

1 **TOWN OF SUNNAPEE**

2 **PLANNING BOARD**

3 **DECEMBER 8, 2022**

4 **Chairman White called the meeting to order and conducted a roll call at 7:00 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.

8 **MEMBERS ABSENT:** Gregory Swick.

9 **ALSO PRESENT IN THE MEETING ROOM:** Michael Marquise - Town Planner, Scott Hazelton - Highway
10 director, Laura Spector-Morgan - Town Attorney.

11 **ALSO PRESENT BY VIDEO:** None

12 Appointments

13 **Non-Public with Counsel RSA 91-A:3 II (I) 7:00-7:30PM**

14 Chairman White announced the first order of business, going into a non-public meeting to consult a
15 counsel.

16 **Ms. Gottling made a motion to enter into a non-public session to consult a counsel. Seconded by Mr.**
17 **Osborne. The motion passed unanimously.**

18 Chairman White went back in public session and announced the next case.

19 **CONTINUATION:**

20 **PARCEL ID: 0120-0027-0000 TREE CUTTING & VEGETATION CLEARING. 31 NILSEN LANE. NILSEN LANE**
21 **TRUST C/O PETER F. BURGER TRUSTEE**

22 Gregory Rusnica, landscaper architect from Bonin Architects & Associates was representing

23 Mr. Clark asked what is the total number of trees planning to be removed.

24 Mr. Rusnica answered that there are fourteen trees above six inches.

25 Mr. Marquise asked to clarify if the removal schedule that they have, from 2022-2024 is taking into an
26 account all of what is going to happen.

27 Mr. Rusnica answered affirmative and asked if the board is going to approve all the cutting so they do
28 not have to do it yearly, which is cost and energy saving and a year from now there is going to be a
29 house there and they would have to work around it.

30 Mr. Marquise replied that that is what they prefer to do.

31 Mr. Claus asked if the number fourteen includes everything and the answer was affirmative.

Mr. Marquise asked to clarify since there is an existing dwelling there and the whole area has hash marks on it, if there is all current wood or some of it is open and some wood area.

Mr. Rusnica described the planks and the north edge as wooded area and the hedged area in between as low ground cover with ferns and little scrub. He said that they have a new foundation already on the ground so the plan is a little dated.

Mr. Clark asked if anything marked with X is proposed for removal.

Mr. Rusnica replied that the highlighted color pink and blue circles and explained that the blue circles are already removed since they have applied last December for removal.

Mr. Marquise asked if they are proposing to remove strictly trees or anything else like underbrush or similar and the answer was that anything else for construction was removed already.

Mr. Claus made a motion to approve Parcel ID: 0120-0027-0000 for the proposed Tree Cutting & Vegetation Clearing, 31 Nilsen Lane, Nilsen Lane Trust c/o Peter F. Burger Trustee, per tree removal plan dated August, 2021 titled "Existing conditions with waterfront buffer tree listing", under condition that this parcel will not request anymore tree removal until the year of 2025. Seconded by Mr. Osborne.

Chairman White made a comment about the part of the motion "should request anymore tree cutting" and asked if the intent is no more tree cutting without the board's approval and the board had a discussion about making that a condition and make an amendment to the motion.

Mr. Claus made an amendment to the motion to approve Parcel ID: 0120-0027-0000 Tree Cutting & Vegetation Clearing, 31 Nilsen Lane, Nilsen Lane Trust c/o Peter F. Burger Trustee, per tree removal plan dated August, 2021 titled "Existing conditions with waterfront buffer tree listing", under condition that no other trees will be allowed to be removed until the year of 2025, without the Planning Board approval. Amended motion seconded by Mr. Osborne. The motion passed unanimously.

Chairman White moved to the next continued case.

PARCEL ID: 0235-0092-0000 MAJOR SUBDIVISION & STREET NAME APPLICATION 12 LOTS – EDGEMONT RD BELL ENGINEERING, INC.

Mr. Bob Bell said that they have not made any progress with the ALT permit and started submitting everything to the head of department because they have passed one year from when they had submitted the application. Mr. Platt had told him this week that they have to redo one test pit before they resubmit the state subdivision for septic approval. The last issue that he has is the 10.2 vs 10.5% road grade. He had a plan dated 2016 showing 10.5% grading uphill and every plan that has been submitted since 2016 has 10.5% grade. They have ended up cutting it back to 10.2% above station 900. On the plan that the board had approved for the first phase, the road is laid out to station 900 and that is where the profile on that section shows it flattening off at the hammerhead. Mr. Platt had surveyed it and the road for this phase would not exceed 10.2%.

Mr. Marquise said that they do not have that document, their current document is at 10.5% and Mr. Bell said that they will provide the new survey. Mr. Marquise said that from the Planning Board standing

point two tenths of a percent seems negligible, He had some concerns about the 10.5% originally for 250 feet and if the grade can be dropped closer to 10%, which is their requirement, it is negligible.

Mr. Hazelton said that he had not seen the new plan from Mr. Platt, but he agreed that 10.2% is acceptable. His concern his slope stability issues and higher short slopes on the downgraded sides of the road on the corner and the hammerhead. Therefore, he wants to see a design for the slope stability on that.

Mr. Butler asked if there is asphalt there and the answer was negative.

Mr. Clark asked is the driveway set on the lots and the answer was negative.

Mr. Marquise asked if they have heard anything back from the Conservation Commission regarding trails and paths for accessing the mud pond and the answer was negative.

Mr. Bell said that one of their other concerns is in terms of engineers in the wetland's crossings and that they have requested many times to receive something in writing about inspections and have not received anything yet in any way, shape or form. He said that Mr. Hazelton had mentioned that they have inspected sections of the road, so they would like to see something in writing for obvious reasons, because they have been working for five years there and have not received anything for the entire project.

Mr. Hazelton said that they cannot give them anything until they receive the ALT permit but as far as the first section up to the wetland crossings, he can provide them a written document.

Mr. Marquise pointed out that he got seven or eight conditions, which he and Mr. Hazelton would make sure to be met and they can help the board in making their decision. They have spoken about the bond and further construction oversight estimate; at some point they would have to have a bond hearing that would address the money to be held and what is it going to take to finish the project. In terms of the road profile, there will be a 10.2% from roughly station 9-14 and will drop to 10% beyond that; there will be slope stabilization as described, snow storage with the driveways; ALT permit; the state subsurface permit; dress guard rails where necessary. He also suggested to put a timeframe on satisfying the conditions presented.

Mr. Butler asked for as build survey or record drawing to be added to the conditions.

Mr. Claus made a motion to approve Parcel ID: 0235-0092-0000 Major Subdivision & Street Name Application 12 Lots – Edgemont Rd. Bell Engineering, Inc. with the following conditions: that the road profile between station 9-14 be 10.2% and the road profile beyond station 14 will be less than 10%. The applicant will provide a certified engineered design roadway stabilization, will provide drawing showing snow storage in coordination with driveway locations, will have the ALT permit, will provide state subsurface permit, will provide location for guard rails, bond estimate and a construction oversight estimate, record drawing. All these conditions need to be satisfied within nine months of today's approval. Seconded by Mr. Clark. The motion passed unanimously.

Mr. Marquise pointed out that there was a second part of this and they have talked about it, the road name approval, so, they have Blueberry Ridge Road for this main section that goes from 103B all the way to Cul-de-Sac.

108 **Mr. Clark made a motion to approve the name Blueberry Ridge Road to the subdivision. Seconded by**
109 **Mr. Claus. The motion passed unanimously.**

110 Mr. Claus recused himself for the next case.

111 Chairman White announced the next case.

112 **NEW CASES:**

113 **PARCEL ID: 0115-0030-0000 TREE CUTTING & VEGETATION CLEARING NORTH SHORE RD (VACANT LOT)**
114 **VACATION HOMES, LLC**

115 Chairman White noted that Jeff Claus is presenting the case and that they have seen this case prior and
116 discussed it, but it had come to light that that the application did not have the LLC listed as the owner,
117 so the correction has been made now.

118 Mr. Claus said that the correction has been made and he will be happy to refresh their memory,
119 presenting that they are proposing to remove 20 trees in total. All these trees fall within the exempt
120 area in the 20-foot setback from the house. The site is unique with the size of the lot and then
121 corresponding with the number of trees that are being removed on this lot. The next concern that had
122 come in after a conversation with Mr. Marquise, regarding the regulations was the basal area. They have
123 to maintain the minimum in the towns grid, which is different with the state grid, so on the map there is
124 shown as ABC the state's 25-foot-wide grid and the town has a 50.

125 Mr. Butler asked if those 20 trees are 6 inches and above and the answer was affirmative.

126 Mr. Claus continued presenting that they have made the basal calculations on that and met the
127 minimum requirements on those as well. He did all the existing basal, exempt the remaining and
128 showed the calculations had required 5,3 minimum.

129 Mr. Clark said that there was a comment from Mr. Tanner about the trees that he had found on the
130 shared line of ownership.

131 Mr. Claus said that he had called the surveyor about the tree in question before Mr. Tanner had brought
132 it up, and the survey on the ground shows that the trunk of the tree is completely on this property. He
133 said they will discuss the removal of that tree further with Mr. Tanner.

134 Chairman White asked if anybody from the audience has questions on this case.

135 Ms. Lynn Arnold from Perkins Pond Road asked about the DES permit, because she could not find it with
136 the application. She said that in the application it was stated that no boulders and no trunks would be
137 removed and from what it has displayed, it shows that huge boulders have to be removed from the
138 property in addition to the trees. Since those roots and stumps are within 50 feet of the shoreline, she
139 asked how are they planning to do that. She also said that somebody had cut all the natural vegetation
140 on the shore and she was not sure how deep it was.

141 Mr. Claus showed the DES permit and gave it to Ms. Arnold. He said that they bury the stumps and they
142 can grind them down to grade as well. He said that they do not have the boulders mapped, so he does
143 not know their location and said that he never mentioned anything about boulders in the application,
144 which was established as true, and said that he was not aware about the regulation about the boulders.

145 He said that he has pictures from a year ago and the situation is the same there, no one had cut
146 anything.

147 Chairman White asked if there are questions relevant to the trees that are going to get cut there.

148 Robin Saunders from Burma Road commented about the Green Line Property Services and asked Mr.
149 Claus has he seen the plan, because that was what the DES permit was referring to.

150 Mr. Claus replied that this was based on the survey work and he believed that the town has the plan on
151 file now, in preparation for building permit for the CZC, and said that all the permits are there as well.

152 Ms. Saunders said that she does not know if this is the right place to voice her concern but she was
153 concerned that the town would allow any sort of either ownership or development of a property that is
154 owned by a business; Vacation Homes LLC is clearly a commercial business. In rural residential zone
155 commercial businesses are only allowed by special exception.

156 Chairman White replied that they cannot discriminate on a basis of ownership. All they know right now
157 is that this is for residential use, it is not a business. That is a form of ownership, not a use.

158 Ms. Arnold said she has two more questions from listening to the conversation and looking at the
159 ordinance, they want to immediately cut 20 trees and she thought the ordinance read that you can do 5
160 in less than 12 months. Next, she asked if they have stormwater measurement plans as required by the
161 state.

162 Mr. Osborne replied that you have the right to cut 5 every 12-month period without Planning Board
163 approval. You can come in front of the Planning Board and request to cut as many as you want, as long
164 as you maintain the basal area that is required by the state.

165 Mr. Claus replied that is all part of the package for the CZC, and the stormwater plan is part of the state
166 requirements.

167 Member of the audience said that Nancy who sits next to her has a driveway that comes down there
168 and her house is on that side of the driveway, and that is the view of the lake. She was wondering how
169 high is the house going to be. She added that the patio was supposed to be for parking and how many
170 vehicles will it hold.

171 Mr. Claus replied that it is a one story with a walk-in basement and the height is going to be roughly 16
172 feet on one side and a little bit more on the other. He said that they have parking for two but not at the
173 patio; the parking is up at the driveway.

174 Mr. Clark asked if the approval is going to be similar as for the previous case, where they could
175 potentially approve it all at once with a condition.

176 Mr. Claus said that the blue line represents a 20-foot offset of the building footprint, and Chairman
177 White added that it is allowed in the ordinance.

178 Mr. Butler asked Mr. Marquise if the applicants ever talked to him about erosion control at all and he
179 replied that it will come with the CZC and part of the state.

180 Mr. Claus added that the other concerning with the state is that they have their undisturbed area
181 requirement and they had to get a waiver for that, and with that they had to provide a plan of all

182 replanting undisturbed area, to satisfy what they had required. He pointed out that all the retaining
183 walls are going to be plant beds basically, and then below those too.

184 Susan from the audience asked why can't they not cut down some of the trees, because they were
185 beautiful and she would hate to see them go.

186 Mr. Claus said that what she does not see there is the grading that has to happen and the retaining
187 walls.

188 Susan replied that she sees the grading but asked about the retaining walls and then pointed out that
189 there is the road and the steep 25% and they have to build that in order to support that wall, which
190 made no sense to her whatsoever, it was disgusting to her. She added that she thinks Mr. Claus is a
191 conflict of interest from the board.

192 **Mr. Clark made a motion to approve Parcel ID: 0115-0030-0000 Tree Cutting & Vegetation Clearing**
193 **North Shore Rd (Vacant Lot) Vacation Homes, LLC. Seconded by Mr. Osborne. The motion passed**
194 **unanimously.**

195 Chairman White announced the next case.

196 **PARCEL ID: 0101-0013-0000 MINOR SUBDIVISION 2 LOTS – 84 SPRINGFIELD RD DONALD & NANCY**
197 **TOMLINSON**

198 Mr. Marquise said that the application was filed for subdivision under 6.04 and was filed in advance,
199 notices were posted and abutters were notified, fees were paid. He felt that everything was intact with
200 6.04 tac list. The only thing in terms of waiver would be the plans for stormwater drainage, but normally
201 for minor subdivisions without new subdivision roads, it is waived and taken care of on site. As far as
202 state permits, Springfield Road is actually a state road, so all the state permits were in place. He said the
203 application was complete for review.

204 **Mr. Clark made a motion to accept the application as complete. Seconded by Mr. Claus. The motion**
205 **passed unanimously.**

206 Donald Tomlinson and Pierre Bedard-Surveyor presented the case, and the surveyor said that Lot 1 will
207 contain the existing structure and Lot 2 will have an area for the proposed building and the hatched
208 area. Most of the area shown on the flood maps was not included in the flood zone and when they have
209 done their survey, they had discovered that some of these elevations were below the flood elevation.
210 So, they were able to move some material from that area to Lot 1, to raise the level above the flood
211 zone. He mentioned the town water services structures and they have obtained subsurface approval for
212 the two lots, shoreland permits showing the proposed structure and the existing structure and existing
213 impermeable surfaces. The lot is relatively flat, so in the shoreland permit they were able to address the
214 stormwater management, the impermeable surface percentage were well within limits.

215 Mr. Tomlinson added that there are no boulders since they have moved 200 truckloads.

216 Chairman White confirmed that the Lot 2 is going to end up at 2.8 and Lot 1 at 4 ¼ acres. The existing
217 driveway is going to be on Lot 2.

218 Mr. Marquise asked for the record and let the board know that some of the fill was done to make Lot 2
219 an adequate building area. The septic system was approved.

220 Mr. Hazelton asked about the contour lines between the lots and flood elevation and the answer was
221 that it is 1129.3.

222 Brian McAllister (Via ZOOM) as a neighbor and abutter asked if there are any plans to run a short-term
223 rental business out of either one of the subdivisions. The second question was if there is any opportunity
224 for either one of the subdivided properties to connect to the town sewer.

225 Mr. Bedard replied that it has been brought up, but because when they have started this project, the
226 availability to connect to the town sewer was not there, so they can show that the lot can support an
227 onsite system with an existing system and an opportunity to replace that system.

228 Mr. Tomlinson answered that there are no plans for short-term rentals on either property.

229 **Mr. Claus made a motion to approve Parcel ID: 0101-0013-0000 Minor Subdivision 2 Lots – 84**
230 **Springfield Rd. Donald & Nancy Tomlinson. Seconded by Mr. Osborne. The motion passed**
231 **unanimously.**

232 Chairman White announced the next case.

233 **PARCEL ID: 0140-0022-0000 TREE CUTTING & VEGETATION CLEARING 68 BURKEHAVEN RD COMPASS**
234 **POINT, LLC**

235 Greg Grigsby, landscape architect with Gradient Landscape Architect presented that this is a property
236 located on 68 Burkehaven Rd. and sits on about a little over than 14 acres. It has been surveyed by
237 Playton Platt. Currently the site is under construction and this is a phase 2 cutting application that they
238 are submitting. Basically, the phase 1 was intended to get the primary structure underway and now that
239 they have galvanized the site plan a little bit more, they have been able to understand better and
240 obtained the other permits that they need such as wetlands, shorelands, AOT. They are at second phase
241 of cutting and so they are wary of the bezel area count and they understand that they are not suppose
242 to cut more than 50% of the bezel area in the 20-year period. As they can imagine, with 891 feet of
243 frontage, there is quite a bit of a bezel area there, and they are currently seeking to cut 24 sq. ft. of
244 bezel area out of 440 sq. ft., or roughly 5.5%. They are combining the prior application with this
245 application, and there is a total of 21.4% of the bezel area. There are only two trees that fall within the
246 waterfront buffer, both marked as hazard trees.

247 **Mr. Claus made a motion to approve Parcel ID: 0140-0022-0000 Tree Cutting & Vegetation Clearing 68**
248 **Burkehaven Rd Compass Point, LLC. Seconded by Mr. Osborne. The motion passed unanimously.**

249 Revisions to Agenda

250 Other Business: Interview for Alternate: Robin Saunders

251 Robin Saunders said that she was a member of a Planning Board for a number of years in PA, about
252 thirty years ago. She had owned a construction company for a number of years.

253 Chairman White asked when had she come into town.

254 Ms. Saunders answered that she had come here 22 years ago, in the year 2000. She had lived in Canada
255 for 7 years and she is a dual citizen, both Canadian and US. She was a college professor at a Community

256 College in Clermont for about 9 years. She has been a university professor and teaches at three
257 universities and her specialty is cyber security.

258 Ms. Gottling pointed out that Ms. Saunders is an author of the presentation on why they needed to
259 connect Perkins Pond to the town sewer.

260 Ms. Saunders said that one of her most recent PhD is in the field of Digital Media and Communication
261 and she does a lot of content creations as well. She thinks that the Ponds and Lakes need to be
262 represented a little bit more on this committee. She said that she never came there to try to make a
263 difference in the town, but ended up getting involved because of the sewer project with Ms. Gottling's
264 mentorship and most recently with the house boat issue that they had on Perkins Pond. She was
265 watching the process at the Planning Board for the last eight months and learnt a lot about the way this
266 committee works and how the system works. She had spent many hundreds of hours going over the
267 codes and ordinances of the town for variety of different reasons, so she can recall that had gone over
268 the Planning Board Manual from the State of NH. She said that sometimes it can be unpleasant, but you
269 have to stick by what it has been written and that there is a limited amount of decision making that they
270 can make and they have to base it on the evidence that they see at the time. She said the Master Plans
271 are there as well as their guides and sometimes they forget to look at them.

272 Ann Bordeianu expressed her support for Robin Saunders to be an alternate for the Planning Board.

273 Lynn Arnold expressed her support for Robin Saunders to be an alternate for the Planning Board.

274 Mr. Marquise pointed out that the board needs to vote since this is a certificate of appointment.

275 Chairman White put the proposal of joining Robin Saunders as alternate to the Planning Board and it
276 passed unanimously.

277 Mr. Marquise explained that the board needs to sign the certificate of appointment, then Ms. Saunders
278 will get sworn in and the term will probably start with the 1st of the year. Then, when elections come, if
279 members do not run, she can run for a seat, or she can run for a seat even if the members do run.

280 Ms. Gottling's pointed out that the previous alternates were attending meetings, whether they were
281 appointed or not.

282 Mr. Marquise added that she is a regular member and that is important, for everything but voting on
283 cases.

284 Chairman White added that the only difference is that when she gets appointed to fill in on somebody,
285 than she can vote as well.

286 Review of Minutes:

287 Some of the board members had their assigned minutes done reviewing, but they did not have them
288 present at the meeting. The board had a discussion about the review of minutes and according to the
289 regulations they should have done them at the beginning of every meeting. Mr. Claus pointed out that
290 Andrea Cass from Upper Valley had told them that they need to review the minutes at the beginning of
291 every meeting.

292 Renee Theall said that they should be keeping up with the review of the minutes. She pointed out that if
293 the board approves them with a motion and does not make any amendment, she was not sure if they
294 can go back and amend them. She said that last month minutes will be included in the agenda, so to Mr.
295 Marquise point, they are reviewed so their context is correct and then posted within a statutory timeline
296 and they have the recordings as well. Then for the board needs to get them approved as final.

297 Mr. Marquise said that the minutes are posted on the website and should they have any questions from
298 the legal aspect, the board could get them signed off.

299 The board had established that they had left with the March minutes for review and decided to review
300 all of them on the January meeting with a motion of approval, so they can then start fresh with the new
301 minutes and continue reviewing them regularly every month.

302 Signing of Mylar's: 0239-0011-0000 Minor Subdivision Lot will be subdivided into two lots Messer Road
303 George & Deborah Grant.

304 **Chairman White made a motion to adjourn at 10:12 PM. Seconded by Mr. Butler. The motion passed**
305 **unanimously.**

306 Respectfully submitted: Rajmonda Selimi

307 Panning Board

308 _____

309 Peter White, Chairman Suzanne Gottling

310 _____

311 Jeff Claus Richard Osborne

312 _____

313 Randy Clark Joseph Butler