

1 **TOWN OF SUNAPEE**

2 **ZONING BOARD**

3 **OCTOBER 12, 2017**

4 **PRESENT:** Daniel Schneider, Chair; Clayton Platt, Vice Chair; Aaron Simpson; William Larrow; George
5 Neuwirt; James Lyons, Jr., Alternate Member

6 **ABSENT:** Michael Marquise, Interim Zoning Administrator

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

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

9 **CASE #17-10: PARCEL ID: 0118-0063-0000: SEEKING A VARIANCE PER ARTICLE III, SECTION 3.10 TO**
10 **RELOCATE 8 FT X 8 FT UTILITY SHED TO ROW (RIGHT-OF-WAY); REQUEST 3 FT SETBACK FROM LOT**
11 **LINE. 44 BURMA RD, DEAN & MAURA STETSON.**

12 Vice Chair Platt recused himself from the case.

13 Mr. Simpson made a motion to have Jim Lyons as a voting member of the Board. Mr. Larrow seconded
14 the motion. The motion passed unanimously.

15 Mr. Stetson continued presenting the merits of the case.

16 Mr. Stetson said that he submitted a new plan to the Board for their review. Mr. Stetson explained that
17 he is only seeking the one Variance per the application. Chairman Schneider said that the application is
18 for 3 ft from the property line and the plan shows 5.8 ft. Mr. Stetson confirmed that the plan is correct
19 and the 3 ft setback was the original request and he would like a 5.8 ft setback.

20 Chairman Schneider asked if anyone on the Board or in the audience had any questions for Mr. Stetson.

21 Mr. Simpson asked and Mr. Stetson confirmed that he is moving the shed out of the Burma Rd setback.

22 Mr. Larrow asked and Mr. Stetson explained that he spoke with Mr. Marquise who emailed Mr.
23 Hazelton asking if Burma Rd is a Town road. Mr. Hazelton's reply was that it is a two rod right of way. It
24 is a Town maintained road and would typically follow the guidelines.

25 Chairman Schneider asked and there were no further questions for Mr. Stetson so he closed the
26 meeting to public comment.

27 Mr. Lyons made a motion to approve the case seeking a Variance of Article III, Section 3.10 to relocate
28 an 8 ft by 8 ft utility shed to right of way, requesting a 5.8 ft setback from lot line at 44 Burma Rd,
29 petitioners Dean and Maura Stetson. Mr. Simpson seconded the motion as long as it is in reference to
30 Case #17-10: Parcel ID: 0118-0063-0000.

31 The Board discussed their thoughts about the case. The thoughts were that the proposed location of
32 the shed is not more non-conforming than the current location of the shed and that the water runoff
33 creates hardship. Also, the discussion at the last meeting regarding the need for three Variances has
34 been satisfied.

35 The motion passed unanimously.

36 **CASE #17-12: PARCEL ID: 0127-0010-0000: SEEKING A VARIANCE OF ARTICLE III, SECTION 3.40 (C) TO**
37 **ALLOW CONSTRUCTION OF A 12 FT HOUSE ADDITION 18.5 FT FROM LAKE SUNAPEE WHERE 50 FT IS**
38 **REQUIRED. 143 LAKE AVE, PINKOWSKI REALTY TRUST.**

39 Vice Chair Platt recused himself from the case.

40 Mr. Simpson made a motion to approve Jim Lyons as a voting member to hear the next case, Case #17-
41 12. Mr. Larrow seconded the motion. The motion passed unanimously.

42 Doug Gamsby, of Pennyroyal Hill Surveying, and Andy Pollari, the contractor for the project, presented
43 the case. Mr. Simpson asked and Chairman Schneider confirmed that there is a letter from Ms.
44 Pinkowski authorizing Mr. Gamsby to speak on her behalf.

45 Mr. Gamsby explained that this property is location on Lake Ave and has been owned by Ms. Pinkowski
46 since 1962. She is asking for a total 475 sq ft on the road side of the house. It is a 325 sq ft addition that
47 would square off the building and is a net zero gain of impervious surface because the existing walkway
48 will become a pervious walkway. Mr. Gamsby continued that the closest point will be 18.5 ft from the
49 lake because about 100 years ago, before any Zoning, they dug out some land and put in a boat house.
50 This skews the edge of the lake to be 18.5 ft at that point and everything goes back from that point. The
51 addition typically measures between 30 ft and 40 ft from the lake. Mr. Larrow asked and Mr. Gamsby
52 confirmed that the corner of the existing house is 18.5 ft from the lake and is already non-conforming.
53 Chairman Schneider said that the argument could be made that the addition would not make the
54 structure any more non-conforming than it already is.

55 Mr. Gamsby said that there will be a stone infiltration fence at the edge of the roof. A temporary access
56 road has to be built to get down to the property in order to do the construction. Once the construction
57 is completed the area will be replanted and some small trees will be added.

58 Mr. Larrow asked and Mr. Gamsby confirmed that the Shoreland Permit application has been submitted
59 and has not been approved; it is typically a 30 day process.

60 Mr. Gamsby explained that Ms. Pinkowski would prefer to live on a single floor so she would like to take
61 out the shed and laundry room and expand the kitchen and add a bedroom on that floor. Mr. Lyons
62 asked if there has been any consideration into building ramps or elevators so Ms. Pinkowski has access
63 to the second floor bedrooms. Mr. Gamsby said that the house footprint is small and old. Mr. Lyons
64 said that it looks possible from the existing laundry area. Mr. Gamsby said that he thinks an elevator
65 would be a lot more expensive than the proposed construction.

66 Chairman Schneider said that the ground is quite a bit higher on one side of the house than another so it
67 looks like they just cut into the slope and built the house. There was further discussion regarding this
68 matter as part of the construction will be adding the infiltration trench and a stone retaining wall
69 approximately 30 inches high.

70 Mr. Larrow asked if part of the porch is over the water and Mr. Gamsby said that there is a dock over the
71 water and a little bit of the porch.

72 Mr. Simpson asked about the line on the plan that says “proposed line for agreement”. Mr. Platt
73 explained that the two pins have been used for about 50 years and the survey done for the abutting
74 property doesn’t agree with them; they are working to resolve the issue. There was more discussion
75 regarding this matter.

76 Gene Hall of Lake Ave said he thinks that Ms. Pinkowski has some medical issues and would like to
77 maintain her house here and have one floor living. She lives in Florida in the winter and Sunapee in the
78 summer and would like to continue that to be with her family. The cottage is older and has narrow,
79 steep stairs to get up to the second floor and it would be difficult to add an elevator. The reasonable
80 solution would be to add a small addition to the back of the house. He thinks that the request is a minor
81 adjustment of the house considering some of the major buildings that have been built on Lake Ave and
82 the reason for the request is due to the dugout where the boathouse is located. Mr. Hall continued
83 discussing his thoughts regarding this proposal.

84 Becky Rylander, Sunapee’s Representative for the Lake Sunapee Protective Association, said that LSPA’s
85 concern for lake side work is storm water runoff and she’d like to hear more about how they are going
86 to control storm water runoff both during and after construction. Mr. Gamsby explained that during
87 construction there will be silt fence all along the perimeter of the construction area. There will be a
88 trench constructed to capture the water off the roof and to percolate it into the ground. There will not
89 be real improvements on any other parts of the busy and he does not see a problem with runoff. Ms.
90 Rylander asked and it was explained that six or eight trees will need to be removed. Mr. Pollari
91 explained that many of the trees that need to be removed are 4 inches or less. There was further
92 discussion regarding this matter and a discussion regarding the setbacks as there are two trees in the 50
93 ft setback that will be cut. Mr. Neuwirt asked and it was confirmed that the Shoreland Permit
94 application confirms that the trees meet the points requirement. Chairman Schneider asked and Mr.
95 Gamsby confirmed that the runoff calculations are on the Shoreland Permit application. There was
96 further discussion regarding the storm water runoff plans and that the drainage trench is inside the
97 retaining wall area.

98 Michael Jewczyn asked if the site has Town sewer or if it has a septic system. Mr. Gamsby confirmed
99 that it is on Town sewer and that there is no limit on the number of bedrooms.

100 Mr. Lyons asked if the stairs could be modified with a stairlift to allow the older individual to get to the
101 second floor. Mr. Hall said that he thinks it would be difficult. There was further discussion regarding
102 this matter.

103 Mr. Lyons said that he is concerned about allowing a bigger footprint on an already small lot.

104 Mr. Simpson asked about the ramp on the site. Mr. Pollari explained that they are doing some interior
105 renovations and the ramp is just one of the staging planks. Mr. Pollari said that where the stairway is
106 located it is very small. Mr. Lyons said that part of the porch near the boathouse could be used to
107 create a stairway up to the second floor that could be outfitted with a lift. Mr. Pollari said that area is
108 closer to the lake. There was further discussion regarding this matter as it would also require a
109 Variance. Mr. Hall said that would be an awkward solution and the relatively small addition is more
110 reasonable.

111 Mr. Gamsby explained that this proposal squares off the building. There is a laundry room and a shed
112 that are on the back of the house and the sill is rotting under the laundry portion. There was further
113 discussion regarding this matter as there is already the 6 ft section that goes across half the house that
114 will be utilized. Mr. Pollari said that tearing off and renovating the existing 6 ft section and renovating
115 that area would have the same impact as doing the addition.

116 Mr. Simpson asked and Mr. Gamsby went over the criteria for the Variance per the application.

117 Mr. Simpson said that he appreciates that this would make it easier for Ms. Pinkowski to use the house.
118 However, it seems to him that there is acknowledgement that the house could be moved outside the
119 setbacks and be less non-conforming. Mr. Simpson asked and Mr. Gamsby confirmed that the hardship
120 is that it is a pre-existing structure on a pre-existing, non-conforming lot.

121 Mr. Neuwirt said that he thinks that the Zoning Ordinance was created to limit this type of development.
122 The building doesn't meet the criteria under Section 3.50 (k). Mr. Gamsby said that they are asking for a
123 Variance under Section 3.40 (c). Mr. Neuwirt said that in the Spirit of the Ordinance he does not think
124 that they can use the owner's failing health as grounds for a Variance because the Board's decision runs
125 beyond Ms. Pinkowski's use of the property. Mr. Neuwirt continued explaining his thoughts.

126 Mr. Hall asked to comment on Mr. Neuwirt's thoughts. Mr. Simpson said that Mr. Hall is not the
127 applicant and is not part of the discussion. Mr. Hall asked and Chairman Schneider said that he can
128 comment. Mr. Hall said that as a 40-year resident on Lake Ave he has seen the development of houses
129 and structures on Lake Ave and he thinks that it is amazing that the Board is taking this long to think
130 about this project. Mr. Hall continued expressing his thoughts. Mr. Neuwirt said that Mr. Hall is
131 accusing a Board who may not have had anything to do with the projects which he is referring to. There
132 was further discussion regarding these issues.

133 Chairman Schneider asked if any of the Board members have any questions for the applicant.

134 Mr. Simpson asked and Mr. Gamsby confirmed that he will submit a survey to the Board. There was a
135 discussion regarding the property line that needs to be agreed upon as the deed line is closer to the
136 structure but the proposed construction is still outside the setback.

137 Mr. Neuwirt asked and Mr. Platt explained that the pump chamber is on this property. There was a brief
138 discussion regarding the pump chamber.

139 Mr. Gamsby said that that he understands that a handicap hardship stays after a person leaves.
140 However, the hope would be that as the next generation will continue to stay in this house. If this is not
141 approved, Ms. Pinkowski will probably need to sell the property and someone will probably want to
142 build a large and modern structure on the property. There was further discussion regarding this issue.

143 Chairman Schneider asked and there were no further questions for the applicant and as there were
144 none he closed the meeting to the public.

145 Mr. Simpson made a motion to approve Case #17-12: Parcel ID: 0127-0010-0000: seeking a Variance of
146 Article III, Section 3.40 (c) to allow construction of a 12 ft house addition 18.5 ft from Lake Sunapee
147 where 50 ft is required; 143 Lake Ave, Pinkowski Realty Trust; with the condition that the addition not
148 be higher than one story and with the other condition that the construction comply with Shoreland
149 Permit #2017-2970 once approved. Mr. Larrow seconded the motion.

150 The Board members all discussed how they feel about the case as some of the members feel that the
151 project is reasonable but does not meet hardship. There was a concern about the Board allowing a
152 bigger footprint in perpetuity. There was a brief discussion as to whether the whole building could be
153 located within the setbacks.

154 The motion failed with two in favor and three opposed.

155 **MINUTES**

156 **Changes to the minutes from the September 14, 2017 Zoning Board Meeting:** Change Line 136 to read
157 "Chairman Schneider asked if anyone in the audience..."

158 Mr. Lyons made a motion to accept the minutes as amended. Mr. Larrow seconded the motion. The
159 motion passed unanimously.

160 **MISCELLANEOUS**

161 Chairman Schneider said that he will not be at the November meeting.

162 Mr. Lyons made a motion to adjourn the meeting at 8:09 pm. Mr. Larrow seconded the motion. The
163 motion passed unanimously.

164 Respectfully submitted,

165 Melissa Pollari

166

167

168

169

170 Zoning Board of Adjustment

171 _____

172 Daniel Schneider

Aaron Simpson

173 _____

174 Clayton Platt

William Larrow

175 _____

176 George Neuwirt

Jim Lyons, Alternate