

1 **TOWN OF SUNAPEE**

2 **ZONING BOARD**

3 **SEPTEMBER 8, 2016**

4 **PRESENT:** Edward Frothingham, Chair; Daniel Schneider, Vice-chair; Aaron Simpson; Clayton Platt;
5 William Larrow; George Neuwirt, Alternate Roger Landry, Zoning Administrator

6 **ABSENT:**

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

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

9 **CASE #16-18: PARCEL ID: 0146-0050-0000: SEEKING A SPECIAL EXCEPTION OF ARTICLE III, SECTION**
10 **3.50 (B) TO CONSTRUCT AN ATTACHED GARAGE WITHIN THE FRONT (ROAD) SETBACK. DZEVTDET &**
11 **MARGARET HAJDAROVIC, 346 BAY POINT RD.**

12 Clayton Platt recused himself as he was the surveyor on the project. Chris Kessler of Pellettieri
13 Associates presented the case on behalf of the Hajdarovic's. Mr. Kessler explained that the property is
14 located on Bay Point Road in Sunapee. This is a private road coming in from Newbury. The lot is
15 currently vacant except for a small changing shed near the road. The applicants are proposing to build a
16 new house and garage on the property. Because of the grades and small size of the lot, the garage will
17 be located less than 50' from the centerline and they are seeking a special exception.

18 Mr. Kessler presented a site plans showing the proposed house and garage to be located $\pm 40'$ from the
19 CL Bay Point Road. Mr. Larrow asked about the Shoreland Permit. Mr. Kessler stated that the permit had
20 been filed several weeks ago and had come back for more information. They me with Diane Forest from
21 DES and the requested information was submitted las Friday. They expect the permit to be issued within
22 1-2 weeks. They have the septic approval subject to getting the Shoreland Permit finalized. Mr. Landry
23 noted that this lot was owned by Alex Kish and the septic for this lot and many others on the lake is
24 located on the lot across the street. Mr. Neuwirt questioned whether or not there were steep slopes on
25 this lot. He noted the drop in the wall was 17' based on the contours. The consensus was that this did
26 not qualify per the definition in the zoning. Mr. Simpson asked what the rectangle by the lake was. Mr.
27 Kessler responded that it was a deck and dock that existed before the applicants bought the land. Mr.
28 Landry stated that this was a place where Alex Kish came had hung out and that it was properly
29 permitted.

30 Mr. Kessler reviewed the criteria for the special exception under Article 3.50(b)2. He reviewed photos
31 submitted of garages located south of the Hajdarovic lot. There are three garages located closer to the
32 road than the proposed garage. Mr. Larrow asked about the garage on 344 Bay Point Road. Mr. Kessler
33 explained that this was the roof of a garage accessed by a drive running below the road. Mr. Simpson
34 asked what made the lot non-conforming. Mr. Kessler first stated the road frontage was non-
35 conforming. He later corrected that to note the lot size did not meet the 1.5 acres required. There was

36 some discussion about the steepness of the lot. Mr. Kessler noted that there was a full stormwater plan
37 prepared by Moser Engineering and this would address all the drainage on and around the new house.

38 Mr. Larrow asked if there were house plans to review. These were not complete and were not part of
39 the submittal. Mr. Simpson asked if there was any living space planned above the garage. Mr. Kessler
40 indicated that was not finalized and his reading of the ordinance did not preclude that. The primary use
41 is as a garage but there are no final plans as to what the upper area will be. There was a discussion as to
42 the hierarchy of buildings in the ordinance. Mr. Simpson inquired as to whether or not there was a
43 difference between an attached and a standalone garage. Mr. Kessler stated the ordinance just
44 references garage with no indication of any difference. Chairman Frothingham opened the meeting to
45 the public. There were no comments for or against the proposal.

46 There was a brief discussion by the board member and the consensus was that the criteria for the
47 special exception was proved by the applicant. Mr. Larrow made a motion to approve Case 16-18
48 subject to the condition that all work proceed according to the applicants DES Shoreland permit, the
49 motion was seconded and passed 4-0.

50 **CASE #16-19: PARCEL ID: 0211-0018-0000: SEEKING A VARIANCE OF ARTICLE IV, SECTION 4.10**
51 **ALLOWING AN EXISTING REPAIR BUSINESS TO RELOCATE FROM LOWER MAIN ST TO A RURAL**
52 **RESIDENTIAL AREA (962 ROUTE 11). ALBEE AUTOMOTIVE SERVICES, LLC, 93 LOWER MAIN ST.**

53 Susan Hanken Birke of McSwiney, Semple, Hanken-Birke and Wood presented the case on behalf of
54 Albee Automotive. Drawings, which include a survey and property layout, were made available for
55 review. She handed out an updated narrative of support (with the original minutes) which she reviewed
56 with board. Most of this was read into the record during the hearing and is included as a part of the
57 minutes. Ms. Hanken-Birke discussed that this lot is unique in that it is much larger than the neighboring
58 lots. It is a wooded 16.7 acres while the adjoining lots are much smaller house lots. The proposed garage
59 area is located in the middle of the lot more than 400' from Route 11 and 100's of feet from any other
60 neighbor. The repair business will not be seen from the highway or from any of the neighbors. Allowing
61 this use will have no impact to the neighbors or general public. Ms. Hanken-Birke reviewed the history
62 of the property and the commercial use. First as a yard for Marro and Pollard builders and later as the
63 headquarters of Borland of Germany. These owners had many employees and large trucks, including
64 tractor trailers, arriving and leaving all the time. The current owner has an approved office and dance
65 studio. The proposed variance will allow the Albee's the same use as historically been on the lot. Ms.
66 Hanken-Birke reviewed the other commercial business on Route 11 including Osbourne marine,
67 Pleasant Acres , Evan Express Mart, Burkehaven boat works...

68 Mr. Larrow asked what exactly the proposed business will encompass. Will it be body repair, general
69 auto repair, car sales. Ms. Hanken-Birke stated that the Albees specialize in high end car repair and
70 restoration. Mr. Larrow stated that they would typically include body work. Ms. H, noted that they were
71 primarily an auto repair shop and did not specialize in collision repair or body work. Mr. Larrow asked if
72 they had a dealer's license and Mrs. Albee indicated that did. They acted as brokers for car sales but did
73 not keep any inventory in stock.

74 Chairman Frothingham recognized Peter White in the audience. Mr. White identified himself as
75 Chairman of the Planning Board and indicated he was very much opposed to the variance request and
76 felt that the proposed use was not suitable for the RR zone. The previous users are no longer there and
77 the area along Route 11 was purposely zoned RR to limit commercial development between Georges
78 Mills and the Village. He also noted that most of the businesses cited by Ms. Hanken-Birke were located
79 well away from this property and some were in areas zoned for commercial use. Mr. Landry stated that
80 there were at least 10 businesses within a ½ mile in either direction of the subject property, at least four
81 of them approved within the last five years.

82 Ms. Hanken-Birke continued reviewing the narrative on the written hand out. She discussed that their
83 proposal was not contrary to the public interest because of the forested buffer. Mr. Platt asked if there
84 would be any increase in traffic that would be of concern. Ms. Hanken-Birke noted that Albee's had
85 received the driveway permit form NHDOT for the addition of the new business. There was a discussion
86 of traffic from trucks and employees when Borland owned the property and the garage traffic will be no
87 greater with the garage than has historically existed on the site. Mr. Platt asked if there was any
88 evidence as to the historical level of traffic and questioned if it was really that busy. His personal
89 recollection is that it was not very busy. Ms. Hanken-Birke noted that Borland had over 20 employees
90 and use the site as a manufacturing, packaging, and shipping facility so there were cars and trucks
91 exiting and entering on to Route 11 all day.

92 Ms. Hanken-Birke continued her discussion regarding hardship. She noted that a large area of the
93 frontage was wetland that was not suited to residential development. The proximity of the land to
94 Route 11 made it unsafe and undesirable for residential or agricultural development. This land is better
95 suited to the use proposed and the Albee need room in Sunapee to expand their growing business.
96 Chairman Frothingham recognized Peter White. Mr. White said that the variance is based on the
97 character of the land and is not given to individual owners. The Albee's may be wonderful people and
98 have a great business that is an asset to the Town, but the variance goes with the land and once it is
99 granted it lasts forever. They could sell the business any time and the new owner would have the right
100 to continue the business. That new owner may not be as conscientious as the applicants. There was
101 some discussion between Mr. White and Ms. Hanken-Birke Mr. Simpson asked for a point of order
102 noting that all comments should be addressed to the board and there should not be a debate in the
103 audience. He also suggested that the chair let the applicant finish her presentation without interruption
104 from the audience and then open the hearing to public comment. Chairman Frothingham concurred and
105 the hearing continued.

106 Mrs. H continued her discussion of the Albee's business and its importance to the community (see
107 narrative attached). It was emphasized that the proposal will be in the middle of the property with no
108 impact to the neighbors or the view from Route 11. Granting the variance will do substantial justice in
109 that it will allow the Albee's to grow their business in Sunapee and provide additional tax revenue to the
110 Town. There already is a commercial use on this property and on other properties along Route 11 and
111 allowing this use will not violate the spirit of the ordinance. Ms. Hanken-Birke stated that that she had a
112 number of letters of support that she wanted to read into the record. She read seven letters and emails
113 (with the original minutes) of support from residents of Sunapee and these were entered into the

114 record. Chairman Frothingham asked if there were any more comments from Ms. Hanken-Birke and she
115 indicated her presentation was complete.

116 The meeting was opened to the public. Six residents, Shaun Carroll, Ralph Bragdon, Bob McLaughlan,
117 Dick Phelan, Dee Hawkin, and David MacDonald, voiced their support for the variance. It was noted that
118 the Albees are wonderful people who provide a valuable service to the community and should be
119 allowed to continue. It was also noted that the situation on Lower Main Street is bursting at the seams
120 and there would great benefits in allowing expansion. Shaun Carroll spoke of his firsthand experience on
121 the property when it was owned by Marro and Pollard and later by Borland. He plowed the lot and
122 remembers lots of truck and employee traffic and all hours. He state that there may have been more
123 employees and traffic than presented by the applicants. He also voiced his support for the new garage.

124 Peter White spoke again and reiterated his concerns about the variance opening the area to sprawl. He
125 noted that there was a formal planning process when the master plan was completed and one of the
126 greatest concerns was commercial sprawl along town. The neighbor to the south who recently purchase
127 the house from On-site construction expressed his concerns regarding the commercial use. He noted the
128 drive was only 100' from his property line and the increase in noise from cars and truck would affect his
129 property.

130 All other residents spoke in favor of the project- noting the contributions the Abee's make to the
131 community and need for the expansion. There was additional discussion regarding the traffic and Mr.
132 Simpson asked if there was a traffic study. Ms. Hanken-Birke indicated there was not. Mr. Landry noted
133 that other owners along Route 11 had done these but there was not one required here; the Albee's had
134 obtained DOT approval for this operation. The final comments from the public asked the Board to be
135 flexible and to support a growing business that is important and valuable to many residents in Town. He
136 noted that businesses seem to come and go regularly and it is vital to keep growing, good business in
137 Sunapee.

138 The meeting was closed to the public comment. Aaron Simpson stated that he felt the conditions of
139 hardship had not been met. These relate to the land and not the situation the Albee's were in. Mr.
140 Larrow agreed that he did not see anything regarding the land that proved hardship. Mr. Neuwirt noted
141 the presentation provided little factual information and many opinions. He noted that the lot to the
142 south had been subdivided and two new houses were built in the past year. This provided evidence that
143 this area was suitable for residential use as it was zoned. Mr. Platt concurred and stated that he did not
144 see anything unique that set this property apart from others in the neighborhood. He suggested that the
145 popular support for the Albee's be directed toward changing the Zoning Ordinance – either by adding
146 auto repair business to allowable uses by special exception or changing the zoning district along Route
147 11. Ed Frothingham expressed support for small business. He noted that zoning has a tendency to
148 prohibit all businesses which adversely affects town. He thought the variance was reasonable given the
149 facts presented.

150 Mr. Simpson made a motion to approve Case No. 16-19 and this was seconded. The final vote was 1 for
151 (Ed Frothingham) and 4 against.

152 **CASE #16-20: PARCEL ID: 0124-0028-0000: SEEKING A VARIANCE OF ARTICLE IV, SECTION 4.33 (A) (I)**
153 **TO REDUCE LAKEFRONT REQUIREMENT FROM 200 FT TO 98 FT AND 79 FT ALLOWING A LOT LINE**
154 **ANNEXATION. MARIAN LEAVITT TRUST, 33 PINEY POINT RD.**

155 **CASE #16-21: PARCEL ID: 0124-0028-0000: SEEKING A VARIANCE OF ARTICLE VI, SECTION 6.40**
156 **ALLOWING THE APPROVAL OF A SUBDIVISION / ANNEXATION OF A PRE-EXISTING, NON-**
157 **CONFORMING LOT TO BECOME MORE NON-CONFORMING WITH PLANNING BOARD APPROVAL.**
158 **MARIAN LEAVITT TRUST, 33 PINEY POINT RD.**

159 Mr. Platt recused himself as he was the surveyor involved in the project. The case was presented by
160 Marian Levitt and her daughter Julia Norton who owns the lot next door. Mrs. Leavitt explained that the
161 existing property line runs along end of her daughter's foundation and thru the septic pump chamber.
162 She would like sell her a small piece of land to move the property line closer to her house. This is
163 something her and her husband had wanted to do for a long time but the just never got around to it.
164 Mrs. Leavitt than read the summary submitted with the application that is included as a part these
165 minutes.

166 There was a question form the board as to when she had acquired the property and she responded that
167 they had bought the property from her mother in 1979. It was also noted that the lots were created in
168 1953 and are small, non-conforming lots like most of all of the other Pond lots on Piney Point Road. Mr.
169 Simpson noted the correct zoning regulation that the variance was sought for is Article IV B(7) a-I and
170 that the "B(7)" was missing from the application. There were no comments from the public.

171 There was a discussion as to what the final lake frontage would be. The application and notice indicate
172 98' while the plan showed 108' along the lake with a tie distance of 98.3'. it was decided that the final
173 distance was 108' for Mrs. Leavitt's lot (TM 124-28) and 79' for the Norton lot (TM 124-29) as measured
174 along the shoreline.

175 Mr. Simpson made a motion to approve Case 60-20 for a variance from Article IV Section 4.33 B(7)a to
176 allow the lakefront being 108' and 79' following the proposed annexation. The motion was seconded by
177 Mr. Larrow and passed 4-0.

178 There was a brief discussion about the second requested variance in Case No 61-21. This allowed the
179 reduction of area of Mrs. Leavitt's lot from 0.37 acres to 0.33 acres after the annexation. Mr. Simpson
180 was not certain that this was the correct zoning article and he did not recall approving any variance
181 under Article VI 6.40 dealing with Lot line adjustments. It was noted that a past case by George Neuwirt
182 in the Sunapee harbor and the case of Lance Harbour on Mountain View Lake were granted variances
183 under this provision.

184 Mr Larrow made a motion to approve Case 16-21, Mr. Simpson seconded, and the motion passed 4-0.

185 **CASE #16-22: PARCEL ID: 0109-0003-0000: SEEKING A VARIANCE OF ARTICLE III, SECTION 3.10**
186 **REDUCING ROAD FRONT SETBACK FROM 50 FT TO 40 FT ALLOWING CONSTRUCTION OF A NEW ENTRY**
187 **STRUCTURE. STEPHAN & NANCY BRAUN. 21 WESTWOOD RD.**

188 **CASE #16-23: PARCEL ID: 0109-0003-0000: SEEKING A SPECIAL EXCEPTION AS PER ARTICLE III,**
189 **SECTION 3.50 (I) 3 & 4 ALLOWING AN INCREASE OF ROOF HEIGHT ON A PRE-EXISTING BUILDING**
190 **REPLACEMENT BY 8 FT. STEPHAN & NANCY BRAUN, 21 WESTWOOD RD.**

191 George Neuwirt recused himself as he is the contractor on the job and was presenting the case before
192 the board along with the owner Stephan Braun. Mr Neuwirt described the property as a non-conforming
193 lot on Westwood Road with an existing house located within the front setback area, 46' from the
194 centerline of Westwood road. The Braun's wish to replace the house but use the existing foundation.
195 This will save money and minimize the impact of construction in the Shoreland area. This is fairly
196 uncommon during lakeside construction and much effort went into designing the new house to fit the
197 existing footprint of the foundation.

198 The hearing proceeded to a specific discussion on Case 16-23 the special exception to raise the roof
199 height under Article III 3.50 (ii). Mr. Simpson noted that the notice referenced 3&4 but the special
200 exception requires that all eight conditions under 3.50i need to be met. Mr. Neuwirt began reviewing
201 the list. The question of whether or not the first condition requiring that the road could be raised
202 provided the enlargement of the horizontal dimension of the proposed structure would "ordinarily be
203 permitted by the Ordinance." Case 16-22 seeks a variance for the addition of 6' x 9' entry within the
204 front setback area. Mr. Simpson questioned whether this addition met the intent of being ordinarily
205 permitted by zoning. He continued that he thought a variance would be a more appropriate in this case.
206 Mr. Neuwirt said that he was proceeding as he was instructed to. Mr. Larrow noted that perhaps if the
207 variance is granted first it would be permitted use and the condition may be met. There was additional
208 discussion on procedural issues and which case should be voted on first.

209 Mr. Platt suggested that we hold off on the decision on this and move on to the other 7 criteria. Mr.
210 Neuwirt went on with the second criteria; the proposed building is a house. The existing height of the
211 building at the road is 20' and the proposed height is 26', more or less based on the drawings. Mr.
212 Neuwirt had thought it was 8' higher and that was on the application, but he now believes it will be 6'
213 higher or 26' after construction. There was discussion about the height of the rest of the house. The
214 ground slopes down toward the lake and the rear of the existing house is one floor higher- about 28'.
215 The proposed house will be about 36' on the low side. Mr. Simpson noted that the language in section 3
216 indicates that the existing structure must be less than 24' high and if any part of the house is higher than
217 24' this may not qualify. Mr. Platt noted that in the past we have always looked at the existing and
218 proposed height within the area of the building that is encroaching into the setback.. There was
219 additional discussion and Mr. Landry concurred that this is criteria that has been used in the past. Mr.
220 Neuwirt continued that the existing and proposed heights met sections 3-5 for the special exception.
221 With regards to the section 6, Mr. Neuwirt noted that the proposed house is smaller than other houses
222 that have been rebuilt in recent years and that the upgrade to the outside of the house and additional
223 height is keeping with other house on Westwood Road. Mr. N addressed section 7 noting that the
224 Shoreland permit has been prepared and submitted and they are awaiting final approval from NH DES.
225 Lastly Mr. Neuwirt explained that the proposal is in the spirit of the ordinance. The use of the existing
226 foundation will minimize the impact to the Lake and the modest size of the footprint is consistent with
227 the neighborhood.

228 Mr. Simpson expressed his concerns regarding the expansion of the footprint. The rules for a special
229 exception require that all conditions are met and if a variance is needed for the entry this would not
230 allow the special exception. Mr. Landry stated that not all conditions need to be met and that only
231 applied to variances. Mr. Platt noted that the addition of the entry seems to be a separate issue that is
232 less related to the roof expansion and proposed footprint. There was additional discussion on this
233 matter. Mr. Platt suggested and it was agreed that the application should discuss the variance request
234 and need for the propose entry way.

235 Mr. Neuwirt explained that the existing house is 46' from the road and the fact that they are using the
236 existing foundation precludes them from moving the house to accommodate the entry. The hardship
237 results from their being a small, nonconforming lot with an existing non-conforming house. Mr. Braun
238 said that the entry is reasonable to allow some cover from rain and snow when entering the house. He
239 also noted that the entry area is modest – 6' x 9' and that they are trying to build their new house with
240 as small an impact to the lot and Shoreland as possible. Someone asked if the other buildings on the
241 road are within the 50' setback. Mr. Neuwirt noted that there were a number of buildings close to the
242 road. They did not qualify for the special exception because many of these were garages. Mr. Neuwirt
243 read a letter from one of the neighbors in support of allowing the new entry way. There was additional
244 discussion regarding the hardship and reasonable nature of the request. Chairman Frothingham opened
245 the meeting to public comment and there was no public input. The meeting was closed to public
246 comment.

247 Mr. Simpson expressed his reservations regarding special exception and the need for a variance for the
248 entry. Mr. Larrow asserted that if the variance is granted first it could be argued that the expansion is
249 approved. Mr. Platt thought it could go both ways and stated that he felt the special exception could
250 have been granted one month and the variance for the entry 2-3 months later and both would be
251 approved. The entry way is a very minor addition to the building and the applicant should not be
252 delayed because of procedural issues.

253 A motion was made to approve Case 16-24 for a variance to allow a reduction of the front setback to
254 40', with all work proceeding according to the state Shoreland permit. The motion was seconded. It
255 passed - 3 in favor and 1 opposed (Aaron Simpson).

256 Mr. Platt made a motion to approve Case 16-23 for the special exception to allow the increase in roof
257 height by 8 feet with all work in accordance with the applicants shoreland permit. The motion was
258 seconded by Mr. Larrow. There was some discussion as to whether it should be 6 feet as discussed by
259 Mr. Neuwirt. and was decided to leave it a 8' as this is what was requested and it would be better to
260 permit a 6.5' or 7' expansion than limit it to six feet. The motion passed by a 3-1 vote with Mr. Simpson
261 opposed.

262 **CASE #16-24: PARCEL ID: 0134-0012-0000: SEEKING A VARIANCE OF ARTICLE III, SECTION 3.10**
263 **REDUCING ROAD FRONT SETBACK FROM 50 FT TO 26.5 FT ALLOWING CONSTRUCTION OF A NEW**
264 **GARAGE. STEVE & HEATHER HORAN, 231 LAKE AVE.**

265 Mr. Platt recused himself as he was the surveyor involved in the project. George Neuwirt recused
266 himself as he is the contractor on the job and was presenting the case before the board along with the
267 owner Steve Horan. Chairman Frothingham asked the applicant if wanted to continue with only 3 sitting
268 members knowing that a would need a 3-0 vote for the variance to be granted. Mr. Horan indicated he
269 would continue.

270 Mr. Neuwirt passed out updated Shoreland plans. The Horan's proposing to build a 16' x 20' garage
271 located 26-1/2' from the centerline of Lake Avenue. This requires a variance from the 50' setback
272 required and would be located outside of the town buffer. The garage would have enclosed stairs and is
273 needed to provide the owners with reasonable winter access to their house. The lot is small and steep.
274 The house sits well below the road and the existing stairs are difficult and unsafe during the winter. The
275 access will be much better with the new garage with a ramp connecting the lower egress from the
276 garage to the existing deck near the main door into the house.

277 Mr. Neuwirt discussed the existing parking area and retaining wall off Lake Ave. This would stay, but the
278 retaining wall would be replaced with a structural redi-rock wall. The existing boulder wall has
279 deteriorated and is being held up a tree in one location. The new wall will tie into the foundation of the
280 garage and provide a much better long term solution on the site – helping to hold up the parking area as
281 well as the road. Mr. Neuwirt discussed the parking area being replaced with a new pervious system.
282 This will reduce the total impervious surface area on the lot by about 100 SF even with the addition of
283 the 320 SF garage. The existing stairs and deck will remain. Mr. Neuwirt passed around a flyer of the
284 new system which uses baskets of stone and under a previous survey and is supposed to be less
285 susceptible to clogging and plugging up over the time. Mr. Frothingham expressed his concern about the
286 long term maintenance of these pervious systems. Mr. Neuwirt stated that this system was supposed to
287 be better but he had not used it before so had no firsthand knowledge.

288 Mr. Neuwirt discussed the fact that the Horan's were trying to do everything right with this project and
289 to keep thing small and reasonable. They had considered a 16' x 24' garage but went the smaller garage
290 to have less impact. Mr. Horan discussed that is parents have had difficulties getting to their house. This
291 is designed to provide them and their family reasonable access. Mr. Larrow asked if this would be
292 handicap access with an elevator or lift chair. Mr. Horan said no – but the possibility exists that that a lift
293 chair could be added to the interior stairs. Mr. Neuwirt had three letter of support from the neighbors
294 and these were read into the record.

295 There was discussion about the other lots and garages in the neighborhood. Mr. Neuwirt stated that
296 many of the properties in along Lake Ave have garages closer to the road than the one proposed by the
297 Horan's. He had recently looked again that the number of buildings on lots 500' from the Horan's and
298 found that there were 8 out of 16 lots with houses or garages within the front setback. This would
299 qualify the applicant for a special exception, but they were not aware of this before filing the paperwork
300 (one building was not on the tax maps). There was discussion about whether the special exception rules
301 require you to look at the lots on both sides of the property or just one side. Roger Landry noted that he
302 spoke with the Town attorney and the case needed to be heard as a variance and not a special
303 exception as that is the way it was advertised to the public.

304 Mr. Larrow asked about the status of the Shoreland permit. Mr. Neuwirt stated that permit had been
305 filed a few days ago and was not yet approved. Mr. Larrow also asked if there were any building plans to
306 review. Mr. Neuwirt stated that the architectural plans had not been prepared as they were waiting to
307 see if they could get the variance to build the garage. Mr. Larrow thought they should have the plans to
308 submit. There was a discussion about the rest of the garage. There would be no living space and a
309 storage space in area under the garage at the house level.

310 Mr. Frothingham asked if there were any public comments and there was none. The board discussed the
311 merits of the case. Mr. Frothingham did not see any issues. Mr. Simpson said he was a little bit on the
312 fence regarding the hardship, but felt that the steep slopes down from the road was a legitimate
313 hardship of the property. He noted that it should probably have been emphasized more during the
314 presentation. Mr. Simpson made a motion to approve Case No. 16-24 subject to all construction
315 complying with the conditions of the pending Shoreland permit. Mr. Larrow seconded and the motion
316 passed 3-0.

317 **MISCELLANEOUS**

318 Chairman F said that the board needed to review minutes. This was his last meeting and Board take a
319 formal vote on the appointment of George Neuwirt as a full member to replace him. At this point it was
320 noticed that the tape recorded had not been turned on before the meeting started. Dan Snyder who
321 was not present usually takes care of this and no one thought to do it. There was a general discussion
322 about the impact this would have on the previous hearings. Mr. Landry suggested that we might have to
323 rehear all the cases again. Mr. Platt said that he did not feel a tape recorder was required and that many
324 towns keep less accurate and dense minutes than Sunapee does. Mr. Landry said that these minutes had
325 to be kept and he would check with the attorney on Monday as to the best way to proceed. Mr. Platt
326 offered to put together minutes and these would be emailed to Roger early next week. Mr. Landry
327 would interject his notes if applicable and put the final minutes to print for review at the next meeting.

328 **MINUTES**

329 Changes to the minutes from the August 11, 2016 Zoning Board Meeting: The minutes from the
330 previous meeting were reviewed and no changes made.

331 Mr. Platt made a motion to approve the minutes, Mr. Larrow seconded and the motion was approved 5-
332 0.

333 **ZONING MEMBERS**

334 Mr. Platt made a motion to appoint George Neuwirt as a full member to replace Ed Frothingham. Mr.
335 Simpson seconded and motion passed 4-0 with Mr. Neuwirt abstaining.

336 There was discussion about the next chairman. Mr. Simpson noted that this had been voted on at the
337 last meeting. Mr. Landry indicated that he had discussed this with town attorney and there were
338 procedural issues with that vote. The Board will have to nominate and vote on a Vice Chair and
339 Chairman. The new Chairman and Vice Chair will sit until March, 2017.

340 The meeting was adjourned at 11:00 pm

341 The minutes were completed by Zoning Board members and the Zoning Administrator.

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346 Edward Frothingham

Aaron Simpson

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348 Clayton Platt

Daniel Schneider

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350 William Larrow

George Neuwirt, Alternate