

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **OCTOBER 10, 2019**

4 **PRESENT:** Peter White, Chair; Michael Jewczyn, Vice Chair; Richard Osborne; Joseph Butler; 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 **CONTINUATION: PARCEL ID: 0133-0019-0000: SITE PLAN REVIEW: ADDITION OF SMALL OUTDOOR**
10 **PATIO IN FRONT OF RESTAURANT; 45 MAIN ST; 350 ENTERPRISES, LLC**

11 Mr. Marquise said that he has not received any information from the applicants regarding this case. The
12 case was first heard by the Board back in May and the Board agreed to a 60-day continuance back in
13 August. He suggests that the Board deny the case based on a lack of information and he thinks that the
14 denial can be made without prejudice so that they can come back before the Board if they would like.

15 Mr. Clark made a motion to deny the Site Plan Review for Parcel ID: 0133-0019-0000 without prejudice.
16 Mr. Osborne seconded the motion. Mr. Marquise said that every time there is a denial there must be a
17 reason and recommends that the motion state the reason for denial is the lack of information. Mr. Clark
18 amended his motion to include that the denial is due to the lack of the applicants presenting their case
19 and the lack of survey documents. Mr. Osborne seconded the amendment. The motion passed
20 unanimously.

21 **PARCEL ID: 0103-0006-0000 & PARCEL ID: 0103-0007-0000: LOT MERGER; 78 & 84 OAK RIDGE RD,**
22 **STUART & BARBARA GREER TRUST**

23 Mr. Marquise explained that this is a standard voluntary merger of two lots. Mr. Claus said that the
24 Online GIS shows that the lots are 0.177 acres and 0.15 acres. Mr. Marquise said that the lots are very
25 small and there is a camp on one that he believes the owners want to expand, therefore, they want to
26 have a single lot. Mr. Clark asked and Mr. Marquise confirmed that these are two non-conforming lots
27 that will be merged and the new lot will remain non-conforming.

28 Mr. Claus asked and Mr. Marquise said that he believes that there is a dwelling unit on only one of the
29 lots. Mr. Claus said that the GIS shows a footprint on Lot 6 but Lot 7 has photos of a building so he does
30 not know if it has been torn down. Mr. Marquise said that he did not think that there were viable
31 dwelling units on both lots. Mr. Clark said that Google Maps does not show another roofline but it could
32 be hidden by the trees. Mr. Marquise said that if there is a structure on the lot, he does not think it is a
33 viable dwelling unit; he believes that they want to expand the other structure. There was further
34 discussion regarding this matter.

35 Mr. Claus asked if the Board could make a conditional approval. Mr. Marquis said that he does not see a
36 problem with making lots more conforming because it is a voluntary merger and cannot be unmerged.

37 Mr. Clark said that the property card from 1989 shows a one-bedroom camp. Mr. Marquise said that he
38 believes that it has been torn down but does not remember. Mr. Claus asked and Mr. Marquise said that
39 the lots can be merged even if the structure is still there because there is nothing that says that two
40 buildings cannot be on one lot. Chairman White said that you cannot have two dwelling units on that size
41 of a lot. Mr. Marquise said that the lots can both have dwelling units on them if they are not merged.
42 Mr. Claus said that what concerns him is that there are potentially two dwelling units. Mr. Marquise said
43 that his opinion is that if the owners are going to do something to the buildings, in the end there can only
44 be one dwelling unit. Mr. Butler asked and Mr. Marquise said that the lots are in the Residential Zone
45 which has a one-acre lot size.

46 Mr. Clark made a motion to approve the lot merger for Stuart and Barbara Greer Trust for Parcel ID:
47 0103-0006-0000 and Parcel ID: 0103-0007-0000. Mr. Osborne seconded the motion. Vice Chair Jewczyn
48 asked and Mr. Marquise confirmed that the other lots in this area are around the sizes of the current lots
49 and the lot merger will make a slightly larger lot though it will still be non-conforming. Vice Chair Jewczyn
50 asked and Mr. Marquise confirmed that the lots are on the water. Mr. Claus explained the sizes of other
51 lots around the subject lots. The motion passed unanimously.

52 **CONTINUED DISCUSSION ON THE ZONING AMENDMENTS**

53 Mr. Marquise said that he sent an email to the Board with the draft proposals and he will be spending
54 time before the next meeting getting them ready to discuss. He would like any input on that the Board
55 may have regarding the twelve Amendments that the Board decided to go forward with at the last
56 meeting.

57 Vice Chair Jewczyn asked and Mr. Marquise said that the Wetland Overlay is one of the Zoning layers on
58 the online GIS. Mr. Marquise said that the discussion was to get rid of some of the smaller areas and
59 have a few bigger areas with prominent wetlands and create a few more requirements like buffers.

60 Chairman White asked and Mr. Marquise said that he does not think that there needs to be any
61 discussion regarding the Amendments at this meeting. Mr. Clark said that he thought that the Board had
62 some questions regarding a few of the proposed Amendments and there was one that needed
63 clarification from the Zoning Board. Mr. Marquise said that is on the list; he had a discussion with the
64 Chair of the Zoning Board who made a good point about some houses that are partially within the 50 ft
65 Shoreland setback that cannot be expanded with a Special Exception because it is only partially within the
66 50 ft. There was further discussion regarding this proposed Amendment.

67 There was a brief discussion regarding the potential wetlands buffer, the definition of a wetland, and
68 about recognized wetlands and created wetlands.

69 **MISCELLANEOUS – BOUNDARY LINE AGREEMENTS**

70 Mr. Marquise said that the Board revised the Subdivision Regulations this past year and added that
71 boundary line agreements require approval. There was a question from an attorney that was then
72 brought to the Town's attorney as to if the Board should review boundary line agreements when there is
73 a dispute about a line and the two parties make an agreement. He has always believed that the Board
74 should review them to ensure that pins are not being moved to create a new boundary line in another
75 location which would be a subdivision / annexation rather than a boundary line agreement. However,

76 State Statute RSA 472:4 makes reference to what a “Boundary Line Agreement” is and it is the Town
77 attorney’s belief that if a boundary line agreement is specifically what is in the Statute then it does not
78 need to come to the Board for review. The Town’s attorney has requested that Mr. Marquise sign
79 something that states that the Board agrees that as long as a boundary line agreement falls under the
80 State Statute then it does not require Board review. Also, it has been suggested to update the
81 Subdivision Regulations to recognize this RSA because the Town’s attorney does not believe that the
82 Board has a right to review boundary line agreements. Mr. Clark said that a boundary line agreement
83 becomes a public record because they are filed with the Registry of Deeds. Mr. Butler asked and Mr.
84 Marquise confirmed that a boundary line agreement is when two parties agree on where a boundary line
85 is located because the pins or markers are missing or unknown. Mr. Butler said that he does not think
86 that the Board needs to be involved in these things. Mr. Clark said that if the Board is involved in
87 boundary line agreements then they should also be involved in driveway agreements and other
88 agreements between two parties that affect their properties. Mr. Marquise said that the Board has been
89 involved in Boundary Line Agreements in the past to ensure that they are just agreements; however, if
90 there is certain language that meets the RSA then it is just an agreement regarding the location of a
91 boundary line, not a change to anything. Mr. Claus asked if it is an attorney that reviews to ensure that
92 the RSA is followed. Mr. Marquise said that the Town’s attorney has reviewed this particular case and
93 has said that the Board does not have the right to look at it nor should they want to because it does not
94 affect the rules. Vice Chair Jewczyn asked and Mr. Marquise explained that this boundary line agreement
95 is to settle a dispute about a line. Mr. Clark said that the Board is discussing if they can force someone to
96 show them a legal document. Chairman White said that it does not sound as though it is something that
97 needs to come before the Board so it should not be required to. Mr. Marquise said that the Town’s
98 attorney has asked that the Board agree that they do not need to see this Agreement and that they will
99 change the Subdivision Regulations; the Board agreed to this.

100 **MISCELLANEOUS**

101 Mr. Marquise asked the Board if they want copies of the newest law books specific to Planning and
102 Zoning. There was a discussion regarding ordering the books and the Board determined they would like
103 two books.

104 There was a brief discussion regarding the curb between Dunkin Donuts and the Old Abbott Library and
105 about the crosswalk.

106 **MINUTES**

107 Changes to the Planning Board minutes from August 8, 2019: There were no changes to the minutes.

108 Mr. Osborne made a motion to approve the minutes of August 8, 2019. Mr. Butler seconded the
109 minutes. The motion approved unanimously.

110 Changes to the Planning Board minutes from September 12, 2019: The minutes were continued to the
111 next meeting.

112 Changes to the Planning Board minutes from September 19, 2019: The minutes were continued to the
113 next meeting.

114 Mr. Clark made a motion to adjourn at 7:38 pm. Mr. Claus seconded the motion. The motion passed
115 unanimously.

116 Respectfully submitted,

117 Melissa Pollari

118 Planning Board

119 _____

120 Peter White, Chairman

Richard Osborne

121 _____

122 Joseph Butler

Randy Clark

123 _____

124 Jeffrey Claus

Michael Jewczyn

125 _____

126 Donna Davis Larrow, Alternate

Suzanne Gottling, ex-officio member