

1 **TOWN OF SUNAPEE**

2 **ZONING BOARD**

3 **NOVEMBER 13, 2014**

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

6 **ABSENT:** Clayton Platt; Aaron Simpson

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

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

9 Daniel Schneider made a motion to appoint George Neuwirt to serve on the Board as a voting member.  
10 Chairman Frothingham seconded the motion. The motion passed unanimously.

11 Chairman Frothingham explained to the applicants that there are only four voting members for the  
12 meeting and that there needs to be three votes in favor in order for a case to be approved.

13 **MINUTES**

14 Changes to the minutes from the October 9, 2014 Zoning Board Meeting: Change line 29 to read "...the  
15 Court will require that the Board acts..." Change lines 34 and 35 to read "Ms. Spector recommended  
16 that the Board should determine whether or not to continue the case. Mr. Platt asked Mr. Landry to  
17 briefly review the case for the Board." Change line 47 to read "...Mr. Aldrich needs to provide some  
18 certification..." Change line 57 to read "...it was actually a request for an indefinite postponement."  
19 Change line 77 to read "...what the Zoning Ordinance says..." Change line 185 to read "Mr. Simpson said  
20 it becomes..." Change lines 186 to 187 to read "...that the Board should consider the Variance because  
21 the Use is not Grandfathered."

22 Daniel Schneider made a motion to approve the minutes as amended. William Larrow seconded the  
23 motion. The motion passed unanimously.

24 **MISCELLANEOUS**

25 Mr. Landry informed a member of the audience, Dustin Aldrich, that his case would not be heard at this  
26 meeting. There will be a joint meeting of the Planning and Zoning Boards held on December 4, 2014 and  
27 the Zoning Board will determine whether or not to grant a rehearing that night. Mr. Aldrich asked and  
28 Mr. Landry confirmed that Mr. Aldrich's attorney will be notified.

29 **CASE #14-24: PARCEL ID: 0118-0056-0000: SEEKING A VARIANCE OF ARTICLE III, SECTION 3.40-C TO**  
30 **REDUCE LAKEFRONT SETBACK FROM 50 FT TO 18 FT TO ALLOW CONSTRUCTION OF NEW STAIRS AND**  
31 **LANDINGS. PAUL & SHEILA LEWIS, 70 BURMA RD.**

32 Mike Huff presented the merits of the case on behalf of Mr. and Mrs. Lewis. Chairman Frothingham  
33 asked and Mr. Huff confirmed that he would like to continue with the hearing instead of postponing  
34 even though there are only four voting members.

35 Mr. Huff explained that the Lewis' would like to replace two sets of stairs that are already there. The  
36 stairs coming off the deck are existing and where the stairs end on the ground is uneven and the Lewis'  
37 would like to put in two platforms, one being 4' x 10' and then dropping down to a 4' x 5' landing. Mr.  
38 Huff said that the current steps are dangerous.

39 Mr. Larrow asked and Mr. Huff confirmed that the lower stairs are already existing. Mr. Huff said that  
40 the Lewis' would like them to be replaced so that they are safer. The stairs may extend a little closer to  
41 the Lake, perhaps a couple of feet, but it depends on what are put in for risers.

42 Mr. Schneider asked and Mr. Huff said that the size of the existing deck will not be increased. There are  
43 some sagging areas that will need to be shored up. Mr. Huff said that any digging that is needed will be  
44 done by hand. Mr. Landry said that there is a Shoreland Permit By Notification that was approved  
45 October 21<sup>st</sup>.

46 Mr. Landry said that the reason the Variance is needed is because the landings are being built within 50'  
47 of the Lake.

48 Mr. Larrow asked and Mr. Landry confirmed that these landings will become structures. Chairman  
49 Frothingham suggested putting a condition on an approval that the landings cannot be enclosed.

50 Daniel Schneider made a motion to approve Case #14-24: Parcel ID: 0118-0056-0000: Seeking a  
51 Variance of Article III, Section 3.40-c to reduce lakefront setback from 50 ft to 18 ft to allow construction  
52 of new stairs and landings, Paul & Sheila Lewis, 70 Burma Rd; subject to the condition that construction  
53 is consistent with the approval of Shoreland Permit #2014-2977. The motion passed unanimously.

54 The Board heard Case #14-25.

55 Daniel Schneider made a motion to reopen Case #14-24: Parcel ID: 0118-0056-0000: Seeking a Variance  
56 of Article III, Section 3.40-c to reduce lakefront setback from 50 ft to 18 ft to allow construction of new  
57 stairs and landings, Paul & Sheila Lewis, 70 Burma Rd. William Larrow seconded the motion. The  
58 motion passed unanimously.

59 Daniel Schneider made a motion to approve Case #14-24: Parcel ID: 0118-0056-0000: Seeking a  
60 Variance of Article III, Section 3.40-c to reduce lakefront setback from 50 ft to 18 ft to allow construction  
61 of new stairs and landings, Paul & Sheila Lewis, 70 Burma Rd. William Larrow seconded the motion. The  
62 motion passed unanimously.

63 **CASE #14-25: PARCEL ID: 0107-0025-0000: SEEKING A VARIANCE OF ARTICLE III, SECTION 3.10 TO**  
64 **REDUCE ROAD FRONT SETBACK FROM 50 FT TO 48 FT 7 IN ALLOWING CONSTRUCTION OF AN**  
65 **ADDITION ON EAST SIDE OF HOME. LAWRENCE & DIANE KEANE, 1112 LAKE AVE, GM.**

66 Diane Keane presented the merits of the case.

67 Mrs. Keane explained that they would like to build a storage shed on one side of the house and a bump-  
68 out on the other side of the house. They have their Shoreland Permit and the construction complies  
69 with all of the setbacks except for the front setback by seventeen inches. Mrs. Keane explained that this  
70 is due to the need to tie in the staircase on the third floor. The encroachment on the setback will not be  
71 more than the existing house as the house is 38' from the setback and the addition will be 48' back.

72 Mr. Neuwirt asked and Mr. Landry explained that this is a proposed addition to the left hand side of the  
73 house that will be two stories high. Because the proposed addition is two stories high, it encroaches  
74 into the setback seventeen inches which is the reason for the Variance. There was a brief discussion  
75 regarding what part of the proposed addition is encroaching the setback.

76 Mr. Schneider asked why this proposed addition cannot be built so that it complies with the front  
77 setback. Mrs. Keane explained that if you look at the floor plan, on the third floor there is an existing  
78 staircase and they can't quite make the edge of it without the seventeen inches.

79 Daniel Schneider made a motion to approve Case #14-25: Parcel ID: 0107-0025-0000: Seeking a  
80 Variance of Article III, Section 3.10 to reduce road front setback from 50 ft to 48 ft 7 in allowing  
81 construction of an addition on east side of home Lawrence & Diane Keane, 1112 Lake Ave, GM; such  
82 approval is subject to the provisions on Shoreland Permit #2014-3044. George Neuwirt seconded the  
83 motion. The motion passed unanimously.

84 **CASE #14-26: PARCEL ID: 0107-0025-0000: SEEKING A SPECIAL EXCEPTION TO RAISE ROOFLINE**  
85 **WITHIN 50 FT OF ROAD SETBACK AS PER ARTICLE III, SECTION 3.50-3 & 4. LAWRENCE & DIANE KEANE,**  
86 **1112 LAKE AVE, GM.**

87 Mrs. Keane presented the merits of the case.

88 Mrs. Keane explained that the bump-out that was discussed in the previous case needs a raised roof.

89 Mr. Schneider asked how high the roof is and Mrs. Keane explained from the ground level it is 25'. Mr.  
90 Landry said that the proposed roof will be seven feet higher than the existing roof. There was a  
91 discussion about the height restriction for a non-conforming lot.

92 George Neuwirt made a motion to approve Case #14-26: Parcel ID: 0107-0025-0000: Seeking a Special  
93 Exception to raise roofline within 50 ft of road setback as per Article III, Section 3.50-3 & 4, Lawrence &  
94 Diane Keane, 1112 Lake Ave, GM. Daniel Schneider seconded the motion. Mr. Neuwirt amended his  
95 motion to include that the decision is subject to the Shoreland Permit #2014-3044, dated October 27,  
96 2014. Daniel Schneider seconded the motion. The amendment passed unanimously. William Larrow  
97 seconded the amended motion. The motion amended passed unanimously.

98 **MISCELLANEOUS**

99 Mr. Landry explained that he was at the November Planning Board meeting, as were Aaron Simpson and  
100 Clayton Platt. Mr. Landry said that the Planning Board discussed the list of proposed Zoning  
101 Amendments.

102 The first Amendment is to Article III, Section 3.20 to delete the permeable / impermeable column. The  
103 Planning Board asked Mr. Marquise to add to the definition section the definition of impermeable, and  
104 leave the column as it is.. There was further discussion regarding this issue. Mr. Landry said that Mr.  
105 Marquise is supposed to draft some language for the next meeting.

106 The second Amendment is to Article IV, Section 4.10 to put an asterisk by Farming in the Rural  
107 Residential and Rural Lands Districts to within the Shoreline Overlay District. The Planning Board  
108 determined that they preferred to stay with just the State regulations.

109 The third Amendment is to Article VI, Section 6.40 to add “any new lot may still be non-conforming, but  
110 will lose its pre-existing status.” Mr. Landry gave a brief explanation as to the reason this Amendment  
111 was proposed. Mr. Landry said that Mr. Marquise is going to be working on language for this  
112 Amendment.

113 The fourth Amendment is to Article VIII, Section 8.23-add-e to add a notation that certificates of  
114 compliance are transferrable.

115 The fifth Amendment is to Article IX, Section 9.12 is to change present wording “Planning Board  
116 approval of such site plan” to “Zoning Board approval of a variance shall be a prerequisite to any  
117 approval of a site plan review or certificate of compliance.” Mr. Landry explained that the law says that  
118 a Zoning Board approval is a pre-requisite to a Planning Board approval. The Planning Board agreed to  
119 this Amendment.

120 The sixth proposed Amendment is to Article X, Section 10.16 e to change to “if after a period of 24  
121 months from the date a Variance or Special Exception is granted (the rest of the article is the same  
122 except for the following sentence) Pursuant to RSA 675:3 and RSA 674:33 as of the date of such written  
123 application.”

124 The seventh proposed Amendment is to the definition of setback to say that “the minimum distances  
125 from the property lines, edges, or end of Right of Ways established by the requirements of this  
126 Ordinance for each Zoning District.” Mr. Landry gave a brief explanation as to the reason for this change  
127 as it becomes confusing when there is a Right of Way on a property. Mr. Neuwirt asked and Mr. Landry  
128 said that the Planning Board was not sure what to do with this Amendment and are going to study it but  
129 for now it will stay as is.

130 The eighth proposed Amendment was to put a definition of Farming into the Zoning Ordinances. Mr.  
131 Landry said that Mr. Marquise is writing this language. There was a discussion as to how the State  
132 defines farming.

133 Mr. Landry informed the Board that the December meeting will be a joint meeting with the Planning  
134 Board. This meeting will be held on December 4<sup>th</sup> and the Zoning Board will meet first at 7:00 pm. Mr.

135 Landry continued that Chairman Frothingham will be in charge and it will not become a joint session  
136 until after the Zoning Board has their meeting. The Zoning Board meeting will be for a Variance for  
137 Gene Hayes for the Manor property on Prospect Hill in Georges Mills. There is no continuity to the  
138 number of units that are in the building. The Variance application is to go from twelve units and a retail  
139 space to fourteen units while vacating the retail space. Mr. Landry gave more explanation regarding the  
140 reason for the Variance. If necessary, the Zoning Board will then be able to defend their decision to the  
141 Planning Board during the Site Plan Review process.

142 Mr. Schneider asked and Mr. Landry confirmed that the Board will not meet on December 11<sup>th</sup>. Mr.  
143 Schneider said that he will not be able to attend the joint meeting. The Board determined that they will  
144 have four voting members present for the joint meeting.

145 Mr. Landry said that the other case that will be heard will be for Dustin Aldrich to determine if the Board  
146 will grant him a rehearing on the denial of the appeal from a previous meeting. If the Board determines  
147 that there is justification to grant the rehearing they will also set a date. Mr. Landry gave the Board  
148 packets of information for them for the rehearing. Chairman Frothingham asked and Mr. Landry  
149 confirmed that the Town's attorney can be present if the Board would like.

150 Mr. Neuwirt asked and Mr. Landry explained that the reason for the joint meeting is to deal with Mr.  
151 Hayes' case as well as Patrick Clapp's as the Board did not approve the application to go from seven  
152 units to six. The Town lost the paperwork showing the building going from four to six units and the  
153 Planning Board want the paperwork to show approval from four to six units. Mr. Neuwirt asked and Mr.  
154 Landry confirmed that there are no approvals going from up four units on file. There was a discussion  
155 about the need for a paper trail when a property has had that many units for years.

156 William Larrow made a motion to adjourn at 8:03 pm. Daniel Schneider seconded the motion. The  
157 motion passed unanimously.

158 Respectfully submitted,

159 Melissa Pollari

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161

162 Edward Frothingham

Aaron Simpson

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164 Clayton Platt

Daniel Schneider

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166 William Larrow

George Neuwirt, Alternate