

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **SEPTEMBER 12, 2019**

4 **PRESENT:** Peter White, Chair; Michael Jewczyn, Vice Chair; Joseph Butler; Richard Osborne; Jeffrey
5 Claus; Randy Clark; Michael Marquise, Planner

6 **ABSENT:** Donna Larrow, Alternate Member; Suzanne Gottling, Ex-Officio Member

7 **See attached sign in sheet**

8 Chairman White called the meeting to order at 7:00 pm.

9 **CONTINUED: PARCEL ID: 0133-0019-0000: SITE PLAN REVIEW: ADDITION OF SMALL OUTDOOR PATIO**
10 **IN FRONT OF RESTAURANT; 45 MAIN ST; 350 ENTERPRISES, LLC.**

11 Mr. Marquise said that the surveyor for this property is still trying to figure out the right of way. The 65
12 days ended in August and the applicants have requested another 60 days; the 65-day deadline is for the
13 benefit of the applicants so the Board can decide if they want to allow the case to continue to the
14 October meeting to give them another opportunity to get this resolved.

15 Mr. Clark made a motion to continue the case for Parcel ID: 0133-0019-0000 until the October meeting.
16 Mr. Osborne seconded the motion. Vice Chair Jewczyn asked why the case is being continued. Mr.
17 Marquise explained that there is a question on the survey related to the right of way. Vice Chair
18 Jewczyn asked and Mr. Marquise explained that there was one survey that showed a pin further out
19 than what a different survey showed and there needs to be a resolution before moving forward. Vice
20 Chair Jewczyn asked and Mr. Marquise said that the 65-day deadline is for an applicant's benefit. The
21 Board can agree with an applicant to keep continuing the case if they both want; the negative is if there
22 is a Zoning rule that changes then the Board may want to deny the application for a lack of information.
23 There was further discussion regarding this matter. The motion passed unanimously.

24 **CONTINUED: PARCEL ID: 0232-0024-0000 & PARCEL ID: 0225-0036-0000: SITE PLAN REVIEW:**
25 **EXISTING USE OF 0232-0024-0000 IS A SINGLE STRUCTURE WITH RESIDENCE AND OFFICE. THIS WILL**
26 **BE RAZED AND THREE NEW STORAGE BUILDINGS TO BE ADDED TO THE EXISTING SUNAPEE SELF**
27 **STORAGE FACILITY; ACCESS SHALL BE THROUGH THE EXISTING ENTRANCE AT 36 ROUTE 103;**
28 **MCDONOUGH FAMILY PROPERTIES.**

29 Mark McDonough, one of the owners, continued to present the merits of the case.

30 Mr. McDonough said that one of the items that the Board wanted was to have berms along the Route
31 103 side of the project and those have been added to the plan. There are three separate berm areas
32 and some plantings to try and soften the look of the buildings. They have submitted a landscape plan
33 that shows the berms and the trees that they will be planting. They have also increased the size of the
34 two evergreen trees that are on the end of the two-story building to create an additional buffer to the
35 neighbors.

36 Mr. McDonough said that their engineer, Peter Blakeman, has been in contact with NH DOT and they
37 are waiting for final approval for the berms and plantings. He believes that they are waiting for a
38 maintenance agreement for the berm, which they will be happy to do.

39 Mr. McDonough said that they are on the November Zoning Board agenda to request a Variance to
40 increase the size of the fence between the two properties from 5 ft to 8 ft. They would like approval
41 from the Planning Board for the 5 ft fence and then ask the Zoning Board for approval for the 8 ft fence
42 to appease their neighbors.

43 Mr. McDonough said that another condition for approval was to hire a third-party engineering firm to
44 review the construction of the project. He has been in contact with the Highway Director, Scott
45 Hazelton, and Mr. Hazelton has solicited the services of an engineer. They have agreed upon and signed
46 a contract to pay the fees as part of the construction oversight for the permitting process.

47 Mr. McDonough said that the last thing he has that the Board wanted was for them to have a bond to
48 get through the site work and construction. They have provided a letter of credit from the Bank of NH;
49 he is just not sure if it meets the requirements as they did not know exactly what was needed but if
50 there needs to be anything corrected, they will be happy to do this.

51 Chairman White said that it seems as though there is a continuation of the existing berm. Mr.
52 McDonough confirmed this and said that the berm then slopes down and then goes back up again. Mr.
53 Marquise said that it appears that the berm is not continuous because they must get around a utility
54 pole. Chairman White said that it appears as though there is another berm between the utility pole and
55 the emergency access gate and then a third berm after the emergency access gate. Mr. McDonough
56 said that the berms will be sloped and contoured with bark mulch around the trees and planted grassy
57 areas that will be mowed like the current section of the berm.

58 Vice Chair Jewczyn asked about the mature trees in the back of the property. Mr. McDonough said that
59 he knows that there have been some trees that have been identified as needing to come down. In the
60 back part of the property he thinks that there are two trees that will be staying and he believes that the
61 abutters have requested a few of the trees to be removed. The landscape plans show the plantings
62 between the buildings and the fence line and they will be planting two new 12 ft evergreens on the end
63 of one of the buildings.

64 Mr. Butler asked and Mr. Marquise said that the Board will be requesting a bond for the construction of
65 the infrastructure. Mr. Butler said that the Board typically gets an estimate from an engineer for the
66 bond amount. Mr. Marquise asked and Mr. McDonough said that he has an amount of \$254,000 from
67 Jeremy Hilts Construction to construct the infrastructure including the drainage, gravel to prepare the
68 pad sites, and paving. The final landscape plantings are not included in the amount; though the seeding
69 of the site is included. The amount also does not include the concrete or the construction of the
70 buildings. He discussed with Mr. Marquise taking that amount and adding 10% for the letter of credit
71 number. Mr. Butler asked and Mr. McDonough said that contractor is not doing the landscaping but he
72 can forward the Board a copy of the estimate if they would like. Mr. Marquise said that it would be nice
73 to have a number at this meeting so Mr. McDonough does not have to go through another hearing for
74 the bond. Mr. McDonough forwarded the email with the construction amount to Mr. Marquise and
75 Chairman White.

76 Mr. Marquise said that one thing that has not been discussed is that Mr. McDonough has submitted the
77 lot merger application that was requested. Mr. Clark asked and Mr. Marquise said that the Board can
78 approve the lot merger at the same time as the approval for the self-storage facility as it is a
79 requirement for approval.

80 Mr. Butler asked and Mr. Marquise confirmed that the only Zoning issue is the height of the fence; self-
81 storage is a permitted use in this District. Mr. Butler asked and Mr. McDonough said that the
82 landscaping is going to cost approximately \$20,000.

83 Vice Chair Jewczyn asked and Mr. McDonough said that they are requesting a 8 ft fence from the Zoning
84 Board because that is what the abutters requested. Mr. McDonough said that they were not able to
85 have a hearing with the Zoning Board before this Planning meeting but they thought if they got an
86 approval for the 5 ft fence from the Planning Board then they could go to Zoning for the 8 ft fence after;
87 if they cannot get the 8 ft approval then they will just put up the 5 ft fence.

88 Mr. Butler asked and Mr. McDonough said that they are not building in phases, everything will be done
89 at the same time.

90 Chairman White said that the email Mr. McDonough forwarded to him includes information regarding
91 the cost of the construction, which is \$254,810.

92 Vice Chair Jewczyn asked if the Board has an issue with the 8 ft fence. Mr. Butler and Mr. Marquise
93 explained that the 8 ft fence is a Zoning issue because it is too close to the property line. Mr. Marquise
94 asked if the abutters signed the application for the 8 ft fence or wrote a letter that they agree to it
95 because normally a fence that close to the line requires that. Mr. McDonough said that he believes that
96 the abutters will attend the Zoning meeting; Mr. Blakeman did the application so he does not know
97 what it says. Mr. McDonough said that he would rather put the 5 ft fence up but they would like to
98 accommodate their neighbors and put up the 8 ft fence. Mike McDonough said that he believes that
99 Mr. Blakeman included the abutters in the application process.

100 Mr. Butler said that another concern that the abutters had was late night noise such as motorcycle
101 noise. Mr. McDonough said that he and his brothers discussed this issue and it was suggested to put
102 language in the contract along with some signage informing people that they are in a residential
103 neighborhood and to be courteous to the neighbors. There was further conversation regarding this
104 issue.

105 Chairman White asked and there were no questions or comments from the Board or the audience
106 regarding the case for Mr. McDonough.

107 Vice Chair Jewczyn asked and Mr. Marquise said that the Board should vote on the lot merger first so
108 that it becomes one lot and then vote on the Site Plan. Mr. Clark asked and Mr. Marquise confirmed
109 that a condition of approval would be the pending DOT permit. Mr. Clark asked and Mr. McDonough
110 confirmed that the person who has to give the final say at the DOT is on vacation. Mr. McDonough
111 continued that Mr. Blakeman's notes say that DOT does not anticipate any trouble but there needs to be
112 a maintenance agreement as part of their approval.

113 Mr. Clark asked and Mr. Marquise said that the amount for the bond should be \$302,500, which
114 includes the construction amount, \$20,000 for the landscaping, and another 10%. Mr. McDonough
115 asked and Mr. Marquise explained how he came up with the amount as he rounded the \$254,810 to
116 \$255,000.

117 Vice Chair Jewczyn made a motion to approve the Site Plan Review for Parcel ID: 0232-0024-0000 and
118 Parcel ID: 0225-0036-0000 as presented. Chairman White asked the Board agreed to table this motion
119 to do the lot merger first.

120 Mr. Osborne made a motion to approve the lot merger for Parcel ID: 0232-0024-0000 and Parcel ID:
121 0225-0036-0000. Mr. Butler seconded the motion. The motion passed unanimously.

122 Mr. Marquise said that Mr. McDonough will need to bring the lot merger fee to the Town Office so the
123 document can be recorded.

124 Vice Chair Jewczyn withdrew his motion.

125 Mr. Clark made a motion to approve the Site Plan for Parcel ID: 0232-0024-0000 and Parcel ID: 0225-
126 0036-0000 conditioned upon receipt of the NH AOT approval; the bond for \$302,500; and Article 3(g) of
127 the Site Plan Regulations that require the applicant to pay for the third party consultant services during
128 the construction to ensure compliance, with the approved plans and payment terms are to be arranged
129 with the Town of Sunapee. Mr. Osborne seconded the motion. Mr. Clark amended his motion that the
130 approval is conditioned upon receipt of the NH DOT approval. Mr. Osborne seconded the amendment.
131 Mr. Marquise said that there is also the ZBA hearing regarding the fence. Mr. Clark asked if the height of
132 the fence must be a condition as it will go either way. Mr. Marquise asked if the Board is OK with a 5 ft
133 fence if the ZBA does not approve the 8 ft fence. Vice Chair Jewczyn said that the Board could vote for
134 the 8 ft fence unless the ZBA does not approve it and then they can revert to the 5 ft fence. Mr. Clark
135 amended his motion to include the ZBA approval of an 8 ft fence, however, if it is not approved then
136 they will be satisfied with the 5 ft fence. Mr. Osborne seconded the amendment. The motion passed
137 unanimously.

138 **PARCEL ID: 0136-0018-0000 & PARCEL ID 0136-0018-0001 & PARCEL ID: 0136-0018-0002: LOT**
139 **MERGER; 314 LAKE AVE; BRUCE & MARY MCCARTHY**

140 Bruce McCarthy was present to discuss his proposed lot merger.

141 Mr. McCarthy said that they had some legal issues with their neighbors and have reached a settlement
142 agreement. Part of the agreement calls for the property to go back to its original size and shape,
143 therefore, they will be eliminating the new lots that were created from the old lot. The current road will
144 become a driveway that goes up to the existing house.

145 Chairman White asked and Mr. McCarthy explained that the current site improvements will remain and
146 part of the settlement agreement allows the neighbors to spend their own money to do some plantings
147 in some of the developed areas if they would like. Mr. McCarthy said that he has received a letter from
148 NH DES stating that they are closing the file on the case. They have been testing the runoff regularly, at
149 first every time there was a ½ in of rain and then every time there was 1 in of rain and the results have
150 been good and they have met the State's standards.

151 Mr. Clark asked and Mr. McCarthy confirmed that the planting agreement means that the neighbors can
152 go onto this property and do some plantings with some limits. The final easement agreement is being
153 worked on and it currently says that the neighbors can go onto the portion of the property that is
154 undeveloped and if they want to plant trees and shrubs they can do that or if they feel like the storm
155 water management system needs work they can do that. If they neighbors want to go to the area
156 where the house is located then they will need permission from the homeowner.

157 Chairman White asked and Mr. McCarthy said that the Town is still holding the construction bond which
158 was for the construction of the private road, which will no longer be a private road. Mr. McCarthy said
159 that he would like to get the bond released. Mr. Marquise said that usually the bond is released through
160 the Highway Director and the Town Manager's approval unless the Board objects. Vice Chair Jewczyn
161 asked and Mr. McCarthy said that nothing has changed with the road in terms of its construction but it
162 will no longer be a private road because there will not be three lots off it. Mr. Osborne explained that
163 the road was constructed but will not be used as a road, just as a driveway for one lot and driveways do
164 not require bonds. Vice Chair Jewczyn asked if the Highway Director needs to look at the road before
165 the bond is released. Mr. Marquise said that he thinks that the Highway Director will let the Town
166 Manager know if he has any objections.

167 Mr. Osborne made a motion to approve the lot merger for Parcel ID: 0136-0018-0000, Parcel ID: 0136-
168 0018-0001 and Parcel ID: 0136-0018-0002. Mr. Butler seconded the motion. Vice Chair Jewczyn asked
169 and Mr. Marquise said that they could add that the Board has no objection to the release of the bond
170 subject to normal procedures. Mr. Osborne amended his motion to include that the Board has no
171 objections to releasing the bond. Mr. Butler seconded the amendment. The motion passed
172 unanimously.

173 **PARCEL ID: 0133-0025-0000: SITE PLAN: PROPOSED PROJECT SEEKS TO REMOVE APPROXIMATELY**
174 **460 SQ FT OF EXISTING ASPHALT DRIVEWAY, ADD AN ADDITION OF APPROXIMATELY 450 SQ FT TO**
175 **THE EXISTING BUILDING, ADD A NEW PERVIOUS WALKWAY OF APPROXIMATELY 725 SQ FT; 63 MAIN**
176 **ST; LAKE SUNAPEE PROTECTIVE ASSOCIATION**

177 Chris Kessler, Pellettieri Associates; Norman Larson, Christopher P. Williams Architects; and Gary
178 Daniels, Chairman of the LSPA Facilities Committee, presented the merits of the case.

179 Mr. Marquise said that the application was filed in advance, fees were paid, notices were posted, and
180 abutters were notified. The application falls under Article V of the Site Plan Regulations and is an
181 amended Site Plan; he does not see any changes that affect the original Site Plan so he believes that the
182 application is complete.

183 Mr. Clark made a motion to accept the application as complete. Mr. Osborne seconded the motion.
184 The motion passed unanimously.

185 Mr. Kessler said that the LSPA is proposing building an addition to the Knowlton House of approximately
186 460 sq ft. They would like to do the addition to facilitate a new entry point into the building, which will
187 accommodate some interior renovations and reconfigurations. They will be creating a new entrance
188 and stairwell in the expansion; they will also be reconfiguring an existing door on the eastern façade of
189 the building.

190 Mr. Kessler said that the Site Plan was originally approved in October 2007 and, in terms of impact to
191 the site beyond the impact of the expansion of the building, the only difference is that a new walkway
192 will be built out of pervious material in order to enter and exit the new doors that will be built. Also,
193 some of the utilities that are in the vicinity of the walkway and construction will be relocated.

194 Mr. Kessler said that the proposal is not to increase the impervious area on the lot. Currently, the lot
195 has 17,962 sq ft of impervious area and that will remain as the final number; the lot will still have
196 approximately 40% impervious area. Mr. Kessler said that they will be impacting some landscape beds
197 that have some mature vegetation; much of the vegetation will try to be salvaged and replanted after
198 construction is completed. Any additional areas that cannot be covered by the existing vegetation will
199 be in-filled with new vegetation.

200 Mr. Kessler said that they are proposing some additional lighting on the building and along the pathway.
201 The lights will be night sky compliant and pointed down.

202 Mr. Kessler said that during construction they will have several sedimentation precautions put into
203 place. One will be around an existing storm drain in the parking area; they will also have others in areas
204 that disturbance will occur. The sedimentation precautions will be a combination of silt fencing, stone
205 check dams, and sedimentation areas to accommodate for larger storm events.

206 Mr. Kessler said that the entry driveway is unique because it is an easement across an adjacent
207 property. As part of this work, they are removing asphalt that is completely on the LSPA's property and
208 no disturbance will be made to the neighboring property. Mr. Kessler said that they do not anticipate
209 any major disturbances to the landform; they expect at most a 1 ½ ft to 2 ft cut to get the walkway to
210 pitch away from the building and may require a small retaining wall.

211 Mr. Butler asked and Mr. Larson said that there will be a small elevator in the building.

212 Mr. Clark asked if there will be any disturbance in the flow of traffic on Garnet St during construction.
213 Mr. Kessler said that most of the construction will be off Main St and there should not be any site
214 disturbances off Garnet St.

215 Vice Chair Jewczyn asked and Mr. Larson said that they currently have a small generator. Vice Chair
216 Jewczyn asked and Mr. Kessler said that there are two junior shrubs around the generator that allow for
217 some screening of it. Mr. Larson said that because they are changing the mechanical components in the
218 building, they may need to change the size of the generator. Vice Chair Jewczyn asked if there will be
219 more disruption to the neighbors in terms of noise or visually; the size of the generator is not shown on
220 the plan. Mr. Kessler and Mr. Larson said that the generator will not be that much bigger.

221 Chairman White asked and Mr. Kessler confirmed that there will not be any changes to the driveway off
222 Main St. Mr. Kessler continued that there is existing door that the LSPA members use to load and
223 unload for events. They will be taking out that door and the portion of the driveway near that door but
224 the actual width of the driveway will not change.

225 Mr. Butler asked and Mr. Daniels said that there are different components required before they can
226 start construction; they need Planning Board approval, DES approval, and then need to fundraise to be
227 able to start. Mr. Larson said that the construction will take approximately 7 to 8 months; the interior

228 renovations are more extensive than they appear. Mr. Clark asked if there is a possibility that the
229 project may be held up due to fundraising. Mr. Daniels said that he cannot release any numbers but he
230 does not think that construction will be held up based on what he knows.

231 Chairman White asked and it was confirmed that part of the reason for the addition and renovation is to
232 access a portion of the building that is not currently being utilized.

233 Chairman White asked and Mr. Marquise confirmed that there is plenty of parking on the property.
234 Chairman White asked and Mr. Marquise said that he does not think that there will be more assembly
235 even though they will have more space. Mr. Kessler said that LSPA does not anticipate having more
236 assembly, the goal of the renovation is to allow them to not have to break down and set up the single
237 room that they currently have. They would like to have an educational room upstairs and to use the
238 bottom room for events and speakers. Based on the Site Plan Regulations, the parking is based off the
239 largest gathering room in the building and the largest room is being reduced in size so there would be a
240 reduction in the number of parking spaces required.

241 Mr. Butler asked and Mr. Kessler gave the Board a copy of the lights that are being proposed on the
242 building and along the walkway. There was further discussion regarding the lights.

243 Vice Chair Jewczyn asked and Mr. Larson explained that the existing building has one accessible means
244 to enter and exit. They will be replacing that door and still only having one entrance; there are a lot of
245 places for egress that would require assistance including the front porch and the back deck. There is
246 also a ramp off the back deck that will remain in use. There was further discussion regarding this
247 matter.

248 Mr. Butler said that it does not seem right to only have one handicap parking space when they have so
249 much assembly room. Mr. Kessler said that the parking scheme was approved in 2007 and they have
250 not altered anything. The parking lot is not striped so it could probably accommodate more. Mr. Butler
251 said that it would be nice to have a couple more. Mr. Marquise said that the Town does not have a
252 standard for handicap spaces and he does not know if there is an architectural standard or an ADA code.
253 Mr. Clark asked and Mr. Kessler said that they do have a sign for the handicap space. Mr. Claus said that
254 he thinks the requirement is one handicap space for every 25 parking spaces and that is what they have.
255 There was further discussion regarding this matter.

256 Mr. Clark asked if they foresee closing Main St for any construction equipment. Mr. Kessler said that
257 they should not have to close Main St for any length of time though there may be a time that a truck
258 must pull in or out. He does not anticipate the need for any permanent flaggers or detours.

259 Chairman White asked and Mr. Kessler said that the exact surface for the pervious pavers have not been
260 determined yet as there will be a price consideration. The pervious material will be ADA compliant and
261 will either be natural stone with appropriate jointing or a concrete paver. Mr. Claus said that his only
262 concern is that this will be a public entrance and will require the use of sand and/or salt to keep it safe.
263 Mr. Kessler said that they have found that pervious pavement is better in the winter because when the
264 snow melts the water infiltrates into the ground. These surfaces dry quicker and will have less ice,
265 which will require less sand and salt. There is also a maintenance component that goes along with them

266 and Pelletteri Associates is involved with LSPA and will help to maintain the facility and pervious
267 pavements.

268 Mr. Claus said that the proposal calls for the silt fence towards Main St and they may need to pull the
269 fencing more towards the driveway as well with the grades. Mr. Kessler said that there are two
270 components to that, one is the silt fence and another is a storm water management plan from a licensed
271 engineer that has additional silt fence and erosion controls that will be followed. There was further
272 discussion regarding this matter.

273 Mr. Butler asked and Mr. Daniels said that the LSPA will not have any events during construction and the
274 Board may need to meet elsewhere as well though the staff will remain. Most of their events happen in
275 the summer, which is why they want to start construction sooner rather than later.

276 Chairman White asked and Mr. Kessler confirmed that the project requires a NH DES Shoreland Permit;
277 the application has been submitted but not approved yet. Mr. Claus asked and it was explained that
278 they are not requesting a Permit By Notification (PBN), they completed a standard application due to
279 the excess of 1,500 sq ft of disturbance. They are not increasing the amount of impervious area what is
280 already on the lot so it did not need a waiver.

281 Mr. Butler asked and Mr. Larson said that the elevator will be a limited access small service elevator.
282 Mr. Butler asked and Mr. Larson said that he thinks the maximum weight will be 2,500 lbs.

283 Chairman White asked and there were no questions or comments from anyone in the audience.

284 Mr. Claus said the existing storm drain cover is not very pedestrian friendly and he suggests changing
285 that. Mr. Kessler and Mr. Larson said that is something that they have identified as a concern and there
286 will be some adjustments being made to that. Mr. Claus asked about the temporary control basin and
287 Mr. Kessler explained that it is to keep any silt that comes down on site.

288 Mr. Clark made a motion to approve the Site Plan for Parcel ID: 0133-0025-0000 subject to the approval
289 of a NH DES Shoreland Permit. Mr. Butler seconded the motion. The motion passed unanimously.

290 **CONSULTATIONS – PARCEL ID: 0129-0012-0000: THE PROPOSED USE – GARAGE TO STORE TRUCKS,**
291 **EQUIPMENT AND EMPLOYEE CARS; 62 LOWER MAIN ST; 62 LOWER MAIN STREET, LLC**

292 Mr. Marquise said that this came in as a Statement of Property Usage which says that they are going to
293 continue doing what has been done in the past but they never had a Site Plan. Therefore, both Ms.
294 Gage and he had signed off that they needed a Site Plan Review and the applicants were going to come
295 before the Board for a consultation but they are not at the meeting. Mr. Clark asked and Mr. Marquise
296 explained the location of the property.

297 **OTHER BUSINESS – PIZZA CHEF STATEMENT OF PROPERTY USAGE**

298 Nick Kontoes, the owner of Sunapee Pizza Chef, explained what he would like to do at his location.

299 Mr. Kontoes gave the Board a copy of a drawing showing the proposed uses. They would like to build a
300 wall between the restaurant and a current seating area and turn that area into a real estate office.

301 Mr. Marquise said that Mr. Kontoes has submitted a Statement of Property Usage for the Pizza Chef
302 building located at Parcel ID: 0132-0017-0000. This building was once the Sunapee Community Store
303 and in 2013 there was an amended Site Plan that was approved by the Board that showed the new
304 entrance and parking spaces. At the time, the approval was for Pizza Market and retail space in the
305 other side of the building. When a Statement of Property Usage comes in to convert retail space to
306 office space, he would tend to agree with it because an office is less intense than retail. The question
307 that came up is that the retail space has never really been used and in a non-conforming use the
308 approval for the retail space would go away after two years of not being used but this is an approved
309 use. He does not know what the Board's philosophy is for an approved use and if they think that
310 another Site Plan Review is needed.

311 Mr. Butler asked and Mr. Marquise explained that the proposal is to make an office in the former
312 approved retail space. Chairman White asked and Mr. Marquise confirmed that area was never used as
313 retail space. Mr. Clark asked and Mr. Kontoes confirmed that they would like to have a real estate
314 office. Mr. Clark asked and Mr. Marquise said that the reason that he is asking the Board about this is to
315 determine if they think that the retail space is still legitimately approved. An office is typically less
316 intense because there is less parking, the building is not changing, and the intensity is not changing. Mr.
317 Butler said that is how he feels. Chairman White asked and Mr. Marquise said that there was not a time
318 limit put on the approval for when the retail had to be added. Chairman White asked and Mr. Marquise
319 said that on a non-conforming use the approval would go away after two years, however, this is an
320 approved use. Mr. Butler asked if the abutters should be informed. Mr. Marquise said that if the Board
321 does not think that there needs to be a Site Plan then they would not inform abutters. There was
322 further discussion regarding this matter as well as a brief discussion regarding the parking.

323 Mr. Clark made a motion to approve the amended Statement of Property Usage for Parcel ID: 0132-
324 0017-0000 from retail to proposed real estate office use and waive the requirements for having a Site
325 Plan Review. Mr. Butler seconded the motion. The motion passed unanimously.

326 **OTHER BUSINESS**

327 Mr. Marquise said that the Methodist Church would like to cut some trees. They are on the Sugar River
328 and have a bunch of dead and broken trees. The requirement is if an applicant wants to take down
329 more than five trees then they need to come before the Board. In the past, he and Mr. Landry did not
330 consider dead trees to be counted, they only looked at trees that were alive. However, Ms. Gage has
331 asked for the Board to clarify if they would like to look at this and one of her proposed Zoning
332 Amendments is regarding dead trees. Mr. Butler said to him it is a safety issue. Chairman White asked
333 who would determine if the trees are dead and/or if there is a safety issue. Mr. Marquise asked if the
334 Board thinks that they need to review a cutting plan for dead trees. Mr. Osborne said that his
335 requirement would be that someone would need to certify that the trees are dead. Mr. Marquise asked
336 and Mr. Osborne said that he thinks that if the Zoning Administrator determines that the trees are dead
337 that than is acceptable. Mr. Clark said that it could be either the Zoning Administrator or an arborist or
338 forester. The Board said that they do not want the homeowner to be the person who says that the tree
339 is dead. There was further discussion regarding this matter.

340 There was a discussion regarding the Zoning Amendment hearing on September 19th and having a time
341 limit on the discussion for each Amendment.

342 There was a discussion regarding if the ADA regulations should be referenced in the Town regulations.

343 **MINUTES**

344 Changes to the Planning Board minutes from August 8, 2019:

345 The minutes were continued until the next Zoning Board meeting.

346 Mr. Butler made a motion to adjourn the meeting at 8:57 pm. Mr. Clark seconded the motion. The
347 motion passed unanimously.

348 Respectfully submitted,

349 Melissa Pollari

350 Planning Board

351 _____

352 Peter White, Chairman

353 _____

354 Joseph Butler

355 _____

356 Jeffrey Claus

357 _____

358 Donna Davis Larrow, Alternate

Richard Osborne

Randy Clark

Michael Jewczyn

Suzanne Gottling, ex-officio member