unusual as Pathways typically does the reviews for the Town, but they are the
68 owner's agent in this case. One of the owners said that Pathways will be inspecting after the completion
69 of each phase. Chairman White asked and it was confirmed that Pathways did all the drainage designs.

70 Mr. Claus asked and Mr. Marquise confirmed that the bond is for the site work as the building
71 construction is not usually bonded.

72 Mr. Butler asked and it was confirmed that they have hired a site contractor.

Mr. Clark asked about the draft Stormwater Pollution Prevention Plan (SWPPP) as there are question marks all over the document. Mr. Finley explained that it has to be completed but are waiting to hear back from the Bureau of Historic Resources and once they hear from them and are told that it is acceptable they will fill out the document, file the Notice of Intent with the Environmental Protection Agency, and after 10 days they can start.

Mr. Butler asked about the berm and if that area will be used for runoff or if it is being changed to a live portion of the wetlands. Mr. Finley said that the berm is going away so that the water will not be redirected by it and the water will be flowing into the wetland. The berm was going to be protecting the wetlands but the runoff will now come from the paved area because the Wetlands Bureau wanted the water to enter the area; the rest of the site remains the same. Mr. Butler asked and Mr. Finley said that there is a new plan and gave the Board a copy of the plan. The Board asked and Mr. Finley said that there are conditions on the Wetlands Permit.

Mr. Marquise asked for three sets of final plans to be submitted to him for the file.

Chairman White asked and there were no questions or comments from anyone in the audience; there were no additional questions or comments from the applicants.

Mr. Jewczyn asked if the Board is accepting this conditioned on a periodic inspection by Mr. Hazelton. Chairman White said that is up to Mr. Hazelton. Mr. Marquise said that the Board requested that there be some oversight to this project but how it works is usually up to Mr. Hazelton. Mr. Jewczyn asked if there will be a frequency that this happens and Mr. Marquise said that the change order says that there will be periodic site visits up to a total of 40 hours.

Mr. Butler said that the last time this proposal was heard by the Board they were only going to complete the site work but not all the buildings. Mr. Finley said that Pathways will be observing the site work. Mr. Butler asked about the timeframe for the construction of the buildings. One of the owners said that they plan to build two of the buildings this year, they may pour the pad for the third building but not construct it this year. Mr. Marquise said that usually you are given a year to complete the infrastructure related to the bond and four years to finish the buildout of the buildings and he would recommend that as a template in the Board's approval; if the buildings are not completed then they will need to come back before the Board for reapproval. Mrs. Larrow asked and Mr. Marquise said that the lot merger is a separate part.

Mrs. Larrow made a motion to accept the lot merger of Parcel ID: 0211-0016-0000 and Parcel ID: 0211-0017-0000, for High Pines Properties, LLC. Mr. Clark seconded the motion. The motion passed unanimously.

Mr. Jewczyn asked if any fill material will be trucked into the site and if the quality of the fill been checked for contaminants. One of the owners confirmed that there is certification for what is being brought in.

Mrs. Larrow made a motion to accept the bond estimate amount of \$480,020.06, which contains a 10% contingency with a one-year site improvement completion, four year build out completion, and site observation requirement completed by Scott Hazelton, Highway Director, for High Pines Properties, LLC,

111 Parcel ID: 0211-0016-0000 and Parcel ID: 0211-0017-0000. Mr. Jewczyn seconded the motion. The
112 motion passed unanimously.

113 **PARCEL ID: 0235-0083-0000: TREE CUTTING & VEGETATION CLEARING, EDMONT RD, ANDREWS &**
114 **ANGELA NEILSON**

115 Andrew and Angela Neilson presented the merits of their case.

116 Mr. Marquise said that the Zoning Ordinance states that the Planning Board has to review applications
117 for cutting more than five trees within the 150 ft Shoreland buffer within a twelve-month period. This
118 application is to cut more than five trees and the Zoning Administrator has recommended that it be
119 reviewed by the Board. There are no review guidelines or application checklists, however, the
120 application was posted and abutters were notified.

121 Mr. Neilson said that they own a 2.10-acre lot on Mountain View Lake along Route 103b. They are
122 planning on building a three-bedroom home on the lot and have both the Shoreland Protection approval
123 and Septic Design approval from the State. This fall, they would like to start cutting the trees and
124 getting the well in and the septic system installed. They would like to get the permit for the excavation
125 for the foundation sometime later in the year. Mr. Neilson continued that all the documents are on file
126 with the Town regarding the calculations for the surface area and the trees being cut along with the
127 copies of the State permits.

128 Chairman White asked and Mr. Neilson confirmed that the lot is on Samoset Rd and there is 2.10 acres
129 that encompasses two other parcels. Mr. Neilson said that they also own approximately 30 acres across
130 the street from this lot.

131 Mr. Claus said that the Board has a copy of a tree inventory that shows the 25 ft segments. Mr. Neilson
132 confirmed that that plan has been approved by the State. Mr. Neilson said that the Town has additional
133 requirements for the clearing beyond the 50 ft buffer zone which is all for the clearing that will be done
134 for the septic system and house. Mr. Claus asked and Mr. Neilson said that they were able to stay
135 within the State's points requirements with the trees that they are proposing to remove. Mr. Claus
136 asked and Mr. Neilson said that all of the trees are marked but he did not count all of the ones they are
137 cutting; the only trees that are counted are on the State's permitting plan. Mr. Claus said that the plan
138 shows only five trees being cut and Mr. Neilson said that is because only the trees that are being cut in
139 the 50 ft buffer. Mr. Neilson continued that Ms. Gage said that the trees needed to be marked and then
140 there would be flexibility for the trees that need to be cut for the foundation and septic system. Mr.
141 Marquise said that the Town has a 150 ft woodland buffer, not just a 50 ft buffer are shown on the plan.
142 Mr. Claus asked if those trees are scattered or more consolidated in front of where they house is being
143 built. Mr. Neilson said that the trees shown along the buffer are against the lake; what is being cut
144 around the foundation area and septic area is more consolidated. Mr. Neilson said that the plan does
145 not show trees being cut outside the 50 ft buffer zone because they were outside the requirements for
146 the State permitting. Chairman White asked if they will be cutting more trees than indicated in the 50 ft
147 buffer. Mr. Neilson said that they are and that is what created the need to get the Planning Board's
148 approval. Chairman White asked and Mr. Marquise said that they are cutting five trees in the 50 ft
149 buffer but more than five trees in the 150 ft buffer. In the 50 ft buffer the stumps must remain but in

150 the 150 ft they can excavate for their building area. Mr. Neilson said that for the septic system the
151 stumps will need to be removed.

152 Mr. Clark asked and Mr. Neilson said that he owns property on both sides of 103b but this lot is a 2.10
153 acre property along the lake. Mrs. Neilson showed the Board the lots they own and the lot that they are
154 discussing. There was further discussion regarding this matter.

155 Mr. Claus asked and Mr. Neilson said that the plan does show some trees in the proposed location of the
156 septic that they need to cut but there are additional trees that are not shown on the plan that need to
157 be cut.

158 Chairman White asked and Mr. Neilson said that the well is on the edge of the 50 ft buffer zone and is
159 permitted by the State. Mr. Claus said that he thinks that the State no longer has a setback for wells
160 from waterways, which might be a new rule.

161 Chairman White asked about the tree plan and Mr. Neilson confirmed that the trees indicated on the
162 tree plan are within the 50 ft buffer; the additional trees that they are going to cut are back further into
163 the 150 ft buffer. Mr. Claus asked and Mr. and Mrs. Neilson confirmed that the additional trees being
164 cut are for the septic system and the house.

165 Mr. Clark asked if there is any wetlands disturbance that needs to be dealt with by DES as they are
166 removing stumps for the foundation and septic system. Mr. Claus said that there is a wetland off to the
167 side but not near the house or septic system sites. Mr. Marquise said that the Town does not have a
168 wetlands setback.

169 Mr. Jewczyn asked if after the structure is complete if additional trees can be cut. Mr. Clark said that in
170 another twelve month they can take another five trees if they want. Mr. Marquise said that there are
171 limits on the point threshold within the 50 ft buffer. There was further discussion regarding the trees
172 being removed, exemption areas, and the basal area.

173 Mr. Clark asked if the house will be seen from the lake and Mr. Neilson said that there will still be a lot of
174 trees on the lot between the house and the lake, though the house will be visible from the lake. Mr.
175 Claus said that there are some fairly big trees that are being left. There was further discussion regarding
176 the trees being cut.

177 Chairman White asked if anyone in the audience had any questions or concerns.

178 Charles Saggiotes, 14 Samoset Rd, said that his family has owned the property next to this property for
179 over 80 years. He is concerned because when he was younger the lot was fully wooded and over the
180 years trees have begun to go missing. He is concerned because if too many trees are removed they will
181 be completely wiped out versus other owners in that area who have kept their lots the same for as long
182 as they have owned them. He is also concerned because he has a right of way over the Neilson's
183 property and wants to know if his driveway is going to be changed and more trees taken down. His
184 leach field also abuts this property so he is concerned because if rocks will be blasted to put the
185 driveway in or if additional trees are removed then he could have problems with his leach field.

186 Chairman White asked and Mr. Saggiotes said that his property is closer to the traffic circle. Mr.
187 Saggiotes said that he is concerned about having all the trees removed from the Neilson's lot and the

188 possibility of the driveway being reconfigured or more vegetation being removed after twelve months.
189 His lot is currently buffered by 103b and protected by the vegetation. Chairman White said that there is
190 always a fine line between the way things have always been and an individual's right to do what they
191 want on their property. Mr. Saggiotes said that the five families all grew up there and have a love of
192 Mountain View Lake. He is not trying to prevent the Neilson's from building, he just wants to make sure
193 there is enough oversight so all the trees are not removed. Mr. Jewczyn asked and Mr. Saggiotes said
194 that when the Perkin's owned the lot was fully covered with vegetation but over time trees have been
195 cut. Mrs. Neilson said that the previous owner removed the vegetation before they bought the lot.

196 Pat Whitney, 4 Samoset Rd, said that she lives at her property year-round and there is a lot of traffic
197 noise from 103b and across the lake from 103. She would like to encourage the Neilsons to keep as
198 many trees as they can as there is a lot of noise and the more open the lot, the more noise there will be.

199 Mrs. Neilson said that they have owned their property in Oakledge for 26 years. They purchased the lot
200 next to their property and have not cut any trees that they could have cut in order to get a view of Mt.
201 Sunapee, which she thinks is a testimonial as to how they maintain their property; they do not intend to
202 clear cut their land. Chairman White said that there is no indication to clear cut the land.

203 Mr. Neilson said that the plan does indicate that they will be revising the access to the Saggiotes'
204 property and moving it slightly. Mr. Saggiotes asked and Chairman White said that he can look at the
205 plan that shows the driveway. Mr. Saggiotes said that a couple of years ago people removed his
206 boundary markers and he does not know who it was, so he is wondering if the boundaries are correct.
207 Mr. Neilson said that when they purchased the property, they had a certified plot plan done by Clayton
208 Platt to be able to identify the corner markers before they purchased the property. When Mr. Platt did
209 the survey, he noticed a corner stone that had been knocked over, he placed in the corner and also put
210 a stake in the ground. Mr. Saggiotes disagreed with where the surveyor put the stake and replaced the
211 granite post to where he thought it went. When that occurred, Mr. Neilson had a formal survey done
212 and had permanent pipes set in the line, regardless of where the granite post is located. Chairman
213 White said that if Mr. Saggiotes disagrees with where the boundary line is located then he and Mr.
214 Neilson need to work it out. Mr. Neilson said that his granite marker is in the ground fairly deep and
215 flush in the dirt and there is no way that a plow would have taken it out. There was further discussion
216 regarding the boundary line.

217 Chairman White asked and it was confirmed that the Saggiotes' have a deeded right of way across the
218 Neilson's property. Chairman White said that a right of way is not something that the Board deals with.
219 Mr. Saggiotes said that he is concerned that the boundaries have been changed so now more vegetation
220 can be removed and the driveway can be changed to someone else's liking. Chairman White said that
221 this is a civil issue and he recommends that Mr. Saggiotes contact a lawyer. Mr. Saggiotes said that he is
222 concerned about the vegetation and removal of trees that are possibly on his property. Chairman White
223 said that is all interconnected and if Mr. Saggiotes has a concern that there will be more trees or
224 vegetation removed that are on his property it is a civil issue. The Board has no way of knowing where
225 the property line is, other than the documentation that they have been given. Mr. Neilson said that
226 they have gotten a survey done by a certified surveyor and had no reason to change any of the
227 boundary lines. Chairman White said that if Mr. Saggiotes has concerns he should speak to an attorney.
228 Mr. Saggiotes asked how this impacts the driveway and the vegetation. Chairman White said that the

229 Board is not dealing with the driveway; this is a residential building lot and the Board usually does not
230 get involved with private driveways at all. Mr. Saggiotes asked if Mr. Neilson alters the driveway if an
231 ambulance has to be allowed to get to his property. Chairman White that is normally the case, however,
232 he recommends Mr. Saggiotes consult an attorney to look at the deed; right of ways can be clearly
233 defined or they can be shifted on a property as long as they still provide access. There was further
234 discussion regarding this matter.

235 Chairman White asked and Mr. Saggiotes said that the Neilsons sent him a copy of the proposed plan.
236 Mr. Saggiotes said that he spoke to a surveyor about the proposed plan and his concern is if the
237 driveway is changed and there is a ledge there then it could cause some issue with his leach field. The
238 surveyor advised him to ask for something in writing that protects him for a three to five-year period.
239 Chairman White said that is something that will need to be established between Mr. Saggiotes and the
240 Neilsons as that is not anything the Board would be involved in.

241 Mr. Clark said that would have liked the Board to be able to see a copy of the plan of trees being cut.
242 Mrs. Larrow said that there is documentation in the Zoning Administrators office that covers what has
243 been approved. Mr. Marquise said that there is also an approved Shoreland Permit.

244 Mrs. Larrow made a motion to accept the plan as presented for the tree cutting and vegetation clearing
245 for Andrew and Angela Neilson, Parcel ID: 0235-0083-0000 with the plan that has been presented, the
246 paperwork that is on file at the Zoning Administrator's Office and outlined in the Shoreland Permit. Mr.
247 Claus seconded the motion. The motion passed unanimously.

248 **MISCELLANEOUS**

249 There was a brief discussion regarding site visits and that the Board members cannot visit a site together
250 without noticing it as a meeting.

251 **CONSULTATIONS – BILL WIGHTMAN, 25 MAIN ST**

252 Chairman White explained that this is a consultation, which means that it is a non-binding discussion of
253 ideas. There is nothing that will be voted on, nor should anything said be construed as an approval or a
254 denial. Mr. Marquise said that the Board will not be voting but they still need to determine if a Site Plan
255 is required or if they think that it does not need one, which can be done by a consensus. Chairman
256 White asked and Mr. Marquise said that he thinks that the Board needs to get what is happening on
257 record so if something different happens then the Board has it documented. Mr. Marquise said that in
258 this case he did not feel comfortable just signing off on the proposal.

259 Bill Wightman explained that this is a pre-existing non-conforming property right on Main St. The
260 building that he is discussing is attached to the main building and this is the final thing to fix. The
261 building currently looks like series of sheds as there are six doors along the front. Three of the doors
262 currently hold his woodworking shop and the also does music production. When he purchased the
263 property, he was told there are spots in front, however, this does not work in the winter so he worked it
264 out with a neighbor to park on his lot. He would like to have a couple of garage spaces for parking,
265 which will take up about half the area. The space to the side of the garage space will become the shop
266 and the storage will be moved upstairs. Mr. Wightman asked and Mr. Marquise said that he does not

267 know if this will create a functional increase as the space will be doubled overall. Mr. Wightman said
268 that above the garage will not be commercial use because it will only be six feet tall or so.

269 Mr. Butler asked and Mr. Marquise explained that the property is zoned Village Commercial.

270 Mrs. Larrow asked and Mr. Wightman explained that if you are looking at the building from the street,
271 the garages are going on right next to the house. Mrs. Larrow asked and it was confirmed that Mr.
272 Wightman will need to cross traffic to pull into his garage and back up the street or cross traffic to back
273 out of his garage. Mr. Wightman said that he plans to back in, not necessarily pull in.

274 Chairman White asked and Mr. Wightman said that he does not have any employees, nor does he plan
275 on hiring any employees.

276 There was a brief discussion regarding the parking on the property as Mr. Wightman is currently parking
277 on the street and this would give him a place to park.

278 Chairman White said that he thinks that Mr. Marquise's concern is if this is a commercial operation and
279 Mr. Wightman increases the square footage it might allow him to increase the operation. Mr. Marquise
280 said that when he signs off on a Statement of Property Usage, he is signing off that there is no change in
281 use, no increase in use, and no increase in the intensity of the use. If there is any increase or change, he
282 wants to make sure the Board has a chance to discuss if they think that a Site Plan is required.

283 Mr. Butler asked and Mr. Marquise said that this proposal needs Zoning approval. Mr. Clark asked and
284 Mr. Wightman said that the Zoning hearing is on April 18th and is for a Special Exception to expand the
285 envelope because he wants to go up 6 ft. Mrs. Larrow asked and Mr. Wightman confirmed that the
286 structure will be well below the maximum height allowed. Mr. Larrow asked why Mr. Wightman only
287 wants to go up 6 ft. Mr. Wightman said that he does not want to go much higher because he has a deck
288 that he does not want to block.

289 Mr. Butler asked and Mr. Wightman confirmed that he lives at the property; the office is downstairs in
290 the main building and he lives upstairs. He does music production and some carpentry. Chairman
291 White asked and Mr. Wightman said that he occasionally teaches music and that is not changing.

292 Mr. Jewczyn asked and Mr. Wightman said that he will be tearing down the current section of building
293 where the garages are and rebuilding them from the foundation up.

294 Mr. Butler asked if there are any setback issues and Mr. Wightman said that the buildings are non-
295 conforming. He plans to build on the same footprint and will not be any closer to the road than he is
296 now.

297 Mr. Claus asked and Mr. Wightman confirmed that the increase in the square footage is the 6 ft
298 additional space over the garage. Mr. Claus asked how much additional square footage will be added as
299 that space could be perceived as the additional commercial space. Mr. Butler asked if the space is
300 residential and Mr. Marquise said that it is described as additional shop space and storage. Mr. Claus
301 asked if this space is used for storage if the Board sees it as an additional commercial increase.

302 Mr. Jewczyn asked if water and / or sewer will be hooked up and Mr. Wightman said that it is not living
303 space so there will be no water or sewer.

304 Mr. Marquise said that there will be garage space for two bays and then beyond that space there will be
305 other space and the storage will go upstairs. Mr. Marquise asked if the space next to the garages will be
306 additional commercial space. Mr. Wightman said that the whole area is used as a commercial shop and
307 for storage. The storage space will be displaced to the upper part of the building; the garage will go
308 where the current shop is located and the shop space will be slid down to where the current storage
309 space is located. Mr. Jewczyn asked and Mr. Wightman said that he has large props that he stores.
310 There was further discussion regarding the current and proposed space and that there will not be an
311 increase in the space used commercially.

312 Chairman White said that he understands Mr. Marquise's concerns because things are getting moved,
313 however, Mr. Wightman has said that there is no increase. Mr. Marquise said that he does not
314 necessarily believe that this needs a Site Plan Review, he just wanted the Board to have the discussion.
315 If the Board is comfortable, they can say it does not need a Site Plan Review and he can sign off on the
316 proposal. Mr. Jewczyn said that he thinks that this case should be heard because he has some
317 questions about it. Chairman White said that what the Board needs to determine is if they feel as
318 though the commercial space is being increased and if a Site Plan Review is required based on what the
319 applicant is doing to the building. He does not think that the commercial space or commercial use is
320 being increased based on what Mr. Wightman has written and said. Mr. Butler asked and Mr.
321 Wightman confirmed that the building will be rebuilt on the existing footprint. Mr. Butler said that as
322 long as Mr. Wightman does not deviate from what he is telling the Board, he does not see the need for a
323 Site Plan Review. Mrs. Larrow, Mr. Clark, and Mr. Claus agreed with Mr. Butler. Mr. Jewczyn said that
324 he will agree with the majority; he just feels that at a future date this could turn into a bigger
325 commercial concern. Chairman White said that if it changes in the future it will need to come before the
326 Board. Mrs. Larrow said that Mr. Wightman is telling the Board, and has put in writing, that the
327 commercial use is not increasing. Chairman White said that if the Board agrees then there does not
328 need to be a motion, this just requires a consensus from the Board. Mr. Marquise said that it seems as
329 though the Board has determined that there does not need to be a Site Plan Review.

330 **PUBLIC HEARING: SITE PLAN REGULATION AMENDMENTS (SEE ATTACHED)**

331 Chairman White explained that the Site Plan Regulations can be amended by the Board at a public
332 hearing rather than on the Town Warrant.

333 Mr. Marquise said that the first proposed change is to Article I Authority and Applicability and the intent
334 of this amendment is to add that the Board does not just look at multi-family dwelling units, they also
335 look at any configuration of three or more residential dwellings. He does recommend that the wording
336 says: "...non-residential uses, multi-family dwelling units, and / or three or more residential dwelling
337 units in any configuration..."

338 The Board had no questions regarding this amendment

339 Mr. Marquise said the seconded proposed Amendment is Article III Procedure for Site Plan Review to
340 make things consistent where they talk about "design" review and not "preliminary review". Section A
341 should say: "conceptual review (Phase I), design review (Phase II), and final application review (Phase
342 III)."

343 Chairman White said that it is rare to have a project go through all the phases before the Board; typically
344 projects that the Board hears are the final applications. Mr. Marquise said that the Board does
345 occasionally hear conceptual reviews, however, the final application review is the only thing that is
346 required. The three phases are beneficial to applicants so they do not get to the final phase and have
347 any issues that need to be corrected. Chairman White asked and Mr. Marquise confirmed that there is
348 no time limit to go through the three phases. Mr. Claus said that he thinks that the Harbor House Livery
349 went through the three phases.

350 Mr. Marquise said that a change on Section C: Phase II should say: "A formal meeting on a particular
351 design review..."

352 Mr. Marquise said that the changes to Section G: Notice of Application; Fees are to update who needs to
353 be notified per the RSA.

354 Mr. Marquise said that under Section I. Formal Consideration: the first change is that the application
355 needs to be approve or denied within 65 days of acceptance. The second change is that the applicant
356 can seek further relief. Mr. Marquise continued that Mr. Clark told him that there is a bill that is being
357 discussed that would establish a statewide housing board that would be able to made a decision as to if
358 the Planning Board has acted appropriately. Chairman White asked and Mr. Marquise confirmed that
359 the term "acceptance" means after the Board has accepted an application as complete, it currently says
360 "submission", which is when the application is submitted.

361 Mr. Marquise said that for Section K. Notice of Decisions this proposed change is to ensure that there is
362 no implication that the application has to be mailed to the applicant after five days. The other change is
363 that "5 days" should say "5 business days".

364 Mr. Marquise said that Article V are the application requirements. Mr. Marquise said that the
365 amendment to Section A(9) is to change the proposed contours to two feet, which is more of an industry
366 standard. The Amendment to Section A(12) is to change it from WSPCD to DES and about the water
367 supply. The Amendment to A(21) is to add a statement to incorporate the items required in D(2) such as
368 the description of business activities, number of employees, estimated number of customers, etc. Mr.
369 Marquise continued that for B(2) the amendment is to take out the proposed hours of operation
370 because that is in D(2). The Amendment to B(3) is to update the State Permits so that they are the
371 correct names.

372 Mr. Marquise said that Article XII is about Bonding and the changes are in accordance to what the Board
373 currently does; if someone is doing construction they can reduce the bond amount when they reach a
374 certain point. Mr. Clark said that in the fourth line down "Board" needs to be capitalized.

375 Mr. Marquise said that the amendment for Article XII is a recommended change from Ms. Gage.
376 Chairman White said that it says "Building Permit" and Mr. Marquise said that it should say "Certificate
377 of Zoning Compliance". Mr. Marquise continued that the change does not change the intent but
378 explains the reasons why they are done. The proposed Amendment should read "at least two weeks
379 prior to the competition to Site Plan improvements, the property owner shall apply for a Certificate of
380 Site Plan Compliance. The purpose of the application is to allow site visits, project review, and sign offs
381 by the Planning and Zoning Department and any applicable Department Heads noted in Article V: A(3) as

to adherence and compliance with the approved Site Plan. Chairman White asked and Mr. Marquise said that it will be a new Certificate that will be used by the Planning and Zoning Departments and will have sign-offs from applicable Department Heads. Chairman White said that he asked a Town official and was told that the Town cannot stop someone from operating their business even if items on their Site Plan have not been completed. Mr. Marquise said that he does not think that is true because not having a complete Site Plan is a violation of the Zoning Ordinance, which is enforceable by the Board of Selectmen. Mr. Claus said that he agrees because, in his experience, if there are site requirements then they must be signed off on, typically before a Certificate of Occupancy is approved. There was further discussion regarding this matter.

Mr. Marquise said that Article XIII is about Compliance Hearings and there are conditions that are precedent and conditions that are subsequent. Ms. Gage recommended that if conditions are made the Board should note if they are conditions precedent, which are conditions that need to be met before a final approval, or conditions subsequent, which are conditions that can be met after the approval but before the business can operate.

Mr. Marquise said that the first change to the Appendix is for Parking Space Dimensions as 9 ft x 18 ft has always been used but does not work now so the change is to 10 ft x 20 ft. There is also a change to the parking guideline that allows for a provision that the applicant may show that more or less spaces may be required based on the project. Chairman White asked why the "Guidelines for minimum number of parking spaces required" are guidelines and not regulations and if it is to give the Board flexibility. Mr. Marquise said that it is in the Appendix so it gives the Board flexibility because there may be circumstances where the required number of parking areas is not needed.

There was a brief discussion about esthetics and parking and about parking in the Harbor.

Mr. Marquise said that the change to "Loading Spaces" is to change "30 ft in height" to "30 ft in depth".

Mr. Marquise said that the change to "Grade Criteria for Drives / Roads" is to remove "First 60 ft from intersections +/- 2.0%" and add "all driveways shall meet town road intersection requirements as found in Section 5.09 of the Subdivision Regulations".

Mr. Marquise said that changes to the fee schedule were last done in 2006 and he feels as though raising the fees is appropriate. Mr. Clark asked if there is room to add a fee if the project is large and Mr. Marquise explained that there is no cap for the fees. For example, for a non-residential building the fees are per 1,000 sq ft and per 5,000 of land disturbed beyond the building footprint. The goal is to offset the administrative expenses with the Planning and Zoning fees.

Mr. Clark made a motion to accept the changes that Mr. Marquise has proposed regarding the Site Plan Regulations. Mr. Butler seconded the motion. The motion passed unanimously.

MINUTES

Changes to the Planning Board minutes from March 14, 2019: Change Line 317 to read "Mr. Jewczyn asked if another condition would be that the SHA let the Department Heads know about..."

418 Mr. Clark made a motion to approve the minutes as amended. Mr. Butler seconded the motion. The
419 motion passed unanimously.

420 Mr. Clark made a motion to adjourn the meeting at 9:30 pm. Mr. Butler seconded the motion. The
421 motion passed unanimously.

422 Respectfully submitted,

423 Melissa Pollari

424

425

426

427

428 Planning Board

429 _____

430 Peter White, Chairman

431 _____

432 Joseph Butler

433 _____

434 Jeffrey Claus

435 _____

436 Donna Davis Larrow, Alternate

Richard Osborne

Randy Clark

Michael Jewczyn

Suzanne Gottling, ex-officio member