

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **APRIL 11, 2019**

4 **PRESENT:** Peter White, Chair; Michael Jewczyn, Vice Chair; Joseph Butler; Richard Osborne; Randy Clark;  
5 Jeffrey Claus; Michael Marquise, Planner

6 **ABSENT:** Donna Larrow, Alternate Member; Suzanne Gottling, Ex-Officio Member

7 **See attached sign in sheet**

8 Chairman White called the meeting to order at 7:04 pm.

9 **PARCEL ID: 0133-0019-0000: SITE PLAN REVIEW: ADDITION TO SMALL OUTDOOR PATIO IN FRONT OF**  
10 **RESTAURANT; 45 MAIN ST; 350 ENTERPRISES, LLC**

11 Patrick Clapp, the owner of 45 Main St, and Debbie Samalis, the operator of the Wildwood Smokehouse  
12 located at 45 Main St, presented the merits of the case. Mr. Clapp explained that they are looking for a  
13 small patio to hold 14 seats; the tables will be three four-tops and one two-top.

14 Chairman White explained that the Board needs to do one order of business and ensure that the  
15 application is complete before moving forward with the hearing.

16 Mr. Marquise said that the application was filed in advance, fees were paid, notices were posted, and  
17 abutters were notified. The application is an amendment to an approved Site Plan. There will probably  
18 be questions regarding two surveys that appear to contradict themselves and need to be ironed out;  
19 however, for starting the review, he believes that the application is complete.

20 Mr. Clark made a motion to accept the application as complete. Mr. Osborne seconded the motion.  
21 The motion passed unanimously.

22 Mr. Clapp said that have done the preliminary work of meeting with Police Chief Cahill and the Highway  
23 Director, Scott Hazelton, to go over all the details with them. Both have explained what they want to  
24 happen and are on board with the proposal. Ms. Samalis said that she has also spoken with Fire Chief  
25 Ruggles and he was on board as well.

26 Mr. Clapp said that they do have two surveys that contradict each other and they are working to get  
27 that issue ironed out.

28 Chairman White asked and Mr. Clapp confirmed that there is currently the restaurant in the building and  
29 it has indoor seating. Chairman White asked and Ms. Samalis confirmed that currently in the area  
30 where they want to build a patio there is an outdoor smoker. Ms. Samalis explained that it is what she  
31 uses to cook with and they are going to move it to the other side of the driveway for safety reasons.

32 Mr. Osborne asked about the conflict with the surveys. Mr. Clapp explained that there is a survey that  
33 they did in 2017 and a survey that was done by Thomas Dombrowski in 1997. The biggest difference is  
34 the frontage on Main St; the 1997 survey shows it as 104 ft and the 2017 survey shows it as 97.42 ft. He

has spoken to the most recent surveyor multiple times over the past week and he could not explain how he came up with the frontage. Chairman White asked and Mr. Clapp explained that when he bought the property, the red barn behind 45 Main St showed to be on their property per the title work that was being done. They did a boundary line agreement with the owner of the red barn to have that fixed. The surveyor is saying that he only did the survey for that boundary line and not the rest of the property so he did not certify the other boundary lines. He has copies of emails from that surveyor that he can give the Board explaining that the other lines were put on the plan as reference lines and were not certified. Mr. Clapp read one of the surveyor's emails to the Board (see file).

Chairman White asked and Mr. Clapp said that the measurement was not taken from the Town's tax map, the tax map was changed after the survey was recorded. Chairman White asked and Mr. Clapp said that the 1997 survey was a site plan, not a boundary survey. Mr. Claus said that there is not a boundary line given along Alpine Court. Ms. Samalis said that there is no boundary written in any of the deeds for along Alpine Court so those numbers did not come from anything. Mr. Claus read one of the emails that said that the surveyor was only certifying the boundary line for the barn side of the property (see file).

Mr. Butler asked and Mr. Clapp said that when he purchased the property they changed his deed to reflect the new survey. Ms. Samalis said that she looked at old deeds and they start by referencing a point on the backside of the barn, then going southerly to Main St to an iron pin, which is the only definitive marker she has ever seen, then it says that it follows the roadway to a point, then follows another roadway to another point; Main St and Alpine Court have no dimensions given in the deed.

Chairman White said that it sounds like a conundrum because they are proposing to have seating along Main St and Alpine Court. Mr. Clapp said that because they cut it from 104 ft to 97 ft it is making the Alpine Court line off. If you compare the property to the 2017 survey you can see that it does not look right. There was further discussion regarding this matter.

Vice Chair Jewczyn asked how the difference in the property line affects the property and if it is because it impacts the square footage so a Variance would be required. Mr. Marquise said that it impacts the Board's decision because the Department Heads are OK with the proposal, however, the new survey shows the property line cutting through that patio area and the Department Heads do not want tables or anything in the Town's right of way so it would not be allowed.

Ms. Samalis asked about the Town's right of way. Mr. Marquise said that the Town's right of way is the area that is within the Town's jurisdiction, either deeded or by right, that are prescribed by use, by width, or by deed. Ms. Samalis said that she was told that Garnet St does not have a right of way because it used to be an old Town road. Alpine Court is narrower than Main St so she does not think the right of way would have the same width and the Town's tax map does not show that they have the same width. Mr. Osborne said that the right of way does not just have to be where the pavement is, it can extend outside the pavement. Ms. Samalis asked if Alpine Court even has a right of way or if it is like Garnet St and does not have a listed right of way. Mr. Marquise said that most surveyors will usually do research because most roads have a layout and they used to do it by rods, which equaled 16.5 ft, and most roads are two rods wide. Ms. Samalis asked and Mr. Marquise said that he does not know if the Town has layouts for every road.

Vice Chair Jewczyn said that he feels like the Board does not have any information to continue because it is ambiguous. Mr. Butler said that the Board cannot approve anything in the right of way. Chairman White said that it sounds like a civil issue and they need to get it handled via a surveyor. The 2017 survey that establishes the back boundary looks as though there was a pin found as it says that there is a ¾ inch rebar where the 97 ft starts and coming from the other side of the barn it shows that line goes to something and then back down. Chairman White asked and Mr. Clapp said that the lines are arbitrary according to the emails from the surveyor. The 2017 surveyor said that he did not know that the 1997 plan existed and does not know where the new measurements came from.

Ms. Samalis said that the old survey is a legitimate survey and was registered with the Town so she does not know why it would change, especially with the email from the surveyor that he did not certify the other boundary lines. Mr. Claus said that the original survey only has two boundary lines, it is not a closed parcel. Ms. Samalis said that it does not have a boundary line for the barn because it is a dotted line; the boundary line went through about one third of the barn. Mr. Marquise said that the 1997 plan is for a site plan and he does not believe that it was ever filed as a boundary survey as it was for a business before the restaurant. The 1997 plan is not a closed survey so the Board cannot rely on it any more than they can rely on the 2017 plan. Mr. Butler said that they will need to get the property resurveyed and look for more boundary markers.

Mr. Clapp asked if they can get a conditional approval on getting a new survey that reflects the 1997 plan. Mr. Butler said that he does not know how the Board could give a conditional approval. Mr. Claus said that he thinks the Board needs to see the how boundary line along Alpine Court is sitting.

Mr. Claus said that he has tried to scale the property with the submitted plan and it looks as though there is less than 20 ft from the horse trough to where they are asking to put the patio. Mr. Marquise said that he thinks that the scale is about 30 ft. Chairman White said that he does not think that it is up to the Board to work on the plan. Ms. Samalis said that she parks her car there and there is still space between the trough and the corner.

Mr. Marquise said that his concern with the 2017 plan shows the back boundary line and a pin set so there must have been a basis for setting the pin, which would imply a right of way area. Going from that pin, no matter how they go down Alpine Court they will cut off a good portion of the sitting area.

Ms. Samalis asked if the Town has any record as to when the concrete wall was built and asked how the Town allowed it to be built because it is newer and the wall is in the middle of Alpine Court if the survey is correct. Mr. Marquise said that he is not saying that the survey is correct or incorrect, he is trying to understand how the surveyor had the basis to set that pin. They surveyor has certified that the line is correct so he is certifying that the pin is correct. This is troubling because no matter how you come down Alpine Court from the pin, a good portion of the sitting area will be cut off and he thinks that is what the Department Heads felt when they looked at it.

Chairman White said that he thinks that it would be best to have a new boundary survey done. He does not know that it would make sense to move forward with the assumption that the sitting area will remain as indicated for this meeting.

113 Ms. Samalis asked if the Board's biggest concern is the boundary line for the right of way; even if they go  
114 with the new survey and boundary line, in Sunapee you can build a patio up to your boundary line and if  
115 the Board is saying that she could not have tables there due to the Town's right of way if they build a  
116 patio where they would be allowed.

117 Chairman White said that he thinks that there are two issues; a patio is one and putting tables on it is  
118 another as it is an expansion of use. Mr. Marquise confirmed this and said that if the tables are on the  
119 Town's property then there are certain liabilities that go back to the Town and that cannot happen. The  
120 Board needs to make sure that any business activities that happen occur on the 45 Main St property.

121 Ms. Samalis asked if she built a patio up to the property line if she could put tables on it. Mr. Marquise  
122 said that tables could be put on. Mr. Osborne said that there would be a restriction on the number of  
123 seats allowed on the patio due to the size. Ms. Samalis said that the design that they have given the  
124 Board is based on the 2017 survey. Mr. Marquise asked and Mr. Clapp confirmed that the design that  
125 the Board was given was based on the old 1997 plan. Ms. Samalis asked and Mr. Marquise said that if  
126 they changed the plan to reflect the 2017 survey they can move forward. Mr. Marquise said that this  
127 would end the right of way question and they could discussion the issue of the appropriateness and  
128 everything else.

129 Mr. Osborne said that if the Board based their decision on the shortest possible distance then they could  
130 move forward with the hearing; after a survey is done then the plan could be adjusted if needed. Mr.  
131 Marquise said that they can request an amended Site Plan after they receive new information.  
132 Chairman White asked how this can be done if they do not know how much space they have. Mr.  
133 Osborne said that the number of seats will be established by Chief Ruggles because he looks at the  
134 amount of square footage so the Board does not need to look at that. Chairman White said that he  
135 thought the Board needed to know the number of seats because that drives the number of parking  
136 spaces required and everything else. Mr. Marquise said that he thinks that the Board can discuss the  
137 proposal and all of the issues, though they cannot approve the proposal at the meeting. Chairman  
138 White said that he thought that the Board did not like to approve things without numbers attached and  
139 asked how they would figure this out. Mr. Marquise said that the Board could talk about any other  
140 issues that they are concerned with and then the applicants could return for the final approval after it  
141 was fixed. Mr. Butler said that he does not know how the Board could hear the case without knowing  
142 the boundaries. Mr. Marquise said that the case would be continued for the approval.

143 Mr. Marquise said that another issue that was brought up by Chief Ruggles as he was concerned about  
144 the smoker and whether there are any manufacturer requirements regarding separation distances to  
145 boundary lines, buildings, etc. as it is being moved. If there are none that is fine, however, Chief Ruggles  
146 wants to make sure that he is given any relevant information on the smoker. Ms. Samalis said that  
147 when she put the smoker in its current location, she was told that it had to be 20 ft from a building but  
148 because it is an enclosed firebox there were no setbacks. Mr. Marquise asked and Ms. Samalis  
149 confirmed that the smoker will be moved farther from the building but closer to a boundary. Mr.  
150 Marquise said that Chief Ruggles needs something that shows that there are no regulations from the  
151 manufacturer regarding setbacks from a boundary. Ms. Samalis said that she made the smoker herself.  
152 Mr. Marquise said that he recommends that Ms. Samalis has a conversation with Chief Ruggles because  
153 he did bring that up.

154 Chairman White asked if the Board feels comfortable enough moving forward with the hearing. Mr.  
155 Osborne said that the Board can consider if the use of the space is appropriate or not. Mr. Clark said  
156 that he thinks that they can talk about the case. Mr. Butler said that he thinks that they need to get the  
157 bounds taken care of and come back before hearing the case. Vice Chair Jewczyn said that he does not  
158 feel as though he has enough information to try to figure things out because the length of the bound  
159 could be different. Chairman White said that he thinks that what is being requested is that they discuss  
160 the proposal, even if they only end up with one table. Vice Chair Jewczyn said that he is in favor of  
161 having the outdoor seating, however, people tend to spread themselves out and if there is one table, it  
162 could become a table and a half or more; he thinks that it needs to be nailed down.

163 Ms. Samalis said that the number of tables is dictated by square footage per Chief Ruggles. She also  
164 thinks that the Town has their own square footage requirements because when she did the restaurant,  
165 she was permitted to have 22 seats even though according Chief Ruggles she could have 35 seats. Vice  
166 Chair Jewczyn asked how many square feet they are dealing with. Ms. Samalis said that it would be  
167 dictated by the final survey as it could be bigger or smaller but they are looking for direction from the  
168 Board while they are before them. Chairman White said that the plan does say that the seating will be  
169 determined by the final size so the Board could discuss the concept of the proposal.

170 Mr. Clapp said that he would like to know if the Board would support the project before he goes to pay  
171 for a survey and redo everything. He does not want to come back after going through the time and  
172 expense and find out that the Board is denying the proposal based on a different reason.

173 Chairman White asked and Mr. Claus said that he is in favor of the idea but there are other things to talk  
174 about. Chairman White said that it sounds like the Board is in favor of moving forward with the  
175 discussion but the determination regarding the size of the patio and the number of seats still needs to  
176 be determined.

177 Mr. Clark asked and Ms. Samalis said that the restaurant currently has 22 seats. Mr. Clark asked how  
178 many total seats Ms. Samalis is proposing to have. Ms. Samalis said that she does not want to cram a lot  
179 of people on a patio. She was the only restaurant in the harbor that was year-round and she has tried  
180 hard to contribute to Sunapee. It is kind of a funny building; she has been there for nine years and still  
181 has people walk in not knowing that they are a restaurant. Mr. Clapp has made the front look great and  
182 more commercial, however, they thought if they had the patio they would have more people look in  
183 that direction and have more places to sit. Mr. Clark asked and Mr. Clapp said that the proposal was for  
184 22 inside seats and 14 outside seats. Ms. Samalis said that she thinks that, comfortably, she could have  
185 three four-tops and a two-top so that is what she based her number on. Mr. Clark asked and Ms.  
186 Samalis confirmed that this many more seats would mean potentially seven more cars. Mr. Clark asked  
187 and Ms. Samalis confirmed that there has never been any parking issues since the restaurant opened.  
188 Mr. Osborne said that there is parking available across the river. Ms. Samalis said that there is parking  
189 by the laundry mat / Harbor Light building and across the street from that building. When she did the  
190 Site Plan for the restaurant, she did an extensive parking plan and counted the available parking at  
191 different times of day for three months. There are a lot of people who walk down from the harbor and a  
192 lot of locals in the area who walk to the restaurant so she has a lot of foot traffic. Chairman White asked  
193 what sets a limit on the total number of outdoor and indoor seating in terms of the Fire Department  
194 requirements. Mr. Marquise said that he does not know about outdoor seating but he knows that

195 square footage relates to the number of seats and they are different depending on if it is a bar scenario  
196 or a restaurant scenario. Chairman White said that the occupancy permit may say 32 people and  
197 outside they want 14 seats and asked how it works. Mr. Marquise said that there was a place in town  
198 that wanted outside seating on the deck but he thinks that it was counted as part of the whole property  
199 and that might be the case. Ms. Samalis said that the State Liquor Commission and State Health  
200 Department does not consider outside seating in any of their licensing.

201 Vice Chair Jewczyn asked and Ms. Samalis said that the tables and chairs will be left out at night but the  
202 patio will be fenced as per Chief Cahill's request. The seating will be seasonal but she is not sure what  
203 she will do with the tables and seats in the winter. Vice Chair Jewczyn explained that there was a case in  
204 CT where a restaurant was bringing in the outdoor seating at night and there was a fire and they could  
205 not put out the fire because the outdoor seating was in the way. Ms. Samalis said that she would prefer  
206 to leave the furniture outside so she does not have to worry about taking it in and out. Mr. Clapp said  
207 that in the winter they have some basement space that could be used if needed.

208 Chairman White asked and Ms. Samalis confirmed that she does have a liquor license and that she will  
209 be serving liquor on the patio. Chairman White asked and Ms. Samalis said that the fence does not need  
210 to be gated, it just needs to dictate a space; it could be roping but Chief Cahill said that he would like  
211 something more substantial than roping. Chairman White asked and Ms. Samalis explained that the  
212 fence will be just around the patio area. Ms. Samalis said that she is thinking about a split rail fence with  
213 flower boxes. Chairman White said that he thinks that Chief Cahill does not want people to be able to  
214 get up and walk around with their drinks. Ms. Samalis said that the NH Liquor Commission requires  
215 them to be able to view anyone who is drinking at their establishment.

216 Mr. Clark asked if the lighting will be changed. Ms. Samalis said that she would like to have some lights  
217 added if she has umbrellas but there is pretty substantial lighting in that area. Mr. Clapp said that they  
218 added recessed can lights under the roofing area that they built. Ms. Samalis said that she tries to be  
219 thoughtful of the people who live in the apartments in the building.

220 Chairman White asked and Mr. Marquise said that the two questions he had were regarding the right of  
221 way and the smoker. Mr. Butler asked if the smoker has been requested to be put in a specific location.  
222 Mr. Marquise said that they need to see if there are any issues now that it is being moved and if there is  
223 any impact to the neighbors. Mr. Butler said that he does not see the smoker on the proposed plan and  
224 the location was explained and that some of it got cut off.

225 Mr. Butler asked and Ms. Samalis said that she tries to close at 9:00 pm though sometimes she is a little  
226 later; the kitchen closes at 8:00 pm. Mr. Butler asked and Ms. Samalis said that she follows these hours  
227 on the weekends as well.

228 Chairman White said that there is a letter from one of the abutters, Arlene Britton, which does raise  
229 some concerns including: the small size of the area, no room for the required fence, the smoker being  
230 too close to the building, and people parking in her driveway. Chairman White asked and Ms. Samalis  
231 said that the parking for Ms. Britton's building is in front of it and in nine years she has not had any  
232 problems with people parking there. Ms. Samalis said that people do not tend to go up Alpine Court and  
233 she does not know of anyone who has parked there before. Chairman White said that Ms. Britton also  
234 referenced the Alpine Court driveway next to the bbq pit as she is allowed access to get into her sliding

235 barn doors at any time. Ms. Samalis said that she spoke to someone who lives on the other side of the  
236 barn and was told that the portion of property between his house and the barn and the barn and 45  
237 Main St is a right of way that was meant for trucks to go around the barn when it was a hardware store  
238 and that right of way is still on deeds. Chairman White asked and Ms. Samalis said that she has not  
239 heard if that was ever declared a fire lane or just a right of way. Mr. Clapp said that the right of way will  
240 not be impeded. Ms. Samalis said that the smoker will not be in the way of them plowing or driving.  
241 Mr. Clapp said that they use that area as well. Chairman White said that it is a right of way and all that  
242 they need to do is provide access.

243 Chairman White asked and there were no additional questions from the Board. Chairman White asked  
244 and there was no one in the audience with questions or comments.

245 Vice Chair Jewczyn asked if the Board is at the point of making an approval or denial based on the  
246 establishment of the boundary lines. Mr. Osborne said that he thinks that the Board approves the  
247 concept but cannot approve anything until they get the final survey and have the dimensions and a  
248 number of seats.

249 Ms. Samalis asked if the Board will approve the proposal if they get the survey and dimensions done.  
250 Mr. Clark said that he would like the drawing to be updated to better show what they are doing as well  
251 as the lighting. He is not as concerned about the parking but would like the other things more detailed  
252 on the plan. Ms. Samalis said that she will work on doing a better drawing.

253 Ms. Samalis said that one of the parking issues that she has had is that a lot of people do not realize that  
254 Alpine Court is a street and they park next to her when she parks in front. She has told many people  
255 that there is no parking in the area or in front of the trough but when she met with Chief Cahill and the  
256 Highway Director she explained to them that she thinks that this will enhance the area.

257 Chairman White said that the Board is asking for additional information. Mr. Marquise said that the  
258 Board would like the boundary line to be established by a survey, for the number of seats to be  
259 determined based on the square footage, for information regarding the smoker location, for a  
260 conversation to be had with Chief Ruggles regarding the smoker, and for a rendering of the fence  
261 around the patio.

262 There was a brief discussion regarding the proposed fence.

263 Mr. Clapp said that his goal is to get the survey done as soon as possible but asked how much notice he  
264 has to give the Board if it takes longer. Mr. Marquise said that the hearing can be continued if he is  
265 notified any time before the next meeting.

266 **PARCEL ID: 0115-0009-0000: TREE CUTTING & VEGETATION; CLEARING REQUEST; 22 BURMA RD;**  
267 **ALFRED BEAULIEU / LYNN ARNOLD**

268 Fred Beaulieu, owner, and George Neuwirt, builder, presented the merits of the case.

269 Mr. Neuwirt said that he thought that they were before the Board for two reasons, the tree cutting  
270 request and the request to disturb more than 1,000 sq ft within the Shoreland. Mr. Marquise said that  
271 they can be considered as one case.

272 Mr. Neuwirt said that he would like to go over the entire presentation even though there are two parts  
273 including the tree cutting and a drainage plan; he would like to explain to the Board how they are going  
274 to do the project and what measures they are putting in place for before, during, and after construction.

275 Mr. Osborne asked and Mr. Marquise explained that this is a tree cutting and vegetation removal  
276 request so the Board does not have to go over the completeness of the application.

277 Mr. Neuwirt explained that Mr. Beaulieu and Mrs. Arnold would like to move to Sunapee full time when  
278 they retire and they are proposing tearing down the existing house and building a new house. Mr.  
279 Neuwirt explained the existing conditions plan to the Board. The existing house is 20 ft by 28 ft and has  
280 a porch. They have already been through Zoning and receive approval for three different Variances.  
281 The proposal is that the new house will be built basically in the same footprint but with the addition of  
282 garage and master bedroom on the back side. They are moving the house back one foot from the pond  
283 and the three Variances were: to raise the roof in the 50 ft setback, to encroach in the 50 ft setback by a  
284 little sliver of 6 sq ft, and to encroach in the front setback.

285 Mr. Neuwirt said that they are before the Board for a tree removal request. Some of the pages that the  
286 engineer did are a little redundant, however, they felt it was better to submit too much information  
287 rather than too little. They have a construction sequence that is very thorough and have included  
288 information including topography and existing conditions surveyed by Clayton Platt which should give  
289 the Board a good idea as to where they are and where they are going.

290 Mr. Neuwirt said that in order to complete the project they are proposing removing twenty-six trees as  
291 marked on Plan Four of the submitted plans. The tree removal is needed in order to build the garage  
292 and master bedroom and tear down and rebuild the existing house. The engineer sectioned off the  
293 Shorefront according to NH DES regulations into 25 ft by 50 ft grids and there are four grids. There is a  
294 table that explains the trees that will remain post construction in order to meet the State's  
295 requirements for the number of points of tree per grid unit, which is 25 points of trees for every 25 ft by  
296 50 ft grid. Mr. Neuwirt said that grid C as shown on the plan has a house occupying most of the grid and  
297 they need to gain five additional points. They plan to create and maintain a woodland buffer where  
298 they will add five points of trees and should be able to satisfy the required points per grid units by the  
299 engineer's calculations.

300 Mr. Butler asked and Mr. Neuwirt explained that what he means by post construction is that in addition  
301 to the tree removal plan, they also have factored into the plan ways in which they will stabilize the  
302 ground post construction. They wanted to demonstrate to the Board that even though they are taking  
303 out a number of trees, they are going to behave in a way that creates ground stabilization and shows the  
304 Board that they are trying to do the right thing.

305 Mr. Neuwirt said that he thinks that the tree cutting is pretty cut and dry. They have the number of  
306 points calculated and are deficient in grid C so they will plant five points of trees in that unit.

307 Mr. Neuwirt said that Page Six of the plans highlights how they will be doing the project. In addition to  
308 the tree cutting, he wants the Board to understand how they are preparing for the construction site,  
309 managing storm water, and then implementing a process when they are done to maintain storm water  
310 runoff. Mr. Neuwirt continued that Plan Three shows more of the drainage plan.



311 Mr. Neuwirt said that the property has the road going through part of it; the house is very old and the  
312 boundaries were decided prior to the road going in.

313 Mr. Neuwirt said that they will have silt fencing and there is detail on Page Six explaining how it will be  
314 installed. During construction there will be temporary settling ponds and there is a detail for that on  
315 Page Five. Mr. Butler asked and Mr. Neuwirt said that it is a very gently sloping lot. Mr. Neuwirt said  
316 that they are containing storm water on the site, first with the silt fence and the storm water settling  
317 areas and those will be done pre-construction. The permanent plan is to have three infiltration trenches  
318 and have management on site to infiltrate the storm water; Page Five gives details of these trenches.  
319 Mr. Neuwirt gave further details regarding the trenches.

320 Mr. Butler asked and Mr. Neuwirt said that the drainage will go into the ground and there is some that  
321 will run over the top of the ground, however, the purpose of the trenches is to collect the silt and  
322 sediment before the majority of it overflows its banks and goes over the ground. Page Six shows the  
323 corner of the garage catch basin and the details as to how it will be built. Mr. Neuwirt gave further  
324 details regarding the catch basin.

325 Mr. Neuwirt said that he thinks that they have developed a comprehensive plan and have already been  
326 to Zoning for approval. Mr. Neuwirt said that they have a plan for vegetation for after the project is  
327 done and explained the plan to the Board including the woodland buffer restoration area and the way  
328 they are stabilizing the ground with plantings. Mr. Neuwirt said that instead of planting exactly what is  
329 on the plan, the owners would like to have some freedom to decide what they want to plant when the  
330 time comes. He has downloaded from DES what they consider native riparian buffer plants, there are  
331 dozens and they would like to choose from those and plant the number of plants required.

332 Vice Chair Jewczyn asked and Mr. Neuwirt explained that the blue area on the plan is the owners'  
333 property that is not usable to them because part of it is in the Town's road; prior to building the road it  
334 was just a footpath. The other part that is not useable is an easement for the driveway for the  
335 neighbor's property. Mr. Beaulieu said that he did not know the road cut through his property until Mr.  
336 Platt did the survey.

337 Mr. Neuwirt said that they do have an approved DES permit and gave a copy to the Board for their  
338 review.

339 Mr. Butler asked if the drainage structures are permanent or just for construction. Mr. Neuwirt said that  
340 there are two structures that are for construction only and explained those areas to the Board from the  
341 plans.

342 Vice Chair Jewczyn asked and Mr. Neuwirt confirmed that an abutting lot slopes towards the subject  
343 property house. Vice Chair Jewczyn asked about the character and vegetation for that lot. Mr. Beaulieu  
344 said that the lot has trees and the slope is similar to his lot. Mr. Neuwirt said that the water that comes  
345 onto this lot will be caught on the site. Vice Chair Jewczyn asked if the catch area is big enough and Mr.  
346 Neuwirt said that the plan was done by an engineer and he is assuming it takes all the factors into  
347 account. Vice Chair Jewczyn asked and Mr. Beaulieu said that in addition to the vegetation there are a  
348 lot of pine needles on the ground as well that will help catch the silt. Mr. Butler asked and Mr. Beaulieu  
349 said that there will be stone trenches around the house to catch the water off the house. Mr. Neuwirt

350 explained the areas on the site that will catch the water to the Board per the plan. Mr. Neuwirt said that  
351 the driveway will have pervious pavers so the entire lot has been designed to process its own water and  
352 minimize erosion.

353 Mr. Butler asked and Mr. Neuwirt said that they want to start construction on the project as soon as  
354 possible.

355 Chairman White asked if the engineer has been hired to ensure that the designs that he has constructed  
356 get built and if he will oversee the site at all. Mr. Beaulieu said that the engineer submitted the DES  
357 permit and it has conditions that they are required to follow. They did not discuss having the engineer  
358 do any construction oversight but they are happy to do that if it is a condition of approval. Chairman  
359 White said that the engineer has done a great job with the plans and it is always a good idea to have the  
360 engineers return to make sure that the plan is implemented correctly. Mr. Neuwirt said that the owners  
361 have been very conscientious about trying to make sure that everything is planned out well. Mr.  
362 Beaulieu said that they have lived on a lake before and are aware of erosion problems and have tried to  
363 be conscientious with their plans and they want to do it right.

364 Mr. Claus asked about the woodland revitalization buffer and if it is a condition of the DES permit. Mr.  
365 Neuwirt said that DES wants them to provide stabilization to the lot. Mr. Claus said that it looks like it  
366 will be quite a bit of planting. Mr. Osborne asked and Mr. Claus said that there is not a set number of  
367 plants needed, there are required sizing and spacing. Mr. Neuwirt said that this is a very small lot but  
368 the thought that has gone into it is very thorough. Mr. Claus said that his concern with the proposed  
369 tree removals is the trees that are proposed to be removed along the property line next to Lot 8 on the  
370 plan. Looking at the drainage swale that is proposed, it could be tightened up to preserve some of the  
371 plantings between the lots.

372 Vice Chair Jewczyn asked and Mr. Neuwirt said that during the construction they do not cover the  
373 ground with mats or anything else. Mr. Neuwirt said that the silt fencing is the first line of defense and  
374 they try to put the provisions in place to handle run off prior to, during, and post construction. Mr.  
375 Claus asked and Mr. Neuwirt confirmed that the construction of the 5 ft buffer around the foundation is  
376 because they are digging into the hill.

377 Chairman White said that the DES approval does have project specific requirements of photographs of  
378 completed work that need to be submitted.

379 June Fichter, LSPA, said that she does not know much about the project but wants to congratulate the  
380 owner and contractor for paying attention to the storm water runoff. However, a lot of the measures  
381 such as the level spreaders and such will need maintenance moving forward because they will not last  
382 forever. Chairman White said that the pervious driveway will also need maintenance. Mr. Beaulieu said  
383 that this was discussed at the Zoning meeting and they are aware they will need maintenance.

384 Mr. Osborne made a motion to approve the tree cutting and vegetation clearing request for 22 Burma  
385 Rd, Parcel ID: 0115-0009-0000. Mr. Butler seconded the motion. Vice Chair Jewczyn asked if there  
386 should be a provision for maintenance of the erosion measures during and after construction. Mr.  
387 Osborne said that it is required by the State. Mr. Clark said that the best management practice is also  
388 required. The motion passed unanimously.

389     **CONSULTATIONS: STATEMENT OF PROPERTY USAGE: BETTY & DANA RAMSPOTT**

390     Mr. Marquise said that this consultation has been cancelled.

391     **OTHER BUSINESS: CONCEPTUAL - LSPA**

392     June Fichter, the Director of the LSPA; Pat Sherman, a member of the LSPA's House Committee, and an  
393     architect; and Gary Daniels, the Chair of the LSPA's House Committee; presented the conceptual to the  
394     Board.

395     Ms. Fichter said that they would like to have a discussion with the Board regarding renovations of their  
396     location, known historically as the Knowlton House, and the renovation will have three parts.

397     Ms. Fichter said that the first part of the renovations will be structural as the building was built in 1889  
398     and there are maintenance issues. They have been in the building for 10 years and have not been able  
399     to do all the things that have been needed. There is a stone foundation and water comes into the  
400     basement and it has gotten to the point that it needs to be fixed and waterproofed and have foundation  
401     drains installed. Mr. Butler asked and Ms. Fichter said that the basement is unfinished for the most part.  
402     There is one section that had a dirt floor where they have put in concrete but it is unfinished and just  
403     used for storage. There is also the cupola on the backside of the building, which was once a barn; the  
404     cupola leaks and they need to fix it. There is also structural work needed on the second floor of the  
405     barn.

406     Ms. Fichter said that the second part of the renovations will be to redo the main floor plan. There are  
407     problems with the space and layout and they want to fix it by rearranging things. The upper floor of the  
408     barn is also unfinished so they want to finish that floor above the meeting room. They also want to  
409     change the main entrance.

410     Ms. Sherman explained the proposed design to the Board. The current layout has people going from  
411     one room, to another room, and to another room. They would like to build a new staircase centrally  
412     located in the building to reach the basement, main floor, and second floor; they would also like to put  
413     in an elevator. They will be changing the layout to have a central entrance, lobby, and elevator. They  
414     intend to have an exit from the current meeting room area. Ms. Sherman continued that they would  
415     like to expand one story because they will be able to have an entrance that is controlled by the office  
416     manager and also revise some of the use of the rooms to have a better use of space. They also plan on  
417     moving the bathrooms to another location.

418     Ms. Sherman said that they will not make any major changes to the building on the water side. The  
419     addition may look slightly more contemporary when they are done but the water side will maintain the  
420     Victorian look.

421     Ms. Sherman said that they have a plan that was done in 2007 by Pellettieri Associates and Clayton Platt  
422     and it deals with lot coverage and also shows the 250 ft, 150 ft, and 50 ft setback lines. The calculations  
423     for lot coverage have not changed since the plan was done; the lot coverage criteria was 60% and the  
424     calculation was 51.4%; they will be adding approximately 750 sq ft. With the current lot coverage, they  
425     could have 2,300 sq ft more impervious area before meeting the 60% and by adding 750 sq ft they will  
426     still be within the requirement.

427 Ms. Sherman said that they are only in schematic planning so they do not have the civil engineered  
428 drawings yet but there is a whole section by the building that will need to be opened up to put in  
429 drainage.

430 Ms. Sherman showed the Board the setback lines and said that they are well within the setbacks.

431 Ms. Sherman said that another issue is parking. They currently have 25 spaces and can accommodate  
432 five more spaces in another area that is used for staff. They may lose one space but Ms. Fichter has  
433 been taking a daily count of the spaces to understand how many times their parking lot reaches capacity  
434 so they will have more information for the Board about that when they come back for a hearing.

435 Mr. Butler asked and Ms. Fichter said that they do not do weddings; the previous owner did. Ms. Fichter  
436 said that they are a non-profit organization and their "speaker series" occasionally have standing room  
437 once or twice per year with a total of approximately 75 people. Ms. Fichter said that they do allow  
438 other non-profits have annual meetings and gatherings in the building. They also have classes for young  
439 people, classes, scientist meetings, and different kinds of exhibits. Ms. Sherman said that they will also  
440 be finishing the second floor of the barn and they will be replicating the space that is on the main floor  
441 there.

442 Mr. Daniels said that he was involved when LSPA purchased the property and the organization is very  
443 different now than what it was when they purchased it. They have been able to open up what they  
444 could do and they have visitors from all over the US and some of the scientists come from all over the  
445 world. This is a great local asset and a great asset to the State and it has driven the use of the space.  
446 Mr. Daniels continued to explain the use of the space to the Board.

447 Chairman White said that the Board will look at the reconfigured space and what it does for the  
448 occupancy and how it impacts everything. Ms. Sherman said that those things will all be delivered to  
449 the Board when the time comes.

450 Chairman White asked and Ms. Sherman explained that they will only be redoing the foundation on the  
451 uphill side because they do not have the problems on the other side.

452 Mr. Marquise said that a few months ago the Board had the Harbor House Livery before them and they  
453 discussed having an agreement with the LSPA for parking. There was a requirement that when they  
454 reached a certain number of people for an event they would let the Department Heads know it was  
455 going to happen and with this proposal the Board may want to see that it is all coordinated with the  
456 Livery so there is no double dipping of parking spaces at the same time. He thinks that the Board has  
457 loosened up a little bit on parking because they have had several reports saying that they have not had  
458 any parking problems, however, they do not want to get to the point where all the businesses are  
459 relying on other businesses spaces and there is a problem. Ms. Fichter said that they have been talking  
460 to the Sunapee Riverway and the Livery and they do allow other entities to use their parking lot when  
461 they do not have an event. If they think there parking will be a problem for an event, they always check  
462 in with the Riverway.

463 Mr. Clark asked and Ms. Fichter said that they are planning on rebuilding the cupola so that it does not  
464 leak. Ms. Sherman said that the cupola gives them a source of natural light in the second story of the  
465 barn because they do not have windows.

Ms. Fichter asked if the Board would like copies of the plan. Chairman White said that they are only in a conceptual and they have done a very good job but they do not need the plans yet. Mr. Osborne said that the plan for the hearing will need lighting and landscaping on it. Ms. Sherman said that they are aware of that and will have it done. Mr. Osborne said that those things are included on the application so they do not need to go over that. Mr. Clark asked and Mr. Marquise said that this will be an amendment to the Site Plan.

Chairman White asked if students currently get bussed to the property. Ms. Fichter said that they mostly come in private cars or they walk from Sunapee schools; they very seldomly get busses and have never had a big bus pull into the lot.

Mr. Butler asked about timing and Ms. Fichter said that they are hoping to start within the year. Ms. Sherman said that they will be ready to start the process by October 1<sup>st</sup> if the funds come in. They plan to have everything in place and are going to use a construction manager process.

#### **MINUTES**

Changes to the Planning Board minutes from April 11, 2019: The minutes were continued to the next meeting.

#### **MISCELLANEOUS**

Chairman White said that in the Harbor, Stacy's Smoothies has another sign up for another business. Mr. Butler said that it is a banner advertising wake boards. Chairman White said that it looks like the building has been divided with Stacy's Smoothies on one side and the wake boards business on the other. Mr. Marquise said that he can speak to the Zoning Administrator about this.

Mr. Clark asked about temporary banner signs. Mr. Marquise said that they are still considered to be signs and they have told businesses that they cannot have them before. Mr. Clark asked and Mr. Marquise said that there are a few exceptions to the sign requirements including real estate signs and political signs.

Chairman White asked if the new business next to Stacy's Smoothies would require a Statement of Property Usage or Site Plan. Mr. Marquise said that he has not seen anything come in and will check on it.

Chairman White asked about the mineral extraction on Route 11 as the Board was clear about requiring a 25 ft buffer and it looks to have gotten a little thin. Mr. Marquise said that he did notice that in one spot it looks thin and the Board was clear in the meeting that they could not go so far back towards the buffer that it would start to take trees down. Mr. Osborne said that he thinks that they still may be outside the 25 ft buffer but it might be getting close. Mr. Osborne said that a construction site or logging site is usually required to have a stone apron and they do not and they do drag a lot of mud onto the road. Mr. Marquise said that this would be a NH DOT requirement and he is not sure if it was required. Mr. Clark said that usually it is a best management practice. There was further discussion regarding this matter.

502 Vice Chair Jewczyn asked about the pile of stone on Avery Rd as it gets very close to the road. Mr.  
503 Marquise said that the owners have approval for everything and over the years it has been  
504 grandfathered. If it is getting close to the road it might be a right of way encroachment issue.

505 Mr. Butler asked and Mr. Clark said that he thinks that the Smokehouse has a full liquor license and NH  
506 is very strict about licensing.

507 Vice Chair Jewczyn asked if people are allowed to do whatever they want because the NH Constitution  
508 says that they can do whatever wherever they want. Mr. Marquise said that he does not know anything  
509 about this; he knows that there are general federal laws and laws that say that municipalities have the  
510 right based on health and welfare of the public to create Planning and Zoning Regulations that have to  
511 be within a certain parameter. Vice Chair Jewczyn said that his question was if an opinion is needed  
512 from the Town's attorney as to where this line is drawn and if it is the regulations that Planning and  
513 Zoning Boards try to adhere to. Mr. Marquise said that the line is drawn when someone challenges a  
514 particular regulation. Mr. Butler said that if someone does not like a local decision it can be appealed to  
515 the State. Vice Chair Jewczyn asked and Mr. Marquise said that if a decision is appealed then the  
516 Supreme Court will determine if the Town has gone beyond its bounds to regulate or that the Town is  
517 within their bounds; usually, a Town is within its bounds.

518 Mr. Clark said that he was at the NH Municipal Commission as part of the Regional Planning Commission  
519 and they were talking about legislation in the State that effects Planning and Zoning. There is a Senate  
520 bill that got moved to a House bill that, if approved, will establish a three person review board that  
521 would allow Planning Board decisions that do not go in favor of the applicant to be appealed  
522 immediately to this three person board who would act like the Supreme Court. This will put a lot on the  
523 Planning Board to ensure that they are following the regulations. Mr. Clark continued that he was told  
524 that the reason that this is coming up is because there are some Planning Boards who have gone rogue  
525 and did not want something so they decided not to allow it knowing that the burden to challenge a  
526 decision is high for an applicant. There was further discussion regarding this matter.

527 Mr. Marquise said that he would like to get the Subdivision Regulations done before they get into  
528 September and discussion Zoning Amendments. He would like to figure out who is going to be at the  
529 July and August meetings in order to have more members present to discuss them. There was a  
530 discussion about which Board members will be available and Mr. Marquise said that he thinks that the  
531 August meeting might be best.

532 Chairman White asked if the Board can require engineering oversight if they are approving tree cutting or  
533 vegetation plans. Mr. Marquise said that he does not think that there is a reason that the Board cannot  
534 do that. Chairman White said that he would like to start having things that are design by an engineer  
535 require the engineer to follow up after construction or during construction in order to ensure that things  
536 are being done correctly.

537 Mr. Claus asked if the Town has the ability to scan the plans better. Mr. Marquise said that he knows  
538 that the administrative assistant did try to rescan it because there was an issue. Chairman White said  
539 that he thought that applicants were required to submit things in pdf format. Mr. Marquise said that  
540 survey plans should be submitted in pdf format and all that is being scanned is the application and

541 smaller drawings; the plans are coming from the applicant. There was further discussion regarding this  
542 matter.

543 Mr. Clark made a motion to adjourn the meeting at 9:19 pm. Mr. Butler seconded the motion. The  
544 motion passed unanimously.

545 Respectfully submitted,

546 Melissa Pollari

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551 Planning Board

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553 Peter White, Chairman

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555 Joseph Butler

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557 Jeffrey Claus

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559 Donna Davis Larrow, Alternate

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Richard Osborne

\_\_\_\_\_

Randy Clark

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Michael Jewczyn

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Suzanne Gottling, ex-officio member