

1 **TOWN OF SUNAPEE**

2 **ZONING BOARD**

3 **JULY 11, 2013**

4 **PRESENT:** Edward Frothingham, Chair, Dick Katz, Daniel Schneider, Clayton Platt, Aaron Simpson,
5 William Larrow, 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 **MINUTES**

10 Changes to the minutes from the June 13, 2013 Zoning Board Meeting: Line 38 should read "Mr.
11 Simpson noted that the...". Line 69 should read "how and approval for a deck can become part...". Line
12 93 should read "Mr. Simpson inquired whether the existing...". Line 127 should read "replaced a 30"
13 high patio with...". Lines 150 through 151 should read "Mr. Lain noted that the house was raised and
14 they could not raise the patio". Line 158 should read "and if it has to come down". On line 183, change
15 "built" to "build". Line 240 should read "to Mr. Howland some of his options". On line 262, change
16 "that" to "to". Line 349 should read "it was confirmed that it will have...".

17 Aaron Simpson made a motion to approve the minutes as amended. Dick Katz seconded the motion.
18 The motion passed unanimously.

19 **PLANNING BOARD UPDATE**

20 Mr. Landry explained that the Planning Board meeting that was scheduled for July 4th was postponed
21 until July 18th.

22 **MISCELLANEOUS**

23 Mr. Landry said that he spoke with Jae Whitelaw and the discussion relates to one or more of the cases
24 being heard at this meeting. In regards to whether a pad or a patio is a footprint, it is not. The Town
25 does not recognize pads or patios as footprints because the Town has never adopted a provision to
26 accept building permits for either one. Ms. Whitelaw recommended clarifying the definition of a
27 structure for next year.

28 Mr. Landry said that, in regards to whether the condition could be recorded at the Registry of Deeds,
29 this is not something that can be done. However, if the Zoning Board decides to make a condition as
30 part of an approval, Mr. Landry will put on the Building Permit that it can never be converted to
31 anything other than an open deck and a copy of the Permit will go into the property file and become
32 part of the permanent record.

33 **(CONTINUATION) CASE # 13-10: PARCEL ID: 0148-0022-0000: SEEKING A VARIANCE OF ARTICLE III,**
34 **SECTION 3.40-C TO REDUCE LAKEFRONT SETBACK FROM 50 FEET TO 18.5 FEET ALLOWING**
35 **CONSTRUCTION OF A NEW 10' X 24' OPEN DECK. GREGORY & MARILYN SWICK, 14 HAMEL RD.**

36 Gregory and Marilyn Swick continued with the presentation of their case. Mr. Swick explained that after
37 the last meeting they decided to put together an overview with some pictures to better show the Board
38 what they would like to do.

39 Mr. Swick presented the first picture which shows the present configuration of the property as they
40 purchased it. Mr. Swick showed the Board the waterfront side and the road side and explained that the
41 house sits 26' across the 42' wide property. There is also a concrete slab that is 7'6" to 8' away from the
42 house and runs the width of the property. The blue box is the existing sun porch that covers the entire
43 depth of the pad and goes to within inches of the property line on the East side.

44 Mr. Swick explained the second picture which shows their request. Mr. Swick explained that he believes
45 this is less non-conforming than the present structure with the sunroom going almost all the way to the
46 property line. They would like to pull it in with 150 sq ft of deck, plus the existing sun porch footprint,
47 and make it all an open deck. The open deck would be approximately 24' x 10'. Mr. Swick continued
48 that the change increases the setback from the property line, and it is only a few feet closer to the Lake
49 than the pad, which it covers. Mr. Swick said that he does not have a problem with attaching a
50 restriction to the Building Permit to not have anything besides the open deck.

51 Mr. Swick continued that the third page of pictures shows if they built a 150 sq ft deck and left the sun
52 porch in place. They would end up with just about the same impervious surface, and the same setback
53 from the Lake. They could then use the sunroom as part of their footprint and convert it into living
54 space in the future. This would not be a benefit to the property in Mr. Swick's opinion.

55 There was a discussion by the Board regarding whether the deck is or is not a structure and how it could
56 or could not be enclosed in the future. The Board also discussed Mr. Landry putting conditions on the
57 Building Permits regarding decisions they make and how they would be maintained in the future.

58 Chairman Frothingham asked if there were any further questions for the applicants or if there were any
59 abutters with comments.

60 Mr. Simpson asked and Mr. Swick confirmed that the slab is remaining in place as it would be very
61 difficult to remove. Mr. Simpson asked about the elevation of the slab and the deck. Mr. Swick
62 explained that the slab is as high as the basement floor and the deck would be as high as the first floor.

63 There was a discussion regarding how the proposed change would affect the setbacks.

64 Mr. Schneider said that he feels that any approval should include the Shoreland Permit that the
65 applicants have from the State of NH Department of Environmental Services (DES), as well as the
66 restriction that the proposed deck won't be enclosed.

67 Dick Katz made a motion to approve Case # 13-10, Parcel ID: 0148-0022-0000, seeking a Variance of
68 Article III, Section 3.40-c to reduce lakefront setback from 50 feet to 18.5 feet allowing construction of a
69 new 10' x 24' open deck, Gregory & Marilyn Swick, 14 Hamel Rd., to be in conformance with page 2 of
70 the Exhibit provided, subject to conditions of the DES Shoreland Permit #2013-00868 and subject to the
71 further condition that the proposed deck will not be closed in and that a note to that affect will be kept
72 in the Assessor's file and put on the Building Permit. Daniel Schneider seconded the motion. The
73 motion passed unanimously.

74 **(CONTINUATION) CASE # 13-11: PARCEL ID: 0148-0022-0000: SEEKING A VARIANCE OF ARTICLE III,**
75 **SECTION 3.10 TO REDUCE SIDE SETBACK FROM 15' TO 5' ALLOWING CONSTRUCTION OF A NEW 10' X**
76 **24' OPEN DECK. GREGORY & MARILYN SWICK, 14 HAMEL RD.**

77 Daniel Schneider made a motion to approve Case # 13-11, Parcel ID:, 0148-0022-0000, seeking a
78 Variance of Article III, Section 3.10 to reduce the East side setback from 15' to 5', allowing construction
79 of a new 10' x 24' open deck, Gregory & Marilyn Swick, 14 Hamel Rd. as per the Exhibit dated July 11,
80 2013, page 2, subject to the conditions of DES Shoreland Permit #2013-00868 with the restriction placed
81 on the Building Permit and kept in the Assessor's file that said deck cannot be enclosed. Dick Katz
82 seconded the motion. The motion passed unanimously.

83 **(CONTINUATION) CASE # 13-12: PARCEL ID: 0148-0022-0000: SEEKING A VARIANCE OF ARTICLE III,**
84 **SECTION 3.10 TO REDUCE SIDE SETBACK FROM 15' TO 11' ALLOWING CONSTRUCTION OF A NEW 10' X**
85 **24' OPEN DECK. GREGORY & MARILYN SWICK, 14 HAMEL RD.**

86 Mr. Simpson asked for clarification regarding the setback from the west setback as the Plan shows 12'.
87 Mrs. Swick confirmed that it should be 12'.

88 Aaron Simpson made a motion to Case # 13-12, Parcel ID: 0148-0022-0000, seeking a Variance of Article
89 III, Section 3.10 to reduce side setback from 15' to 12', allowing construction of a new 10' x 24' open
90 deck for Gregory & Marilyn Swick at 14 Hamel Rd. as per page 2 of the Exhibit dated July 11, 2013,
91 subject to the DES Shoreland Permit #2013-00868, and further subject to the restriction that said deck
92 shall not be enclosed as indicated on the Building Permit and kept in the Assessor's file. Dick Katz
93 seconded the motion. The motion passed unanimously

94 **CASE # 13-18: PARCEL ID: 0130-0006-0000: SEEKING A VARIANCE OF ARTICLE IV, SECTION 4.10 TO**
95 **ALLOW AN AUTOMOTIVE REPAIR SHOP TO OPERATE IN THE VILLAGE RESIDENTIAL DISTRICT (TROW**
96 **MILL SITE). JEFFREY TROW, 134 LOWER MAIN ST**

97 Jeffrey Trow presented the case. Mr. Trow explained that he has a mill that has been in operation since
98 1895 at 134 Lower Main St and is the fourth generation owner / operator. The building is a 75' x 105'
99 structure and one side of the building is a planeing mill and the other is a sawing mill. However, he no
100 longer saws lumber and he has one side of the building that is not being used. He would like to take the
101 back corner of his building, which is roughly a 20' x 30' bay, and be able to have it available to repair
102 vehicles.

103 Mr. Trow explained that they are not adding another building, nor will it look any different from the
104 road as it would be in the back half.

105 Mr. Simpson asked how far it will be from the river. Mr. Trow explained that from the bridge to the
106 front of the building it is 98' and from the bridge to the back of the building it is just over 200'.

107 Chairman Frothingham asked and Mr. Trow confirmed that there were buildings that were on the lot in
108 the past that were closer to the river that he has since removed. Mr. Trow continued that there was a
109 little building in front which was a small shed which has been removed, another building that was a
110 shaving shed that has been removed, and a third building that was in the back was one of the first drive
111 through lumber yards that has been removed. Mr. Trow said that there is a shaving shed behind his
112 building and another storage shed on the other side going towards the high school.

113 Chairman Frothingham asked how many vehicles they would anticipate having parked outside if they
114 have bays that are full. Mr. Trow's son, Jeremy, explained that he will be the only one working there
115 and the operation will not be very big though he understands the Board would want to set restrictions.

116 Mr. Landry explained that, if the Board decides to allow Mr. Trow to run an automotive shop in that
117 area, he will still need to go to the Planning Board for Site Plan Review. He will, therefore, need to
118 determine how many people he will have working there, how many parking spaces he will have, the
119 signage, the entrance to the business, etc.

120 Mr. Schneider asked if this is a pre-existing, non-conforming commercial structure. Mr. Landry clarified
121 that the business is a pre-existing, non-conforming use. Mr. Schneider asked why Mr. Trow needs a
122 Variance. Mr. Landry explained that it is because he is changing, or rather adding, a use. Mr. Schneider
123 asked if they will need a DES Permit. Mr. Landry said that they do not need one for the Variance, but
124 the Planning Board may require Mr. Trow to go to the DES for a clarification as to whether he needs a
125 Permit because he will be using oils and whatnot.

126 Mr. Larrow asked if Mr. Trow had had the opportunity to look into the EPA Regulations to operate such
127 a business. Mr. Jeremy Trow's wife explained that she had previously worked at DOT and managed the
128 safety and environmental coordination for all the State sheds, including mechanical services. Though
129 her license has lapsed, she was a hazardous waste coordinator and is familiar with EPA and DES
130 regulations. Mrs. Trow said that she has already contacted DES, and has a packet of information,
131 regarding what type of containment they will need, and what types of regulations they will be looking
132 at. Mrs. Trow continued that the DES is mainly concerned with the used oil and how it will be stored
133 and disposed of; they are also concerned with anti-freeze; and fluorescent light bulbs; and that they do
134 not plan on having any other hazardous materials.

135 Mr. Platt said that he is concerned with the lack of information the applicant has given the Board to look
136 at as it is in the Shoreland; will they increase the parking area, etc. Mr. Trow said that it is a four acre
137 parcel and they are currently working on about two acres. At any given time he can have four to six
138 vehicles around the mill and he can take a tractor trailer in without any problems. Mr. Platt said that
139 there can be a problem if there is no record of things. Chairman Frothingham said that it could be

140 approved on the condition that they bring a detailed drawing to Mr. Landry. Mr. Simpson said that they
141 should have the detailed drawing available for the Board's review.

142 Chairman Frothingham asked if the applicant would be willing to postpone the hearing until next month
143 to allow them time to create a drawing for the Board. Mr. Trow said that his lot was always in the
144 Commercial District, before things were redistricted, but that over the years the Commercial Zone now
145 stops at North Rd. Chairman Frothingham recommended coming back to the Board with all the
146 information regarding the Use of the property, from the number of employees, to the parking, etc. so
147 they have everything they want included and don't have to come back for anything. Mr. Platt said that
148 the way the customers will enter the property is something he really wants to see, whether it be over
149 the bridge from Lower Main or from West Court Rd. Chairman Frothingham said that they should
150 consider what they want for signage as well. Mr. Schneider said that they will also need to see the plans
151 for the hazardous and toxic materials storage and disposal. Mr. Trow agreed to continue the hearing
152 until the August 8th meeting. Mr. Simpson also cautioned Mr. Trow that many of the reasons that he put
153 for reasons the Board should allow the Variance are not reasons that they can accept. Mr. Simpson said
154 that Mr. Trow should talk to Mr. Landry regarding readdressing the application.

155 Mr. Simpson made a motion to continue the application until the August 8th meeting as requested by
156 the applicant. Dick Katz seconded the motion. The motion passed unanimously.

157 **CASE # 13-19: PARCEL ID: 0112-0013-0000: SEEKING A SPECIAL EXCEPTION AS PER, ARTICLE III,**
158 **SECTION 3.50-I TO ALLOW A PRE-EXISTING NON-CONFORMING STRUCTURE TO BE REPLACED IN LIKE**
159 **KIND WITH A HIGHER ROOF LINE. WOODLAND POINT, LLC, 58 WOODLAND RD**

160 Mr. Platt recused himself from the hearing.

161 Aaron Simpson made a motion to allow the Alternate, William Larrow, to sit for Clayton Platt. Daniel
162 Schneider seconded the motion. The motion passed unanimously.

163 Mr. Schneider said that he is a neighbor, though not an abutter, of the applicants but he does not
164 believe it is necessary to recuse himself from the hearing.

165 Peter White presented the case on behalf of Mark & Kristen Begor, owners of Woodland Point, LLC. Mr.
166 White gave a letter from the Begor's granting him permission to speak on their behalf.

167 Mr. White presented some new drawings for the garage as they had a last minute revision to Page A-1.
168 The change was to the height of the garage as the previous drawing showed a height of 21' and the
169 revision changes the height to 22'.

170 Mr. White explained that the current garage is 22' x 28' and the roofline is approximately 12' 8" off the
171 ground. The owners plan on keeping the existing slab there and are rebuilding the garage on the same
172 footprint with a higher roofline. This is so it will have a higher garage door to facilitate boat storage.
173 There is no second floor, no plumbing, and will just have electricity. They do not need a State Permit for
174 the project as it is in a pre-existing footprint.

175 Mr. White read the Ordinance: Article III, Section 3.50-i to the Board and explained how the application
176 complies with the Ordinance. They are changing the roofline of a garage and the height will be 22'.

177 Mr. Landry said that he has not received any comments or questions from abutters.

178 Mr. Simpson asked if there was a Plan showing the whole property. Mr. White said that he believes that
179 they did a survey for the whole front but that he does not believe they were required to do a survey of
180 the whole property. Mr. Simpson explained that he was just interested in seeing how the project fit in
181 with the rest of the property.

182 Mr. Simpson asked Mr. White how far the structure is from the Lake. Mr. White said that he does not
183 know because it is an existing structure and it was a road front setback they were dealing with. There
184 are not any State Permits to deal with because they are not doing any excavation and they are staying
185 within the same footprint.

186 Dick Katz made a motion to approve Case # 13-19: Parcel ID: 0112-0013-0000: Seeking a Special
187 Exception as per, Article III, Section 3.50-i to allow a pre-existing non-conforming structure to be
188 replaced in like kind with a higher roof line, Woodland Point, LLC, 58 Woodland Rd., as per drawing.
189 Daniel Schneider seconded the motion. The motion passed unanimously.

190 There was a discussion with Mr. White regarding the definition of a structure and the difference
191 between a patio and concrete pad.

192 **CASE # 13-20: PARCEL ID: 0148-0011-0000: SEEKING A SPECIAL EXCEPTION AS PER ARTICLE III,**
193 **SECTION 3.50-B TO ALLOW CONSTRUCTION OF A GARAGE 36 ½ FT FROM THE CENTER LINE OF THE**
194 **ROAD. ERIC HORSLEY, 126 HAMEL RD**

195 Doug Gamsby of CLD Engineers presented the case. Mr. Gamsby explained that they have had a minor
196 change on their Plan, they have changed from a four chamber septic tank to a three chamber tank. Mr.
197 Landry advised the Board that the septic has no bearing on the case.

198 Mr. Gamsby presented a Plan of the proposal to the Board. Mr. Gamsby explained that they are looking
199 to add a 16' x 26' garage to an existing structure. The existing structure is within the 50' setback and the
200 garage is proposed to be 36' 6". Mr. Simpson asked if there is anything in the location of the garage and
201 Mr. Gamsby said that there is not and explained more about the Plan. The current garage is going to be
202 turned into living space and then they have to change around the septic. The new garage / workshop
203 will then be on the other side of the house.

204 Mr. Gamsby explained that there will be no increase in septic usage or bedrooms; they will be using the
205 existing garage space as a kitchen.

206 Mr. Larrow asked how far the existing garage is from the center of the road. Mr. Simpson said that it
207 appears it is less than 50', and is probably closer to 40'. Mr. Landry explained that the applicants are
208 using the house next door's footprint setback as a neighborhood example and that they will be further
209 back from the centerline of the road than the neighbor's house. Part of the Ordinance for the Special

210 Exception includes the provision that there has to be another property on the side of the road and
211 within 500' either side of the subject lot with a structure of equal or greater type which does not meet
212 front setbacks. Mr. Gamsby presented a copy of a Tax Map showing the properties on either side of the
213 subject property that are within the setback.

214 Mr. Simpson asked why the case wasn't being heard as a Variance and Mr. Landry explained that a
215 Special Exception is allowed from the front setback if it can be proven that there is an equal type house
216 or garage within the setback within 500' on the same side of the road. This application meets the
217 criteria with the house next door. There was a discussion whether just one structure is needed as a
218 comparison or if it is the majority. Mr. Simpson read the Ordinance which states that the majority of the
219 lots on the same side of the road.

220 Mr. Landry asked if the applicants had received DES approval and Mr. Gamsby explained they have not
221 received it yet and the reviewer is on vacation.

222 Chairman Frothingham asked about the impervious surface of the lot if the garage is approved. Mr.
223 Gamsby explained that the proposed impervious lot coverage is 23.6% and the combined pervious and
224 impervious will be 27.6% which is less than the 50% allowance.

225 Mr. Simpson asked if there is a hot tub on the lot already and it was confirmed that it was approved a
226 few years ago and is just being turned 90 degrees and is 43' from the Lake.

227 Mr. Platt said that by his count there are nine lots within 500 feet of the property and three of them
228 have garages that are within 50' of the setback. Reading the regulation, there needs to be a majority of
229 the houses, and this is not enough for a Special Exception. Mr. Gamsby said that he does believe he has
230 a majority and he did not go 500' on the Map. Mr. Simpson said that there are two structures on one
231 side and one on the other on the presented Tax Map that are examples that can be used.

232 Mr. Schneider asked how tall the garage will be and Mr. Gamsby explained that it is around 22', no
233 higher than the existing building. The Board was presented with elevation Plans for their review.

234 Mr. Platt said that his feeling is that they do not meet the criteria for a Special Exception based on what
235 has been presented. He suggested giving the applicant the opportunity to bring back another Map
236 showing properties that are within the proposed setback and are within 500' of the subject property.
237 Mr. Simpson agreed that Criteria 2 and 3 do not seem to be satisfied. Mr. Schneider said that he would
238 also like to see what conditions are given in the Shoreland Permit from DES and suggested tabling the
239 hearing until the next hearing. Mr. Simpson said he wants to know for each lot what the measurement
240 is from the center line. The applicants agreed to continue the hearing until the August 8th meeting.

241 Aaron Simpson made a motion to continue the hearing until the August 8th meeting. Dick Katz seconded
242 the motion. The motion passed unanimously.

243 **CASE # 13-21: PARCEL ID: 0106-0021-0000: SEEKING A VARIANCE OF ARTICLE V, SECTION 5.31 TO**
244 **ALLOW A SIGN (TEMPORARY BANNER) OF 60 SQ FT ADVERTISING SUNAPEE COVE, LLC. HK SUNAPEE**
245 **COVE, LLC, 1250 ROUTE 11, GEORGES MILLS**

246 Bob Batson, the construction manager for HallKeen Management, and Ron Andrews, the executive
247 director of the assisted living center, presented the case.

248 Mr. Batson explained that they are hoping to start construction within the next 30 days and they want
249 to inform the public that they are going to be opening soon. Mr. Batson continued that they would like
250 to put the banner up to advertise that they are opening Fall of 2013.

251 Mr. Schneider asked if this is just going to be one sign, facing Route 11. Mr. Batson confirmed that this
252 is just a temporary banner on the front of the building. Mr. Landry said they also have a double sided
253 sign on Route 11 that basically says the same thing and they are adding a large banner.

254 Mr. Katz asked about the width of the building. Mr. Batson gave a scale drawing to the Board and said
255 that he does not have the exact width but he estimates it to be about 160 feet. Mr. Simpson asked
256 and Mr. Batson confirmed that he is looking to more than double the square footage allowance of the
257 Sign Ordinance. Mr. Batson continued that it is only going to be temporary. There was a discussion
258 regarding the Sign Ordinance.

259 Mr. Landry asked for a start date and end date for the temporary banner going up and coming down.
260 Mr. Batson said that he would look for no longer than 6 months, and it would probably come down by
261 the end of November, depending on when they put it up. Ms. Andrews said that they would like it to
262 get up as soon as possible.

263 Peter White, Chairman of the Planning Board, asked if the banner will be lit. Mr. Batson said it will not
264 be lit, it will just be a temporary vinyl banner hung on the building. Mr. Landry explained that he will be
265 talking with Michael Marquise, the Town Planner, in regards to whether he feels this should go to the
266 Planning Board next.

267 Mr. Schneider asked how there is such a thing as a temporary Variance as he thought it ran with the
268 property. Mr. Landry explained that Variance or Special Exceptions last for one year unless the applicant
269 applies for a Building Permit, otherwise the Variance or Special Exception require a one year extension.

270 Mr. Simpson asked if there will be any other promotional materials advertising outside the building. Ms.
271 Andrews said that there will be a "Now Leasing" flag. Mr. Landry said that the Town has never said
272 anything about flags. There was a discussion regarding this issue.

273 Dick Katz made a motion to approve Case # 13-21, Parcel ID: 0106-0021-0000, seeking a Variance of
274 Article v, Section 5.31 to allow a sign (temporary banner) of 60 sq ft advertising Sunapee Cove, LLC, HK
275 Sunapee Cove, LLC, 1250 Route 11, Georges Mills, subject that the sign will be removed by the end of
276 2013 and will not be lit. Clayton Platt seconded the motion. The motion passed with four in favor and
277 on abstention (Aaron Simpson).

278 **CASE # 13-22: PARCEL ID: 0133-0093-0000: SEEKING A VARIANCE OF ARTICLE V, SECTION 5.31 TO**
279 **INCREASE ALLOWED SIGNAGE FROM 24 SQ FT PER SIDE TO 48 SQ FT. SOO-NIPI REALTY TRUST, LLC, 36**
280 **RIVER RD**

281 John Quackenbos, owner of Quacks, presented the case. Mr. Quackenbos explained that he wants to
282 put up seasonal signs on his building to promote the business and attract more customers. Mr.
283 Quackenbos said that his business is in the Village Commercial and the buildings around him also have
284 signs.

285 Mr. Simpson asked if there were signs already on the building. Mr. Quackenbos explained that he does
286 already have signs, one is 2' x 5', and the other is 2' x 12' on the top of the building. Chairman
287 Frothingham asked if this sign would be replacing either of the other signs. Mr. Quackenbos said that
288 they will not.

289 Mr. Quackenbos said that the new signage will be seasonal and are to promote what they offer to try
290 and get more people to go to the business. Mr. Schneider asked about the typical vehicle speed in the
291 Harbor in the summer as well as the pedestrian traffic. Mr. Quackenbos said the traffic is very slow. Mr.
292 Schneider said that with slow traffic, it would be highly unlikely that the building would not be noticed.
293 Mr. Quackenbos said that it is difficult to get traffic to that side of the street as the pedestrians are on
294 the walkway across the street or along the brick path and if they cannot tell what they have, they won't
295 come over. Mr. Schneider suggested that Mr. Quackenbos does not need a bigger sign but a more
296 effective sign.

297 Mr. Schneider said that he feels as though if he gets approved for a bigger sign, the Anchorage and other
298 businesses will want bigger signs. Mr. Quackenbos said that the Anchorage already has banners in front
299 of their building which he was told they have permits for. They also have sandwich boards they use that
300 he is not sure are permitted. Mr. Landry said that sandwich boards are allowed without a permit to
301 advertise a specialty. Mr. Quackenbos said that he was told that he could have temporary sandwich
302 boards but the Anchorage has them daily which does not seem temporary.

303 Mr. Quackenbos explained about why he feels he needs the signs as this would be a way to help
304 promote his business. He had the signs up for a short amount of time, not knowing he was breaking the
305 rules, and he feels like they made a difference while they were up.

306 Mr. Schneider said that he feels that a big banner on a small building will look bad. Mr. Katz said that
307 there is nothing close to signage of this intensity anywhere else in the harbor. He thinks that it is out of
308 keeping with the look of the harbor. Mr. Simpson said that the Anchorage does have big signs. Mr.
309 Quackenbos said that the Anchorage has two big vinyl banners on the front of their building. Mr.
310 Schneider said that he assumes the Anchorage is in compliance. Mr. Landry said that they may not be
311 but it is pre-existing.

312 Mr. Simpson asked if the square footage amount is including the two existing signs. There was a
313 discussion regarding how much square footage is allowed in the Village Commercial District.

314 Mr. Larrow asked if there is anything the Board can look at for what the sign will be. Mr. Quackenbos
315 showed the picture of the building with the banners on it.

316 Mr. Simpson asked about the other stores, besides the Anchorage, that Mr. Quackenbos referred to
317 when he said they had signs that exceed the Ordinance. Mr. Quackenbos said that he asked Mr. Landry
318 about signs that are inside buildings and was told that they are considered the same way. Marzelli's has
319 signs hanging inside the windows that advertise products they offer.

320 Mr. Landry said that the Signage requirements for that District, at one time it was 96 sq ft and it has
321 been reduced to 48 sq ft. It is almost impossible to keep track of what signs were permitted and what
322 were not and what is grandfathered. Mr. Landry suggested working with the Planning Board to work
323 out a good sign program.

324 Mr. Quackenbos said that he is looking for a way to make his business more noticeable and attract
325 customers. He has a seasonal business and needs to be able to generate more business. Mr.
326 Quackenbos said that he wants the Harbor to succeed and the businesses to thrive and he feels that
327 competition is needed for that. Mr. Schneider asked if this means that Mr. Quackenbos feels that more
328 signs will attract more people to the Harbor. Mr. Quackenbos denied this and said that more variety in
329 the Harbor makes more people want to go to there. Mr. Quackenbos said that a lot of his business is
330 from day trippers who are new to the Harbor and the Anchorage is obviously a sit-down restaurant. If
331 they don't come all the way into the Harbor then they don't see him, but with the signs they can see him
332 better.

333 Chairman Frothingham asked if there were any other comments from the Board. Mr. Platt said that he
334 feels as though there is a difference between a temporary banner and a sign and he does not think that
335 the proposal is out of character with the neighborhood. Mr. Simpson said that he feels as though the
336 proposed use does not diminish the surrounding property values because the other properties in the
337 neighborhood are commercial. Mr. Landry asked if the banner will be lit and Mr. Quackenbos explained
338 that there is already down lighting on the building. Mr. Platt said that if they approve the application, he
339 would like to see it approved only for the current business. Mr. Landry said that a limit may also be put
340 on the approval to have Mr. Quackenbos come back next year. Mr. Schneider asked if an approval will
341 then go to the Planning Board and Mr. Landry explained that he will talk to Mr. Marquise about this case
342 as well if it is approved.

343 Mr. Simpson discussed the criteria for the Variance as in regards to if the proposal is contrary to public
344 interest, he feels that the banner will not change the character of the neighborhood. Mr. Simpson
345 continued that it will not threaten the public health or safety. Mr. Schneider said that he does not agree
346 that it will not change the character of the neighborhood. Mr. Katz said that he disagrees as well. Mr.
347 Quackenbos stated that he has a trailer home on the lot next to him said that he does not feel as though
348 his banners detract from that.

349 Mr. Simpson continued with the criteria and went on to how denial of the permit would result in
350 unnecessary hardship. Mr. Simpson said that he believes Mr. Quackenbos has some points with all the
351 businesses in the Harbor being on the other side of the street.

352 Mr. Schneider asked what the Board will do if all the other businesses want bigger signs. Mr. Platt
353 recommended taking them on a case by case basis the same way they would process any Variance. Mr.

354 Schneider said it will end up looking like Coney Island. Mr. Simpson said they are looking at approving
355 him for this year. Mr. Platt said that the Anchorage already has banners on the building. Mr. Simpson
356 said that the substantial justice issue is that if it is consistent with the area's present use and there are
357 banners on the Anchorage.

358 In regards to if it is contrary to the spirit of the Ordinance, Mr. Simpson said he understands where Mr.
359 Schneider and Mr. Katz but he does not believe it is contrary. This is the commercial area in the Town of
360 Sunapee and is geared towards the summer season. Mr. Simpson said that he believes that it meets all
361 of the conditions needed to receive a Variance.

362 Chairman Frothingham asked if the Board was going to look to approve this for only one year or more.
363 Mr. Quackenbos said that they close the Monday of Labor Day weekend and the banner will come down
364 that day. Chairman Frothingham said that he believes it would be fair to grant the Variance for the
365 remainder of the season to allow the Board to straighten out the Sign Ordinance.

366 Mr. Simpson asked if all the other banners have been approved by the Zoning Board at one time. Mr.
367 Landry said that it could have at one time gone back to when 96 sq ft were allowed or to a time even
368 before that. Mr. Landry said that there are signs that are pre-existing, such as the lighted Pizza Market
369 sign, which would not be allowed now.

370 Mr. White, who is the chair of the Planning Board, gave some history to the change in the sign square
371 footage in the Harbor. The reason for the change from 96 sq ft to 48 sq ft is that there was a design
372 charrette done a few years ago with a State Planner, which included Lower Main, the Harbor House
373 Livery, the Harbor, the River Walk, etc. Based on the latest Master Plan survey that was sent to the
374 residents of Sunapee, everybody really liked the small town, village feel of Sunapee, especially in the
375 Harbor. Mr. Simpson said that there is no law that says that the Town has to follow the Master Plan.
376 Mr. White agreed but said that it is a good guide to follow and that it is a tool to base the laws on and
377 you can't have Zoning without one. Mr. Landry agreed that the Master Plan is a guide but asked if when
378 the survey for signs was done, it was done in the middle of the summer season. Mr. White said that the
379 whole point was that they did not want the scenario that Mr. Schneider is talking about to happen.
380 They felt that the signs that were down there were enough, however, pre-existing conditions can never
381 be taken away. That does not mean that just because someone else wants to do it that they should
382 approve it if the Board does not feel it is appropriate, nor does it mean that they have a right to do it.
383 Chairman Frothingham asked if there was ever any discussion allowing signs similar to the proposed sign
384 but only for the summer season. Mr. White said that they did not discuss it but that is why they go over
385 the proposed changes every fall as most of the changes come from the Zoning Board. There was further
386 discussion regarding this matter.

387 Aaron Simpson made a motion to close the meeting to public comment and to approve Case # 13-22,
388 Parcel ID: 0133-0093-0000, seeking a Variance of Article V, Section 5.31 to increase allowed signage
389 from 34 sq ft to 82 sq ft. for Soo-nipi Realty Trust, LLC, 36 River Rd on the condition that this approval is
390 good until the end of Labor Day, 2013. Clayton Platt seconded the motion. The motion passed with

391 three in favor (Edward Frothingham, Aaron Simpson, and Clayon Platt) and two opposed (Daniel
392 Schneider and Dick Katz).

393 **NEW BUSINESS**

394 Chairman Frothingham said that with the possible changes they would like to bring to the Planning
395 Board, he would like to have a meeting to discuss the verbiage of changes and have a working session.
396 Mr. Landry said that perhaps the next month the Zoning and Planning Boards could meet to discuss the
397 proposed changes. There was a discussion regarding the need for public hearings and such. Mr. White
398 said that he believes they are going to initiate the public meetings a little earlier this year.

399 Clayton Platt made a motion to adjourn the meeting at 9:08 pm. Daniel Schneider seconded the motion.
400 The motion was approved unanimously.

401 Respectfully submitted,

402 Melissa Pollari

403

404 _____

405 Edward Frothingham

_____ Aaron Simpson

406 _____

407 Dick Katz

_____ Clayton Platt

408 _____

409 Daniel Schneider

_____ William Larrow, alternate member