

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **AUGUST 8, 2019**

4 **PRESENT:** Peter White, Chair; Michael Jewczyn, Vice Chair; Joseph Butler; Richard Osborne; Jeffrey
5 Claus; Randy Clark; Donna Larrow, Alternate Member; Suzanne Gottling, Ex-Officio Member; Michael
6 Marquise, Planner

7 **ABSENT:**

8 **See attached sign in sheet**

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

10 **PARCEL ID: 0225-0009-0000: SUBDIVISION / LOT LINE ADJUSTMENT: EXISTING 10 ACRE PARCEL SHALL**
11 **BE SUBDIVIDED INTO TWO PARCELS: (1) – 1.35 ACRES AND (2) – 8.65 ACRES; ROUTE 103;**
12 **MCDONOUGH FAMILY PROPERTIES.**

13 Mark McDonough, one of the owners, and Peter Blakeman, Blakeman Engineering, presented the merits
14 of the case.

15 Mr. Marquise asked and Mr. McDonough said that when he and his brothers reviewed the plans there
16 was a question about egress for one of the parcels but that was figured out so they would like to move
17 forward with the presentation.

18 Mr. Marquise said that the application was filed in advance, fees were paid, notices were posted, and
19 abutters were notified. The application falls under Section 6.04 of the Subdivision Regulations and there
20 were a few questions that were discussed at the Peer Review meeting including: the location of the
21 sewer lines to make sure that the proposal does not have to go through the State Subdivision approval
22 process; and an updated highway access permit from NH DOT. The law says that the application cannot
23 be deemed incomplete if they are waiting for a State permit. Mr. Marquise asked and Mr. Blakeman
24 said that Clayton Platt, the surveyor, checked with the Town Sewer Department and there is sewer on
25 the street so it should not need State Subdivision approval. Also, there was a note added to the plan
26 that says that, based on an email with David Baily on August 1, 2019, there is an existing sewer hookup
27 to the brick building on the 1.35-acre lot and sewer hookup is available for 8.65-acre. Mr. Marquise said
28 that with that addition he believes that the application is complete. Vice Chair Jewczyn asked and Mr.
29 Marquise explained that the lots just need access to the Town's sewer line because if they do not have
30 access, they require State subdivision approval.

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

33 Mr. Blakeman said that the lot is long and narrow and runs along the river and the boundary line is the
34 centerline of the river. The proposed 1.35-acre lot will have one boundary line that is approximately 300
35 ft along the river; this lot is where the existing brick building is located. There is an existing NH DOT curb
36 cut, which will need to be updated to add the extra lot. They do not need to get NH DES Subdivision

37 Approval. However, they did need to get approval from DES that it would meet the Shoreland
38 requirements; they did not need to submit to Shoreland for the subdivision but they needed to ensure
39 that they did not create a lot that would be non-conforming.

40 Mr. Blakeman said that the plan shows a proposed common entrance so that there is future access to
41 the back part of the proposed 8.65-acre lot, which is where the buildable area of that lot is located.
42 There is an existing gravel road that goes along that access. Mr. McDonough said that the gravel road
43 had a lot of things dumped along it and there were also things dumped in the lot. They have spent a lot
44 of time, money, and energy to clean up the space. They worked closely with NH DES and a contractor to
45 get the space cleaned up. They acquired the property as a potential area to expand their self-storage
46 facility but they currently want to just subdivide the property. They have left the brick building because
47 they feel it has some interesting aesthetic characteristics and could be renovated at some point.

48 Mr. Blakeman said that when the property changes hand there will be deeded cross easements between
49 the two lots for access, sewer, water, storm water, snow removal, parking, etc.; however, it depends on
50 what happens with the lot with the brick building.

51 Mr. Blakeman said that there are wetlands delineated on the submitted plans.

52 Mr. Blakeman said that he thought that they might require a waiver for the 4:1 ratio requirement but he
53 does not believe that they do. Mr. Marquise said that he does believe that one of the lots, the 8.65-acre
54 lot, will require a waiver; the 1.35-acre lot looks as though it barely makes it. The entire lot does not
55 meet the 4:1 ratio either.

56 Mr. Butler asked and it was explained that the property is in the Mixed-Use I Zone.

57 Chairman White asked and Mr. McDonough said that they own lot 0225-0008-0000 as well as 0225-
58 0009-0000 but they are separate lots and they are not doing anything with 0225-0008-0000.

59 Chairman White asked about the portion of the 8.65-acre lot that comes down to the road by the 1.35-
60 acre lot. Mr. Eckman said that if they did not do that then the lot does not have road frontage because
61 the frontage is all along the river.

62 Vice Chair Jewczyn asked how wide the 8.65-acre lot is at the narrow part. Mr. Eckman said that it is
63 less than 50 ft wide and that there is a steep bank from the abutting property to the wetland, which is
64 why they require the easement over the 1.35 acre lot. Vice Chair Jewczyn asked about the different
65 right of way and easement lines on the plans. Mr. Eckman said that one of the right of ways is an
66 existing right of way that is in the deeds; there is a gravel driveway that goes to the back of the property
67 where there is a snow mobile trail. Vice Chair Jewczyn asked and Mr. Eckman said that there are several
68 old trails and roads on the property. There was further discussion regarding this matter.

69 Mr. Clark asked about the boundary line agreement with Jolyon Johnson that was done in 2008. Mr.
70 Eckman said that the line is to show where the boundary line was agreed but there were no additional
71 burdens put on the lot with this agreement.

72 Mr. Marquise said that regarding the access for the 8.65-acre lot, if anyone ever wanted to subdivide it
73 further, the requirement is a 50 ft right of way and currently there is only a 24 ft right of way. Mr.

74 Eckman said that they would need to build a road to get back there and the grades would be difficult to
75 build one. Mr. McDonough said that the land is not feasible to create a housing subdivision. There was
76 further discussion regarding this matter.

77 Mr. Claus asked about the wetlands overlay map. Mr. Marquise said that there should be an overlay
78 layer on the online GIS system. Mr. Claus asked and Mr. Marquise said that he does not believe that
79 these properties are within the wetland overlay district. Mr. Eckman said that these wetlands are not
80 on the National Wetlands Inventory, which is what a lot of wetlands overlay districts are based on.
81 There was further discussion regarding the wetlands overlay.

82 Vice Chair Jewczyn asked and Mr. Marquise said that the brick building could be commercial because it
83 is a Mixed Use District.

84 Mr. Butler asked and Mr. Eckman confirmed that the hazardous materials have been cleaned and they
85 are no aware if any got into the water. Mr. Eckman continued that there was a lot of work done by the
86 previous owners to try and clean up the property.

87 Chairman White asked and there were no additional questions for the applicant from the Board or from
88 members of the audience.

89 Mr. Clark made a motion to approve the subdivision / lot line adjustment for Parcel ID: 0225-0009-0000.
90 Vice Chair Jewczyn seconded the motion. Mr. Marquise said that there should be some conditions on
91 the approval including: the receipt of an updated NH DOT driveway permit; and the Board should note
92 that they are waiving the 4:1 lot to width ratio for lot 9-1. Mr. Clark said that he would like to amend his
93 motion to include the 4:1 ratio and the permit. Vice Chair Jewczyn seconded the amendment. The
94 motion passed unanimously.

95 **PARCEL ID: 0232-0024-0000 & PARCEL ID: 0225-0036-0000: SITE PLAN REVIEW: EXISTING USE OF**
96 **0232-0024-0000 IS A SINGLE STRUCTURE WITH RESIDENCE AND OFFICE. THIS WILL BE RAZED AND**
97 **THREE NEW STORAGE BUILDINGS TO BE ADDED TO THE EXISTING SUNAPEE SELF STORAGE FACILITY;**
98 **ACCESS SHALL BE THROUGH THE EXISTING ENTRANCE AT 36 ROUTE 103; MCDONOUGH FAMILY**
99 **PROPERTIES.**

100 Mark McDonough, one of the owners, and Peter Blakeman, Blakeman Engineering, presented the merits
101 of the case.

102 Mr. Marquise said that the application was filed in advance, fees were paid, notices were posted, and
103 abutters were notified. The application falls under Article V of the Site Plan Review Regulations. He
104 does not believe that these buildings will have water or sewer so that will not be applicable. Toxic waste
105 and hazardous materials can be discussed during the merits. There are also State permits required: one
106 is needed for the increase in traffic on the existing access from NH DOT; they potentially need an
107 Alternation of Terrain permit (AoT); and they may need a Stormwater Management Plan / SWPPP
108 permit. These things can also be addressed during the discussion of the merits and the completeness
109 should not be held up based on State permitting requirements. Mr. Marquise continued that he
110 believes that the application is complete.

111 Mr. Clark made a motion to accept the application as complete. Mr. Butler seconded the motion. The
112 motion passed unanimously.

113 Mr. Eckman said that the subject property is located next to the current storage facility owned by the
114 McDonoughs. It was subdivided and annexed when they originally purchased the property and they
115 have been maintaining the house as a rental property. They have determined that the best use of the
116 property is to create more storage units. Mr. McDonough said that when they purchased the
117 properties, they had to purchase all three of them so they have rented the house. However, the house
118 has fallen into a state of disrepair and it would be a huge investment for them to repair it which was a
119 motivator for them to make this decision. They currently run at more than 90% occupied based on their
120 initial investment and the demand is there for additional storage.

121 Mr. Eckman said that the original property all together has four buildings and their footprint is a little
122 over 31,000 sq ft. They are proposing to remove the house and add three new structures which will be
123 just under 11,000 sq ft of footprint. They would like to access the buildings through the same access
124 that the current storage facility uses at 36 Route 103. Mr. Eckman continued that if the Board is in favor
125 of the proposal, they plan on merging the lots; with the lots merged, the addition of the three units and
126 the paved access creates a lot coverage of 69.8%, the maximum lot coverage in this Zone is 80%.

127 Mr. Eckman said that there is no water or sewer required for these buildings; the electricity will come
128 from the facility next door. Mr. McDonough said that they are just LED wall packs on the outside of the
129 buildings so the impact to the load is minimal. Mr. Butler asked and Mr. McDonough said that the
130 buildings will not be temperature controlled. Mr. Clark asked and Mr. McDonough said that the lights
131 will be on all night. Mr. McDonough continued that the lights are set up so that they light up the sides
132 of the buildings but do not shoot out.

133 Mr. Eckman said that the storm water management plan was designed for the 10-year storm. The
134 facility next door did require AoT permitting and if that work had been done within 10 years of the
135 proposed work they would have needed to amend the permit. However, the site was built out 13-14
136 years ago so AoT permitting is not required. Mr. Eckman continued that a SWPPP permit is required by
137 the EPA as a construction notification permit and is based on an acre of disturbed area and this is less
138 than an acre. Mr. Marquise asked and Mr. Eckman said that he does not believe it is accumulative. Mr.
139 McDonough said that he has done a SWPPP application for some other projects and it is based on the
140 area that is being disturbed. He does not think that the size of this project will trigger a SWPPP being
141 required.

142 Vice Chair Jewczyn asked and Mr. Eckman explained that the building located on Depot Rd behind the
143 proposed storage buildings is a garage that is not part of the subject property.

144 Mr. Clark asked if there is an access road from the side of one of the proposed buildings that goes past
145 the property owned by the Raymonds. Mr. McDonough said that there is a fire entrance off Depot Rd
146 that is for the current facility and will be used for this facility. The access is already there and has a gate
147 across it so people cannot use it.

148 Vice Chair Jewczyn asked about the hours of operation and Mr. McDonough said that people can come
149 and go at any time; their experience is that people do not come as often in the evening. The traffic flow
150 in and out of these units is minimal.

151 Mr. Eckman said that the proposed Buildings F and G, the two that are closest to Depot Rd, are single
152 story units; the one that will run along Route 103 will have two levels. The bottom will have garage door
153 access and the above will have two doors at either end and will have interior access.

154 Mr. Butler asked and Mr. McDonough said that there will not be any changes to the current signage; this
155 is an extension of the existing business.

156 Mr. Butler asked and Mr. McDonough said that he has solar panels on some of the current buildings.
157 Mr. Butler asked and Mr. McDonough said that the solar panels have not worked out as well as they
158 thought that they would so he does not believe that they will install them on this building.

159 Chairman White asked and Mr. Eckman said that the proposed buildings are at approximately the same
160 elevation as the existing buildings.

161 Mr. Eckman said that the stormwater plan is based on the 10-year storm and the outlet point is next to
162 the garage behind the proposed buildings; there is a culvert that goes across Depot Rd. They will have a
163 couple of small detention areas behind Building G. There will be 8-inch diameter PVC storm drains with
164 some catch basins along the pavement to pick up the water and bring it to the detention areas. Mr.
165 Butler and Mr. Eckman confirmed that the only snow removal will be between the buildings; there will
166 not be any snow removal between the buildings and Depot Rd. Vice Chair Jewczyn asked where the
167 water goes when it goes across Depot Rd. Mr. Eckman explained that the water goes across the road
168 and into a gravel area. They have put in detention basins so that they do not increase the water going
169 into that area.

170 Mr. McDonough said that the storage of hazardous waste is prohibited in all their facilities. They have
171 four different facilities in NH and it is in their contracts that they do not allow hazardous materials.

172 Chairman White asked and Mr. Eckman explained where they are going to pave. Mr. McDonough said
173 that where there will be doors there will be pavement but where there are not doors there will be
174 greenspace. There was further discussion regarding the paved areas.

175 Mr. Eckman said that they submitted a landscape plan as part of the application package. Chairman
176 White said that one thing that he likes about the facility is the berm out front. Mr. Eckman said that he
177 and Mr. McDonough discussed that and they think they may amend the plan to extend the berm rather
178 than have a fence. Mr. McDonough said that he understands that the buildings are not very attractive
179 and at many of their facilities they try and create the landscape berms for a buffer. The Fire Department
180 requested a gate for access up to that area, however, instead of putting up a chain link fence he thinks it
181 would be better to continue the berm and put up a gate like the one on Depot Rd. There was further
182 discussion regarding this matter.

183 Mr. Eckman said that along the property line next to the Raymond's they are proposing some plantings
184 and a wooden privacy fence. Mr. McDonough said that his brother and Mr. Eckman have met with the

185 Raymonds regarding this issue. They are sensitive to the neighboring properties and want to do what
186 they can to make sure that they are buffered as much that the can.

187 Mr. Clark asked and Mr. McDonough said that people rarely access the facility at night. Mr. Clark asked
188 and Mr. McDonough said that he thinks that the privacy fence would prevent any light from cars shining
189 into the Raymond's yard. Mr. Eckman said that the pavement between the buildings is at a lower
190 elevation than the adjacent property so the headlights should not be headed up towards the Raymond's
191 house. Mr. Marquise asked and Mr. Eckman said that they are considering a 5 ft wooden stockade
192 fence. Mr. Eckman said that where the fence goes towards Route 103, there are some big trees that are
193 staying and one tree that will be removed because it is not in good health. The fence will be run off of
194 the property line to give the Raymonds more of a lawn area. There was further discussion regarding the
195 fence and trees.

196 Mr. Butler asked and Mr. McDonough said that they use sand mixed with a little salt to keep from
197 freezing when they plow. Mr. Butler said that there is a dug well shown on the Raymond's property.
198 Mr. Eckman said that it is an old well that they believe is abandoned.

199 Mr. Marquise asked and Mr. Eckman said that the lot coverage is 69.8%. The total allowed lot coverage
200 is 80%. Mr. Clark asked and Mr. Eckman confirmed that the lot is in the Mixed Use Zone.

201 Mr. Claus asked about the setback from Route 103 and Chairman White said that it is 75 ft from the
202 centerline. Mr. Eckman said that the right of way is 50 ft and the setback is 75 ft from the centerline of
203 the road.

204 Jared Raymond, 60 Route 103, said that he was concerned about the storm water management as there
205 are only a couple of catch basins but feels better that the system was made for the 10-year storm. His
206 well is in the corner near everything; the dug well on his property is abandoned but he was concerned
207 about how his well would be protected. He is concerned about the cars going in and out at night as he
208 can hear cars at the current facility and they are farther away than the proposed buildings. The
209 buildings meet the setbacks but he is concerned about the noise and wonders if the Town's Noise
210 Ordinance comes into play for that type of thing.

211 Laura Raymond said that their property is set a little higher than the existing grade and some of the
212 plantings seem too short to hide the buildings, especially the two-story building. Mr. Eckman said that
213 the trees at the end of Building E will be 8 - 10 ft planted height. Mr. Raymond said that he is concerned
214 because they said that the building will be 10 - 12 ft tall and they thought their lot line was where the
215 end of the first building is located and they had thought that they discussed a 6 ft high fence. Mr.
216 McDonough said that he thinks that the fence should be 8 ft high and Mr. Raymond agreed. Mr.
217 McDonough said that he thinks that the fence should be higher and they can plant bigger trees if they
218 need to as well. Mr. Eckman asked and Mr. Marquise said that they can go to the Zoning Board to get
219 permission to put up a higher fence. Mr. Eckman said that they indicated a 5 ft fence because that was
220 what is allowed in the Zoning Ordinance but they can go higher. Mrs. Raymond said that they currently
221 have a 6 ft fence and do not want the fence to be shorter than that. Mr. McDonough asked and Mr.
222 Raymond said that if they are allowed to go to 8 ft they would like that. Mr. McDonough asked and Mr.
223 Marquise said that if there is an agreement between the parties usually the Zoning Board does not care
224 what kind of fence it is. Mr. McDonough said that he will discuss the type of fence with the Raymonds.

225 Mr. Eckman said that the pavement that is closest to the property line pitches away from the property
226 line towards the middle where the catch basins are located so there should not be any water that goes
227 into the abutting property. Mr. McDonough and Mr. Eckman explained the grades and the catch basins.

228 Chairman White asked about the retaining wall. Mr. Eckman said that the pavement is lower than the
229 wall; the wall is 42 inches because it is within the setback and the pavement at the bottom pitches away.
230 Mr. Raymond asked and Mr. Eckman said that the drop from their property to the pavement is
231 approximately 5 to 6 ft. Mr. Raymond said that two of the buildings should be hidden well, he is
232 concerned about the front building that is two stories.

233 Mr. Clark asked and Mr. Marquise said that his concerns were related to the AoT and the SWPPP but
234 those things have been addressed. They still need to have an updated NH DOT approval for the increase
235 in traffic. Mr. Marquise said that it appears that they have had a direct conversation with the Fire Chief
236 regarding access to the site. The Highway Director's concerns were regarding drainage but there are 8-
237 inch pipes that should take care of the pre and post development flow. As the Board moves forward
238 with an approval there should be a discussion related to bonding and third-party observation.

239 Mr. McDonough asked about the third-party observation as this is not something that he has ever dealt
240 with in the past with a municipality because the bank always has a third party that they hire to make
241 sure that the project stays on task and the project is completed to a certain level before funds are
242 released. Mr. Marquise said that the bank's third-party is probably concerned more with completion
243 and value and what has been done for the bank to release funds. The Town's third party is to ensure
244 that erosion controls are in place, that grading has been done correctly, and that the plan is being
245 executed from an environmental standpoint. Mr. McDonough asked if there is someone on staff who he
246 would work with on this. Mr. Marquise said that the Town does not have a Building Inspector, the
247 Zoning Administrator does not look at things like erosion or anything like that. Mr. McDonough asked if
248 the Town hires the third party and pays them for their services or is it something that they would be
249 expected to pay for. Mr. Marquise said that the Town has three engineers that they send out Requests
250 for Proposals to and they talk to the engineer regarding how often they need to visit the site and consult
251 with the owners. The owners have to pay the Town for the engineering services. Mr. McDonough said
252 that they have built a lot of buildings in NH and have never dealt with something like this; the site work
253 contractor that they use has their own engineer, however, if this is something that is required, they will
254 do it. Mr. Marquise said that the third-party costs are separate from the bonding costs as the bond is
255 just to guarantee that the project is completed. They do not require bonding for the completion of the
256 buildings, just for the infrastructure including the roads and drainage. Mr. McDonough asked and Mr.
257 Marquise said that a Letter of Credit from a bank is acceptable but it must be done so if they default
258 then the Town gets the money from the bank.

259 Chairman White asked and there were no questions for the applicant from the audience or the Board.

260 Chairman White said that it sounds as though there are going to be some changes made to the plan and
261 he is interested to see how the change to the berm will look as well as the fence and the trees. He
262 would like to see everything on the plan before making a decision. Mrs. Larrow said that if they will
263 require a Variance or Special Exception for the fence the Board may want to see that before it is
264 indicated on the plan. Vice Chair Jewczyn said that he thinks that the plans should be complete before a

265 decision is made. Mr. Marquise said that he thinks that there are enough changes that the Board should
266 see before making a decision, especially with the changes to the berm.

267 Mr. Claus asked about the Site Plan as it shows buildings that cross over a property line. Mr. Marquise
268 said that one of the things that the Board should require is a lot merger that the Board can approve at
269 the same time they approve the Site Plan.

270 Mr. Butler asked and Mr. McDonough said that he does not know how to prevent the nighttime noise
271 that affects the neighbors. Mr. McDonough said that what makes the facilities work and what makes
272 them attractive to people is the 24-hour access. They can add language to their contracts regarding the
273 sensitivity of motorcycles and heavy equipment noises during off hours. Mr. Butler asked and Mr.
274 McDonough confirmed that they have surveillance cameras on the property. There was further
275 discussion regarding the late-night noise.

276 Chairman White asked and Mr. McDonough said that they are not changing their staffing at all; they
277 have one part time employee.

278 Mr. Butler asked and Mr. Marquise said that for a fence to qualify as a minor structure it can only be 5 ft
279 high. If they would like it higher and that close to the property line it requires Zoning Board approval.
280 Mr. McDonough asked and Chairman White said that the timing might work so that they can go to the
281 next Zoning Board meeting for an approval. Mr. Claus said that they are going to put a fence up and
282 asked if it is the Board's desire to have a 6 ft or 8 ft fence. Chairman White said that he thinks that
283 listening to the abutters desires is best. Mr. Osborne suggested doing some sight lines to see how high
284 they think the fence may need to be to block the view. Mr. Eckman said that is why they also added the
285 tree at the end of the building. Mr. Raymond asked and Mr. McDonough said that he does not think
286 that they can do a berm along the side without going onto the Raymond's property.

287 Mr. Marquise said that he thinks that it would be beneficial to have the bond amount determined when
288 they return to the Board for an approval so there does not need to be a separate hearing. Mr.
289 McDonough said that their goal is to have the concrete done before the snow comes so anything, they
290 can do to expedite the process would be good.

291 Mr. Butler said that the Planning Board does not have control over the Zoning Board regarding the
292 fence. However, it would be good to determine the berm and anything else such as the NH DOT
293 approval before coming back to the Board.

294 Chairman White said that if they determine that they cannot fit a berm on the site there are other ways
295 to make an area more pleasing to look at such as the fence along the Ruger building in Newport. Mr.
296 Eckman said that he is not sure that the berm will fit because the access to Building E may be located
297 too close. Mr. McDonough said that they could do some plantings and create as much as a buffer as
298 possible. There was further discussion regarding this matter.

299 Mr. McDonough asked if there is a comfort level from the Board that this project can come together.
300 Chairman White said that he thinks that the Board has discussed most of their concerns.

301 Chairman White asked about lighting and Mr. McDonough said that they just received new lights for
302 their current buildings and they are softer lights than what they currently use.

303 Mr. Marquise said that the case will be continued to the September meeting.

304 **CONSULTATION: PARCEL ID: 0144-0033-0000: PROPOSED SUBDIVISION: CAROLYN MATTOON**

305 Bo Quackenbos, a real estate agent for the owners, explained the proposed subdivision to the Board. Mr.
306 Quackenbos said that Mrs. Mattoon owns a piece of property in Fisher's Bay at 55 Bay Rd. The property
307 is 4.38 acres and is surrounded on three sides by water. They would like to divide the property into two
308 parcels, each with sufficient water frontage and each with sufficient acreage. Bay Rd is a private road
309 and they do not know if they can subdivide a property off of a private road.

310 Mr. Marquise asked and Mr. Quackenbos said that this property has an easement from Bay Rd to go
311 across the Fisher's Bay property. Mr. Quackenbos said that the property does not have frontage on Bay
312 Rd.

313 Mr. Quackenbos said that the property was originally owned by the person who did the Fisher's Bay
314 development and there are currently two houses on it. One house is a seasonal five-bedroom house
315 and the other is a two-bedroom year-round house. They would like to subdivide the little house from
316 the big house.

317 Mr. Marquise asked and Mr. Quackenbos said that he does not know how wide the easement is, he
318 would have to look at the deed. Mr. Marquise said that the normal requirement is a 50 ft right of way
319 because they require a road to come into the properties because they do not have road frontage for the
320 two lots; lots cannot be created without road frontage. Mr. Butler asked Mr. Quackenbos said that
321 there is an easement off of Bay Rd to get to the property. Mr. Quackenbos asked if the two parcels could
322 share the driveway. Mr. Marquise said that it could be shared as a private road but it would have to go
323 in so both lots had frontage along the private road.

324 Mr. Quackenbos said that they have hired a surveyor but he has not been to the property yet. Mr.
325 Marquise said that it may be worthwhile to have the surveyor determine if they can build a new private
326 road and if they will get enough frontage on the two lots. Mr. Marquise said that he thinks that 100 ft of
327 frontage is required in that Zoning District. Mr. Quackenbos said that he does not know if they can get
328 that.

329 Vice Chair Jewczyn asked and Mr. Marquise said that the width of the private road only needs to be 18
330 ft, however, the right of way has to be 50 ft wide. Mr. Quackenbos said that the subdivision was done in
331 the 1960s and was before Zoning so he does not know the width of the right of way but they probably
332 were not thinking of needing it to be a 50 ft one. Mr. Osborne said that a surveyor might be able to do a
333 quick drawing and determine if this will work or not. Mr. Osborne asked and Mr. Quackenbos showed
334 the Board where the two houses are located. There was further discussion regarding how the road
335 might be able to work to create frontage for both lots.

336 **CONSULTATION: PARCEL ID: 0140-0019-0000: SUBDIVISION / ANNEXATION: MICHAEL & CAROL**
337 **JEWCZYN**

338 Michael Jewczyn explained the proposal for his subdivision. Mr. Jewczyn said that his property has a 30
339 ft right of way to access it across his neighbor's property. He approached his neighbor about purchasing
340 that piece of land so that he owns the right of way to his property. Mr. Clark asked and Mr. Jewczyn said

341 that he will be acquiring approximately $\frac{1}{4}$ of an acre, including the pie shaped area between the right of
342 way and the end of the neighbor's property.

343 Mr. Marquise asked and Mr. Jewczyn said that his neighbor's property is currently 4.2 acres and will
344 become 3.95 acres; his property will be approximately 3.92 acres. Mr. Jewczyn said that they have
345 already done the State required perc tests and he believes that those are fine.

346 Mr. Clark asked about the road frontage for these lots and Mr. Jewczyn said that nothing changes for
347 him.

348 Mr. Butler asked if they are swapping any land and Mr. Jewczyn said that they are not. He will just be
349 acquiring the $\frac{1}{4}$ acre with his right of way.

350 Mrs. Larrow asked if both lots will still have road frontage and Mr. Jewczyn said that there is common
351 road frontage. Mrs. Larrow asked and Mr. Jewczyn said that three or four properties use the common
352 private road. Mr. Clark asked and Mr. Jewczyn said that the road has been a common road for many
353 years.

354 Mr. Clark recommended a driveway agreement and Mr. Jewczyn said that if he owns his access he does
355 not need a driveway agreement. Chairman White asked and Mr. Jewczyn said that his neighbor does
356 not use his driveway; the driveway just goes across his neighbor's property. There was further
357 discussion regarding the neighbor's driveway.

358 There was a discussion regarding Burkehaven Ln as the survey Mr. Jewczyn had done shows that he
359 owns a portion of Burkehaven Ln.

360 **SUBDIVISION REGULATION CHANGES**

361 Mr. Marquise presented the proposed Subdivision Regulation changes (see attached).

362 Mr. Marquise explained the first amendment is to Section 2 to add a definition for the term "Minor Lot
363 Line Adjustment" to clear up some misunderstanding because in the past small property exchanges have
364 been considered subdivisions but there are cases when a line changes in a minor way and would require
365 less review. There was a discussion as to if this type of property line change would still require a perc
366 test because it is no longer considered a subdivision by the Town and Mr. Marquise said that it might
367 not make a difference to the State.

368 Mr. Marquise said that the next amendment is to Section 2 to change the definition of "Subdivision" to
369 clarify what makes a new lot to keep it consistent with what the Board has always done; this means that
370 a "Subdivision" is when any additional lots are created. This relates back to a "Minor Subdivision" to
371 keep things consistent. The next amendment is Section 2 to make the change to the definition of a
372 "Minor Subdivision".

373 Mr. Marquise said that the next amendment is to Section 3.01 to change all the headings and references
374 to "Conceptual Consultation Phase" and note that a public hearing is not required.

375 Mr. Marquise said that the next amendment is to Section 3.02 to change the fees by 50%. Mr. Claus
376 asked if the fees are based on anything or are arbitrary. Mr. Marquise said that they have to look at

377 things like the time that it takes to prepare the minutes, the time that staff has to look over the
378 applications, the time and costs to send out notices, etc. They like the income from the fees to cover
379 what it costs to run the Planning and Zoning Departments and it is usually close but it fell short last year.
380 Mr. Marquise said that the fees are only increasing by 50% and the fees were last raise approximately 12
381 years ago. Mr. Clark asked if there is a way to recoup costs if something goes above and beyond what
382 the fees cover and Mr. Marquise said that they there is not. There was further discussion regarding the
383 fees.

384 Mr. Marquise said that the next change is to remove Section 3.03.

385 Mr. Marquise said that the next amendment is to Section 3.04 to change review time from 65 days after
386 submission to "acceptance" and places the Section 7.02 fees in this section because the review time
387 starts after the acceptance of an application. Another change to this section is to include notification to
388 the professionals shown on the subdivision plan along with the abutters.

389 Mr. Marquise said that the next amendment is to Section 3.06 to change the time for approval to be
390 from the Final Plat acceptance. Mr. Butler asked and Mr. Marquise explained that the 65-day deadline
391 date is to protect the applicant from the Planning Board sitting on an application. If the 65 days passes
392 without the Board acting, the applicant can go to the Board of Selectmen and then the Board of
393 Selectmen can try and force a decision; if a decision is not made within 30 days then the application is
394 then automatically approved. The Planning Board can also go to the Board of Selectmen and ask for 90
395 additional days.

396 Mr. Marquise said that the next amendment is to Section 3.07 to change the title to Boundary Line
397 Agreements/Minor Lot line Adjustment and to divide this section to 3.07 (A) and (B). Mr. Marquise
398 explained that Boundary Line Agreement Plans require a stamp from the Planning Board as "not
399 applicable" before they can be recorded at the Registry. Mr. Butler asked and Mr. Marquise said that he
400 gives copies of plans to be recorded to the Assessor's Office. Mr. Marquise said that there are also
401 changes to the fees in this section by 50%.

402 Mr. Butler asked when a subdivision is finalized and when the new lots are assessed separately. Mr.
403 Marquise said that the thinks that once the subdivision is recorded is when the new lots are separated.
404 Mr. Marquise said that some Towns will not subdivide the lots until there is a deed transfer completed.

405 Mr. Marquise said that the next amendment is to Section 4.09 to add the "Waterfront Development"
406 subsection to make it consistent with the Zoning Regulations.

407 Mr. Marquise said that the next amendment is to Section 5.05 to change the heading to "Cluster
408 Development" and to delete subsections (a), (b), and (c) because this section is only for Cluster
409 Developments and refers back to the Zoning Ordinance.

410 Mr. Marquise said that the next amendment is to change Section 5.07 "Road Design" as per the Highway
411 Director's request. This is to add "all roads that are proposed as potential public town roads must meet
412 the relevant, current AASHTO standards as approved by the Highway Director as well as the standards
413 set forth in this ordinance. If the standards are in conflict then the strictest standard shall apply". Mr.
414 Butler asked and Mr. Marquise said that these standards are Federal standards. There was further
415 discussion regarding this amendment.

416 Mr. Marquise said that the next amendment is to Section 5.07(h)(2) regarding dead end roads and
417 changing the requirement that they cannot exceed 1,700 ft in length unless they are internally looped.
418 The Fire Department feels as though 1,700 ft is a length that they can handle for hoses and access.
419 There was further discussion regarding this matter.

420 Mr. Marquise said that the next amendment is to Section 5.09 (A) regarding driveways and is another
421 thing that the Highway Director has requested. The change is to include the sentence “this includes
422 temporary driveways for construction or logging activities” at the end of the section.

423 There was a discussion regarding the topographical features that could prevent adherence to the road
424 design standards.

425 Mr. Marquise said that the next amendment is to Section 5.09(B) to change all references of “Town
426 Planner” to “Highway Director” and add other references to “Zoning Administrator” as appropriate.
427 Vice Chair Jewczyn asked and Mr. Marquise confirmed that the driveway permits are only applicable on
428 Town roads.

429 Mr. Marquise said that the next amendment is to delete Section 5.14(e) as it was eliminated
430 approximately a year ago.

431 Mr. Marquise said that the next amendment is to change the heading of Section 6.01 to “Conceptual
432 Consultation Phase” and to delete “Survey Documents, Preliminary Layout” to “Design Review” in the
433 text.

434 Mr. Marquise said that the next amendment is to change the heading of Section 6.02 to “Design Review
435 Documents” and to also add a subsection to address the need for wetlands delineation. Mr. Clark asked
436 and Mr. Marquise agreed that the wetland needs to be shown on a NCRS map in order to require a
437 wetland delineation by a Certified Wetland or Soil Scientist. Also, if a wetland is not on the map but
438 there is clearly one on the property it also needs to be delineated.

439 Mr. Marquise said that the next amendment is to delete Section 6.03.

440 Mr. Marquise said that the next amendment is to add the required wetlands delineation to Section 6.04.

441 Mr. Marquise said that the last amendment is to delete Section 7.02 because it is being moved to
442 Section 3.04.

443 Mr. Clark made a motion to approve the changes as stated for the Subdivision Regulations as corrected.
444 Mr. Osborne seconded the motion. The motion passed unanimously.

445 **OTHER BUSINESS**

446 Mr. Marquise said that the Zoning Board heard a case at their last meeting regarding the land that was
447 subdivided approximately a year ago on Sunny Lane. There is road frontage on both a Class V road and a
448 Class VI road and the owner returned to the Board to ask to access the lot from the Class VI road. There
449 is a potential buyer who has requested putting a dog kennel on the property and wants to use the Class
450 VI road as access and there are a lot of questions being asked regarding if a Class VI road can be used as
451 a commercial access. The Zoning Board had a long deliberation and concluded that they would like to

452 hold a joint meeting with the Planning Board where the Planning Board would be looking at the Site Plan
453 and the Zoning Board would be continuing their hearing. Joint meetings are at the call of the Chair and
454 if the Planning Board chooses, to do it the meeting will need to be held on September 19, 2019. Having
455 a joint meeting may also work with having a discussion regarding potential Zoning Amendments.

456 Vice Chair Jewczyn asked what the issue is between the Class V and Class VI roads. Mr. Marquise said
457 that a Class V road is a Town maintained road and a Class VI road is not maintained by the Town. Vice
458 Chair Jewczyn asked and Mr. Marquise explained that there is a State law that talks about if someone
459 wants to get a building permit on a Class VI road they have to go through a strict process; both the
460 Planning Board and Selectmen have to approve it and there has to be waivers filed with the Registry of
461 Deeds that says that the Town is not liable. Every approval that the Town has ever done has been for a
462 residential use and there are a lot of questions. Chairman White said that this cannot be the first case
463 where someone wanted to put a commercial use on a Class VI road. Mr. Marquise said that the Town
464 needs an opinion from the Town's attorney regarding any prior case law.

465 Vice Chair Jewczyn said that it sounds as though there should be a joint meeting. Mr. Butler said that he
466 thinks that they need the Town's attorney to answer before doing anything. Chairman White asked why
467 the Zoning Board wants to have a joint meeting. Mr. Osborne said that the Zoning Board continued the
468 case because they want the Planning Board's opinion at the same time. Chairman White said that the
469 Planning Board is only going to go with what is legal. Mrs. Larrow said that the Planning Board will still
470 hear a Site Plan Review if the Zoning Board approves the use. Mrs. Gottling said that there may be a
471 worry that the Town will become responsible for maintaining the road. Vice Chair Jewczyn said that the
472 applicants should go through everything that someone must go through to build a residential structure
473 on a Class VI road and there should be additional waivers for the Town to absolve themselves from
474 responsibility for the commercial use. Mr. Osborne asked and Mr. Marquise said that a private entity
475 would be allowed to maintain a Town road as it is a Class VI road. Mr. Marquise continued that a private
476 entity cannot do whatever they want, but part of the legal agreement with the Town is that they will
477 maintain the road.

478 Mr. Butler said that he thinks that the Town's attorney needs to give an opinion regarding the Town's
479 liability. Mr. Marquise said that if the Planning Board is going to have a Site Plan Review then they will
480 need to know the Town's liability.

481 Mr. Claus said that it looks to him that it is a single-family residence. Mrs. Gottling said that they are
482 going to have a dog kennel. Mrs. Larrow said that it is a single family small residential house with no
483 additional kennel buildings. There was further discussion regarding the proposal.

484 Chairman White asked if the Planning Board wants to have a joint meeting with the Zoning Board for the
485 case for the kennel. Mr. Clark asked and Chairman White said that both Boards could vote on their
486 individual portions of the case at a joint meeting. Mrs. Larrow said that she believes that is what the
487 Zoning Board was trying to accomplish.

488 Vice Chair Jewczyn said that he would be more comfortable making a decision after the Town's attorney
489 has given an opinion about the liability of the Class VI road and accepting commercial use on the Class VI
490 road. Chairman White asked if the Zoning Board is looking at the Planning Board to make an opinion on
491 that or if it is more appropriate for the Zoning Board to get an opinion from the Town's attorney. Mr.

492 Butler said that instead of holding a special meeting, the applicants should go through the Site Plan
493 Review process. Mr. Marquise asked and Mr. Butler confirmed that the applicants should complete the
494 process with the Zoning Board before coming to the Planning Board. Mrs. Gottling asked and Mr.
495 Marquise said that there may be a time crunch on this case. Mr. Clark said that he thought that the
496 Planning Board decided to try and hold joint meetings with the Zoning Board for proposed amendments
497 so they need to do a joint meeting anyway. Mr. Marquise said that is something that was discussed.
498 Vice Chair Jewczyn said that he thinks that the applicants should just go through the normal process.
499 Mr. Clark agreed with Vice Chair Jewczyn.

500 Mrs. Larrow said that she thinks that the Zoning Board is looking for clarity from the Planning Board,
501 which is why they did not approve or deny the application. If it is the Board's decision to not have a
502 joint meeting, she thinks that the Planning Board should follow up with the Zoning Board for clarity as to
503 what their questions are for the Planning Board. Mr. Marquise asked why the Zoning Board cannot ask
504 the Town's attorney for an opinion. Mrs. Larrow said that she knows that the Town's attorney has been
505 involved in this and she does not think that the Zoning Board's only question relates to the Town's
506 liability. She thinks that that Zoning Board has questions regarding the Planning Board's thoughts on the
507 subdivision approval and thinks that the Planning Board should ask the Zoning Board what their
508 questions are so they can be addressed. Mr. Osborne said that he thinks that Chairman White should
509 contact the Zoning Board Chair to determine if he thinks that a joint meeting is needed. Chairman
510 White said that he is hesitant to have a one on one conversation with another Board member about a
511 case. Mr. Marquise said that it is a Zoning Board member, not another Planning Board member. Mr.
512 Osborne said that Chairman White would only be asking the Zoning Chair for clarification. Mr. Marquise
513 said that special meetings are called by the Chair so Chairman White would be the one to make the
514 decision and he does not see a problem with Chairman White talking to a Zoning Board member.
515 Chairman White said that he does not want to put the Board into a situation that they do not feel is
516 necessary. The Board determined that they do not know what the Zoning Board is looking for.
517 Chairman White said that he will contact the Zoning Board Chair to determine what the Zoning Board's
518 questions are but that doesn't expedite the process. Mr. Marquise said that it gives the applicants time
519 to get a Site Plan together for a joint meeting. Chairman White said that he can contact the Zoning
520 Board Chair and then email Mr. Marquise with the Zoning Board's concerns and discuss having a
521 meeting. Mr. Osborne said that it makes sense to have a joint meeting on September 19th anyway to
522 discuss the Zoning Amendments. Chairman White said a joint meeting with the Zoning Board has to be
523 a separate meeting other than the regularly scheduled meeting and there may not be any harm to
524 having the case. Mr. Clark and Mr. Butler said that they think that the Zoning Board and Planning Board
525 cases should be heard separately. Mr. Osborne said that the processes are the same, the decisions by
526 the Boards would just be given on the same night. Chairman White said that the Planning Board would
527 not need to make a decision that night. Mr. Marquise said that it would make the most use of the
528 Planning Board's time to gather information from the Zoning Board hearing.

529 Chairman White asked if Mr. Marquise can get a legal opinion from the Town's attorney before they
530 hear the Site Plan. Mr. Marquise said that Chairman White should ask the Zoning Chair if they have
531 already asked for an opinion.

532 Mr. Butler said that he hates to waste the Planning Board's time if the Zoning Board does not approve
533 the case. Mr. Marquise said that it would be good to know if there are other issues or questions beyond
534 the Class VI road issues.

535 Mrs. Larrow said that if Chairman White contacts the Zoning Board Chair and finds out the concerns,
536 there will be another meeting before the September 19th meeting so the Board could determine at their
537 next meeting if they want to have the September 19th meeting. Mr. Osborne said that would cause
538 problems with notification deadlines. Mr. Marquise said that the applicants would need to submit
539 everything by August 22, 2019 in order for the notifications and such to be made. There was further
540 discussion regarding holding a joint meeting.

541 There was a discussion regarding the Class VI road and what could be done to that road and if it is
542 possible to have the applicants bring it up to Class V standards as well as the process to take a road from
543 Class VI to Class V. There was also a discussion about other houses on Class VI roads and the Fire
544 Department's liability if they cannot get to the property. Mrs. Larrow said she wonders if there is an
545 emergency with other people going to or from a business if the Town would be held liable.

546 Chairman White said that the Zoning application for the property says that they would like a Special
547 Exception to operate a dog kennel so the application is not just for a house. He thinks that the fact that
548 it is a commercial issue it makes sense to include both Boards. Mrs. Larrow said that she thinks it comes
549 down to land use. Mr. Butler asked and Mrs. Larrow said that the lot does not have any buildings on it
550 currently.

551 Chairman White said that he will contact the Zoning Board Chair and find out what their concerns are
552 and follow up with Mr. Marquise to determine if a joint meeting is appropriate. The Board agreed with
553 Chairman White doing this. Mr. Osborne said that he thinks that there should be a joint meeting
554 anyways, they just need to determine if this will be added to the agenda. Mr. Clark said that he thinks
555 that one of the best things that they have done was to have a joint meeting with the Zoning Board to
556 collaborate on the amendments. Mr. Osborne agreed and said that it allowed the two Boards to discuss
557 the amendments and get clarification and get the language right. Chairman White asked and Mr.
558 Marquise said that he has not spoken to the Zoning Board regarding meeting about the amendments.
559 There was further discussion regarding the special meeting about the amendments.

560 **MINUTES**

561 Changes to the Planning Board minutes from April 11, 2019: Change Line 27 to read "...Wetlands
562 Permit; and the Wetlands Permit..." Change Line 28 to read "...asked about the split rail fence the
563 Board..." Change Lines 30 & 31 to read "...so they will remove the berm..." Change Line 170 to read
564 "...another twelve months they can..." Change Line 262 to read "...hold his woodworking shop and also
565 does music..."

566 Mr. Butler made a motion to approve the April 11th minutes as corrected. Mrs. Gottling seconded the
567 motion. The motion passed unanimously.

568 Changes to the Planning Board minutes from June 13, 2019: Change Line 3 to "June 13, 2019"

569 Mr. Clark made a motion to approve the June 13th minutes as corrected. Mr. Butler seconded the
570 motion. The motion passed unanimously.

571 Changes to the Planning Board minutes from July 11, 2019: Change Line 191 to read “Mrs. Gottling
572 asked if...”

573 Mr. Butler made a motion to approve the July 11th minutes as corrected. Mrs. Gottling seconded the
574 motion. The motion passed with six in favor and one abstention.

575 Mrs. Gottling made a motion to adjourn the meeting at 10:14 pm. Mr. Osborne seconded the motion.
576 The motion passed unanimously.

577 Respectfully submitted,

578 Melissa Pollari

579 Planning Board

580 _____

581 Peter White, Chairman

582 _____

583 Joseph Butler

584 _____

585 Jeffrey Claus

586 _____

587 Donna Davis Larrow, Alternate

Richard Osborne

Randy Clark

Michael Jewczyn

Suzanne Gottling, ex-officio member