

1 **TOWN OF SUNAPEE**

2 **ZONING BOARD**

3 **OCTOBER 11, 2012**

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

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

7 **ALSO PRESENT:** See Attached Sign-In Sheet

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

9 Chairman Frothingham appointed Mr. Larrow to sit as a full member of the Board for the meeting.

10 Changes to the minutes from the September 13, 2012 meeting:

11 Aaron Simpson made a motion to approve the minutes as presented. Dick Katz seconded the motion.
12 The motion passed unanimously.

13 **CASE #12-20 – PARCEL ID# 0133-0062-0000: VARIANCE OF ARTICLE III, SECTION 3.10. SEEKING RELIEF**
14 **TO REDUCE SIDE SETBACK FROM 10' TO 7' TO ACCOMMODATE CONSTRUCTION OF A NEW GARAGE.**
15 **STEPHEN D'ANGELO, 4 QUARRY RD.**

16 Doug Gamsby from CLD Engineers presented the case. Mr. Gamsby explained that they are proposing to
17 build a 28' x 32' garage that will be 3' over the side setback. The use of the garage will be for vehicle
18 storage and the loft above will be for general storage.

19 Mr. Gamsby presented drawings for the proposed garage and explained the placement of the garage.
20 They are seeking a variance because the property line runs at an angle. They are seeking relief for about
21 the first fourteen or fifteen feet of the structure before the property line fades away enough to meet
22 the setback requirement. It was confirmed that the scale for the drawing is that 1" is equal to 10'.

23 Mr. Simpson asked why the plan says "Approximate Property Line" and it was explained that the
24 drawings were done from a recorded Plan and, though Mr. Gamsby is not a licensed surveyor, they did
25 find all the monuments, but it is difficult to say it is the actual property line if the pipes were modified at
26 all. Chairman Frothingham said that he feels as though the applicant should get a survey to ensure that
27 the lines are all accurate. Mr. D'Angelo asked what a licensed surveyor would do differently as they did
28 locate the pins and there is a recorded survey on the boundary between his lot and the Harborside
29 Condominiums lot. Mr. Platt said that the Regulations tend to explain when a survey is needed and in
30 the past he thinks that the Board has accepted this kind of Plan. He also verified that the Harborside
31 Condominiums have been surveyed at least twice by a licensed land surveyor. Mr. Gamsby presented a
32 partial copy of the Plan referenced on the proposed Plan and also showed two surveys that Cliff Richer
33 did on the Harborside Condominiums.

34 Mr. Simpson asked about the Easement on the Harborside Condominium property. Mr. Gamsby
35 explained that it is a 5' wide pedestrian easement and on the proposed Plan, he had made a mistake and
36 confused it with something else. Mr. Gamsby presented the deed which refers to the Easement. There
37 was a discussion regarding the differences between rebar and pipes in the survey and the proposed
38 Plan.

39 Mr. Platt suggested that they proceed with the application. Mr. Simpson said that he has some issues
40 with the proposed Plan, namely the Easement is shown wrong and there is a difference between a pipe
41 and a pin and it should be correct.

42 Mr. Platt asked why a 24' garage would not be suitable as it is a standard size and they wouldn't need a
43 Zoning Variance. Mr. D'Angelo explained that he has a lot of things that need to be stored and he would
44 like the space. Also, there is a staircase on one side that prevents him from doing certain things, and if
45 he hit ledge or rock when building, he could shrink the garage a bit if needed and still have it closer to
46 the property line.

47 Mr. Simpson asked if a new driveway would be constructed. Mr. D'Angelo explained that the driveway
48 will remain the same and Mr. Gamsby added that it will be shifted to hit the far corner of the garage, as
49 it is shown on the Plan.

50 Mr. D'Angelo explained to the Board that the proposed Plan meets all the other setbacks including the
51 front setback and the Shoreland setback.

52 Mr. Simpson asked why the garage has to go in the indicated area. Mr. Gamsby explained that there is
53 no other place to put the garage. The lot is steeper on the other side and there is significant drainage
54 that goes down that side. If they moved it farther from the house, they would be dealing with the road
55 and Shoreland setbacks. Mr. Simpson asked why the structure couldn't be cocked on the site. Mr.
56 D'Angelo explained that it wouldn't look good aesthetically and that it would be more difficult when
57 backing out of the garage.

58 Chairman Frothingham asked about the existing drainage channel on the back corner that has a 12'
59 culvert that dumps into it. Chairman Frothingham noted that it appears as though they are rerouting
60 the channel and asked why the garage couldn't be moved further back onto the property. Mr. Gamsby
61 explained that there would be grade issues as the land drops off and then the hill goes up.

62 Chairman Frothingham asked for the feelings from the Board regarding the need for a survey. Mr. Katz
63 said that he does not see the need for a survey. Mr. Larrow said that he does not feel like this situation
64 warrants the need for a survey. Mr. Platt agreed. Mr. Simpson said that he is concerned with the
65 inaccuracies on the drawing. There was a discussion regarding continuing with the case and putting a
66 condition on an acceptance that the applicants get a survey to verify that boundary line before obtaining
67 a building permit.

68 Mr. Platt asked why the garage can't be smaller. Mr. D'Angelo said that he is not against making the
69 garage smaller, but what he is trying to do is to ensure that when he starts excavating that he has the

70 option to move the garage closer to the property line if needed. Mr. Platt said that the applicant needs
71 to show some kind of hardship related to the property that would be requiring the Variance. Mr.
72 D'Angelo explained that he would also like to be able to keep the garage a minimum of 3' away from the
73 stairway to prevent the roofline from creating a hazard on the stairs in the winter.

74 Mr. Simpson asked and Mr. D'Angelo confirmed that the condominiums across the street do not meet
75 setbacks. Mr. Gamsby presented the tax map of the area showing the condominiums across the street.
76 Mr. D'Angelo also pointed out that the Harborside Condominiums sit very close to the Sunapee Harbor
77 Cottages property on their other side. There was a brief discussion about the property being in the
78 Residential Zone and the setbacks in that Zone.

79 Mr. D'Angelo explained that he is going to try and take down as few trees as possible and that he wants
80 to keep the impact as little as possible.

81 Shane McMahon of 10 Quarry Rd. was in attendance as an abutter. Mr. McMahon said that there are a
82 lot of properties in their neighborhood with buildings built close to the property lines and he does not
83 see a problem with the proposed garage.

84 Mr. D'Angelo pointed out to the Board the changes that he has made to the property since he
85 purchased it. He explained that he has put in a lot of time and money into the building and it has
86 benefited the neighborhood. He stated that he will make sure that aesthetically, the structure blends
87 with the home and is not an intrusion to the neighborhood.

88 Chairman Frothingham closed the meeting to public comments.

89 Mr. Larrow asked and it was confirmed that the property is in the Residential Zone.

90 Mr. Platt said that he is uncomfortable with the size of the garage and that it might not be built
91 according to the Plans. Mr. Larrow agreed that if the Board is going to approve a Variance that they
92 ought to know what they are approving.

93 Chairman Frothingham said that he believes the Board has given many Variances in this area and along
94 Lake Ave for this type of project, and some have been even closer to the property lines. Chairman
95 Frothingham said that he feels that the applicant has explained that he wants to do a 28' garage but if
96 he runs into ledge or problems near the stairs that he would then need to make the garage smaller but
97 would still be in the setback and that he feels like giving the applicant relief is reasonable.

98 Mr. Larrow asked if the five criteria have been satisfied. Chairman Frothingham went over the criteria
99 the applicant gave in his application. The proposal will not diminish surrounding property values
100 because there are other surrounding properties that are within the front and side setbacks; proposed
101 garage will be aesthetically pleasing. Granting a Variance will not be contrary to the public interest
102 because the property will have a less cluttered appearance to the neighborhood. Denial of the Variance
103 will result in unnecessary hardship for the following: currently vehicles are stored outside. Mr. Simpson
104 interjected that this is not a hardship to the property. Chairman Frothingham continued with the
105 hardships the applicant listed: No structures close to the property line, so no fire hazard to abutters; it

106 will not injure public or private rights of others as the side property line abuts private pedestrian right of
107 way. Granting the Variance would do substantial justice because the owner would be able to store
108 boats, vehicles, and miscellaneous items out of sight. The use is not contrary to the spirit of the
109 Ordinance because the property would look less cluttered without vehicles and boats parked and stored
110 outside under tarps; it would clean up the appearance of the house and the neighborhood.

111 Mr. Platt said that he feels as though at 24' garage, perhaps with a jog in the back, would accomplish the
112 same thing and still meet the Zoning setback. Mr. Katz said that he does not have a problem with this
113 application at all as he understands the desire for a big garage. Mr. Larrow said that if you look at the
114 Lake Ave. situation, it is not an unreasonable request but the emphasis needs to be on the survey so
115 they are not granting something other than the Variance requested. Mr. Simpson said that based upon
116 what is on paper, he does not see a hardship, but based upon what he has heard, he does. Mr. Larrow
117 asked and the Board agreed that they are convinced that the property and the land has created the
118 hardship though the applicant may have written the wrong information. Mr. Simpson said that he
119 believes the applicants have substantiated a hardship argument.

120 Dick Katz made a motion to approve Case 12-20, Parcel 0133-0062-0000; seeking a Variance from Article
121 III Section 3.10, seeking relief to reduce side setbacks from 10' to 7' to accommodate construction of a
122 new garage, Stephen D'Angelo, 4 Quarry Rd. with the stipulation that to obtain a building permit, he
123 must have a licensed land surveyor certify that the garage will be less than 7' from the boundary line
124 and that the hardship is the use of the property. The motion was seconded by William Larrow. The
125 motion passed with three in favor (Chairman Frothingham, Dick Katz, and William Larrow) and two
126 opposed (Clayton Platt and Aaron Simpson).

127 **REVIEW AND DISCUSS ANY SUGGESTED CHANGES TO THE ZONING REGULATIONS FOR 2013**

128 Chairman Frothingham asked if anyone had a chance to look over the changes to the Zoning
129 Regulations. Mr. Platt said they looked like things that Mr. Landry has to deal with often and they
130 probably make sense though he is not quite sure about the Zoning Districts part.

131 Chairman Frothingham said that he has a question regarding the change on page 4 regarding the
132 definition of a rain gardens. Mr. Larrow said he did not like this change. Mr. Simpson asked if federal
133 law requires drainage to be in place. Mr. Platt confirmed that it is a State law unless there are EPA
134 permits. Mr. Simpson asked what the point of defining a rain garden is unless it is in the Zoning
135 Ordinance. Chairman Frothingham said that that the definition is informative. There was further
136 discussion regarding defining a rain garden.

137 The meeting was adjourned at 8:05 PM

138 Respectfully submitted,

139 Melissa Pollari

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143 Edward Frothingham

Aaron Simpson

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145 Dick Katz

Clayton Platt

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147 Daniel Schneider

William Larrow