

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **MARCH 11, 2021**

4 Chairman White called the meeting to order at 7:02 pm.

5 Chairman White read the Governor's Emergency Order #12 that authorizes the Planning Board to meet  
6 electronically: "As Chair of the Planning Board, I find that due to the State of Emergency declared by the  
7 Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency  
8 Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.  
9 Please note that there is a physical location at 23 Edgemont Rd in the Meeting Room to observe and  
10 listen contemporaneously to this meeting, which was authorized pursuant to the Governors Emergency  
11 Order. Please note that all votes that are taken during this meeting shall be done by roll call vote. Let's  
12 start the meeting by taking a roll call attendance. When each member states their presence, please also  
13 state whether there is anyone in the room with you during this meeting, which is required under the  
14 Right-to-Know law."

15 A roll call was taken:

16 **MEMBERS PRESENT BY VIDEO:** Peter White, Chair; Michael Jewczyn, Vice Chair (signed in after roll call  
17 was taken); Jeffrey Claus; Randy Clark; Joe Butler; Sue Gottling, Ex-Officio Member

18 **MEMBERS PRESENT IN THE MEETING ROOM:** Michael Marquise, Planner

19 **ALSO PRESENT BY VIDEO:** Tanner Royce; April Royce; Peter Hoekstra; Lynn Smith; Dave Smith

20 Chairman White asked and there were no disqualifications for any of the Board members for any of the  
21 hearings.

22 **PARCEL ID: 0115-0042-0000 & PARCEL ID: 0115-0043-0000: LOT MERGER; 4 NORTH SHORE RD; LEAH**  
23 **O'ROURKE**

24 Mr. Marquise shared his screen with the Board to show the two properties involved in the proposed lot  
25 merger. Lot 43 is a 25 ft by 25 ft parcel that is not built on that Ms. O'Rourke would like to merge Lot 42  
26 to only get one tax bill. He does not see a problem with the application; there is nothing on the parcel  
27 and nothing in the deed that says its purpose as a separate tract.

28 Chairman White asked and Mr. Marquise said that normally the Board just handles lot mergers  
29 administratively so there is no one to speak about the merits of the proposal. Vice Chair Jewczyn asked  
30 and Mr. Marquise said that there is no process of notification for lot mergers, they are usually just done  
31 as a matter of right.

32 Vice Chair Jewczyn asked and Mr. Marquise confirmed that when non-conforming lots merge, they  
33 become one lot and cannot be subdivided to create new non-conforming lots.

34 Mr. Marquise said that usually lot mergers are pluses all around and he does not see a problem with the  
35 proposal.

36 **Mr. Claus made a motion to approve the lot merger of Parcel ID: 0115-0042-0000 and Parcel ID: 0115-**  
37 **0043-0000 on North Shore Rd. Vice Chair Jewczyn seconded the motion. A roll call vote was taken:**  
38 **Mr. Clark voted yes; Mr. Butler voted yes; Vice Chair Jewczyn voted yes; Mr. Claus voted yes; Mrs.**  
39 **Gottling voted yes; and Chairman White voted yes. The motion passed unanimously.**

40 **PARCEL ID: 0133-0087-0001: SITE PLAN REVIEW: FOR SEASONAL HOT DOG STAND; 68 MAIN ST;**  
41 **SUNAPEE HARBOR RIVERWAY**

42 Mr. Marquise said that there may be some comments regarding the completeness of the application  
43 from the abutters. The application was filed in advance, the fees were paid, notices were posted, and  
44 abutters were notified. The application falls under the Site Plan Review Regulations and is amendment  
45 to the prior Site Plan for the Farmer's Market that was just approved a few months ago. As this is an  
46 addendum to the Farmer's Market Site Plan, with the information submitted, he does think that the  
47 application is complete.

48 **Mr. Clark made a motion to accept the application as complete. Vice Chair Jewczyn seconded the**  
49 **motion.**

50 Tanner and April Royce, 5 Garnet St, asked if they could speak about the completeness of the  
51 application.

52 Mr. Royce said that looking at the list of what is required for completeness, there is not a map drawn to  
53 scale, there is not a perimeter boundary survey, there is no title of the drawing, there is no signature  
54 block, and there are no names and addresses of abutters. Also, the emails provided to the State of NH  
55 were cut off so they cannot see what was provided to the State and the attachments referenced in that  
56 email were not provided. They would have further concerns discussing the approval from there,  
57 however, as they went through the Site Plan process, it seems that it is not a complete application  
58 compared to what everyone else has to go through.

59 Mr. Marquise said that the Site Plan for the Farmer's Market was accepted and there was another  
60 Farmer's Market approval last summer. They are part time uses that do not involve buildings and  
61 structures so the Board waived a lot of basic information. He was carrying on with that as the Board had  
62 accepted this previously with the Farmer's Market, however, it is up to the Board to decide if they want  
63 more information.

64 Vice Chair Jewczyn asked and it was confirmed that this will be a portable structure. Mr. Royce said that  
65 the application says that there will be permanent power to the building. The building will not be  
66 portable or moveable; it will be a structure as defined by the Town of Sunapee. The moment a piece of  
67 dirt on the ground is leveled out there will be land disturbance and everyone should go through the  
68 same process. This will be a permanent structure with permanent power and it should be treated as  
69 such. Vice Chair Jewczyn said that he thinks during the discussion regarding the merits of the case there  
70 will be a question as to who owns the land and if the structure is portable or not.

71 Chairman White asked and Mr. Marquise confirmed that the Board can request more information  
72 during the discussion of the merits. Mr. Marquise said that the only caution is once the Board accepts  
73 an application as complete the clock starts so the applicant will need to get the information to the Board  
74 within 65 days.

Mrs. Royce said that if all the abutters had been provided the full packet of information the Board may have had more abutters attend the hearing. She is concerned that the application is not clear regarding what is being requested. Mr. Marquise said that the application material is all available online and all the abutters were notified the same way that Mr. and Mrs. Royce were. Mr. Royce said that other abutters may not have chosen to read the information, however, they looked through it and the application is not complete as it is for a structure. He is confused because the Farmer's Market will have tables that will be picked up and moved; a hot dog cart would be able to move. Building a structure with power creates a permanent structure; this is not a hot dog cart or a popup tent, it is a permanent structure being built on a piece of property in the Shoreland District in the Town of Sunapee. He does not think that this has gone through the proper process as it is a real structure and should not bypass the rules. It is a real structure and there will be land disturbance and permanent power.

Mr. Claus said that he has a lot of concerns with the application. He thought that the discussion during the consultation sounded more like a portable structure but the proposal for the footprint of this structure is 20 ft by 18 ft. Regarding the completeness of the application and the type of structure he is seeing, the Site Plan does not have setbacks or the information the Board would want to see for this type of application. He does not believe the application is complete. Mr. Claus asked and Chairman White said that the Board cannot say that an application is complete and still move on to a discussion.

Vice Chair Jewczyn asked and Mrs. Gottling said that the structure is proposed to be on Sunapee Harbor Riverway land. Vice Chair Jewczyn asked and Mr. Marquise said that the structure can be built on land owned by the Riverway as they are the applicant even though someone else is doing the presentation. Vice Chair Jewczyn asked if Mr. Hoekstra would be taking the land and Mr. Marquise said that he is assuming that it is being rented.

Vice Chair Jewczyn said that he was expecting to see wheels on the building. Peter Hoekstra, the owner of the proposed hot dog shed, said that if wheels were allowed, he would have them.

Mr. Claus apologized as he was looking at another application; the proposed structure is not 20 ft by 18 ft. Mr. Butler said that the proposed structure is 10 ft by 16 ft. Mr. Marquise said that the proposed setbacks are on the submitted Site Plan and they are to be 10 ft from the side setback and 40 ft from the centerline of the road.

Mrs. Gottling asked and the Board explained that the purpose of the structure is to be where the hot dogs are sold. Mrs. Gottling said that she thinks this is different than what was said during the consultation. Mr. Hoekstra apologized and said that he thought he was clear about what he was proposing. Chairman White said that he remembers the discussion but thinks that the Board made it clear if he was building a structure, Mr. Hoekstra would need to make sure it meets the Zoning Ordinance for setbacks and such. There were a lot of ideas discussed and he does not think that Mr. Hoekstra misled anyone.

Mr. Hoekstra said that he was operating under the guidance of Nicole Gage who said that an existing gravel area where the structure would be placed would not count as land disturbance. She also told him that he would need to contact the State to determine if a Shoreland Permit would be required and he did contact them and they told him that it was not necessary. The third thing Ms. Gage was concerned about was if it was in the right Zoning District and it is in the Village Commercial Zone.

115 Vice Chair Jewczyn asked how long the power will be connected to the building. Mr. Hoekstra said that  
116 this is going to be a seasonal hotdog stand which is going to be operational from Memorial Day through  
117 Labor Day and there is existing power right by the dumpster.

118 Chairman White said that he does not think that something having power makes it a structure. He  
119 would be more concerned if they were pouring piers or footings for this to be attached to the ground as  
120 that is a structure. Mr. Royce said that anything constructed or erected with a fixed location on the  
121 ground or attached to something having a fixed location on the ground is a structure; the power pole  
122 has a fixed location on the ground so it will be a structure. Chairman White said that being attached  
123 means physically attached, not a power cord. He is not disputing that this may be a structure but he  
124 thinks it is a bit of a stretch to say that it is just because it is plugged in. Mr. Royce said that there is a  
125 definition of a structure in the Town of Sunapee and everything about this structure meets the  
126 definition; if they want to put a structure in then they should have to go through the correct process.  
127 Mrs. Royce said that they are saying that the Town's regulations are clear that it is a structure as it is  
128 attached. Mr. Royce said that if they are putting in a structure, they should have to go through full Site  
129 Plan compliance and it has not met the completeness of the application, let alone moving to the merits.  
130 He does not see how adding a structure is an amendment to a Farmer's Market Site Plan.

131 Chairman White said that he thinks the Board needs to determine if this is different than they thought it  
132 would be and if it is a structure. He believes that it is a structure as it shows on the drawing piers that  
133 do connect it to the ground and that it will try to meet all the setbacks.

134 Chairman White asked how the Board feels about moving forward with the information that has been  
135 submitted or if they believe they should request more information before accepting the application as  
136 complete.

137 Mr. Butler said that he believes that the Board should allow the applicant to say if the building will be  
138 attached to piers. Mr. Hoekstra said that the building will not be attached to piers. He included the  
139 drawings as a courtesy to show the Board what the proposed building will look like. The way that the  
140 drawings came to him from Jamaica Cottage Shop shows that there are piers, but it is built on 4 x 4  
141 pieces of lumber on a skid, there are no piers, concrete, etc., it will just sit on the ground.

142 Mr. Butler asked and Mr. Hoekstra said that the plan is to leave the shed there and not move it after the  
143 season is over. Vice Chair Jewczyn asked how that is possible and who owns the land. Mr. Hoekstra said  
144 that the Riverway owns the land. Vice Chair Jewczyn asked and Mr. Hoekstra confirmed the Riverway  
145 has said that he can have the building on their property year-round. Vice Chair Jewczyn asked and Mr.  
146 Hoekstra said that he will be renting the space from the Riverway.

147 Chairman White asked if the Board feels they need more information. There are certain times where  
148 not every requirement is applicable to every application so he would like to know what the Board feels  
149 about this proposal.

150 Mrs. Gottling asked why the Riverway is not doing the application and asked if renters often do a  
151 presentation. Mr. Marquise confirmed that renters often do the presentation and said that anyone can  
152 come in and act for a landowner as long as they have permission which they do in this case. It is

153 appropriate in this case as the Riverway is not going to be able to answer the questions the same way  
154 that Mr. Hoekstra can.

155 Vice Chair Jewczyn asked and Mr. Hoekstra said that his lease is for the footprint of the building so  
156 technically 140 sq ft. Vice Chair Jewczyn asked how they rent the land. Chairman White said that the  
157 Board does not need to get into that discussion.

158 Chairman White said that the focus needs to be on the fact that the building will be somewhat portable  
159 as it will be on skids. It will not be removed seasonally but they are not digging into the ground or  
160 attaching it to the ground. He thinks that there is enough information to determine if the application is  
161 complete.

162 Mr. Butler asked how the electrical service will be attached to the building. Mr. Hoekstra said that there  
163 is a pole next to the dumpster that fed the service to the house that used to be on the site. He will be  
164 working with an electrician as the wires that went to the house are still on the pole so he will have the  
165 wires run straight across, above ground, to the building. Mr. Claus asked and Mr. Hoekstra confirmed  
166 that this is not an extension cord plugging into a unit; it will take an electrician to connect and  
167 disconnect the electricity. Mr. Hoekstra said that he presented to the Fire Chief that he will have a  
168 licensed electrician to do the wiring and run the power over. Everything that will be used inside will be  
169 run on 110 volts; there will be a refrigerator, a steamer, and a portable sink with four sinks.

170 Mr. Marquise said that from a Zoning standpoint this is considered a structure and there is a pending  
171 Certificate of Zoning Compliance Permit which would look at all the setbacks. There may be something  
172 that the Board may want added to the plan, however, he would question the need for a full boundary  
173 survey for such a minor installation that has the potential to be moved. Chairman White said that he  
174 would think that there is an existing survey for the property as the library was proposed to be built on  
175 the site. Mr. Claus said that he has a copy of the survey as he did some work for the Riverway and used  
176 the survey. Chairman White said that if there is an existing survey, he thinks the Board would feel better  
177 about that than just a copy of the Town's Tax Map.

178 Vice Chair Jewczyn said that he would be concerned about who is putting stakes in the ground.  
179 Chairman White said that there will not be any stakes as it will not be attached to the ground. Vice Chair  
180 Jewczyn asked what the point of the setbacks are if there are no stakes. Chairman White said that it is  
181 because it is larger than 32 sq ft and is a structure. Vice Chair Jewczyn said that he is asking how the  
182 Board will know the setbacks without them marking where the building will be located by a surveyor.  
183 Mr. Marquise said that currently the landowner is relied on to make sure that something is in the right  
184 place; the Town does not go out and measure locations.

185 Chairman White asked if the Board thinks that the application is complete or if they will move forward  
186 with what has been presented. Vice Chair Jewczyn asked if the application is being considered as  
187 complete because it is piggybacking on the Farmer's Market Site Plan approval so there were things left  
188 off this application. Chairman White said that for the Farmer's Market the booths are taken down and  
189 put back up and the Board felt the application submitted was complete as it was adequate information.  
190 Vice Chair Jewczyn said that this is not what this is.

191 Mr. Clark asked if it is appropriate to withdraw his motion to accept the application as complete as it has  
192 been seconded. Mr. Marquise said that he believes that both the motion and the second can be  
193 withdrawn.

194 **Mr. Clark made a motion to withdraw his motion that the application is complete. Vice Chair Jewczyn**  
195 **agreed to withdraw the second.**

196 Chairman White asked and the Board agreed that they would like more information. Mr. Marquise said  
197 that he thinks that the Board needs to give guidance to the applicant regarding what they are looking  
198 for; if it is just a question about the boundary survey, can he take the existing one and adding these  
199 pieces or is there is anything else the Board wants.

200 Vice Chair Jewczyn said that there is a conflict as everyone is talking about the Farmer's Market but that  
201 is not what this is as it is not being removed at the end of the day. He does not think that it can be  
202 lumped in with the Farmer's Market as they are two different things. He would also like to know if Mr.  
203 Hoekstra has paid the Farmer's Market. Chairman White said that is not the Board's business. Vice  
204 Chair Jewczyn said that this would either be part of the Farmer's Market or not because if a fee has been  
205 paid then it is part of the Farmer's Market. Chairman White said that this sounds like a separate entity.  
206 Vice Chair Jewczyn said that then the Board cannot be talking about the Farmer's Market and the hot  
207 dog stand in the same sentence. They are two different things; one has an entry fee and is portable and  
208 the hot dog stand is standing still and has not paid a fee. Mr. Marquise said that the existing Site Plan  
209 cannot be ignored because they will be operating at the same time and some of his questions relate to  
210 what will be happening when the Farmer's Market is open. He thinks that they must be piggybacked  
211 and the existence of the Farmer's Market cannot be ignored.

212 Vice Chair Jewczyn said that if the Board is relying on the application as being complete as it is  
213 piggybacking on the previous Farmer's Market and other discussions that is one thing, however, from  
214 what he can see, this is coming from a different direction and the application is not complete.

215 Chairman White said that the Board must explain to the applicant what makes the application  
216 incomplete.

217 Mr. Butler said that if it was a temporary structure could be removed from the site it would make the  
218 application complete. Mr. Marquise said that as Mr. Hoekstra is not doing that, the Board needs to let  
219 him know what it will take to get this approved as this is what is being requested. Ms. Gage had told Mr.  
220 Hoekstra that he could not have a cart to sell hot dogs as she did not believe it met Zoning and the  
221 Board must live with that. Mr. Hoekstra is trying to find a way to fit this proposal under Zoning as a  
222 retail operation and the Board must explain how he can make the application complete. If it is just a  
223 matter of putting a drawing on a copy of a boundary survey or if there is anything else the Board would  
224 like to have as part of the application, obviously, the grades will not be changed so contours and things  
225 like that would not be needed. The Board must determine what is lacking in the application to make a  
226 determination.

227 Mr. Butler said that his issue is that in order to remove the structure, Mr. Hoekstra will need a licensed  
228 electrician to remove the power and then reconnect it every time he brings the unit in, so this warrants  
229 a permanent structure. Mr. Marquise said that he understands this, Mr. Hoekstra will get a permit for a

230 permanent structure. The Town does not have building codes so the Town does not get to direct who is  
231 hired as that is between him and the power company and the electrician. Mr. Hoekstra said that he will  
232 not be removing the building so the discussion will end quickly if there is a requirement for him to  
233 remove it every day.

234 Vice Chair Jewczyn said that he was hoping to hear from the Riverway as they are renting the space that  
235 the building will be on but people will need to cross the Riverway's property to get to the hot dog space.  
236 He thinks that there is something missing and there are questions that need to be answered from  
237 someone from the Riverway.

238 Chairman White said that Vice Chair Jewczyn and Mr. Butler have good concerns, but they tend more  
239 towards the merits of the application. The Board needs to determine what it is that they need to get  
240 from Mr. Hoekstra so he can submit a complete application. This is an existing lot and, depending on  
241 the impact, the Board has been somewhat flexible in the past about waiving some of the requirements  
242 depending on the individual application. If this does not meet the requirements of completeness, the  
243 Board needs to determine what is missing in order to submit a complete application.

244 Mr. Butler said that this is a permanent structure. Chairman White agreed but said that a permanent  
245 structure is shown on the plan; Mr. Hoekstra is not saying that it is not a permanent structure. This is a  
246 structure and what is being said is that it will be located 10 ft from the side property line and 40 ft from  
247 the centerline of the road, which are the Zoning Requirements.

248 Chairman White asked what else the Board is asking to be put on the Site Plan to determine that the  
249 application is complete so they can continue to the merits.

250 Mr. Clark said that he would like to see what the Board normally sees on a Site Plan such as lighting,  
251 parking, the hours of operation, etc. Mr. Butler said that he also thinks that the land should be surveyed  
252 to show the structure.

253 Vice Chair Jewczyn said that he questions how many structures are being put on the lot. Chairman  
254 White said that the request is for a 10 ft by 16 ft building. Vice Chair Jewczyn said that he understands  
255 but he questions if the Board will refuse the next 10 people who want to put a 10 ft by 16 ft building on  
256 the lot. Chairman White said that no one has a crystal ball and no one knows. Vice Chair Jewczyn said  
257 that the Board has not heard from the Riverway regarding the number of structures they will want on  
258 the property. Chairman White said that if the Riverway wants more structures they will need to come  
259 back before the Board. Mr. Butler said that is a Zoning issue per what is allowed in the Village  
260 Commercial District. Chairman White said that they would still need to come before the Board.

261 Chairman White said that Mr. Hoekstra is trying to do the right thing and is looking to the Board for  
262 direction if the Board is saying that the application is incomplete. Chairman White continued that Mr.  
263 Clark had said that he would like to demonstrate the things that a restaurant would require. Mr. Clark  
264 said that when the consultation happened the Board was talking about potentially a rolling structure.  
265 Mr. Hoekstra said that there was never a discussion about wheels. Mr. Clark said that then the Board  
266 said that if Mr. Hoekstra did go this route it would be more difficult. Mr. Marquise said that Mr.  
267 Hoekstra had to go this route as it was not allowed by Ms. Gage and this concept has been in place since  
268 the consultation.

269 Mr. Marquise said that on the shared screen he has the Site Plan application requirements. He  
270 suggested that the Board look through the requirements and see if there is anything that they can see  
271 that can help in this endeavor.

272 Mr. Claus asked and it was confirmed that the structure will sit there year-round. Mr. Claus said that he  
273 thinks that there should be a boundary survey. Mr. Claus asked if the parking can be continued to be  
274 used on the site and if the Site Plan should show how the parking will work. Mr. Marquise said that was  
275 going to be discussed in the merits but the applicant could show that on the drawing. Mr. Claus said  
276 that the structure is within Shoreland and does not understand how a structure that will sit on a site  
277 year-round will not need at least a Permit by Notification. Mrs. Gottling said that the river has the same  
278 considerations for Shoreland. Mr. Claus said that the 50 ft and 150 ft lines are also not shown on the  
279 plan. Mr. Marquise said that there is a signoff that says that if the building is being put on exiting gravel  
280 it does not need a permit. Mr. Royce said that the information submitted that was sent to the State is  
281 cutoff and says minor disturbance which is land disturbance in the Town of Sunapee. He does not  
282 believe that what has been provided to the State is correct and the emails are cut off and the  
283 attachments were not provided so no one can see what was provided. He would like to see a copy of  
284 the actual email that was sent to the State and the supposed signoff. There will need to be grading done  
285 and the moment that grading is done it is land disturbance. The rules need to be followed, especially in  
286 the Shoreland and this should be treated the same way as everyone else.

287 Vice Chair Jewczyn said that he would feel better if he had seen a plan from the Riverway that broke the  
288 property into segments that could be rented. Chairman White said that the Board already approved the  
289 Site Plan for the Farmer's Market; it was sort of loopy-goopy because it was portable. Vice Chair Jewczyn  
290 said that everyone keeps lumping this in with the Farmer's Market and it is separate. Chairman White  
291 said that the discussion is about the structure and no one is thinking it is part of the Farmer's Market.  
292 Vice Chair Jewczyn said that in the presentation they are lumped together. Mr. Royce said that this is on  
293 the same property as the Farmer's Market so once a new Site Plan is brought up the entire Site Plan is  
294 up for review so this is not something where they can just approve the hot dog stand and not discuss  
295 the Farmer's Market; a new plan and use means that the current use is up for discussion.

296 Mr. Hoekstra said that he did not mean to create a controversial opportunity and he will take the  
297 guidance of the Planning Board however they feel is appropriate. He will answer any questions that he  
298 can at the appropriate time. He appreciates what the leadership is going to tell him to do and will  
299 cooperate with the Board.

300 Vice Chair Jewczyn asked why this cannot be a trailer with wheels. Mr. Hoekstra said that in the Zoning  
301 Ordinance there is a restriction that does not allow food to be served from a cart with wheels. His first  
302 plan was to have a hot dog cart and set up outside the Riverway and sell hotdogs, however, that is not  
303 allowed so he is moving in this direction. The hot dog cart would cost less than the proposed venture.  
304 Mr. Royce said that there have been hot dog carts in the harbor before. Mr. Hoekstra said that they  
305 have been for special events and only there for a day or weekend; he would be happy to have a hot dog  
306 cart. Chairman White said that there was a discussion during the consultation regarding possibly  
307 changing the Ordinance next year because they would help revitalize the harbor. Mr. Hoekstra said that  
308 he will be selling the exact same thing from a 10 ft by 14 ft building as he would from a cart with two  
309 wheels.



310 Mr. Hoekstra said that he did not think that there would be a long conversation about this proposal as it  
311 seemed straight forward but he is happy to do whatever he needs to do.

312 Mrs. Gottling asked and Mr. Hoekstra said that the building could be easily removed in the winter. Mrs.  
313 Gottling asked if the building is removed if it still counts as a permanent structure for the time that it is  
314 on the site. Chairman White said that it does not meet the definition for a minor structure as the  
315 Ordinance says anything constructed or erected with a fixed location on the ground or attached to  
316 something having a fixed location on the ground. He does not think that hooking up to electricity is  
317 attaching to something on the ground. The building will not require footings and will be on skids; the  
318 fact that he is not removing it does not make it any less or more portable.

319 Chairman White said that the Board must identify for the applicant from the list in the Site Plan  
320 Regulations. Chairman White asked if the Board thinks that a perimeter boundary survey is needed.  
321 Vice Chair Jewczyn said that he thinks that it needs to be located by someone of repute. Chairman  
322 White asked if the Board needs a perimeter boundary survey for the application to be complete. Vice  
323 Chair Jewczyn asked how else the building would be located on the plot of land. Chairman White said  
324 that you would measure it with a tape measure, it is done all the time from the property line. Just  
325 because it is on a survey does not change the information, it will still show that the building will be 10 ft  
326 back and 40 ft from the centerline, it will just be on a survey. Whether it gets put in the right place is  
327 another issue that is up to the applicant.

328 Vice Chair Jewczyn said that he is looking down the road and having someone in the Farmer's Market  
329 who has rented space that coincides with the space already taken by someone else.

330 Mr. Claus said that for the first question he is used to seeing things a little more professionally done with  
331 a boundary survey. He is a little more flexible knowing that everyone is familiar with this plot of land.  
332 The structure does not exceed or come close to exceeding the buildable envelope allowed on this  
333 property. He is not as concerned that it will be pushing on the setback and the drawing shows those  
334 lines so it will be the applicant's responsibility that the building is placed correctly. He is more flexible  
335 with not needing the boundary survey. The only thing that he thinks would come up with a survey  
336 would be that it would show if the parking will be continued to be used or if it is just pedestrian traffic.  
337 He is not sure how the parking will work and how the structure will impact it and the entrance to the  
338 road.

339 Chairman White asked if the Riverway will allow parking on the site when they have the Farmer's  
340 Market. Mr. Marquise said that he does not believe that they are and one of the questions that came  
341 up was if parking would be allowed on the site for people who want to get hotdogs when the Farmer's  
342 Market is not in session. Mr. Claus said that his only concern is to see the driveway access and the  
343 parking on the plan to ensure that the building is not conflicting with the access.

344 Mr. Marquise said that looking at the list of requirements he thinks that number 11 is probably the most  
345 important one; many of the others is happening as it is a self-contained unit. Chairman White agreed  
346 and said that number 1, number 8, and number 11 of the requirements makes the most sense. Number  
347 1 is a survey and he is sure that a survey has already been done so it would just be a matter of getting it,  
348 not getting it surveyed again. He also thinks something needs to be addressed during the times of the  
349 Farmer's Market is being operated as it will be different than when they are not.

350 Vice Chair Jewczyn asked and Chairman White said that he does not know if this will be a taxable  
351 structure. Mr. Claus said that this is not something that the Board can answer. Mr. Clark said that it is a  
352 good thing to bring up in terms of impact. Mr. Marquise said that this is a structure that will receive a  
353 Certificate of Zoning Compliance which will go to Assessing and they will make that determination.

354 Mr. Butler asked if the Board is opening a can of worms to have various satellite businesses on people's  
355 properties and if this is a bad planning idea overall. Chairman White asked and Mr. Butler said that he  
356 does not want to see 10 separate satellite businesses in Sunapee Harbor with separate electrical  
357 services to every one of them. Vice Chair Jewczyn said that he has 14 acres and a private road and asked  
358 if he can have private businesses along the road with no issues. Chairman White asked if it is allowed in  
359 that Zoning District.

360 Mr. Butler said that he does not understand why Mr. Hoekstra cannot have a portable hotdog stand.  
361 Chairman White said that it is not allowed; if the Ordinance allowed it then this would not be a  
362 discussion. He thinks that the Board needs to revisit this issue next year to propose an Amendment to  
363 the Zoning Ordinance.

364 Mr. Butler asked if the Board wants to see a taco stand requesting a building on the Riverway property  
365 to be built next to the hot dog stand. Chairman White asked what the harm in that would be as he  
366 thinks that everyone is trying to get the Harbor to come back to life and these sorts of things bring  
367 people there. He does not think the Board is opening any floodgates or setting a precedence. If there is  
368 an influx of applications that is something that will need to be addressed. Mr. Hoekstra is not doing any  
369 illegal and is trying to everything right; the Board needs to tell him what information he needs to get  
370 together for the Board to agree that the application is complete and then discuss the merits.

371 Chairman White asked if the Board thinks any other items on the list of requirements are applicable to  
372 the proposal other than Numbers 1, 8, and 11. Mrs. Gottling asked if there is a reason that Number 5  
373 would not be required. Mr. Marquise said that the Town already has that information on the Tax Map.  
374 Mr. Clark asked about landscaping and if that will be waive for this application. Mr. Hoekstra said that  
375 he has not thought about plants. Chairman White said that he thinks the Board must keep things into  
376 perspective as not all applications are the same and not all businesses are the same. The Board has the  
377 flexibility to look at each individual application and decide if there is enough information to move  
378 forward.

379 Mr. Butler asked about the hours of operation. Mr. Hoekstra said that they will be open 11:00 am to  
380 3:00 pm Fridays, Saturdays, and Sundays and during events such as the Fourth of July. Chairman White  
381 said that they should not get too deep into this discussion.

382 Mr. Royce said that the hours of operation is part of the application that everyone else is forced to put  
383 in; they had to describe their business and hours and submit a stamped survey that showed lot  
384 coverage, impermeable and permeable lot coverage, etc. He does not think people should be treated  
385 differently if they want a structure in the same areas. This property abuts his property and is in the  
386 Shoreland and this application is being treated differently than his application was as they had to go  
387 through and check all the boxes. Chairman White said that the Royce's application was very good but  
388 there is a reason the Board is allowed to waive certain regulations for certain applications; the Board  
389 does it all the time as not every application is the same.

390 Mrs. Royce said that these are abutting properties and she thinks that this property is being treated  
391 differently because it is owned by the Riverway. Chairman White asked if Mrs. Royce is accusing the  
392 Board of playing favorites. Mrs. Royce said that she is not accusing the Board of playing favorites, she is  
393 saying that these are two abutting properties with similar use requests and she does not see how the  
394 Board can use their discretion to give this application a pass when they did not give it to other  
395 applicants. Chairman White said that he feels that the Board has been more than fair with everyone  
396 who has come before them and he does not necessarily like the implication that they are not requiring  
397 something of someone because of who they are. Not every application is the same and the Board has  
398 the right to waive any requirements that they see fit and they have been operating on this premise for  
399 many years.

400 Chairman White asked the Board what else they think needs to be shown on the application in order to  
401 accept it as complete with the understanding that they are not going to be asking for everything  
402 because a lot of times they do waive requirements depending on the proposed use and the intensity.

403 Mr. Butler asked and Chairman White said that this will be a structure and the debate about if it is a  
404 structure is a moot point.

405 Chairman White said that the only question is if the Board wants more information on the Site Plan  
406 regarding the hotdog stand in order to accept the application as complete to move forward to the  
407 merits.

408 Vice Chair Jewczyn said that he does not see the Riverway people and in his mind there is a rental  
409 contract in place for a 10 ft by 16 ft space but from what he can see there is something missing as he  
410 does not know how Riverway is breaking up the property. He does not know what is in the contract that  
411 could cause problems down the road. For instance, they could be creating an issue by putting this  
412 property here instead of closer to the electrical outlet. Chairman White said that this is where the  
413 applicant is proposing to put the building and the Board has no business dealing with the rental  
414 agreement as that is a civil issue. The Board needs to figure out things like if Mr. Hoekstra is going to  
415 have a hotdog stand and he needs eight parking spaces where those parking spaces will be located. The  
416 Board needs to narrow their view down and let the applicant know what they need from him to address  
417 these concerns.

418 Mr. Marquise said that Chairman White brought up Numbers 1, 8, and 11, which he thinks are highly  
419 applicable to this application. He would also suggest Numbers 18 and 21 as 18 would cover the location  
420 of retaining walls, fences, and outside storage areas such as the dumpster and 21 covers the items in  
421 D(2) which are: a description of the business activity, the number of employees, the estimated number  
422 of customers. Chairman White said that a lot of those items are discussed during the merits. Mr.  
423 Marquise said that if they are added it will help to make the application complete. Mr. Claus asked and  
424 Mr. Marquise confirmed that the Board can request the Shoreland setbacks be shown as well on the  
425 boundary survey.

426 Vice Chair Jewczyn said that this is too loosie-goosy for him. Mr. Claus said that the Board is talking  
427 about what the applicant needs to present for the application. Chairman White said that there is a  
428 whole additional process to go after the application has been accepted as complete. The Board needs  
429 to focus on what is need on the application in order for the completeness to be met.

430 Mr. Claus said that he would like to add a recommendation that the applicant has a little more  
431 information on the State waiving any type of requirement for a Permit by Notification. Mr. Hoekstra  
432 said that he asked someone from DES for an official statement and he said that the email would be  
433 sufficient. Mr. Hoekstra asked if there is something else that he should request. Vice Chair Jewczyn said  
434 that he thinks that the Board needs to see all the emails that went both ways. Mr. Hoekstra said that he  
435 thought that was done but it does not seem to have gone through.

436 Mr. Hoekstra asked if the Board is asking for all this information if it will be presented at the meeting in  
437 April. Mr. Marquise said that this hearing will be continued to the April meeting without needing to be  
438 re-noticed. Mr. Hoekstra asked if he had all the information sooner if he still needs to wait until April.  
439 Mr. Marquise confirmed that the continued hearing will be April 8<sup>th</sup>.

440 Mr. Butler said that someone needs to clearly state what Mr. Hoekstra needs to do.

441 Mr. Marquise said that under Article 5 of the Site Plan Regulations the Board is requesting that Numbers  
442 1, 8, 11, 18, and 21 be included in the application.

443 Mr. Royce said that he thinks that the items under Numbers 2, 3, 4, and 6 are all important in this  
444 process and should not be skipped over. This should be a full Site Plan with a full drawing of the  
445 property when a structure is built; it should be applied the same way.

446 Mr. Royce asked and Chairman White said that only the Planning Board Chair has to sign the Site Plan.  
447 Mr. Royce asked and Mr. Marquise said that under Article XII, all the Department Heads need to sign off  
448 on the completion of the Site Plan improvements for the final occupancy. Mr. Royce asked and Mr.  
449 Marquise said that the signoff process by the Department Heads was changed as of December 10, 2020.

450 Chairman White asked and the Board agreed that they are good with what is being requested.

451 Mr. Hoekstra asked which Board he will need to go to in order to ask for a hot dog cart. Chairman White  
452 said that he would need to request a Variance from the Zoning Board if it is not an allowed use. He can  
453 certainly make a case to the Zoning Board that if they are allowed on a temporary basis what is the  
454 purpose of the Ordinance to not allow it on a seasonal basis.

455 Mr. Hoekstra asked if he needs something official from the Planning Board or if he just needs to write  
456 down the numbers and try and figure it out on his own. Chairman White said that if Mr. Hoekstra needs  
457 any help Mr. Marquise would be the person to ask.

458 Mr. Marquise asked and Chairman White confirmed that even if Mr. Hoekstra gets a Variance to have a  
459 hot dog cart he will still need to come before the Planning Board for a Site Plan. There was further  
460 discussion regarding this matter as it would still be a commercial entity and would still need a Site Plan.

461 **PARCEL ID: 0133-0017-0000: STATEMENT OF PROPERTY USE; CURRENTLY USED AS A LAUNDROMAT;**  
462 **PROPOSED USE WOULD BE TWO (2) OFFICES & CONFERENCE ROOM; 41 MAIN ST; DAVE & LYNN**  
463 **SMITH**

464 Mr. Marquise said that he received two separate Statement of Property Usages for this building. He  
465 received the Statement of Property Usage requesting the laundromat going to the two offices and  
466 suggested that it would need to come before the Planning Board to determine if the Board feels as

467 though it is a change of use and / or an increase in use and if it would require a full Site Plan Review.  
468 After he received the first request, there was a second request to turn the current Harbor Light Realty  
469 office into a smaller office and put a skin care practice in the other office. Standing on its own, he  
470 probably would have signed off on this as a "like-kind" office to office but decided to have both  
471 Statement of Property Usages come before the Board to decide if either proposal needs a Site Plan  
472 Review.

473 Chairman White said that the Board can talk with the owners to talk to them about what they are doing  
474 and decide from there if they need to go to Site Plan Review.

475 Dave and Lynn Smith, the owners of the building, were present to discuss the two Statement of Property  
476 Usage applications.

477 Mrs. Smith said that the building has multiple units and on one end Harbor Light takes up two units. They  
478 want to break those apart and make Harbor Light smaller and the first unit on the far left of the building  
479 will become another office that they will rent out to do facials. There are currently two desks and a  
480 conference room and now there will be one employee and one client at a time.

481 Mrs. Smith said that on the other side of the building is the laundromat which is an 18 ft by 20 ft section  
482 that had 15 commercial washing machines and 13 commercial dryers and a public bathroom. The  
483 laundromat was open from 7:00 am to 9:00 pm / 7 days per week to the public. They want to take the  
484 laundromat out, put up a wall, and convert the space into two offices with two desks each, a shared  
485 conference room, and a shared bathroom.

486 Mrs. Smith said that they will not be making any changes to the outside of the building; they will just be  
487 building a few walls inside the building and reducing the use.

488 Mr. Clark asked how many people may have used the laundromat and what were the peak days. Mrs.  
489 Smith said that summer weekends were the peak days with people getting ready to leave on Sundays and  
490 doing their bedding in the mornings. Summers were fairly busy all day long; the winter was pretty quiet  
491 with just local townspeople. Mr. Smith said that their public restroom became the restroom for the Town  
492 when the Harbor restroom shut down in the winter. Mrs. Smith said that she does not know how many  
493 people used the laundromat daily.

494 Mr. Claus asked and Mrs. Smith said that all three out of the four current doors to the building will be  
495 used as there is one door that is not used; one door will be for Harbor Light, one door will go to the facial  
496 business, and the third door will go to the two offices. Mr. Claus asked and Mrs. Smith confirmed that  
497 each rental space will have its own bathroom facility.

498 Chairman White asked and Mrs. Smith confirmed that they submitted plans showing the new office space  
499 that is the current laundromat and also a plan showing the new office space for the facial business.

500 Chairman White asked and Mr. Marquise said that he does not believe there are any parking  
501 requirements for a laundromat; offices usually require one space for every 300 sq ft plus employees. Mr.  
502 Clark said that this should be a decreased usage to remove the laundromat, especially on weekends. Mr.  
503 Smith said that he guesses that there were approximately 30 to 35 people per day on a weekend day in  
504 the summer. Chairman White asked how many parking spaces the new office spaces would require. Mr.

505 Marquise said that there would be five spaces needed for the square footage and six for employees so 11  
506 total spaces. Chairman White asked and Mr. Smith said that there are 22 parking spaces around the  
507 building; there are ten spaces owned by the Town across the street; three spaces to the side of the  
508 building; and nine on Central Street. Chairman White said that the difference to him with parking is that  
509 with the laundromat, people pull in, drop their stuff off, sometimes leave and sometimes wait, and then  
510 when they are done, they leave. With an office people are there for a full day of work and there are  
511 occasionally people who visit and leave. Chairman White asked if the Board feels comfortable with the  
512 parking for the operation of the offices.

513 Vice Chair Jewczyn said that his concern is pedestrian parking with people going from their cars to the  
514 offices and back. Mrs. Smith said that there will be less pedestrian traffic as there will not be 30 people  
515 crossing the street to go into the laundromat. There was further discussion regarding this matter.

516 Mr. Claus said that he thinks that it is rare to see more than three or four cars parked across from the  
517 building and there are nine or ten spaces. He has never really seen a parking issue in the area unless  
518 there is an event. The parking in the area is kind of a game where every retail place in the Harbor looks at  
519 the group of public parking and everything works itself out.

520 Vice Chair Jewczyn said that the Board recently approved the expansion of the barbeque restaurant next  
521 to this building and an event there could cause an issue. Mr. Clark said that this parking is primarily going  
522 to be used during the day. Mr. Claus said that the offices will also probably primarily be used on  
523 weekdays and the parking is needed more during the summer and on weekends.

524 Chairman White said that they can have signage as long as it meets the Ordinance. Chairman White  
525 asked and Mr. Smith said that they might add one light over the new signs on the side of the building but  
526 do not plan on any other additional lights.

527 Vice Chair Jewczyn asked if traffic will be impeded at all by delivering materials needed for construction  
528 of the walls in the building. Mrs. Smith said that they are only adding two petitioned walls on the inside.  
529 Mr. Claus said that there is also the triangular space to the side of the building that rarely has cars that  
530 they can use.

531 Mr. Clark said that he thinks that this is a good redevelopment of the space.

532 Chairman White said that if they are doing a sign with lighting, they will need to provide how it will be lit  
533 and show that it is downlighting that will not bother anyone including the hours it will be lit. Mrs. Smith  
534 said that they

535 The Board agreed that they are satisfied with the proposals and that a full Site Plan Review is not  
536 required.

537 **Mr. Claus made a motion that Parcel ID: 0133-0017-0000 does not require a Site Plan approval and the**  
538 **proposed Statement of Usages are acceptable. Vice Chair Jewczyn seconded the motion. A roll call**  
539 **vote was taken: Mr. Clark voted yes; Mr. Butler voted yes; Vice Chair Jewczyn voted yes; Mr. Claus**  
540 **voted yes; Mrs. Gottling voted yes; and Chairman White voted yes. The motion passed unanimously.**

541 Mr. Marquise said that he will sign the Statement of Property Usages and they will be ready for Mr. and  
542 Mrs. Smith to pick up in the next few days. Also, any construction that is more than \$25,000 requires a  
543 Certificate of Zoning Compliance Permit.

#### 544 **MISCELLANEOUS**

545 Mr. Marquise said that he believes that they are finally finalizing the Blueberry Mountain subdivision on  
546 Route 103B. The Bells have made some presentations to the Board and discussed a bond and the  
547 Highway Director requested more money which they have provided. He will let the Board know if a final  
548 agreement is made so they can sign the Mylar.

549 Mr. Marquise said that there is a meeting to start discussing the Master Plan on March 18<sup>th</sup> at 7:00 pm via  
550 Zoom. Chairman White asked and Mr. Marquise said that he thought an agenda has been put up on the  
551 website for this meeting but will check to see if it has been posted.

552 Mr. Royce asked what part of the Ordinance does not allow a food cart. He found the part of the  
553 Ordinance that says that a restaurant cannot serve food from an automobile or to an automobile but he  
554 did not see anything about a hot dog cart.

555 Mr. Clark asked how it works for the agenda for a continuation as the April meeting looks fairly busy.  
556 Chairman White said that he does not know how the agenda is set. Mr. Marquise said that normally  
557 continued hearings are heard first.

558 Chairman White asked and Mr. Marquise said that the answer that he received from Ms. Gage regarding  
559 the hot dog carts was that if it is not permitted as a use in the Ordinance then it is prohibited. In the past  
560 they used to try and determine what things might fit under but that was not done and he does not feel as  
561 though he should back track on that decision. Chairman White said that for a land use perspective he  
562 thinks that a cart has less impact than a building. Vice Chair Jewczyn said that he was surprised by the  
563 proposal as he did not remember it being a building. Mr. Clark said that he thought the proposal was  
564 going to be something else as well. Mrs. Gottling said that she went back and reread the minutes from  
565 the consultation and he did say that he could not have a cart and that he would be putting a building on  
566 the Riverway property, however, Chairman White did mention setbacks and such during the consultation.  
567 The Board continued discussing this matter briefly.

568 Vice Chair Jewczyn said that he will read the minutes for the next meeting and the Board discussed  
569 breaking up the past meeting minutes to read and edit them so that they can be discussed at the next  
570 meeting.

571 There was a discussion regarding selling food from boats.

#### 572 **MINUTES**

573 Changes to the Planning Board minutes from January 14, 2020: The minutes were continued until the  
574 next meeting.

575 Changes to the Planning Board minutes from February 13, 2020: The minutes were continued until the  
576 next meeting.

577 Changes to the Planning Board minutes from March 12, 2020: The minutes were continued until the  
578 next meeting.

579 Changes to the Planning Board minutes from June 11, 2020: The minutes were continued until the next  
580 meeting.

581 Changes to the Planning Board minutes from July 9, 2020: The minutes were continued until the next  
582 meeting.

583 Changes to the Planning Board minutes from August 13, 2020: The minutes were continued until the  
584 next meeting.

585 Changes to the Planning Board minutes from September 10, 2020: The minutes were continued until  
586 the next meeting.

587 Changes to the Planning Board minutes from October 8, 2020: The minutes were continued until the  
588 next meeting.

589 Changes to the Planning Board minutes from November 12, 2020: The minutes were continued until the  
590 next meeting.

591 Changes to the Planning Board minutes from December 11, 2020: The minutes were continued until the  
592 next meeting.

593 Changes to the Planning Board minutes from January 14, 2021: The minutes were continued until the  
594 next meeting.

595 Changes to the Planning Board minutes from February 11, 2021: The minutes were continued until the  
596 next meeting.

597 **Mr. Clark made a motion to adjourn at 9:08 pm. Mrs. Gottling seconded the motion seconded the**  
598 **motion. The motion passed unanimously.**

599 Respectfully submitted,

600 Melissa Pollari

601 Planning Board

602 \_\_\_\_\_

603 Peter White, Chairman Michael Jewczyn

604 \_\_\_\_\_

605 Joseph Butler Randy Clark

606 \_\_\_\_\_

607 Jeffrey Claus Richard Osborne



608 \_\_\_\_\_

609 Suzanne Gottling, ex-officio member

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