

1 **TOWN OF SUNAPEE**

2 **ZONING BOARD**

3 **JULY 7, 2018**

4 **PRESENT:** Daniel Schneider, Chair; William Larrow; James Lyons, Jr.; George Neuwirt; Clayton Platt,  
5 Alternate; Nicole Gage, Zoning Administrator

6 **ABSENT:** Aaron Simpson, Vice Chair

7 **ALSO PRESENT:** See Sign-in Sheet

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

9 Mr. Lyons made a motion to appoint Clayton Platt as a voting member for the meeting. Mr. Larrow  
10 seconded the motion. The motion passed unanimously.

11 **CASE #ZBA18-11: SPECIAL EXCEPTION: PARCEL ID: 0133-0027-0000: 11 GARNET ST; MATHEWSON**  
12 **PROPERTIES, LLC / PHILIP MATHEWSON; SPECIAL EXCEPTION PER ARTICLE III, SECTION 3.50 AND 3.55**  
13 **TO ALLOW A PORCH ON THE FRONT SIDE OF THE PROPOSED BUILDING. THE PROPOSED BUILDING IS**  
14 **OTHERWISE CONFORMING ON ALL SIDES TO SETBACK REQUIREMENTS AND WILL REPLACE CURRENT 6**  
15 **UNIT MULTI-FAMILY BUILDING WITH 3 DWELLING UNITS.**

16 Philip Mathewson presented the merits of the case.

17 Ms. Gage said that she has researched to determine if any land use decisions have been made on this  
18 property and there was a Variance in 2009 when a lot line adjustment was granted.

19 Chairman Schneider said that the specific Ordinance the Special Exception is being requested for is  
20 Section 3.50 (b).

21 Mr. Mathewson explained that he is the owner of the property at 11 Garnet St, also known as the  
22 "Redneck Yacht Club". He has owned the building for 14 years; the building is a 1900's farmhouse that  
23 was converted into a 6 unit apartment building. Mr. Mathewson gave further details regarding the  
24 history and the layout of the apartments as well as his use of the building and the maintenance that the  
25 building has required.

26 Mr. Mathewson said that in 2009 they found the building was directly on the property line behind the  
27 building so they did a lot line adjustment to correct this. The building still does not meet any setbacks;  
28 they went from 0.14 acres to 0.18 acres with the lot line adjustment.

29 Mr. Mathewson said he has had an informal meeting with the Planning Board and also met with the  
30 Town Planner and Zoning Administrator. Using the existing footprint would mean that he would not be  
31 required to obtain a Variance or Special Exception and he could get what he wanted. However, he  
32 wanted to use the opportunity to correct the setbacks as much as possible and came up with an option  
33 for that.

34 Mr. Mathewson explained the proposed plan to the Board. They will go from six units to three units,  
35 add greenspace, and will have parking on both ends of the building as well as in the front of the building  
36 and under the building. Mr. Mathewson gave further details regarding the proposed plan.

37 Mr. Mathewson said that two units will have porches on the front and require Special Exceptions. One  
38 of the proposed porches will be 27' 4" from the centerline of the road and 13' 8" from the edge of the  
39 right of way. The second proposed porch will be 26' 6" from the centerline of the road and 13' 2" from  
40 the edge of the right of way. Chairman Schneider asked and Mr. Mathewson explained the location of  
41 the proposed porches compared to the current building. Mr. Larrow asked and Mr. Mathewson  
42 confirmed that the proposed porches will be closer to the centerline of the road than the existing  
43 building but will allow them to better meet the other setbacks. Mr. Larrow asked and Mr. Mathewson  
44 explained that above the porches will be roof decks. There was further discussion regarding this matter.

45 Mr. Mathewson gave further explanation regarding his proposed plan for the Board as he understands  
46 the busyness of the Harbor. His hope is to get the Special Exception at this meeting and go to Site Plan  
47 Review at the August 9<sup>th</sup> Planning Board meeting to discuss parking, snow removal, erosion control, etc.  
48 This gives them time to get the proper permitting to start the project October 1<sup>st</sup> to be completed by  
49 May 1<sup>st</sup>. Chairman Schneider asked and Mr. Mathewson said that he has not acquired a Shoreland  
50 Permit because it was recommended that he not apply until after Site Plan Review.

51 Mr. Mathewson read through his application for the Special Exception and explained that he is applying  
52 for a Special Exception from Article III, Section 3.50 (b) and described how the proposed application  
53 meets the criteria for the Special Exception. For criterion two, Mr. Mathewson had submitted a  
54 spreadsheet of the properties within 500' of both sides of his lot that do not meet the front setback  
55 requirements and he went over that spreadsheet as well and said that all the data was pulled from the  
56 Town GIS system. Mr. Mathewson continued to go over his criteria for the Special Exception.

57 Chairman Schneider asked and Ms. Gage confirmed that the use is grandfathered.

58 Mr. Lyons asked and Mr. Mathewson explained that he does not live in the building year round, he is  
59 there on weekends and vacations. There was further explanation regarding this matter.

60 Mr. Mathewson said that he feels strongly that the application has met the criteria for the Special  
61 Exception and continued to read from his application.

62 Mr. Larrow asked how Mr. Mathewson's architect interpreted that the five structures that were used in  
63 the submitted spreadsheet are of equal or greater type than his building. Mr. Mathewson said that they  
64 looked at residences and commercial / retail properties.

65 Jonathan Clark, 38 Garnet St, said that coming into the Harbor this is one of the first properties that is  
66 seen. Many people have been putting in effort to enhance what is around the lake and he thinks that  
67 this is one of the buildings that has been around a long time and that this meets the spirit of what the  
68 Harbor should be. Mr. Clark continued explaining how he thinks this is a good proposal.

69 Glen Field, 15 Garnet St, said that he thinks that this proposal will make the property nicer for the  
70 community and everyone who will live there. The building is currently falling down and he thinks that it  
71 is a good idea; it also moves the building further from his property.

72 Emily Clark, 38 Garnet St, said that regarding the porches, her favorite thing about Sunapee is knowing  
73 the neighbors because everyone is outside on their porches. She is excited for Mr. Mathewson's plan  
74 and she hopes the porches are allowed because it adds value and lends to the community spirit in the  
75 Harbor. Mrs. Clark continued to explain her thoughts regarding the proposal.

76 There was a brief discussion regarding the "Redneck Yacht Club" sign that is on the property.

77 Chairman Schneider asked and there were no additional questions or comments for the applicant, so he  
78 closed the meeting to public comments.

79 Mr. Platt said that he thinks Mr. Mathewson proved his case for a Special Exception and that the  
80 porches are a good idea. He thinks that the criteria for a Special Exception have been met and does not  
81 see a reason for the Board to vote to deny the application. Mr. Lyons agreed with Mr. Platt and said  
82 that he thinks that Mr. Mathewson's presentation is the best he has seen in his year on the Board and  
83 thanked Mr. Mathewson. Chairman Schneider agreed with Mr. Lyons. Mr. Larrow had no comments  
84 and Mr. Neuwirt agreed as well.

85 Mr. Lyons made motion for Case #ZBA18-11: Special Exception: Parcel ID: 0133-0027-0000 involving 11  
86 Garnet St on behalf of Mathewson Properties, LLC that the Board accept the Special Exception per  
87 Article III, Section 3.50 (b) and 3.55 to allow porches on the front side of the proposed building as shown  
88 on the plan; the proposed building is otherwise conforming on all sides to setback requirements and will  
89 replace current six unit multi-family building with three dwelling units; subject to DES Shoreland  
90 approval. Mr. Platt seconded the motion. The motion passed unanimously.

## 91 **MINUTES**

92 Changes to the minutes from June 21, 2018: Change Line 26 to read "...heard at the meeting held..."  
93 Change Line 42 to read "...will be and antique store, and..." Change Line 135 to read "...put a condition  
94 on the height..." Change Line 149 to read "Vice Chair Simpson made a motion to approve Case #ZBA18-  
95 10..." Change Lines 200 – 201 to read "...based on a previous survey." Change Line 233 to read "...trying  
96 to be conscientious about..." Change Line 410 to read "... said that he was OK..." Change Line 412 to  
97 read "...like this have a way..."

98 Mr. Lyons made a motion to approve the minutes as amended. Mr. Larrow seconded the motion. The  
99 motion passed unanimously.

## 100 **ZONING AMENDMENTS**

101 Chairman Schneider gave the Board copies of the newest version of Zoning changes and explained the  
102 proposed change to 3.50 (i)(5) regarding identifying which height requirements are being referred to  
103 and where they are located in the Ordinance.

104 **MISCELLANEOUS**

105 Ms. Gage said that she received an email from the Nowacks requesting a withdrawal of Case #18-06 and  
106 Case #18-07 as they are considering revising their plans. They may reapply once they determine what  
107 they want to do.

108 Ms. Gage said that there is a hearing scheduled on August 2<sup>nd</sup> for Mr. Neuwirt's neighbor and asked if  
109 there will be five other Board members present. Mr. Platt said that he cannot vote on the case as he did  
110 the survey for the property. The Board will only have four members to hear the case.

111 Ms. Gage gave the Board copies of a Variance application from the Town of Bradford that Mr. Neuwirt  
112 had sent to her. There is wording that could be added to Sunapee's Variance application to make them  
113 easier for applicants to understand, including language for hardship for handicap situations. The Board  
114 determined to discuss the application at the August meeting.

115 Ms. Gage asked the Board if there is anything that they need to help them with the meetings such as a  
116 projector. The Board said that they liked Mr. Mathewson's application and that everything was  
117 submitted well before the hearing. Mr. Platt said that he thinks it would be helpful to hang plans that  
118 are being discussed so that audience members can see them as well. There was further discussion  
119 regarding this matter and that in New London everything submitted with an application is digitized for  
120 the Board and for the public, which might be helpful in the future.

121 Mr. Lyons made a motion to adjourn the meeting at 7:53 pm. Mr. Larrow seconded the motion. The  
122 motion passed unanimously.

123 Respectfully submitted,

124 Melissa Pollari

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128 Zoning Board of Adjustment

129 \_\_\_\_\_

130 Daniel Schneider, Chair

Aaron Simpson, Vice Chair

131 \_\_\_\_\_

132 James Lyons, Jr.

William Larrow

133 \_\_\_\_\_

134 George Neuwirt

Clayton Platt, Alternate