

**TOWN OF SUNAPEE - ZONING BOARD OF ADJUSTMENT
A PUBLIC MEETING WILL BE HELD TUESDAY,
JANUARY 13, 2026 AT 6:30 PM, AT THE SUNAPEE TOWN MEETING ROOM
ON THE FOLLOWING CASE(S):**

<u>NEW CASES</u>	
<p>Case # VA-25-7a Parcel ID: 0125-0011-0000</p> <p><i>Bradley Weiss and Cathleen Shea 38 Jobs Creek Road Rural Residential</i></p>	<p>Requesting a variance from Article III, Section 3.10 to reduce the 15-foot side setback to 8.7' for the reconstruction of a pre-existing non-conforming single-family dwelling.</p>
<p>Case # VA-25-7b Parcel ID: 0125-0011-0000</p> <p><i>Bradley Weiss and Cathleen Shea 38 Jobs Creek Road Rural Residential</i></p>	<p>Requesting a variance from Article III, Section 3.10 to reduce the 15-foot side setback to 9' for the reconstruction of a pre-existing non-conforming single-family dwelling.</p>
<p>Case # VA-25-7c Parcel ID: 0125-0011-0000</p> <p><i>Bradley Weiss and Cathleen Shea 38 Jobs Creek Road Rural Residential</i></p>	<p>Requesting a variance from Article III, Section 3.20 to allow for a lot coverage of 40.8% where the maximum lot coverage is 40%.</p>
<p>Case # SED-25-4 Parcel ID: 0125-0011-0000</p> <p><i>Bradley Weiss and Cathleen Shea 38 Jobs Creek Road Rural Residential</i></p>	<p>Requesting a Special Exception from Article III, Section 3.50(i) to allow a pre-existing non-conforming house to undergo vertical expansion.</p>
<p>Case # VA-25-10 Parcel ID: 0115-0003-0000</p> <p><i>Erin and Darrel Barbato 20 Burma Road Rural Residential</i></p>	<p>Requesting a Variance from Article III, 3.10 to reduce the 50-foot front setback to 20 feet for the reconstruction of a garage.</p>

Case # VA-25-09 Parcel ID: 0115-0003-0000 <i>Erin and Darrel Barbato 20 Burma Road Rural Residential</i>	Requesting a Variance from Article III, 3.10 to reduce the 15-foot rear setback to 4.5 feet for the reconstruction of a garage.
<u>CONTINUED CASES</u>	
Case # VA 25-08 Parcel ID: 0128-0023-0000 <i>Schwarzkopf Revoc Trust Philip & Patricia Schwarzkopf 41 Garnet Street Residential</i>	Requesting a Variance from Article III, Section 3.40(j) to allow for the construction of a retaining wall exceeding 42” in height within the 10-foot side setback.
Other Business:	Review of Meeting Minutes

NOTE: Any and all submissions must be provided 5 days prior to the meeting.

SCHEDULE NOTE: In the event the meeting is canceled, the agenda will be continued to the next scheduled Zoning Board meeting.

Case #: VA-25-7a &
VA-25-7b & VA-25-7c
Parcel ID: 0125-0011-0000

Record No: VA-25-7

Variance Application

Status: Active

Submitted On: 10/31/2025

Primary Location

38 JOBS CREEK RD
, NH 03782

Owner

SHEA, CATHLEEN A WEISS, BRADLEY M
IRVING ST 12 NEWTON, MA 02459

Applicants Information:

Landowner(s) Name(s):*

Bradley Weiss and Cathleen Shea

Parcel ID:*

125-11

Project Location (Street & #):*

38 Jobs Creek Road

Mailing Address:*

12 Irving Street, Newton MA 02459

Phone Number:*

607-227-8772

Zoning District*

Rural Residential (RR)

Unsure what zone your property is in? Click [HERE](#) to search for your property card.

Is there an Authorized Agent for this project?*

No

General Requirements

Have you prepared an abutters list?*

Yes

Number of Abutters*

8

Be sure to include yourself and any professionals associated with the project (engineers, architects, etc.) in your total number of abutters

General summary of the proposed project as an introduction and overview for the public hearing.

- Where is the property located?
- Describe the property.
- Give area, frontage, side and rear lines, slopes, natural features, etc.
- What do you propose to do?
- Why does your proposal require a Variance from the Zoning Board of Adjustment?

General Description* 

The property is located at 38 Jobs Creek Rd in the White Shutters community. Property is .10 acre. Current structure has standing height dirt crawlspace, main floor, and a loft. Total living space currently 590 sqft with a footprint of 1051 sqft with decks and stairs. Property is 8.7 feet from west boundary and 3 feet from east boundary. Seeking to expand along 8.7' west boundary and build out to 9 feet from easterly boundary where 15 feet is required. Please see attached for more.

Specific Reason the Variance is Necessary

Please refer to the Zoning Article and Section that the variance is being requested from. [Click Here to Review the Sunapee Zoning Ordinance](#)

Zoning Ordinance ARTICLE *

Zoning Ordinance SECTION*

III

3.10 & 3.20

To allow the following:* ?

Construction of a new single family residence in the Rural Residential zone on a non-conforming lot with the following variances:

1. West side setback of 8.7' where 15 feet is required. – This variance is needed because while the existing structure has an existing setback of 8.7 feet, the footprint is changing along that setback.
2. East side setback of 9' where 15 feet is required.– This variance is needed because while the deck extends to within 3 feet of the property line, the proposed living space will be extending into the setback by 6' along the east side.
3. Lot coverage of 40.8% where 40% is required.– This variance is needed because the lot coverage is slightly larger than the maximum allowable lot coverage.

Facts in support of granting the Variance

A variance is a permission granted to use a specific piece of property in a more flexible manner than allowed by the ordinance. The Zoning Board of Adjustment (ZBA) must determine that the variance request satisfies the following 5 criteria.

Please note that all criteria must be satisfied in order for a variance to be granted. Click here for reference material

Granting the variance would not be contrary to the public interest because:* ?

See Attached

If the variance were granted, the spirit of the ordinance would be observed because:* ?

See Attached

Granting the variance would do substantial justice because:* ?

See Attached

If the variance were granted, the values of the surrounding properties would not be diminished because:* ?

See Attached

Unnecessary Hardship

Please answer either A or B, not both.

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:


i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because: ?

See Attached

ii. The proposed use is a reasonable one because: ?

See Attached

OR

B. Explain how, if the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. 


NOTE: For person(s) with physical disabilities, please see RSA 674:33 regarding alternative hardship criteria for a Variance.

Signature & Authorization

I understand that the public hearing will be held at the scheduled date and time unless a request is made by me for a new hearing. Any rehearing will require a new public notice and notification to abutters, the cost of which will be borne by the applicant. Further, I hereby give permission to the ZBA members and zoning officials to visit the subject property prior to the public hearing. To the best of my knowledge, the above is true and correct.

Please Sign*

Date*

 Bradley M Weiss
Oct 31, 2025

12/03/2025

The property is located at 38 Jobs Creek Road, in the White Shutters community, where all lots are pre-existing and non-conforming. White Shutters was converted from housekeeping cabins to a version of a cluster development in the 1970s. White Shutters, at the time, established its own covenants and set-back requirements of 4 feet, pre-dating the towns. The character of the community closely mirrors those standards; in fact, over 80% of the homes have setbacks under 5 feet and seven homes are at or over their property lines. The cluster-development nature of the community allows for a large common area including a lawn along the lake, a dock and fishing area, wooded buffer from the road, and a small beach. For some reason, White Shutters was changed from Residential to the Rural Residential zone in 2010 – where reduced required setbacks are 15’ and lot size minimum is 1.5 acres.

The lot at 38 Jobs Creek Road is small, barely one-tenth of an acre - the road frontage, lot size, as well as front and side setbacks of the property are all non-conforming. The property is unique in the community in that it has a slope greater than most – as it relates to the area the proposed structure will occupy; it's about a 10-foot grade change from roadside to lake side. There are currently zero erosion controls except for a couple of bushes. The current structure has a dirt standing-height crawlspace, main floor, and a second-floor loft that all occupies a 1,051 sqft footprint including decks and stairs.

We would like to replace the seasonal camp with a year-round modern structure including a finished full basement and full 2nd floor. We worked with local design-build firm Snow Building to design a home that will add value, fit in with the community, and is environmentally considerate of nearby Lake Sunapee. The proposed structure will occupy a slightly larger footprint of 1199 sqft and going from 23.9 feet to 33.7 feet in height, representing an elevation change of 9.9 feet. The footprint expansion is mostly into conforming space. Most all the other homes in the community have modernized and expanded already at some point since they were built. Currently there are no erosion controls, and the applicants plans include erosion controls and landscaping to help protect the lake.

At prior hearings, a variance for the 8.7’ westerly setback (where 15’ is required) was granted, however, it has expired. A variance for lot coverage of 45.1% was also granted, however it has expired and the lot coverage request is now reduced to be 40.80% where 40% is required. A variance for a 6-foot easterly setback was denied – we are now

proposing a 9-foot easterly setback. A special exception for height expansion in the road setback was granted on 7/1/21, but has expired. Surface coverage in the shoreline overlay district was determined to be unnecessary since less than half of the property is in the shoreline overlay.

When we last came before the board it seemed all our requests were granted, as noted, except, we could not get the easterly side setback of originally 4 feet, then to 6 feet, approved. The board, most recently, was concerned with other properties in White Shutters then being allowed to extend also within 6 feet of their property lines, or “cumulative impact”. However, almost all of the properties in White Shutters already have less than that. In any case, taking this into consideration, we have increased the setback request by 50% and now are asking for a 9-foot setback, which exceeds the west side setback. This will allow us to build something reasonable that is centered on the lot, while keeping with the character of the community. Plans have been approved by all in White Shutters.

The present application includes requests for 3 variances from Article III Sections 3.10 & 3.20:

1. West side setback of 8.7’ where 15 feet is required.
2. East side setback of 9’ where 15 feet is required.
3. Lot coverage of 40.8% where 40% is required.

The applicants are also requesting, on separate application, a special exception for the vertical expansion of the house which may be within the road-side setback.

West Side Setback of 8.7 feet where 15 feet is required – This variance is needed because while the existing structure has an existing setback of 8.7 feet, the footprint is changing along that setback.

1. Granting the variance would not be contrary to the public interest because: It is in the public interest to allow the highest and best use of real estate. The proposed use does not conflict with the purpose of the ordinance; the setback is already at 8.7’ and granting it would not alter the essential character of the neighborhood nor threaten public health safety or welfare.

2. If the variance were granted, the spirit of the ordinance would be observed because: It is in the public's interest to uphold the spirit of the ordinance – which is to promote the health, safety and general welfare of the community by encouraging the most appropriate use of land. In this case, the 8.7' setback is merely being expanded upon. The variance will allow the most appropriate use of the property consistent with the character of the community. The plans are supported by the neighbors.
3. Granting the variance would do substantial justice because: strict adherence to the zoning ordinance will not create any benefit to the public and only make it impossible to build a reasonable structure that fits with the character of the community. There is no harm to the public and there is substantial benefit to the applicants. Due to the size of the lot, imposing 15-foot setbacks would prevent meaningful renovation or reconstruction of the property.
4. If the variance were granted, the values of the surrounding properties would not be diminished because: The proposed setback is consistent with the rest of the community. Replacing the structure with a new modern one will increase values. Most properties in the community have smaller setbacks.
5. Unnecessary Hardship: the small non-conforming lot with sloping topography is unduly restricted for development. Although other lots in the community are also small, they are all non-conforming and similarly would be considered hardship situations. The zoning requirements are for lots 15 times the size. The lot is thus distinct from conforming lots in the area.
No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because: the community was established as a small-lot community over 50 years ago, so there is no fair and substantial relationship of the general purpose of the ordinance provisions and the specific set-back provision of the ordinance. Constructing a new house is reasonable given it's a residential community. The variance will “effectively [meet] the demands of an evolving and growing community, thus providing a workable framework for the fair and reasonable treatment of individuals”.

East Side Setback of 9' where 15 feet is required

1. Granting the variance would not be contrary to the public interest because: the proposed use does not conflict with the purpose of the ordinance, the setback is currently 3' (comprised of built deck). With an approximate 9' setback on both sides of the property, the structure will sit in the middle of the lot. 9' is greater than most other properties in the community. Granting it would not alter the essential character of the neighborhood, (whose covenants only require a 4-foot setback) nor threaten public health safety or welfare.

The lot lines in White Shutters were laid out in the late 1960's when the homes began to be sold as individual home sites. The covenants mandating 4-foot setbacks had been the only rules for the lots prior to town zoning. Lot 5, the property in question, is small, barely 1/10th of an acre. The lot is also very narrow, with sizeable slope. While the private covenants are not binding on the town, it represents an important element of the character of the neighborhood, namely that the homes would be close together and they would form a tight-knit community. In this way, the residents could share a community space together. The variance of 9 feet where 15 feet is required is less than required by the zoning ordinance however greater than required by the covenants and greater than many homes setbacks in the community. The setback from the existing deck is 3 feet from the east property line, so this would greatly reduce the non-conformity on the east side. It is consistent with and would not alter the character of the neighborhood.

2. If the variance were granted, the spirit of the ordinance would be observed because: The reduced setback would not threaten public health, safety or welfare. No safety concerns have been risen by experts given the opportunity. No adverse impact will result to any public rights, and the rebuilding of a new home is consistent with the "demands of an evolving and growing community" which is recognized in the Ordinance. All aspects of the project are supported by the neighbors and no amount of sunlight, views, or airflow to any abutters will be reduced.
3. Granting the variance would do substantial justice because: there is no harm to the public and there is substantial benefit to the applicants. Due to the size of the lot, imposing 15-foot setbacks would prevent any meaningful renovation or reconstruction of the property.

4. If the variance were granted, the values of the surrounding properties would not be diminished because: replacing the structure with a new modern one will increase values. Most properties in the community have small setbacks.
5. Unnecessary Hardship: the small non-conforming lot with sloping topography is unduly restricted for development. Although other lots in the community are also small, they are all non-conforming and similarly would be considered hardship situations. The zoning requirements are for lots 15 times the size. The lot is thus distinct from any conforming lots in the area.

No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because: the community was established as a small-lot community over 50 years ago, so there is no fair and substantial relationship of the general purpose of the ordinance provisions and the specific set-back provision of the ordinance.

Constructing a new house is reasonable given it's a residential community. The variance will “effectively [meet] the demands of an evolving and growing community, thus providing a workable framework for the fair and reasonable treatment of individuals”.

Lot coverage of 40.80% where 40% is required

1. Granting the variance would not be contrary to the public interest because: it is in the public interest to allow the highest and best use of real estate. The proposal will allow the property to be rehabilitated and expanded, maximizing the value with no negative impact on other property. There is no public interest in maintaining outdated limited use, seasonal buildings or preventing the construction of new modern, year-round buildings in Sunapee. The proposed lot coverage is consistent and less than other properties in White Shutters and serves the public interest in preserving the character of the community.
2. If the variance were granted, the spirit of the ordinance would be observed because: it would not threaten the health, safety or welfare of the community. It will allow the most appropriate use of the property consistent with the essential character of the neighborhood.

3. Granting the variance would do substantial justice because: the harm to us, the applicants, of strict enforcement of the zoning ordinance far outweighs any public benefit. Instead denying the variances may result in a detriment to the public by limiting rehabilitation of the property and the beneficial expansion of its use and the related tax base. Many other properties have been similarly expanded. Granting the requested variance will thus result in substantial justice.

4. If the variance were granted, the values of the surrounding properties would not be diminished because: replacing the structure with a new modern one will increase values. Most properties in the community have similar or greater lot coverages.

5. Unnecessary Hardship: The zoning restriction as applied to the property interferes with the reasonable use of the property. The variance will not alter the essential character of the neighborhood. Most of the buildings have already expanded and are non-compliant with the lot coverages set by the town. Given the extremely small size of the property, measuring in percentages can be misleading. The proposal only increases lot coverage from the existing by 240 square feet. If the property was of conforming size, this would be an increase of .04%. Restricting lot coverage to only 40% of the property for all of the building, driveway, and any other structures, unreasonably reduces the buildable area.

There is no fair and substantial relationship between the general purposes of the Zoning Ordinance and the specific restrictions on the property because: prohibiting the rehabilitation of the property would impair the vitality, atmosphere, and economic condition of the town. Denying the requested variance would not further any legitimate zoning purposes as the proposal will not result in overcrowding or impair emergency access. Furthermore, in light of the significantly different economic environment in which homes like those in White Shutters face compared to in the 1930's when the existing residence was constructed, denying these variances would counteract the zoning ordinance's stated purpose to provide a workable framework for the fair and reasonable treatment of individuals in an evolving and growing community.

Fire Risk Management

23 Pleasant Street, Wolfeboro, New Hampshire 03894

603-393-0021

<https://www.fireriskmanagement.net>

Barry C. Schuster, Attorney
Schuster, Buttrey & Wing
Professional Association
79 Hanover Street, PO Box 388
Lebanon, New Hampshire 03766

SHEA/WEISS – 38 JOBS CREEK

Fire Safety and Code Analysis

On April 21, 2021, I conducted an inspection of the Shea-Weiss property located at 38 Jobs Creek Road in Sunapee, New Hampshire. The actual structure is located on town-tax-map and lot, 125-11. The property is the subject of an application for a variance in the town of Sunapee. The purpose of the inspection was to assess the general fire safety impact resulting from replacing this pre-existing non-conforming structure with new construction. The structure in question is currently a vacant and dilapidated seasonal dwelling. The owner is seeking approval to replace the existing structure with a structure that can be occupied on a year-round basis.

The property is owned by:

Cathleen Shea
Brad Weiss
12 Irving Street,
Newton MA
607-227-8772
Levelbrad@gmail.com

On the date of the inspection, I arrived on site at approximately 09:30 A.M. I was accompanied by Mr. Peter Blakeman of Blakeman Engineering who is the principal engineer on the project. My initial observation as I arrived was the location and accessibility of the structures in relationship to the town road (Jobs Creek Road) and the internal private way, (White Shutter Road). These roads and ways provide immediate access to most if not all structures located within the White Shutter community. The Shea/Weiss property is extremely accessible given the challenge of the existing slope of the land. For example, their property is less than ten feet from Jobs Creek Road. Accessing this property with fire apparatus or an ambulance can be easily accomplished.

My next observation was the proximity of the Shea-Weiss property in relation to a reliable municipal water supply. I observed two pressurized water hydrants on Jobs Creek road. One hydrant was located approximately 65' east of the Shea-Weiss property and the second one was located approximately 200' to the west of the Shea-Weiss property. Both hydrants are "red-tops", which generally indicate a flow of at least 500 gallons per minute. I was unable to confirm the flow data however these hydrants in their present state would provide a significant advantage in providing fire protection to this property.

The Insurance Service Organization public protection classification or (PPC) is a program that measures and evaluates the effectiveness of fire-mitigation services in communities throughout the United States. For each area of evaluation, the ISO assigns a public protection classification code between 1 and 10. Class 1 represents exemplary fire protection and class 10 indicates that the area's fire suppression program doesn't meet ISO's minimum criteria. The PPC takes into account the

effectiveness of the local fire department's effectiveness, fire protection provided by the town's hydrant system or private hydrant system located in the community, distances to fire stations, types and condition of apparatus, training programs for firefighters, emergency communications and more. The most recent ISO rating for the town of Sunapee that I was able to locate was issued in 2014 and indicates the town of Sunapee is an ISO PPC of 5. If you compare this to other communities in New Hampshire, Sunapee is one of forty-six towns that has achieved this impressive rating. The rating is important because it is one of the only definitive methods of evaluating the effectiveness of the local fire department. Because this pre-existing lakeside development has minimal distances between structures, the ability of the fire department becomes a key component in determining fire risk.

As I continued my inspection, I observed and considered the access point of White Shutters Road. It appears to be adequate to support ambulances and fire apparatus that need access to the community during emergencies and affords vehicles a decent sized cul-de-sac for maneuvering apparatus around these properties.

The Shea-Weiss structure is currently vacant and it appeared to me looking from the exterior to be in poor condition. I observed an opening in the wooden skirting going around the base of the structure. The skirting encloses the foundation piers and open space underneath. The exterior walls are constructed of wooden novelty siding and the roof is asphalt shingles. Windows appear to be original wooden, single pane and in poor condition. There is a dilapidated deck on the east side of the structure that does not appear to be stable. It appears from the exterior that the heating and or cooking systems are supplied by propane gas.

The proposed site plan was compared it to the existing site and I determined that the plan demonstrates no adverse impact on the safety of abutters properties as a result of the location of the proposed structure. The plan demonstrates that the structure will be in compliance with the 2015 Residential Building code requirements for distances between residential structures.

The 2015 Residential Building Code Section R302 Fire-Resistant Construction and R 302.1 Exterior walls states the following:

302.1 Construction, projections, openings and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1(1); or dwellings equipped throughout with an automatic sprinkler system installed accordance with section P 2904 shall comply with R 302.1.(2)

With respect to exterior wall elements table 302.1(1) indicates that if the distance is less than five feet a 1-hour ASTM E 119 or UL 263 fire resistant wall would be required. If the distance is greater than 5 feet there is no rating requirement for the wall.

Conclusion:

The east wall of the Shea-Weiss property is currently 19.9 ft. from the property line and there is 35.8 ft. between the Shea-Weiss exterior wall and the abutter's exterior wall. The site plan shows the east wall of the new structure will be 6 ft. from the property line and that there will be 22 feet between the Shea-Weiss exterior wall and the abutter's exterior wall. That is a reduction in distance of 13'. The residential building code, Table 302.1(1), sets the minimum distance between residential structure at 5 feet and although the walls are closer than existing, the distance is greater by eight feet beyond what is required by the residential building code. The other important factor is the elimination of the open dilapidated deck.

My overall impression is that with the replacement of the structure, even with the reduced distances between the walls there would be significant improvement to the overall safety of the Shea-Weiss structure, the abutting structures and potentially the entire development. The existing building was constructed approximately ninety years ago as a summer/seasonal home. At the time of construction, the state of New Hampshire did not have a model building code and it is doubtful that the town of Sunapee had a locally adopted building code at that time either.

As a result, construction materials, methods and systems employed at that time are now extremely dated and unreliable in their present state. This fact along with the open pier style foundation, the unoccupied nature of the dwelling, the proximity of the delegated deck and building age and materials are all potentially contributing factors which could lead to potential fire, spread of fire and greater risk as a fire exposure.

It is therefore my professional opinion, that replacement of the existing structure as shown on the site plan and using the construction plan submitted by the owner and Snow Building Construction, significantly improves the overall fire safety risk for the Shea-Weiss property as well as the two immediate abutters and under certain circumstances the entire development.

A new dwelling would be constructed under the guidelines of the New Hampshire Building Code and specifically the 2015 edition of the International Residential Building Code. A replacement structure would be constructed on a masonry foundation and use modern building materials including wall sheathing, exterior wall finishes, modern insulated windows and other features that would be more resistant to fire or exposed fire than the existing structure. The interior would be constructed with modern systems including upgraded insulation, heat, plumbing and electric all of which are dated in the existing structure. Unlike the existing, the smoke alarm requirements for new construction would ensure smoke detectors in most rooms and spaces and on all floors providing early detection of fire and carbon monoxide.

Respectfully Submitted,
Norman W. Skantze
Consultant



COPY

Town of Sunapee
Zoning Board

Decision

You are hereby notified that the application of: CATHLEEN A SHEA & BRADLEY M WEISS

For CASE # ZBA20-04: A VARIANCE IS REQUESTED FROM ZONING ORDINANCE, ARTICLE III, SECTION 3.10 TO PERMIT CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE WITH A WEST SIDE SETBACK OF 8.7 FT WHERE 15 FT IS REQUIRED - 38 JOBS CREEK RD

PARCEL ID: 0125-0011-0000

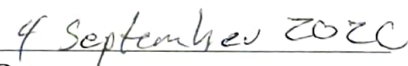
Has been APPROVED with the following conditions:

1. SUBJECT TO THE PLANS SUBMITTED
2. SUBJECT TO AN APPROVED DES SHORELAND PERMIT

The decision was made at the AUGUST 25, 2020 Zoning Board meeting.



Zoning Board Chair



Date

Notes: 1) Any person affected has a right to appeal this decision. If you wish to appeal, you must act within thirty days of the date of the hearing. The necessary first step before any appeal may be taken to the courts, is to apply to the Zoning Board for a rehearing. The motion for a rehearing must set forth all the grounds on which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677 for details.

2) If after a period of twenty four (24) months from the date a Variance or Special Exception is granted by the Zoning Board of Adjustment, the applicant has neither applied for nor received a Certificate of Compliance from the Board of Selectmen, the Variance or Special Exception will become void. An extension may be granted by the Zoning Board of Adjustment. Reference Article X, Section 10.16 (e).



Town of Sunapee
Zoning Board

Decision

You are hereby notified that the application of: CATHLEEN SHEA & BRADLEY WEISS

For CASE #ZBA21-30: A VARIANCE FROM ZONING ORDINANCE ARTICLE III, SECTION 3.10 TO PERMIT A 8.7 FOOT SETBACK FROM THE WEST SIDE PROPERTY LINE WHERE 15 FEET IS REQUIRED. 38 JOBS CREEK RD.

PARCEL ID: 0125-0011-0000

Has been APPROVED with the following conditions:

1. THEY MUST COMPLY WITH THE HEIGHT REQUIREMENTS FOR THE SIDE SETBACK ON THE WEST SIDE. THEY MAY COME BACK BEFORE THE BOARD FOR A VARIANCE OR SPECIAL EXCEPTION.

The decision was made at the OCTOBER 7, 2021 Zoning Board meeting.


Zoning Board Chair

10-26-2021
Date

Notes: 1) Any person affected has a right to appeal this decision. If you wish to appeal, you must act within thirty days of the date of the hearing. The necessary first step before any appeal may be taken to the courts, is to apply to the Zoning Board for a rehearing. The motion for a rehearing must set forth all the grounds on which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677 for details.

2) If after a period of twenty four (24) months from the date a Variance or Special Exception is granted by the Zoning Board of Adjustment, the applicant has neither applied for nor received a Certificate of Compliance from the Board of Selectmen, the Variance or Special Exception will become void. An extension may be granted by the Zoning Board of Adjustment. Reference Article X, Section 10.16 (e).



COPY

Town of Sunapee
Zoning Board

Decision

You are hereby notified that the application of: CATHLEEN A SHEA & BRADLEY M WEISS

For CASE # ZBA20-04: A VARIANCE IS REQUESTED FROM ZONING ORDINANCE, ARTICLE III, SECTION 3.10 TO PERMIT CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE WITH A LOT COVERAGE OF 45.1% WHERE 40% IS REQUIRED - 38 JOBS CREEK RD

PARCEL ID: 0125-0011-0000

Has been APPROVED.

The decision was made at the AUGUST 25, 2020 Zoning Board meeting.



Zoning Board Chair



Date

Notes: 1) Any person affected has a right to appeal this decision. If you wish to appeal, you must act within thirty days of the date of the hearing. The necessary first step before any appeal may be taken to the courts, is to apply to the Zoning Board for a rehearing. The motion for a rehearing must set forth all the grounds on which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677 for details.

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The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

SHORELAND IMPACT PERMIT 2020-02046

NOTE CONDITIONS

PERMITTEE: CATHLEEN A SHEA
12 IRVING ST
NEWTON MA 02459

PROJECT LOCATION: 38 JOBS CREEK RD, SUNAPEE
Tax Map/Block/Lot(s): 125/no block/11

WATERBODY: SUNAPEE LAKE

APPROVAL DATE: AUGUST 21, 2025

EXPIRATION DATE: SEPTEMBER 17, 2030

Shoreland Permit Application 2020-02046 has been found to meet or exceed the requirements of RSA 483-B as required per RSA 483-B:6, II. The New Hampshire Department of Environmental Services (NHDES) hereby issues this Shoreland Impact Permit with conditions pursuant to RSA 483-B:6, II.

PERMIT DESCRIPTION:

Impact 2,015 square feet of protected shoreland in order to remove existing house and rebuild a new house with a stormwater management plan.

THE FOLLOWING PROJECT-SPECIFIC CONDITIONS HAVE BEEN APPLIED TO THE PERMIT PURSUANT TO ENV-WQ 1406.15(c):

1. All work shall be in accordance with plans by Blakeman Engineering, Inc. dated July 7, 2020 and received by the NH Department of Environmental Services (NHDES) on August 19, 2020 pursuant to 483-B:5-b Permit Required; Exemption, I, (a).
2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved as required per Rule Env-Wq 1406.20, (e).
3. No more than 42.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES in order to ensure compliance with RSA 483-B:9, V, (g).
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized as required per Rule Env-Wq 1406.20, (a).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters as required per Rule Env-Wq 1406.20, (b).
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1 as required pursuant to RSA 483-B:9, V, (d) Erosion and Siltation, (1).
7. Any fill used shall be clean sand, gravel, rock, or other suitable material as required per Rule Env-Wq 1406.20, (d).
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700 as required per Rule Env-Wq 1406.20, (c).
9. The proposed (stormwater management structure description) shall be installed and maintained to effectively absorb and infiltrate stormwater in order to ensure compliance with RSA 483-B:9, V, (g).

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: (603) 271-2867 • TDD Access: Relay NH 1-800-735-2964

10. Photographs documenting the construction of the proposed (stormwater management) shall be submitted to the Department prior to any party taking up occupancy of the new residential primary structure as required per RSA 483-B:6, II and Rule Env-Wq 1406.15, (c) in order to ensure compliance with RSA 483-B:9, V, (g).
11. This permit shall not preclude NHDES from taking any enforcement or revocation action as authorized pursuant to 483-B:5, I, if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

THE FOLLOWING STANDARD PROJECT CONDITIONS SHALL BE MET PURSUANT TO ENV-WQ 1406.20:

1. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
2. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
3. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700, and the requirements in Env-Wq 1404.01(a) and(b).
4. Any fill used shall be clean sand, gravel, rock, or other suitable material.
5. For any project where mechanized equipment will be used, orange construction fence shall be installed prior to the start of work at the limits of the temporary impact area as shown on the approved plans; be maintained throughout the project; and remain in place until all mechanized equipment has been removed from the site.

ANY INDIVIDUAL CONDUCTING WORK UNDER THIS PERMIT IS ADVISED OF THE FOLLOWING:

1. During construction, a copy of this permit should be posted on site in a prominent location visible to inspecting personnel.
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
3. Pursuant to Env-Wq 1406.21, transfer of this permit to a new owner requires notification to, and approval of, NHDES.
4. This project has been screened for potential impact to **known** occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.

APPROVED:



Craig W. Day
Shoreland/Shoreline Specialist, Shoreland Program
Wetlands Bureau, Land Resources Management
Water Division

THIS PERMIT IS NOT VALID UNTIL SIGNED BY THE PARTIES BELOW (Env-Wq 1406.21(c))

PERMITTEE SIGNATURE (required)

PRINCIPAL CONTRACTOR SIGNATURE (required, if any)

Abutter's List
 County of Sullivan
 Sunapee, NH
 38 Jobs Creek Road
 Tax Parcel 0125-0011-0000
 Variance Application

Abutter Mailing Address	Property Location	Tax Map Number
Town of Sunapee 23 Edgemont Road Sunapee, NH 03782	Route 11	0123-0021-0000
TURNER, KIMBERLY R BROWN, PATRICK T 136 WASHINGTON ST PEEKSKILL, NY 10566	40 Jobs Creek Road	0125-0010-0000
DELFOSSÉ, DUANE A & ELIZABETH H PO BOX 808 SUNAPEE NH, 03782	36 Jobs Creek Road	0125-0012-0000
BERNARDI, JOHN G & JANICE E 5 AVALON ROAD STONEHAM, MA 02180	5 White Shutters Road	0125-0016-0000
SHEA, KAREN L, & SHEA, CATHLEEN A, & SHEA, JAMES T 73 DUXBURY LN LONGMEADOW, MA 01106	6 White Shutters Road	0125-0017-0000
SCHIRMER REVOC TRUST OF 2019 KAREN A BERG, TRUSTEE 50 BLUEBERRY LANE NEW LONDON, NH 03257	34 Jobs Creek Road	0125-0013-0000
WHITE SHUTTERS ASSOC. C/O JOHN BERNARDI, PRESIDENT 5 AVALON ROAD STONEHAM, MA 02180	White Shutters Road	0125-0014-0000
MCCALMONT, STEPHEN A & JENNIFE 5 TRUPELL ROAD HOLLIS, NH 03049	4 White Shutters Road	0125-0015-0000

Certificate of Zoning Compliance (CZC) Permit Application

TOWN OF SUNAPEE

23 Edgemont Rd., Sunapee, New Hampshire 03782
(603) 763-2212 ext. 1023

Email zoning@town.sunapee.nh.us

Website www.town.sunapee.nh.us

FOR TOWN USE ONLY	
DATE APPLICATION REC'D:	_____
FEE PAID: \$ _____	METHOD: _____
ZONE:	_____
PARCEL ID:	_____
PERMIT APPROVAL #	_____
<i>Revised 7/21/2023</i>	

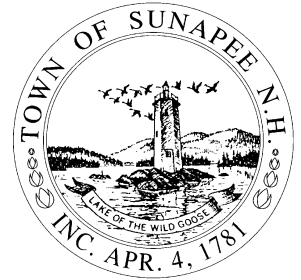
Thank you for applying for a permit! A Certificate of Zoning Compliance (CZC) is required for most construction in Sunapee (see 1-8 below). Your project will be reviewed to make sure it meets the town's zoning regulations. All references (in parentheses and underlined) refer to a specific regulation in the Zoning Ordinance. The complete ordinance is available on our website and at the town office.

NEXT STEP: After staff review, the application will be moved to the next Board of Selectmen's meeting for final approval.

PICK UP: Your permit will be ready to pick up starting the afternoon after the Board of Selectmen meeting. If you want it mailed to you, please let us know.

EXPIRATION: Permits will expire in 24 months if no earnest or substantial effort has been made to carry out the construction or alteration (8.23 & 8.25).

QUESTIONS? Please contact the Planning & Zoning Department anytime with questions.



WHEN IS A CZC PERMIT REQUIRED? A CZC is required prior to beginning any of the following activities (8.21):

1. Will a new structure be constructed or installed? YES NO
2. Will an existing structure be expanded? YES NO
3. Will a dwelling unit be added to an existing structure? YES NO
A "dwelling unit" is like an apartment or additional house. It includes independent cooking, sleeping, and sanitary facilities. (X1)
4. Does the project involve a structure owned by the Town of Sunapee (municipal building)? YES NO
5. Will a bedroom or kitchen be added to an existing structure? YES NO
6. Will an existing structure be demolished? YES NO
7. Did the Planning Board approve a Site Plan for this proposal? YES NO
____ IF YES, attach a copy of the board's Notice of Decision.
8. Does the project involve interior renovations in excess of \$25,000? YES NO

DESCRIPTION

PROPERTY STREET ADDRESS: _____ Lot Size: _____ acres

OWNER(s) Name(s): _____

Mailing Address: _____

Email: _____ Phone #: _____

Preferred method of contact: Phone Mail E-mail

NAME OF BUSINESS at this location (if applicable): _____

TYPE OF PROPERTY:

- Single-Family
- Two-Family
- Multi-family (3+ units)
- Commercial
- Municipal
- Other _____

NAME OF RIVER / LAKE / POND abutting property (if any): _____

Was any decision made by the Planning or Zoning Board regarding this project? __YES __NO
___IF YES, attach a copy of the board's Notice of Decision.

ZBA decisions attached.

WRITTEN DESCRIPTION of proposed project: _____

Estimated value of construction \$ _____ Estimated start date: _____

WATER & SEWER

9. ___ **FOR PRIVATE SEPTIC: Will this project result in increased septic flow or water utilization?** __YES __NO
___IF YES, attach a copy of your State septic system approval. Contact State of NH Department of Environmental Services with questions at (603) 271-2147.

10. ___ **FOR PUBLIC SEWER OR PUBLIC WATER:**

- a. Will this project involve any new residential structure, or any change in living space to a residential building? (do not include a typical shed or garage, unless there is living space within it) __YES __NO
- b. Will this project involve any hook-up, disconnect, or demolition for a structure on the town water or sewer system?
..... __YES __NO

___IF YES, attach a copy of your Permit Connection Approval from the Sunapee Water & Sewer Department. Forms are available at the town office. Contact the Sunapee Water and Sewer Department with questions at (603) 763-2115, sunws@town.sunapee.nh.us.

Permit will be applied for upon variance approval from ZBA.

DIMENSIONS & MEASUREMENTS – This section is ONLY for new structures or expanding structures, including any change in the building envelope, height or footprint. **CHECK HERE IF NOT APPLICABLE** ___

11. ___ **DRAWINGS:** Attach a copy of any drawings, floor plans, or elevations showing dimensions and measurements.

12. **Dimensions:**

<u>Current Structure</u>	<u>Proposed Structure</u>
Maximum height: _____ ft.	Maximum height: _____ ft.
Square footage: _____ sq. ft.	Square footage: _____ sq. ft.

DIMENSIONS & MEASUREMENTS – This section is ONLY for new structures or expanding structures, including any change in the building envelope, height or footprint. **CHECK HERE IF NOT APPLICABLE** ___

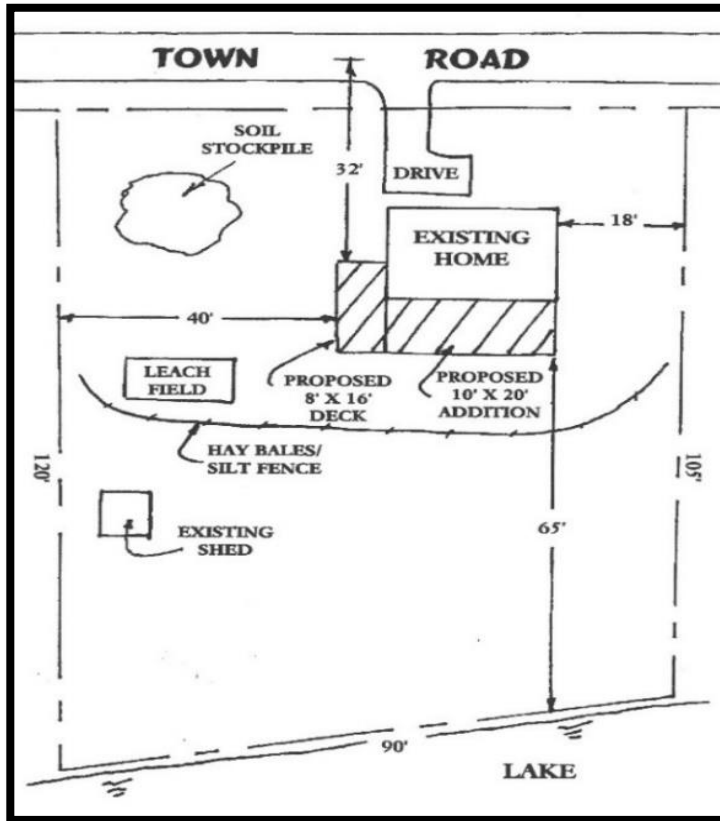
13. What are the setback measurements for the proposed structure?
See Page 6 for Setback Requirements.

How to measure: Measure at right angles, between the property boundary and the furthest point of the structure.

	<u>Current Structure</u>	<u>Proposed Structure</u>
To center of road	_____ ft	_____ ft
Side 1	_____ ft	_____ ft
Side 2	_____ ft	_____ ft
Rear property line	_____ ft	_____ ft
Waterbody	_____ ft	_____ ft

14. ___ **SURVEY:** If you have a Survey of the property, please attach a copy.

15. ___ **ATTACH A SITE SKETCH / PLOT PLAN DRAWING.** See sample below.



ABOUT HEIGHT RESTRICTIONS IN SUNAPEE

- Definition of “Maximum Structure Height”: The vertical distance measured from the lowest ground elevation around the structure to the highest level of the roof (excluding cupolas, weathervanes, etc.). (X1)
- 40-feet is the maximum structure height allowed in all districts. (3.10)
- The maximum height of any windowsill or roof eaves shall be no more than 30 feet above the grade directly below it. Windows or eaves located in roof appendages such as cupolas or skylights shall be excluded from this ordinance. (3.40.i)
- If a structure is allowed a reduced side or rear setback due to inadequate lot size (see chart on p. 6), the portion of the structure in the area of reduced setback shall have a maximum height of 25'. (3.10)

ZONING QUESTIONS

16. **WETLANDS: Will any wetlands be disturbed or impacted?**__YES __NO
 ___IF YES, attach a copy of your State Wetlands permit. NOTE: only certified specialists can delineate wetlands.
 Contact State of NH Department of Environmental Services with questions at (603) 271-2147.
17. **DRIVEWAY: Will a new driveway be altered or constructed?**__YES __NO
 ___IF YES, attach a copy of your town Driveway Permit approval or application. Applications are available at the
 town office and on the town website. Application to be made upon ZBA variance approval
18. **ROUTE 11, 103, 103B: Is this a new construction project on Routes 11, 103 or 103B?**.....__YES __NO
 Note: see the requirements for maintaining or planting a 25-foot vegetative buffer. (3.40.o)
19. **RETAINING WALL: Will this project involve a retaining wall over 42” high?**.....__YES __NO
 Note: retaining walls over 42” must meet all setback requirements. (3.40.j)
20. **STEEP SLOPE: Will any construction take place on a slope that exceeds 25% and has an elevation change of more than 20-feet?** (3.40.l).....__YES __NO
21. **1,000 SF & 15% SLOPE: Will 1,000 square feet of land be disturbed on a slope greater than 15%?**.....__YES __NO
 ___IF YES, attach an Erosion Control Plans (3.40.n). Contact the Zoning Administrator with questions.
22. **100,000 SF IMPACT: Will 100,000 square feet of land be cleared or disturbed?**.....__YES __NO
 ___IF YES, attach a copy of your State of NH Alteration of Terrain Permit, and a copy of an engineered Erosion Control Plan. (3.40.n). Contact the Zoning Administrator with questions.

SHORELINES OVERLAY DISTRICT – This section is ONLY for properties located within 250-feet of a public water body. Public Water Bodies include: Sugar River, Lake Sunapee, Ledge Pond, Mountain View Lake, Otter Pond and Perkins Pond.

CHECK HERE IF NOT APPLICABLE_____

23. **FLOODPLAIN: Is any portion of this property located in the 100-year FEMA floodplain?**__YES __NO
 Note: this application will be reviewed per Sunapee Floodplain Development Ordinance. If you have a LOMA (Letter of Map Amendment) showing the project is outside the floodplain, you may attach a copy to this application.
24. **STATE PERMIT: Have you applied or received a permit from the State for this project?**__YES __NO
 ___IF YES, attach a copy. NH DES Permit # _____
 Contact State of NH Dept. of Environmental Services with questions at (603) 271-2147.
25. **LAND DISTURBANCE / SHORELINES: Will any Land Disturbance, Construction, Filling, Grading or Dredging occur within 250-feet of the lake, pond or river?**__YES __NO
 ___IF YES, attach a copy of your Land Disturbance Permit and Erosion Control plans. (4.33.B.8.a.l). Land Disturbance Permit applications are available at the town office and on the town website.
Application to be made upon ZBA variance approval.
26. **150-FOOT WOODLAND BUFFER: Will any trees or vegetation be removed within 150-ft of the lake, pond or river?**__YES __NO
 ___IF YES, attach a copy of a Tree Cutting & Vegetation Removal permit. Permit applications are available at the town office and on the town website.
27. **50-FOOT WATERFRONT BUFFER: Will this project involve any parking area or any structures within 50-feet of the lake, pond or river?** (3.40.c)__YES __NO
28. **LOT COVERAGE:** What percentage of the lot will be covered? SEE PAGE 6 for restrictions.

	Current	Proposed
Impermeable Surfaces (not allowing water to pass through)	_____ %	_____ %
Permeable Surfaces (having pores or openings that permit water to pass through)	_____ %	_____ %
TOTAL LOT COVERAGE	_____ %	_____ %

IMPORTANT INFORMATION FOR PROPERTY OWNERS

About State Building Codes:

Property owners often ask *“do I have to build things ‘to code’ in New Hampshire?”* Yes! The State of New Hampshire has adopted state-wide building codes that are in effect in all towns and cities (see NH RSA 155-A, as may be amended). There are codes for electrical, plumbing, construction, mechanical, energy conservation, etc. Although the Town of Sunapee does not offer local inspection services, plan review, or enforcement of State building code compliance, we recommend that you contact your contractor or other professional to assist you with questions related to building codes. You may direct questions to the New Hampshire Department of Safety, Bureau of Building Safety & Construction, (603) 223-4289, fmo@dos.nh.gov.

What is your Parking & Traffic Plan during construction?

Sunapee’s Town Parking Ordinance prohibits parking on the road. Also, parking off the side of a road could cause damage to the Town’s right-of-way, drainage ditches and infrastructure. The person who causes damage may be liable. In addition, no road may be blocked without first getting permission from the Police Department. To make special parking arrangements during construction, please communicate with the police and highway department about your plan. Contact Info: Police Department (603) 763-5555 / e.neill.cobb@sunapeepd.com; Highway Director (603) 763-5060 MichaelM@town.sunapee.nh.us.

About Dig Safe®:

Be sure to contact Dig Safe® before you or your contractor does any digging, even for small projects. There are state laws and common-sense reasons why you must contact Dig Safe before you dig. Dig Safe® has a system to notify utility companies that might have underground services, so those companies can flag the utilities before someone starts digging. For more info, call 811 or visit www.digsafe.com.

About Energy Code:

Did you know that the New Hampshire Public Utilities Commission (PUC) will review your proposal to make sure it meets with the State’s energy code? They will review the insulation factors, types of window ratings, etc. See RSA 155:A10-a (as may be amended). To take advantage, contact the PUC. For more info, contact (603) 271-6306, e-mail puc@puc.nh.gov or website <https://www.puc.nh.gov/EnergyCodes/energyypg.htm>.

About Asbestos:

The State of New Hampshire has established certain requirements for licensing asbestos contractors and addressing asbestos hazards. Many homeowners have asbestos-containing materials in their homes and there are requirements if a contractor or a homeowner disturbs or removes asbestos. The State has rules about where you can dispose of or how to get rid of materials that have asbestos. For more info, call the State of NH’s Asbestos Management Division at (603) 271-1370 or visit www.des.nh.gov or www.epa.gov/asbestos.

SIGNATURE(S) & AUTHORIZATION

ALL OWNERS MUST SIGN THIS APPLICATION

BY SIGNING BELOW, I certify that the representations contained herein are true and accurate to the best of my knowledge and I hereby acknowledge that the town is relying on my representations contained within this application to evaluate whether to issue the permit or certificate. I acknowledge that in evaluating this request, the town is not independently verifying or certifying any representations made by the applicant. I hereby grant permission for site visits and inspections by zoning officials(s).

Owner Signature: _____ Printed Name: _____ Date: _____

Owner Signature: _____ Printed Name: _____ Date: _____

IF USING AN AUTHORIZED AGENT: If the property owner wishes to authorize someone else to apply on their behalf, they must submit a letter attached to this application. The authorization letter must be signed by all property owners and contain the following statement: *“(name/company/contact info) has authority to act on my behalf regarding the property and this application and is authorized to submit, amend, alter or supplement this application.”*

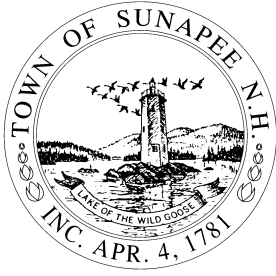
Authorized Agent Signature: _____ Printed Name: _____ Date: _____

THANK YOU FOR COMPLETING THE APPLICATION!

REFERENCE CHART

(3.10 & 3.20)

Requirement	Village Comm.	Village Residential	Mixed Use I	Mixed Use II	Mixed Use III	Residential	Rural Residential	Rural Lands
Minimum Lot Size	0.5 Acres	0.5 Acres	0.5 Acres	1.0 Acres	1.5 Acres	1.0 Acres	1.5 Acres	3.0 Acres
Maximum Residential Density (du=dwelling unit)	1du 10,000 Square Ft.	1du 10,000 Square Ft.	1du 0.5 Acres	1du 0.5 Acres	1 du / 1.5 Acres	1du 1.0 Acres	1du 1.5 Acres	1du 3.0 Acres
Minimum Road Frontage	75'	75'	75'	75'	100'	75'	100'	150'
Minimum Front Setback (Rt. 11,103, 103B)	75'	75'	75'	75'	75'	75'	75'	75'
Minimum Front Setback (All other roads as defined in Article XI)	40'	40'	40'	40'	50'	50'	50'	75'
Side & Rear Setbacks for Lots Meeting or exceeding minimum lot size or Lots which are not Pre-Existing	10'	15'	15'	25'	25'	15'	25'	50'
Side & Rear Setbacks for Pre-existing Lots Below Minimum Size	10'	10'	10'	15'	15'	10'	15'	25'
Maximum Lot Coverage	80%	60%	80%	50%	40%	50%	40%	30%
* Maximum Structure Height *	40'	40'	40'	40'	40'	40'	40'	40'
<i>* If a structure is allowed a reduced side or rear setback due to inadequate lot size, the portion of the structure in the area of reduced setback shall have a maximum height of 25'.</i>								
Requirement	Village Comm.	Village Residential	Mixed Use I	Mixed Use II	Mixed Use III	Residential	Rural Residential	Rural Lands
MINIMUM LOT SIZE (FOR PROPERTIES IN A SPECIAL OVERLAY DISTRICT):								
1) Shoreline	1.0 Acres	1.0 Acres	1.0 acres	N/A		1.0 Acres	1.5 Acres	1.5 Acres
2) Aquifer	2.0 Acres	2.0 Acres	2.0 Acres	2.0 Acres		2.0 Acres	2.0 Acres	2.0 Acres
3) Wetlands	1.5 Acres	1.5 Acres	1.5 Acres	1.5 Acres		1.5 Acres	1.5 Acres	1.5 Acres
MAXIMUM LOT COVERAGE (FOR PROPERTIES IN A SPECIAL OVERLAY DISTRICT):								
1) Shoreline Impermeable	60%	30%	N/A	N/A		30%	25%	20%
Shoreline Permeable & Impermeable combined	80%	60%	N/A	N/A		50%	40%	30%
2) Aquifer	20%	20%	20%	20%		20%	20%	20%
3) Wetlands	0%	0%	0%	0%		0%	0%	0%



TOWN OF SUNAPEE
Water and Sewer Commission
P.O. Box 347, Sunapee, NH 03782-0347
(603) 763-2115

Permit Application

Connection to Sunapee Municipal Water/Sewer System

Name: _____

Map/Lot: _____

Mailing Address: _____

Street Location of New Service:

Telephone: _____

Number of Units Proposed (0-5 Bedrooms=1 Unit) _____

Approximate Date of Installation _____

Name of Contractor _____

Address of Contractor _____

Phone # of Contractor _____

Signature of Applicant

Date

Sewer Attachment Fee _____ Sewer Bond Fee _____

Water Attachment Fee _____

Total Fee Due Prior to Connection to Municipal System _____

Total Fee Received By _____

Date _____

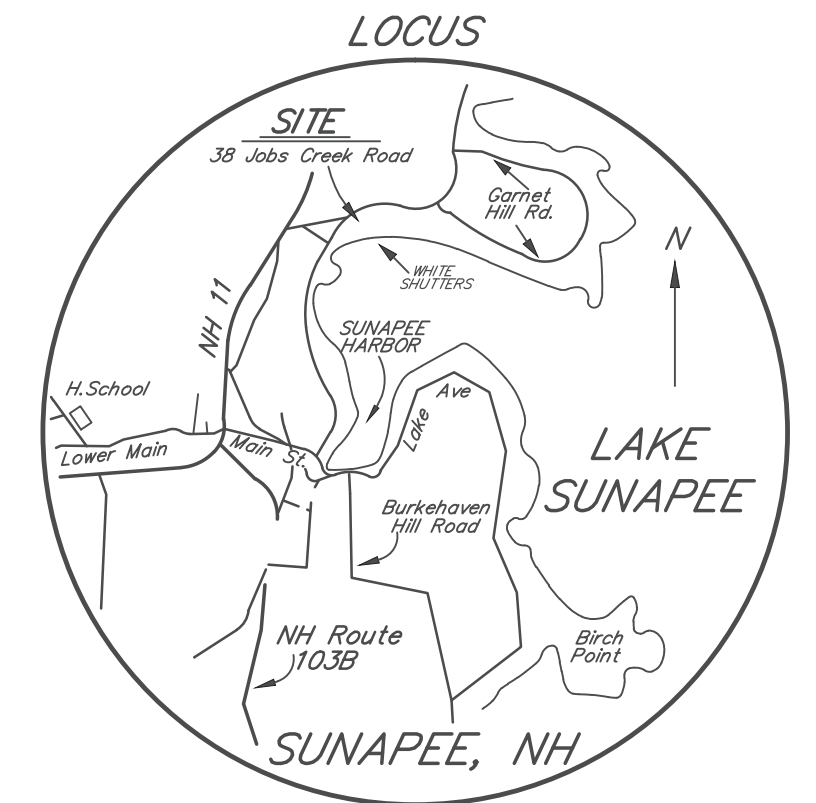




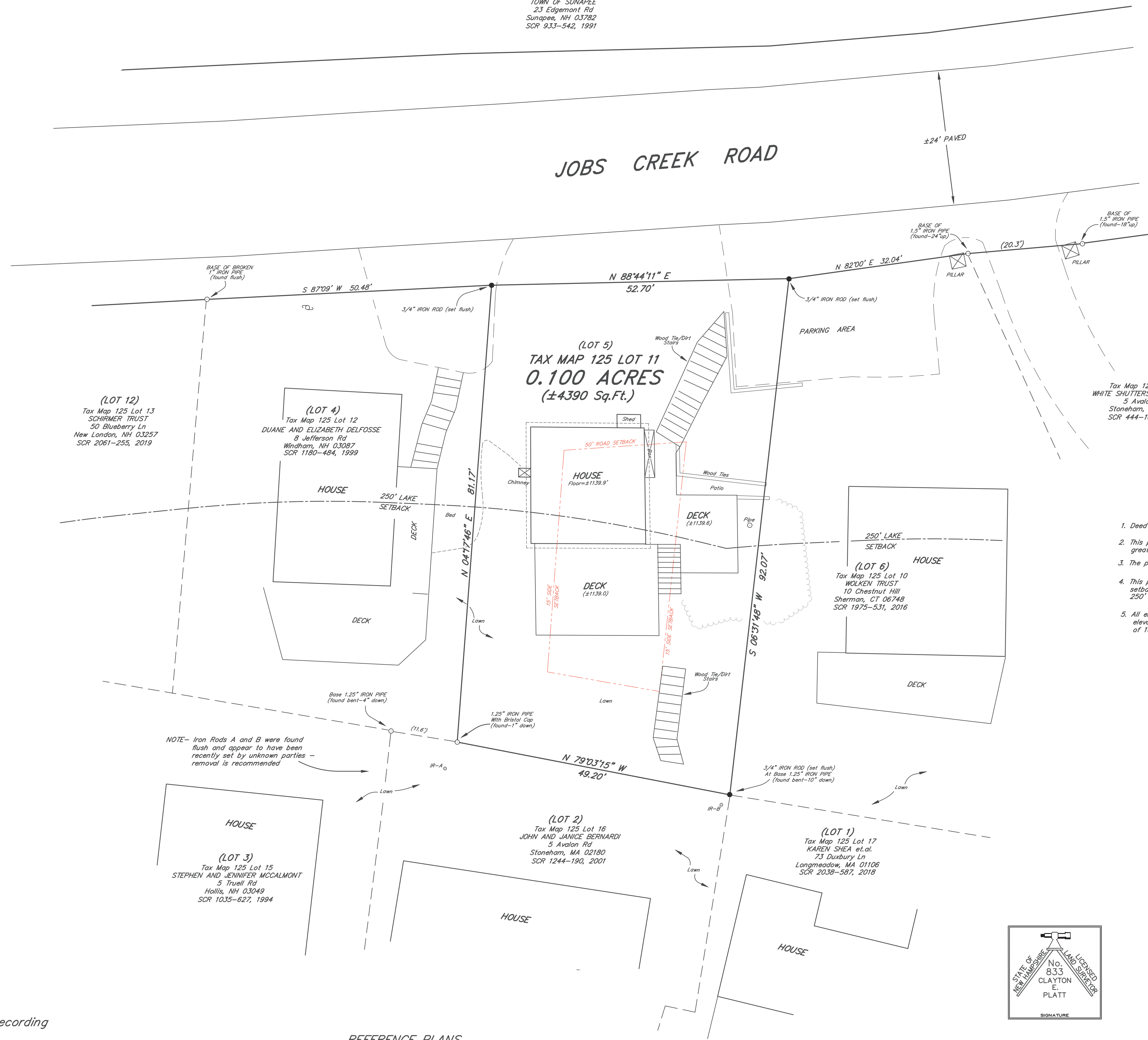
DEWEY WOODS
Tax Map 123 Lot 21
TOWN OF SUNAPEE
23 Edgemont Rd
Sunapee, NH 03782
SCR 933-542, 1991

KEY

- Wood Retaining Wall
- - - Shoreland Setback
- - - Setback Per Zoning
- 1.25" Iron Pipe (found) - or as noted
- 3/4" Iron Rod (set- July 14, 2020)
- Edge Paved Road/ Drive
- - - Woods Road/Trail
- Culvert
- Utility Pole w/ Overhead Lines
- - - Edge Lawn



2020 OBSERVED MAGNETIC



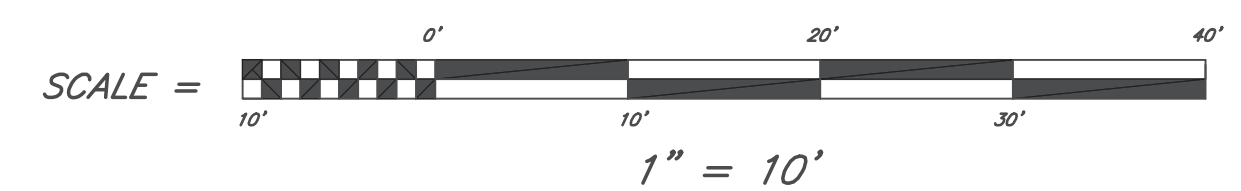
NOTES

1. Deed Reference is SCR Book 2091 Page 629, Jack Associates to Cathleen Shea and Bradley Weiss, December 13, 2019.
2. This plan is the result of a Nikon DTM 522 total station survey, January 13, 2020, having a closed traverse relative error of closure greater than 1:7,000 (0.04 total closure error and positional errors of ±0.05').
3. The purpose of this plan is to show the boundaries of the property described in the reference deed cited above.
4. This property is located in the Rural Residential Zoning District subject to the provisions of the shoreland overlay district; the required setbacks are 50' from the centerline of Lake Avenue, and 15' from side and rear line. This property is partially located in the 250' shoreland buffer around Lake Sunapee.
5. All elevations are referenced approximately to USCS datum based on the existing waterline located on January 13, 2020, at an elevation of 1091.93' as listed on the NHDES website. The edge of Lake Sunapee and all Lake setbacks are based on a reference line of 1094.15' along the shore of Lake Sunapee.

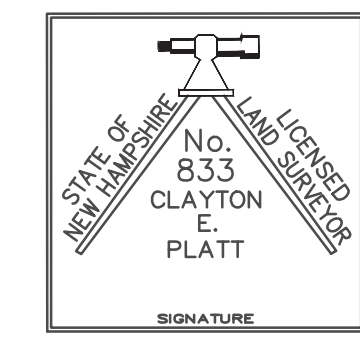
**WHITE SHUTTERS LOT 5
TAX MAP 125 LOT 11 - 38 JOBS CREEK ROAD
PLAN OF STANDARD PROPERTY SURVEY**

PROPERTY OF
CATHLEEN A. SHEA and BRADLEY M. WEISS
12 IRVING STREET, NEWTON MA 02429

LOCATED IN
SUNAPEE, N.H.



JULY 22, 2020



REVISIONS

REFERENCE PLANS

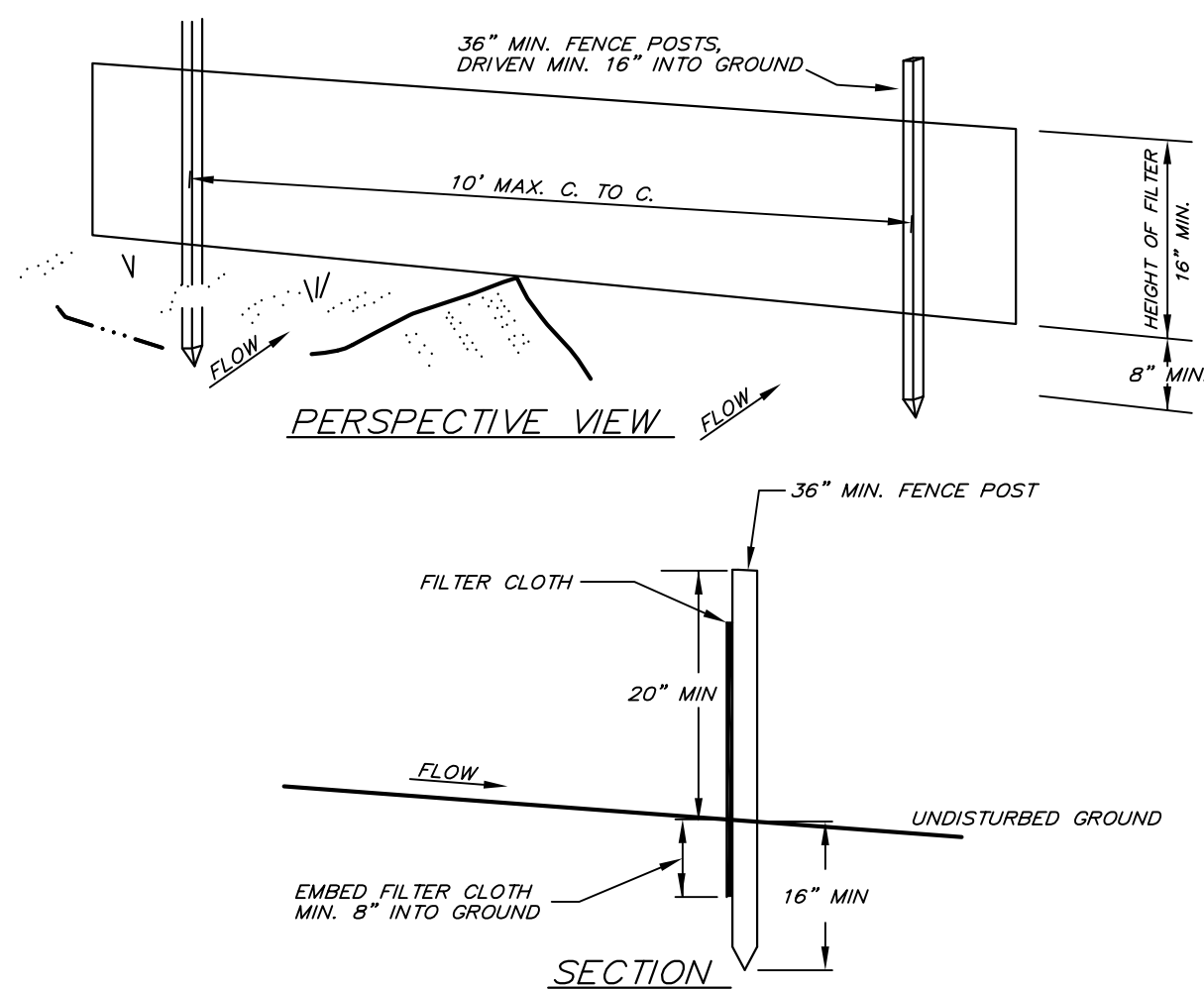
1. SCR PL01, Pk.07, FL04, No.5 - "Property of Charles Brown k/a White Shutters Lodges..." by Robert Bristol, May 5, 1969.
2. Unrecorded Plan - "Boundary Plan, Tax Map 125 Lot 13..." by Raymond Critch, Fuss and Oneill, Revised May 14, 2019.

Certification for Recording

I certify that this survey plat is not a subdivision pursuant to this title and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new ways are shown. (RSA 676:18)

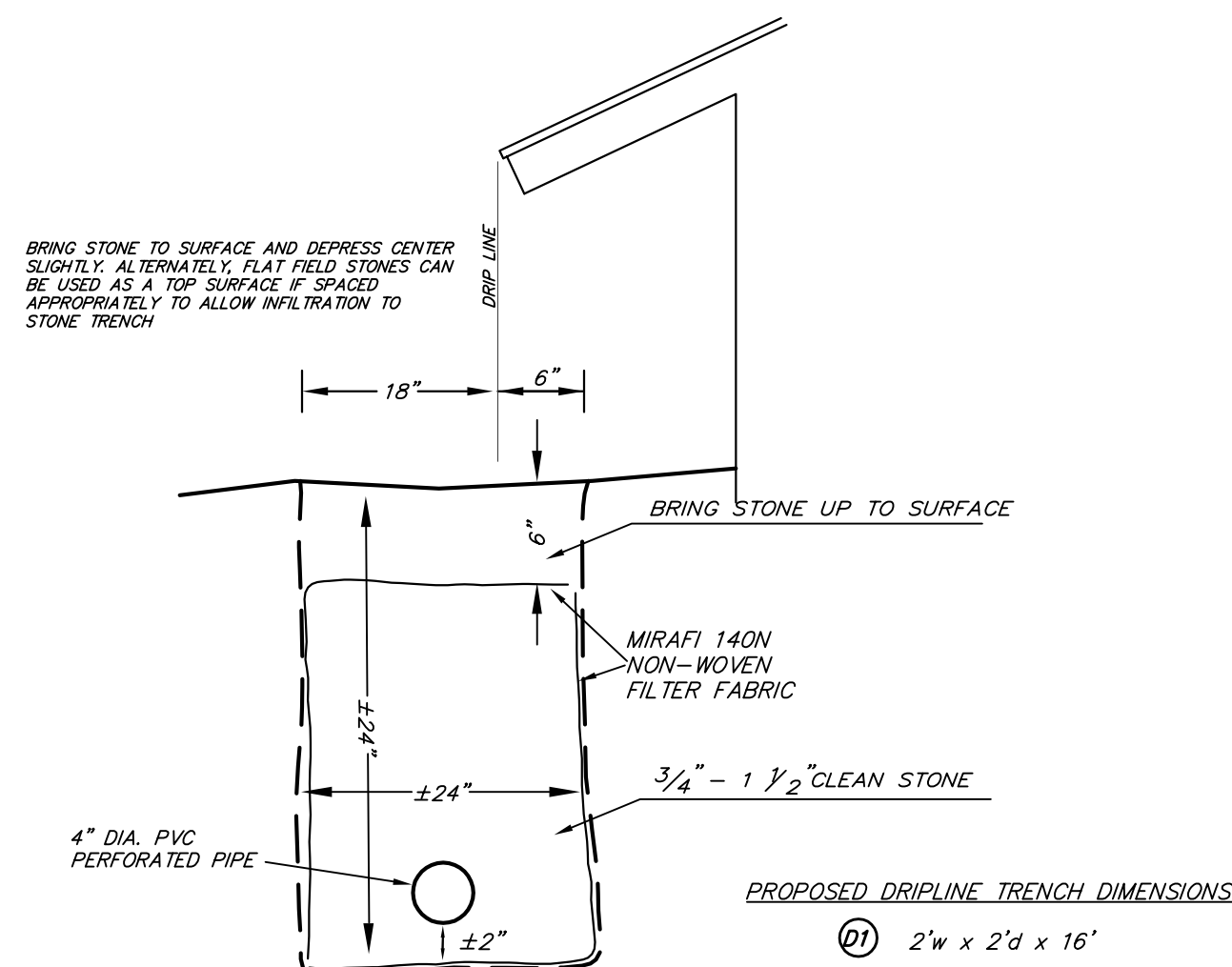
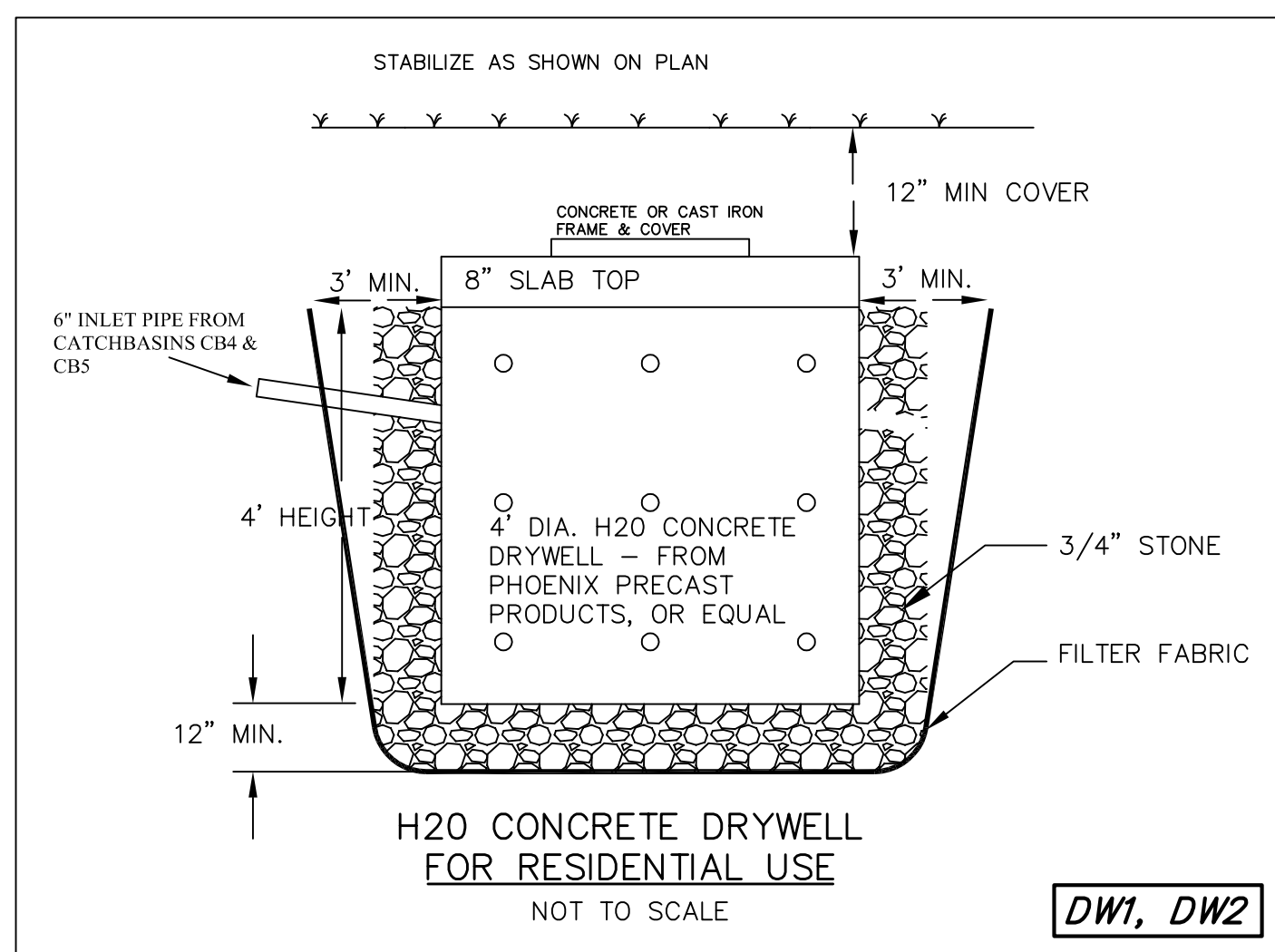
Clayton E. Platt, LLS No. 833 Date _____

PENNYROYAL HILL LAND SURVEYING & FORESTRY LLC
CLAYTON E. PLATT LIC. SURVEYOR NO. 833
414 Pine Hill Road Croydon, NH 03773 (603) 863-0981

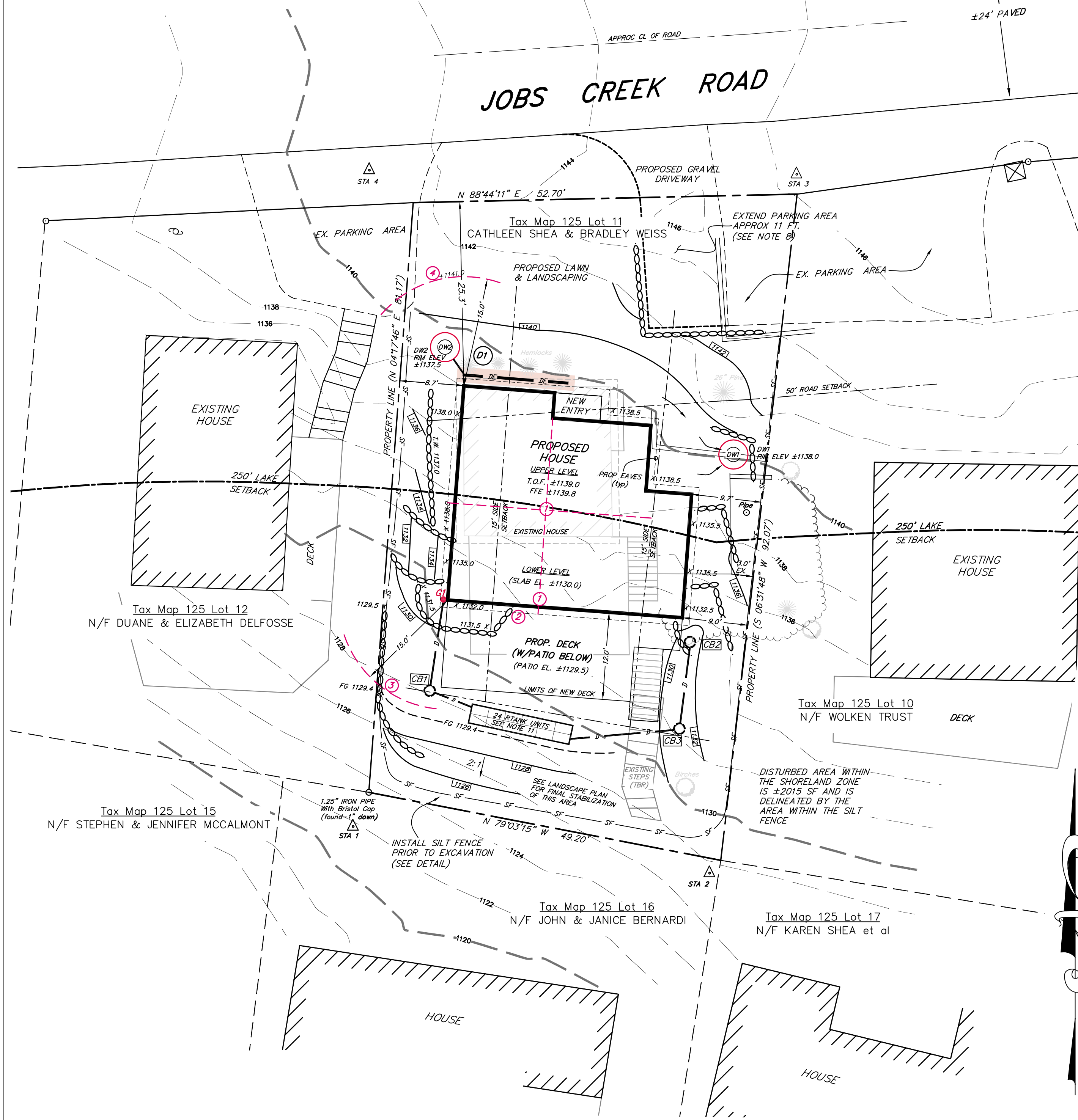


- CONSTRUCTION NOTES FOR FABRICATED SILT FENCE**
1. FILTER CLOTH TO BE FASTENED SECURELY TO FENCE POST WITH TIES AT TOP, MID SECTION AND BOTTOM.
 2. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER, THEY SHALL BE OVERLAPPED BY 6 INCHES, FOLDED STAPLED.
 3. MAINTENANCE SHALL BE PERFORMED AS NEEDED TO PREVENT "BULGES" IN THE SILT FENCE DUE TO DEPOSITION OF SEDIMENT.
- MAINTENANCE REQUIREMENTS**
1. INSPECT SILT FENCES IMMEDIATELY AFTER EACH RAINFALL AND DAILY DURING PROLONGED RAINFALL. ANY NECESSARY REPAIRS SHALL BE MADE IMMEDIATELY.
 2. IF THE FABRIC ON A SILT FENCE SHOULD DECOMPOSE OR BECOME INEFFECTIVE DURING THE EXPECTED LIFE OF THE FENCE, THE FABRIC SHALL BE REPLACED PROMPTLY.
 3. SEDIMENT DEPOSITS SHOULD BE REMOVED WHEN THEY REACH APPROXIMATELY ONE-EIGHTH THE HEIGHT OF THE BARRIER.
 4. SEDIMENT DEPOSITS THAT ARE REMOVED OR LEFT IN PLACE AFTER THE FABRIC HAS BEEN REMOVED SHALL BE GRADED TO CONFORM WITH THE EXISTING TOPOGRAPHY AND VEGETATED.

SILT FENCE DETAIL
(NOT TO SCALE)



DRIPLINE TRENCH DETAIL



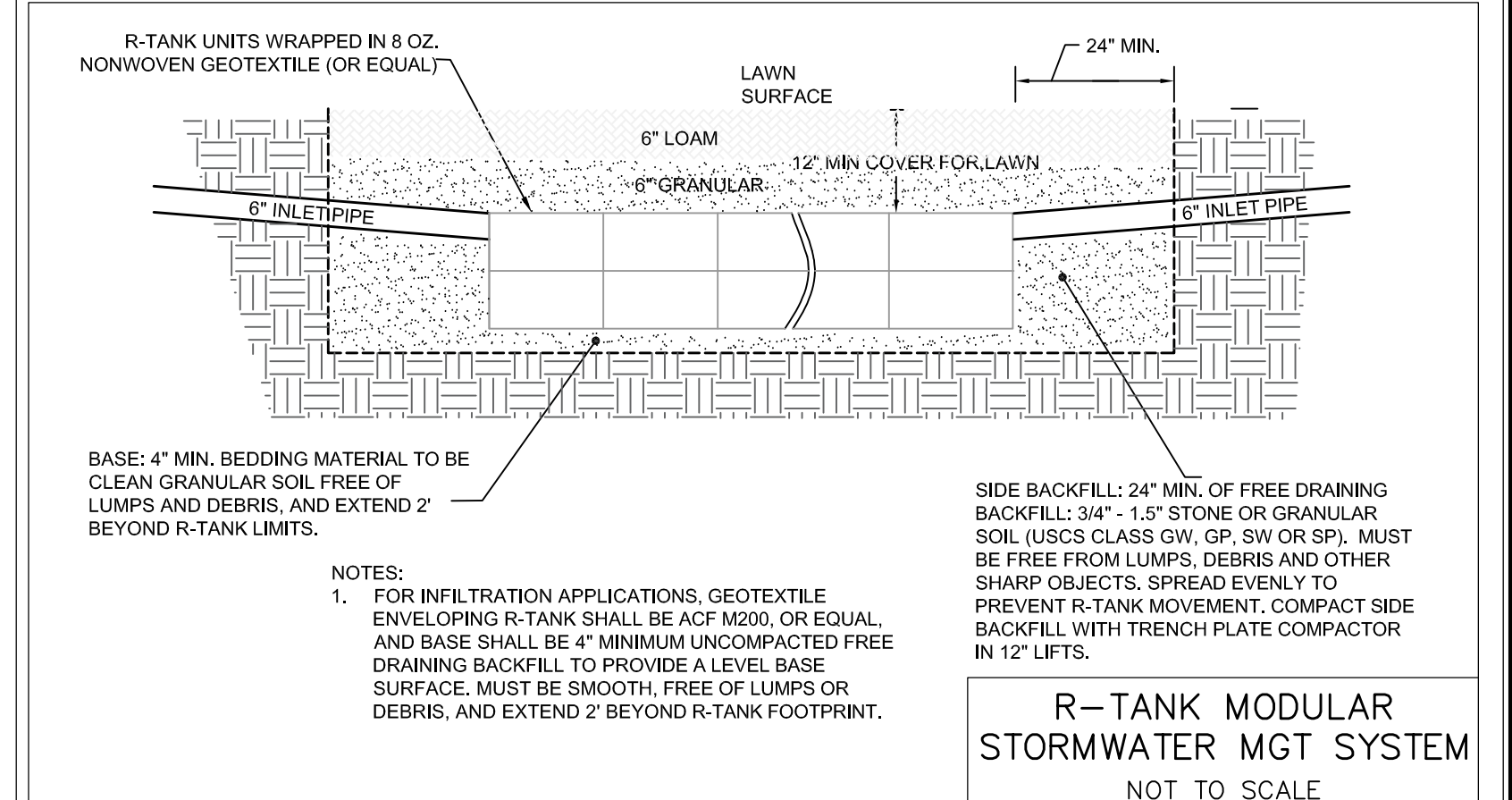
PROPOSED CONDITIONS PLAN

SCALE: 1" = 10'

STRUCTURE HEIGHT DETERMINATION ~ PROPOSED	
LOCATION/ELEVATION	HEIGHT
① ELEV 116.3.1 (PEAK RIDGE ELEVATION)	---
② ELEV 1129.5 (LOWEST ADJACENT FINISH GRADE)	33.6
③ ELEV 1129.4 (LOWEST FINISH GRADE @ 15' OFFSET)	33.7
④ ELEV 1141.0 (LOWEST FINISH GRADE IN ROAD SETBACK @ 15' OFFSET)	22.1

GENERAL NOTES

1. Owner of record for the property (Map 125, Lot 11):
Cathleen A. Shea & Bradley M. Weiss
12 Irving Street
Newton, MA 02459
2. Boundary, Topographic and Shoreland surveying provided by Pennyroyal Hill Land Surveying, Clayton Platt, LLS, Croydon, NH
3. Erosion control practices shall be installed and maintained in accordance with Best Management Practices as outlined in the NH Stormwater Manual, December, 2008; and with details provided on the plan sheets.
4. Contractor is responsible for notifying DIG-SAFE prior to starting construction.
5. Contractor shall monitor weather and take any necessary temporary measures needed to prevent erosion and sediment transport. These measures can be such practices as small sediment basins or diversions constructed for overnight or over the weekend if rain is forecast.
6. Silt fence or Silt Sock (aka Compost Sock) shall be installed as shown on this plan and Landscape Plans. It shall be left in place and maintained as necessary until the site is fully stabilized. It is the contractor's responsibility to periodically inspect and maintain all sediment and erosion control measures whether the contractor is actively working on-site or not, and always after any rainstorm of 1/2" or greater.
7. Env-Wq 1403.03 (b): Within 3 days of final grading or temporary suspension of work in an area that is in the protected shoreland, all exposed soil areas shall be stabilized by:
(1) Seeding and mulching, if during the growing season;
(2) If not within the growing season, by mulching with tack or netting; or
(3) With an alternative method of temporary stabilization as specified in Env-Wq 1500
8. Extend existing gravel parking area by approximately 11 feet in order to provide parking for two vehicles on the subject property.
9. Property is served by municipal sewer and water mains located along Jobs Creek Road. These mains and service lines to the house are not shown on this plan. Electric/phone/cable is overhead along Jobs Creek Road.
10. All retaining walls shown shall be less than 42" high when located within building setbacks.
11. Install R-Tanks according to the detail on this sheet and the manufacturers most current specifications at the time of construction. Bottom of units to be set at Elev ±1124.7.



GENERAL SITE LEGEND

- △ SURVEY HUB
- HARDWOOD TREE
- SOFTWOOD TREE
- ⊕ EXISTING WELL
- ⊙ UTILITY POLE
- SF — PROPOSED SILT FENCE OR SILT SOCK
- G1 — GUTTER DOWNSPOUT & LABEL
- D — PROPOSED 6" PVC DRAINAGE PIPE
- DE — PROPOSED STONE DRIP EDGE, NO PIPE
- DE — PROPOSED STONE DRIP EDGE W/PERF. PIPE
- ⊙ DW — PROPOSED DRIP EDGE TRENCH LABEL (SEE DETAIL)
- ⊙ CB2 — PROPOSED CATCHBASIN, 15" diam NYLOPLAST or ADS
- ⊙ DW — PROPOSED CONCRETE DRYWELL
- I — PROPOSED INFILTRATION BED, AS NOTED
- 518 --- EXISTING GRADE CONTOUR
- 830+5 EXISTING GRADE, SPOT ELEV.
- 1129.4 — FINISH CONTOUR
- 822.5 5036 830+5 FINISH GRADE, SPOT ELEV.
- S — EXISTING SEWER LINE
- W — EXISTING WATER LINE
- etc — EXISTING OVERHEAD LINES
- --- --- EDGE OF LAKE OR WETLAND
- ⊕ --- --- PROPOSED RETAINING WALL

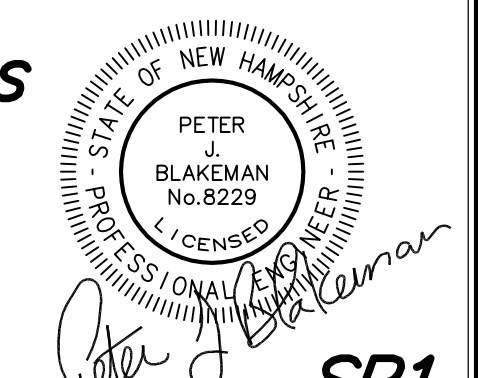
SITE PLAN & DETAILS ~ PROPOSED CONDITIONS

FOR
~NH DES SWQA & TOWN ZONING PERMITTING~

PREPARED FOR
CATHLEEN A SHEA and BRADLEY M WEISS

TAX MAP 125 ~ LOT 11
38 JOBS CREEK ROAD
SUNAPEE, NEW HAMPSHIRE

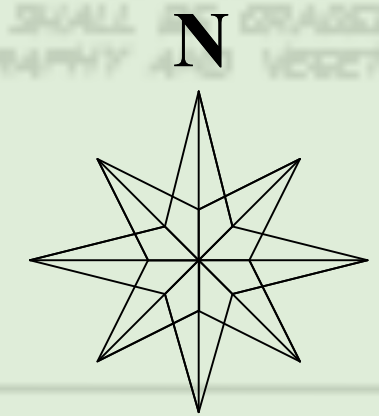
SEPTEMBER 10, 2025
REVISED NOVEMBER 20, 2025
12/05/25 (HEIGHT TABLE)



SP1

Job's Creek Road

Symbol	Qty	Common Name	Botanical Name	Container
Herbaceous/Perennials				
	42	Bunchberry	Cornus canadensis	Tray of 10
Shrubs/Deciduous				
	3	'Cardinal Candy' Viburnum	Viburnum dilatatum 'Cardinal Candy'	5 Gal.
	6	'Ruby Spice' Clethra	Clethra alnifolia	3 Gal.
	3	Highbush Blueberry	Vaccinium corymbosum	5 Gal.
	5	'Bailey' Red Twig Dogwood	Cornus sericea 'Bailey'	3-4' B&B
Shrubs/Evergreen				
	8	'Grey Owl' Juniper	Juniperus chinensis 'Sea Green'	3 Gal.
	7	'Manhattan Blue' Eastern Red Cedar	Juniperus virginiana 'Manhattan Blue'	5-6' B&B
Shrubs/Ferns				
	76	Hayscented Fern	Dennstae. punct.	4" Pot
Trees/Deciduous				
	1	Shadblow Serviceberry	Amelanchier canadensis	5-6' B&B
Trees/Evergreen				
	2	Canadian Hemlock	Tsuga canadensis	8-10' B&B



250' Lake Setback Line

250' Lake Setback Line

Tax Map 125 Lot 12
N/F DUANE & N

Tax Map 125 Lot 10
WOLKEN TRUST

Tax Map 125 Lot 15
N/F STEPHEN & JENNIFER MCCALMONT

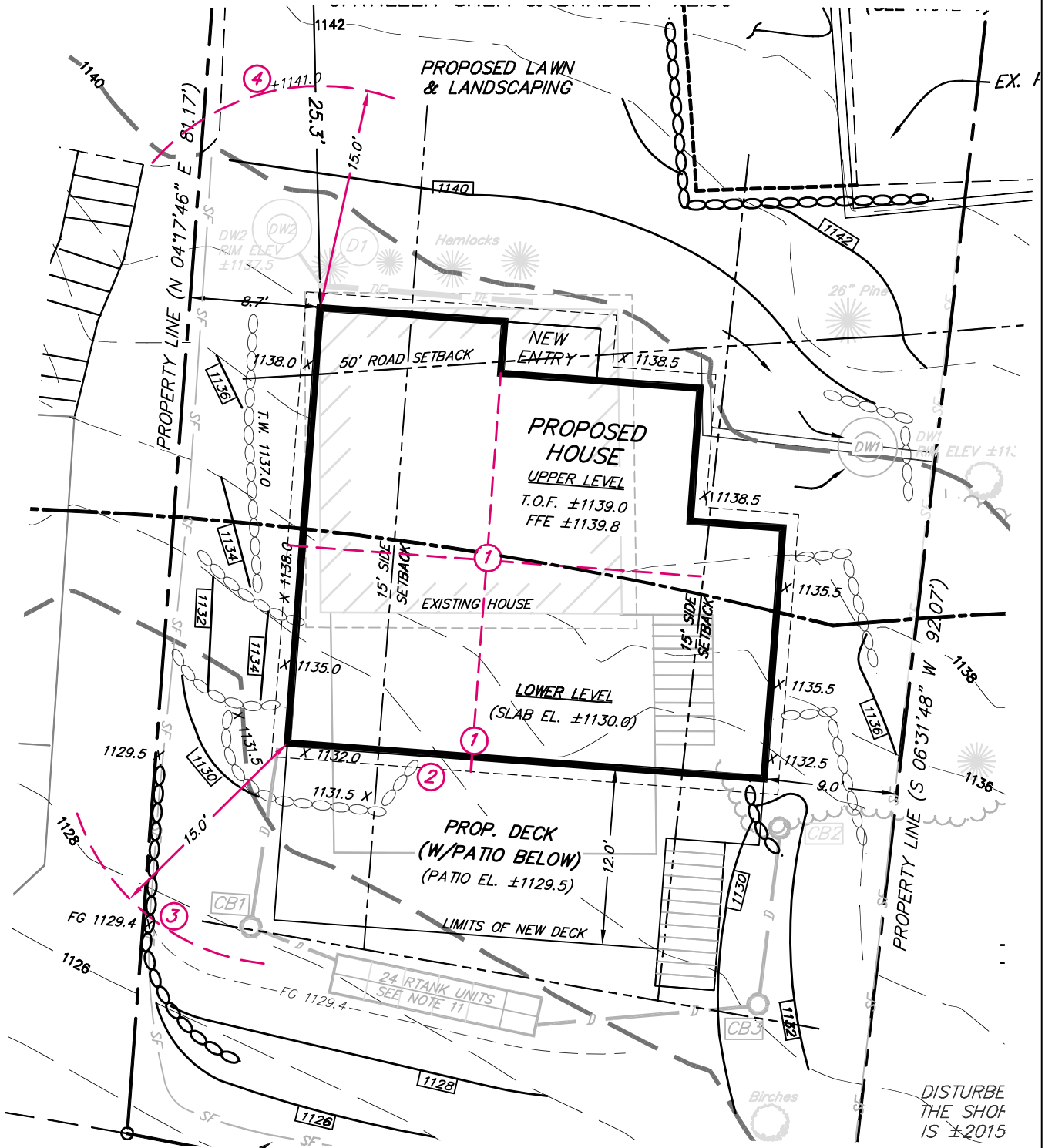
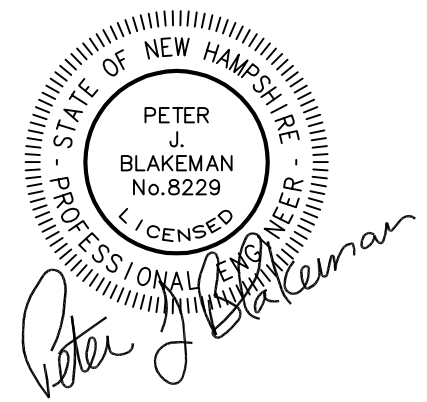
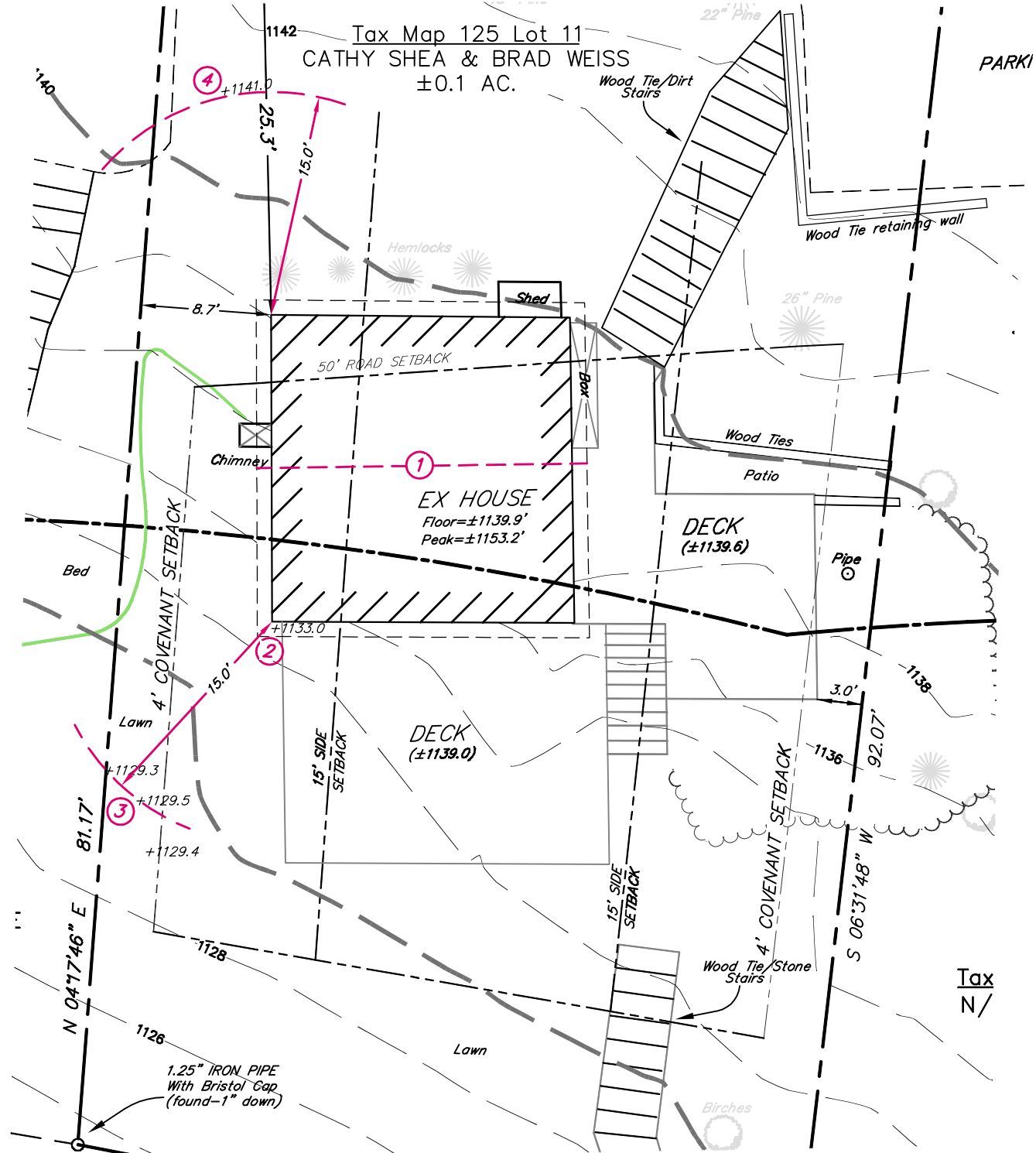
Map 125 Lot 16
N/F JOHN & JANICE BERNARDI

Tax Map 125 Lot 17
N/F KAREN SHEA et al

Mara landscape design, LLC
Newburyport, Massachusetts Hanover, New Hampshire

Landscape Plan
Prepared For:
38 Job's Creek Rd.
Sunapee, NH
March 1, 2021

Scale: 3/16" = 1 ft



STRUCTURE HEIGHT DETERMINATION ~ EXISTING

LOCATION/ELEVATION	HEIGHT
① ELEV 1153.2 (PEAK RIDGE ELEVATION)	---
② ELEV 1133.0 (LOWEST ADJACENT GRADE)	20.2
③ ELEV 1129.3 (LOWEST GRADE @ 15' OFFSET)	23.9
④ ELEV 1141.0 @ 15' OFFSET (LOWEST GRADE IN ROAD SETBACK @ 15' OFFSET)	12.2

STRUCTURE HEIGHT DETERMINATIONS

FOR SUNAPEE ZONING REVIEW
 EXISTING & PROPOSED HOUSES
 PREPARED FOR
CATHLEEN SHEA and BRADLEY WEISS
 38 JOBS CREEK ROAD, SUNAPEE, NEW HAMPSHIRE
 DECEMBER 8, 2025

SCALE: 1"=10'

STRUCTURE HEIGHT DETERMINATION ~ PROPOSED

LOCATION/ELEVATION	HEIGHT
① ELEV 1163.1 (PEAK RIDGE ELEVATION)	---
② ELEV 1129.5 (LOWEST ADJACENT FINISH GRADE)	33.6
③ ELEV 1129.4 (LOWEST FINISH GRADE @ 15' OFFSET)	33.7
④ ELEV 1141.0 (LOWEST FINISH GRADE IN ROAD SETBACK @ 15' OFFSET)	22.1



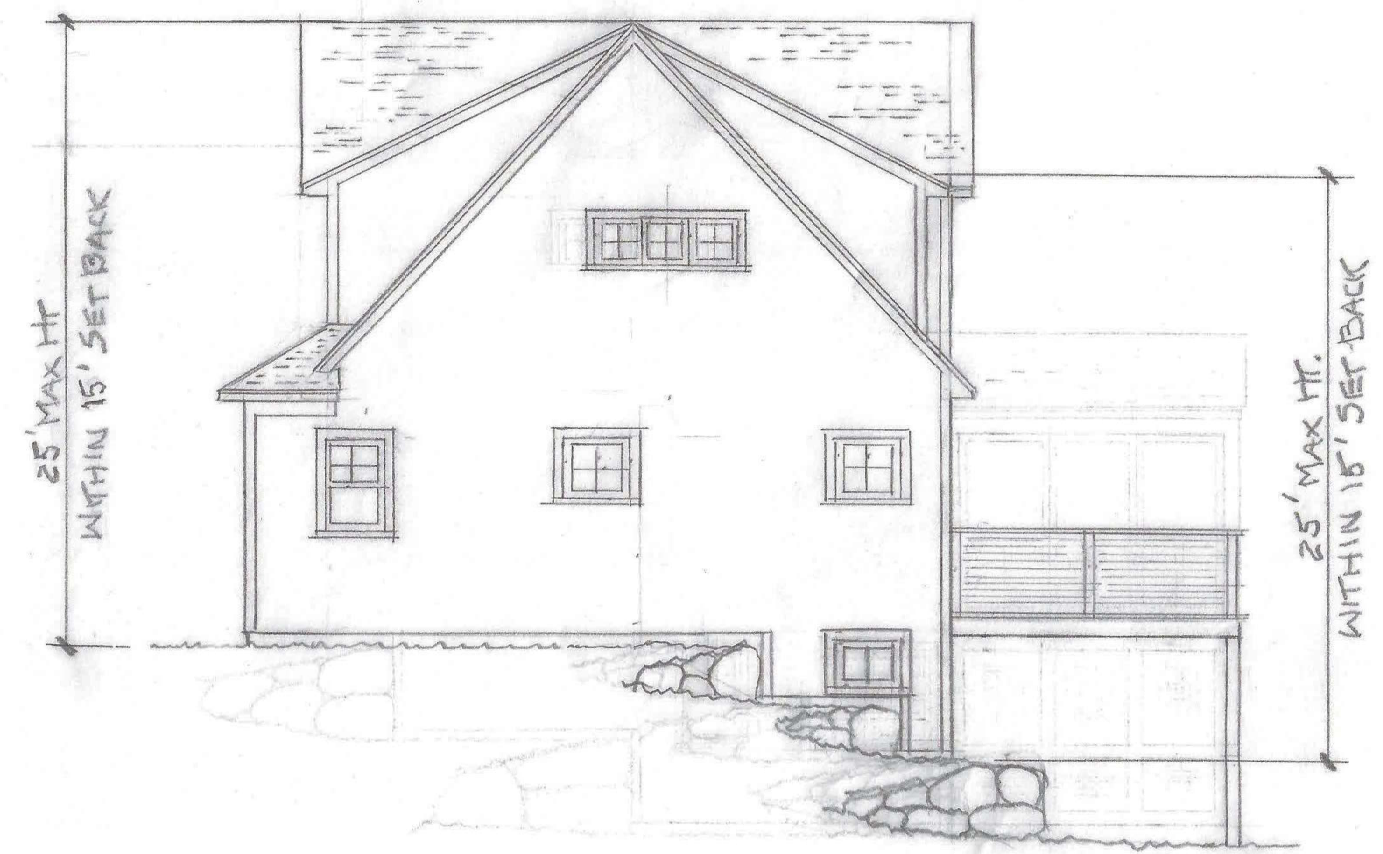
SOUTH ELEVATION



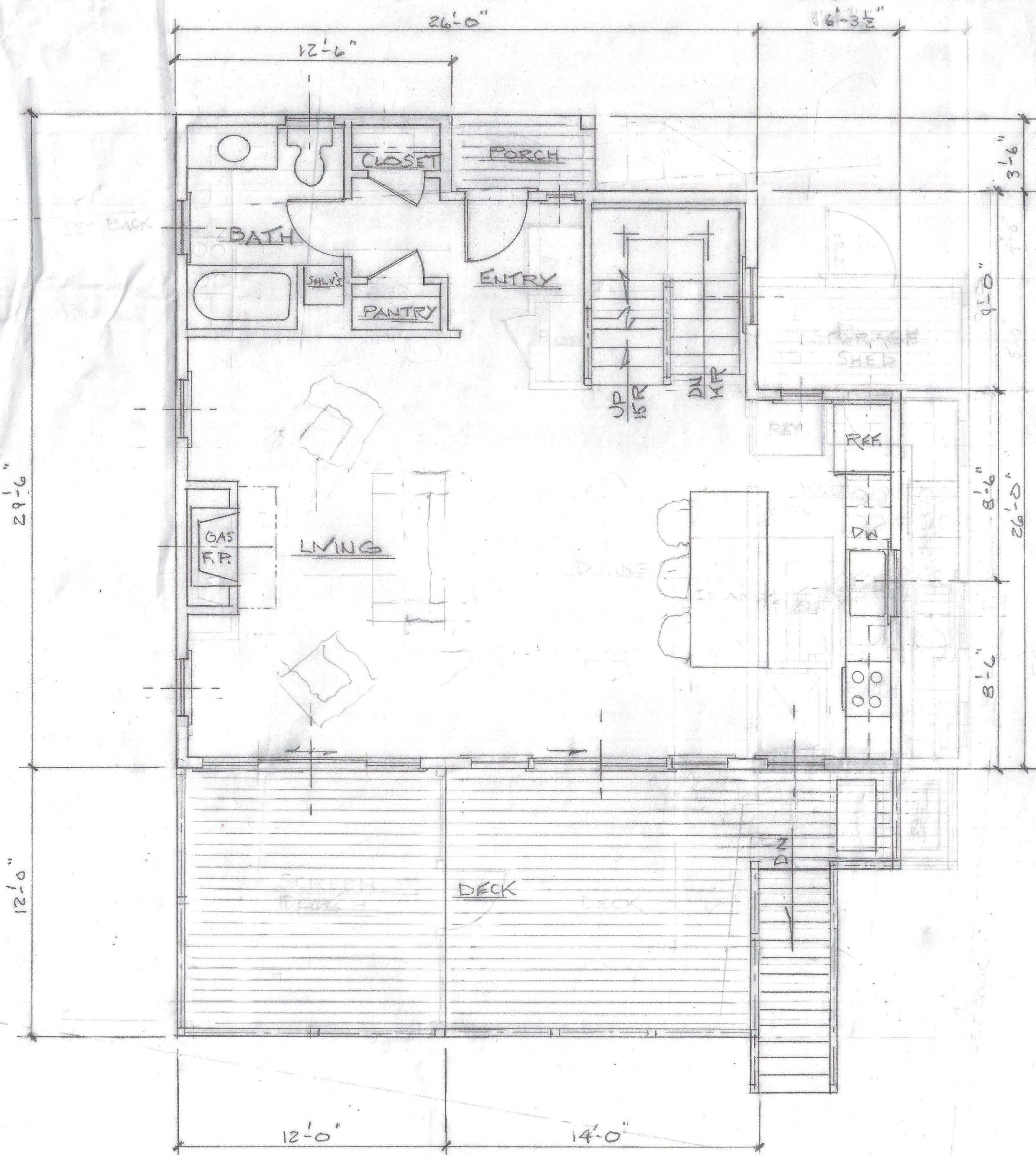
EAST ELEVATION



NORTH ELEVATION

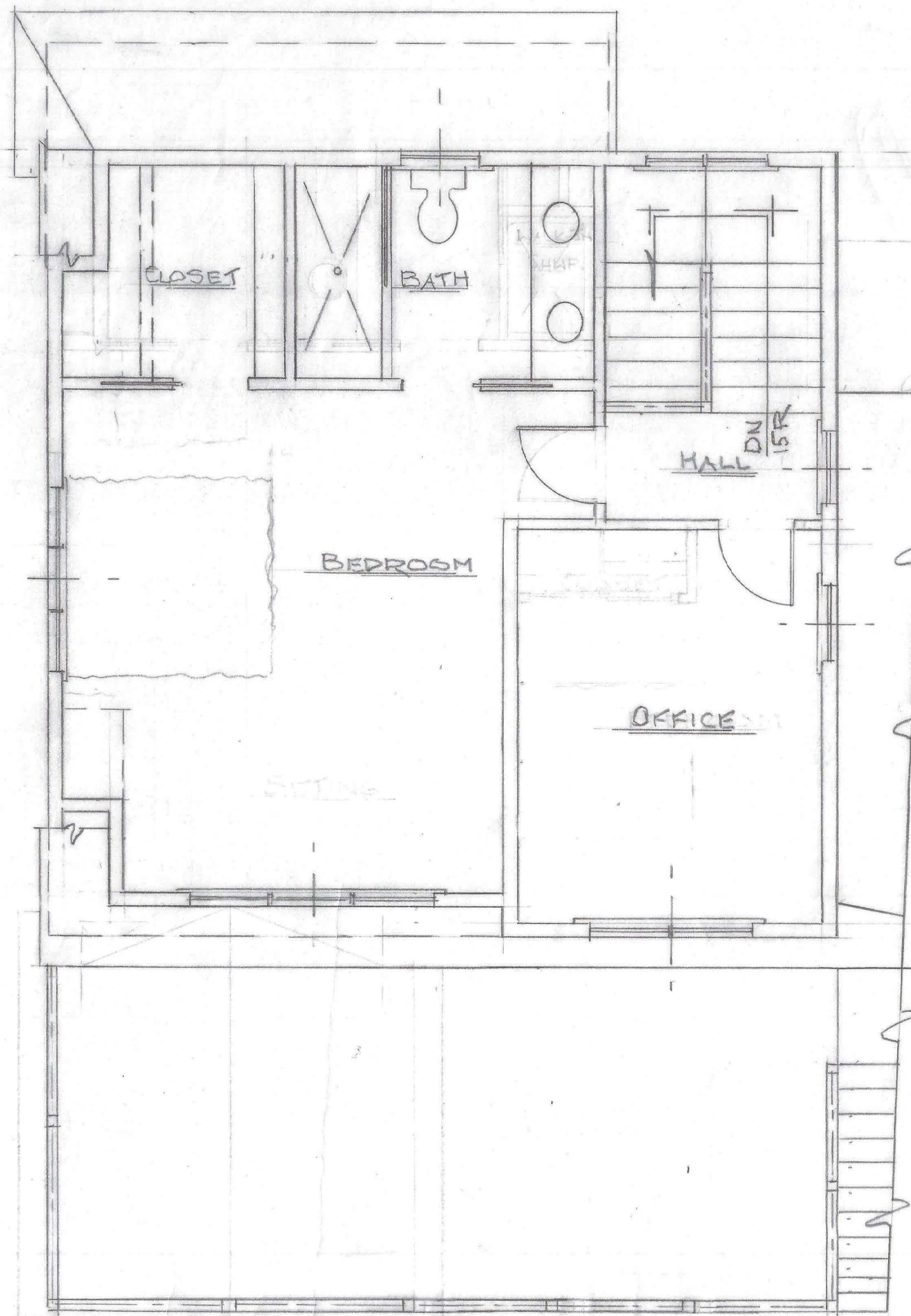


WEST ELEVATION



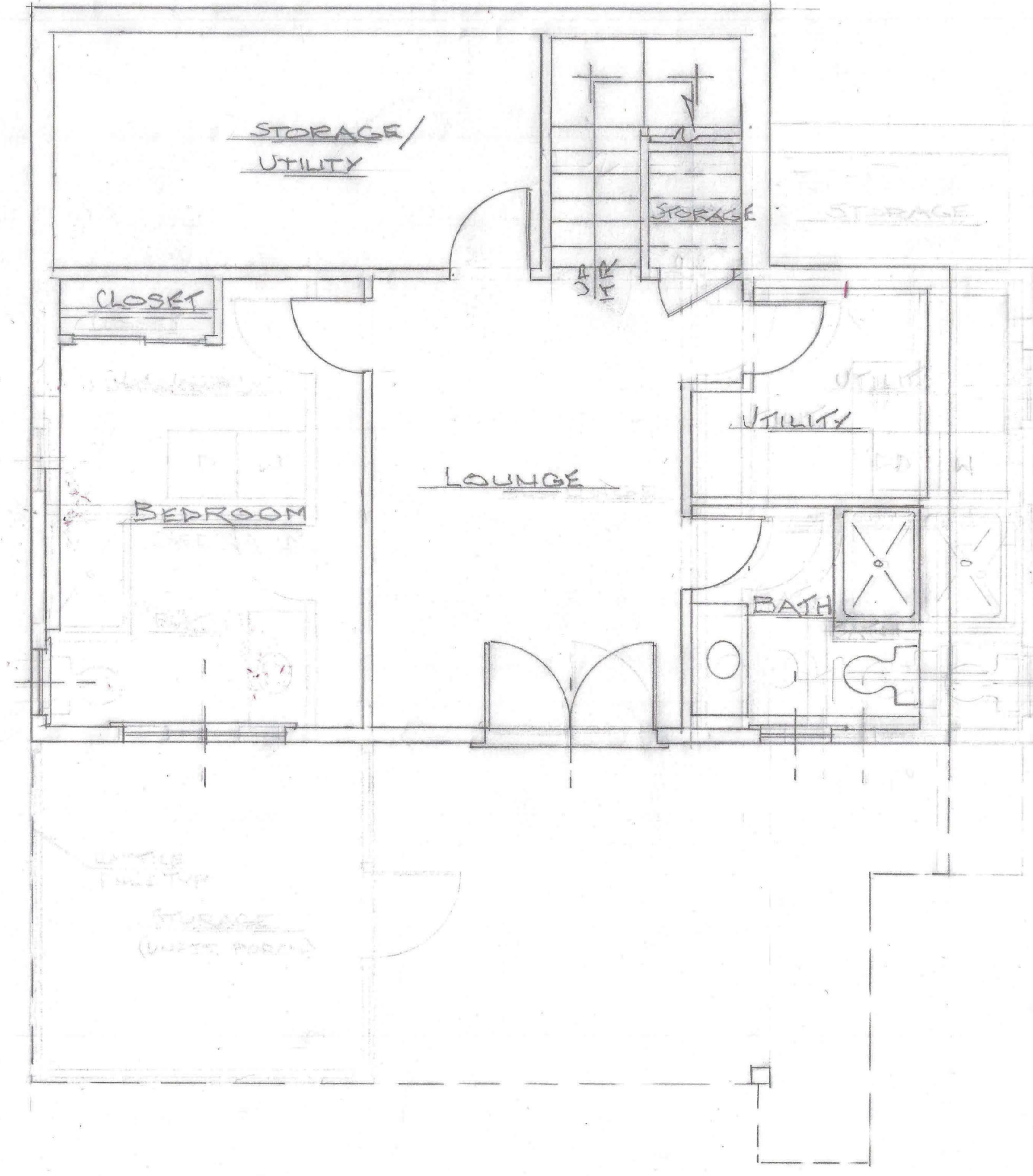
MAIN FLOOR PLAN

1/8" = 1'-0" 878 FT² LIVING
23 FT² PORCH



UPPER FLOOR PLAN

1/8" = 1'-0" 661 FT² LIVING



LOWER FLOOR PLAN

1/8" = 1'-0" 672 FT² LIVING

Snow Building Construction

New London, N.H.

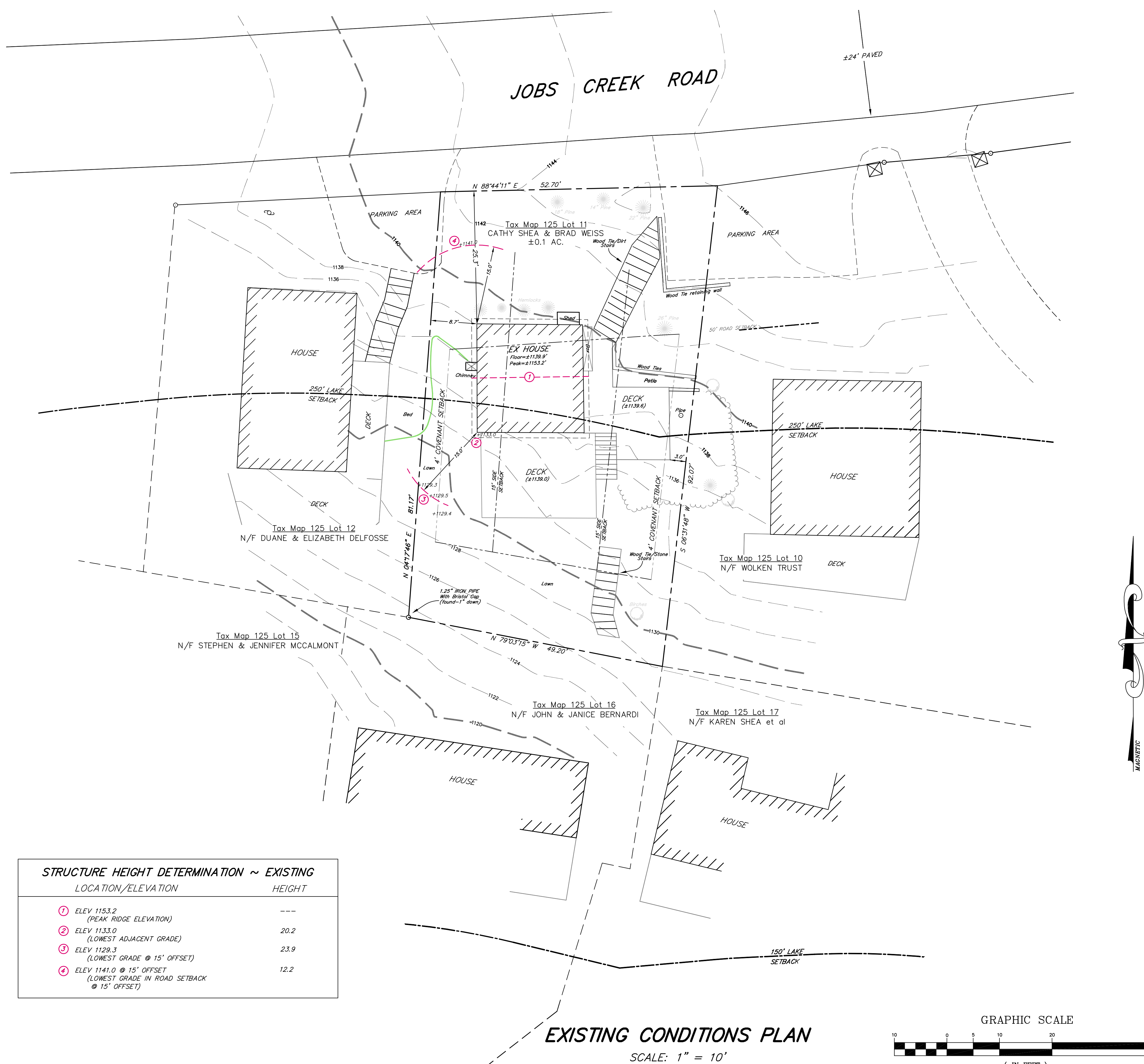
38 JOBS CREEK RD.

DATE: 2-14-2020 SCALE: AS SHOWN

DRAWN BY: PS

CSHEA-WEISS

REVISED
4-30-2020
10-5-2020
10-20-2020
1-12-21
1-26-25
10-20-25
Task 3' OFF
ADDED TH. DIM'S



GENERAL NOTES

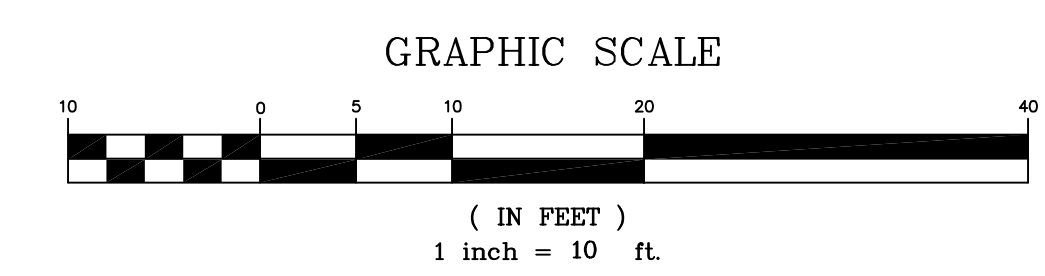
- Owner of record for the property (Map 125, Lot 11):
Cathleen A. Shea & Bradley M. Weiss
12 Irving Street
Newton, MA 02459
- Boundary, Topographic and Shoreland surveying provided by Pennyroyal Hill Land Surveying, Clayton Platt, LLS, Croydon, NH. See "Plan of Standard Property Survey", Property of Cathleen A. Shea and Bradley M. Weiss' by his office for complete boundary detail.

GENERAL SITE LEGEND

- △ SURVEY HUB
- HARDWOOD TREE
- SOFTWOOD TREE
- ⊕ EXISTING WELL
- ⊕ UTILITY POLE
- etc - EXISTING OVERHEAD LINES
- - - - - EDGE OF LAKE OR WETLAND
- SF - PROPOSED SILT FENCE OR SILT SOCK (SEE NOTE 6)
- D - PROPOSED 6" PVC DRAINAGE PIPE
- - - - - PROPOSED STONE DRIP EDGE, NO PIPE
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- - - - - PROPOSED INFILTRATION BED, AS NOTED
- CBZ PROPOSED CATCHBASIN, 15" diam NYLOPLAST or ADS
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- - 518 - - - - EXISTING GRADE CONTOUR
- +830.5 830+5 EXISTING GRADE, SPOT ELEV.
- - - - - FINISH CONTOUR
- 822.5 503P FINISH GRADE, SPOT ELEV.
- S - EXISTING SEWER LINE
- W - EXISTING WATER LINE

STRUCTURE HEIGHT DETERMINATION ~ EXISTING	
LOCATION/ELEVATION	HEIGHT
① ELEV 1153.2 (PEAK RIDGE ELEVATION)	---
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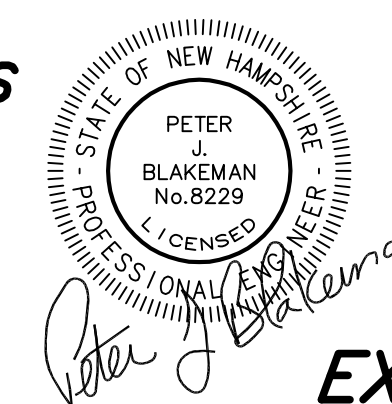
EXISTING CONDITIONS PLAN
SCALE: 1" = 10'



SITE PLAN ~ EXISTING CONDITIONS
FOR
~NH DES SWQPA & TOWN ZONING PERMITTING~
PREPARED FOR
CATHLEEN A SHEA and BRADLEY M WEISS
TAX MAP 125 ~ LOT 11
38 JOBS CREEK ROAD
SUNAPEE, NEW HAMPSHIRE

JULY 7, 2020
REVISED NOVEMBER 20, 2025
12/05/25 (HEIGHT TABLE)

Prepared By: Blakeman Engineering, Inc., P.O. Box 4, North Sutton, NH 03260, (603) 927-4163



EX1

Case #: SED-25-4

Parcel ID: 0125-0011-0000

Record No: SED-25-4

Special Exception for Dimensional Controls

Status: Active

Submitted On: 10/31/2025

Primary Location38 JOBS CREEK RD
, NH 03782**Owner**SHEA, CATHLEEN A WEISS, BRADLEY M
IRVING ST 12 NEWTON, MA 02459**I. Applicant Information****Landowner(s) Name(s):***

Cathleen Shea & Bradley Weiss

Project Location (Street & #):*

38 Jobs Creek Road

Mailing Address:*

12 Irving St, Newton MA 02459

Zoning District*

Rural Residential (RR)

Phone Number: *

607-227-8772

Email

levelbrad@gmail.com

Unsure what zone your property is in? Click [HERE](#) to search for your property card.

Is there an Authorized Agent for this project?*

No

Sewage Disposal*

Town Sewer

II. Abutters**Abutters List**

You must prepare a list of all abutting property owners and attach it to your application. If you have any difficulty, consult the town office. You can download an abutters list by using the Tax Maps/GIS on the Town's website

Have you prepared an abutters list?*

Yes

Number of Abutters*

8

Be sure to include yourself and any professionals associated with the project (engineers, architects, etc.) in your total number of abutters

III. General Description

The Zoning Board of Adjustment pursuant to its powers outlined in Article X may grant **Special Exceptions** to the terms of this ordinance where the special exceptions are in harmony with the general purposes and intent of this ordinance. All such special exceptions shall accord with the general or specific rules contained in this ordinance.

Zoning ARTICLE*

Zoning SECTION*

III

3.50 (i)

Summary of Request:*

The property is located at 38 Jobs Creek road, in the White Shutters community, where all lots are pre-existing and non-conforming. White Shutters was converted from housekeeping cabins to a version of a planned-unit-development in the 1970s. White Shutters, at the time, established its own covenants and set-back requirements of 4 feet, pre-dating the towns. The character of the community closely mirrors those standards; in fact, over 80% of the homes have setbacks under 5 feet and seven homes are at or over their property lines. The “cluster-development” nature of the community allows for a large common area including a lawn along the lake, a dock and fishing area, wooded buffer from the road, and a small beach. For some reason, White Shutters was changed from Residential to the Rural Residential zone in 2010 – where reduced required setbacks are 15’ and lot size minimum is 1.5 acres.

The lot at 38 Jobs Creek road is small, barely one-tenth of an acre - the road frontage, lot size, as well as front and side setbacks of the property are all non-conforming. The property is unique in the community in that it has a slope greater than most – as it relates to the area the proposed structure will occupy; it’s about a 10-foot grade change from roadside to lake side. There are currently zero erosion controls except for a couple of bushes. The current structure has a dirt standing-height crawlspace, main floor, and a second-floor loft that all occupies a 1,051 sqft footprint including decks and stairs.

We would like to replace the seasonal camp with a year-round modern structure including a finished full basement and full 2nd floor. We worked with local design-build firm Snow Building to design a home that will add value, fit in with the community, and is environmentally considerate of nearby Lake Sunapee. The proposed structure will occupy a slightly larger footprint of 1199 sqft and going from 23.9 feet to 33.7 feet high, or an elevation change of 9.9’. The footprint expansion is almost entirely into conforming space. Most all the other homes in the community have modernized and expanded already at some point since they were built. Currently there are no erosion controls, and the applicants plans include erosion controls and landscaping to help protect the lake.

A special exception for height expansion in the road setback was granted on 7/1/21, but has expired.

The applicants are requesting, again, a special exception for the vertical expansion of the house which may be within the road-side setback.

Special Exception Vertical Expansion in Roadside Setback

The footprint of the existing house is within the 50-foot setback from the center line of Jobs Creek Road. The replacement home will maintain the same footprint but will increase the height of that section to a maximum of 23 feet within the setback area. Current maximum height in the setback area is 13’. (Maximum height in roadside setback at 15’ out to lowest

grade is currently 12.2 feet, and proposed is 22.1 feet) Under the terms of Section 3.5i of the zoning ordinance, the ZBA may allow a pre-existing non-confirming structure to undergo a vertical expansion or be replaced with a higher structure if the criteria conditions are met, we believe they are.

IV. Exception Criteria for Dimensional Controls

3.50 Special Exceptions - Criteria varies depending on project request. Required Criteria for Dimension Control Special Exceptions can be found in Article III, **Section 3.50 of the Sunapee Zoning Ordinance**.

Criteria #1:

repealed 2019

Criteria #2:

The existing structure is a house (living space only), garage, or commercial building.
- The structure is a house.

Criteria #3:

The existing structure is less than 24 feet in height.
- The existing height is less than 24 feet.

Criteria #4:

The vertical expansion will be no more than 10' higher than the pre-existing structure.
- The vertical expansion is no more than 10'.

Criteria #5:

Any roof changes will comply with the height requirements set forth in this Ordinance.
- The roof changes comply with the height requirements.

Criteria #6:

In the judgement of the ZBA, no abutter will be adversely affected by the enlargement.
- No abutter will be affected as its on the road side of the house.

Criteria #7:

All state and local permits are acquired to ensure compliance with Article VII of the Ordinance.
- No other permits are required for the height. The water and sewer department will be notified if the plans are approved.

Criteria #8:

Such enlargement or replacement, in the judgement of the ZBA, is consistent with the intent of the ordinance.
- The height is a minimal increase and consistent with the design of the house.

Criteria #9:

V. Required Attachments

Plans, photographs, and a project narrative are the minimum required attachments to evaluate Special Exceptions. Plans should be submitted that depict the purpose of applying for the Special Exception and illustrate how you intend to satisfy the criteria.


Although plans prepared by an Engineer / Architect / Contractor are preferred, we understand not all projects requires that level of detail or accuracy; nor do we want to impose additional costs for your project. The following Attachments are requested to accompany the Application for Special Exceptions of Dimensional Controls:

- A site plan depicting existing and proposed structures, property setbacks, regulatory setbacks if applicable, legible contours, and any other site features of significance.
- The site plan should include a lot coverage summary in accordance with the Ordinance, not DES requirements.
- If the Special Exception involves a height increase or restriction, provide cross-sections of the affected portions of the structure for both the existing and proposed condition. Cross-sections should cover sufficient area to confirm the "maximum structure height" is determined from the lowest grade of the property 15' away from the foundation. Examples are provided in the links below.
- Photographs of the existing site that would be useful to highlight topography, convey challenges with the property, and proximity of structures.
- A project narrative that provides context on the proposed work and how the Special Exception criteria are met would be helpful for the Board members. This information can also be supplied in greater detail on the application, in lieu of a separate document.
- Septic documentation requested in Section I above.

If you have any questions about these requirements, please reach out to the **Land Use Office**

VI. Signature:

I understand that the public hearing will be held at the scheduled date and time unless a request is made by me for a new hearing. Any rehearing will require a new public notice and notification to abutters, the cost of which will be borne by the applicant. Further, I hereby give permission to the ZBA members and zoning officials to visit the subject property prior to the public hearing. To the best of my knowledge, the above is true and correct. *

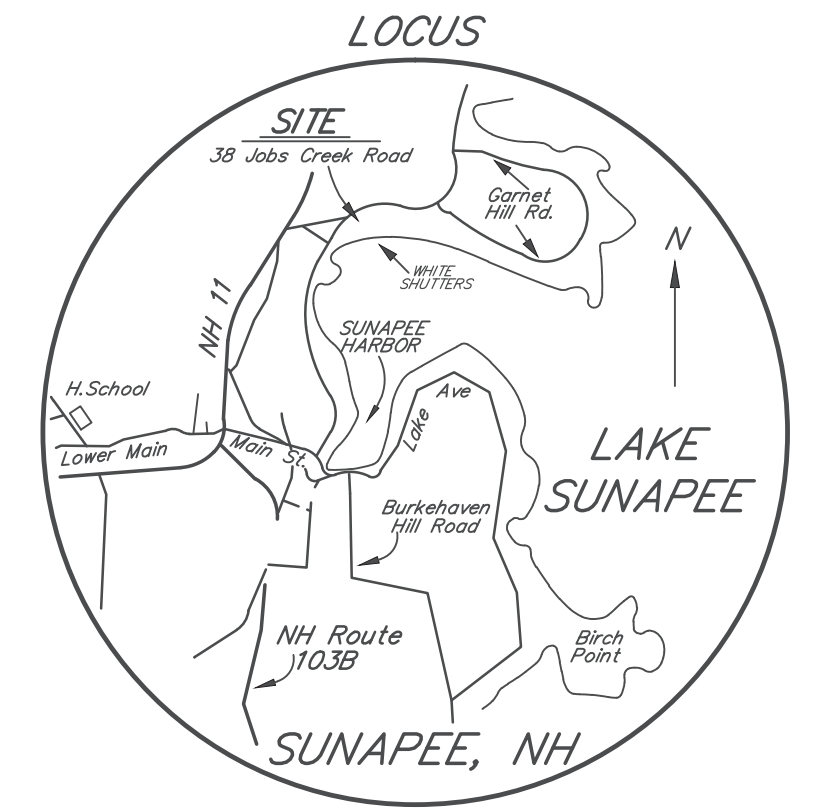
 Bradley M Weiss
Oct 31, 2025

Abutter's List
 County of Sullivan
 Sunapee, NH
 38 Jobs Creek Road
 Tax Parcel 0125-0011-0000
 Variance Application

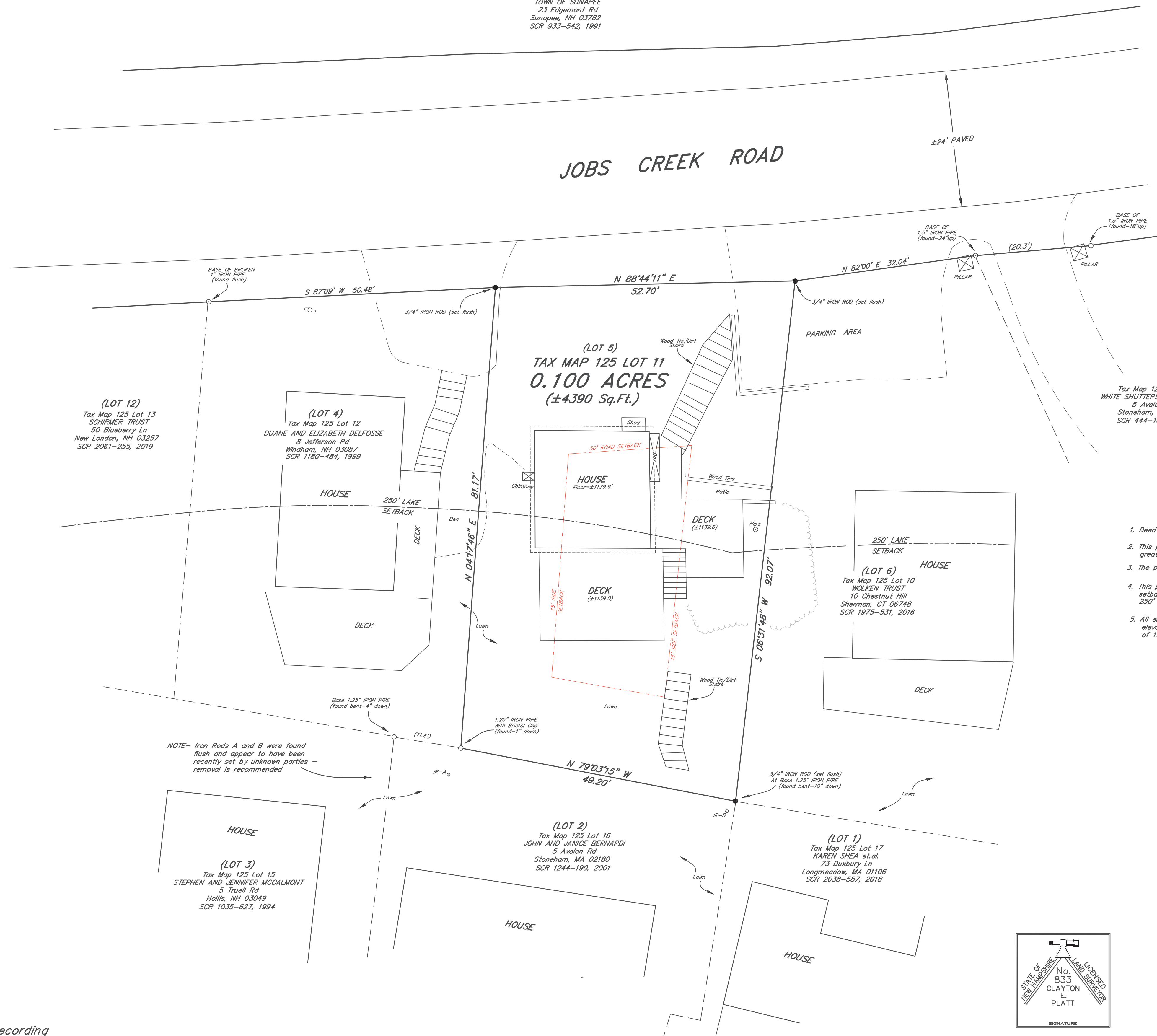
Abutter Mailing Address	Property Location	Tax Map Number
Town of Sunapee 23 Edgemont Road Sunapee, NH 03782	Route 11	0123-0021-0000
TURNER, KIMBERLY R BROWN, PATRICK T 136 WASHINGTON ST PEEKSKILL, NY 10566	40 Jobs Creek Road	0125-0010-0000
DELFOSSÉ, DUANE A & ELIZABETH H PO BOX 808 SUNAPEE NH, 03782	36 Jobs Creek Road	0125-0012-0000
BERNARDI, JOHN G & JANICE E 5 AVALON ROAD STONEHAM, MA 02180	5 White Shutters Road	0125-0016-0000
SHEA, KAREN L, & SHEA, CATHLEEN A, & SHEA, JAMES T 73 DUXBURY LN LONGMEADOW, MA 01106	6 White Shutters Road	0125-0017-0000
SCHIRMER REVOC TRUST OF 2019 KAREN A BERG, TRUSTEE 50 BLUEBERRY LANE NEW LONDON, NH 03257	34 Jobs Creek Road	0125-0013-0000
WHITE SHUTTERS ASSOC. C/O JOHN BERNARDI, PRESIDENT 5 AVALON ROAD STONEHAM, MA 02180	White Shutters Road	0125-0014-0000
MCCALMONT, STEPHEN A & JENNIFE 5 TRUPELL ROAD HOLLIS, NH 03049	4 White Shutters Road	0125-0015-0000

DEWEY WOODS
Tax Map 123 Lot 21
TOWN OF SUNAPEE
23 Edgemont Rd
Sunapee, NH 03782
SCR 933-542, 1991

- KEY**
- Wood Retaining Wall
 - - - Shoreland Setback
 - - - Setback Per Zoning
 - 1.25" Iron Pipe (found) - or as noted
 - 3/4" Iron Rod (set- July 14, 2020)
 - Edge Paved Road/ Drive
 - - - Woods Road/Trail
 - Culvert
 - Utility Pole w/ Overhead Lines
 - - - Edge Lawn



2020 OBSERVED MAGNETIC



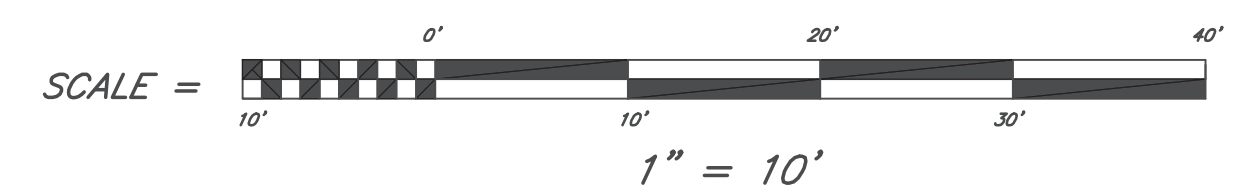
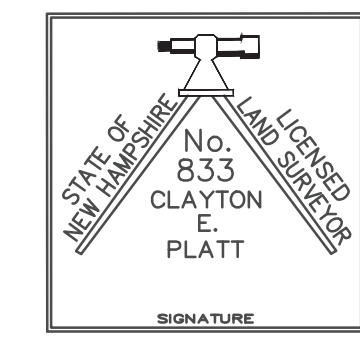
NOTES

1. Deed Reference is SCR Book 2091 Page 629, Jack Associates to Cathleen Shea and Bradley Weiss, December 13, 2019.
2. This plan is the result of a Nikon DTM 522 total station survey, January 13, 2020, having a closed traverse relative error of closure greater than 1:7,000 (0.04 total closure error and positional errors of ±0.05').
3. The purpose of this plan is to show the boundaries of the property described in the reference deed cited above.
4. This property is located in the Rural Residential Zoning District subject to the provisions of the shoreland overlay district; the required setbacks are 50' from the centerline of Lake Avenue, and 15' from side and rear line. This property is partially located in the 250' shoreland buffer around Lake Sunapee.
5. All elevations are referenced approximately to USCS datum based on the existing waterline located on January 13, 2020, at an elevation of 1091.93' as listed on the NHDES website. The edge of Lake Sunapee and all Lake setbacks are based on a reference line of 1094.15' along the shore of Lake Sunapee.

**WHITE SHUTTERS LOT 5
TAX MAP 125 LOT 11 - 38 JOBS CREEK ROAD
PLAN OF STANDARD PROPERTY SURVEY**

PROPERTY OF
CATHLEEN A. SHEA and BRADLEY M. WEISS
12 IRVING STREET, NEWTON MA 02429

LOCATED IN
SUNAPEE, N.H.



JULY 22, 2020

PENNYROYAL HILL LAND SURVEYING & FORESTRY LLC
CLAYTON E. PLATT LIC. SURVEYOR NO. 833
414 Pine Hill Road Croydon, NH 03773 (603) 863-0981

Certification for Recording

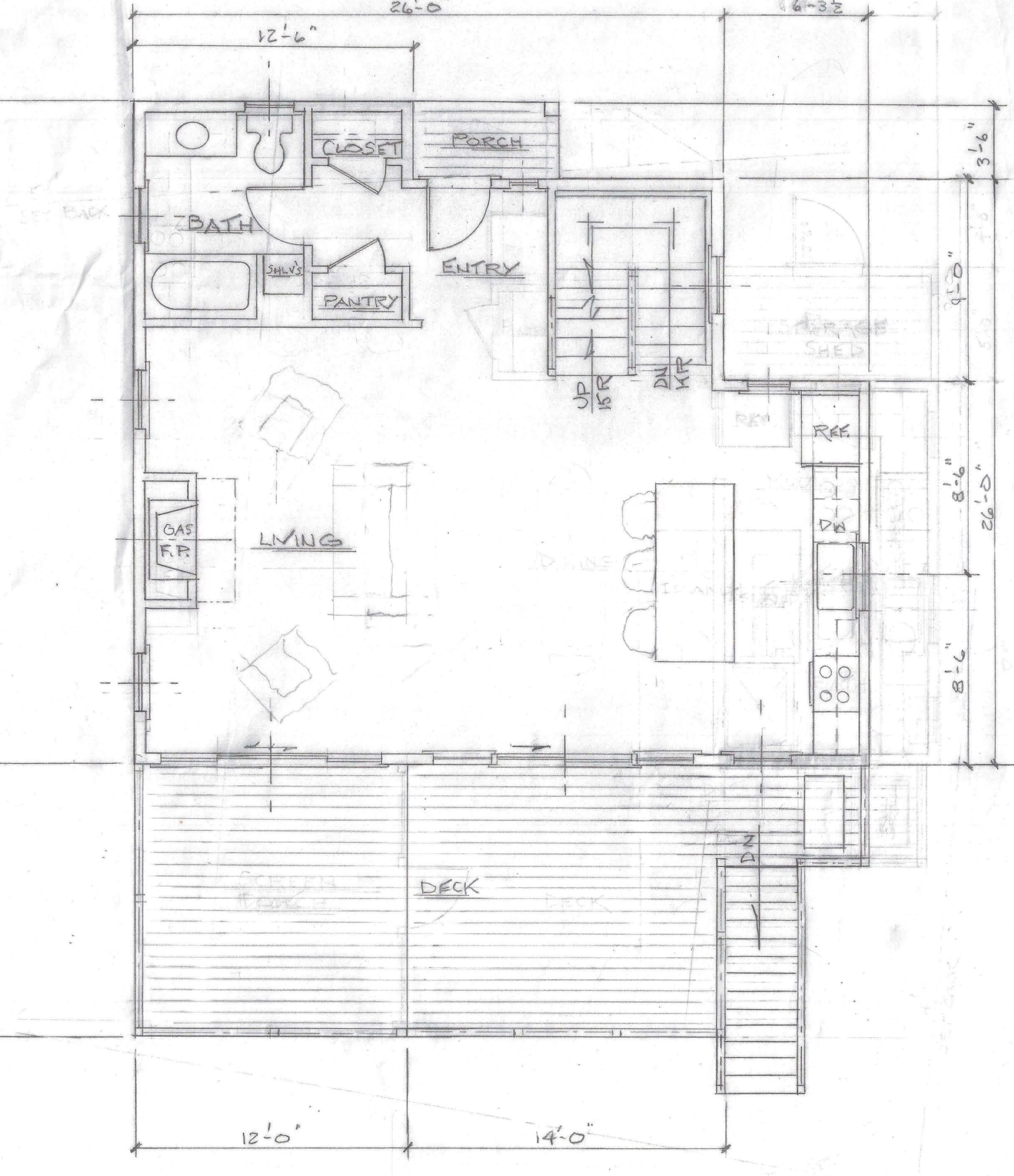
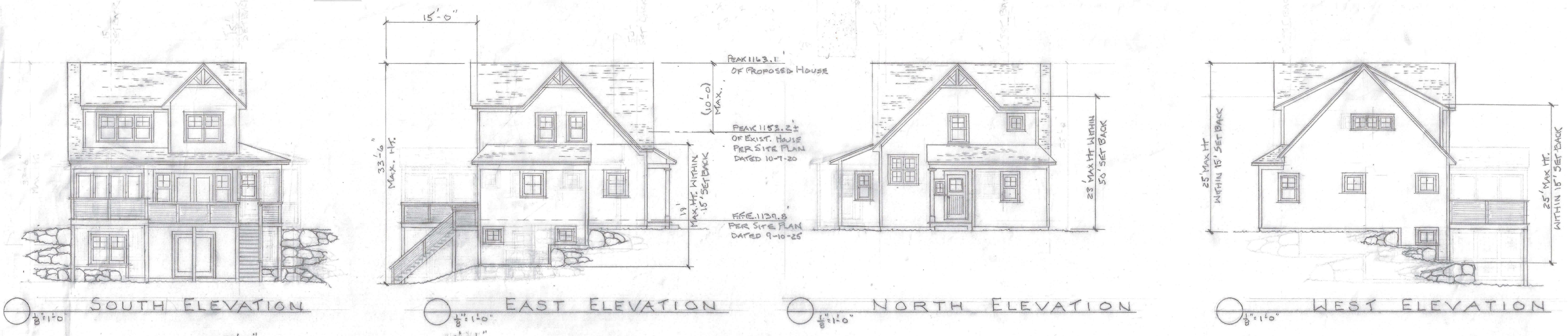
I certify that this survey plat is not a subdivision pursuant to this title and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new ways are shown. (RSA 676:18)

REFERENCE PLANS

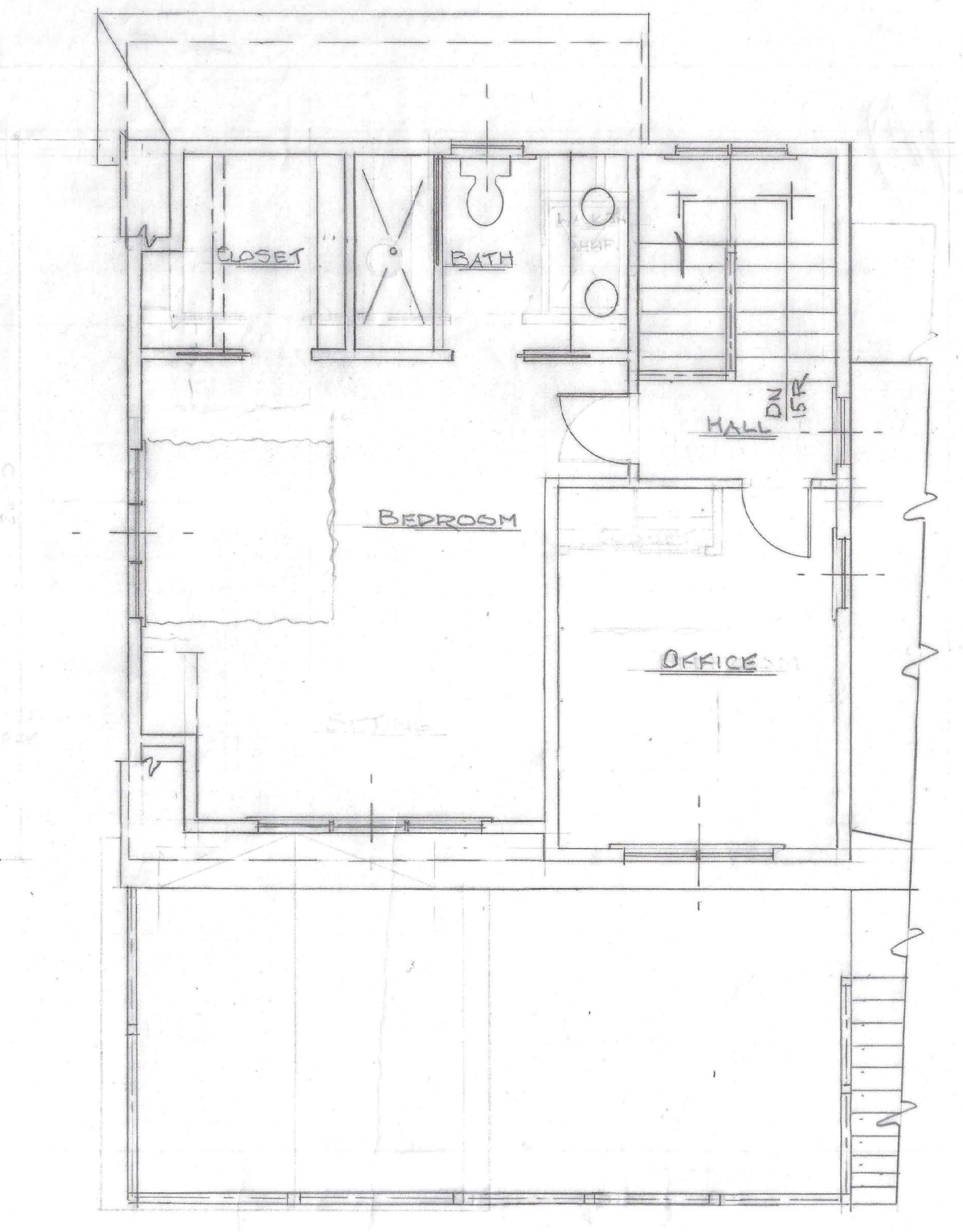
1. SCR P1.01, Pk.07, FL.04, No.5 - "Property of Charles Brown k/a White Shutters Lodges..." by Robert Bristol, May 5, 1969.
2. Unrecorded Plan - "Boundary Plan, Tax Map 125 Lot 13..." by Raymond Critch, Fuss and O'Neill, Revised May 14, 2019.

Clayton E. Platt, LLS No. 833 Date _____

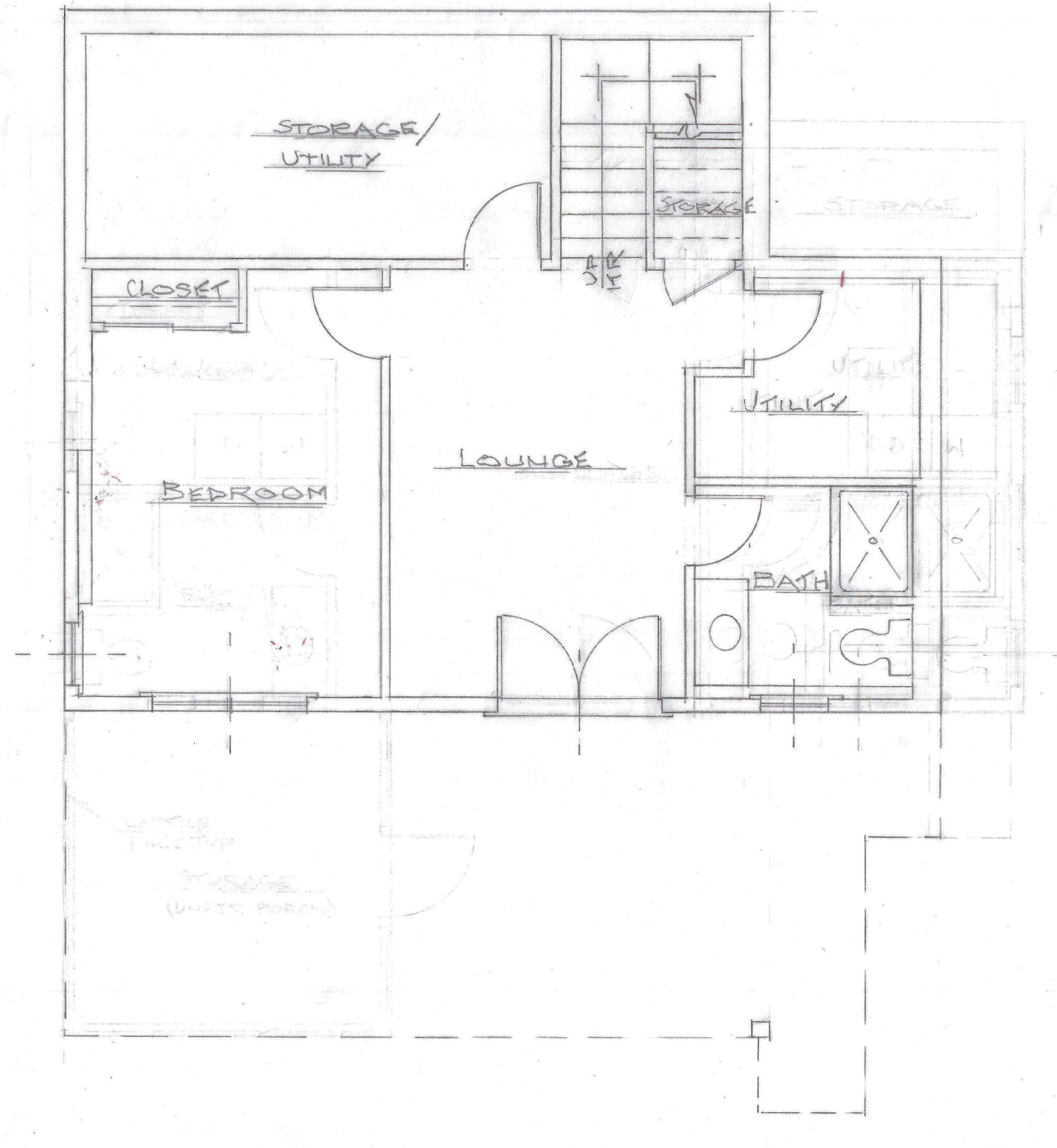
REVISIONS



1/8"=1'-0" 878 FT² LIVING
23 FT² PORCH



1/8"=1'-0" 661 FT² LIVING



1/8"=1'-0" 672 FT² LIVING

Snow Building Construction
New London, N.H.

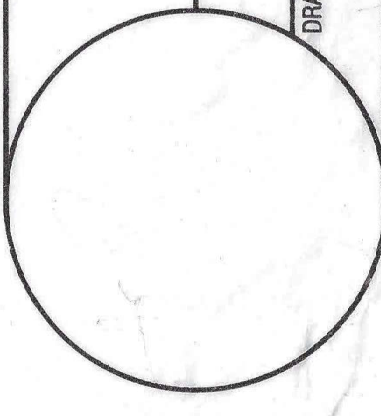
38 JOBS CREEK RD.

ESHEA-WEISS

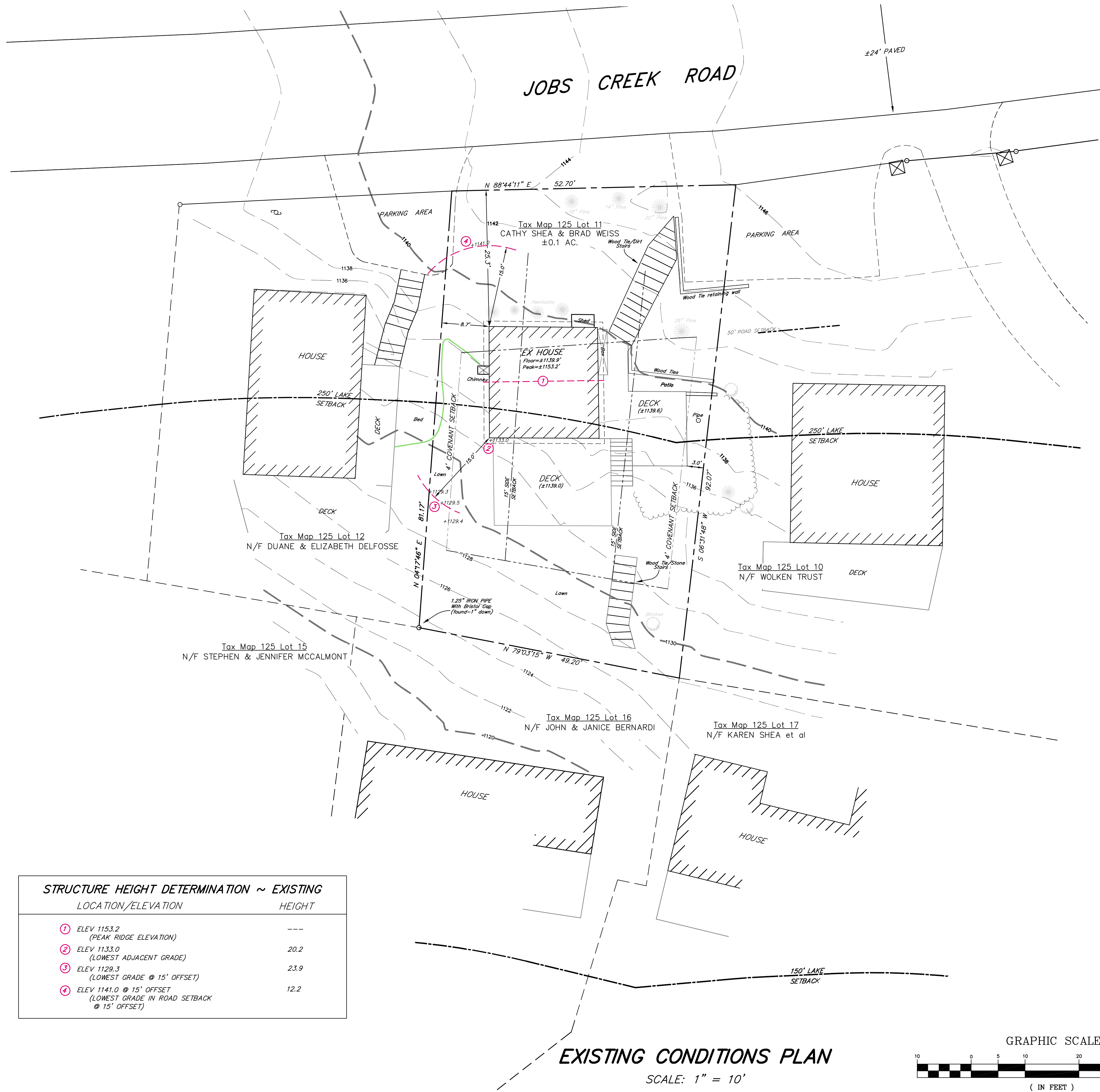
REVISION	DATE	BY
4-30-2020	1-12-21	
10-5-2020	1-26-25	TEBK 3' OFF
10-20-2020	10-20-25	ADDED 4TH DIM'S

DATE: 2-14-2020
SCALE: AS SHOWN

DRAWN BY: PS



JOBS CREEK ROAD



GENERAL NOTES

- Owner of record for the property (Map 125, Lot 11):
Cathleen A. Shea & Bradley M. Weiss
12 Irving Street
Newton, MA 02459
- Boundary, Topographic and Shoreland surveying provided by Pennyroyal Hill Land Surveying, Clayton Platt, LLS, Croydon, NH. See "Plan of Standard Property Survey", Property of Cathleen A. Shea and Bradley M. Weiss' by his office for complete boundary detail.

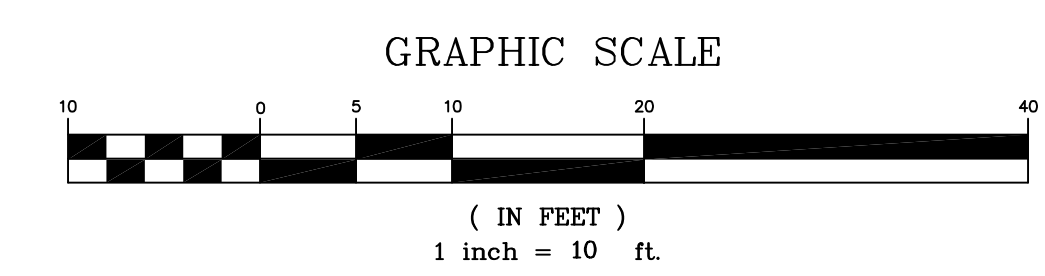
GENERAL SITE LEGEND

- SURVEY HUB
- HARDWOOD TREE
- SOFTWOOD TREE
- EXISTING WELL
- UTILITY POLE
- EXISTING OVERHEAD LINES
- EDGE OF LAKE OR WETLAND
- PROPOSED SILT FENCE OR SILT SOCK (SEE NOTE 6)
- PROPOSED 6" PVC DRAINAGE PIPE
- PROPOSED STONE DRIP EDGE, NO PIPE
- PROPOSED STONE DRIP EDGE W/PERF. PIPE
- PROPOSED INFILTRATION BED, AS NOTED
- PROPOSED CATCHBASIN, 15" diam NYLOPLAST or ADS
- PROPOSED CONCRETE DRYWELL
- EXISTING GRADE CONTOUR
- EXISTING GRADE, SPOT ELEV.
- FINISH CONTOUR
- FINISH GRADE, SPOT ELEV.
- EXISTING SEWER LINE
- EXISTING WATER LINE

STRUCTURE HEIGHT DETERMINATION ~ EXISTING	
LOCATION/ELEVATION	HEIGHT
1 ELEV 1153.2 (PEAK RIDGE ELEVATION)	---
2 ELEV 1133.0 (LOWEST ADJACENT GRADE)	20.2
3 ELEV 1129.3 (LOWEST GRADE @ 15' OFFSET)	23.9
4 ELEV 1141.0 @ 15' OFFSET (LOWEST GRADE IN ROAD SETBACK @ 15' OFFSET)	12.2

EXISTING CONDITIONS PLAN

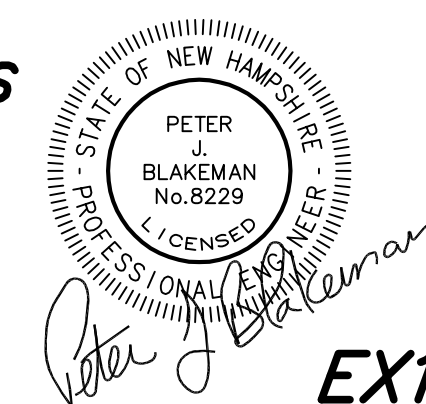
SCALE: 1" = 10'



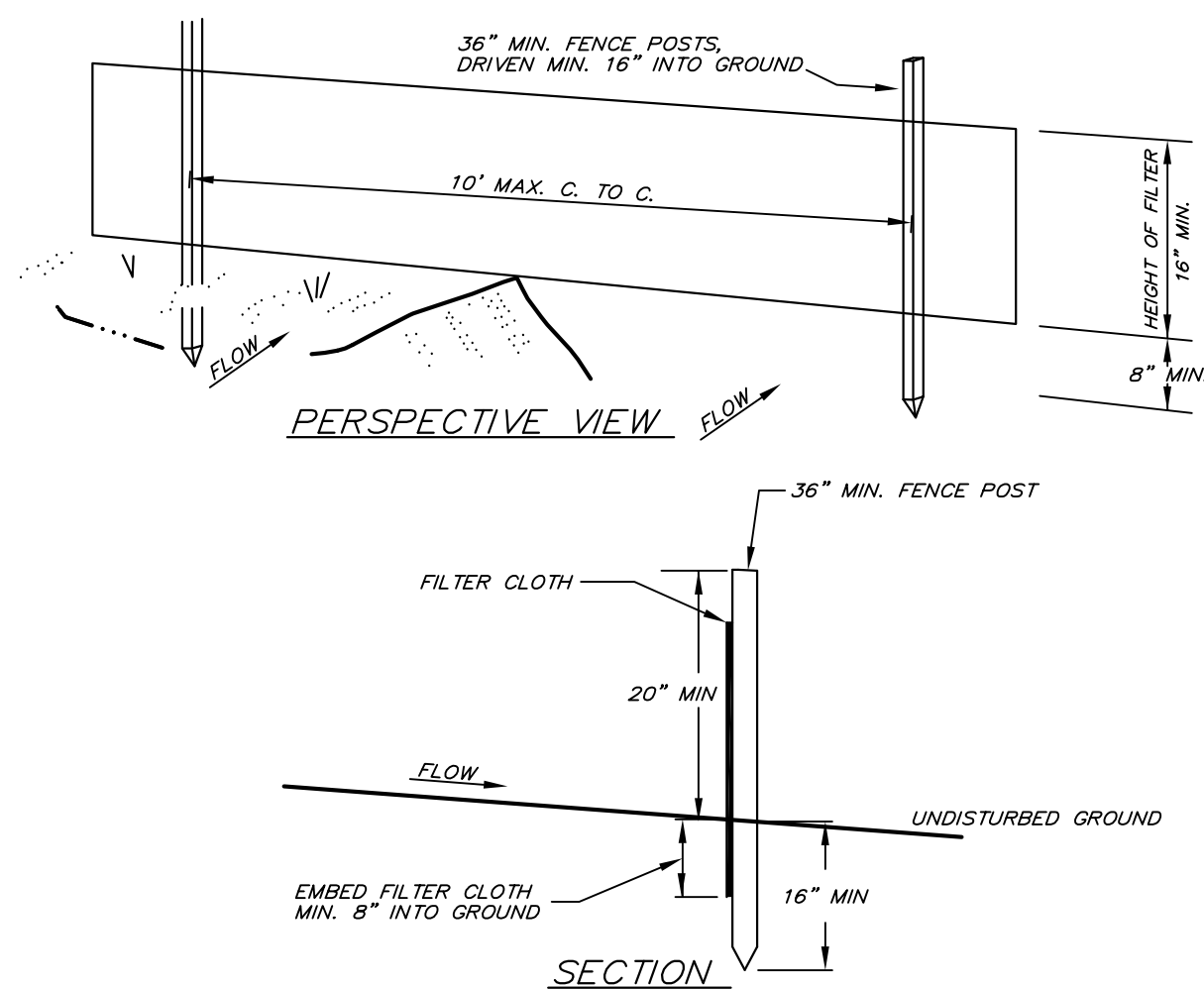
SITE PLAN ~ EXISTING CONDITIONS
FOR
~NH DES SWQPA & TOWN ZONING PERMITTING~
PREPARED FOR
CATHLEEN A SHEA and BRADLEY M WEISS
TAX MAP 125 ~ LOT 11
38 JOBS CREEK ROAD
SUNAPEE, NEW HAMPSHIRE

JULY 7, 2020
REVISED NOVEMBER 20, 2025
12/05/25 (HEIGHT TABLE)

Prepared By: Blakeman Engineering, Inc., P.O. Box 4, North Sutton, NH 03260, (603) 927-4163

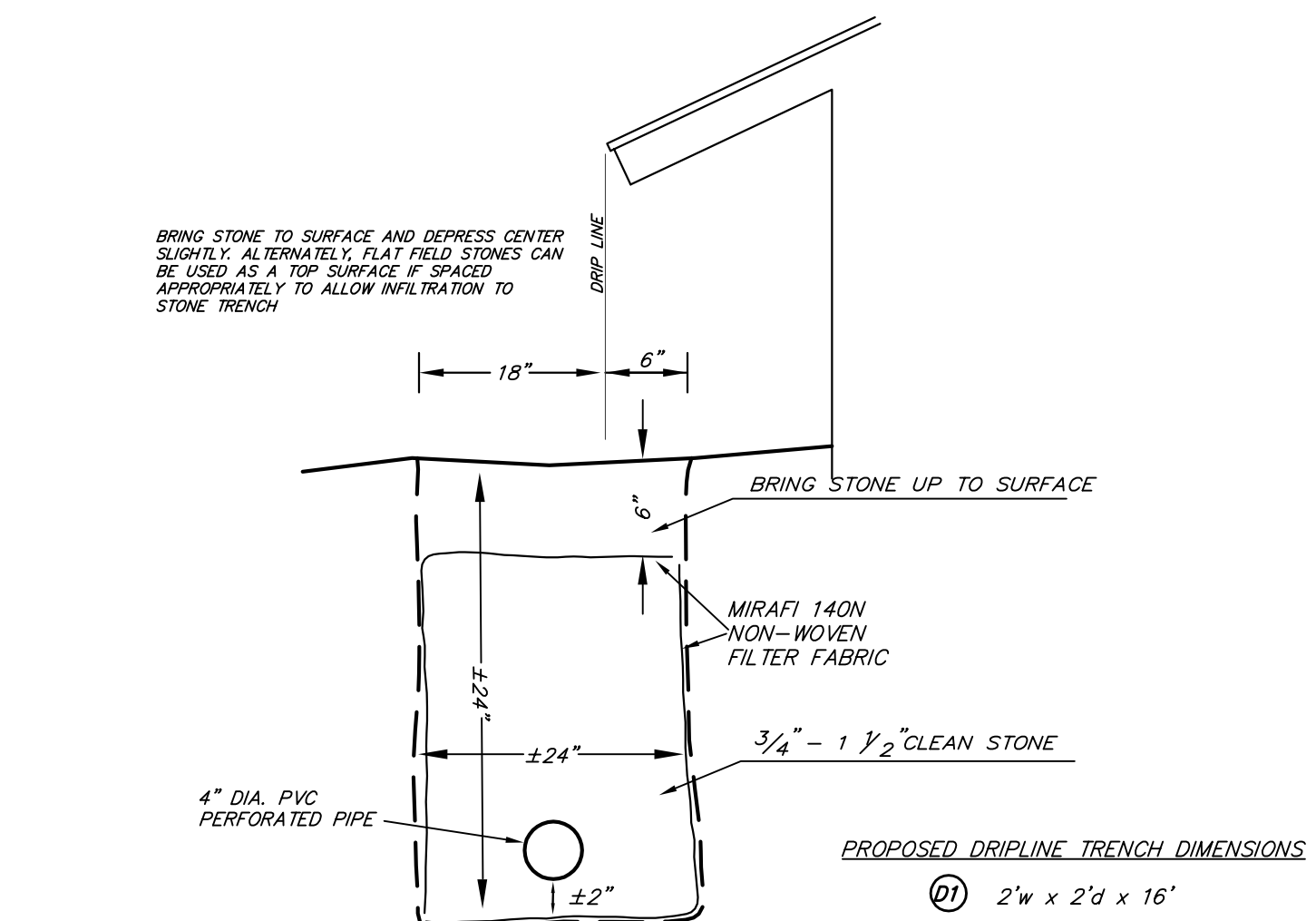
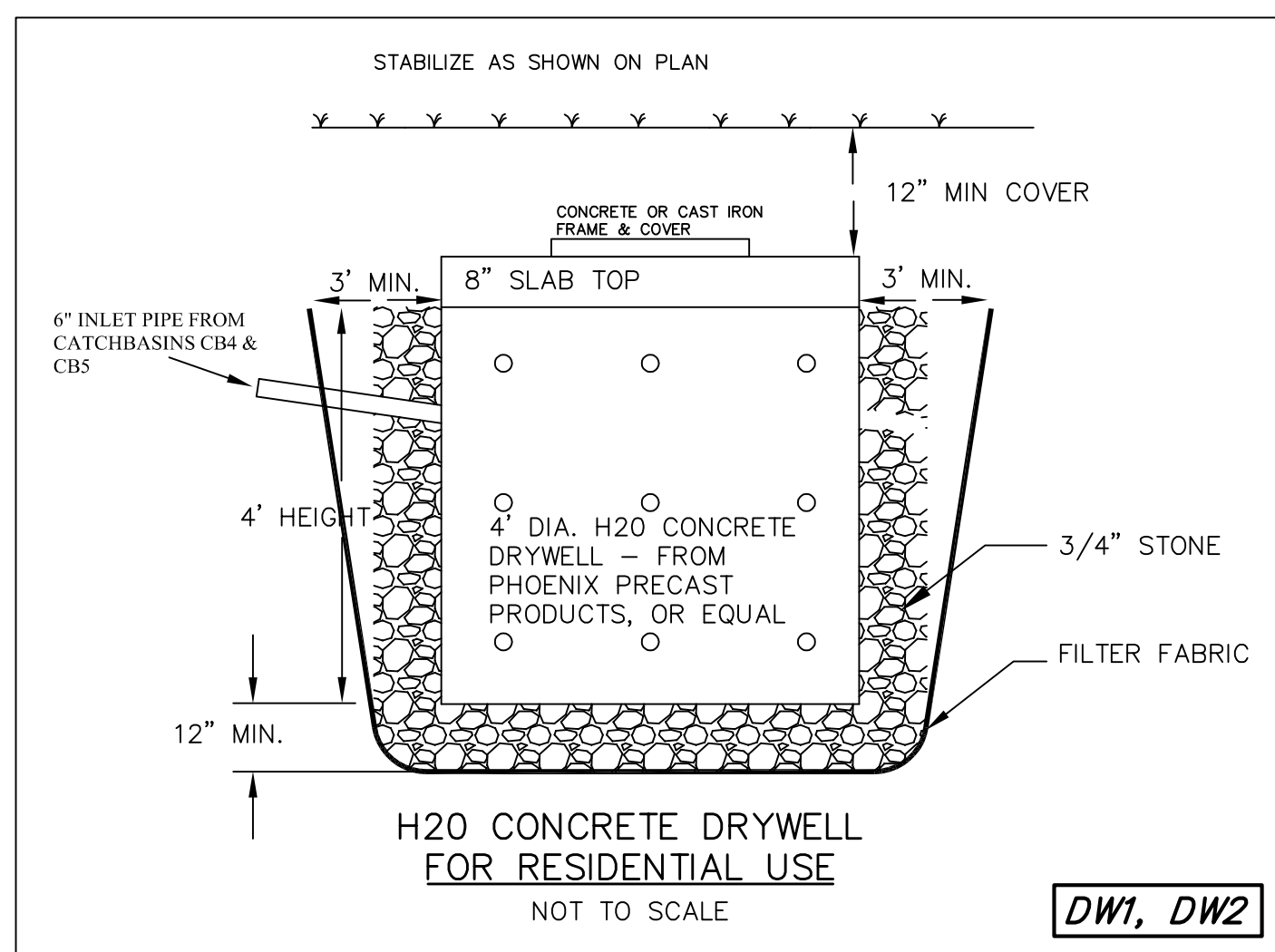


EX1



- CONSTRUCTION NOTES FOR FABRICATED SILT FENCE**
1. FILTER CLOTH TO BE FASTENED SECURELY TO FENCE POST WITH TIES AT TOP, MID SECTION AND BOTTOM.
 2. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER, THEY SHALL BE OVERLAPPED BY 6 INCHES, FOLDED STAPLED.
 3. MAINTENANCE SHALL BE PERFORMED AS NEEDED TO PREVENT "BULGES" IN THE SILT FENCE DUE TO DEPOSITION OF SEDIMENT.
- MAINTENANCE REQUIREMENTS**
1. INSPECT SILT FENCES IMMEDIATELY AFTER EACH RAINFALL AND DAILY DURING PROLONGED RAINFALL. ANY NECESSARY REPAIRS SHALL BE MADE IMMEDIATELY.
 2. IF THE FABRIC ON A SILT FENCE SHOULD DECOMPOSE OR BECOME INEFFECTIVE DURING THE EXPECTED LIFE OF THE FENCE, THE FABRIC SHALL BE REPLACED PROMPTLY.
 3. SEDIMENT DEPOSITS SHOULD BE REMOVED WHEN THEY REACH APPROXIMATELY ONE-EIGHTH THE HEIGHT OF THE BARRIER.
 4. SEDIMENT DEPOSITS THAT ARE REMOVED OR LEFT IN PLACE AFTER THE FABRIC HAS BEEN REMOVED SHALL BE GRADED TO CONFORM WITH THE EXISTING TOPOGRAPHY AND VEGETATED.

SILT FENCE DETAIL
(NOT TO SCALE)



DRIPLINE TRENCH DETAIL



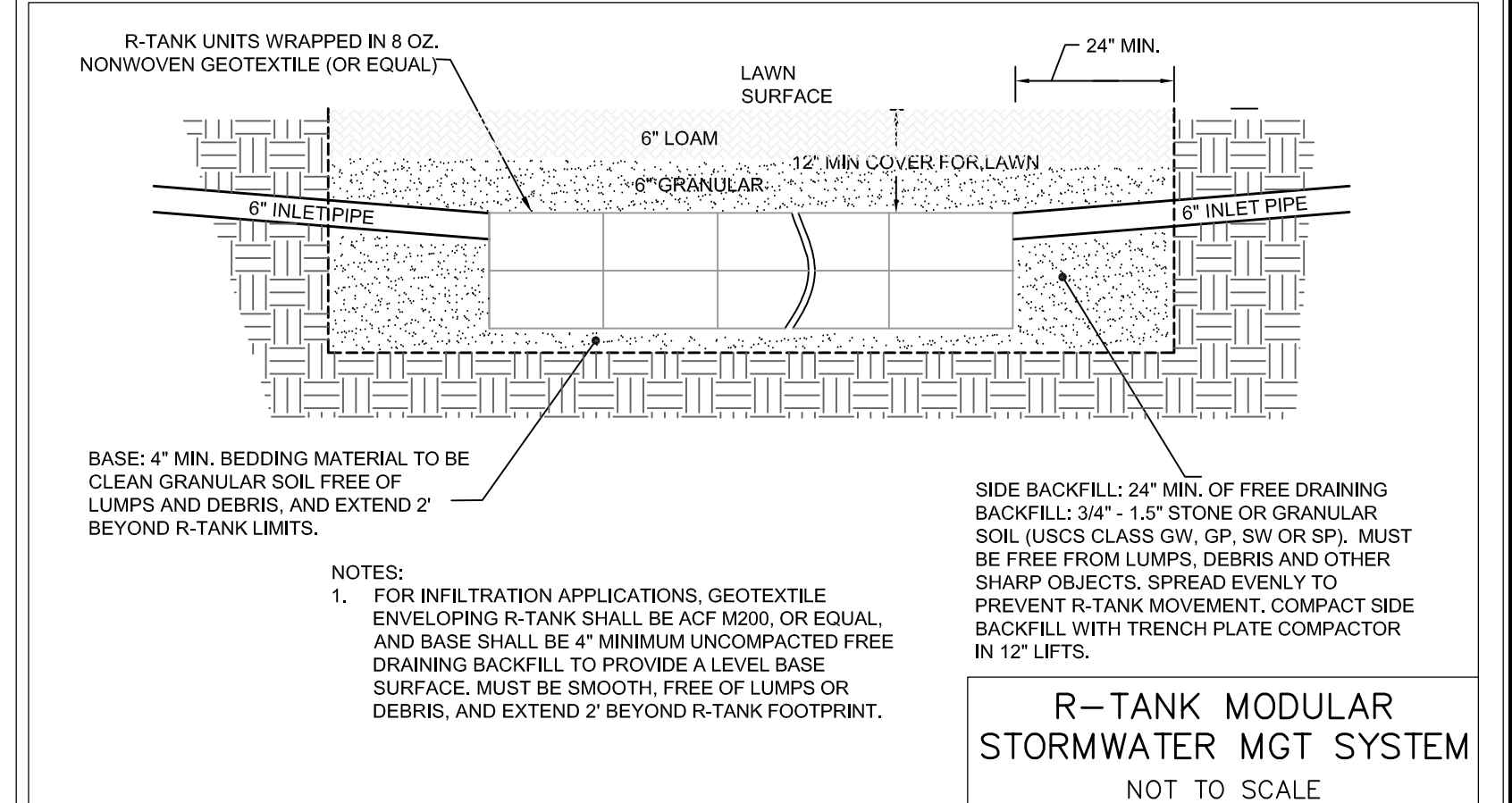
PROPOSED CONDITIONS PLAN

SCALE: 1" = 10'

STRUCTURE HEIGHT DETERMINATION ~ PROPOSED	
LOCATION/ELEVATION	HEIGHT
① ELEV 116.3.1 (PEAK RIDGE ELEVATION)	---
② ELEV 1129.5 (LOWEST ADJACENT FINISH GRADE)	33.6
③ ELEV 1129.4 (LOWEST FINISH GRADE @ 15' OFFSET)	33.7
④ ELEV 1141.0 (LOWEST FINISH GRADE IN ROAD SETBACK @ 15' OFFSET)	22.1

GENERAL NOTES

1. Owner of record for the property (Map 125, Lot 11):
Cathleen A. Shea & Bradley M. Weiss
12 Irving Street
Newton, MA 02459
2. Boundary, Topographic and Shoreland surveying provided by Pennyroyal Hill Land Surveying, Clayton Platt, LLS, Croydon, NH
3. Erosion control practices shall be installed and maintained in accordance with Best Management Practices as outlined in the NH Stormwater Manual, December, 2008; and with details provided on the plan sheets.
4. Contractor is responsible for notifying DIG-SAFE prior to starting construction.
5. Contractor shall monitor weather and take any necessary temporary measures needed to prevent erosion and sediment transport. These measures can be such practices as small sediment basins or diversions constructed for overnight or over the weekend if rain is forecast.
6. Silt fence or Silt Sock (aka Compost Sock) shall be installed as shown on this plan and Landscape Plans. It shall be left in place and maintained as necessary until the site is fully stabilized. It is the contractor's responsibility to periodically inspect and maintain all sediment and erosion control measures whether the contractor is actively working on-site or not, and always after any rainstorm of 1/2" or greater.
7. Env-Wq 1403.03 (b): Within 3 days of final grading or temporary suspension of work in an area that is in the protected shoreland, all exposed soil areas shall be stabilized by:
(1) Seeding and mulching, if during the growing season;
(2) If not within the growing season, by mulching with tack or netting; or
(3) With an alternative method of temporary stabilization as specified in Env-Wq 1500
8. Extend existing gravel parking area by approximately 11 feet in order to provide parking for two vehicles on the subject property.
9. Property is served by municipal sewer and water mains located along Jobs Creek Road. These mains and service lines to the house are not shown on this plan. Electric/phone/cable is overhead along Jobs Creek Road.
10. All retaining walls shown shall be less than 42" high when located within building setbacks.
11. Install R-Tanks according to the detail on this sheet and the manufacturers most current specifications at the time of construction. Bottom of units to be set at Elev ±1124.7.



GENERAL SITE LEGEND

- △ SURVEY HUB
- HARDWOOD TREE
- SOFTWOOD TREE
- ⊕ EXISTING WELL
- ⊙ UTILITY POLE
- SF — PROPOSED SILT FENCE OR SILT SOCK
- G1 — GUTTER DOWNSPOUT & LABEL
- D — PROPOSED 6" PVC DRAINAGE PIPE
- DE — PROPOSED STONE DRIP EDGE, NO PIPE
- DE — PROPOSED STONE DRIP EDGE W/PERF. PIPE
- ⊙ D1 — PROPOSED DRIP EDGE TRENCH LABEL (SEE DETAIL)
- ⊙ CB2 — PROPOSED CATCHBASIN, 15" diam NYLOPLAST or ADS
- ⊙ DW — PROPOSED CONCRETE DRYWELL
- I — PROPOSED INFILTRATION BED, AS NOTED
- 518 --- EXISTING GRADE CONTOUR
- 830+5 EXISTING GRADE, SPOT ELEV.
- 1129.4 — FINISH CONTOUR
- 822.5 5036 830+5 FINISH GRADE, SPOT ELEV.
- S — EXISTING SEWER LINE
- W — EXISTING WATER LINE
- etc — EXISTING OVERHEAD LINES
- --- --- EDGE OF LAKE OR WETLAND
- ⊕ --- --- PROPOSED RETAINING WALL

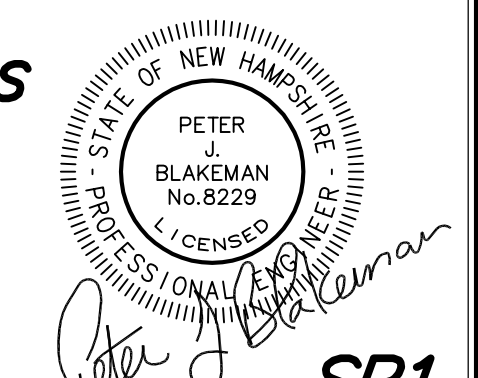
SITE PLAN & DETAILS ~ PROPOSED CONDITIONS

FOR
~NH DES SWQA & TOWN ZONING PERMITTING~

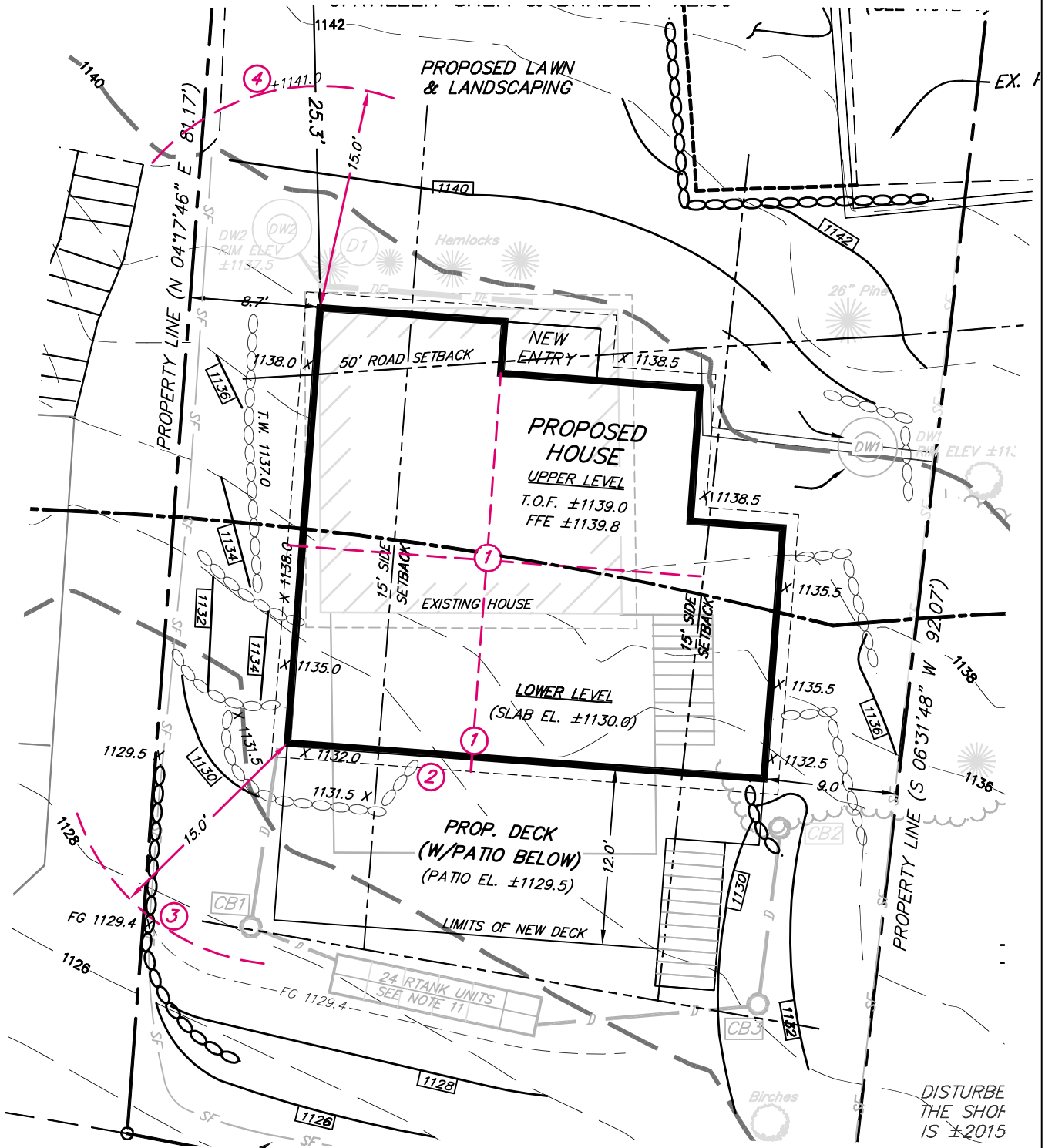
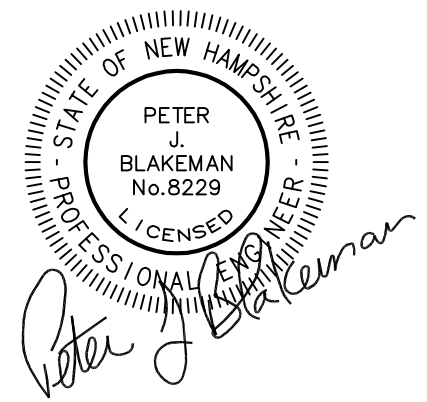
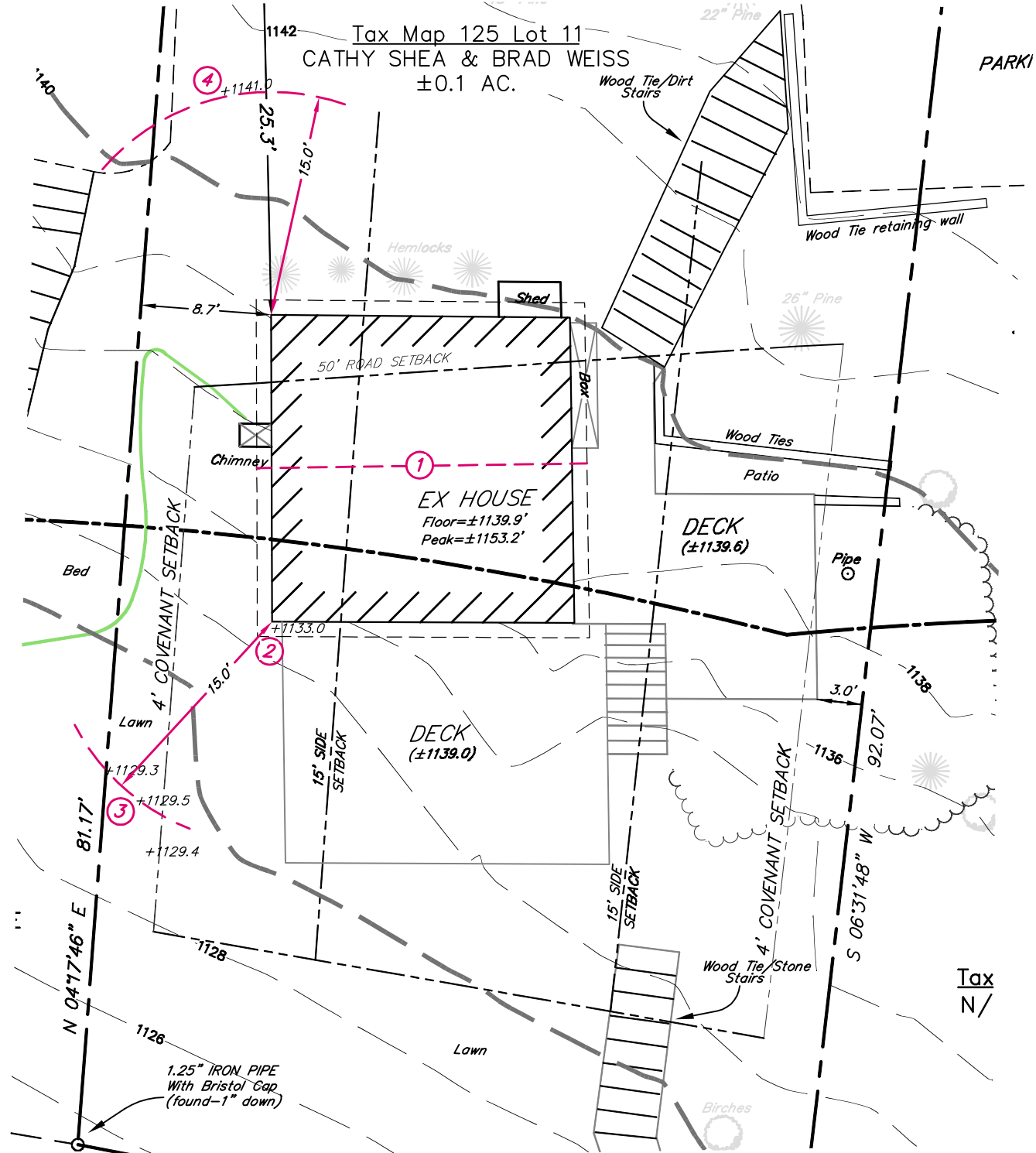
PREPARED FOR
CATHLEEN A SHEA and BRADLEY M WEISS

TAX MAP 125 ~ LOT 11
38 JOBS CREEK ROAD
SUNAPEE, NEW HAMPSHIRE

SEPTEMBER 10, 2025
REVISED NOVEMBER 20, 2025
12/05/25 (HEIGHT TABLE)



SP1



STRUCTURE HEIGHT DETERMINATION ~ EXISTING

LOCATION/ELEVATION	HEIGHT
① ELEV 1153.2 (PEAK RIDGE ELEVATION)	---
② ELEV 1133.0 (LOWEST ADJACENT GRADE)	20.2
③ ELEV 1129.3 (LOWEST GRADE @ 15' OFFSET)	23.9
④ ELEV 1141.0 @ 15' OFFSET (LOWEST GRADE IN ROAD SETBACK @ 15' OFFSET)	12.2

STRUCTURE HEIGHT DETERMINATIONS
 FOR SUNAPEE ZONING REVIEW
 EXISTING & PROPOSED HOUSES
 PREPARED FOR
CATHLEEN SHEA and BRADLEY WEISS
 38 JOBS CREEK ROAD, SUNAPEE, NEW HAMPSHIRE
 DECEMBER 8, 2025
 SCALE: 1"=10'

STRUCTURE HEIGHT DETERMINATION ~ PROPOSED

LOCATION/ELEVATION	HEIGHT
① ELEV 1163.1 (PEAK RIDGE ELEVATION)	---
② ELEV 1129.5 (LOWEST ADJACENT FINISH GRADE)	33.6
③ ELEV 1129.4 (LOWEST FINISH GRADE @ 15' OFFSET)	33.7
④ ELEV 1141.0 (LOWEST FINISH GRADE IN ROAD SETBACK @ 15' OFFSET)	22.1

Case #: VA-25-09 &
VA-25-10

Parcel ID: 0115-0003-0000

PATHWAYS CONSULTING, LLC

Planning • Civil & Environmental Engineering • Surveying • Construction Assistance
240 Mechanic Street • Suite 100
Lebanon, New Hampshire 03766
(603) 448-2200 • Fax: (603) 448-1221

December 4, 2025

Land Use Administrator, Allyson Traeger
Town of Sunapee
Planning and Zoning Department
23 Edgemont Road
Sunapee, New Hampshire 03782

RE: REQUEST FOR VARIANCE, ERIN L. BARBATO TRUST, BURMA ROAD,
SUNAPEE, NEW HAMPSHIRE (Project No. 13482)

Dear Allyson:

Please accept this Variance Application and supporting information provided on behalf of the Erin L. Barbato Trust (Applicant and Owner), Burma Road (identified on Assessor's Map 115 as Lot 3) in the Town of Sunapee (Town), New Hampshire. We are enclosing a Town Zoning Board of Adjustment (ZBA) Variance Application, an Abutters Notification List, photographs of the existing site, a rendering of the proposed residential structure, a boundary survey, full-size (24" by 36") site plan set, and a Letter of Agent Authorization for your review. A check in the amount of \$330.00 is also enclosed for the Application, the Abutter Notification, and the Newspaper Fees.

The intent of this application is to allow the construction of a new garage with an upper-floor apartment on an existing, non-conforming lot with a non-conforming structure. We understand from Section 6.12 of the Town Zoning Ordinance (Ordinance) that the reconstruction or relocation of a non-conforming structure requires a Variance from the Town ZBA. We are specifically requesting two Variances from the ZBA for the following conditions:

- The minimum front setback requirement defined in Article III, 3.10 Table of Dimensional Controls in the Ordinance; and
- The minimum rear setback requirement for pre-existing lots below minimum size as defined in Article III, 3.10 Table of Dimensional Controls in the Ordinance.

Project Overview:

The project site is located on the east side of Burma Road on a parcel identified on the Town Assessor's Map 115 as Lot 3. The parcel currently does not have a street address. The lot has an area of approximately 0.08 acre, or 3,700 square feet (SF). The project site is located within the Rural Residential (RR) zoning district and within the Shoreland Overlay District. The lot is non-conforming based on current zoning requirements in the RR zoning district.

A single-car garage with an attached heated storage space (structure) exists on the northern portion of the lot. We assume that the existing structure on the lot is legal (as defined by the Town), yet it is considered non-conforming because the location encroaches into the side setback along the northern lot line and it cannot meet the front setback (50 feet) or rear setback (15 feet) due to the pre-existing lot size and configuration. The existing structure does conform to the side

setback (15 feet) along the southern lot line. There is no record of when the structure was originally permitted or constructed; however, Town records indicate that improvements to the structure were permitted and completed in 2009. There is an existing electrical service to the garage on the lot, but no water or sewer services.

The Applicant and Owner of Lot 3 also owns the 20 Burma Road property, identified on the Town Assessor's Map 115 as Lot 10, located directly across Burma Road and to the west of the subject lot. The Applicant would like to remove the existing garage structure on Lot 3 and construct a new, two-car garage with an apartment on the upper floor. It is our understanding that the apartment will not include a kitchen and it will not be used as a rental unit. The proposed structure will not reuse the existing footprint, as it will be relocated farther to the south in the middle of the lot. The proposed structure would connect to the existing sewer force main along Burma Road and share a water supply well with the 20 Burma Road property.

According to our preliminary conversations with you, we understand that new construction on this lot that does not conform to the existing footprint requires a Variance from the ZBA as defined in the Ordinance under Article VI Non-Conforming Structures, Lots, 6.10, Non-Conforming Structures. Based on our current knowledge of the proposed structure and the zoning requirements of the lot, the proposed structure will conform to the side setback requirements on the lot. However, the front and rear setbacks will remain non-conforming due to the lot characteristics. As a result of the narrow width (as measured from west to east) of the lot, the front setback (50 feet) is located along the rear lot line, and the rear setback (15 feet) is located in the middle of the lot; consequently, and this overlapping nature of the front and rear setbacks does not leave any buildable area on the lot to conform fully with these noted setback distances. The Applicant is seeking relief from this issue through this Variance request that would allow minor redevelopment on the lot to be more conforming with the setback requirements than the current structure provides.

The proposed redevelopment would still meet the lot coverage and impervious area coverage requirements in the Ordinance. Should the Variance(s) be approved, the project would also require the following approvals and/or permits:

- Certificate of Zoning Compliance (building permit);
- New Hampshire Department of Environmental Services (NHDES) Shoreland Water Quality Protection Act (SWQPA) Permit;
- Land Disturbance in Shoreline Overlay District Permit;
- Driveway Permit;
- Municipal Sewer Connection Permit; and
- Excavation Permit to excavate in the right-of-way (ROW) for connection to the existing sewer force main in Burma Road.

The following table summarizes the lot requirements for the RR District, the existing conditions, and how the proposed structure will meet the zoning conditions.

Item Description	RR Lot Requirement	Current Existing Conditions	Proposed Conditions for Variance
Minimum Lot Size	1.5 acres	0.08 acre or 3,700 SF	No change
Frontage	100 feet	87.48 feet	No change
Front Yard Setback (west)	50 feet	Varies; 14 feet to 17 feet	20 feet
Side Yard Setback (north)	15 feet	Structure is located within setback	>15 feet
Side Yard Setback (south)	15 feet	>15 feet	>15 feet (No change)
Rear Yard Setback (east)	15 feet	Varies; 10 feet to 12 feet	4.5 feet
Lot Coverage (max. build-out)	40%	638 SF or 17%	1,224 SF or 33%
Impervious Coverage within Shoreland	25%	17%	25%
Impervious and Pervious Combined	40%	17%	33%

Table 1: Comparison of Required and Proposed Lot Conditions

Variance Criteria:

We offer the following responses to the Variance Application and Article X, Zoning Board of Adjustment, Section 10.42 Variance.

1: Granting the variance would not be contrary to the public interest because:

The proposed project does not conflict with the Ordinance to the extent that it violates the basic zoning objectives of the Ordinance. Given the configuration of the lot, there is sufficient buildable area for the proposed structure. The proposed location of the structure within the middle of the property would also balance the distance and increase the buffers to existing development on abutting lots. There will be no congestion or overcrowding of the area if the Variance is granted. There are no alterations to the character of Burma Road, and granting the Variance will not threaten the public health, safety, or welfare.

2: If the Variance were granted, the spirit of the ordinance would be observed because:

The existing and proposed use would not change, and the proposed redevelopment remains consistent with the uses specified in the RR zoning district. The Variance, if granted, will not impact the character of the Burma Road neighborhood, the public access, or use of adjacent public property or thoroughfares. The project will not impact the RR zoning district adversely. The use is consistent with other residential properties along Burma Road that currently maintain garages, both attached and detached.

3. *Granting the variance would do substantial justice because:*

Granting the Variance will represent substantial justice for the Applicant by allowing the property to be redeveloped in a reasonable manner that is consistent with the intent of the Ordinance, while balancing possible impacts to adjacent private land owners. A garage is a reasonable use and appropriate for the area. The Variance will not be contrary to the public, municipal, or State interests, and it will not result in a worsening of the existing lot and structure non-conformance with the ensuing benefit of additional property value to the Applicant, the community, and the neighborhood. We believe that granting the Variance will have positive impacts on the future use of the subject property and on the immediate neighborhood. The project will require NHDES SWQPA permitting, which will further ensure that environmental impacts of the proposed redevelopment will be minimized and addressed. Granting the Variance significantly enhances the property compared to the existing structure on the lot.

4. *If the variance were granted, the values of the surrounding properties would not be diminished because:*

Should the Variance be granted, the use of the lot will remain consistent with the residential character of the other lots along Burma Road, and it will not result in the diminution of surrounding property values. The proposed garage will meet side setbacks, and it has been located in a more aesthetically pleasing and balanced location on the lot that will increase the offsets and buffer distances to adjacent properties and development, where feasible. The non-conforming front setback will be increased from 14 feet to 20 feet, thereby increasing the distance from the public ROW. The proposed driveway location(s) would not interfere with abutting properties or cause access conflicts. The proposed structure would replace an older building and be consistent with the character of the neighborhood. The proposed structure would increase the residential property value, which is expected to have a positive impact on the overall property values of the subject properties, and on the adjacent and neighborhood properties.

5. *Unnecessary hardship:*

The existing lot size is small, with a large length to width ratio, and these factors severely limit future improvements within the pre-existing zoning requirements. It is our contention that literal enforcement of the dimensional requirements in the Ordinance would result in an unnecessary hardship for the Applicant, as there is no reasonable way to correct all the non-conformances with the Ordinance on this lot. Due to the overlapping nature of the front and rear setbacks, there is no feasible way to construct a reasonably sized structure on the lot without encroaching on one or both of the front or rear zoning setbacks. The project proposes modest changes for the front and rear setback distances (which are and will remain non-conforming), but will meet the side setbacks. The proposed use is reasonable and allowable within the RR zone.

We also note that the property has additional unique constraints that further limit its use and development. The lot is located within 250 feet of Perkins Pond; therefore, it will need to adhere to Town Shoreland Overlay District requirements. In addition, any development on this site will require an NHDES SQWPA Permit. We believe that the

proposed redevelopment is consistent with, and appropriate relative to, these separate standards.

The requirements of the Ordinance were consistently addressed as part of the design process utilized to determine the size and location of the proposed structure, driveway, and related redevelopment outlined in this application. Based on the information provided in this application, we request that the ZBA grant a Variance to allow the proposed redevelopment of the lot in the more conforming manner as presented. We look forward to presenting this project to the ZBA at the next scheduled public hearing. Please do not hesitate to contact us if you have any questions or require additional information.

Sincerely,

PATHWAYS CONSULTING, LLC



Scott A. Williams, P.E.
Project Manager

SAW:SLP:aml

Enclosures

cc: Erin and Darrel Barbato w/enclosures

Town of Sunapee
23 Edgemont Rd., Sunapee NH
Phone (603) 763-2212 ext. 1023 / Website www.town.sunapee.nh.us
Email zoning@town.sunapee.nh.us

CASE #:	_____
FEE PAID:	_____
METHOD:	_____

Zoning Board of Adjustment (ZBA) Variance Application

Questions? Please contact the Zoning Administrator. All dates and deadlines are published on the ZBA calendar; see Page 6. For helpful guidelines on completing this application, see page 4-5.

Attach additional sheets of paper as necessary.

1. Landowner(s) Name(s): _____

2. Parcel ID: _____ 3. Zoning District: _____

1. Project Location (Street & #): _____

2. Mailing Address: _____

3. Phone Number: _____

4. Email: _____

 ABUTTERS LIST: You must prepare a list of all abutting property owners and attach it to your application. If you have any difficulty, consult the town office, but the accuracy of the list is your responsibility. You can download an abutters list by using the Tax Maps/GIS on the town’s website (directions attached).

- FEES:** Application Fee: Please See Fee Schedule Attached
 Abutter Notification Fee: Please See Fee Schedule Attached
 Newspaper Notification Fee: Please See Fee Schedule Attached

* NOTE: All checks should be made payable to the Town of Sunapee.

 ATTACHMENTS: To assist the board, please attach sketches, photos, surveys, plot plans, pictures, construction plans, or whatever may help explain the proposed use. Include copies of any prior Zoning or Planning decisions concerning the property. If you have something in writing stating that your proposed project does not meet zoning, please attach that to this application. It may be a letter, email or denied permit. A professional survey by a licensed surveyor is strongly recommended for variances related to setback requirements. For properties located in the Shorelines Overlay District, a professional survey is required.

Applications will not be considered complete unless all the questions are answered, the fees are paid, and an Abutters Mailing List is attached.

GENERAL DESCRIPTION: This is a place to give a general summary of the proposed project as an introduction and overview for the public hearing. For example, where is the property located? Describe the property. Give area, frontage, side and rear lines, slopes, natural features, etc. What do you propose to do? Why does your proposal require an appeal to the board of adjustment?

Attach additional sheets of paper as necessary.

SPECIFIC REASON THE VARIANCE IS NECESSARY: A Variance is requested from Zoning

Ordinance, Article _____, Section _____ to permit _____

Facts in support of granting the variance:

1. Granting the variance would not be contrary to the public interest because: _____

2. If the variance were granted, the spirit of the ordinance would be observed because: _____

3. Granting the variance would do substantial justice because: _____

4. If the variance were granted, the values of the surrounding properties would not be diminished because: _____

Please see attached letter.

REQUEST FOR VARIANCE, ERIN L. BARBATO TRUST, BURMA ROAD,
SUNAPEE, NEW HAMPSHIRE (Project No. 13482)

5. Unnecessary Hardship

a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because: _____

- and -

ii. The proposed use is a reasonable one because: _____

OR

b. Explain how, if the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. _____

Please see attached letter.

REQUEST FOR VARIANCE, ERIN L. BARBATO TRUST, BURMA ROAD,
SUNAPEE, NEW HAMPSHIRE (Project No. 13482)

NOTE:

For person(s) with physical disabilities,
please see RSA 674:33 regarding alternative hardship criteria for a Variance.

SIGNATURE: I understand that the public hearing will be held at the scheduled date and time unless a request is made by me for a new hearing. Any rehearing will require a new public notice and notification to abutters, the cost of which will be borne by the applicant. Further, I hereby give permission to the ZBA members and zoning officials to visit the subject property prior to the public hearing. To the best of my knowledge, the above is true and correct.

Sam Barab 12/3/25

Erin Barbato 12/3/25

Landowner(s) Signature(s)
Town of Sunpee

Date

Variance Application
Updated January 2024

TOWN OF SUNAPEE ZONING BOARD

2025 APPLICATION DEADLINES FOR PUBLIC HEARINGS

<u>MEETING DATE</u>	<u>DEADLINE DATE</u>
JANUARY 14, 2025	DECEMBER 5, 2024
FEBRUARY 6, 2025	JANUARY 2, 2025
MARCH 6, 2025	FEBRUARY 6, 2025
APRIL 3, 2025	MARCH 6, 2025
MAY 1, 2025	APRIL 3, 2025
JUNE 5, 2025	MAY 1, 2025
JULY 3, 2025	JUNE 5, 2025
AUGUST 7, 2025	JULY 3, 2025
SEPTEMBER 4, 2025	AUGUST 7, 2025
OCTOBER 2, 2025	SEPTEMBER 4, 2025
NOVEMBER 6, 2025	OCTOBER 2, 2025
DECEMBER 4, 2025	NOVEMBER 6, 2025
JANUARY 1, 2026	DECEMBER 4, 2025

THE CHAIRMAN RESERVES THE RIGHT TO CALL SPECIAL MEETINGS TO SATISFY RSA REQUIREMENTS REGARDING TIMELINES OF THE ZONING BOARD.



TOWN OF SUNAPEE FEE SCHEDULE

ZONING BOARD FEES

Application Type	Fee
Variance	\$150 + \$15/per abutter + \$60 notice
Special Exception	\$150 + \$15/per abutter + \$60 notice
Motions for Rehearing*	\$150 + \$15/per abutter + \$60 notice *IF GRANTED
Appeals	\$150 + \$15/per abutter + \$60 notice
Equitable Waivers	\$150 + \$15/per abutter + \$60 notice

PLANNING BOARD FEES

Application Type	Fee
Subdivision:	\$150 + \$15/per abutter + \$60 notice
Major Subdivision	+\$500 / per lot
Minor Subdivision	+\$250/per lot
Subdivision Annexation	\$150 + \$15/per abutter + \$60 notice
Lot Line Adjustment	\$75*
	*Depending on Adjustment May Include Abutters & Notice Fee
Voluntary Mergers	\$75
Site Plan Review:	\$150 + \$15/per abutter + \$60 notice
Commercial Building sq. ft Over 2000 sq. ft	+\$100 / per 1000 sq. ft
5000 sq. ft additional and disturbed (outside of building footprint)	+\$100 / per 5000 sq. ft
Additional units after 2	\$200 / per unit

* All fees are subject to a 10% yearly increase at the discretion of the Sunapee Selectboard

*Approved by the Sunapee Selectboard on August 5, 2024



200 feet Abutters List Report

Tri Town, NH
November 13, 2025

Subject Property:

Parcel Number: Sun-0115-0003-0000
CAMA Number: Sun-0115-0003-0000
Property Address: BURMA RD

Mailing Address: BARBATO, ERIN L. TRUST BARBATO,
DARREL & ERIN TRUSTEE
50 CONSTITUTION STREET
ASHLAND, MA 01721

Abutters:

Parcel Number: Sun-0115-0002-0000
CAMA Number: Sun-0115-0002-0000
Property Address: 3 BURMA RD

Mailing Address: COTE REV LIVING TRUST, NATASHA
NATASHA MICHELLE COTE, TRUSTEE
3 BURMA RD
SUNAPEE, NH 03782

Parcel Number: Sun-0115-0004-0000
CAMA Number: Sun-0115-0004-0000
Property Address: 29 BURMA RD

Mailing Address: Contact Town For Info

Parcel Number: Sun-0115-0008-0000
CAMA Number: Sun-0115-0008-0000
Property Address: 24 BURMA RD

Mailing Address: GIBSON, LYNN P
PO BOX 130
ENFIELD, NH 03748

Parcel Number: Sun-0115-0009-0000
CAMA Number: Sun-0115-0009-0000
Property Address: 22 BURMA RD

Mailing Address: ARNOLD, LYNN F BEAULIEU, ALFRED D
22 BURMA RD
SUNAPEE, NH 03782

Parcel Number: Sun-0115-0010-0000
CAMA Number: Sun-0115-0010-0000
Property Address: 20 BURMA RD

Mailing Address: BARBATO, ERIN L. TRUST BARBATO,
DARREL & ERIN TRUSTEE
50 CONSTITUTION STREET
ASHLAND, MA 01721

Parcel Number: Sun-0115-0011-0000
CAMA Number: Sun-0115-0011-0000
Property Address: 10 BURMA RD

Mailing Address: UDALL, GORDON & DEBORAH UDALL,
CHRISTOPHER & RACHEL WE
92 HIGHLAND MEADOW DR
NORTH ATTLEBORO, MA 02760

Parcel Number: Sun-0215-0043-0000
CAMA Number: Sun-0215-0043-0000
Property Address: BURMA RD

Mailing Address: MESSENGER, ROBERT A. JR. & CHR
44 CENTRAL STREET
SUNAPEE, NH 03782

Engineers:

Mailing Address: Pathways Consulting, LLC
Scott Williams, P.E.
240 Mechanic Street, Suite 100
Lebanon, NH 03766
603-448-2200



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

SITE PHOTOGRAPHS AND IMAGES

**FOR
RESIDENTIAL PROJECT
VARIANCE APPLICATION**

PROJECT LOCATION:

MAP 115, LOT 3
BURMA ROAD
SUNAPEE, NEW HAMPSHIRE 03782

PROPERTY OWNER AND APPLICANT:

ERIN L. BARBATO TRUST
50 CONSTITUTION STREET
ASHLAND, MASSACHUSETTS 01721

December 4, 2025

Pathways Project No. 13482

AGENT FOR OWNER:



PATHWAYS CONSULTING, LLC

Planning • Civil & Environmental Engineering • Surveying • Construction Assistance
240 Mechanic Street • Suite 100
Lebanon, New Hampshire 03766
(603) 448-2200 • Fax: (603) 448-1221 • www.pathwaysconsult.com

Site Photographs



Photograph No. 1 (dated 07/11/2025): View looking northeast on Burma Road at the existing garage structure. The structure is not parallel to Burma Road. The front of the structure is between 14 feet and 17 feet off the right-of-way (ROW). The proposed structure would be located 20 feet off the ROW. The abandoned wastewater system is to the right (south).



Photograph No. 2 (dated 07/11/2025): View looking north on Burma Road at the existing garage structure. The property's south boundary marker can be seen in the ROW to the left of the boulders.



Photograph No. 3 (dated 07/11/2025): View looking north on Burma Road. The existing structure is to the right. The planned location of the proposed structure would be setback 20 feet from the ROW.



Photograph No. 4 (dated 07/11/2025): The existing structure on Burma Road looking southeast. The northwest property stake can be seen in the foreground. The structure is located within the 15-foot side setback.

Images



Google Maps Image 1 (dated 11/26/2025): Google image on Burma Road looking south. The existing structure is between 14 feet and 17 feet from the ROW; the proposed structure would be located 20 feet from the ROW (Google, May 2024).



Google Maps Image 2 (dated 11/26/2025): Google image on Burma Road looking south. The existing structure is between 14 feet and 17 feet from the ROW; the proposed structure would be located 20 feet from the ROW (Google, May 2024).

Image of Proposed Structure



Image 3: Homeowner's rendering of proposed garage structure with driveway. A secondary driveway of pervious pavers is shown to the left.

DARREL & ERIN BARBATO
20 BURMA RD.
SUNAPEE, NH 03782

DECEMBER 3, 2025

TOWN OF SUNAPEE,

This letter is to confirm that the following agent:

Scott Williams, P.E.

Pathways Consulting, LLC

240 Mechanic Street, Suite 100

Lebanon, NH 03766

603-448-2200

has authority to act on our behalf regarding the property and this application and is authorized to submit, amend, alter or supplement this application.

Sincerely,



12/3/2025

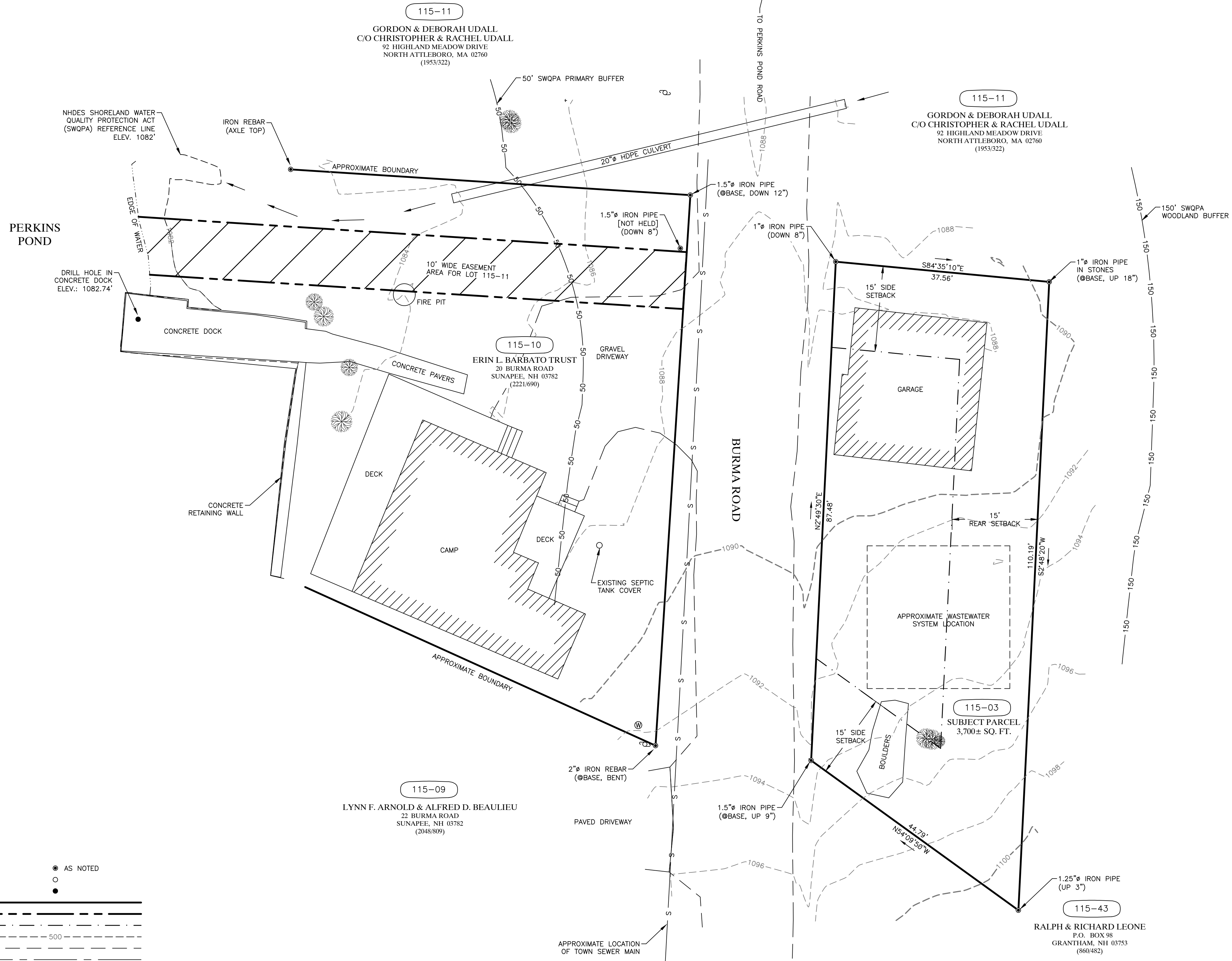
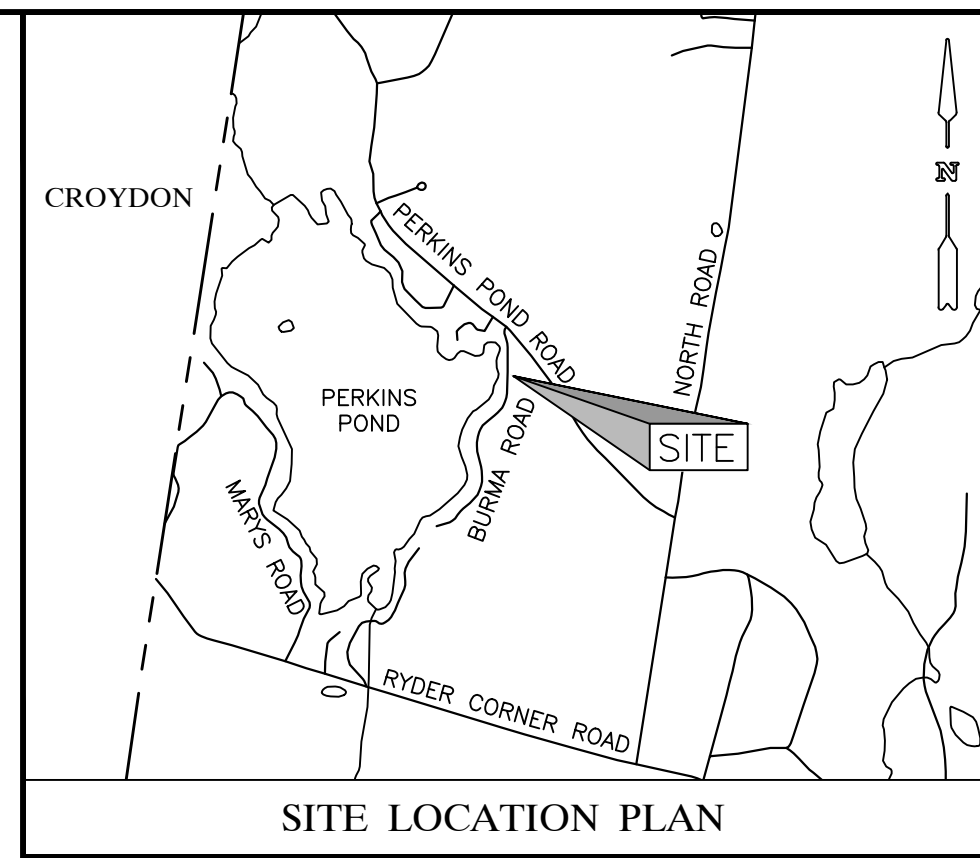
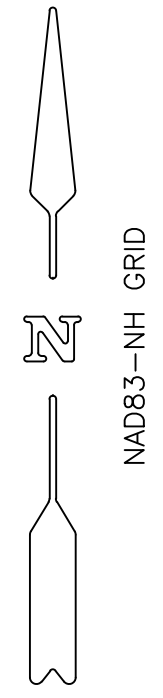
DARREL BARBATO

PROPERTY OWNERS, 20 BURMA RD



12/3/25

ERIN BARBATO



PLANS OF REFERENCE:

- THE FOLLOWING PLANS ARE RECORDED AT THE SULLIVAN COUNTY REGISTRY OF DEEDS:
 A. PLAN ENTITLED, "BOUNDARY LINE SURVEY, CAROL BRUNELLE PROP., BURMA ROAD, SUNAPEE, N.H., 03782," PREPARED BY CLIFFORD P. RICHER L.S. #184, DATED JUNE 06, 1992, PROJ. NO. SUN 332-382; 013-92.

ZONING INFORMATION:

SUBJECT PROPERTY CONTAINED WITHIN TOWN OF SUNAPEE, NEW HAMPSHIRE RURAL-RESIDENTIAL (RR) AND SHORELINE OVERLAY ZONING DISTRICT AND IS SUBJECT TO ALL APPLICABLE TOWN ZONING CODES, REGULATIONS, AND ORDINANCES.

SUNAPEE ZONING ORDINANCE*

RURAL RESIDENTIAL DISTRICT:
 ARTICLE III DIMENSION CONTROLS, SECTION 3.10 TABLE OF DIMENSIONAL CONTROLS:

- MIN. LOT SIZE: 1.5 ACRES
- MIN. FRONTAGE: 100'
- MIN. FRONT SETBACK: 50' (MEASURED FROM CENTER-LINE OF HIGHWAY)
- REAR/SIDE SETBACK FOR PRE-EXISTING LOT ABOVE MIN. SIZE: 25'
- MIN. REAR/SIDE SETBACK FOR PRE-EXISTING LOT BELOW MIN. SIZE: 15'
- MAX. LOT SIZE COVERAGE: 40%
- MAX. STRUCTURE HEIGHT: 40'

WATER RESOURCES OVERLAY DISTRICT:
 THE SHORELINE OVERLAY DISTRICT PROVISIONS APPLY TO THE ENTIRE SUBJECT PARCEL (MAP 115, LOT 3) PER ZONING ORDINANCE.

*OBTAINED FROM SUNAPEE ZONING ORDINANCE LAST AMENDED MARCH 11, 2025.

RECORD OWNER: ERIN L. BARBATO TRUST
 MAP 115, LOT 10 50 CONSTITUTION STREET
 MAP 115, LOT 3 ASHLAND, MA 01721

DEED REFERENCE: BOOK 2221, PAGE 690

GENERAL SURVEY NOTES:

- HORIZONTAL DATUM: NH STATE PLANE GRID NAD83 (SURVEY FEET) FROM GPS OBSERVATION.
- VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM 1988 (NAV88) FROM GPS OBSERVATION.
- UNDERGROUND UTILITIES ARE APPROXIMATE AND NOT WARRANTED TO BE EXACT OR COMPLETE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY EXCAVATION OR SITE MODIFICATIONS.



Date	Revision	By

BOUNDARY AND TOPOGRAPHIC SURVEY PLAN FOR

ERIN L. BARBATO TRUST

BURMA ROAD, SUNAPEE, NEW HAMPSHIRE

12/03/25 SCALE: 1"= 10' PROJ. NO. 13482

PATHWAYS CONSULTING, LLC
 240 MECHANIC STREET, SUITE 100
 LEBANON, NEW HAMPSHIRE 03766
 (603) 448-2200

LEGEND

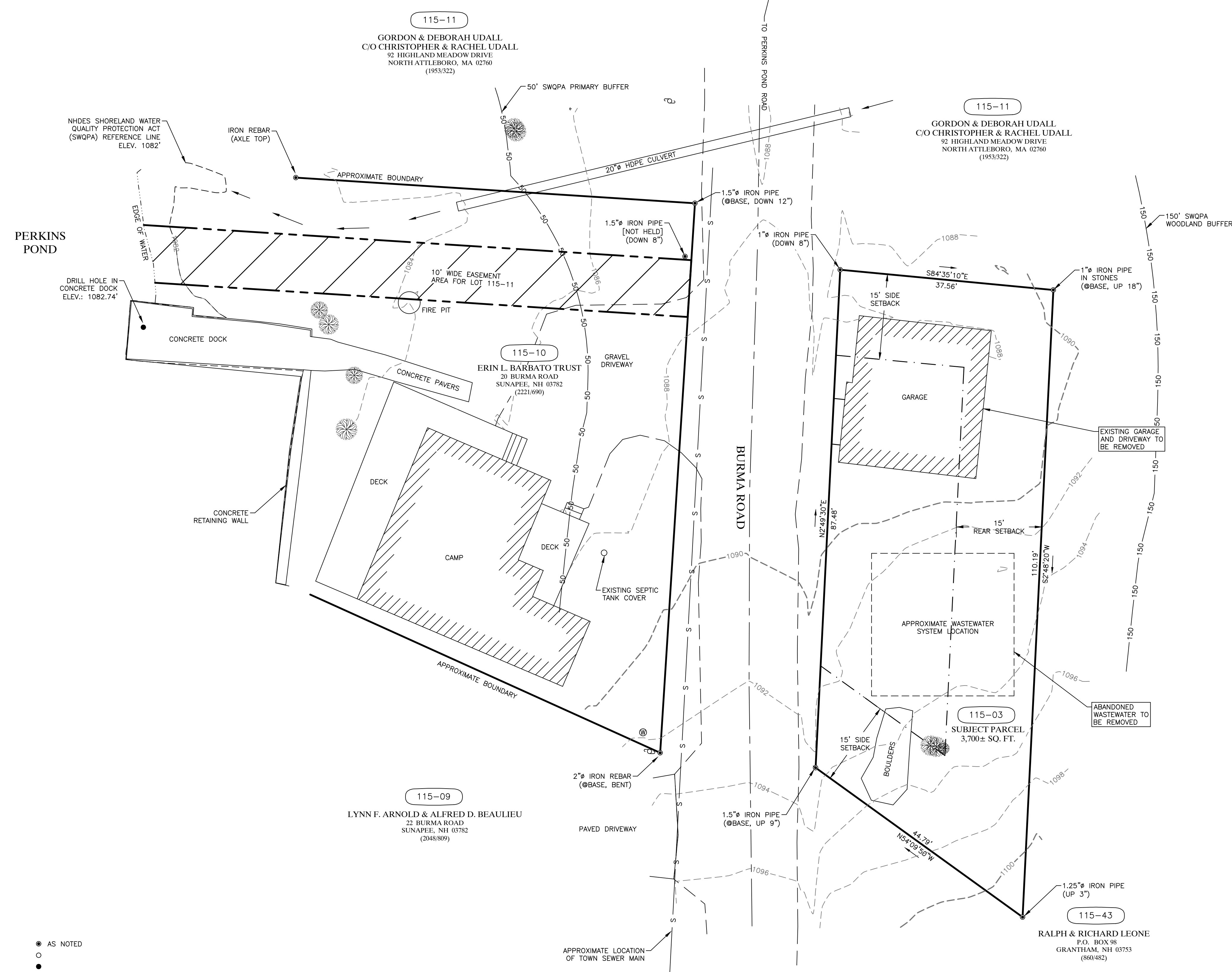
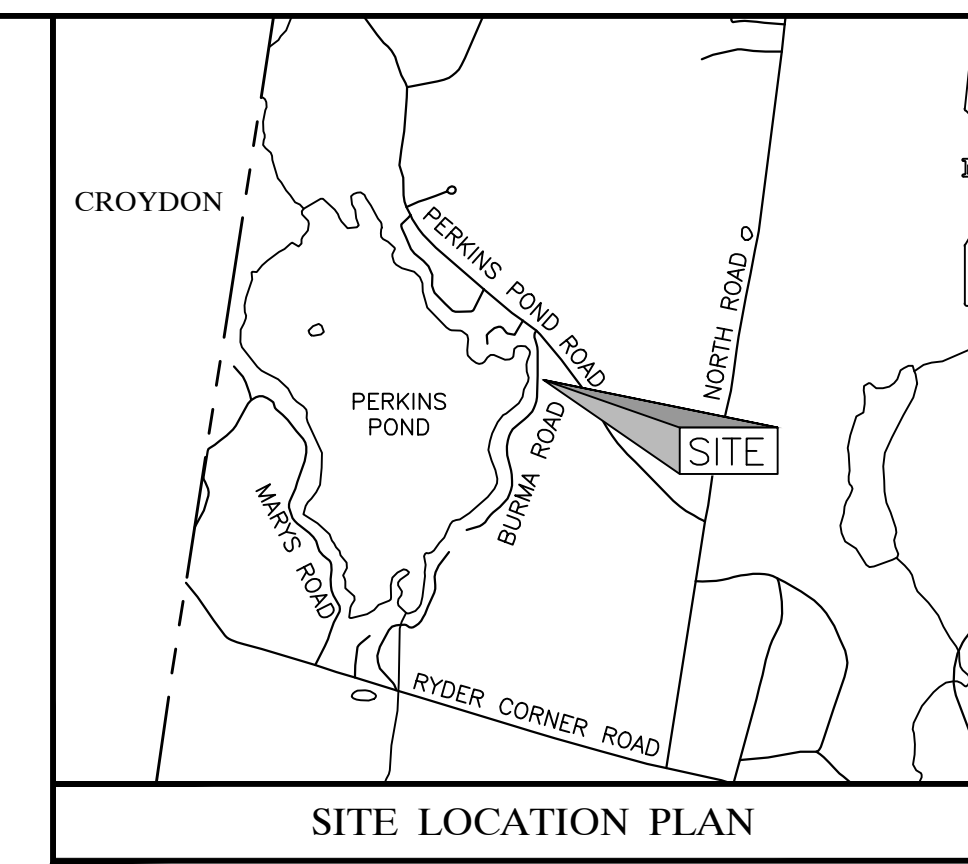
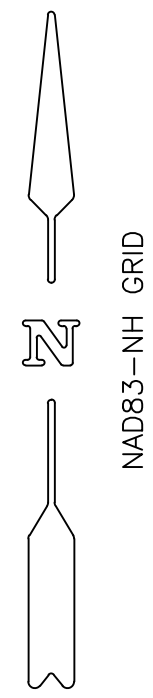
EXISTING IRON PIPE OR REBAR	● AS NOTED
CAPPED REBAR TO BE SET	○
DRILL HOLE	●
BOUNDARY LINE	—
RIGHT-OF-WAY	— — — — —
BUILDING SETBACK LINE	— · — · — · — · —
CONTOUR	- - - - - 500
EDGE GRAVEL	- - - - -
APPROXIMATE ROAD CENTER LINE	- - - - -
UTILITY POLE/GUY WIRE	⊕
WELL	⊗
HARDWOOD TREE	⊗
EDGE WATER	— · — · — · — · —
APPROXIMATE TOWN SEWER LINE	— S — S —
50' SWQPA PRIMARY BUFFER	— 50 — 50 — 50 — 50 —
150' SWQPA WOODLAND BUFFER	— 150 — 150 — 150 — 150 —
DEED REFERENCE	(BOOK/PAGE)
TAX MAP/LOT NO.	12-122

I HEREBY CERTIFY TO THE BEST OF MY BELIEF AND KNOWLEDGE THAT A NEW HAMPSHIRE RURAL CLASS SURVEY WAS PERFORMED ON PARCEL 115-03 ONLY SHOWN HEREON. BOUNDARY LINES ARE CONSISTENT WITH EXISTING MONUMENTATION AND THE REFERENCED DEEDS AND PLANS UNLESS NOTED OTHERWISE.

DATE _____ STEVEN L. CASEY, LLS 933

DRAFT

STEVEN L. CASEY LLS NO. 933



ZONING INFORMATION:
 SUBJECT PROPERTY CONTAINED WITHIN TOWN OF SUNAPEE, NEW HAMPSHIRE RURAL-RESIDENTIAL (RR) AND SHORELINE OVERLAY ZONING DISTRICT AND IS SUBJECT TO ALL APPLICABLE TOWN ZONING CODES, REGULATIONS, AND ORDINANCES.

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 THE SHORELINE OVERLAY DISTRICT PROVISIONS APPLY TO THE ENTIRE SUBJECT PARCEL (MAP 115, LOT 3) PER ZONING ORDINANCE.

*OBTAINED FROM SUNAPEE ZONING ORDINANCE LAST AMENDED MARCH 11, 2025.

RECORD OWNER: ERIN L. BARBATO TRUST
 MAP 115, LOT 3
 50 CONSTITUTION STREET
 ASHLAND, MA 01721

DEED REFERENCE: BOOK 2221, PAGE 690

GENERAL SURVEY NOTES:

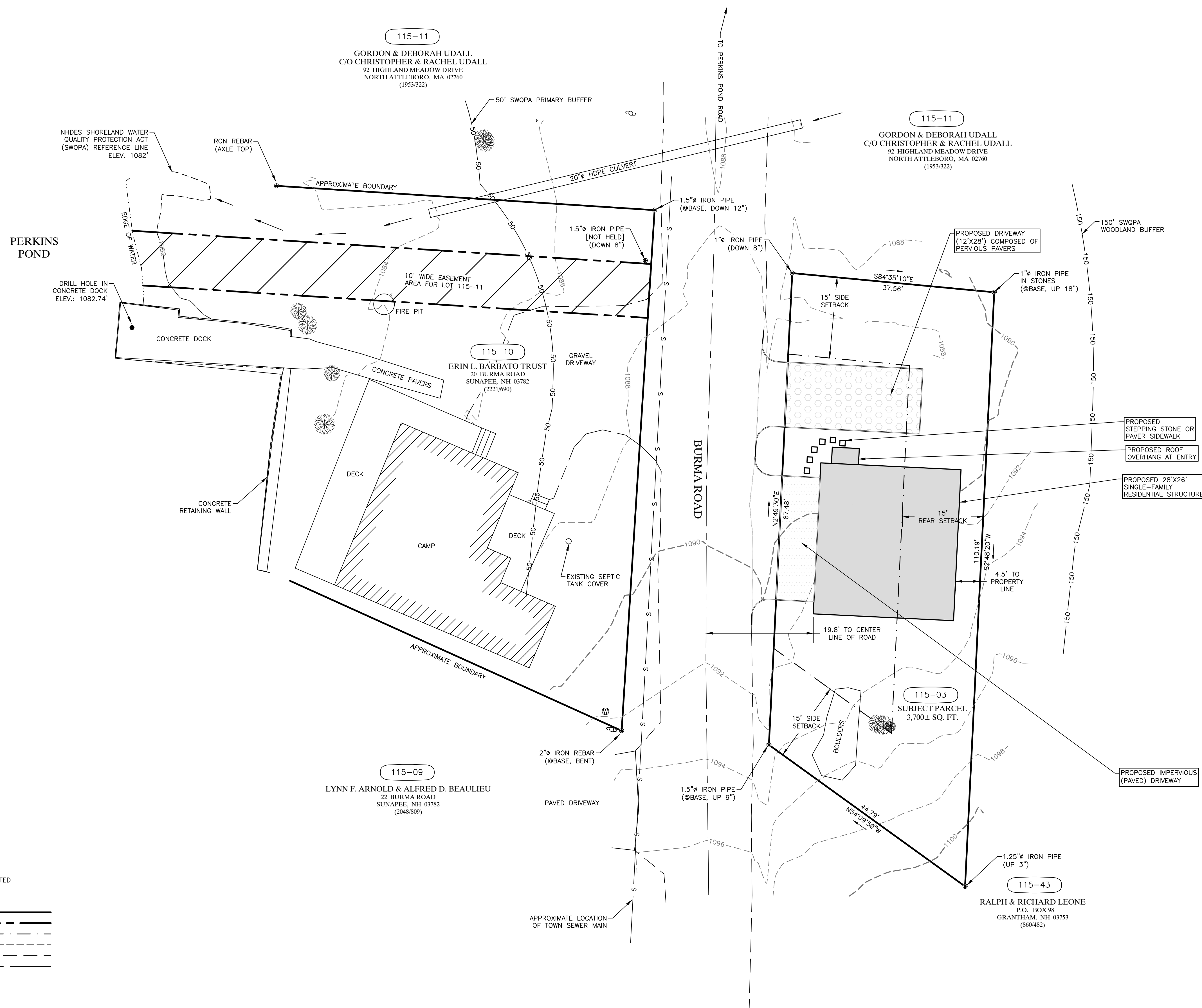
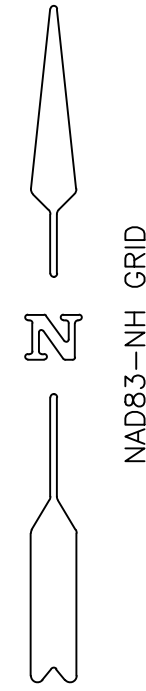
- HORIZONTAL DATUM: NH STATE PLANE GRID NAD83 (SURVEY FEET) FROM GPS OBSERVATION.
- VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88) FROM GPS OBSERVATION.
- UNDERGROUND UTILITIES ARE APPROXIMATE AND NOT WARRANTED TO BE EXACT OR COMPLETE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY EXCAVATION OR SITE MODIFICATIONS.



LEGEND

EXISTING IRON PIPE OR REBAR	● AS NOTED
CAPPED REBAR TO BE SET	○
DRILL HOLE	•
BOUNDARY LINE	—
RIGHT-OF-WAY	- - - - -
BUILDING SETBACK LINE	- · - · - · -
CONTOUR	- - - - - 500
EDGE GRAVEL	- · - · - · -
APPROXIMATE ROAD CENTER LINE	- - - - -
UTILITY POLE/GUY WIRE	⊕
WELL	⊙
HARDWOOD TREE	⊗
EDGE WATER	- · - · - · -
APPROXIMATE TOWN SEWER LINE	S S
50' SWQPA PRIMARY BUFFER	— 50 — 50 — 50 — 50 —
150' SWQPA WOODLAND BUFFER	— 150 — 150 — 150 — 150 —
DEED REFERENCE	(BOOK/PAGE)
TAX MAP/LOT NO.	12-122

REV. NO.	DATE	DESCRIPTION	MADE BY	CHKD BY	APP'D BY
EXISTING CONDITIONS ERIN L. BARBATO TRUST (TAX MAP 115, LOT 3) 20 BURMA ROAD, SUNAPEE, NEW HAMPSHIRE					1
PATHWAYS CONSULTING, LLC 240 MECHANIC STREET, SUITE 100 LEBANON, NEW HAMPSHIRE 03766 (603) 448-2200					SHEET: 1 OF 2 SCALE: 1"=10' DES. BY: SLP DRAWN BY: JLB CHKD. BY: JEN DATE: 12/03/25 PROJ. NO. 13482



IMPERVIOUS:

STRUCTURE 28'X26'	728 SF
DRIVEWAY	168 SF
OVERHANG	12 SF
SIDEWALK PAVERS	16 SF
TOTAL	924 SF

PERVIOUS:

DRIVEWAY 25'X12'	300 SF
TOTAL LOT COVERAGE:	1,224 SF

RECORD OWNER: ERIN L. BARBATOR TRUST
 MAP 115, LOT 3 50 CONSTITUTION STREET
 ASHLAND, MA 01721

DEED REFERENCE: BOOK 2221, PAGE 690

- GENERAL SURVEY NOTES:
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 - VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88) FROM GPS OBSERVATION.
 - UNDERGROUND UTILITIES ARE APPROXIMATE AND NOT WARRANTED TO BE EXACT OR COMPLETE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY EXCAVATION OR SITE MODIFICATIONS.
 - PATHWAYS CONSULTING, LLC COLLECTED DATA FOR THIS PLAN IN JANUARY 2024 TO JUNE 2025.



LEGEND

EXISTING IRON PIPE OR REBAR	● AS NOTED
CAPPED REBAR TO BE SET	○
DRILL HOLE	●
BOUNDARY LINE	—
RIGHT-OF-WAY	—
BUILDING SETBACK LINE	—
CONTOUR	—
EDGE GRAVEL	—
APPROXIMATE ROAD CENTER LINE	—
UTILITY POLE/GUY WIRE	⊕
WELL	⊗
HARDWOOD TREE	⊙
EDGE WATER	—
APPROXIMATE TOWN SEWER LINE	—
50' SWQPA PRIMARY BUFFER	—
150' SWQPA WOODLAND BUFFER	—
DEED REFERENCE	(BOOK/PAGE)
TAX MAP/LOT NO.	12-122

REVISION NO.	DATE	DESCRIPTION	MADE BY	CHECKED BY	APPROVED BY

PROPOSED SITE PLAN FOR
ERIN L. BARBATOR TRUST
 (TAX MAP 115, LOT 3)
 20 BURMA ROAD, SUNAPEE NEW HAMPSHIRE

PATHWAYS CONSULTING, LLC
 240 MECHANIC STREET, SUITE 100
 LEBANON, NEW HAMPSHIRE 03766
 (603) 448-2200

SCALE: AS SHOWN	2
DESIGNED BY: SLP	
DRAWN BY: JLB	
CHECKED BY: SAW	
DATE: 12/03/25	
PROJ. NO. 13482	SHEET 2 OF 2

Case #: VA 25-08

Parcel ID: 0128-0023-0000



Record No: VA-25-8

Variance Application

Status: Active

Submitted On: 11/13/2025

Primary Location

41 GARNET ST
, NH 03782

Owner

SCHWARZKOPF REVOCABLE TRUST PHILIP J. &
PATRICIA A. SCHWARZKOPF-TR
PO BOX 224 SUNAPEE, NH 03782

Applicants Information:

Landowner(s) Name(s):*

Philip & Patricia Schwarzkopf

Parcel ID:*

SUN-0128-0023-0000

Project Location (Street & #):*

41 Garnet St

Mailing Address:*

PO Box 224, Sunapee NH 03782

Phone Number:*

3024380607

Zoning District*

Residential (RS)

Unsure what zone your property is in? Click [HERE](#) to search for your property card.

Is there an Authorized Agent for this project?*

No

General Requirements

Have you prepared an abutters list?*

Yes

Number of Abutters*

7

Be sure to include yourself and any professionals associated with the project (engineers, architects, etc.) in your total number of abutters

General summary of the proposed project as an introduction and overview for the public hearing.

- Where is the property located?
- Describe the property.
- Give area, frontage, side and rear lines, slopes, natural features, etc.
- What do you propose to do?
- Why does your proposal require a Variance from the Zoning Board of Adjustment?

General Description* 

Replacement of a two tier retention wall with a single retention wall that will exceed the 48" height limitation for walls within the 10" property setback. See attachment with General Description.

Specific Reason the Variance is Necessary


Please refer to the Zoning Article and Section that the variance is being requested from. [Click Here to Review the Sunapee Zoning Ordinance](#)

Zoning Ordinance ARTICLE *

3.4

Zoning Ordinance SECTION*

J

To allow the following:* 

A single 84" stone retaining wall on a portion of the south property boundary

Facts in support of granting the Variance

A variance is a permission granted to use a specific piece of property in a more flexible manner than allowed by the ordinance. The Zoning Board of Adjustment (ZBA) must determine that the variance request satisfies the following 5 criteria.

Please note that all criteria must be satisfied in order for a variance to be granted. Click here for reference material


Granting the variance would not be contrary to the public interest because:* ?

The requested variance is needed to avoid installation of a new utility pole at the end of the driveway intersecting Garnet Street. If the pole is placed at the side of Garnet Street, our view of oncoming traffic will be obstructed, requiring us to blindly back partially into the street in order to see traffic. By removing the lower tier of the current retaining wall, the necessary utility pole can be installed further off-street thereby easing the restricted driveway entrance and eliminating the street entry safety issue. Doing such, also eliminates the utility pole being an additional eyesore for public pedestrian and vehicular traffic, and avoids negatively impacting the sole lake view of our neighbor. All of these items are in the public interest.

In addition, it eliminates a safety hazard in entering and exiting the garage due to the narrow driveway area.

If the variance were granted, the spirit of the ordinance would be observed because:* ?

the ordinance is in place to prevent people from building structures on top of each other. In this case, a two-tiered retaining wall that is not considered a structure is being replaced by an alternate, single-tier retaining wall which, per code, is technically considered a structure. The single-tier wall remains a retaining wall with its top below ground level of the slope and, as such, is not visible from the neighbor's property.

Granting the variance would do substantial justice because:* 

by installing the utility pole several feet off-street, the obstructed view caused by the pole will be mitigated. The only way to install the pole further off-street is to remove the lower stone wall. In addition, the removal of the lower stone wall will allow safer and less constrained access to/from the driveway and garage. In this case, granting the variance avoids negatively impacting the general public, as well as addressing the safety issues to the public and owner. Substantial justice is done by granting this variance.


If the variance were granted, the values of the surrounding properties would not be diminished because:* 

by removing the lower tier wall and installing the pole further off-street, the neighbor's lake view would be less obstructed, and therefore it would preserve the value of their property. It also will make the utility pole and accompanying wires less visible to Garnet Street pedestrian and vehicular traffic. If the variance is not granted, the neighbor's view will be impacted and the value of their property potentially diminished. The existence of a single retention wall vs a two-tier wall in the specific location will not impact surrounding property values.

Unnecessary Hardship

Please answer either A or B, not both.

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

i. **No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:** 

The application of the variance to this property is required and unique due to several combined factors. First, a significant ground slope requiring a retaining wall which exists directly along a property line. Second, obstructed views from the driveway due to the curve in the road at that location and the ground slope. Thirdly, the slope requiring a retaining wall exists in very tight proximity to the built environment (Driveway/House). We found no other properties in our area with this combination of characteristics.

ii. The proposed use is a reasonable one because: ?

it avoids negatively impacting the neighbors current view and allows for safer and less constrained navigation of the driveway, garage, and road entry/exit while still allowing for erosion control of the impacted hill.

OR

B. Explain how, if the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. ?

Without approval of this variance, relocation of the utility pole installation site will not be possible (All other options have been examined and dismissed), resulting in safety issues when entering and exiting Garnet St from the property, safety and increased hazards when entering and exiting the property's garage, additional obstruction & eye-sore for pedestrian and vehicle traffic along Garnet St, and obstruction of views to the lake from the neighbor's property.

NOTE: For person(s) with physical disabilities, please see RSA 674:33 regarding alternative hardship criteria for a Variance.

Signature & Authorization

I understand that the public hearing will be held at the scheduled date and time unless a request is made by me for a new hearing. Any rehearing will require a new public notice and notification to abutters, the cost of which will be borne by the applicant. Further, I hereby give permission to the ZBA members and zoning officials to visit the subject property prior to the public hearing. To the best of my knowledge, the above is true and correct.

Please Sign*

Date*

✔ Philip J Schwarzkopf
Nov 13, 2025

11/13/2025

41 Garnet St Variance Request - Schwarzkopf

General Description:

The property for which this variance is being requested is 41 Garnet St. It is an undersized lot (.18 acres), and as such has a side setback of 10 ft. The entrance to the driveway is on Garnet Street and runs west along the south property boundary. It is narrow as it enters the garage. Because of the small lot size, this area is extremely tight for navigation of a car. There is only 11ft of clearance between the left garage door entry and the lower tier of the retention wall.

We are requesting a variance to allow replacement of a two-tier retention wall that lines the property line side of our driveway, with a single level retention wall. The variance is required as this area requiring the retention wall is within the 10ft side setback of the property, and by eliminating the lower tier, the retention wall will exceed a height of 42", which technically qualifies it as a structure, thus requiring a variance per town ordinance.

In addition, we have recently been informed that electrical service to the house cannot be connected in the same way as it existed with the previous house, due to building & electrical code. As such, the electrical hook-up will require installation of a new utility pole. Due to the area's significant space restrictions, and to avoid creating a safety issue when entering and exiting the driveway from and to Garnet St, the only available location of the new telephone pole is within the current footprint of the tiered wall.

Without approval of the variance which will allow removal of the lower wall and leave in place a single 84" wall required for earth retention, the following issues are created:

- The utility pole creates a safety issue as will be an obstruction and hazard at the driveway entrance when entering the driveway from Garnet St, and in backing out onto Garnet St from the driveway.
- The utility pole & attached wires near the road will be more visible and unsightly to both pedestrian and vehicular traffic along Garnet St.
- The utility pole & attached wires if placed near the road, present a significant, negative impact on our neighbor's sole view of Lake Sunapee.
- The lower tier wall creates a safety issue when backing out of and entering the garage as it further constrains an already limited space area.
- Absence of a retention wall in this area will create an erosion issue impacting both the neighbors and our property due to the very steep slope in this area.



590 Maple St.
Newport, NH 03773
Tel: 617.650.3400

November 22, 2025

Dear Sunapee Zoning Board,

After examining the property located at 41 Garnet St. Sunapee NH, the replacement of a two-tier retaining wall, with a single tier retaining wall equal to the height of the current two-tier wall will not diminish the property value either at 41 Garnet St., or the abutting property located at 37 Garnet St.

The positioning of a new utility pole at the end of the driveway by the roadside, rather than further up the driveway will negatively impact the property value of the abutting property located at 37 Garnet St. due to the pole obstructing their sole view of Lake Sunapee.

Sincerely,

A handwritten signature in blue ink that reads "Andy".

Andy

Andy Ivey, Realtor
Broker/Owner
Ivey Real Estate

NH & MA Brokerage
Sales and Investments

James Young
37 Garnet Street
Post Office Box 498
Sunapee, New Hampshire 03782

November 24, 2025

Town of Sunapee
Zoning Board of Adjustment
Sunapee, New Hampshire 03782

Re: Case VA-25-08
Parcel ID: 0128-0023-0000

Dear Sirs/Ms:

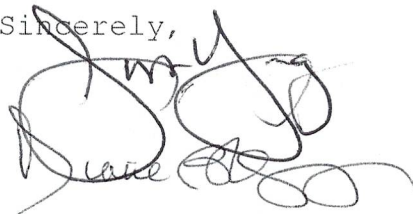
As the direct abutter to the residential property on 41 Garnet Street, owned by the Schwarzkopf Revocable Trust, please consider approving the Schwarzkopf's

"Requesting a Variance from Article III, Section 3.40(j) to allow for the construction of a retaining wall exceeding 42" in height within the 10-foot side setback."

The purpose of the Variance is to place a utility pole back from the street on their property.

It is our feeling that this will allow for a better view of the street for safer entrance/exit from both of our properties and for pedestrians. In addition, it will avoid creating a significant obstruction to the sole view of Lake Sunapee from our property.

Sincerely,

Handwritten signatures of James and Diane Young. The signature for James is written above the signature for Diane. Both signatures are in cursive and appear to be in black ink.

James & Diane Young



[EXTERNAL]Schwartzkopf Variance Application

From Cynthia Maclean <cynthia.maclean@yahoo.com>

Date Wed 12/3/2025 12:31 PM

To Allyson Traeger <allyson@sunapeenh.gov>

Cc Andy Browne <abrowney@gmail.com>; Phil Schwarzkopf <pjschwarzkopf@verizon.net>; Patty Schwarzkopf <paschwarzkopf@verizon.net>

You don't often get email from cynthia.maclean@yahoo.com. [Learn why this is important](#)

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Dear Ms. Traeger,

My name is Cynthia Maclean and I live at 44 Garnet Street with my husband, Andy Browne.

Last week we picked up a registered letter from the town notifying us of the Schwartzkopfs' application for a variance in relation to changes to their retaining wall and the placement of a utility pole across the street from us.

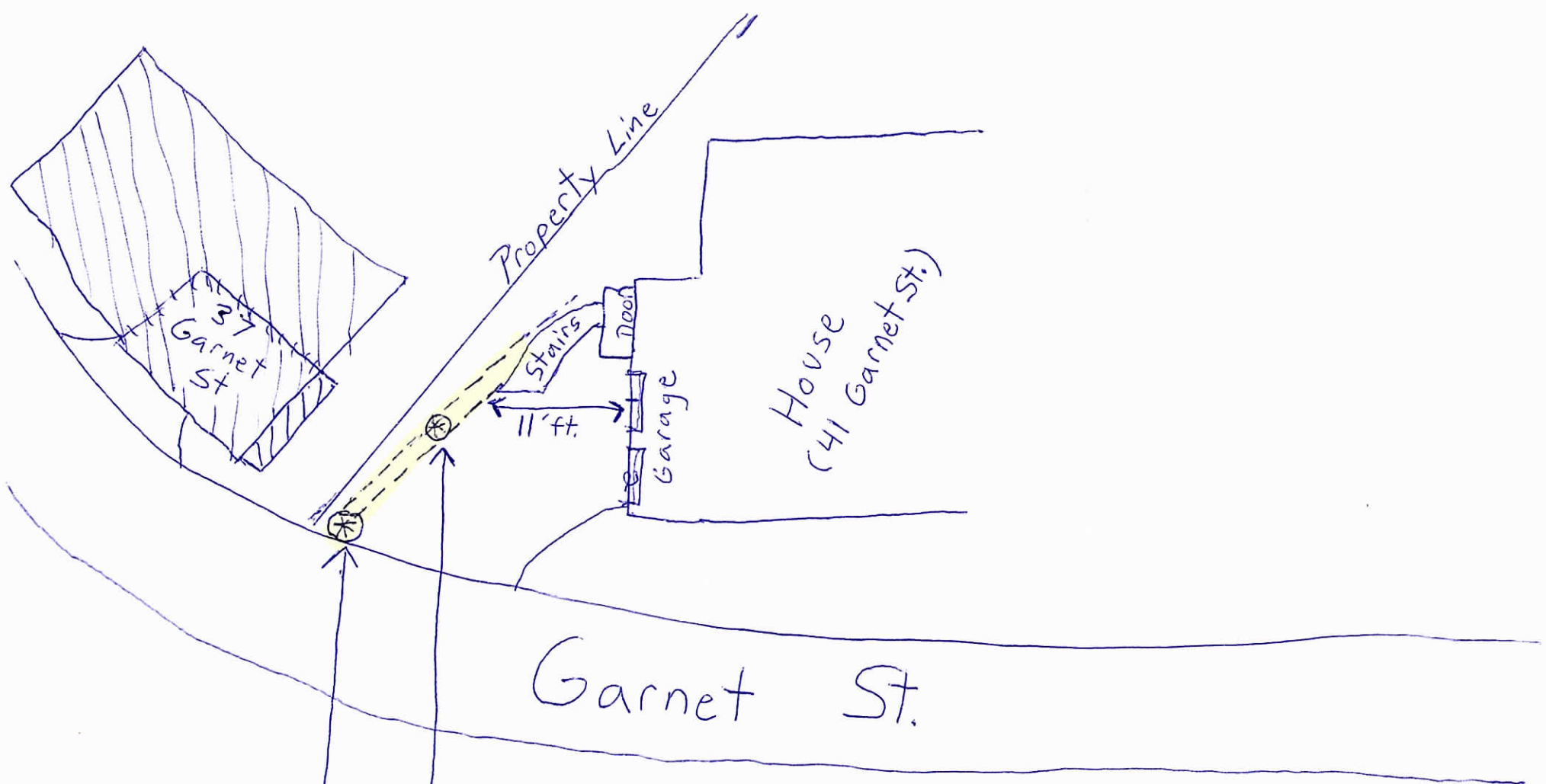
We have discussed the application with the Schwartzkopfs and have no objections to it whatsoever. We'd also prefer that the utility pole not be so close to the street.

I am happy to speak with you (603 843-7816) if you have any further questions.

Kind regards,
Cynthia Maclean







Default position of new utility pole

Desired position of new utility pole

Garnet St.

LEGEND

- MAJOR CONTOUR
- MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED ROOF LINE
- PROPOSED LIMIT OF DISTURBANCE
- TRAIL
- ABUTMENT
- EDGE OF LAWN
- PROPERTY LINE
- 10' SETBACK
- LAKE SETBACK
- PROPOSED EROSION CONTROL
- CONIFEROUS TREE
- DECIDUOUS TREE
- UTILITY POLE
- HYDRANT
- EXISTING BUILDING
- EXISTING CONCRETE
- EXISTING PAVEMENT
- PROPOSED BUILDING
- PROPOSED CONCRETE
- PROPOSED PAVEMENT
- PROPOSED GRAVEL
- PROPOSED DRAIN MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED DRAIN PIPE
- PROPOSED PERFORATED UNDERDRAIN

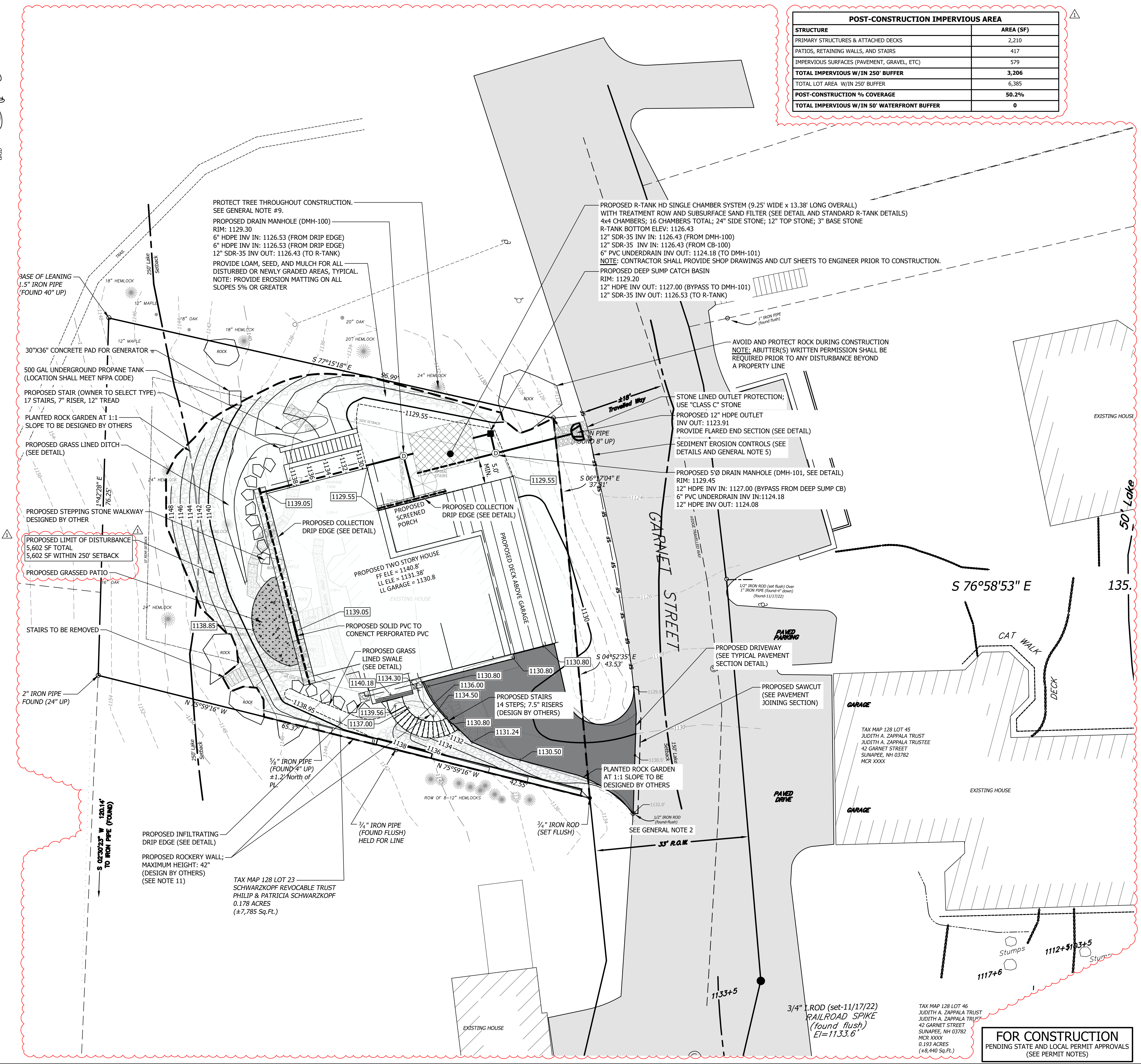
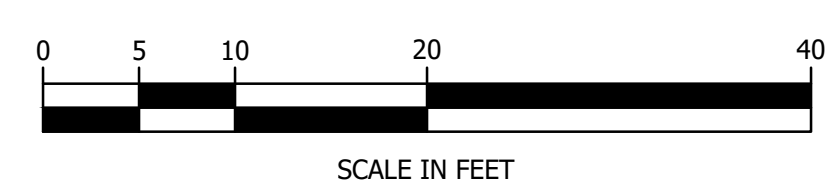
GENERAL NOTES

1. ALL WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THESE PLANS.
2. NO EXISTING MONUMENTS, BOUNDS, OR BENCHMARKS SHALL BE DISTURBED WITHOUT FIRST MAKING PROVISIONS FOR RELOCATION.
3. ALL WORK SHALL BE PERFORMED WITHIN THE PROPERTY OF, AND EASEMENTS SECURED BY, THE OWNER.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DATA COLLECTION AND PREPARATION OF RECORD DRAWINGS.
5. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR CONTROLLING EROSION IN ALL AREAS DISTURBED BY HIS ACTIONS. COSTS FOR REQUIRED EROSION CONTROL, REGARDLESS OF WHETHER OR NOT SUCH MEASURES ARE SHOWN ON THE ENGINEERING DRAWINGS, SHALL BE BORNE BY HIM.

CONTRACTOR MAY USE ONE OR MORE OF PERVIOUS BERM, SEDIMENT SILT FENCE, OR FILTREXX SILTSSOX® (SEE DETAILS). **DOUBLE EROSION CONTROLS REQUIRED WITHIN 50' OF ANY WETLANDS OR SURFACE WATERS.**
6. UTILITY LOCATIONS ARE BASED ON THE BEST AVAILABLE INFORMATION. THE CONTRACTOR IS RESPONSIBLE FOR LOCATION AND PROTECTION OF EXISTING UTILITIES AND SHALL REPAIR ANY DAMAGE AS QUICKLY AS POSSIBLE AT HIS OWN EXPENSE. ALL UTILITIES ENCOUNTERED SHALL BE LOCATED BY DEPTH AND TIES AND SHOWN BY THE CONTRACTOR ON HIS "AS BUILT" DRAWINGS. HAND EXCAVATION SHALL BE DONE WHEREVER UNDERGROUND UTILITIES ARE SHOWN OR ANTICIPATED. THE CONTRACTOR SHALL CONTACT DIG SAFE AND THE APPROPRIATE AUTHORITIES PRIOR TO ANY CONSTRUCTION IN ORDER TO VERIFY EXISTING CONDITIONS AND UTILITY LOCATIONS.
7. BASE MAP INFORMATION INCLUDING BOUNDARY AND TOPOGRAPHY ON THESE PLANS IS FROM PLANS PREPARED BY PENNYROYAL HILL LAND SURVEYING & FORESTRY, TITLED "TAX MAP 128 LOT 23 - 41 GARNET STREET PLAN OF STANDARD PROPERTY SURVEY AND SHORELAND SITE PLAN", AND DATED APRIL 16TH, 2024.
8. NO WETLANDS PRESENT ON THE SUBJECT PARCEL.
9. PRIOR TO CONSTRUCTION, CONTRACTOR SHALL CONSULT CERTIFIED ARBORIST TO VERIFY EXTENT OF ROOT STRUCTURE. CONSULT ENGINEER IMMEDIATELY WITH ANY CONFLICTS PRIOR TO CONSTRUCTION.
10. BASED ON THIS PLAN, THE HORIZONTAL DATUM IS NH STATE PLANE AND ALL ELEVATIONS ARE REFERENCED APPROXIMATELY TO THE USGS DATUM.
11. OWNER SHALL OBTAIN PERMISSION FROM THE OWNER OF THE ABUTTING LAND TO THE SOUTH PRIOR TO COMMENCING CONSTRUCTION OF THE ROCKERY WALL. TEMPORARY DISTURBANCE OFF THE SUBJECT PROPERTY WILL BE REQUIRED TO CONSTRUCT THE WALL.

SHORELAND AND PERMIT SPECIFIC NOTES

1. THE SUBJECT LOT IS LOCATED ENTIRELY BEYOND THE 150' WOODLAND BUFFER. NO TREE REMOVAL IS PROPOSED WITHIN THE 150' SETBACK.



POST-CONSTRUCTION IMPERVIOUS AREA	
STRUCTURE	AREA (SF)
PRIMARY STRUCTURES & ATTACHED DECKS	2,210
PATIOS, RETAINING WALLS, AND STAIRS	417
IMPERVIOUS SURFACES (PAVEMENT, GRAVEL, ETC)	579
TOTAL IMPERVIOUS W/IN 250' BUFFER	3,206
TOTAL LOT AREA W/IN 250' BUFFER	6,385
POST-CONSTRUCTION % COVERAGE	50.2%
TOTAL IMPERVIOUS W/IN 50' WATERFRONT BUFFER	0

DATE OF PRINT
JANUARY 29 2025
HORIZONS ENGINEERING

NO.	DATE	REVISION DESCRIPTION	ENG	DWG
1	10/20/24	PROVISIONS FOR OWNER REQUEST	HEI	HEI

horizons Engineering
Civil and Structural Engineering
Land Surveying and Environmental Consulting
MAINE • NEW HAMPSHIRE • VERMONT
www.horizonsengineering.com

PHILIP & PATRICIA SCHWARZKOPF
41 GARNET STREET PROPOSED SITE IMPROVEMENTS
SUNAPEE, SULLIVAN COUNTY, NEW HAMPSHIRE

PROJECT #:	240662	DRAWN BY:	GAD	ARCHIVE #:	H-
DATE:	NOV 2024	ENGINEER BY:	GAD/DM	CHECKED BY:	WTD
PROPOSED SITE GRADING AND DRAINAGE PLAN					
SHEET C2.1					

FOR CONSTRUCTION
PENDING STATE AND LOCAL PERMIT APPROVALS
(SEE PERMIT NOTES)



[EXTERNAL]41 Garnet St, Sunapee

From Blevens, Christopher J <christopher.blevens@eversource.com>

Date Thu 12/18/2025 4:29 PM

To Allyson Traeger <allyson@sunapeenh.gov>

Cc hooperpower@gmail.com <hooperpower@gmail.com>

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Good afternoon.

Arthur asked me to address a couple of questions you had.

Can the service be underground across the street?

No, Eversource does not install individual residential services under the roadway. Once conductor is pulled into the conduit Eversource takes ownership and therefore responsibility for repairs in case of a failure. Eversource will not accept the financial liability for excavating and repairing the roadway in the event of a failure, the cost of which would ultimately be borne by the rate payers. There are also restoration factors. In the event of an outage it would make it difficult to run temporary service to get the customers service restored and may prolong making permanent repairs because of coordinating a shutdown of the roadway.

Is there anywhere else the service can be brought in?

The site was reviewed carefully. There is no place on the right side of the structure that would be an acceptable location for a socket either for accessibility or clearance reasons. The left side has one area that could accommodate the 400A socket but the overhead cannot run directly to the house as the energized conductor would pass too close to the open deck on the second floor / front of the building. The installation of the service pole and anchor on the left side is the only way to provide the service the customer is requesting while meeting Eversource requirements for service installation and safe clearances.

Regards,

Chris Blevens
Field Technician Specialist
Eversource Energy
Office 603-865-6201

CONSTRUCTION REQUIREMENTS REFERENCE: [requirements-for-electric-service-connections.pdf \(eversource.com\)](#)

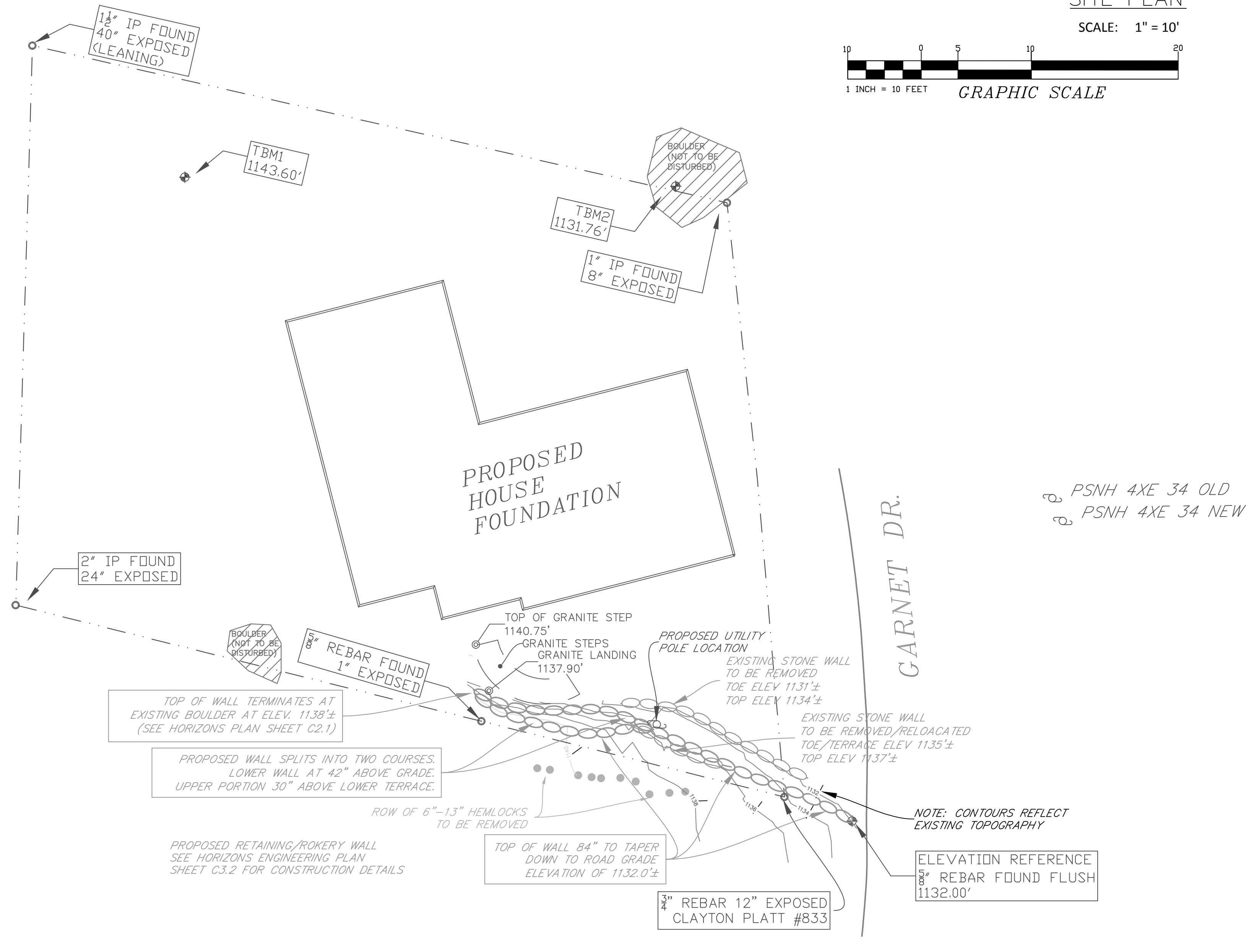
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SITE PLAN

SCALE: 1" = 10'



1 INCH = 10 FEET GRAPHIC SCALE



- THIS PLAN HAS BEEN PREPARED TO SHOW THE LOCATION OF A NEW UTILITY POLE AND THE REMOVAL AND RELOCATION OF A STONE RETAINING WALL.
- PROPERTY LINES AND BOUNDARIES DEPICTED WERE TAKEN FROM SURVEYORS PLAN AS WELL AS SURVEYORS AND OTHER MONUMENTATION FOUND IN THE FIELD.

SITE PLAN
TAX MAP 128, LOT 23
41 GARNET ST.
SUNAPEE, NH 03782

CLIENT:
PHIL & PAT SCHWARZKOPF
41 GARNET ST.
SUNAPEE, NH 03782

DRAFTING & FIELD WORK:
ALEX KISH
ONSPEC
P.O. BOX 172
NEWPORT, NH 03773

PROJECT NOTES:
FIELD WORK: 12/21/2025
FILENAME: SK_WIP_v1.4.dwg
PLOT DATE: 1/2/2026



40 feet Abutters List Report

Tri Town, NH
September 06, 2024

Subject Property:

Parcel Number: Sun-0128-0023-0000
CAMA Number: Sun-0128-0023-0000
Property Address: 41 GARNET ST

Mailing Address: SCHWARZKOPF REVOCABLE TRUST
PHILIP J. & PATRICIA A. SCHWAR
PO BOX 224
SUNAPEE, NH 03782

Abutters:

Parcel Number: Sun-0128-0021-0000
CAMA Number: Sun-0128-0021-0000
Property Address: 35 GARNET ST

Mailing Address: THE FOLEY FAMILY REVOC TRUST O
MICHAEL F & JULIE A. FOLEY TRU
PO BOX 621
SUNAPEE, NH 03782

Parcel Number: Sun-0128-0022-0000
CAMA Number: Sun-0128-0022-0000
Property Address: 37 GARNET ST

Mailing Address: YOUNG REVOC 2014 TRUST, JAMES
JAMES F & DIANE B YOUNG, TRUST
PO BOX 498
SUNAPEE, NH 03782

Parcel Number: Sun-0128-0025-0000
CAMA Number: Sun-0128-0025-0000
Property Address: GARNET ST

Mailing Address: THOMAS FAMILY REVOCABLE TRUST
JOHN R & NORMA P THOMAS, TRUST
70 EGINTON ROAD
MANKOTA, MN 56001

Parcel Number: Sun-0128-0041-0000
CAMA Number: Sun-0128-0041-0000
Property Address: GARNET ST

Mailing Address: BRIAN R. HOULE HOULE ASHLEY A.
TRUSTEE
26 ESTATE DRIVE
MANCHESTER, NH 03104

Parcel Number: Sun-0128-0042-0000
CAMA Number: Sun-0128-0042-0000
Property Address: GARNET ST

Mailing Address: SCHWARZKOPF REVOCABLE TRUST
PHILIP J. & PATRICIA A. SCHWAR
PO BOX 224
SUNAPEE, NH 03782

Parcel Number: Sun-0128-0043-0000
CAMA Number: Sun-0128-0043-0000
Property Address: 44 GARNET ST

Mailing Address: BROWNE, ANDREW & MACLEAN, CYNT
PO BOX 496
SUNAPEE, NH 03782

Parcel Number: Sun-0128-0045-0000
CAMA Number: Sun-0128-0045-0000
Property Address: 42 GARNET ST

Mailing Address: ZAPPALA TRUST, JUDITH A JUDITH A
ZAPPALA, TRUSTEE
42 GARNET ST
SUNAPEE, NH 03782

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



www.cai-tech.com

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