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**TOWN OF SUNAPEE
ZONING BOARD OF ADJUSTMENT
MINUTES
SEPTEMBER 4, 2025, 6:30 p.m.
SUNAPEE TOWN MEETING ROOM**

Members present in the meeting room: Jeff Claus, Pierre Lessard, Chris Murphy, John Quackenbos

Members absent: David Andrews, Elliott Pratt, Jamie Silverstein, Jim Lyons

Also present in the meeting room: Allyson Traeger, Land Use Administrator

Chair Claus called the meeting to order at 6:31 p.m. and reviewed the general procedure that will be followed during the meeting.

CONTINUED CASES

Case #VA 25-4 Parcel ID 0104-0068-0000 on behalf of Kenneth & Jill Brennan, 16 Springfield Road, a GM Village Commercial District, requesting a **VARIANCE** from Article III, Section 3.40(c) to construct a 300-sq. ft raised platform and hot tub within the 50' water bodies setback.

DECISION: The variance request was denied.

DISCUSSION:

Chair Claus read the case into the record.

Ms. Traeger reported this case was continued so the applicants could meet with her to obtain more information and to review their options. She has since received updated plans.

Ken and Jill Brennan, and Matt Labelle, contractor, appeared before the Board to discuss this request. Mr. Brennan described the proposed replacement of the patio with a deck and their reasons for wanting to do so. The Board explained the difference in requirements for a deck and a patio, noting that a deck is a structure. They also discussed at length the hardship requirement and whether this property could meet it.

Mr. Brennan reviewed the variance criteria.

Chair Claus opened public comment.

Thomas Rose of Rose Contracting and Design asked about building a floating platform that would not be considered a permanent structure. Ms. Traeger explained a temporary structure must be moved within 90 days.

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Chair Claus closed public comment and the Board began deliberation.

The Board discussed whether this application meets the hardship criteria and agreed it did not.

Mr. Quackenbos made a motion in Case #VA 25-4 Parcel ID 0104-0068-0000 on behalf of Kenneth & Jill Brennan, 16 Springfield Road, a GM Village Commercial District, to deny the request for a VARIANCE from Article III, Section 3.40(c) to construct a 300 sq. ft raised platform and hot tub within the 50' water bodies setback. Mr. Murphy seconded the motion.

Mr. Claus voted to deny as it does not meet the hardship and spirit of the ordinance criteria. Mr. Murphy voted to deny as it does not meet the hardship criteria, and substantial justice and spirit of the ordinance are questionable. Mr. Quackenbos and Mr. Lessard voted to deny for the same reasons.

The motion carried 4-0-0.

NEW CASES

Case #SED 25-3 Parcel ID 0124-0030-0000 on behalf of Frank M. Ward III & Kathleen M. Ryan, 43 Piney Point Road, a Rural Residential District, requesting a SPECIAL EXCEPTION from Article III, Section 3.50(i) to allow a pre-existing non-conforming house and garage to undergo vertical expansion.

DECISION: The request for a special exception was approved.

DISCUSSION:

Chair Claus read the case into the record.

Frank Ward appeared before the Board telephonically to present this request to vertically expand a pre-existing non-conforming house and garage on a non-conforming lot. He described the details of the project and the property.

Ms. Traeger noted that she received a letter of support from an abutter.

Mr. Ward reviewed the special exception criteria.

The Board questioned the measurements of the proposed extension and recommended the house be surveyed before construction. Ms. Traeger said she would require an as-built after the project is complete, which would confirm the elevation and height.

Chair Claus opened public comment; there was none.

Chair Claus closed public comment and the Board began deliberation.

Mr. Murphy made a motion in Case #SED 25-3 Parcel ID 0124-0030-0000 on behalf of Frank M. Ward III & Kathleen M. Ryan, 43 Piney Point Road, a Rural Residential District, to approve the request for a

91 **SPECIAL EXCEPTION** from Article III, Section 3.50(i) to allow a pre-existing non-conforming house and
92 garage to undergo vertical expansion.
93

94 Mr. Murphy amended the motion to add that the approval is conditioned to a height restriction no
95 higher than 32' 3" to the proposed expansion. Mr. White seconded the motion. The motion carried 4-
96 0-0.
97

98 Mr. Ward complimented Ms. Traeger on her work and the outstanding customer service she provides.
99

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100
101 **Case #VA 25-5 Parcel ID 0128-0056-0000** on behalf of BMP Property Realty Trust, Dong Shen & Lisa U.
102 Shen, 81 Lake Avenue, a Residential District, requesting a **VARIANCE** from Article III, Section 3.10 to
103 reduce the 10-foot side setback to 6 feet for the expansion of an existing deck.
104

105 **DECISION:** The request for a variance was denied.
106

107 **DISCUSSION:**
108

109 Chair Claus read the case into the record.
110

111 Ms. Traeger noted this is a pre-existing non-conforming lot.
112

113 Thomas Rose of Rose Contracting and Design appeared before the Board to describe this proposal to
114 expand an existing deck. He is replacing a wooden retaining wall and stairs with concrete, and then
115 building stairs that will meet code, which requires reduction of the setback. He also noted the location
116 of utilities, and a door and window that impact the location of the stairs.
117

118 Mr. Rose reviewed the variance criteria.
119

120 The Board questioned the location of the 50-foot setback and recommended a survey be done to
121 establish this.
122

123 Chair Claus opened public comment; there was none.
124

124 Chair Claus closed public comment and the Board began deliberation.
125

126 The Board discussed whether a different configuration of the stairs would avoid encroachment.
127

128 Chair Claus reopened public comment for the Board to ask the applicant clarifying questions.
129

129 Chair Claus closed public comment again and the Board began deliberation.
130

131 The Board discussed whether this case meets the hardship criteria.
132

133 **Mr. Quackenbos made a motion in Case #VA 25-5 Parcel ID 0128-0056-0000** on behalf of BMP
134 **Property Realty Trust, Dong Shen & Lisa U. Shen, 81 Lake Avenue, a Residential District, to deny the**

135 request for a VARIANCE from Article III, Section 3.10 to reduce the 10-foot side setback to 6 feet for
136 the expansion of an existing deck. Mr. Murphy seconded the motion.

137
138 Mr. Claus voted in favor of denial as the hardship criteria is not met. Mr. Quackenbos voted in favor of
139 denial as the hardship criteria is not met. Mr. Quackenbos voted in favor of denial as the application is
140 not in the spirit of the ordinance and no hardship is demonstrated. Mr. Lessard voted in favor of
141 denial as the hardship criteria is not met.

142
143 The motion carried 4-0-0.

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145

146 Case #VA 25-6 Parcel ID 0147-0065-0000 on behalf of Joseph & Carol Maraldo, 48 Hamel Road, a Rural
147 Residential District, requesting a VARIANCE from Article III, Section 3.10 to reduce the 50-foot front
148 setback to 25 feet for the placement of a 14 x 26 shed.

149
150 **DECISION:** The request for a variance was denied.

151
152 **DISCUSSION:**

153
154 Chair Claus read the case into the record.

155
156 Ms. Traeger noted the lot is non-conforming.

157
158 Joseph Maraldo appeared before the Board to describe this proposal to build a shed. The location of the
159 septic system does not permit the shed to be built outside the setback. He noted the shed might be 12 x
160 24 in size and reviewed the impervious calculation for the lot.

161
162 Mr. Maraldo reviewed the variance criteria.

163
164 Chair Claus opened public comment; there was none.

165 Chair Claus closed public comment and the Board began deliberation.

166
167 The Board discussed whether this application met the hardship criteria, and what properties the lot should
168 be compared to. They also discussed the amount of impervious surface, noting the driveway is not
169 included in the calculation. Ms. Traeger said as the property is within the aquifer, the limit is 20%
170 impervious.

171
172 Chair Claus reopened public comment for the Board to ask the applicant clarifying questions.

173 Chair Claus closed public comment again and the Board began deliberation.

174
175 Mr. Lessard made a motion in Case #VA 25-6 Parcel ID 0147-0065-0000 on behalf of Joseph & Carol
176 Maraldo, 48 Hamel Road, a Rural Residential District, to approve the request for a VARIANCE from
177 Article III, Section 3.10 to reduce the 50-foot front setback to 25 feet for the placement of a 14 x 26
178 shed, with the condition that the impermeable lot coverage requirements are met. Mr. Claus
179 seconded the motion.

180
181 Mr. Lessard voted in favor of the motion as it meets the criteria, and he appreciates the hardship
182 imposed by the small lot size, the build environment, and the shoreline overlay. Mr. Murphy voted
183 against the motion, as the property is not distinguished from others in the area. Mr. Claus voted
184 against the motion, as no hardship has been established. Mr. Quackenbos voted against the motion,
185 as the lot is overbuilt and no hardship is proven.

186
187 The motion failed 3-1-0.

188
189 Mr. Quackenbos made a motion in Case #VA 25-6 Parcel ID 0147-0065-0000 on behalf of Joseph &
190 Carol Maraldo, 48 Hamel Road, a Rural Residential District, to deny the request for a VARIANCE from
191 Article III, Section 3.10 to reduce the 50-foot front setback to 25 feet for the placement of a 14 x 26
192 shed. Mr. Murphy seconded the motion.

193
194 Mr. Claus voted in support of the motion based on his previous statements of fact. Mr. Murphy voted
195 in support of the motion based on his previous statements of fact. Mr. Quackenbos voted in support
196 of the motion based on his previous statements of fact. Mr. Lessard voted against the motion based
197 on his previous statements of fact.

198
199 The motion carried 3-1-0.

200 201 OTHER BUSINESS

202 203 Variance Criteria

204 Chair Claus asked if the Board could discuss the hardship criteria with counsel. Ms. Traeger will pursue
205 this, and also suggested the members attend a NHMA Land Use training in October.

206
207 The Board held an extended discussion about the difficulty of approving variances.

208 209 Solar Farms

210 The Board asked about the status of solar farms. Ms. Traeger is attending a SolSmart course through the
211 State Energy Department. They crafted a model solar ordinance that will be presented to the Planning
212 Board to consider for the ballot next spring.

213 214 Feedback on Zoning Amendments

215 Ms. Traeger reminded the Board feedback on the proposed zoning amendments is due by September
216 12th. The Board stressed the need to educate the voters on amendments. They also discussed the impact
217 of recent legislative changes on local ordinances.

218 219 Master Plan Public Hearing

220 Ms. Traeger reported the public hearing for the Master Plan will be held on September 18th at 6:30 p.m.
221 at the Livery.

222 223 APPROVAL OF MINUTES

224

225 February 19, 2025

226

227 Mr. Murphy made a motion to approve the minutes from the February 19, 2025, meeting as written.
228 Mr. Lessard seconded the motion. The motion carried 4-0-0.

229

230 April 3, 2025

231

232 Mr. Lessard made a motion to approve the minutes from the April 3, 2025, meeting as written. Mr.
233 Claus seconded the motion. The motion carried 4-0-0.

234

235 June 5, 2025

236

237 Mr. Lessard made a motion to approve the minutes from the June 5, 2025, meeting as written. Mr.
238 Murphy seconded the motion. The motion carried 4-0-0.

239

240 July 2, 2025

241

242 Mr. Quackenbos made a motion to approve the minutes from the July 2, 2025, meeting as written. Mr.
243 Murphy seconded the motion. The motion carried 3-0-1, with Mr. Murphy abstaining.

244

245 **ADJOURNMENT**

246

247 Mr. Murphy made a motion to adjourn the meeting at 9:44 p.m. Mr. Claus seconded the motion. The
248 motion carried 4-0-0.

249

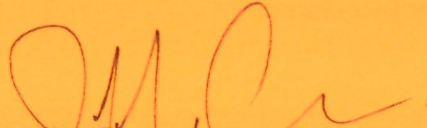
250 Respectfully submitted,
251 Beth Haggeli, Recording Secretary

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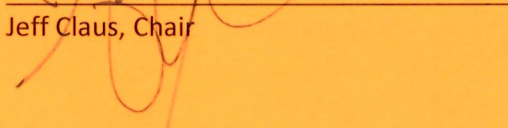
256  _____
Jeff Claus, Chair

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Pierre Lessard

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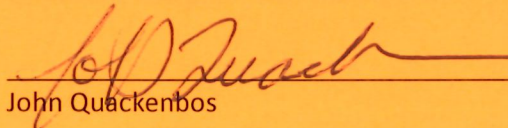
260  _____
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Chris Murphy

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Elliot Pratt

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Jamie Silverstein