

1 **TOWN OF SUNNAPEE**

2 **PLANNING BOARD**

3 **MARCH 9, 2023**

4 **Chairman White called the meeting to order at 7:04 PM.**

5 **MEMBERS PRESENT BY VIDEO:** None.

6 **MEMBERS PRESENT IN THE MEETING ROOM:** Suzanne Gottling, Richard Osborne, Chairman Peter  
7 White, Joseph Butler, Randy Clark, Jeff Claus, Gregory Swick, Robin Saunders.

8 **MEMBERS ABSENT:** None.

9 **ALSO PRESENT IN THE MEETING ROOM:** Michael Marquise - Town Planner.

10 **ALSO PRESENT BY VIDEO:** Suzanne Graves McMahon.

11 Ms. Saunders recused herself.

12 **NEW CASES:**

13 **PARCEL ID: 0118-0059-0000 SITE PLAN REVIEW TOURIST HOME 52 BURMA ROAD JOHN P. MCMAHON**  
14 **& SUZANNE GRAVES MCMAHON**

15 Mr. Marquise reported that this case was put under home business. This application was filed in  
16 advance, fees were paid, notices were sent to the abutters and posted with the town.

17 **Mr. Clark made a motion to accept the application as complete. Seconded by Mr. Osborne. The**  
18 **motion passed unanimously.**

19 Mr. McMahon said that he attended the Planning Board in 2009 and they did the whole site review.  
20 McMahons raised the roof of their house and made bedrooms upstairs. They also modernized their  
21 kitchen and the bathrooms to make them modern and more useful. He said that since that time, the  
22 only thing that occurred on their property was an artesian well was put in, and the house was connected  
23 to the sewer system. Other than that, it has been the same plan since 2009, which was approved by the  
24 Board. The McMahons purchased the property in 1994 for family use. The McMahons resided in it with  
25 their two daughters during the winter and summer seasons. The first time they rented the property was  
26 back in 1995 with guidance given by Tom Dugdale, a realtor in Newbury who was an owner's rep, after  
27 asking them if they were interested in renting. They agreed to do so several times to profit and cover  
28 some expenses for the property. The McMahons thought that it was an acceptable process, since they  
29 based their decision on the professionals they used to rent their property. Subsequently, they heard that  
30 they are in violation of the Town's Zoning Ordinances. Mr. McMahon apologized that he was not aware  
31 of that. During a short-term rental meeting in July 2022, the McMahons realized that they may not be in  
32 compliance with the Town's requirements, even though they never saw any enforcement. On  
33 September 13 they applied for a tourist designation. They went to the ZBA twice, received some advice  
34 from other parties, and they got an approval with 3 conditions; one was Site Plan Review with Planning  
35 Board and other documentation of their occupancy and their rental for the past few years which they  
36 provided but received no feedback on, so they assumed that all was right. They were told by Michael  
37 and Scott that the process should be treated as a home business. On September 9, 2022, the McMahons

38 applied for a zoning special exception by submitting all the documentation and said that with this Site  
39 Plan Review it is still in process after 6 months.

40 Chairman White said that they have a Site Plan and a description of the applicant and asked if anybody  
41 has any specific questions regarding that.

42 Mr. Marquise asked how many bedrooms the house has.

43 Mr. McMahon answered that it has 3 bedrooms and 2 baths.

44 Mr. Clark asked what the maximum of guest is that they would have.

45 Mr. McMahon said that they have a limit to 6 adults. He added that he has never received any  
46 complaints from the Town Government about any operations by the occupants.

47 Mr. Swick asked whether there are 2 garages on the property and are their entrances off the main road.

48 Mr. McMahon confirmed.

49 They all discussed about how busy Burma Road is due to some neighborhood construction activity.  
50 Furthermore, they questioned whether there are any signs on the road for heavy vehicles. All agreed  
51 that the signs are up, but sometimes there is an exception in the mornings. There is also a Sunset Lodge  
52 sign which has been up since before the McMahons were renting their property. Mr. McMahon never  
53 had problems with vehicle limitations or parking. Chairman White added that the McMahons have been  
54 renting the property for a while and they became aware of the short-term rental issue, but wanted to  
55 make things right and went to the Zoning Board for a change in use (to make it a tourist home) and they  
56 got the approval.

57 Mr. Claus asked Mr. Marquise why he was referring to it as a home business, which is under Article 5  
58 that reads; we are going to treat it as a home business, to which Marquise explained that it is in terms of  
59 the documentation necessary. Chairman White added that it does not deal with the definition of a home  
60 business, but rather with the Site Plan requirements. Mr. Marquise said that in case the Amendment  
61 passes and the STRs are regulated, then this is the process that will go through in this dispute.

62 Mr. Claus raised a question regarding Burma Road which is a private road with an emergency way  
63 classification and whether it comes to play here. Mr. Marquise answered that it is private road and there  
64 is a legal access.

65 Mrs. McMahon (Via ZOOM) said that there is no fundamental change to usage as a residence and how it  
66 has been used in the past and in the present day, they use it as a residence, they rent it occasionally and  
67 people reside there for a certain period of time. They did not open it for commercial business.

68 Chairman White said that in the Plan it reads that they did not have a gravel drive and the garage has a  
69 short driveway in.

70 Mr. Marquise confirmed that Mr. McMahon has a level area which is open for a potential parking. He  
71 added that they have allowed many permits on the roads over the years as private roads. This is not  
72 Class VI.

73 Mr. Claus added that they denied Class VI roads, which are lesser grade roads than private ones.

74 Chairman White asked Mr. McMahon whether there is any change in lighting, to which he answered  
75 that there is no change; they have downlighting in front of the bigger garage, the yard and also  
76 downlighting on the porch.

77 Mr. Clark asked regarding waste, whether they have a pickup service and are they authorized to use  
78 their pass. Mr. McMahon confirmed and added that they are there right after them to inspect their  
79 usage.

80 Chairman White asked if there are any questions regarding the case and all members agreed that there  
81 were not any.

82 **Mr. Clark made a motion to approve Parcel ID: 0118-0059-0000 Site Plan Review Tourist Home 52**  
83 **Burma Road, John P. McMahon & Suzanne Graves McMahon. Seconded by Mr. Claus. The motion**  
84 **passed unanimously.**

85 Chairman White announced the next case.

86 **PARCEL ID: 0235-0092-0000 BOND HEARING BELL ENGINEERING, INC. 103B/EDGEMONT BLUEBERRY**  
87 **RIDGE BOB BELL & JASON BELL**

88 Mr. Marquise reported that this is a bond hearing and clarified for anyone that is not familiar with it,  
89 that it was approved in November for 12 lots and there were conditions that were put out. One of the  
90 conditions was presenting a Bond that they can agree on once it is done. He said that the Board knows  
91 that there were several conditions for commenting, they also revised road profiles to 10.2% for a  
92 portion up to station 14+0 and less than 10% beyond that. It has been submitted and they have all the  
93 documentation. Stabilization plan and snow storage documents have been added. The permit for land  
94 disturbance is approved. They also received the DES permit for the subsurface. Mr. Marquise asked Mr.  
95 J. Bell on the Bond estimate.

96 Mr. Marquise mentioned that there were 2 options on the paving to which Mr. J. Bell continued that  
97 one was 3.5 inches and the other required 3 inches, and the 148 is for the 3 inches, he wondered why  
98 they included the 3.5 in.

99 Mr. Hazelton (Via ZOOM) said that it is a state standard, and he was concerned about the time frame.  
100 Mr. B. Bell said that that is just an estimate based on what it was and that is all he is asking for.

101 Chairman White concluded that is a 14-day estimate. Mr. Marquise said that they usually cover 10% and  
102 asked Mr. Scott if he is good with their 3 requirements. Mr. Scott confirmed. Mr. Marquise continued  
103 that they have an additional \$59,000 which is fine grading.

104 Mr. B. Bell said that they will get a letter of credit which will be filed and signed as soon as possible.

105 **Mr. Osborne made a motion to approve the Bond amount of \$ \$237,000.00 for the BLUEBERRY RIDGE**  
106 **project. All voted in favor. Seconded by Mr. Claus. The motion passed unanimously.**

107 Other Business:

108 **PARCEL ID: 0137-0020-0000 & PARCEL ID: 0137-0021-0000 LOT MERGER CLAYTON PLATT**

109 Mr. Marquise reported that it is owned by Sandra Eldridge Trust, Clayton was part of it. The Board  
110 already discussed on the case in 2021 and concluded that it is a rubber stamp, and no further discussion  
111 is necessary.

112 **Mr. Clark made a motion to approve a LOT MERGER for PARCEL ID: 0137-0020-0000 & PARCEL ID:**  
113 **0137-0021-0000. Seconded by Mr. Osborne. All voted in favor. The motion passed unanimously.**

114 Review of Minutes: No Minutes were reviewed.

115 Signing of Mylar's

116 **Mr. Clark made a motion to adjourn at 10:20 PM. Seconded by Ms. Gottling. The motion passed**  
117 **unanimously.**

118 Respectfully submitted: Rajmonda Selimi

119 Panning Board

120 \_\_\_\_\_

121 Peter White, Chairman Suzanne Gottling

122 \_\_\_\_\_

123 Richard Osborne Joseph Butler

124 \_\_\_\_\_

125 Jeff Claus Gregory Swick

126 \_\_\_\_\_

127 Randy Clark