

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **DECEMBER 9, 2021**

4 Chairman White called the meeting to order at 7:11 pm

5 Roll call was taken.

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

8 **ALSO PRESENT IN THE MEETING ROOM:** Brad Weiss, Tim Fleury, Cherry Machin, Mark Reynolds, Barbra
9 chalmers

10 **PRESENT VIA ZOOM:** Richard Osborn; Greg Swick, Alternate

11 **REVIEW OF ZONING AMENDMENTS**

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

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

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

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

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

19 Mr. Weiss asked why this was being changed from the height within the setback’s lowest grade. It was
20 discussed by the Board that this suggestion was coming directly from the Zoning Board as a clarification
21 because in the original verbiage it just stated height and there is no definition for general “height”. They
22 changed it to maximum structure height, so the Board had a better way to measure and be consistent
23 with its decisions for applications, as the general statement of height was too vague.

24 Mr. Weiss wanted to know the details of who would be impacted by this. Chairman White explained
25 that this would apply to properties that were of inadequate size for their zone, who are provided a
26 reduced 10-foot side setback due to the size of the lot. If they could not meet this ordinance, they could
27 apply for a variance with the zoning board. Variances are given depending on the circumstances of that
28 proposal.

29 Mr. Weiss then asked if it is based on the pre-construction maximum structure height or the post-
30 construction maximum structure height; Chairman White stated that the Ordinance doesn't specify this,

its states that is measured from the ground. There is in reference to natural grade. Mr. Marquise added that in practice currently, they do it from the finished grade.

Mr. Claus commented that they had discussed this amendment in several public meetings before this meeting. This meeting is just to make sure of the final edits and verbiage before moving these amendments to the Town Ballot.

Mr. Clark made a motion to approve amendment #1 as it is worded to be sent to the Ballot. Mr. Claus seconded the motion. The motion passed unanimously.

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”*

Mr. Osborne made a motion to approve amendment #2 as it is worded to be sent to the Ballot. Mr. Claus seconded the motion. The motion passed unanimously.

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. *This includes slopes measured as an average across an area with an elevation change of 20' or more. The means of establishing the percent of the slope is not restricted to the boundary lines of the parcel in question.* Driveways, utilities, and stairways *are exempt from this requirement provided a drainage and erosion control plan is prepared by a licensed professional engineer.”*

Mr. Weiss asked about the lack of restriction within the boundary lines of a parcel and wanted to know why that was added and where you would measure from. Chairman Whites stated that this was included because if you are building at the bottom of a slope and you only have 15 feet of elevation on your parcel, but the slope becomes very steep right after your property line, this change makes it so that

that slope is captured as well because you are running into the same developmental issues. Just because you are building on the lower part of it, you are still building on that 25% slope area overall, even though your property line doesn't enclose that 25% area.

Mr. Claus made a motion to approve amendment #3 as it is worded to be sent to the Ballot. Mr. Butler seconded the motion. The motion passed unanimously.

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

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

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

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

Article XI – Definitions – Add the following definition:

Food Vendor Cart – A cart usually pushed by hand or towed to its location and is intended for the sale of food or drinks. This definition does not include food trucks or other large vending vehicles which normally require motor vehicle registration.”

Mr. Marquise stated that he got some clarification on the vehicle registration. This addition does clarify that they are talking about small carts. There was then a discussion about why they had added the word "normally" and decided that they added it as some people may not register the vehicle even if it is required. The Board chose to leave the verbiage as it was.

Mr. Claus made a motion to approve amendment #4 as it is worded to be sent to the Ballot. Vice-Chairman Jewczyn seconded the motion. The motion passed unanimously.

There was discussion amongst the Board and the Weiss's about the verbiage as to if the past Planning Board discussions on these amendments were open to the public or not. It was agreed that all of their recent meetings have been open to the public but that they may want to look into the verbiage used surrounding their agendas.

AMENDMENTS TO THE AGENDA

Mr. Marquise stated that the Conservation Committee was at the meeting to present to the Board about the Master Plan.

Mr. Fleury stated that they were there more so just getting engaged with Board about the Master Plan and where they are at on a certain topic. The Conservation Commission had played a large role in the last Master Plan creating physical and digital maps with some narrative that outlined the natural resources in the area. They wanted to know if the Board was including a natural resource inventory as part of the master plan. Chairman White stated that they plan to do something similar as those maps were extremely useful.

Mr. Marquise stated that they are just at the starting point, in the conversation. He thinks that this would be a discussion on some updates that could be made. Something else that they want to focus on in this Master Plan is water resources specifically and they have been having a discussion with LSPA on that. They also will have the same points that they have had such as conserving the land and are they meeting the goal of 25% within the community, along with some analysis on these things as far as how far they have come and how much more they need to be doing.

Mr. Fleury stated that the other piece of the natural resource inventory would be the conservation plan, areas of the town that are identified as crucial in using those resources. Using our resources such as LSPA, having connections to these other plans that are being created would be beneficial for the town and the conservation commission would like to include that in the Master Plan. Mr. Fleury brought up the Upper Valley Regional Planning Commission to help develop the master plan. Mr. Marquise stated that they will be using parts of it such as their mapping and some population information. It was asked about the timeline, and Mr. Marquise stated that this is a 2022 plan. Mr. Marquise invited the Conservation Commission to submit any additional questions that they think would be beneficial to the town-wide survey that will be going out. Mr. Fleury suggested including questions about what resources the townspeople would like to see conserved, what they would like to see protected.

Mrs. Machin stated that she was interested as a new member of the Commission to learn about the opportunity to change the commission more and sign off on sensitive areas. Mr. Marquise stated that the Conservation Commission used to be part of the peer-review process, but they have not been participating in the last two years. That is where the commission would be able to have more input on some of these projects. Chairman White agreed that he believed that it would be very beneficial for the Conservation Commission to be at those meetings as that involves all the other town's resources. Chairman White said that the Peer Review meetings happen before the plans are even brought to the Planning or Zoning Boards, so that is a great time to give concerns and thoughts on the plans. Mr. Clark stated that when a department head doesn't agree with a plan during peer review it can go far in how that plan moves forward. Mrs. Machin said that another point of concern for the Conservation Commission was identifying places of concern or are more sensitive that could garner extra consideration and how they could provide that to the Planning Board such as through the mapping process.

Vice-Chairman Jewczyn brought up the concerns about Dollar General and wanted a better understanding of what the concerns were around that because as far as the Planning Board was aware they had met all of the requirements that had been set forth for the project. Mr. Claus stated that the letter from the head of the Conservation Commission that had been submitted was the sensitivity of the area as it was close to the river just as a basic summary. Chairman White stated that before Dollar General went there it had already been an industrial site. Mr. Fleury stated that it was brought to the Conservation Commission because the store was being built in an Aquifer District. The Commission was not in favor of another business right on the aquifer, and one of Mr. Fleury's personal concerns was the fact that the whole site is within the 150 to 250 feet shoreland protection zone of Sugar River. Vice-Chairman Jewczyn asked what they would have suggested going there or if the Conservation Commission would have had any suggestions as to what should have gone there. Mr. Fleury stated that

137 he would have suggested either a park or something that was not as intensive development as it is now.
138 Vice-Chairman Jewczyn stated that there would have been a lot of logistics that would have been
139 panned out as to if that would have been a beneficial location for a park. Mr. Fleury stated that he isn't
140 negating that, just that the Conservation Commission felt that their input had not been received or
141 considered. The Conservation Commission only sees Wetland Permits they don't get to see the reviews,
142 just the letters from shoreland protection. Mr. Marquise stated that the Planning Board gets to see all of
143 that and that they get to see all of the requirements that are put in place. That is what the Planning
144 Board looks for, that the plan is following the site plan requirements and at the zoning board is the one
145 that gives the yes or no to the plan. If there is sensitivity to the aquifer or anything like that, that is
146 where it would have been denied. Mr. Fleury stated that they don't receive any notification on when
147 those decisions are being made. They only get notification when it is impacting the jurisdictional waters.
148 Mr. Marquise stated that the Peer Review is at 2:00 pm on the last Tuesday of each month. The Planning
149 Board agendas are including all of the application paperwork so if they miss Peer Review, they can see
150 the plans going before the zoning board as well.

151 Mr. Marquise then explained what Peer Review is. It is typically five departments: Police, Fire, Water
152 and Sewer, Highway, and the Conservation Commission as people who "sign off" on plans (he clarifies
153 that he uses that term loosely, as there is no formal signing off on it). Peer Review was created because
154 it was very hard to talk to all of these entities individually about these projects. It gets everyone in one
155 room to discuss their concerns and how they impact each sector.

156 Mr. Reynolds asked about Variances and the process behind those. Chairman White stated that that is
157 a Zoning Board issue. Once something has been approved or denied by the Zoning Board, the Planning
158 Board can't deny a project so long as they are meeting all the requirements of the Ordinance and any
159 guidelines given by the Zoning Board. The Dollar General, once it was presented to the Planning Board,
160 met all the requirements that had been put before them.

161 Chairman White suggested that if the Conservation Commission had been concerned about the aquifer
162 or other things with any project or plan, they would want to connect with the Zoning Board before these
163 projects get their Variances or Special Exceptions. Vice-Chairman Jewczyn asked if the Conservation
164 Commission had specific areas that they would suggest no building be done or any specifics like that
165 that do not match the setback criteria that the planning and Zoning Boards follow. Mr. Fleury replied
166 that they had not put anything that granular in the last Master Plan, it more so had highlighted areas of
167 concern that may require more discussion. They do not have their own ordinances or anything like that.

168 Chairman White said that if a plan needs to go before the Zoning Board to discuss it with them if the
169 plan does not need to go to the Zoning Board, Peer Review would be their best option to have their
170 opinions heard.

171 Mrs. Machin stated that she thought that Conservation Commission should have a formal process of
172 approval like the Zoning or Planning Board has. Mr. Marquise stated that those boards have specific
173 regulations that they have to follow and that the Conservation Commission can't override the Planning
174 and Zoning Board. Mrs. Machin responded that the Conservation Commission is only aloud an advisory

175 role. Mr. Clark said that the Planning and Zoning Boards take the Peer Review Feedback very seriously
176 and many of the changes to the Ordinance have been from feedback in those meetings, that
177 information before it even comes before the Boards could be invaluable. Mr. Claus stated that it can
178 also be great from a case-by-case scenario, but if they want to make some changes as far as the code is
179 concerned, having their input on this Master Plan can really create a narrative and suggestions for code
180 creation and enforcement moving forward. An example of this is the communication that they have
181 already had LSPA, they are giving feedback on areas of concern that will impact the codes and
182 regulations in the future, such as making amendments to the Ordinance next year, they consider the
183 Master Plan when making those changes. Chairman White said that the Boards are guided by RSAs and
184 the state of New Hampshire regulations. Vice-Chairman Jewczyn added that by participating in these
185 meetings and being persistent they will grow credibility as an entity that gives evidence that the
186 Conservation Commission is doing good for the town.

187 Mr. Marquise said that they could add regulations to subdivisions stating, for example, that 15% of the
188 land is set aside for conservation purposes. There is a very practical area where the conservation
189 commission can have a tangible impact. Mrs. Machin brought up enforcement and what the town does
190 to enforce these rulings. Mr. Marquise said, that with larger projects, there is a bond put in place that
191 says they have the right to go in to fix anything already done. There is also construction oversight, which
192 is where a third-party engineer will come out for periodic inspections if there are problems. They can
193 make recommendations and then there is State permitting.

194 Mr. Marquise said that two years ago the Town added protection, via buffering, to the wetlands in the
195 Ordinance. There was a wetlands inventory done in the past and was wondering if the conservation
196 commission could add that to the natural resources inventory maps, they may need to consider bigger
197 buffers around larger wetland areas. Mr. Fleury stated that they would be looking to do more of that for
198 this master plan, as there is so much more data, GIS, and mapping technology than there was just 15
199 years ago.

200 Chairman White asked if the Conservation Commission had any concerns or discrepancies with the
201 Ordinances as they are right now; Mr. Fleury responded that that is something that they want to take
202 more of a look at soon, as the economy may be moving toward more development. They should have
203 these areas protected before these subdivisions come in. Mr. Fleury went on to say that he is looking
204 forward to re-building the communication between the Conservation Commission and the other town
205 Boards as conservation has gotten more popular during the pandemic as more residents have been
206 using the trails and natural resources in town. Mrs. Gottling stated that the Conservation Commission
207 could check out the New Hampshire Association of Conservation Commissions that goes over some of
208 the SRAs associated with their Board.

209 Chairman White stated that sometimes it can be a battle between developers and conservation, that
210 they even struggle to get basic buffering and screening for some projects. Mr. Butler stated that it
211 doesn't have to be that way though. He has done jobs that have been directly connected to the
212 Conservation Commissions that worked well.

213 There was further discussion on the peer review and how it is organized. There is not a formal agenda,
214 they go over the cases on the agendas of the planning and zoning boards for their next meetings. There
215 is also open discussion about any other areas of concern that may not be connected to the cases coming
216 up.

217 Mr. Marquise requested that if there was anything of concerns with following regulations that the Board
218 was unaware of, as far as the Dollar General project was concerned, that they need to know about it
219 before the project is over. Mrs. Machin stated that there was nothing that she knew of that went against
220 the guidelines put on the project, the conservation Commission simply didn't like the idea of a business
221 being built on an aquifer.

222 Mr. Fleury stated that he would follow up with Mr. Marquise about mapping timelines and working with
223 the Upper Valley to get the process started. He thanked the Planning Board for their time and looked
224 forward to the Conservation Commissions' further participation with the Master Plan.

225 Mr. Clark stated that he had reached out to the Upper Valley Planning Commission and ended up talking
226 with a woman named Lindsey, who is on the Town of Enfield Planning Board. They talked about the
227 strategies that Enfield used to get residential feedback. They took a pretty aggressive approach to
228 participate in any events that benefitted the residents. She had suggested sending residents cards with a
229 QR code in it that can take them directly to the survey.

230 There was then a discussion of the budget allotted for the Master Plan. Mr. Marquise stated that he had
231 planned to ask for 5 to 10 thousand dollars as he saw this as an update, but if they were looking to do
232 some outsourcing with this, they would need to ask for a much more substantial amount. Mr. Clark
233 stated that he believed that Enfield had a budget of over 75 thousand dollars for theirs. The Board
234 discussed the difference between outsourcing and having the master plan be homegrown. The Plan
235 currently is to have the Charette, getting some excitement around the master plan by going to things
236 like the farmers' markets, and getting some community backing before the warrant article so in design
237 that the money is there. The Transportation plan is now a recognized project so that is a positive.

238 Mr. Marquise suggested that Chairman White reach out to the town manager before the Warrant
239 Articles are submitted. Chairman White asked if the town manager was planning to come to a meeting,
240 and Mr. Marquise stated that she had planned to come to the January meeting but that is after the
241 Warrant Articles are being submitted.

242 Chairman White stated that he doesn't see the need or benefit of outsourcing, Mr. Clark stated that he
243 didn't mean any negativity to what has been done in the past, just giving the feedback that had been
244 presented to him by the Upper Valley and what Enfield had been doing. Mr. Marquise agreed that it was
245 good information to have and to get a more condensed, readable Master Plan was a good goal to have.
246 Having the feedback from the Upper Valley Planning Commission could have more beneficial input than
247 from a professional firm. The continuity that Mr. Marquise brings to the Master Plan is unbeatable.

248 Mr. Marquise stated that he had a few other topics to go over tonight. He brought up the project on
249 Blueberry Ridge, owned by Mr. Bell. He's gotten ahead of himself on the project as he does not have an

250 updated AOT permit yet, as he has gone past what his original permit had allowed. Mr. Bell has
251 resubmitted his AOT permit and wanted the Board to know that he is in the process of that, and he
252 plans to come before the Board in January to talk about his next phase in the project.

253 There is a lot that was supposed to be a subdivision a few years back that didn't pan out, they have now
254 turned that road off Route 11 into a commercial drive. Mr. Marquise wasn't sure what the long-term
255 plan with that was but wanted to let the Board know about the change.

256 **MINUTES**

257 September 16th, 2021

258 **Mr. Clark made a motion to approve the minutes for September 16th. Mr. Claus seconded the motion.**
259 **The motion was passed unanimously.**

260 October 14th, 2021

261 **Mr. Claus made a motion to approve the minutes for October 14th. Mr. Butler seconded the motion.**
262 **The motion was passed unanimously.**

263 October 21st, 2021

264 **Mr. Clark made a motion to approve the minutes for October 21st. Mr. Butler seconded the motion.**
265 **The motion was passed unanimously.**

266 **Mr. Clark made a motion to adjourn the meeting at 9:26 PM. Mr. Butler seconded the motion. The**
267 **motion was passed unanimously.**

268 Respectfully submitted,

269 Sarah Liang

270 Planning Board

271 _____

272 Peter White, Chairman

273 _____

274 Joseph Butler

275 _____

276 Jeffrey Claus

277 _____

278 Suzanne Gottling, ex-officio member

Michael Jewczyn

Randy Clark

Richard Osborne

Gregory Swick, Alternate