

1 **TOWN OF SUNAPEE**

2 **ZONING BOARD**

3 **JUNE 8, 2017**

4 **PRESENT:** Daniel Schneider, Chair; Clayton Platt, Vice Chair; Aaron Simpson; George Neuwirt; William
5 Larrow

6 **ABSENT:** Roger Landry, Zoning Administrator

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

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

9 **CONTINUATION: CASE #17-02: PARCEL ID: 0137-0011-0000: SEEKING A VARIANCE OF ARTICLE III,**
10 **SECTION 3.10 TO REDUCE ROAD FRONT SETBACK FROM 75 FT TO 20 FT ALLOWING CONSTRUCTION OF**
11 **A SHED ROOF. 127 EDMONT RD, RICHARD & RAYLENE BLY.**

12 Vice Chair Platt made a motion to continue the discussion of this case to the end of the meeting as there
13 are people waiting. Mr. Larrow seconded the motion. The motion passed unanimously.

14 **CASE #17-06: PARCEL ID: 0106-0047-0000: SEEKING A SPECIAL EXCEPTION TO INCREASE THE**
15 **VERTICAL HEIGHT OF A NONCONFORMING BUILDING APPROXIMATELY THREE (3) FEET TO ALLOW A**
16 **FULL FOUNDATION BASE AS PER ARTICLE III, SECTION 3.50 (I). 750 JOBS CREEK RD, JUDITH S.**
17 **MCKENNA.**

18 Vice Chair Platt recused himself from the case as he did the survey for the project.

19 Chris Kessler, Pelletieri Associates, presented the case on behalf of the applicant.

20 Chairman Schneider said that the Board only has three voting members for the case and it will need
21 three positive votes so it can be continued until they have a full board. Mr. Kessler said that he would
22 like to have the case heard.

23 Mr. Kessler said that this is an existing non-conforming structure that is located within the 50 ft
24 Shoreland buffer. The building has an approved extension to the footprint within the 50 ft buffer. They
25 are asking for an additional 3 ft of height to be added to the building. Mr. Kessler continued to explain
26 the reason for the Special Exception.

27 Chairman Schneider asked and Mr. Kessler said that they will be applying for a State Shoreland Permit
28 soon.

29 Mr. Larrow asked and Mr. Kessler confirmed that all the setbacks are shown on the plan and the
30 proposal complies with all the setbacks. Mr. Larrow asked and Mr. Kessler gave the Board a copy of the
31 existing and proposed building plans.

32 Chairman Schneider asked and Mr. Kessler went over how the proposal meets the criteria under Article
33 III, Section 3.50-(i).

34 Mr. Simpson arrived for the meeting

35 Chairman Schneider asked and there was no one in the audience with any questions for the applicant.

36 Mr. Simpson asked and Mr. Kessler explained the Variance that he had received at a previous meeting.

37 Chairman Schneider closed the meeting to public comment and the Board briefly discussed the case.

38 Mr. Larrow made a motion for Case #17-06: Parcel ID: 0106-0047-0000: seeking a Special Exception to
39 increase the vertical height of a nonconforming building approximately three feet to allow a full
40 foundation base as per Article III, Section 3.50-(i), 750 Jobs Creek Rd, Judith S. McKenna with the
41 condition that a Shoreland Permit be approved. Mr. Simpson seconded the motion. The motion passed
42 unanimously.

43 **MISCELLANEOUS – INTERVIEW CANDIDATE FOR ALTERNATE MEMBER**

44 The Board interviewed Jim Lyons for a position as Alternate for the Board. The Board discussed hardship
45 with Mr. Lyons as well as other Zoning matters including how an Alternate Member can participate in
46 discussions but cannot vote unless there is a missing Board member.

47 Mr. Simpson made a motion to appoint Mr. Lyons as an Alternate to the Zoning Board. Mr. Larrow
48 seconded the motion. The motion passed unanimously.

49 **MISCELLANEOUS – DONNA NASHAWATY – ZONING ADMINISTRATOR CANDIDATE**

50 Donna Nashawaty, the Town Manager, explained that Mr. Landry, the Zoning Administrator, has given
51 his notice and his last day is July 6th. Mrs. Nashawaty explained she would like to create an ideal
52 candidate profile and would like the Board's input for this profile. Mrs. Nashawaty continued that
53 Michael Marquise, the Town Planner, will be acting as the interim Zoning Administrator. There was
54 further discussion regarding this matter.

55 The Board discussed different issues that have come up as well as things that they would like to see in
56 the job description.

57 The Board would like the Zoning Administrator to be at the meetings because the Zoning Administrator
58 is the one who determines that action by the Board is necessary. A report is partially helpful but they
59 would prefer to have someone attend the meetings. The enforcer roll is very important to make sure
60 that people are complying with the Zoning Ordinances.

61 There was further discussion regarding how Mrs. Nashawaty and Mr. Marquise plan to restructure the
62 Zoning Administrator job so the process is more streamlined such as changing the fee structure for the
63 building permits and having things done electronically. There was a discussion regarding incomplete
64 applications and how they will be handled. The Board feels as though the time required for the position

65 is more than Mrs. Nashawaty believes. The Board asked and Mrs. Nashawaty said that Mr. Marquise
66 will not be attending the Zoning Board meetings, he will be writing a report for the Board. There was a
67 discussion regarding swapping the order of the meetings. There was a discussion regarding having a
68 survey for applications. The Board would like applications online as well as their packets available
69 online. There was a discussion regarding the timeframe for hiring a new Zoning Administrator and the
70 possibility of having Mr. Landry stay on until a replacement has been found. Mrs. Nashawaty explained
71 that an issue is the position is 20 hours per week and does not offer benefit. She also spoke with
72 another town about having a joint Zoning Administrator. There was a discussion regarding the issues
73 that this would present. There was a discussion regarding having a full time Zoning Administrator /
74 Planner. There was a discussion regarding inspections and violations. There was a discussion regarding
75 sign offs on Certificates of Compliance as well as about verification of building locations, checks and
76 balances, etc. The Board said that they would like to see property history files for cases.

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80 Chairman Schneider asked and no one was available to speak about the case. Mr. Simpson asked if
81 anyone notified the applicants that the case was continued. Chairman Schneider said that Mr. Bly was
82 the one who requested the continuation of the case. There was a brief discussion regarding the request
83 from Mr. Bly that said he'd like the case continued until June 11, 2017.

84 Mr. Simpson made a motion to approve Case #17-02: Parcel ID: 0137-0011-0000: seeking a Variance of
85 Article III, Section 3.10 to reduce road front setback from 75 ft to 20 ft allowing construction of a shed
86 roof, 127 Edgemont Rd, Richard and Raylene Bly. Vice Chair Platt seconded the motion. Vice Chair Platt
87 said that he is torn by the application as it does not seem as though it is a big deal. Mr. Neuwirt said
88 that it is the applicant's responsibility to argue the case. The Board discussed that if they deny the
89 application Mr. Bly has 30 days to appeal the decision or can file a motion to rehear the case. There was
90 further discussion regarding the case and that the Board does not know the hardship nor why the roof
91 was built without a permit nor how the case may or may not meet the criteria of a Variance. The
92 motion failed unanimously, the Variance was denied.

93 Changes to the minutes from the May 11, 2017 Zoning Board Meeting: The minutes were postponed
94 until the next meeting.

95 Changes to the minutes from the May 23, 2017 Zoning Board Meeting: Change Line 17 to read "...May
96 23, 2017 letter, and the Mitchell Municipal Group..."

97 Mr. Larrow made a motion to approve the minutes as amended. Mr. Neuwirt seconded the motion.
98 The motion passed with three in favor and two abstentions.

99 **PROPOSED ZONING AMENDMENTS**

100 Chairman Schneider gave an updated draft of the proposed Zoning Amendments to the Board.

101 The Board discussed a proposed definition of structure and if patios, walkways, driveways, etc. are
102 structures. The Board discussed failed Warrant articles related to the definition of structure. There was
103 a discussion about accessory structures allowed by DES in the 50 ft Shoreland buffer. There was a
104 discussion about lot coverage and dimensional controls. There was a discussion regarding Building
105 Permits and about the Board's function. There was a discussion about outdoor kitchens.

106 Chairman Schneider thanked Mr. Kessler for his input.

107 Mr. Larrow made a motion to adjourn the meeting at 9:13 pm. Mr. Simpson seconded the motion. The
108 motion passed unanimously.

109 Respectfully submitted,

110 Melissa Pollari

111

112

113

114 Zoning Board of Adjustment

115 _____

116 Daniel Schneider

_____ Aaron Simpson

117 _____

118 Clayton Platt

_____ William Larrow

119 _____

120 George Neuwirt