

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **NOVEMBER 11, 2021**

4 Chairman White called the meeting to order at 7:09 pm

5 Roll call was taken.

6 **MEMBERS PRESENT IN THE MEETING ROOM:** Peter White, Chair; Michael Jewczyn, Vice-Chair; Richard
7 Osborn; Joseph Butler; Jeff Claus; Randy Clark; Suzanne Gottling; Greg Swick, Alternate; Michael
8 Marquise, Planner

9 **ALSO PRESENT IN THE MEETING ROOM:** Robin Abendroth, Allen Kent Abendroth

10 **PRESENT VIA ZOOM**

11 **MASTER PLAN DISCUSSION**

12 Mr. Marquise stated that they were planning to discuss the Master Plan with the Conservation
13 Commission, however, they may not be able to attend. Chairman White asked if they brought up their
14 concerns about the construction on Route 11. Mr. Marquise stated that he had reached out to them and
15 gave them some updates, and all he got in return was a reply thanking him for the information.
16 Chairman White explained that the Conservation Commission had had some concerns about some
17 development by the new Dollar General. There was further discussion about the Dollar General. Mr.
18 Claus and Mr. Clark both agreed that they felt that it was a well-done project. Chairman White stated
19 that once the buffering comes in it should look pretty good, and they did what the Board had asked
20 them to do. Mr. Claus stated they did more than was asked when it came to landscaping, which he was
21 impressed by. Mr. Marquise informed the Board that they had redone the water basin on the south
22 side, as it had been holding water.

23 Mr. Marquise said that Mr. Clark had some topics he wanted to go over while they waited for the
24 Conservation Commission. Mr. Clark stated that he is part of the Regional Planning Commission and he
25 had reached out to them and gave them the basic idea of what the Planning Board was doing in terms of
26 the Master Plan and asked if they had any suggestions or guidance that should be incorporated into the
27 Master Plan. He got some great feedback from one of the planners suggested that the Planning Board
28 should take a look at New London's Plan that is a well-done, concise plan. Enfield's is almost done, and
29 the Board can have that shared with them. As far as survey questions, Enfield had done any online
30 website that the townspeople could go on to do their surveys and it has been very successful. They also
31 suggested looking at housing and workforce housing.

32 Mr. Clark brought up the Route 11 project. Mr. Marquise was hoping to incorporate the project in the
33 Master Plan, create some excitement around that, and then add them to the Warrant. Mr. Clark said it
34 was suggested by the Planning Commission to have some sort of capital reserve account be set up in

35 case infrastructure money comes into New Hampshire. Mr. Marquise stated that they had some
36 fundraiser ideas in the past, but they had fallen short. Mr. Clark stated that the deal that the Town had
37 with the old director may not be in place anymore with the Planning Commission. Mr. Marquise stated
38 that he had had something with the NHDOT but that never materialized.

39 Mrs. Gottling brought up that there was a lot of interest in the Master Plan at the Town's Budget
40 Meeting and people were interested in coming in to talk to the Planning Board. She had told them that
41 they were working on it but was wondering if they had a schedule that the different Boards could get on
42 to speak with the Planning Board. Mr. Marquise stated that that was something they were working on.
43 The only department head that had gotten back to Mr. Marquise about the Master Plan was Recreation
44 Director.

45 Mr. Marquise stated that he was intrigued by the Enfield website for the Master Plan. Doing an online
46 survey was something that had been discussed and adding it to the town website, however, if it is easier
47 to have a website then that may be an option as well. Mr. Clark stated that he would look into it. There
48 may be some additional costs connected to it, and Mr. Clark stated that he doesn't feel that it should
49 fully fall on Mr. Marquise to create and operate the website.

50 Chairman White brought up the Main Street Project. Mr. Marquise stated that it had been in discussion
51 since 2010. Vice-Chairman Jewczyn asked what the goal of the project was, and Mr. Marquise stated
52 that it was to take the section from Route 103 up to the Safety Services Building and put in traffic
53 measures. They wanted to focus on some landscaping, add some additional lined parking, and create
54 some bump-outs with seats and trees; they also discussed new drainage and signage. Mrs. Gottling
55 suggested sidewalks. Mr. Clark asked about the drainage by Veteran's Field. Mr. Osborne stated that
56 there is a three-foot pipe that runs from the Safety Service Building and goes down the road and drops
57 into the river. The Recreation Committee is trying to redo Veteran's Field, so they had done some
58 surveying of that pipe and are hoping to reduce it.

59 Mr. Marquise stated that Dover had done something similar with brick walks and it made the aesthetic
60 of the town great. He feels that it could make a big impact with a lot of purposes to make some of the
61 changes that have been in this plan. It could also help the crossing area. Mr. Osborne stated it would
62 also add another crossing up by the Safety Services Building. The school proposed a road coming down
63 on the other side of Veteran's Field but that had been dropped. There just isn't enough room between
64 the bank, the police cars, and the parking, so it wouldn't be good to have regular traffic there. Vice-
65 Chairman Jewczyn had suggested creating a drop off for the kids behind the gym as the current drop-off
66 setup for the school is a huge safety concern. There was then a discussion on the speed limit reduction
67 for the school area. Mr. Clark stated that he is always worried about driving his truck through that area
68 simply because there is not enough parking and kids go darting all over the place.

69 Vice-Chairman Jewczyn said that Burkhaven Lane needs a standpipe for the Fire Department because
70 there is no close fire hydrant. If they were to put one in it would service 9 different homes and 20 boats
71 in the summer. Vice-Chairman Jewczyn asked if they could put in a standpipe and how they could design
72 that and what other regulations would go with that. The Board discussed that it would be on the Town

to create and maintain and DES would be involved. Mr. Osborne pointed out that there are fire hydrants along Lake Ave. Vice-Chairman Jewczyn responded that it is over a thousand feet away from the area he is speaking of, where there is a continuation of houses including a business, 9 houses, and 20 boats. There's a lot of water in that area, but they can't get to it. The shallow area shows a lot of promise, but they would need a letter from the Town to show DES. Mr. Marquise stated that they would have to contact the property owner and would need to get a 10-foot easement. Vice-Chairman Jewczyn stated it's just a marsh at the moment and it would be a productive safety measure. Mr. Osborne stated that the landowner could approach the Select Board and Fire Chief and say that they are going to provide an easement for a sand pipe. On the financial end, he is not sure who would finance that. Vice-Chairman Jewczyn stated that he would talk to the landowner and see if he would be willing to grant an easement.

REVIEW OF ZONING AMENDMENTS

Chairman White stated that this was the second draft of the amendments.

Amendment #1: Article III, Section 3.10 – Table of Dimensional Controls

“Amend Ordinance to indicate that the definition of height in the reduced side setback will be consistent with the Article XI definition of Maximum Structure Height.

The full text of the amended section will be as follows:

(If a structure is allowed a reduced side or rear setback due to inadequate lot size, the portion of the structure in the area of reduced setback shall have a maximum *structure* height of 25'.)”

Vice-Chairman Jewczyn said that his understanding of this is if you have an existing structure height over 25 feet, it implied that no variance can ever be granted. Mr. Marquise clarified that this would only apply in the setbacks. It was then explained by Chairman White that the existing structure is fine. But any addition within the setback cannot be over 25 feet. Vice-Chairman Jewczyn stated that that is not clear in this. It reads as though it is the whole structure not just the additions of structure. Chairman White stated that they could add a word to clarify this. Mr. Marquise suggested calling it the proposed structure. Vice-Chairman Jewczyn stated that he was ok with that.

Chairman White stated that it would now read, “If a structure is allowed a reduced side or rear setback due to inadequate lot size, the portion of the *proposed* structure in the area of reduced setback shall have a maximum *structure* height of 25'.”

CONSULTATION:

Parcel ID: 0237-0025-0000 & 0237-0025-0008: Potential Re-Subdivision of the property on Nature’s Way HP Sunapee, LLC; Robin Abendroth & Allen Kent Abendroth

Chairman White explained what a consultation is; the Board will not be voting, and the Board is to advise them on how to move forward if they so choose.

106 Ms. Abendroth stated that they were in the beginning discussions of buying up land near their home.
107 This land had been scheduled to hold complexes two different times and neither time has been
108 successful. There are 35 additional acres that they are looking at, not including the lot that their home
109 currently sits on. They are hoping to buy it and do fewer buildings than the current proposal. They would
110 preserve some of the lands as they like to hike and snowshoe that area. They do still want to have a few
111 buildable lots to help pay for the acquisition of the land but much less buildings than what had been
112 proposed in the past. Vice-Chairman Jewczyn asked if they would ever build on that land, and if they
113 would propose giving it to the Town for conservative efforts, Mrs. Abendroth stated that she didn't
114 know the legality of it, but they would be open to it. There is currently only one duplex in the area the
115 rest of the land has not been built on. They are proposing to only sell 5 to 6 lots that could be built.
116 Currently, they only have two acres of land. Their neighbor would like to keep their sledding hill, so it
117 was asked if they don't build on the property does it still need to be an acre and a half or could they
118 merge it with their two acres. Mr. Marquise stated that the size of the lot doesn't matter as long as it is
119 a minimum of an acre and a half, so they can connect it to their two acres. Vice-Chairman Jewczyn asked
120 how much land the whole suggested project would be, they replied that the total was 37 acres. Vice-
121 Chairman Jewczyn stated that they could be eligible for reduced tax breaks if it is more than 10 acres.

122 Mr. Butler asked if the road leading up to the duplex was maintained by the Town, and Ms. Abendroth
123 stated that it was not. There currently are only two homes connected to the road, it's not a typical
124 driveway, it's an asphalt road but it was not finished with the basecoat. It was built to Town specs, but
125 Mr. Marquise was unsure if it could be turned into a Town road. He advised them to speak to the
126 Highway Director if they were interested in moving forward in turning it into a town road.

127 Ms. Abendroth stated that she is not sure they are going to do all of this but wanted to be preemptive
128 by coming to the Board. It was then asked what phase the project was in for the current landowners.
129 Mr. Marquise stated that they were almost done with phase one. In phase one they had one more
130 additional duplex that has not been built yet. Ms. Abendroth stated that they are hoping that won't be
131 built as it will be close to their property. Chairman White asked, and Mr. Marquise said that if they
132 bought the land and didn't want to follow the current subdivision plan, they would just have to submit a
133 new subdivision application that will show the conforming lots. Chairman White stated that so long as
134 they are bringing them a less intensive subdivision that meets the standards, and they work with Mr.
135 Marquise on this, he doesn't see why it wouldn't be a feasible plan.

136 Ms. Abendroth stated the current developer was having a hard time selling the lots in 2018. They are
137 concerned that they could still sell it to someone else now that the market is better. Ms. Abendroth
138 asked for clarification on making sure they cover "all the bases" if they go through with the purchase.
139 She said they knew if they subdivide the lots, each one must be an acre and a half and meet road
140 frontage criteria. Mr. Marquise added that they would need to do soil testing and have state permitting
141 and make sure they are working with their engineers as far as getting the proper documentation in. The
142 Zoning requirements are the decider as to the acceptance or denial of the plan.

143 Ms. Abendroth asked if there was anyone taking notes on this meeting, Mr. Marquise responded that
144 there would be public minutes for the meeting. He advised them that they would be on the Town

website within the next week or so. Chairman White stated that they should be working closely with their engineer to make the process easier.

Mr. Osborne brought up the fact that there were some drainage concerns. Ms. Abendroth stated that that the current owner was concerned about that due to the density and put in some ponds. Ms. Abendroth's engineer had told them that by only doing a few more buildings rather than the large, suggested development, it wouldn't be as much of a concern.

Mr. Marquise added that they should be aware that any duplex lot must be at least 3 acres. There was then a discussion about the detention ponds and Ms. Abendroth pointed them out on the map. She then discussed a few of the proposed lots. It was reiterated that each lot has to have 100 feet of road frontage. Ms. Abendroth asked, and Mr. Marquise replied that the Highway Director's name is Scott Hazelton, and they could work with him. The applicants thanked the Board for their time.

MISCELLANEOUS

Vice-Chairman Jewczyn brought up to the Board a concern about a silt fence that is half in new London and half in Sunapee, and the fact that there wasn't one for a while. It had just recently been put up (and not put up well) after a few weeks of construction/demolition without it. Mr. Marquise stated that they were planning to replace the building that had been there. He believed it was issued a permit a while ago and the owner had talked about doing it with him over a year ago, he may just be getting around to it. Mr. Claus had stated that the Water Line had been redone and he didn't believe that had been permitted. Mr. Marquise stated that he would look into it with Mrs. Pollari. Mr. Claus asked if they could go to DES directly, Mr. Marquise stated that the Town normally handles these things themselves through the bonds that they issue. Vice-Chairman Jewczyn stated he was just worried about the effect of the replacement and the fact that there was no protection from the construction on Otter Pond.

REVIEW OF ZONING AMENDMENTS (CONTINUED)

Amendment #2: Article III, Section 3.40 (e) – Additional Requirements

"Amend Ordinance to allow for garage spaces to be counted as parking spaces for residential uses.

The full text of the amended section will be as follows:

(e) Parking for one and two-family residential units shall be as follows:

- One-family dwelling (up to four bedrooms) = 2 spaces *plus ½ space/bedroom for each additional bedroom over four*
- Two family dwelling (up to eight bedrooms) = 4 spaces *plus ½ space/bedroom for each additional bedroom over eight*
- Total required spaces must be rounded up to the nearest whole space
- *Garage spaces may be counted as parking spaces for residential uses*
- *Three or more dwelling units and commercial uses must meet the parking guidelines in the Site Plan Review Regulations"*

Vice-Chairman Jewczyn stated that this Ordinance was in place to keep residents from parking on roadways and to require on-site parking. He brought up the concern that the garages would not be used for parking but living area. Mr. Claus agreed that many people use their garages as storage and do not park their cars in their garages. Mr. Marquise stated that the Planning Board has allowed the garage to count as parking spaces for years. As far as basic Zoning permits, this has been practiced for a year. The purpose of this amendment is to simply put what they have been permitting into words within the Ordinance. The purpose of doing this is to take out the question mark for applicants, so they can plan. Mr. Claus stated that it could become a problem on these smaller lots, however, which may go against the point of this Ordinance. Chairman White pointed out that would be changing the Ordinance from what is being presented. The Board should be discussing the suggested Amendment. If they want to talk about changing what has already been happening that would be a discussion for a later date. Vice-Chairman Jewczyn disagreed and said that by agreeing to this amendment they are putting it into writing that they agree with it. Vice-Chairman Jewczyn then asked about current properties that are not following the current guidelines or properties that can't follow this guideline due to their current home or property set up. Mr. Marquise stated that this would only go into effect for those applying for a permit, or new projects.

There was a discussion of different projects currently happening that are not following the guidelines. It was then asked again if the Town could put in a complaint to DES. Mr. Marquise stated that they could do that. Chairman White stated that if any Board members see or hear of something concerning when it comes to projects doing things that are not permitted, they should bring the concerns to Mr. Marquise or Mrs. Pollari so that they can move forward with taking care of it as a concern of the Town.

Chairman White stated that they were not voting on the Amendment today but asked if there was any further discussion on Amendment 2. Vice-Chairman Jewczyn said that he feels that it is good for the function that the general public and applicants can point to and say, "there is a law against this".

Amendment #3: Article III, Section 3.40(I) – Additional Requirements

"Amend Ordinance to clarify how to determine what constitutes a steep slope.

The full text of the amended sections will be as follows:

There shall be no construction on slopes which exceed 25%. ~~and have an elevation change of more than 20'. This includes slopes measured as an average across an area with an elevation change of 20' or more. The means of establishing the degree of slope is not restricted to the boundary lines of the parcel in question.~~ Driveways, utilities, and stairways ~~would be~~ are exempt from this requirement provided a drainage and erosion control plan is prepared by a licensed professional engineer. "

The Board discussed the difference between the degree of a slope versus the percentage of a slope. Mr. Marquise stated that a 25% slope is relatively steep. Vice-Chairman Jewczyn asked about a property that entirely has a 25% or more slope. Mr. Marquise stated that if that were the case then they would need to apply for a variance, but if the whole property is 25% then that could pass as that could be seen as a hardship so long as the property was unique to the area.

217 Mr. Butler asked, and Mr. Marquise stated that the engineer would measure this percent by measuring
218 rise over run, which is pretty standard. Mr. Marquise then suggested that it say, "means of establishing
219 this degree" be changed to "Means of establishing the percent". Mr. Claus stated that the biggest
220 reason this was brought up was that if there was any sort of flat area then the applicant would get
221 around the slope saying it isn't continuous. Vice-Chairman Jewczyn asked if it should state that it is the
222 total parcel, not just the area they are building. Mr. Marquise stated that it says that it is not restricting
223 the boundary lines of the parcel. This measurement can be measured anywhere on the lot. It's an
224 average of 20 feet, so if they have 5 flat feet but the remaining 15 feet is a 30% slope then they would
225 need a variance. Whereas right now that 5 feet makes the slope not continuous so they could build in
226 the area. With this change, if the average slope is more than 25 % then they cannot build on it, even if it
227 has some flat spots, it is all based on the percentage. If the flat point is only 5 feet wide and the building
228 is 20 feet wide then 15 feet is in the slope that won't work, but if the flat spot is 50 feet wide and the
229 building is 20 feet wide then that would be fine. It is a practical issue. Vice-Chairman Jewczyn said he
230 understood, and it defines itself by building in a certain area.

231 **Amendment #4: Article IV, Section 4.10 – Permitted Uses- All Districts & Article XI – Definitions**

232 "Amend Ordinance to add Food Vendor Carts in the list of uses with a proper definition added.

233 The full text of the new combined definition will be as follows:

234 Article IV, Section 4.10 – Add the term *Food Vendor Cart* to uses by right in the Village-Commercial
235 District

236 Article XI – Definitions – Add the following definition:

237 *Food Vendor Cart – A cart usually pushed by hand or towed to its location and is intended for the sale of*
238 *food or drinks. This definition does not include food trucks or other large vending vehicles."*

239 Mr. Osborne asked if a small cart would need to be registered, Mr. Marquise stated that he didn't think
240 so, but it may depend on the size. Mr. Osborne suggested adding that they could add that if it needs a
241 vehicle or trailer registration it is too large. The Board then discussed what requires registration. Mr.
242 Marquise stated he would add that to the end of the Amendment. He agreed that it would be a good
243 way to differentiate on the size and mobility of the cart. It was also suggested by Mr. Osborne to reach
244 out to the State Department to see what constitutes these registrations.

245 Mr. Claus looked it up and stated that for it to be registered, a trailer must be over 3000 pounds or on
246 the Bill of Sale it has a Vehicle Identification Number. Mr. Marquise stated that he added that it should
247 include carts that don't include those "*which normally require motor vehicle registration.*"

248 It was stated by Mr. Osborne again that it should be looked into it make sure that they aren't supposed
249 to be registered.

250 Mr. Claus wanted clarification on the need for two public hearings, then there is the Deliberative
251 Session. Chairman White said once they get to the deliberative session there will be no more additional

252 changes made. The wording can still be changed at the public hearings. Mr. Marquise stated that there
253 is a second potential meeting in case there is a lot of discussion on the Amendments and if the Board
254 needs more time. Chairman White stated that once the Planning Board has voted on them and moved
255 them to the ballot, they are essentially in effect until they get voted on by the town.

256 Mr. Butler brought up that he had heard talk of a potential short-term rental monitoring company being
257 hired for properties that are participating in AirBnB and wondered if that would be voted on the ballot
258 as well. Mrs. Gottling stated the Select Board would probably need a public hearing. There would be a
259 registration requirement with fines for not following certain stipulations and that would be enforced by
260 the private company. Chairman White stated that he found it a little odd and wondered how all of it
261 would work. Mr. Clark stated that many towns hire out different private companies to do things like
262 speed monitoring and things like that.

263 Mr. Marquise stated that he would reach out to the Conservation Committee to see if they would like to
264 reschedule. The next meeting focused on the Master Plan will not be until January. The meeting for next
265 week is canceled.

266 **MINUTES**

267 All minutes needing review will be reviewed at the next meeting.

268 **Mr. Osborne made a motion to adjourn the meeting at 9:14 PM. Mr. Butler seconded the motion. The**
269 **motion was passed unanimously.**

270 Respectfully submitted,

271 Sarah Liang

272 Planning Board

273 _____

274 Peter White, Chairman

Michael Jewczyn

275 _____

276 Joseph Butler

Randy Clark

277 _____

278 Jeffrey Claus

Richard Osborne

279 _____

280 Suzanne Gottling, ex-officio member

Gregory Swick, Alternate