

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **NOVEMBER 7, 2013**

4 **PRESENT:** Peter White, Chair; Donna Davis Larrow; Tanner Royce; Erin Andersen; Shane Hastings, ex-
5 officio member; Charlotte Brown, alternate; Michael Marquise, Planner

6 **ABSENT:** Robert Stanley, Vice-Chair; Kurt Markarian

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

8 Chairman White asked Charlotte Brown to stand in for Robert Stanley.

9 Changes to the minutes from the October 3, 2013 meeting: Change line 47-48 to read "...confirmed that
10 there are some down lights..."

11 Charlotte Brown made a motion to accept the minutes as amended. Tanner Royce seconded the
12 motion. The motion passed unanimously.

13 **DISCUSSION**

14 Chairman White gave a brief description regarding the meeting held by the Upper Valley Regional
15 Planning Commission.

16 Chairman White explained that the Zoning Amendments were noticed in the paper and now they are in
17 effect as if they had been voted on. Mr. Marquise noted that only if they make something stricter can
18 they be relied on as though they are in effect. If they make something easier he does not believe they
19 can be treated as though they were voted on. Mr. Marquise explained that the strictest interpretation
20 must be used until the Amendments are voted on.

21 Mr. Marquise explained to the Board that he has spoken to Nate Miller who is the Transportation
22 Planner regarding the highway improvements and if there is still funding available. Mr. Miller confirmed
23 that one of the areas of funding, the Transportation Enhancement funding, is in limbo and they have
24 changed it to a Transportation Alternative funding. They also have cut the amounts available and it is
25 not in this year's cycle. Mr. Marquise continued that he put in for a Warrant Article for the preliminary
26 engineering but if it has to go another year they will not lose out as the next cycle begins in 2015.

27 Chairman White asked Mr. Marquise if Mr. Landry had spoken to him in regard to the mineral extracting
28 that is happening on Route 11 by the old Chase Marine. Mr. Marquise confirmed that Mr. Landry said
29 that the owner would be in at some point but that it has to go to Zoning first as what they are doing
30 requires a Special Exception in that Zoning District.

31 Mrs. Larrow asked what the status of the road for the school is currently. Chairman White explained
32 that he has not heard anything and does not know the status. Mr. Marquise said that he did walk the
33 area and the grade is now less of a concern to him.

34 **(CONTINUED) PARCEL ID: 0133-0026-0000: SITE PLAN REVIEW: DEMO AND REBUILD EXISTING**
35 **STRUCTURE AND SITE TO ACCOMMODATE MOVING “WILDWOOD SMOKEHOUSE” AND “KITCHEN AND**
36 **BATH DESIGN STUDIO” FROM 45 MAIN STREET TO 5 GARNET STREET. DEBBIE SAMALIS,**
37 **REPRESENTING RONALD AND BARBARA SULLIVAN REV. TRUSTS.**

38 Ms. Samalis was not in attendance for the meeting. Mr. Quackenbos, the Sullivan’s real estate agent,
39 explained that Ms. Samalis was told that she ran out of time and has therefore pulled out of the deal.
40 Mr. Quackenbos asked if the Board could still approve the Change of Use to a restaurant on a seasonal
41 basis even though it would not be through Ms. Samalis. Chairman White said that the Board did not
42 have enough information in the application which is why they had continued the case. Mr. Marquise
43 explained that the Use is allowed in the District, but the questions would be about the specific site plan
44 that would be for the restaurant. Chairman White said that the property could be marketed as a
45 potential restaurant. There was further discussion regarding this matter.

46 Tanner Royce made a motion to deny the Site Plan Review for Parcel ID: 0133-0026-0000 based on
47 inadequate information provided to the Board. Donna Davis Larrow seconded the motion. The motion
48 passed unanimously.

49 **(CONTINUED) PARCEL ID: 0147-0019-0000: SITE PLAN REVIEW: CHANGE ORIGINAL FOOD SERVICE**
50 **BUSINESS FROM “EAT-IN” ONLY TO EAT-IN AND TAKE-OUT SERVICE. HOURS OF OPERATION 7:00AM**
51 **TO 9:00PM. MATHEW MITNITSKY (FORMERLY DOUBLE DIAMOND), 563 ROUTE 103**

52 Mr. Marquise said that this hearing is to modify an existing Site Plan. The hearing was posted, the fees
53 were paid, and abutters were notified. Mr. Marquise continued that there are no changes to the Plan
54 itself so there is no need to go review the Article V requirements. The application should be accepted as
55 complete with this information.

56 Donna Davis Larrow made a motion to accept the application as complete for Parcel ID: 0147-0019-
57 0000. Shane Hastings seconded the motion. The motion passed unanimously.

58 Mathew Mitnitsky presented the merits of his case. Mr. Mitnitsky explained because there is limited
59 seating in the building he wants to offer take-out service. He will also offer outdoor seating for good
60 weather. Mr. Mitnitsky said that the structure is staying the same and nothing will be built, the basic
61 framework will be used.

62 Chairman White asked if the original Site Plan allows for outdoor seating. Mr. Marquise said that the
63 Site Plan allows for 18 seats. Mr. Hastings noted that the deck has been removed. Mr. Mitnitsky
64 explained that the lumber is there and he will be re-building the deck.

65 Mrs. Larrow asked if the original Site Plan included the hours of operation from 7:00am to 9:00pm. Mr.
66 Mitnitsky said that he was not sure what the old owners had for hours but he may decide to serve
67 breakfast, lunch, and dinner which is the reason for the hours. Mr. Marquise said that the prior
68 approved Site Plan has had different ranges of time for different owners of the restaurant and that
69 these hours cover the different ranges. Chairman White asked if the business would be open five days
70 per week and Mr. Mitnitsky said that his minimum is five days because he would like to be open as
71 much as possible so he would like to plan on seven days.

72 Chairman White asked if there was anyone in the audience with questions for the applicant. As there
73 was no one present with questions, Chairman White closed the public input part of the meeting.

74 Donna Davis Larrow made a motion to approve the Site Plan Review for Parcel ID: 0147-0019-0000, the
75 hours of operation to be 7:00am to 9:00pm, seven days per week, and will include take-out service.
76 Charlotte Brown seconded the motion. The motion passed unanimously.

77 **PARCEL ID: 0133-0107-0000: CONCEPTUAL REVIEW: MAJOR FOUR (4) LOT SUBDIVISION. 33 MAPLE**
78 **ST, LEONARD A. POLLARI**

79 Charlie Hirshberg of CLD Engineers presented the case with Leonard Pollari. Mr. Hirshberg explained
80 that they are before the Board for a Conceptual Review for a four lot subdivision off of Mr. Pollari's
81 Maple St. property. Mr. Pollari has already subdivided the property and this would be a subdivision of
82 one of the lots into five additional lots. Mr. Hirshberg explained that one of the lots shown is a common
83 lot, not a residential lot. The residential lots range from .80 acre to almost 3 acres. This property is in
84 two Zones, Village Residential and Rural Residential, which is indicated by a line on the Plan. In the Rural
85 Residential Zone, the density minimum is one acre, in the Village Residential Zone, the density minimum
86 is a half an acre. Mr. Hirshberg explained that Mr. Marquise told him that any lot created in the Rural
87 Residential Zone will have to meet the minimum.

88 Mr. Hirshberg said that they are proposing a 400' road off of Beech St. and the drives would come off
89 the road. Mr. Hirshberg said that he met with the Fire Chief and Highway Director and the road was
90 created with input from them to be the most suitable. The road would end in a turnabout that Mr.
91 Hirshberg worked out with Chief Ruggles so that it will accommodate the largest fire truck, it is not a full
92 hammer head, it is almost a "L" shaped pull-in. Mr. Hirshberg continued that where the heavy arrows
93 are located are where the driveways would be located. Mr. Hirshberg said that they were looking at
94 building an 18' road with 2' shoulders which he understands is a permanently private road. The road
95 agent recommended building a 20' road with 2' shoulders so that, in the future, it could become a town
96 road if it was petitioned. The maximum grade of the road will be 10%. Lot 5 will have its drive off of
97 Maple St. Mr. Hirshberg continued that on the Plan are little bubbles which are where the drainage
98 features will most likely be installed and there will be some form of detention with a controlled outlet
99 discharge. The drainage analysis has shown that they can contain the flows onsite so that they do not
100 increase the runoff going offsite. Mr. Hirshberg explained that they will use Low Impact Development
101 approaches for the house sites including using stone drip edges and a dry well so that the runoff
102 infiltrates where it can. This will be in conjunction with the rest of the drainage plan.

103 Mr. Hirshberg said that Lot 1 is the common area that will have a drainage feature on it. It could be a
104 building lot but they were trying to leave a buffer to the abutters. They have not yet determined if the
105 road will be part of the common land or if it will be a right of way. Mr. Hirshberg asked the Board what
106 they thought might be the best approach as keeping it on its own lot it would be a shared cost among
107 the association to maintain it. Mr. Marquise said that his concern would be that if the Town wanted to
108 take control of the road, he isn't sure how they would feel about also taking the lot and taking it off the
109 tax rolls. There was further discussion regarding this matter.

110 Mr. Hirshberg explained that the subdivision will be served by Town Water and Town Sewer with the
111 exception of the corner lot which was already approved as it has its own septic. There was a discussion
112 regarding the lots that have already been subdivided.

113 Chairman White asked about the drainage work along Beech St. Mr. Hirshberg said that they met with
114 Scott Hazelton, the Highway Director, and if all they balance off the drainage onsite, they are not
115 required to do anything offsite. They know that there are some existing issues and they talked to Mr.
116 Hazelton about what they may be able to do to correct some of the existing issues. Chairman White
117 asked if the drainage on Beech St was part of the minor subdivision approval. Mr. Hirshberg explained
118 that when the minor subdivision was done they did not have any storm water features associated with it
119 and now they are looking at a major subdivision and are putting in the drainage. Mr. Hirshberg said that
120 they may still end up doing the offsite improvements as there are some issues with the ditches and that
121 there are some things that they wanted to discuss with Mr. Ostrom to try and help correct an existing
122 situation. They will not increase the rate of runoff but they may increase the volume. Mr. Marquise
123 said that the conditions of the minor subdivision are still in effect until something else is approved.

124 Chairman White asked about the reason to not have a driveway for one of the lots off of Maple St.
125 There was a discussion regarding the grades and steepness of the lot.

126 Mr. Marquise asked if Water and Sewer are coming off of Maple St. Mr. Hirshberg confirmed that
127 Water and Sewer will be coming off Maple St, maybe off of two locations as there are two existing stubs.
128 Mr. Hazelton was hoping that they would not have to dig up a large portion of Maple St.

129 Chairman White asked if there were any questions or comments from the Board.

130 Mr. Royce said that his biggest concern is the drainage piece that was promised with the minor
131 subdivision as it was a pretty big promise to the neighbors down below. Chairman White said that he
132 shares Mr. Royce's concerns as well.

133 William Ostrom, an abutter on the other side of Maple St, said that drainage is an issue as every drop of
134 water that leaves that property goes onto his property. He would like to see the drainage worked out so
135 that all of the water can remain onsite. There was a discussion regarding peak flows and water volumes
136 and how the water flows onto Mr. Ostrom's property. Mr. Ostrom conveyed that he does not want his
137 property to turn into a marsh. Mr. Hirshberg explained how they are looking to keep the water and
138 runoff onsite. Mr. Royce asked how the runoff and drainage systems can be maintained by new owners
139 and Mr. Hirshberg explained that they could go into the deeds.

140 Heather Melson, an abutter on Maple St, asked what happens to the conditions from the minor
141 subdivision approval. Chairman White explained that the conditions will be looked at if the applicants
142 come back before the Board with a formal application.

143 **PARCEL ID: 0209-0005-0000 & 0115-0039-0000: CONCEPTUAL REVIEW: SUBDIVISION / ANNEXATION.**
144 **JOHN PATON & ANNE VAN TINE, PERKINS POND RD.**

145 Mr. Hirshberg presented the case on behalf of John Paton, Anne Van Tine, and Robert Evans.

146 Mr. Hirshberg explained that the applicants would like to subdivide a sliver of land from Mr. Paton's
147 property to Mr. Evans and Ms. Van Tine's property. This will give their a little more waterfront and
148 would fit in with their yard.

149 Mr. Hirshberg explained that the reason they are before the Board for a Conceptual Review is because
150 Mr. Paton's property is 46 acres with a lot of water frontage. If they were to survey the entire property
151 would be costly so they were hoping to just survey the common line. Chairman White agreed that this
152 sounds like it makes sense. Mr. Marquise added that there should be a tax map representation of the
153 remainder. Mr. Hirshberg said that there is an old survey that has the 46 acres and that they will
154 reference that plan as well as show the tax map. Mr. Marquise said that there is a requirement for the
155 entire lot to be surveyed but it is waivable under 6.50-b and believes that it can be waived as long as the
156 land that the piece is coming away from meets all the Zoning items such as setbacks.

157 Mr. Hirshberg asked and Mr. Marquise confirmed they are required to notify all of the abutters to Mr.
158 Paton's property.

159 Mr. Hirshberg asked and Mr. Marquise confirmed that the checklist for this application is the subdivision
160 checklist and that many of the requirements such as the topography can be waived.

161 Mr. Hirshberg asked if all of the buildings within 200' of the 46 acres will need to be shown on the Plan.
162 Mr. Marquise said that he feels that the buildings that are within 200' of the piece that is being
163 transferred is adequate.

164 **REVIEW CORRECTION TO VILLAGE-RESIDENTIAL DISTRICT REGULATION AS AN ADDITION TO ZONING**
165 **REGULATION AMENDMENTS PROPOSED FOR 2014**

166 Mr. Marquise gave the Board copies of proposed Zoning Amendments and asked that they look over
167 then in the next two weeks before the next Board meeting on the 21st of November.

168 Mr. Marquise explained that the mappers came in to talk about the Zoning map with Mr. Landry and did
169 not like something with the Village Residential District. Therefore, he wrote an Amendment to correlate
170 with the change.

171 Donna Davis Larrow made a motion to adjourn the meeting at 9:30 pm. Tanner Royce seconded the
172 motion. The motion passed unanimously.

173 Respectfully submitted,

174 Melissa Pollari

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180 Planning Board

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182 Peter White, Chairman

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184 Erin Andersen

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186 Tanner Royce

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188 Shane Hastings, ex-officio member

189

Robert Stanley, Vice-Chairman

Donna Davis Larrow

Kurt Markarian

Charlotte Brown, alternate member