

**TOWN OF SUNAPEE - ZONING BOARD OF ADJUSTMENT**  
**A PUBLIC MEETING WILL BE HELD THURSDAY,**  
**May 2, 2024, AT 6:30 PM,**  
**AT THE SUNAPEE TOWN MEETING ROOM**  
**ON THE FOLLOWING CASE(S):**

Join Us on Zoom:

<https://us06web.zoom.us/j/87007800828?pwd=Qz5Cob69bPDFCfRTnNci04x0wJyEYb.1>

Meeting ID: 870 0780 0828

Password: 744172

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**NEW CASES**

Case # VA 24-05

Parcel ID: 0104-0066-0000

*Ernest D. & Patricia Collins*  
*44 Springfield Rd.*  
*Residential*

Requesting a Variance from Article III, Section 3.10 to allow for the removal and replacement of existing garage within the road setback. Resulting in 90 square feet to be within the setback, reducing the setback to 43 feet where a 50-foot setback is required.

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Case # SE 24-04

Parcel ID: 0121-0042-0000

*KTP Cottage, LLC*  
*106 Fernwood Point Rd.*  
*Rural Residential*

Requesting a Special Exception from Article III, Section 3.50(l) to allow for the replacement of pre-existing, non-conforming structure.

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Case # SE 24-05

Parcel ID: 0119-0018-0000

*Edward and Sarah Pena*  
*34 Fairway Dr.*  
*Rural Residential*

Requesting a Special Exception from Article IV, Section 4.15 to allow for a Short-Term Rental Owner-in the Rural Residential District.

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Case # SE 24-06

Parcel ID: 0233-0023-0000

*Liam & Bridget Sherwin*  
*8 Bradford Rd.*  
*Rural Residential*

Requesting a Special Exception from Article IV, Section 4.15 to allow for a Short-Term Rental Owner-in the Rural Residential District.

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

---

Case # SE 24-07  
Parcel ID: 0115-0031-0000

*April & Tanner Royce  
35 North Shore Rd.  
Rural Residential*

Requesting a Special Exception from Article IV, Section 4.15 to allow for a Short-Term Rental Owner-in the Rural Residential District.

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**CONTINUED:**

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Case # VA 24-03  
Parcel ID: 0118-0062-0000

*Gretchen Hall  
Brett Allard - Agent  
46 Burma Rd  
Rural Residential*

Requesting a Variance from Article III, Section 3.10 to allow for an existing deck and foundation to be converted into living space. Reducing the side setback to 12.5 feet where 15 feet is required.

---

Case # VA 24-03 - A  
Parcel ID: 0118-0062-0000

*Gretchen Hall  
Brett Allard - Agent  
46 Burma Rd  
Rural Residential*

Requesting a Variance from Article III, Section 3.40(c) to allow for an existing deck and foundation to be converted into living space. Reducing the waterfront setback to 25 feet where 50 feet is required.

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Case # VA 24-04  
Parcel ID: 0118-0062-0000

*Gretchen Hall  
Brett Allard - Agent  
46 Burma Rd  
Rural Residential*

Requesting a Variance from Article III, Section 3.40(c) to allow for an addition of 35 square foot structure on an existing cottage within the 50-foot waterbody setback.

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**MISCELLANEOUS:**

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**OTHER BUSINESS:**

Review Previous Meeting(s) Minutes.

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

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

**CASE #: VA 24-05**

**PARCEL ID:**

**0104-0066-0000**



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

BY: .....

CASE #: VA 24-05  
FEE PAID: 285.00  
METHOD: Check

## 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): Ernest D. & Patricia M. Collins
2. Parcel ID: SUN-0104-66-0000 3. Zoning District: Residential
1. Project Location (Street & #): 44 Springfield Rd.
2. Mailing Address: PO Box 218, Georges Mills, NH 03751-0218
3. Phone Number: [REDACTED]
4. Email: [REDACTED]

☐ **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:** X Application Fee: Please See Fee Schedule Attached  
X Abutter Notification Fee: Please See Fee Schedule Attached  
X 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?

Removal of existing garage in 92sf non-conforming area to be  
removed (+/- 37' to CI), Proposed 30'x28' garage 90sf non-  
conforming (+/- 43' to CI) Asking for relief of 7' of 50' rd set back.

**Attach additional sheets of paper as necessary.**

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

Ordinance, Article III, Section 3.10 to permit   
replacement of the current 16 x 24' garage with a 30 x 28' garage  
within the 50' road setback, reducing the 50 ft set back to 43'.

**Facts in support of granting the variance:**

1. Granting the variance would not be contrary to the public interest because: does not affect any abutters. Would not be building in wetlands or wetland set back. Would be reducing non-conforming area to 90 square ft from 92sf, which is "grandfathered" in.
2. If the variance were granted, the spirit of the ordinance would be observed because: we would adhere to the maximum structure height of 25'. It would be replacing a garage that is structurally starting to fail. We would be in compliance with the town.
3. Granting the variance would do substantial justice because: current garage is in need of replacing due to structural integrity. We would be in compliance with wetlands and wetland set backs. We would also be able to store more items in the garage instead of the yard.

4. If the variance were granted, the values of the surrounding properties would not be diminished because: the replacement garage would be new and fresh, instead of run down with holes in the side and peeling paint. Proposed new garage would add value to the current property. We would be in compliance with the town. Direct abutters are in favor of this.

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. asking for road frontage variance due to previously denied wetland variance. Abutting properties are filled in further towards wetlands, 50 Spfld Rd is approx 150ft and 38 Spfld Rd is approx 30ft. by allowing the 7ft of the road set back, we would avoid wetlands.

**NOTE:**

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

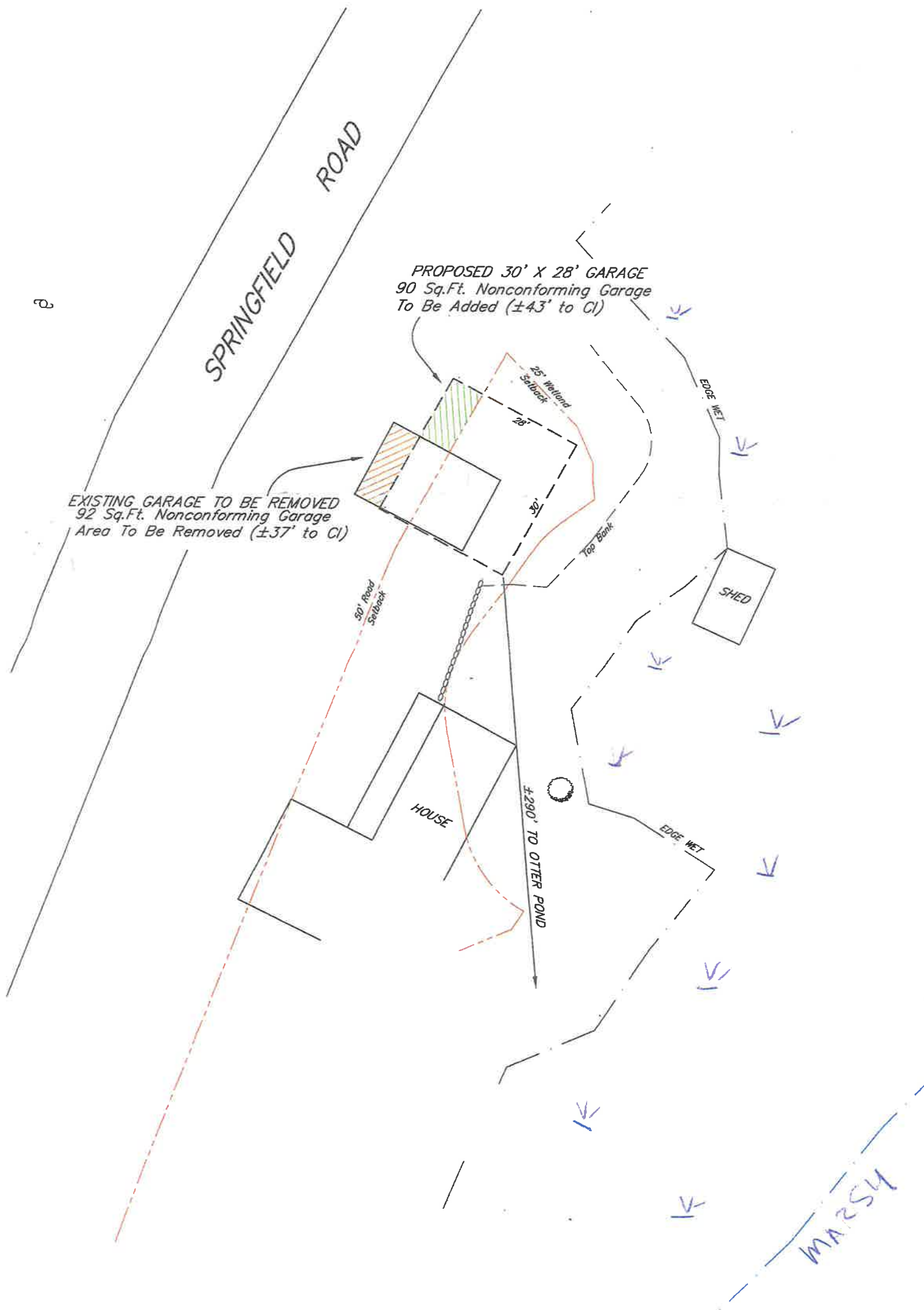
**SIGNATURE:** I understand that the public hearing will be held at the scheduled date and time unless a request is made by me for a new hearing. Any rehearing will require a new public notice and notification to abutters, the cost of which will be borne by the applicant. Further, I hereby give permission 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.

Ernest A. Collins Jr. Patricia M. Collins April 3, 2024  
Landowner(s) Signature(s) Date

Town of Sunpee

Variance Application  
Updated January 2024

TINY COLLINS PRELIMINARY SKETCH  
SUNAPEE NH - 6/21/23  
1" = 20'





# A & D Klumb Environmental, LLC

June 16, 2023

Mr. Ernest Collins  
P.O. Box 218  
Georges Mills, NH 03751

RE: Wetland Report – 44 Springfield Road, Georges Mills, NH

Dear Mr. Collins,

Audra Klumb, NH Certified Wetland Scientist #222, delineated wetlands on the property located at 44 Springfield Road in Georges Mills (Sunapee), NH on June 13, 2023. The property is identified as Tax Map 14 Lot 66 and contains approximately 1.7-acres. The wetland delineation was requested to identify setbacks for garage placement.

Wetlands are defined by the US Army Corps of Engineers as: “Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.” Wetlands are typically determined by reviewing soils, vegetation, and hydrology. Surface waters include streams, lakes, and ponds.

The single family residential property is located on the east side of Springfield Road and has a short distance of frontage on Otter Pond near the southeast property corner. The existing house and outbuildings are located along Springfield Road, on the west side of the property. East of the house and garage the land drops in elevation. The wetland boundary was found to be located at or near the toe of the slope of this elevation change. The soils along the west edge of the wetland, near the wetland boundary, were found to be poorly drained with very dark brown (10YR 2/2) sandy loam with prominent redoximorphic features starting within 8” of the soil surface, F6 hydric soil indicator. Deeper within the wetland, beyond the yard and shed, the soils sampled were very poorly drained with a thick, saturated, organic material. The dominant vegetation within the wetland included red maple (*Acer rubrum*), balsam poplar (*Populus balsamifera*), grey birch (*Betula populifolia*), willow (*Salix* sp.), meadowsweet (*Spiraea latifolia*), glossy buckthorn (*Frangula alnus*), sensitive fern (*Onoclea sensibilis*), lady fern (*Athyrium angustum*), curly dock (*Rumex obtusifolius*), and tall buttercup (*Ranunculus acris*). The wetland was found to extend up into the ditch along the northern property boundary. The wetland boundary was flagged with pink WETLAND DELINEATION flagging and stake flags. The flagged boundary limit begins in the ditch, north of the garage, with flag A-1, extending to the back of the shed with flag A-6, then along the toe of the slope to the southern property boundary, ending with flag A-18. The eastern portion of the property was not reviewed.

The Town of Sunapee includes a Water Resources Overlay District<sup>1</sup> that includes mapped very poorly drained soils and contiguous poorly drained soils. Portions of the wetland described above include mapped USDA NRCS very poorly drained soils. The district includes a 25-foot wetland setback. The wetland described above would be subject to this 25-

<sup>1</sup> Sunapee Zoning Ordinance (March 14, 2023), Article II Section 2.3, Water Resources Overlay District, Page 9

foot wetland setback. The Wetland Resources Overlay District also includes shoreline areas within 250-feet of lakes and ponds greater than 10-acres. Otter Pond would be included in this district.

The wetland flags should be located and shown on the existing conditions plan in order to determine the setback locations for garage placement. If the garage is not able to be placed outside of the setbacks a Special Exception from the Zoning Board of Adjustment may be needed. Please review the Sunapee Zoning Ordinance for details. The Reference Line of Otter Pond should also be included on the existing conditions plan along with the 250-foot Shoreland Zone setback.

If the garage or impervious surface is within 250-feet of Otter Pond a NH DES Shoreland permit may be needed. Direct wetland impacts should be avoided. Any direct wetland impact would require permitting through the NH DES Wetlands Bureau.

Included please find photographs of the wetland and a sketch showing the approximate wetland boundaries on the property. This sketch is an approximation of the delineated boundary and not an accurate depiction. Please contact me with any questions regarding the wetland delineation or report of findings.

Sincerely,



Audra L. Klumb, CWS#222  
President

Enclosures:  
Photographs and Wetland Sketch Map



Resources:

Cowardin et.al., 1979. *Classification of Wetlands and Deepwater Habitats of the United States*; US Department of the Interior, Fish and Wildlife Service, Washington, DC

Environmental Laboratory. (1987). "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.

Environmental Laboratory. 2012. "*Army Corps of Engineers Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, (Version 2.0)*" ERDC/EL TR-12-1, U.S. Army Engineer Research and Development Center, Vicksburg, MS.

Munsell Color (Firm). Munsell Soil Color Charts: with Genuine Munsell Color Chips. 2009. Revised, Printed in 2012. Grand Rapids, MI

Sunapee Zoning Ordinance. 2023. Downloaded from the Town of Sunapee NH Web Site: <https://www.town.sunapee.nh.us/> June 13, 2023

U.S. Army Corps of Engineers 2020 *National Wetland Plant List, Version 3.5* downloaded from: <http://wetland-plants.usace.army.mil/> U.S. Army Corps of Engineers, Engineer Research and Development Center, Cold Regions Research and Engineering Laboratory, Hanover, NH

United States Department of Agriculture Natural Resources Conservation Service. 2016. *Field Indicators of Hydric Soils in the United States, A Guide for Identifying and Delineating Hydric Soils, Version 8.0*, L.M. Vasilas, G.W. Hurt, and J.F. Berkowitz (eds.). USDA, NRCS, in cooperation with the National Technical Committee for Hydric Soils







Photo 1. View west toward the existing garage. The wetland boundary is visible in the foreground.



Photo 2. View north within the wetland looking toward the existing shed, the garage is beyond the picture to the left.







Photo 3. View north of the slope behind the existing garage that leads down to the wetland boundary, pink flag line visible at right.



Photo 4. View east along the ditch/wetland limit at the north side of the property.







# Wetland Sketch Map

May 19, 2023

44 Springfield Road

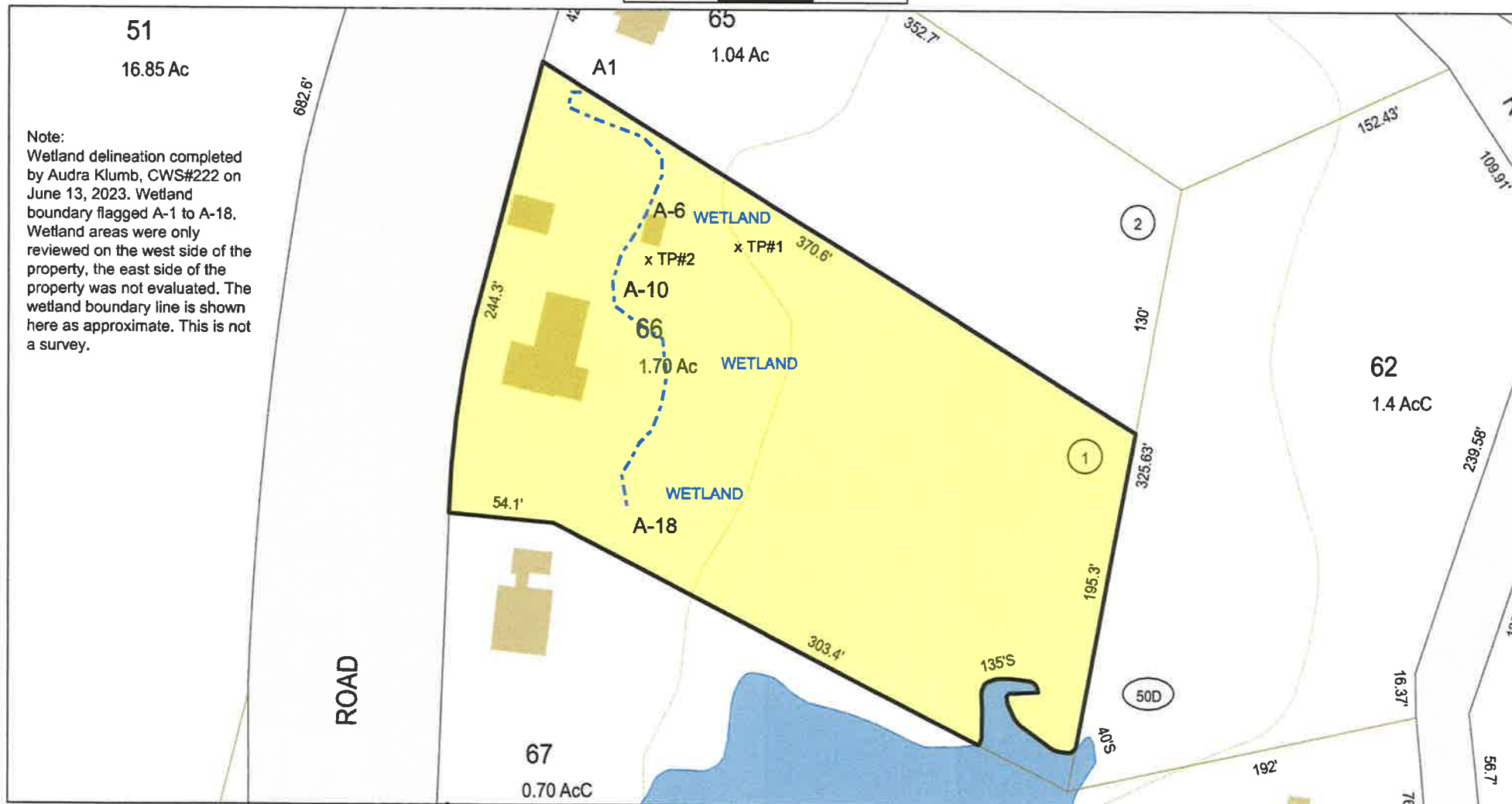
Georges Mills, NH



www.cai-tech.com

1 inch = 50 Feet  
0 50 100 150

Note:  
Wetland delineation completed  
by Audra Klumb, CWS#222 on  
June 13, 2023. Wetland  
boundary flagged A-1 to A-18.  
Wetland areas were only  
reviewed on the west side of the  
property, the east side of the  
property was not evaluated. The  
wetland boundary line is shown  
here as approximate. This is not  
a survey.



Data shown on this map 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 map.

Keady 2022 Revoc. Trust  
PO Box240  
Georges Mills, NH 03751-0240

Mr. John J. McClay  
PO Box63  
Georges Mills, NH 03751-0063

Otter Pond Protective Assoc.  
PO Box26  
Georges Mills, NH 03751-0026

Mrs. Marion Quintas  
PO Box28  
Georges Mills, NH 03751-0028

Mr. & Mrs. Ernest D. Collins Jr.  
PO Box218  
Georges Mills, NH 03751-0218

7/28/23, 1:50 PM

[EXTERNAL]Patricia and Ernest Collins, Georges Mills. - Allyson Traeger - Outlook

[EXTERNAL]Patricia and Ernest Collins, Georges Mills.

JJ <blugruv@gmail.com>

Fri 7/28/2023 1:44 PM

To: Allyson Traeger <allyson@town.sunapee.nh.us>

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

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Allyson, This is John McClay. I live at 38 Springfield Rd in Georges Mills and am the southern abutter to the Collins property. Ernest asked me to send you an email to let you know if I don't have any issues with his attempt to improve his detached garage. They both work very hard keeping his old family property in good repair and upgrading the garage seems like a good idea in that effort. I hope this helps. Please let me know if I can provide any additional information. Kind regards. John.

The Town of Sunapee  
Assessing Board  
Sunapee, NH 03782

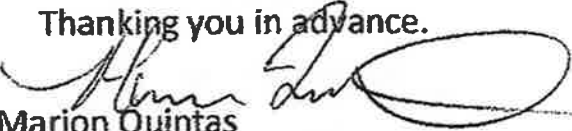
July 24, 2023

To Whom It May Concern,

I am writing to let you know that my husband and I both support the decision of Ernest and Patricia Collins of 44 Springfield Rd Georges Mills NH 03751 to tear down the current garage structure and build a new garage.


We also support their decision to tear down the shed in the back of the garage that now sits in wetlands.

Thanking you in advance.



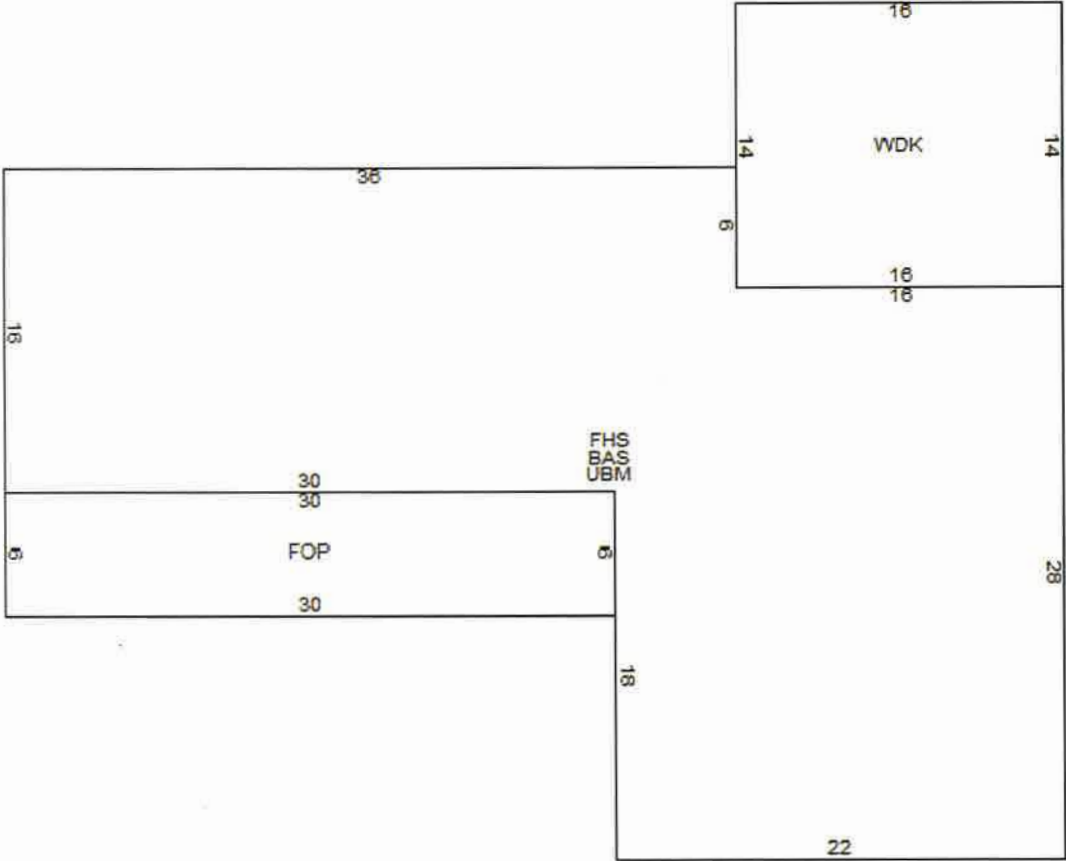
Marion Quintas  
50 Springfield Rd  
Georges Mills, NH 03751

Utilities: PUBLIC WATER,PUBLIC SEWER

PICTURE	OWNER	TAXABLE DISTRICTS	BUILDING DETAILS
	COLLINS JR, ERNEST & PATRICIA M	District	Model: 1.5 STORY FRAME CONVENTION
	PO BOX 218	Percentage	Roof: GABLE OR HIP/METAL/TIN
	GEORGES MILLS, NH 03751-0218		Ext: VINYL SIDING
PERMITS			Int: DRYWALL
Date			Floor: HARDWOOD/CARPET
Permit ID			Heat: OIL/HOT WATER
Permit Type			Bedrooms: 4 Baths: 1.0 Fixtures:
Notes			Extra Kitchens: Fireplaces:
			A/C: No Generators:
			Quality: 03 A/D 03 BASE 100
			Com. Wall:
			Size Adj: 1.0137 Base Rate: RSA 125.00
			Bldg. Rate: 0.9433
			Sq. Foot Cost: \$ 117.92

The floor plan diagram illustrates the layout of a building with various rooms and their dimensions. The layout includes a large central area labeled 'WDK' (Deck, Wood) with dimensions 18x14. To the left of the 'WDK' area is a large rectangular area labeled 'FHS' (Half Story), 'BAS' (First Floor), and 'UBM' (Basement) with dimensions 35x18. Below the 'FHS' area is a smaller rectangular area labeled 'FOP' (Porch, Open) with dimensions 30x6. To the right of the 'FOP' area is a large rectangular area labeled 'FHS', 'BAS', and 'UBM' with dimensions 28x22. The overall dimensions of the building are 35x28.

BUILDING SUB AREA DETAILS						
ID	Description	Area	Adj.	Effect.		
FHS	HALF STORY,	1132	0.50	566		
BAS	FIRST FLOOR	1132	1.00	1132		
UBM	BASEMENT,	1132	0.20	226		
WDK	DECK, WOOD	224	0.10	22		
FOP	PORCH, OPEN,	180	0.20	36		
GLA:	1,698	3,800		1,982		
2023 BASE YEAR BUILDING VALUATION						
Market Cost New:		\$ 233,717				
Year Built:		1880				
Condition For Age:		GOOD	30 %			
Physical:						
Functional:						
Economic:						
Temporary:						
Total Depreciation:		30 %				
Building Value:		\$ 163,600				



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PO Box240  
Georges Mills, NH 03751-0240

Mr. John J. McClay  
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The Town of Sunapee  
Assessing Board  
Sunapee, NH 03782

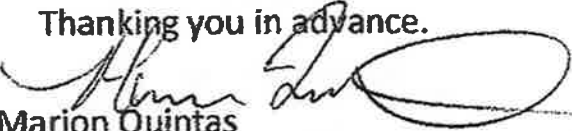
July 24, 2023

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We also support their decision to tear down the shed in the back of the garage that now sits in wetlands.

Thanking you in advance.



Marion Quintas  
50 Springfield Rd  
Georges Mills, NH 03751

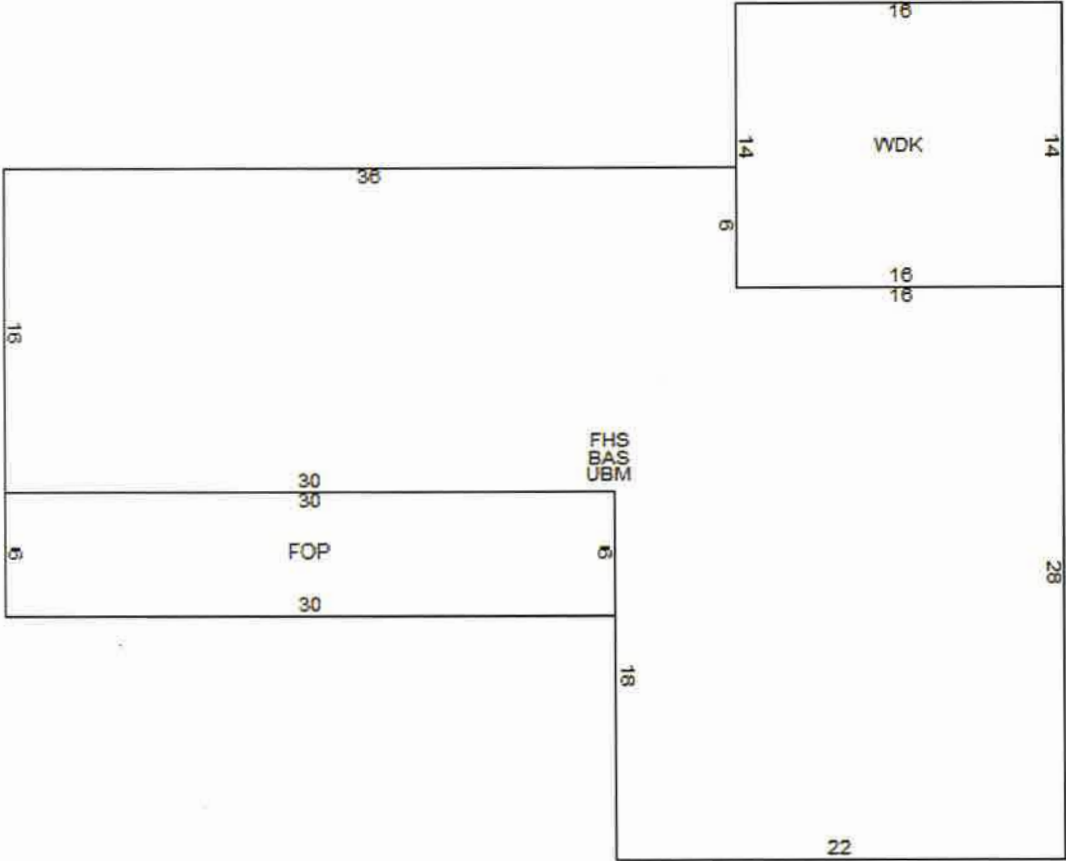
Utilities: PUBLIC WATER,PUBLIC SEWER

PICTURE	OWNER	TAXABLE DISTRICTS	BUILDING DETAILS
	COLLINS JR, ERNEST & PATRICIA M	DistrictPercentage	Model: 1.5 STORY FRAME CONVENTION
	PO BOX 218		Roof: GABLE OR HIP/METAL/TIN
	GEORGES MILLS, NH 03751-0218		Ext: VINYL SIDING
PERMITS			Int: DRYWALL
DatePermit IDPermit TypeNotes			Floor: HARDWOOD/CARPET
			Heat: OIL/HOT WATER
			Bedrooms: 4Baths: 1.0Fixtures:
			Extra Kitchens:Fireplaces:
			A/C: NoGenerators:
			Quality: 03 A/D 03 BASE 100
			Com. Wall:
			Size Adj: 1.0137Base Rate: RSA 125.00
			Bldg. Rate: 0.9433
			Sq. Foot Cost: \$ 117.92

The diagram is a floor plan of a building with several interconnected rectangular sections. The dimensions are as follows:

- Top Right Section (WDK):** A rectangle with a width of 18 and a height of 14. It is labeled "WDK" in the center.
- Bottom Right Section:** A large rectangle with a width of 28 and a height of 22. It is labeled "22" at the bottom center.
- Left Section (FOP):** A rectangle with a width of 30 and a height of 6. It is labeled "FOP" in the center.
- Top Left Section:** A rectangle with a width of 35 and a height of 18. It is labeled "18" on the left side.
- Central Section (FHS, BAS, UBM):** A vertical strip with a width of 6, located between the top left and bottom left sections. It is labeled "FHS", "BAS", and "UBM" vertically.
- Other Dimensions:** A vertical dimension of 18 is shown on the right side of the bottom right section. A horizontal dimension of 14 is shown on the left side of the top right section. A horizontal dimension of 30 is shown at the bottom of the left section.

BUILDING SUB AREA DETAILS				
ID	Description	Area	Adj.	Effect.
FHS	HALF STORY,	1132	0.50	566
BAS	FIRST FLOOR	1132	1.00	1132
UBM	BASEMENT,	1132	0.20	226
WDK	DECK, WOOD	224	0.10	22
FOP	PORCH, OPEN,	180	0.20	36
GLA:	1,698	3,800		1,982
2023 BASE YEAR BUILDING VALUATION				
Market Cost New:				\$ 233,717
Year Built:				1880
Condition For Age:	GOOD			30 %
Physical:				
Functional:				
Economic:				
Temporary:				
Total Depreciation:				30 %
Building Value:				\$ 163,600



**CASE #: SE 24-04**

**PARCEL ID: 0121-0042-0000**



**Bernstein, Shur,  
Sawyer & Nelson, P.A.**  
Jefferson Mill Building  
670 North Commercial Street  
Suite 108  
PO Box 1120  
Manchester, NH 03105-1120

T (603) 623 - 8700  
F (603) 623 - 7775

Roy W. Tilsley, Jr.  
Attorney  
603-665-8823  
rtilsley@bernsteinshur.com

April 3, 2024

Zoning Board of Adjustment  
Town of Sunapee  
23 Edgemont Road  
Sunapee, NH 03751

Re: Owner/Applicant: KTP Cottage, LLC  
Property: Parcel ID 0121-0042-00000

**Application For Special Exception**

Dear Members of the Board:

Please find the enclosed variance application and supporting documents for filing in connection with the above-referenced property:

1. Application for Special Exception;
2. Abutter's list (labels);
3. Owner's Letter of Authorization;
4. Supporting materials (deed, GIS image of neighborhood, assessors card);
5. Shoreland Impact Permit 2023-01727
6. Shoreland Amendment Letter;
7. Drawing set;
8. Filing fee in the amount of \$405.00.

We thank you in advance for your consideration of this application. Either I, or my colleague Attorney A. Eli Leino, will present on behalf of the applicant.

Most sincerely,

Roy W. Tilsley, Jr.  
Enclosures

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

CASE #: SE 24-04  
FEE PAID: 405.00  
METHOD: check

**RECEIVED**

**APR 05 2024**

**TOWN OF  
SUNAPEE**

**Zoning Board of Adjustment (ZBA)  
Special Exception**

Questions? Please contact the Land Use & Assessing Coordinator or the Planning & Zoning Director. All dates and deadlines are published on the ZBA calendar.

1. Landowner(s) Name(s): KTP Cottage, LLC
2. Parcel ID: 0121-0042-00000 3. Zoning District: Rural-Residential/Shoreline
4. Project Location (Street & #): 106 Fernwood Point Road
5. Mailing Address: 315 Manson Drive, Alexandria, VA 22302
6. Phone Number: [REDACTED]
7. Email: [REDACTED]

☒ **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 Shoreline Overlay District, a professional survey is required. Supplemental materials for the Board must be submitted no later than five (5) days before the scheduled hearing, however, adequate plans and exhibits must accompany the application. This includes, but is not limited to: lot dimensions, dimensions of proposed and existing structures, identification of abutting properties and roads, locations of water bodies, wetlands, septic systems, etc.

**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 a Special Exception from the Board of Adjustment?

Replacement of a pre-existing, non-conforming structure, which is presently non-conforming due to dimensional setbacks,  
with a new structure having the same purpose and use in accordance with Sec. 3.50(l) of the Zoning Ordinance.  
See attached.

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

Town of Sunapee

Special Exception  
Updated January 2024

Attach additional sheets of paper as necessary.

**EXPLAIN HOW THE PROPOSAL MEETS THE SPECIAL EXCETION CRITERIA AS SPECIFIED IN ARTICLE III, SECTION 3.50(l) OF THE ZONING ORDINANCE (list all criteria from the Ordinance)**

Criteria 1: The proposed structure's non-conformity to the western property boundary and to the water body are reduced.

See attached.

Criteria 2: The proposed structure's non-conformity is not increased.

See attached.

Criteria 3: The proposed structure is no higher than 25' from the finished grade at its highest point within any setback.

See attached.

Criteria 4: The non-conforming, horizontal square footage of the proposed structure is less than the non-conforming,

horizontal square footage of the existing structure. See attached.

Criteria 5: Special exception 3.50(k) is not used in conjunction with 3.50(l) for this application and

will not be applied to the relocated square footage at any time in the future. See attached.

Criteria 6: The proposed structure is more than 25' from the water body at all points where the structure is proposed.

See attached.

Criteria 7: A drainage and erosion control plan, prepared by a licensed professional engineer, is attached and

an amended/approved SWQPA permit will be obtained. See attached.

Criteria 8: Applicant will comply with Article VII and will obtain all related permits prior to issuance of the CZC.

See attached.

**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.

Landowner(s) Signature(s)

Date

**Addendum  
KTP Cottage, LLC  
106 Fernwood Point Road  
Sunapee, New Hampshire  
Parcel ID 0121-0042-00000**

**APPLICATION FOR SPECIAL EXCEPTION**

KTP Cottage, LLC (the “Applicant”) seeks a special exception pursuant to Section 3.50(l) of the Town of Sunapee Zoning Ordinance (the “Ordinance”) to permit the replacement of the legal, pre-existing, nonconforming structure at 106 Fernwood Point Road (the “Property”) with a new, more compliant single-family home. The Property is a 0.33-acre (14,374.80 square feet) lot located in the Rural-Residential District and the Shoreline Overlay District, with approximately 115 feet of shorefront on Lake Sunapee. The Property is presently improved by a ±2,394 square foot single-story home that was built in 1949. The current structure is outdated and deteriorating (*e.g.*, structural damage to joists). The Property and the existing home are nonconforming with the Zoning Ordinance, specifically with regard to the Ordinance setback requirements.

Section 3.50(l) was adopted by the Town of Sunapee in March 2023 “to allow more flexibility in shifting an existing non-conforming footprint into an area of a lot that is more conforming while maintaining certain minimums to protect water bodies and neighboring properties.” This provision was recently amended by Town Meeting vote on March 12, 2024. The amended language refines the preamble and five of the eight Special Exception criteria which, if all are met, compel the Zoning Board of Adjustment (“ZBA”) to permit prior legal non-conforming structures to be relocated, reconstructed, modified, or replaced by a new structure having the same purpose and use. Pursuant to New Hampshire law, “a special exception is a use permitted upon certain conditions as set forth in a town’s zoning ordinance.” New London Land Use Assoc. v. New London Zoning Board, 130 N.H. 510, 517 (1988). “If the conditions for granting the special exception are met, the [zoning] board must grant it, although the board does have authority to place reasonable conditions on the granting of the exception.” Geiss v. Bourassa, 140 N.H. 629, 632 (1996) (citing 15 P. Loughlin, New Hampshire Practice, Land Use Planning and Zoning § 23.02, at 251–52 (2d ed. 1993)).

The location of the existing home on the Property predates the modern setback requirements and is therefore a legal structure that is pre-existing and non-conforming due to the



15-foot western side setback (Ordinance, § 3.10) and the 50-foot waterbody setback (Ordinance, § 3.40(c)). The Applicant is proposing to shift the structure away from the lake, slide it to the northeast and replace the existing single-family home with a new single-family home; therefore, the proposed new structure shares the same purpose and use as the existing building. Owing to the foregoing, the Property is eligible for a Special Exception pursuant to Section 3.50(l), provided it meets the eight criteria (as further detailed below).

The Applicant has revised the plans it previously submitted in 2023 to the ZBA with a variance request, which the ZBA denied.<sup>1</sup> The revisions move the house further away from Lake Sunapee and from the western property line and decrease the roof height and “volume” of the structure within the western setback area. For the reasons set forth below, the Applicant’s plans comply with each special exception criteria set forth in Section 3.50(l) of the Ordinance and the Applicant therefore respectfully requests that this Board grant the special exception.

### **3.50 SPECIAL EXCEPTIONS**

**(l) The ZBA shall allow any legal structure, whether a pre-existing, non-conforming structure due to a dimensional setback or a structure approved by prior variance or special exception, to be relocated, reconstructed, modified, or replaced by a new structure having the same purpose and use, provided that:**

**Criterion (1) The proposed structure’s non-conformity to one or more property boundaries, or the water body, is reduced; and**

Applicant’s Response: This criterion relates to linear setback non-conformities. As demonstrated by the plan set entitled “Tenhula Residence, Sunapee, NH” prepared by Bonin Architects and included with this application (*see* particularly Plan Sheet L1.0 which shows the proposed new structure in orange and denotes the existing structure’s setback encroachments in red), the Applicant’s proposal reduces the existing setback non-conformities. The distance from the western property boundary is increased from 0.05 feet presently to 1.59 feet with the proposed new structure. The existing building is 22.14 feet from the Lake Sunapee water body reference line while the proposed home is 28.54 feet from the lake.

**Criterion (2) The proposed structure’s non-conformity shall not be increased as determined by its location closer to one or more property boundaries, or the water body reference line, from which the dimensional setback the structure is non-conforming to is established; and**

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<sup>1</sup> Sunapee ZBA Case #VA 23-07, variance request denied; rehearing denied, NH Housing Appeals Board Case No. ZBA-2023-21, *KTP Cottage, LLC v. Town of Sunapee*, denial upheld.

Applicant's Response: As noted in Applicant's Response to Criterion 1, the structure's non-conformity is not increased and is in fact reduced in both currently non-compliant directions. Both the current and proposed structures continue to comply with the Property's eastern and northern side and rear setback requirements in Section 3.10 of the Ordinance.

**Criterion (3) The proposed structure is no higher than the greater of 25' from the finished grade at its highest point within any setback or the maximum structure height applicable to the existing structure that may have been permitted by a prior Special Exception or Variance approved by the Zoning Board of Adjustment; and**

Applicant's Response: No portion of the proposed home "within any setback" will be taller than 25-feet as measured from the finished grade at its highest point within each setback. Indeed, the proposed building heights comply with the standard Maximum Structure Height restrictions and definition set forth in Section 3.10 and Article XI of the Ordinance.<sup>2</sup> See Plan Sheets A-SE-200 and A-SE-201 for building elevation and heights. Additionally, no prior Special Exception or Variance relief has been granted concerning the height of any structure on the Property.

**Criterion (4) The non-conforming, horizontal square footage of the proposed structure is of the same or less non-conforming, horizontal square footage of the existing structure, and**

Applicant's Response: This criterion relates to non-conforming square footage rather than the purely linear measurements required in Criteria 1 and 2. The current house encroaches 711 square feet into the western setback and 866 square feet into the lakefront setback. The Applicant's proposal reduces the western setback non-conformity to 482 square feet and the waterfront setback encroachment to 723 square feet, thus reducing the building's total horizontal non-conformity from 1,509 square feet to 1,056 square feet, a reduction of nearly one-third. See "Non-Conforming Notes" as set forth on Plan Sheet L1.0.

**Criterion (5) Special exception 3.50(k) may not be used in conjunction with 3.50(l) for this application and may not be applied to the relocated square footage at any time in the future, and**

Applicant's Response: The Special Exception criteria outlined in Section 3.50(k) of the Ordinance refers to additions made to existing structures situated within the waterbody setback, whereas Section 3.50(l) sets forth the criteria by which the Zoning Board of Adjustment will allow a setback non-conforming structure to be "relocated, reconstructed, modified, or replaced." This application seeks a special exception under only Section 3.50(l) and is not submitted in conjunction with Section 3.50(k). The Applicant further acknowledges that should the relief requested here be granted, no subsequent application under Section 3.50(k) may be granted.

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<sup>2</sup> The Applicant's representatives communicated with Michael Marquise, Town Planner, and Allyson Traeger, Land Use and Assessing Coordinator, to determine the manner in which building height measurements should be taken. Based on correspondence with town staff, the Applicant used the definition of "Maximum Structure Height" set forth in Ordinance Article XI, Definitions and Explanations, and calculated the heights in the setback and conforming areas pursuant to Section 3.10.

**Criterion (6) If the proposed structure is non-conforming to a water body setback, it is at least 25' from the water body at all points where the structure is proposed; and**

Applicant's Response: At its closest point to Lake Sunapee, the proposed structure will be located 28.54 feet from the shoreline reference line. *See* Plan Sheet L1.0.

**Criterion (7) If the project is in the Shoreline Overlay District, a drainage and erosion control plan prepared by a licensed professional engineer shall be submitted with the special exception application and an approved Shoreland Water Quality Protection Act (SWQPA) permit must be obtained prior to approval of the Certificate of Zoning Compliance, and**

Applicant's Response: As required, a drainage and erosion control plan prepared by a licensed professional engineer is submitted with this application. *See* "Site Development Plans" prepared by TF Moran, dated June 12, 2023 and revised March 25, 2024. The Applicant obtained on July 26, 2023 the attached Shoreland Water Quality Protection Act (SWQPA) permit (No. 2023-01727) based on its 2023 plans. In accordance with Env-Wq 1406.22, the Applicant will obtain an amended permit based on its revised plans.

**Criterion (8) Approval of a special exception under this provision is contingent upon compliance with Article VII of this Ordinance and any related permits must be obtained prior to issuance of the Certificate of Zoning Compliance.**

Applicant's Response: The Applicant is aware of the New Hampshire Department of Environmental Services regulations and local requirements regarding septic systems and water utilization, and will comply therewith.

### **Conclusion**

This application objectively meets each of the eight criteria of Section 3.50(l). As such, the Applicant is entitled to the requested Special Exception under both the Ordinance and New Hampshire law.



# 200 feet Abutters List Report

Tri Town, NH  
April 03, 2024

## Subject Property:

Parcel Number: Sun-0121-0042-0000  
CAMA Number: Sun-0121-0042-0000  
Property Address: 106 FERNWOOD POINT RD

Mailing Address: KTP COTTAGE, LLC  
315 MANSION DRIVE  
ALEXANDRIA, VA 22302

## Abutters:

Parcel Number: Sun-0121-0035-0000  
CAMA Number: Sun-0121-0035-0000  
Property Address: 105 FERNWOOD POINT RD

Mailing Address: MOORE REVOC TRUST, PAUL S PAUL S  
MOORE, TRUSTEE  
PO BOX 669  
SUNAPEE, NH 03782

Parcel Number: Sun-0121-0036-0000  
CAMA Number: Sun-0121-0036-0000  
Property Address: 122 FERNWOOD POINT RD

Mailing Address: UPHAM TRUSTS BOSTON TRUST &  
INVESTMENT MGMT  
1 BEACON ST, 34TH FLR  
BOSTON, MA 02108

Parcel Number: Sun-0121-0037-0000  
CAMA Number: Sun-0121-0037-0000  
Property Address: 118 FERNWOOD POINT RD

Mailing Address: WACHTEL, DEIRDRE D. REVOC. TRU  
DEIRDRE D. WACHTEL, TRUSTEE  
807 PITCH APPLE LANE  
NAPLES, FL 34108

Parcel Number: Sun-0121-0038-0000  
CAMA Number: Sun-0121-0038-0000  
Property Address: 116 FERNWOOD POINT RD

Mailing Address: LILLEHEI 2019 REVOC TRUST, BEV  
BEVERLY T & CRAIG LILLEHEI, TR  
16 CRAFTSLAND ROAD  
CHESTNUT HILL, MA 02167

Parcel Number: Sun-0121-0039-0000  
CAMA Number: Sun-0121-0039-0000  
Property Address: 112 FERNWOOD POINT RD

Mailing Address: PREVO REVOC TRUST, JAMES KEVIN  
JAMES & DIANNE PREVO, TRUSTEES  
40 WOODLAND RD  
SUNAPEE, NH 03782

Parcel Number: Sun-0121-0040-0000  
CAMA Number: Sun-0121-0040-0000  
Property Address: 110 FERNWOOD POINT RD

Mailing Address: 110 FERNWOOD IRREVOC TRUST C/O  
LAURA E ANISSIAN  
13056 KNAUS RD  
LAKE OSWEGO, OR 97034

Parcel Number: Sun-0121-0041-0000  
CAMA Number: Sun-0121-0041-0000  
Property Address: 108 FERNWOOD POINT RD

Mailing Address: 108 FERNWOOD IRREVOC TRUST C/O  
ANNE J WAEHNER  
88 HALF MILE ROAD  
GUILFORD, CT 06437

Parcel Number: Sun-0121-0043-0000  
CAMA Number: Sun-0121-0043-0000  
Property Address: 104 FERNWOOD POINT RD

Mailing Address: NICHOL, JAMES S  
100 FERNWOOD POINT ROAD  
SUNAPEE, NH 03782

Parcel Number: Sun-0121-0044-0000  
CAMA Number: Sun-0121-0044-0000  
Property Address: FERNWOOD POINT RD

Mailing Address: WACHTEL, DEIRDRE D. REVOC. TRU  
DEIRDRE D. WACHTEL, TRUSTEE  
807 PITCH APPLE LANE  
NAPLES, FL 34108

Parcel Number: Sun-0121-0045-0000  
CAMA Number: Sun-0121-0045-0000  
Property Address: 100 FERNWOOD POINT RD

Mailing Address: SUNAPEE 2001 REALTY TRUST JAMES  
S NICHOL, TRUSTEE  
100 FERNWOOD POINT ROAD  
SUNAPEE, NH 03782



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.

April 1, 2024

Jeff Claus, Chairman  
Zoning Board of Adjustment  
Town of Sunapee  
23 Edgemont Rd  
Sunapee, NH 03782

**Re: Special Exception Application  
106 Fernwood Point Road, Lot 0121-0042-00000**

Dear Chairman Claus:

Bernstein, Shur, Sawyer & Nelson, P. A. ("Bernstein Shur") and Bonin Architects & Associates, PLLC ("Bonin") are authorized to represent KTP Cottage, LLC in connection with its special exception application for the above-referenced property, as are any other experts or professionals consulted by Bernstein Shur or Bonin to further represent our interests in connection with the above-referenced property.

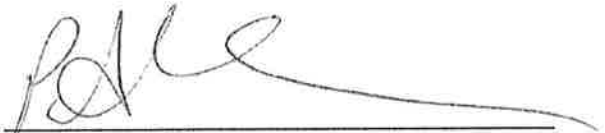
Thank you.

KTP Cottage, LLC



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Kathleen F. Tenhula, Manager



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Peter A. Tenhula, Delegated Representative

**Janet Gibson, Register of Deeds  
Sullivan County New Hampshire  
LCHIP SUA074179 25.00  
TRANS TAX SU021267 60,000.00**

Return to:  
Kathleen F. Tenhula &  
Peter A. Tenhula  
106 Fernwood Point Road  
Sunapee, NH 03782

**Transfer Tax: \$60,000.00**

**WARRANTY DEED**

**ANNE J. WAEHNER, TRUSTEE OF THE CYNTHIA C. JAMIESON 1999 RESIDUARY TRUST FOR THE BENEFIT OF ANNE J. WAEHNER**, u/d/t dated July 7, 1999, as amended, having an address of 88 Half Mile Road, Guilford, Connecticut 06437 **and LAURA J. ANISSIAN, TRUSTEE OF THE CYNTHIA C. JAMIESON 1999 RESIDUARY TRUST FOR THE BENEFIT OF LAURA J. ANISSIAN**, u/d/t dated July 7, 1999, as amended, with a mailing address of 13056 Knaus Road, Lake Oswego, Oregon 97034, for consideration paid, do hereby grant to

**KTP COTTAGE LLC, A New Hampshire Limited Liability Company**, with an address of 315 Mansion Drive, Alexandria, Virginia 22302,

with **WARRANTY COVENANTS**

A certain lot or parcel of land with any improvements thereon situate in Sunapee, County of Sullivan and State of New Hampshire, and being Lot No. 17 as shown on a plan of lots entitled "Fernwood", which plan is recorded in the Sullivan County Registry of Deeds in Plan File 1, Pocket 3, Folder 1, Number 5, and is more particularly, bounded and described as follows:

Beginning at an iron stake at the lake shore; thence running North 39.5 degrees East, 177 feet along the line of lot 16 to an iron stake at the corner of stone steps on lot 16 and continuing in the same direction 39 feet, a total of 216 feet, to a corner at the edge of the road marked by an iron stake; thence running south 34.5 degrees East 25 feet along the road circle to the corner of lot 18, marked by an iron stake; thence South 17 degrees West, passing thru a point at 16 feet, and continuing along the line of lot 18 a total distance of 199 feet, to a corner at the shore marked by

an iron stake; thence running North 64 degrees W 103 feet along the shore to the point of beginning. Together with what area lies between the land described, the extensions of the side lines and the lake shore.

Also conveying to the grantee, its heirs and assigns, a right of way to be used in common with others from the main highway to the premises herein described, over the private road now or formerly of Dane et al, as constituted September 6, 1950, for the purpose of reaching the property herein conveyed (said private road is now a town maintained road).

Reserving to George R. Dane, Glendon C. Chapman and Kenneth E. Shaw, their heirs and assigns, the right and privilege of permitting the Town of Sunapee to lay and repair water pipes along the southerly side of said road for the purpose of supplying the various cottage owners with water in the event that the Town of Sunapee ever sees fit to extend its water supply to said premises.

Excepting and reserving to George R. Dane, Glendon C. Chapman and Kenneth E. Shaw, their heirs and assigns, the right and privilege of permitting the Public Service Company of New Hampshire, or its successors or assigns, the privilege of erecting and maintaining power lines on said premises for the purpose of supplying the various cottage owners with light and power.

The foregoing conveyance is made subject to all other rights, restrictions, easements, covenants and other matters of record to the extent in force and applicable, including, without restriction:

The restrictions set forth in the deed of George R. Dane, Glendon C. Chapman and Kenneth E. Shaw to Karl A. Folkers and Selma L. Folkers dated September 6, 1950 and recorded in the Sullivan County Registry of Deeds at Volume 334, Page 544.

Boundary Line Agreement between Bernard B. Butler and Karl Folkers and Selma L. Folkers dated January 19, 1979 and recorded in the Sullivan County Registry of Deeds at Volume 630, Page 25.

Meaning and intending to describe the same premises conveyed to Anne J. Waehner, Trustee of the Cynthia C. Jamieson 1999 Residuary Trust for the Benefit of Anne J. Waehner, u/d/t dated July 7, 1999, as amended and Laura J. Anissian, Trustee of the Cynthia C. Jamieson 1999 Residuary Trust for the Benefit of Laura J. Anissian, u/d/t dated July 7, 1999, as amended by virtue of a Warranty Deed of Anne J. Waehner, Trustee of Cynthia C. Jamieson Marital Trust for James D. Jamieson u/d/t dated July 7, 1999, said deed dated February 4, 2020 and recorded with the Sullivan County Registry of Deeds at Book 2097, Page 692.

This is not homestead property.

**TRUSTEE CERTIFICATE**

The undersigned, Anne J. Waehner, Trustee of the Cynthia C. Jamieson 1999 Residuary Trust for the Benefit of Anne J. Waehner, u/d/t dated July 7, 1999 ("Trust"), declare as follows:

- 1) I am the current Trustee of the Trust.
- 2) That the Trust Agreement has not been altered or amended and is in full force and affect pursuant to the Trust.
- 3) That the Trustee has full and absolute power under the Trust Agreement to convey any interest in the property, and improvements thereon, located at 106 Fernwood Point Road, Sunapee, New Hampshire 03782 ("Subject Property").
- 4) No third party shall be bound to inquire whether the Trustee has the power to sell the Subject Property.

**TRUSTEE CERTIFICATE**


The undersigned, Laura J. Anissian, Trustee of the Cynthia C. Jamieson 1999 Residuary Trust for the Benefit of Laura J. Anissian, u/d/t dated July 7, 1999 ("Trust"), declare as follows:

- 1) I am the current Trustee of the Trust.
- 2) That the Trust Agreement has not been altered or amended and is in full force and affect pursuant to the Trust.
- 3) That the Trustee has full and absolute power under the Trust Agreement to convey any interest in the property, and improvements thereon, located at 106 Fernwood Point Road, Sunapee, New Hampshire 03782 ("Subject Property").
- 4) No third party shall be bound to inquire whether the Trustee has the power to sell the Subject Property.



Executed under seal this 8th day of September, 2022.

THE CYNTHIA C. JAMIESON 1999 RESIDUARY  
TRUST FOR THE BENEFIT OF LAURA J. ANISSIAN,  
U/D/T DATED JULY 7, 1999

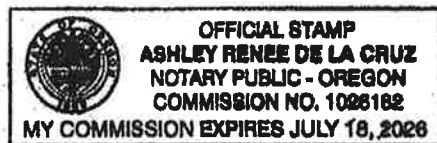
  
\_\_\_\_\_  
LAURA J. ANISSIAN, TRUSTEE

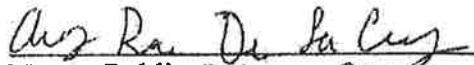
STATE/Commonwealth of Oregon

Multnomah, ss.  
(county)

September 8, 2022

Then personally appeared before me, the said Laura J. Anissian, Trustee of the Cynthia C. Jamieson 1999 Residuary Trust for the Benefit of Laura J. Anissian, u/d/t dated July 7, 1999 and acknowledged the foregoing to be her voluntary act and deed.



  
Notary Public: Ashley Renee De La Cruz  
My commission expires: July 18, 2026

Executed under seal this 8<sup>th</sup> day of September, 2022.

THE CYNTHIA C. JAMIESON 1999 RESIDUARY  
TRUST FOR THE BENEFIT OF ANNE J. WAEHNER,  
U/D/T DATED JULY 7, 1999



\_\_\_\_\_  
ANNE J. WAEHNER, TRUSTEE

STATE/COMMONWEALTH OF Connecticut

New Haven, ss. Guilford  
(county)

September 8<sup>th</sup>, 2022

Then personally appeared before me, the said Anne J. Waehner, Trustee of the Cynthia C. Jamieson 1999 Residuary Trust for the Benefit of Anne J. Waehner, u/d/t dated July 7, 1999 and acknowledged the foregoing to be her voluntary act and deed.



Notary Public:

My commission expires:

**BREANNA E. ROCCO**  
**NOTARY PUBLIC**  
**MY COMMISSION EXPIRES JUNE 30, 2026**



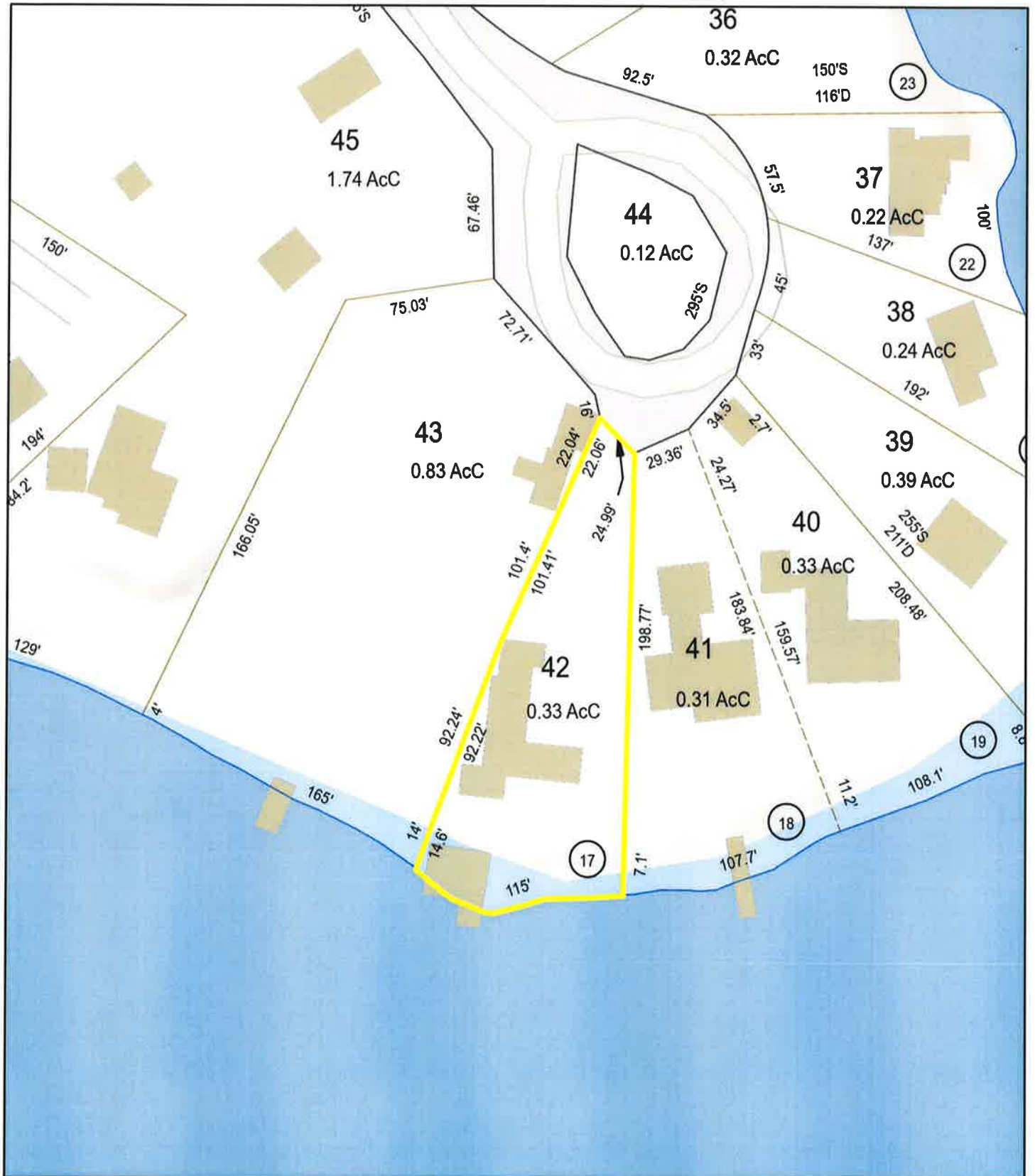
Tri-Town, NH

1 inch = 69 Feet



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April 3, 2024



Data shown on this map 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 map.



The State of New Hampshire  
**Department of Environmental Services**

Robert R. Scott, Commissioner



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**SHORELAND IMPACT PERMIT 2023-01727**

**NOTE CONDITIONS**

**PERMITTEE:** KTP COTTAGE LLC  
315 MANSION DR  
ALEXANDRIA VA 22302

**PROJECT LOCATION:** 106 FERNWOOD POINT RD, SUNAPEE  
TAX MAP #121, LOT #42

**WATERBODY:** SUNAPEE LAKE

**APPROVAL DATE:** JULY 26, 2023 **EXPIRATION DATE:** JULY 26, 2028

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Shoreland Permit Application 2023-01727 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 10,210 square feet of protected shoreland in order to raze the primary structure, build a new primary structure, construct a pervious driveway, and plant vegetation.

**Impervious Surface Percentage Approved:** 31.6%

**Natural Woodland Area Required per RSA 483-B:9,V, (b):** 1,125 square feet

**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 TF Moran dated June 12, 2023 and received by the New Hampshire Department of Environmental Services (NHDES) on June 26, 2023 pursuant to Env-Wq 1406.15(f).
2. Pursuant to RSA 483-B:9, V(b)(2), no native vegetation shall be removed from within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line.
3. 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).
4. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater 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).
5. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction as required pursuant to RSA 483-B:6, I(b).
6. 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.

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095  
NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588  
TDD Access: Relay NH 1 (800) 735-2964

**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:



Ryan A. Duquette  
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)



# BONIN ARCHITECTS

RESIDENTIAL • COMMERCIAL • LANDSCAPE

03-20-2024

Town of Sunapee, Zoning Board of Adjustment

RE: Shoreland Impact Permit 2023-01727

Board Members,


To bring the granted Shoreland Permit for 106 Fernwood Point Road into conformity with the re-design of the proposed house, the permittees intend to seek an amendment of the Shoreland Impact Permit 2023-01727, which shifts the proposed building footprint. In consultation with our engineering partners TF Moran, and pursuant to Env-Wq 1406.22, we believe this will be acceptable to NHDES as there is no increase in impervious area, there is no reduction in set-back from the reference line, there is no increase in disturbed area or decrease in unaltered area, the work can be completed prior to the expiration date of the original permit, and the proposed site plan would have been approved under Env-Wq 1406.15 had it been submitted originally.

Regards,



Gregory Rusnica, PLA, ASLA

Senior Landscape Architect

Bonin Architects and Associates, PLLC

PICTURE	OWNER	TAXABLE DISTRICTS	BUILDING DETAILS
	KTP COTTAGE, LLC	DistrictPercentage	Model: 1 STORY FRAME CAMP
	315 MANSION DRIVE		Roof: GABLE OR HIP/ASPHALT
	ALEXANDRIA, VA 22302		Ext: VINYL SIDING
PERMITS			Int: K PINE/A WD
			Floor: CARPET
			Heat: ELECTRIC/RAD ELECT
			Bedrooms: 4Baths: 2.0Fixtures:
			Extra Kitchens:Fireplaces: 1
			A/C: NoGenerators:
			Quality: 03 A/D 03 BASE 100
			Com. Wall:
			Size Adj: 1.0349Base Rate: RCA 80.00
			Bldg. Rate: 0.9832
			Sq. Foot Cost: \$ 78.65

BUILDING SUB AREA DETAILS				
ID	Description	Area	Adj.	Effect.
BAS	FIRST FLOOR	1716	1.00	1716
CRL	CRAWL SPACE	1716	0.00	0
UST	UTILITY,	180	0.15	27
FGR	GARAGE,	264	0.35	92
GLA:	1,716	3,876		1,835
2023 BASE YEAR BUILDING VALUATION				
Market Cost New:		\$ 144,323		
Year Built:		1949		
Condition For Age:	AVERAGE	28 %		
Physical:				
Functional:				
Economic:				
Temporary:				
Total Depreciation:		28 %		
Building Value:		\$ 103,900		

OWNER INFORMATION				SALES HISTORY								PICTURE																															
KTP COTTAGE, LLC  315 MANSION DRIVE  ALEXANDRIA, VA 22302				Date	Book	Page	Type	Price Grantor																																			
				09/23/2022	2209	355	U I 17	4,000,000 JAMIESON RES TRUST FOR																																			
				02/20/2020	2097	692	U I 99	JAMIESON MARITAL TRUST,																																			
				12/23/2015	1963	462	U I 21	JAMIESON REVOC TRUST,																																			
				10/30/2000	1238	690																																					
LISTING HISTORY				NOTES																																							
02/07/22	REM	MEASURE		IA; SEASONAL CAMP; EXCELLENT VIEW DOWN LAKE SUNAPEE & MTS; NO INSULATION THRU- OUT HSE; PIPES ABOVE FROST LINE; PUMPS WTR FROM LAKE; HAS STRUCTURE DAMAGE TO JOIST; WALK-THRU BD & BD; 3/09-BP WORK NOT STARTED; 4/10-EST LANDSCAPE WORK COMPLETE 6/16-ORIG KPINE INT; WELL KEPT; PAT=NV NO CHANGES; 2/22-LEAN TO= SHED																																							
03/04/20	MPAC	DEED TRANSFER																																									
07/11/16	NBCB	CALLBACK BY TAXPAYER / WI																																									
06/08/16	REM	MEASURE																																									
08/13/15	NBFR	IN FIELD REVIEW																																									
01/07/15	MPAC	ADMIN DATA ENTRY / DEED T																																									
09/20/11	MPZC	ZONING CHANGE																																									
08/26/10	NBFR	IN FIELD REVIEW																																									
EXTRA FEATURES VALUATION												MUNICIPAL SOFTWARE BY AVITAR																															
Feature Type		Units	Length x Width	Size Adj	Rate	Cond	Market Value		Notes			TOWN OF SUNAPEE ASSESSING OFFICE 23 EDMONT RD SUNAPEE, NH 03782 603-763-2212																															
BOATHSE UNFIN		416	16 x 26	100	150.00	50	31,200																																				
IMPLEMENT SHED		112	14 x 8	100	10.00	50	560																																				
BTHSE LITTORAL SINGL		1		100	125,000.00	100	125,000		BH,RD3			PARCEL TOTAL TAXABLE VALUE <table><tr><th>Year</th><th>Building</th><th>Features</th><th>Land</th></tr><tr><td>2022</td><td>\$ 79,400</td><td>\$ 121,300</td><td>\$ 1,237,800</td></tr><tr><td colspan="4">Parcel Total: \$ 1,438,500</td></tr><tr><td>2023</td><td>\$ 103,900</td><td>\$ 156,800</td><td>\$ 2,731,500</td></tr><tr><td colspan="4">Parcel Total: \$ 2,992,200</td></tr><tr><td>2024</td><td>\$ 103,900</td><td>\$ 156,800</td><td>\$ 2,731,500</td></tr><tr><td colspan="4">Parcel Total: \$ 2,992,200</td></tr></table>				Year	Building	Features	Land	2022	\$ 79,400	\$ 121,300	\$ 1,237,800	Parcel Total: \$ 1,438,500				2023	\$ 103,900	\$ 156,800	\$ 2,731,500	Parcel Total: \$ 2,992,200				2024	\$ 103,900	\$ 156,800	\$ 2,731,500	Parcel Total: \$ 2,992,200			
Year	Building	Features	Land																																								
2022	\$ 79,400	\$ 121,300	\$ 1,237,800																																								
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Parcel Total: \$ 2,992,200																																											
156,800																																											
LAND VALUATION												LAST REVALUATION: 2023																															
Zone: RR - RURAL RES		Minimum Acreage: 1.50		Minimum Frontage: 100		Site: SITE REDEVELOP								Driveway:		Road: GRAVEL/DIRT																											
Land Type	Units	Base Rate	NC	Adj	Site	Road	DWay	Topography	Cond	Ad Valorem	SPI	R	Tax Value	Notes																													
IF RES WTRFRNT	0.330 ac	136,600	S	100	100	100	100	100 -- TYPICAL	100	136,600	0	N	136,600																														
LAKE SUNAPEE EXCELLE	115.000 wf	TYP 100, PNT 120						100 -- TYP	85	2,594,900	0		2,594,900	redev-shape																													
	0.330 ac									2,731,500			2,731,500																														
Utilities: PUBLIC SEWER																																											



# TENHULA RESIDENCE

SUNAPEE, NH



**BONIN ARCHITECTS**  
RESIDENTIAL • COMMERCIAL • LANDSCAPE

May 29, 2024 - 10:41am  
F:\MISC Projects\96124-00\_Fernwood Pt. Rd. Sunapee, NH\Drawings\PRODUCTION DRAWINGS\96124-00\_Proposed Conditions Plan.dwg

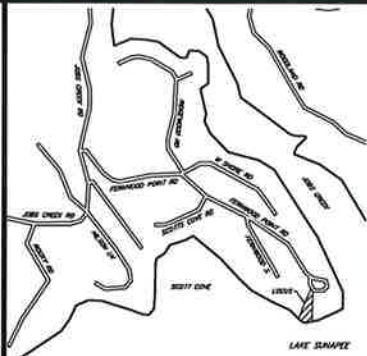
MAP 121 LOT 41  
15.540± S.F.  
(0.3567± ACRES)

MAP 121 LOT 41  
15.540± S.F.  
(0.3567± ACRES)

MAP 121 LOT 42  
15.540± S.F.  
(0.3567± ACRES)

MAP 121 LOT 43  
15.540± S.F.  
(0.3567± ACRES)

NAD83(2011)



LOCATION PLAN

IMPACT AREA	
PROPOSED PERMANENT IMPACTS JURISDICTIONAL UNDER NH SHORELAND LAW	4,332 S.F.
PROPOSED TEMPORARY IMPACTS JURISDICTIONAL UNDER NH SHORELAND LAW	5,878 S.F.

NATURAL WOODLAND BUFFER	
TOTAL AREA WITHIN NATURAL WOODLAND	7,083 S.F.
AREA OF NATURAL WOODLAND TO REMAIN UNALTERED	694 S.F.
AREA OF NATURAL WOODLAND TO BE RESTORED	895 S.F.

PRE-CONSTRUCTION IMPERVIOUS AREA	
PRIMARY STRUCTURE	2,394 S.F.
WOODSHED	113 S.F.
BOATHOUSE	55 S.F.
STONE WALLS/RETAINING	660 S.F.
CONCRETE SURFACES	66 S.F.
GRAVEL DRIVE	2,217 S.F.
STONE CHIMNEY	13 S.F.
PAVERS	215 S.F.
STEPS	53 S.F.
TOTAL	5,786 S.F.
IMPERVIOUS COVERAGE = 37.2% (5,786 S.F. / 15,540 S.F. * 100%)	

POST-CONSTRUCTION IMPERVIOUS AREA	
PRIMARY STRUCTURE	3,769 S.F.
WOODSHED	0 S.F.
BOATHOUSE	55 S.F.
STONE WALLS/RETAINING	601 S.F.
CONCRETE SURFACES	23 S.F.
GRAVEL DRIVE	12 S.F.
STONE CHIMNEY	0 S.F.
PAVERS	0 S.F.
STEPS	106 S.F.
TOTAL	4,566 S.F.
IMPERVIOUS COVERAGE = 29.4% (4,566 S.F. / 15,540 S.F. * 100%)	

### NOTES

1. QUALIFIED WETLAND SCIENTIST, JASON R. AUBE (CWS #313), VISITED THE SITE ON OCTOBER 10, 2022 (10-10-2022) AND FOUND THAT THERE IS NO PRESENCE OF WETLANDS ON-SITE. THE SITE CONSISTS ONLY OF UPLANDS.
2. NH LICENSED LAND SURVEYOR COREY COLWELL (LLS #844), ASSISTED WITH PLAN DEVELOPMENT.
3. A NEW WELL ON THE PROPERTY CANNOT COMPLY WITH SETBACK REQUIREMENTS OF ENV-WO 1000. A SETBACK REDUCTION FORM OR SPECIAL METHODS OF CONSTRUCTION IS REQUIRED.

HORIZONTAL SCALE 1"=10'  
10 5 0 10

REV	DATE	DESCRIPTION	CHK	APP
1	3/25/2024	REVISED PER UPDATED LAYOUT	JKC	JCC
2			DR	CK

### SITE DEVELOPMENT PLANS

TAX MAP 121 LOT 42  
**PROPOSED CONDITIONS PLAN**  
**KTP COTTAGE, LLC**  
**106 FERNWOOD POINT ROAD**  
**SUNAPEE, NEW HAMPSHIRE**  
OWNED BY & PREPARED FOR  
**KTP COTTAGE, LLC**

1"=20' (11"x17")  
SCALE: 1"=10' (22"x34")

JUNE 12, 2023

Seacoast Division



Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists

170 Commerce Way, Suite 102  
Portsmouth, NH 03801  
Phone (603) 431-2222  
Fax (603) 431-0910  
www.tfmoran.com

96124.00

DR JKC FB  
CK KRH CADFILE 96124-00\_PROPOSED CONDITIONS PLAN

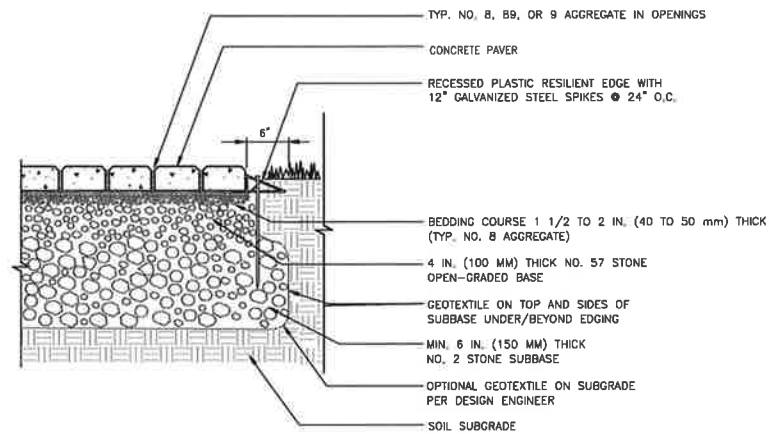
C-01

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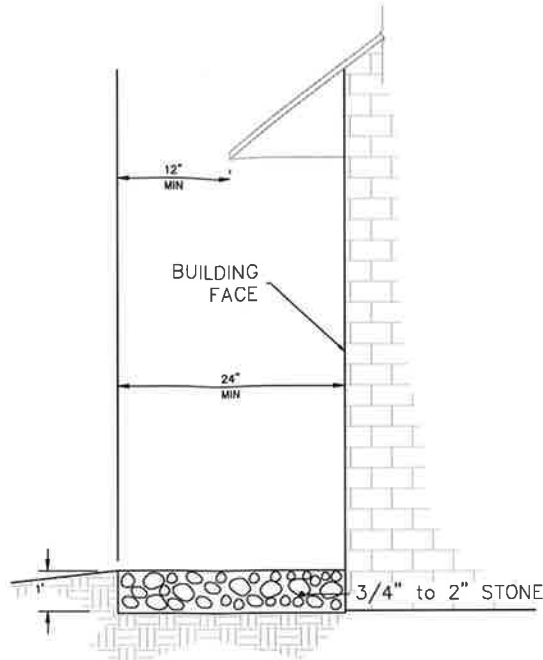
This plan is not effective unless signed by a duly authorized officer of TFMoran, Inc.



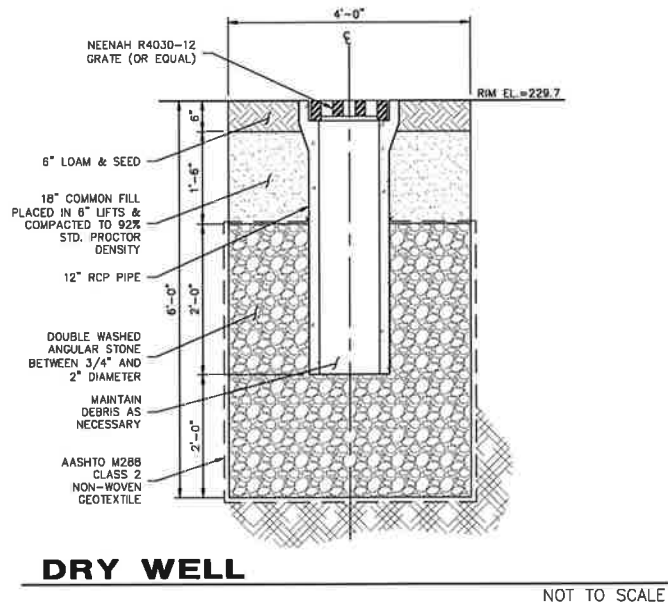


- MAINTENANCE NOTES:**
1. NO WINTER SANDING OF PERMEABLE PAVERS IS PERMITTED. MINIMIZE APPLICATION OF SALT FOR ICE CONTROL.
  2. INSPECT ANNUALLY FOR PAVER DETERIORATION OR SPALLING.
  3. MONITOR PERIODICALLY TO ENSURE THAT THE PAVERS DRAIN EFFECTIVELY AFTER STORMS.
  4. PERIODICALLY ADD JOINT MATERIAL TO REPLACE LOST MATERIAL.
  5. MAJOR CLOGGING MAY NECESSITATE REPLACEMENT OF PERMEABLE PAVERS AND POSSIBLY FILTER COURSE AND SUB-BASE COURSE.

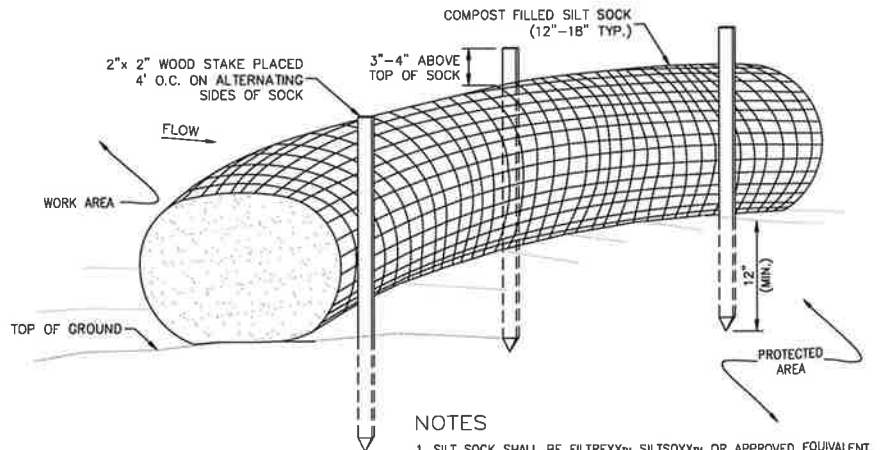
**PERMEABLE PAVER DETAIL**  
NOT TO SCALE



**DRIP EDGE TRENCH**  
NOT TO SCALE



**DRY WELL**  
NOT TO SCALE



- NOTES**
1. SILT SOCK SHALL BE FILTREXX™ SILT SOCK™ OR APPROVED EQUIVALENT.
  2. SEE SPECIFICATIONS FOR SOCK SIZE AND COMPOST FILL REQUIREMENTS.
  3. SILT SOCK SHALL BE INSPECTED PERIODICALLY AND AFTER ALL STORM EVENTS, AND REPAIR OR REPLACEMENT SHALL BE PERFORMED AS NEEDED.
  4. COMPOST MATERIAL SHALL BE DISPERSED ON SITE, AS DETERMINED BY THE ENGINEER.

**SILT SOCK**  
NOT TO SCALE

**SITE DEVELOPMENT PLANS**  
TAX MAP 121 LOT 42  
**DETAILS PAGE**  
**KTP COTTAGE, LLC**  
106 FERNWOOD POINT ROAD  
SUNAPEE, NEW HAMPSHIRE  
OWNED BY & PREPARED FOR  
**KTP COTTAGE, LLC**

SCALE: NTS  
MARCH 20, 2024

**TFM** Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists

48 Constitution Drive  
Bedford, NH 03110  
Phone (603) 472-4488  
Fax (603) 472-9747  
www.tfmoran.com

96124.00  
C-02

Mar 20, 2024 - 12:47pm  
C:\Users\jmoran\OneDrive\Documents\Drawings\06124.00\_Proposed\Details\Plan.dwg  
jmoran  
48 Constitution Drive, Bedford, NH 03110  
Phone (603) 472-4488  
Fax (603) 472-9747  
www.tfmoran.com

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TENHULA RESIDENCE  
SUNAPEE, NH

JEREMY K. DONIN

NY LIC. NO. 8309

### REVISION SCHEDULE

DATE: 4/1/24

SCALE: 1/4" = 1'-0"

DRAWING SET REVISION:

SPECIAL  
SECTION

EXCEPTION

SHEET TITLE:

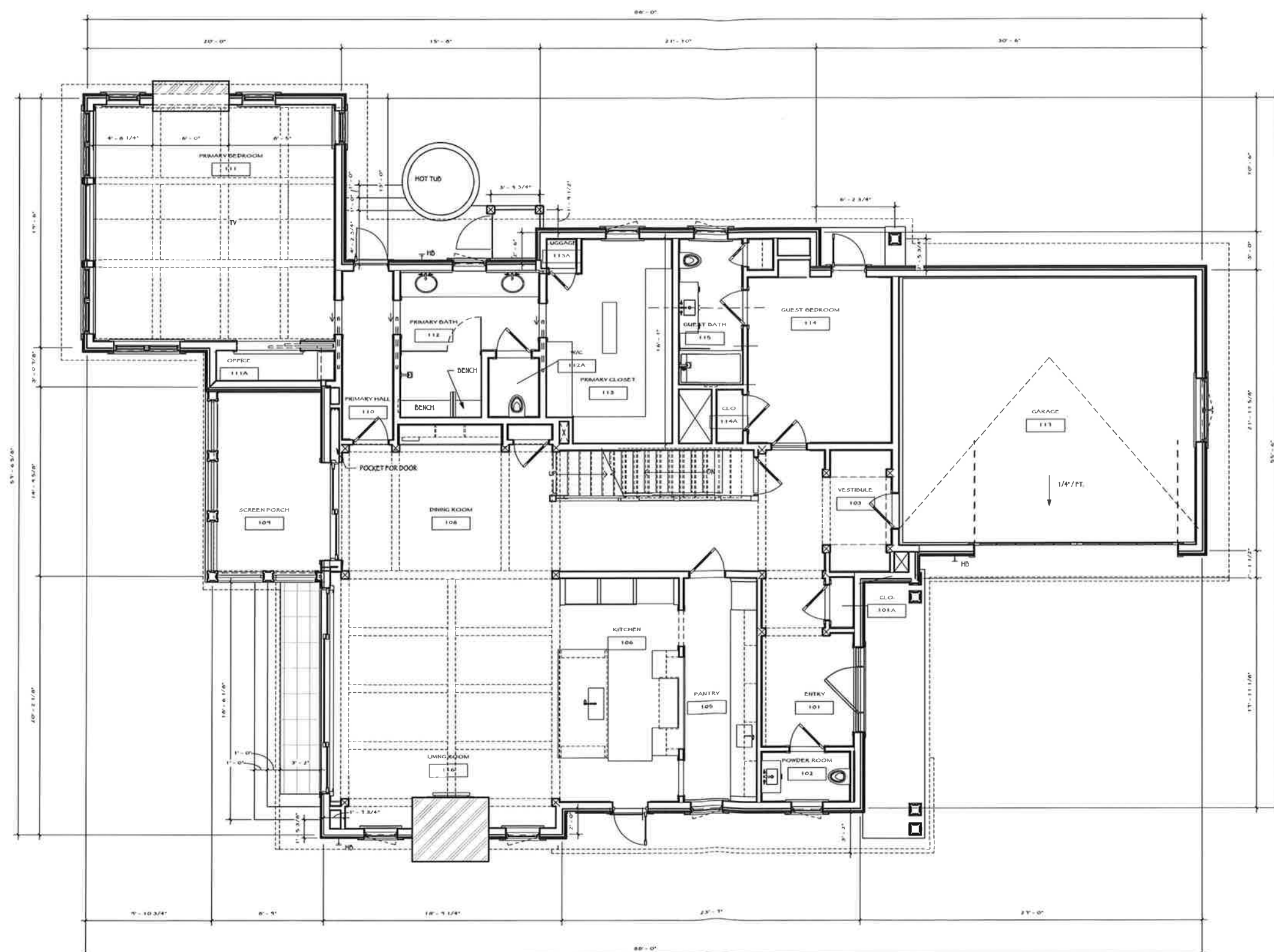
FRIST FLOOR PLAN

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SHEET NUMBER:
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A 6E 101

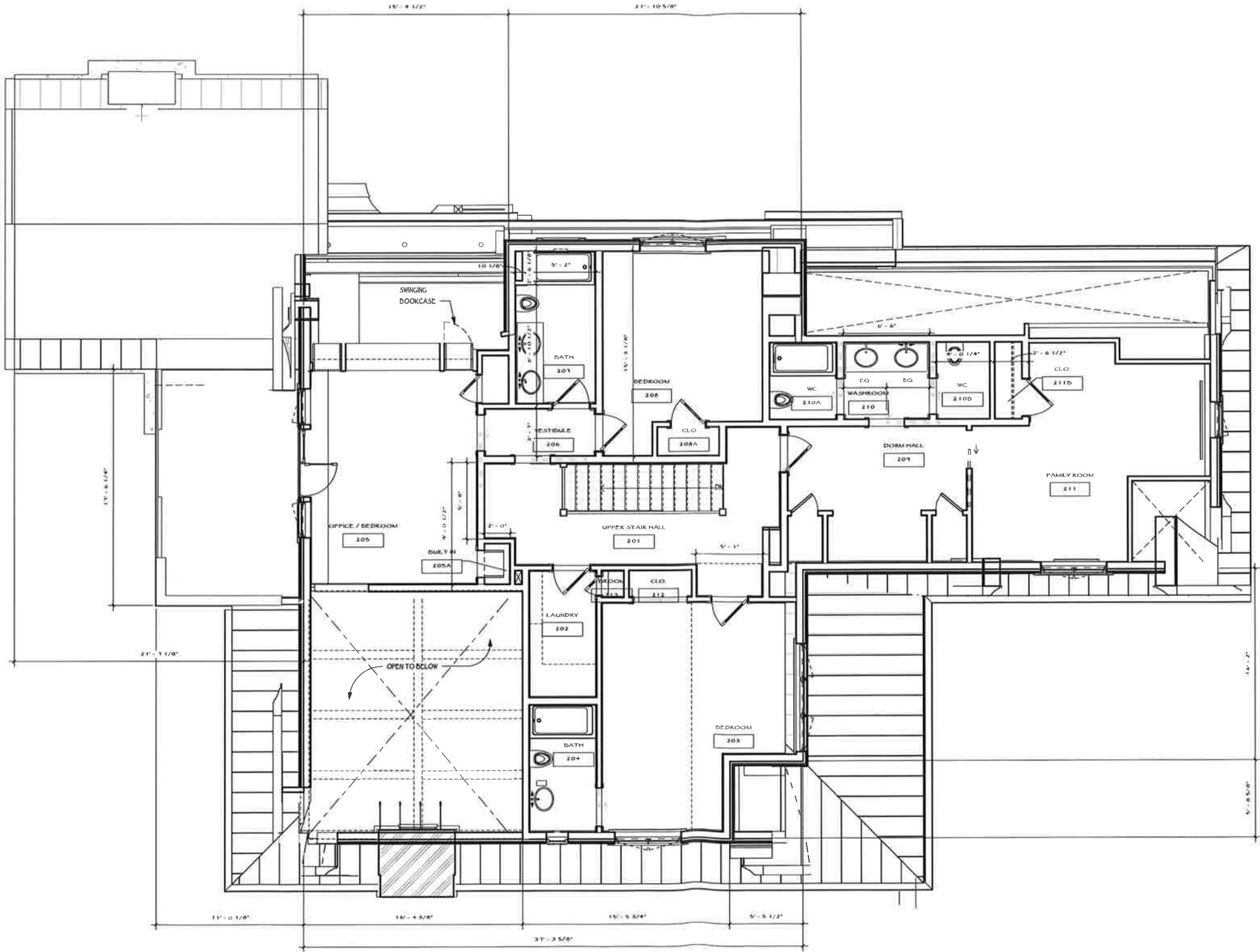
A-SE-101



1 FIRST FLOOR PLAN  
1/4" = 1'-0"

GENERAL NOTES:

1. RE SHEETS A001 & A002 FOR ASSEMBLY DETAILS  
2. ALL DOOR & WINDOW DIMENSIONS ARE TO CENTER LINE UNLESS NOTED OTHERWISE  
3. UNLESS NOTED OTHERWISE, CENTER INTERIOR DOOR ROUGH OPENINGS IN WALLS OR WHEN ADJACENT TO A PERPENDICULAR WALL, PLACE ROUGH OPENING A MINIMUM OF 5" FROM ADJACENT WALL TO ALLOW FOR JAMB TRIM  
4. ALL BEDROOM AND BATHROOM INTERIOR PARTITION WALLS TO HAVE SOUND ATTENUATION BATT INSULATION  
5. SEE INTERIOR FINISH SCHEDULE FOR MATERIALS, FINISHES & COLORS  
6. HEADERS ABOVE DOORS AND WINDOWS TO BE (1) 2x8 +2 SPF WITH 2x6 +2 SPF JACK AND KING STUDS AT EACH END, UNO.



1 SECOND FLOOR EAST GABLE PLAN  
1/4" = 1'-0"



Bonin Architects  
210 Main Street, PO Box 8811,  
New London, New Hampshire  
03251  
210 Daniel Webster Hwy  
Meriden, New Hampshire 03253  
603.526.6200  
www.boninarchitects.com  
info@boninarchitects.com

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TENHULA RESIDENCE  
SUNAPEE, NH

JEREMY R. BONIN

REVISION SCHEDULE		
No.	Date	Description

DATE: 4/1/24  
SCALE: 1/4" = 1'-0"  
DRAWING SET REVISION:  
SPECIAL  
EXCEPTION  
SHEET TITLE:  
SECOND FLOOR PLAN

SHEET NUMBER:  
A-SE-102



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TENHULA RESIDENCE  
SUNAPEE, NH

JEREMY K. BONIN

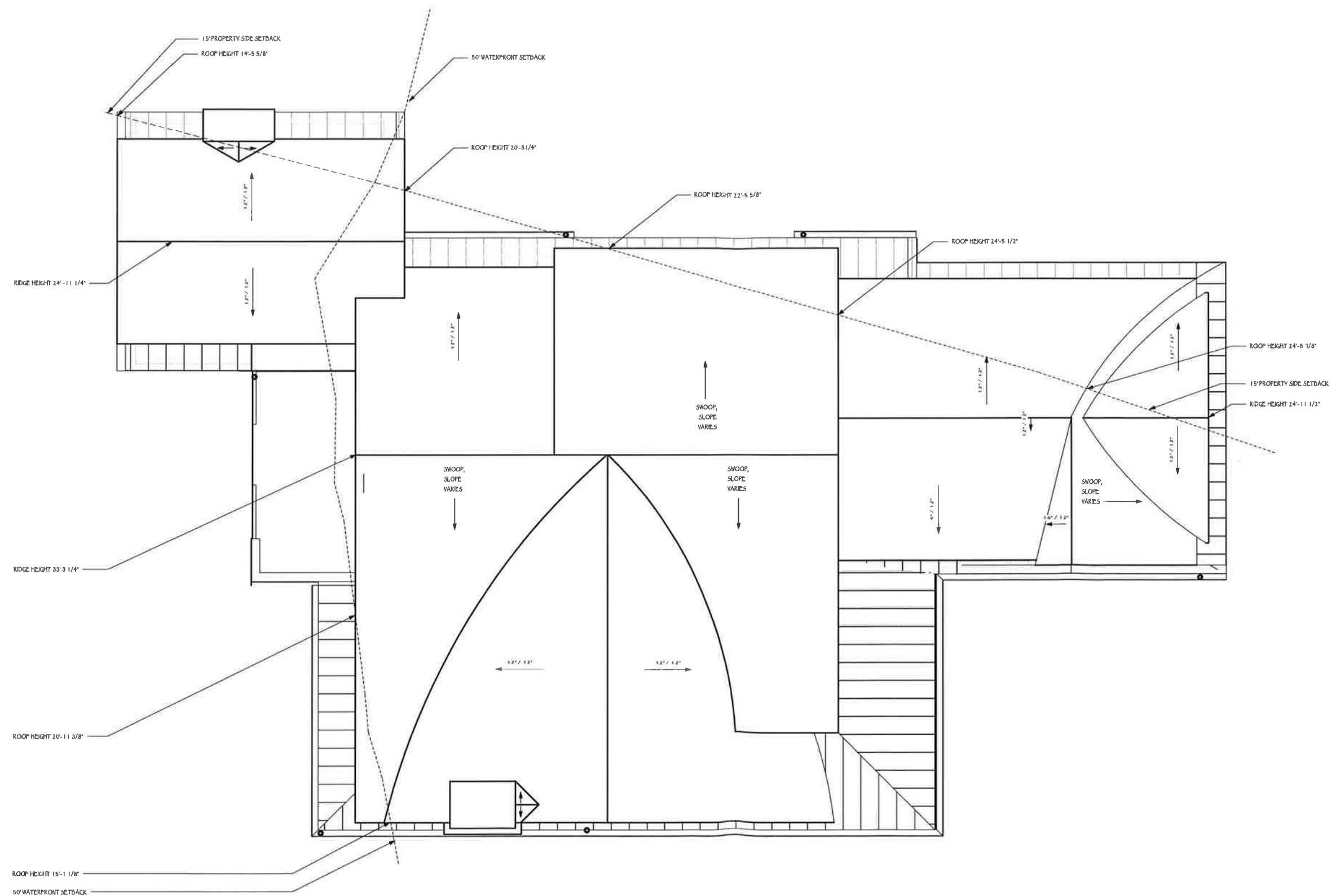
IMP LIC. NO. 3307

[illegible]

DATE: 4/1/24
SCALE: 1/4" = 1'-0"
DRAWING SET REVISION:
SPECIAL
EXCEPTION
SHEET TITLE:
ROOF PLAN

SHEET NUMBER:

A-SE-103



1 ROOF PLAN  
1/4" = 1'-0"



\_\_\_\_\_

Cumulative loss prohibited

---

TENHULA RESIDENCE  
SUNAPEE, NH

JEREMY R. GONIM

REF ID: A5309


DATE: 4/1/24

SCALE: 1/4" = 1'-0"

DRAWING SET REVISION:

SPECIAL

EXCEPTION

SHEET TITLE:  
ELEVATIONS

SHEET NUMBER:

A-SE-200



Benin Architects

New London, New Hampshire 03257  
290 Daniel Webster Hwy.  
Meredith, New Hampshire 03253  
603.526.6200  
[www.boninarchitects.com](http://www.boninarchitects.com)  
[info@boninarchitects.com](mailto:info@boninarchitects.com)

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TENHULA RESIDENCE  
SUNAPEE, NH

JERRY K. DODD

NHLC NO. 3309

REVISION SCHEDULE

No.	Date	Description
-----	------	-------------

No.	Date	Description








DATE: 4/1/24

SCALE: 1/4" = 1'-0"

DRAWING SET REVISION:

SPECIAL

EXCEPTION

SHEET TITLE:

### ELEVATIONS

\_\_\_\_\_

SHEET NUMBER:

A CE 201

A-5E-201

100

⊕ RIDGE PEAK (33' 3 1/4")  
1132' - 2 1/4"


 GARAGE RIDGE (27' - 1 1/2")  
 1126' - 0 1/2"

PRIMARY RIDGE (24'-11 1/2")  
1123'-10 1/4"

SECOND LEVEL  
1 | 12' - 8 1/2"

 FIRST LEVEL  
 1102' - 7"

LOWEST FINISH GRADE PER  
'MAX. STRUCTURE HEIGHT'  
1098' - 11'

① SOUTH ELEVATION  
1/4" = 1'-0"

● RIDGE PEAK (33' 3 1/4")  
1132' - 2 1/4"

● GARAGE RIDGE (27' - 1 1/2")  
1126' - 0 1/2"

PRIMARY RIDGE (24'-11 1/2")  
1123'-10 1/4"

SECOND LEVEL  
1112' - 8 1/2"

1ST FLR. WIND. HEAD  
1109' - 5"

⊕ FIRST LEVEL  
1102' - 7"

LOWEST FINISH GRADE PER  
'MAX. STRUCTURE HEIGHT'  
1098' - 11"

2 WEST ELEVATION  
1/4" = 1'-0"



# TENHULA RESIDENCE

SUNAPEE, NH



**BONIN ARCHITECTS**  
RESIDENTIAL • COMMERCIAL • LANDSCAPE





Bonin Architects

210 Main Street, PO Box2571,  
New London, New Hampshire  
03257  
290 Daniel Webster Hwy,  
Meredith, New Hampshire 03253  
603.526.6200  
www.boninarchitects.com  
info@boninarchitects.com

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Tenhula Residence  
Sunapee, NH

GREGORY P. RUSNICA, PLA

WH.LIC. NO. 109

REVISION SCHEDULE

No.	Date	Description

DATE: 04-01-2024

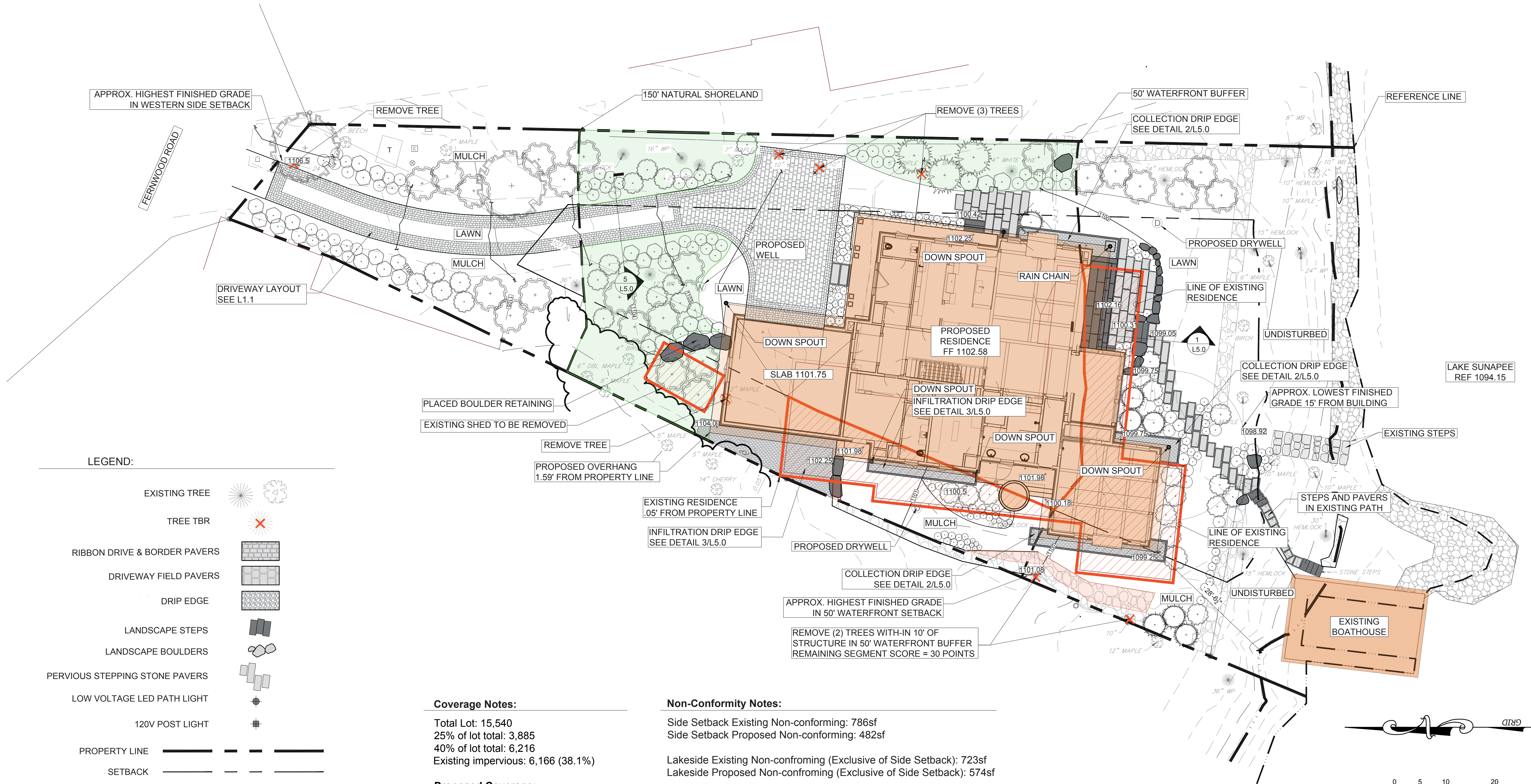
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DRAWING SET REVISION  
SPECIAL EXEMPTION  
SUBMISSION

SHEET TITLE:  
LANDSCAPE MASTER  
PLAN

SHEET NUMBER

L1.0



LEGEND:

EXISTING TREE	
TREE TBR	
RIBBON DRIVE & BORDER PAVERS	
DRIVEWAY FIELD PAVERS	
DRIP EDGE	
LANDSCAPE STEPS	
LANDSCAPE BOULDERS	
PERVIOUS STEPPING STONE PAVERS	
LOW VOLTAGE LED PATH LIGHT	
120V POST LIGHT	
PROPERTY LINE	
SETBACK	
REFERENCE LINE	
NHDES ZONES	
SURVEYED WATER LINE	
EXISTING CONTOUR	
PROPOSED CONTOUR	
SPOT GRADE	
PROPOSED NATURAL WOODLAND	
EXISTING STONE WALL TO BE REMOVED	
EXISTING NON-CONFORMING FOOTPRINT	

Coverage Notes:

Total Lot: 15,540  
25% of lot total: 3,885  
40% of lot total: 6,216  
Existing impervious: 6,166 (38.1%)

Proposed Coverage:

Proposed House:3,769  
Existing Boathouse:55  
Existing Stone Walls: 601  
Proposed Steps: 68  
Existing Steps: 38  
Existing Transformer: 23  
Gravel Driveway (end): 12

Impervious Total: 4,566

Driveway:1,134  
Stepping-stones: 310

Pervious Total: 1,444

Proposed Coverage Total:  
6,010 of 6,216 max (38.67% of 40% max)

Non-Conformity Notes:

Side Setback Existing Non-conforming: 786sf  
Side Setback Proposed Non-conforming: 482sf

Lakeside Existing Non-conforming (Exclusive of Side Setback): 723sf  
Lakeside Proposed Non-conforming (Exclusive of Side Setback): 574sf

Total Existing Non-conforming: 1,509sf  
Total Proposed Non-conforming: 1,056sf

Unaltered Notes:

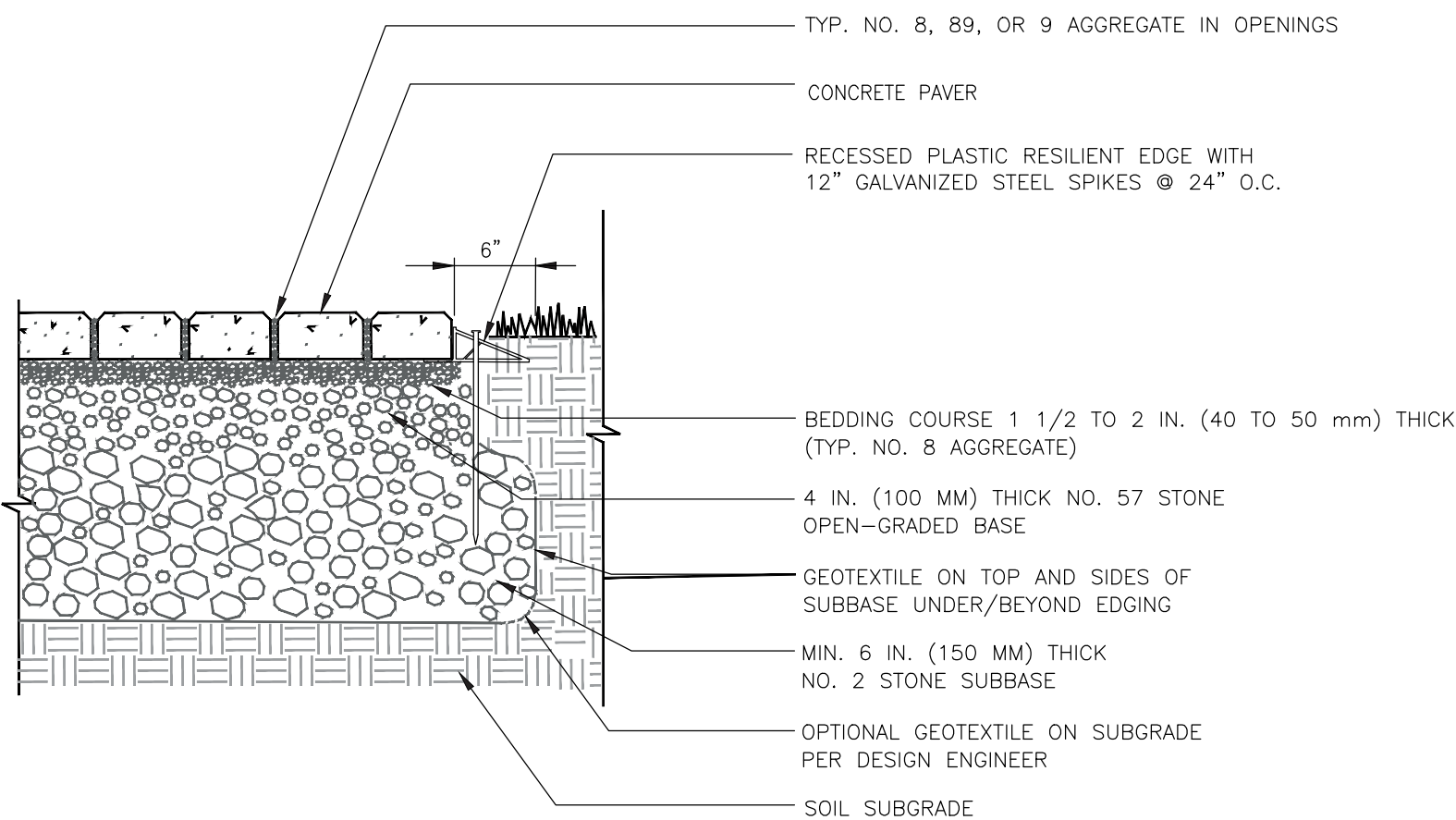
50-150' Total Area: 7,083 sf  
Existing Unaltered: 1,126sf  
Proposed Unaltered: \*1,589sf  
\*Revegetated w/ native plantings, L8.0 Planting Plan  
(Approved by NHDES, under SHORELAND IMPACT PERMIT  
#2023-01729, July 26, 2023)







Mar 20, 2024 - 12:47pm  
F:\MSC Projects\96124 - Fernwood Pt. Rd. Sunapee, NH\96124-00 - Fernwood Pt. Rd. Sunapee, NH\Design\PRODUCTION DRAWINGS\96124-00 - Proposed Conditions Plan.dwg

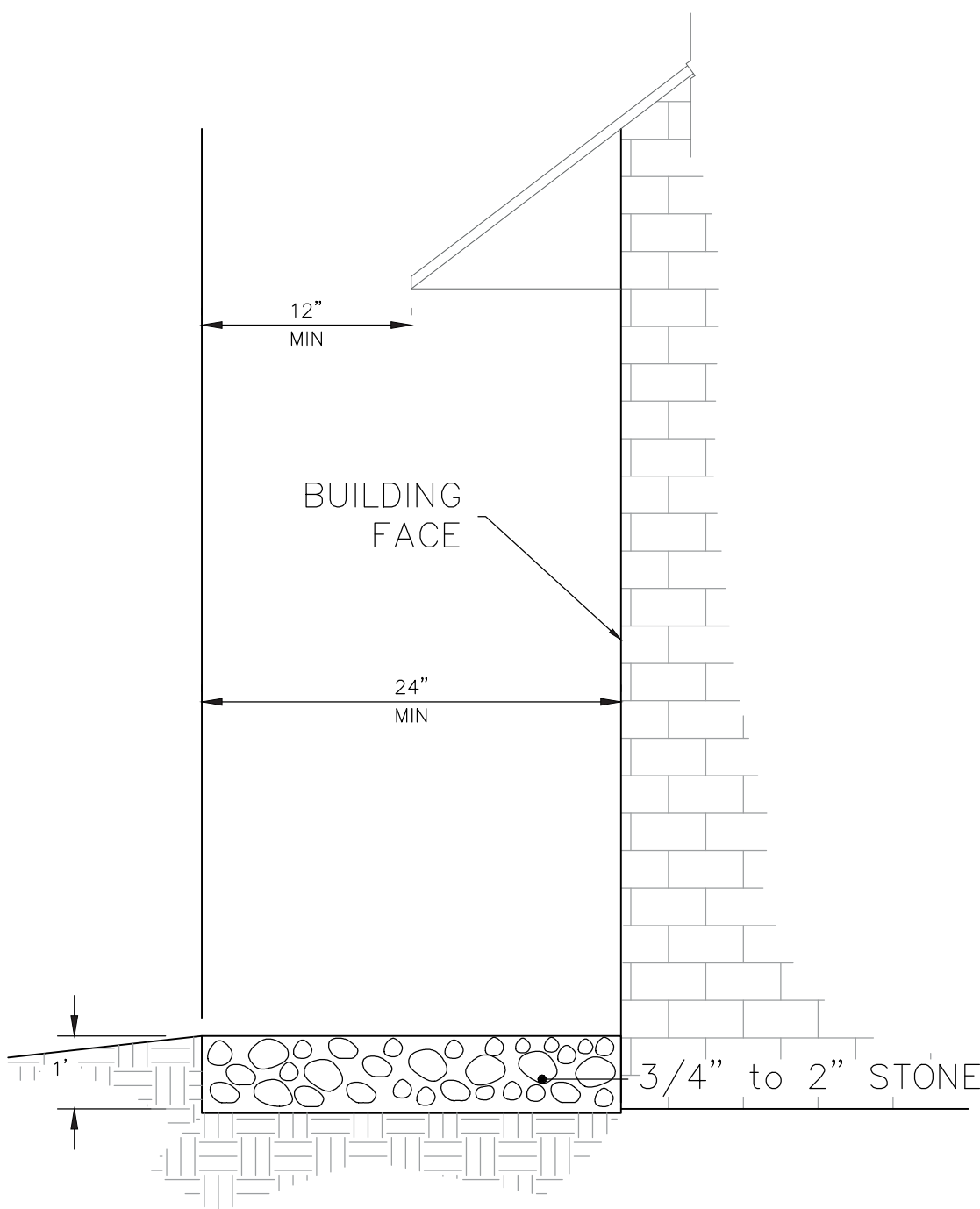


MAINTENANCE NOTES:

1. NO WINTER SANDING OF PERMEABLE PAVERS IS PERMITTED. MINIMIZE APPLICATION OF SALT FOR ICE CONTROL.
2. INSPECT ANNUALLY FOR PAVER DETERIORATION OR SPALLING.
3. MONITOR PERIODICALLY TO ENSURE THAT THE PAVERS DRAIN EFFECTIVELY AFTER STORMS.
4. PERIODICALLY ADD JOINT MATERIAL TO REPLACE LOST MATERIAL.
5. MAJOR CLOGGING MAY NECESSITATE REPLACEMENT OF PERMEABLE PAVERS AND POSSIBLY FILTER COURSE AND SUB-BASE COURSE.

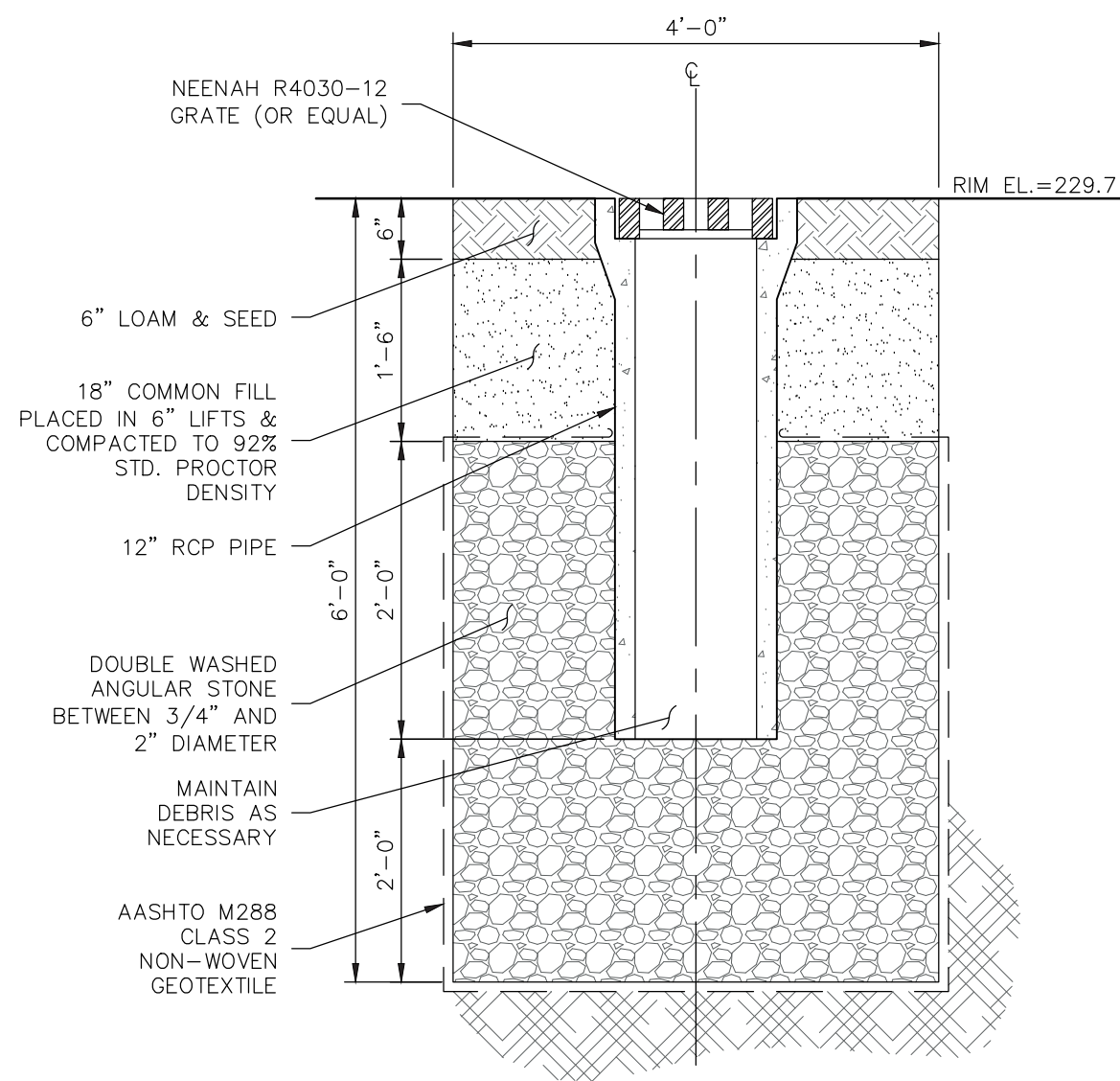
PERMEABLE PAVER DETAIL

NOT TO SCALE



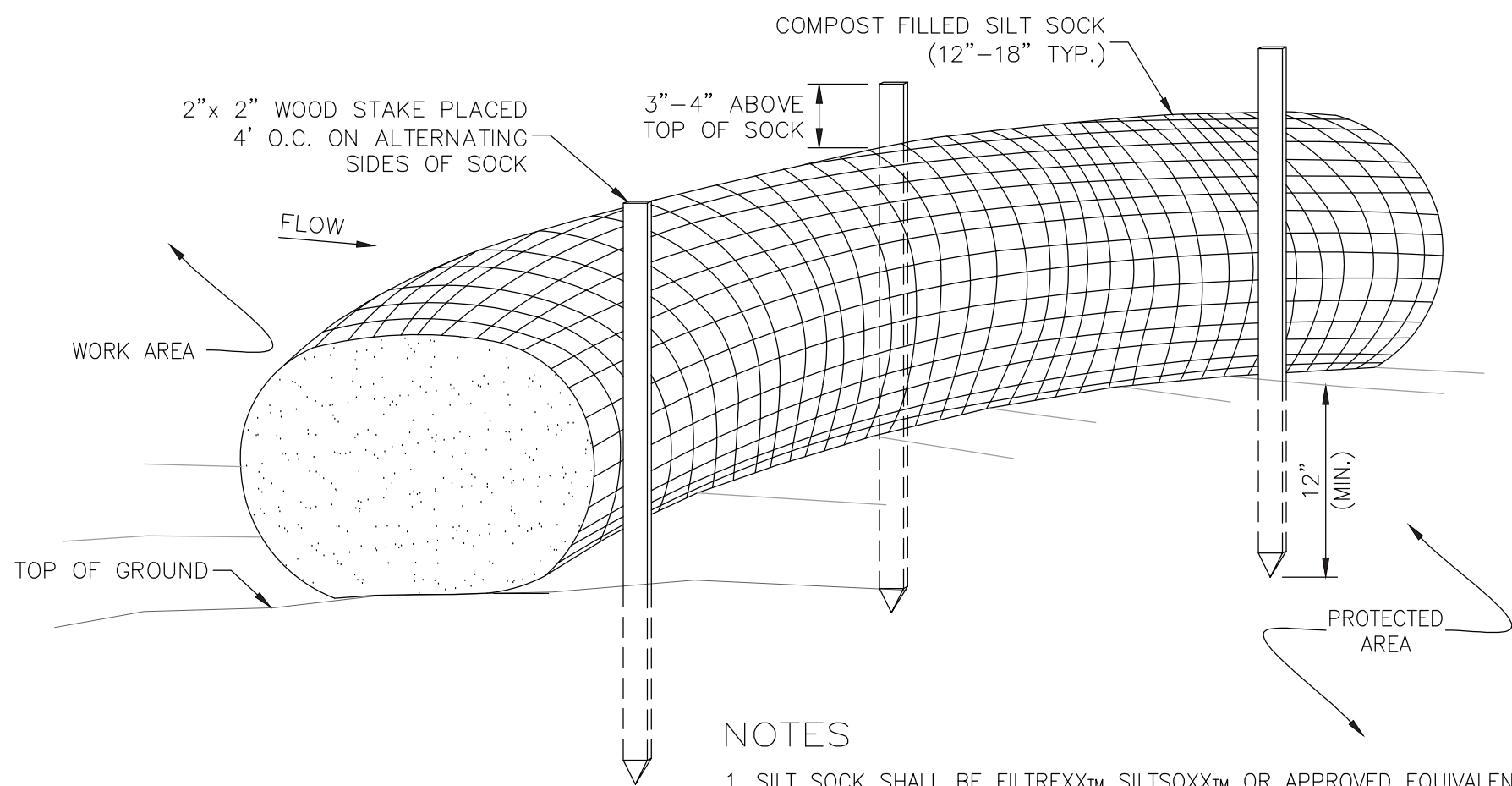
DRIP EDGE TRENCH

NOT TO SCALE



DRY WELL

NOT TO SCALE



NOTES

1. SILT SOCK SHALL BE FILTREXX<sup>TM</sup> SILTSOXX<sup>TM</sup> OR APPROVED EQUIVALENT.
2. SEE SPECIFICATIONS FOR SOCK SIZE AND COMPOST FILL REQUIREMENTS.
3. SILT SOCK SHALL BE INSPECTED PERIODICALLY AND AFTER ALL STORM EVENTS, AND REPAIR OR REPLACEMENT SHALL BE PERFORMED AS NEEDED.
4. COMPOST MATERIAL SHALL BE DISPERSED ON SITE, AS DETERMINED BY THE ENGINEER.

SILT SOCK

NOT TO SCALE

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This plan is not effective unless signed by a duly authorized officer of TFMoran, Inc.



REV	DATE	DESCRIPTION			DR CK

SITE DEVELOPMENT PLANS

TAX MAP 121 LOT 42

DETAILS PAGE

KTP COTTAGE, LLC

106 FERNWOOD POINT ROAD

SUNAPEE, NEW HAMPSHIRE

OWNED BY & PREPARED FOR

KTP COTTAGE, LLC

SCALE: NTS

MARCH 20, 2024

TFM

Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists

48 Constitution Drive  
Bedford, NH 03110  
Phone (603) 472-4488  
Fax (603) 472-9747  
www.tfmoran.com

FILE

96124.00

DR JKC  
CK KRH

FB  
CADFILE

-  
DETAILS\_PAGE

C-02



Bonin Architects

210 Main Street, PO Box 2511,  
New London, New Hampshire  
03251  
240 Daniel Webster Hwy  
Meredith, New Hampshire 03253  
603.526.6200  
www.boninarchitects.com  
info@boninarchitects.com

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TENHULA RESIDENCE

SUNAPEE, NH

JEREMY K. BONIN

NH LIC. NO. 3309

REVISION SCHEDULE

No.	Date	Description

DATE: 4/1/24

SCALE: 1/4" = 1'-0"

DRAWING SET REVISION:

SPECIAL

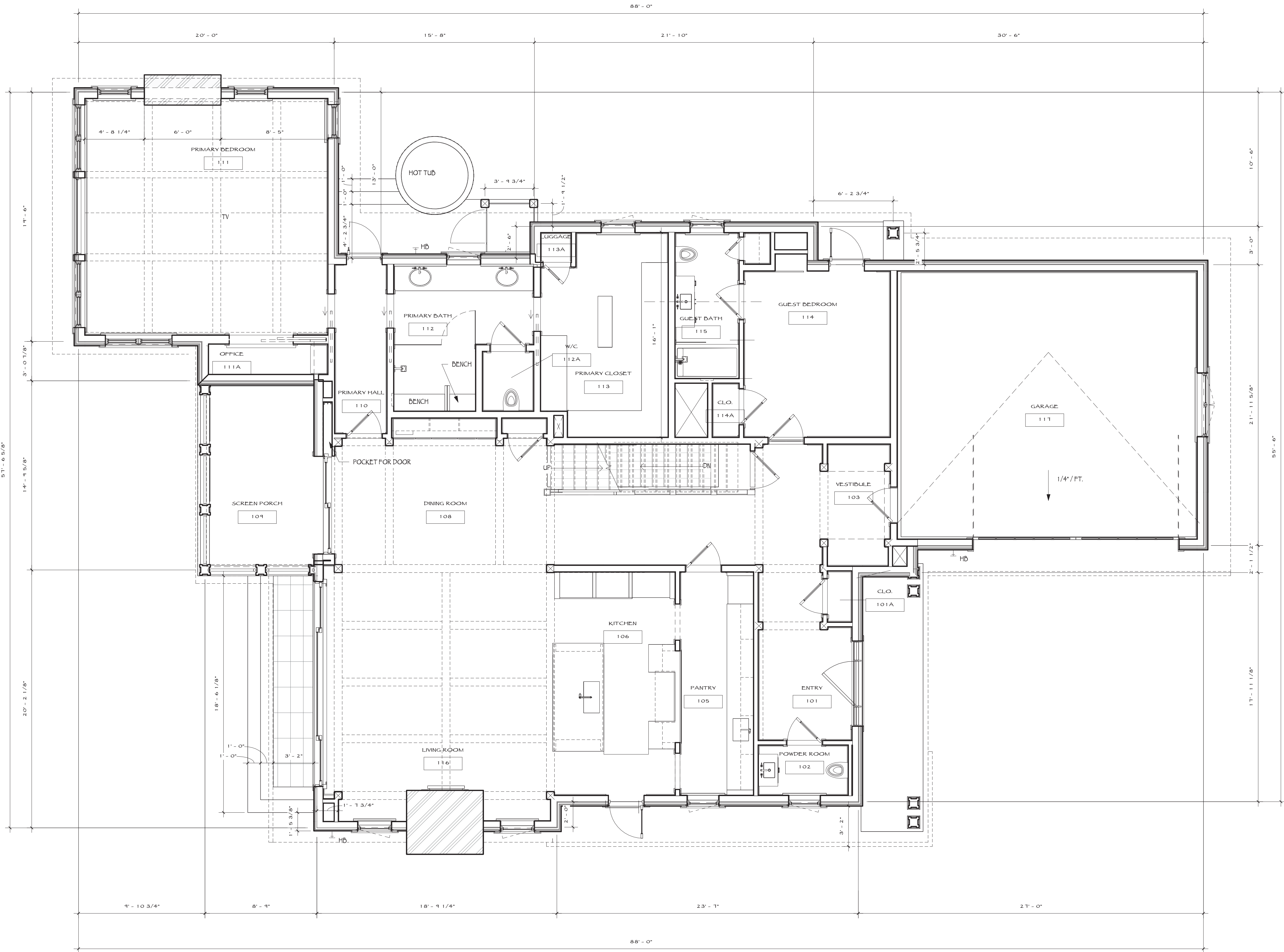
EXCEPTION

SHEET TITLE:

FRIST FLOOR PLAN

SHEET NUMBER:

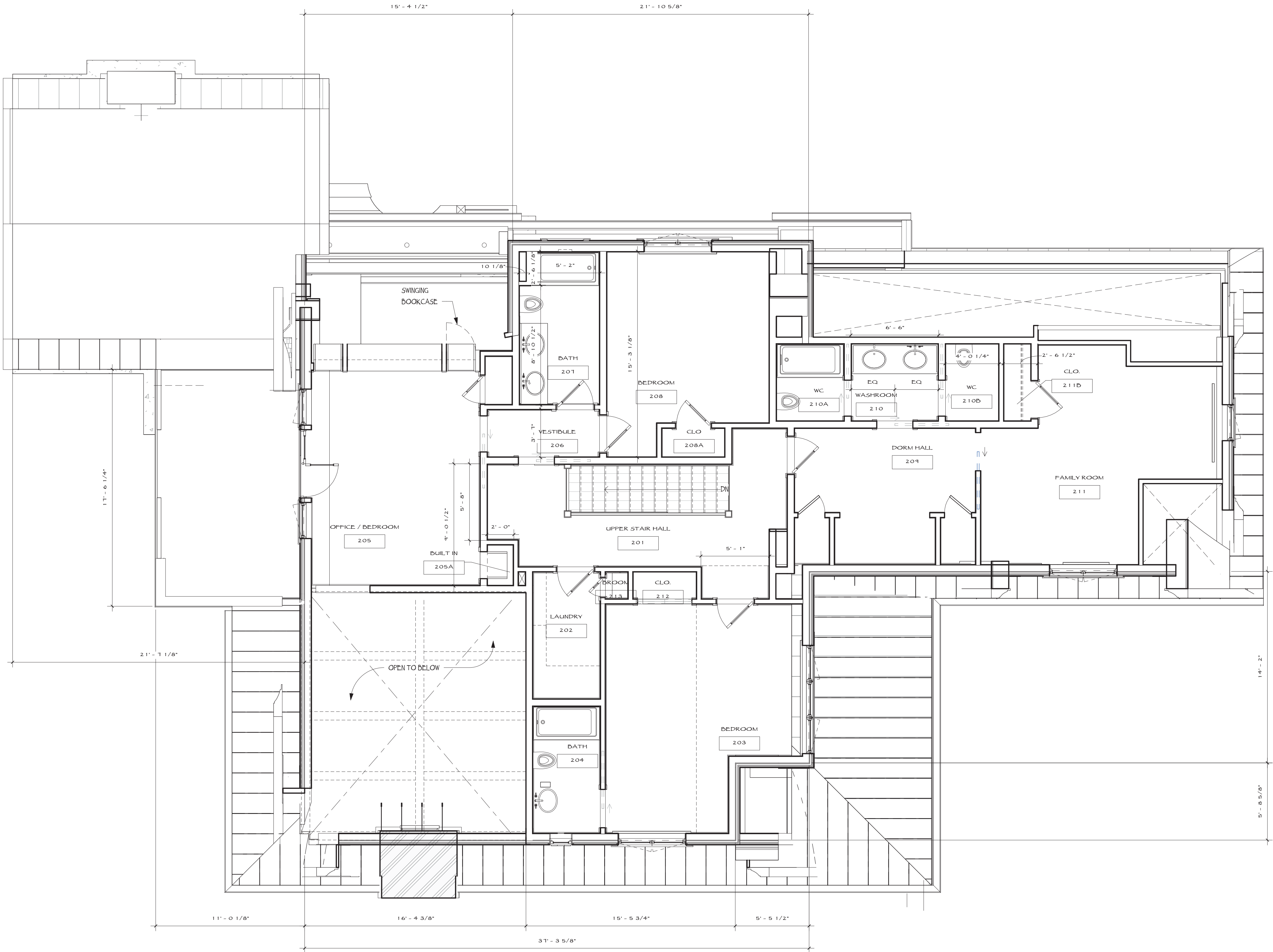
A-SE-101



1 FIRST FLOOR PLAN  
1/4" = 1'-0"

GENERAL NOTES:

1. RE SHEETS A001 & A002 FOR ASSEMBLY DETAILS  
2. ALL DOOR & WINDOW DIMENSIONS ARE TO CENTER LINE, UNLESS NOTED OTHERWISE  
3. UNLESS NOTED OTHERWISE, CENTER INTERIOR DOOR ROUGH OPENINGS IN WALLS OR WHEN ADJACENT TO A PERPENDICULAR WALL, PLACE ROUGH OPENING A MINIMUM OF 5" FROM ADJACENT WALL TO ALLOW FOR JAMB TRIM.  
4. ALL BEDROOM AND BATHROOM INTERIOR PARTITION WALLS TO HAVE SOUND ATTENUATION BATT INSULATION.  
5. SEE INTERIOR FINISH SCHEDULE FOR MATERIALS, FINISHES & COLORS  
6. HEADERS ABOVE DOORS AND WINDOWS TO BE (2) 2x8 #2 SPF WITH 2x6 #2 SPF JACK AND KING STUDS AT EACH END, U.N.O.



1 SECOND FLOOR EAST GABLE PLAN  
1/4" = 1'-0"



Bonin Architects  
210 Main Street, PO Box 2511,  
New London, New Hampshire  
03251  
240 Daniel Webster Hwy.  
Meredith, New Hampshire 03253  
603.526.6200  
www.boninarchitects.com  
info@boninarchitects.com

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TENHULA RESIDENCE  
SUNAPEE, NH

JEREMY K. BONIN

NH LIC. NO. 3309

REVISION SCHEDULE

No.	Date	Description

DATE: 4/1/24

SCALE: 1/4" = 1'-0"

DRAWING SET REVISION:

SPECIAL

EXCEPTION

SHEET TITLE:  
SECOND FLOOR PLAN

SHEET NUMBER:

A-SE-102





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TENHULA RESIDENCE

EREMY K. BONIN

LIC. NO. 3309

[illegible]

DATE: 4/1/24

SCALE: 1/4" = 1'-0"

DRAWING SET REVISION:

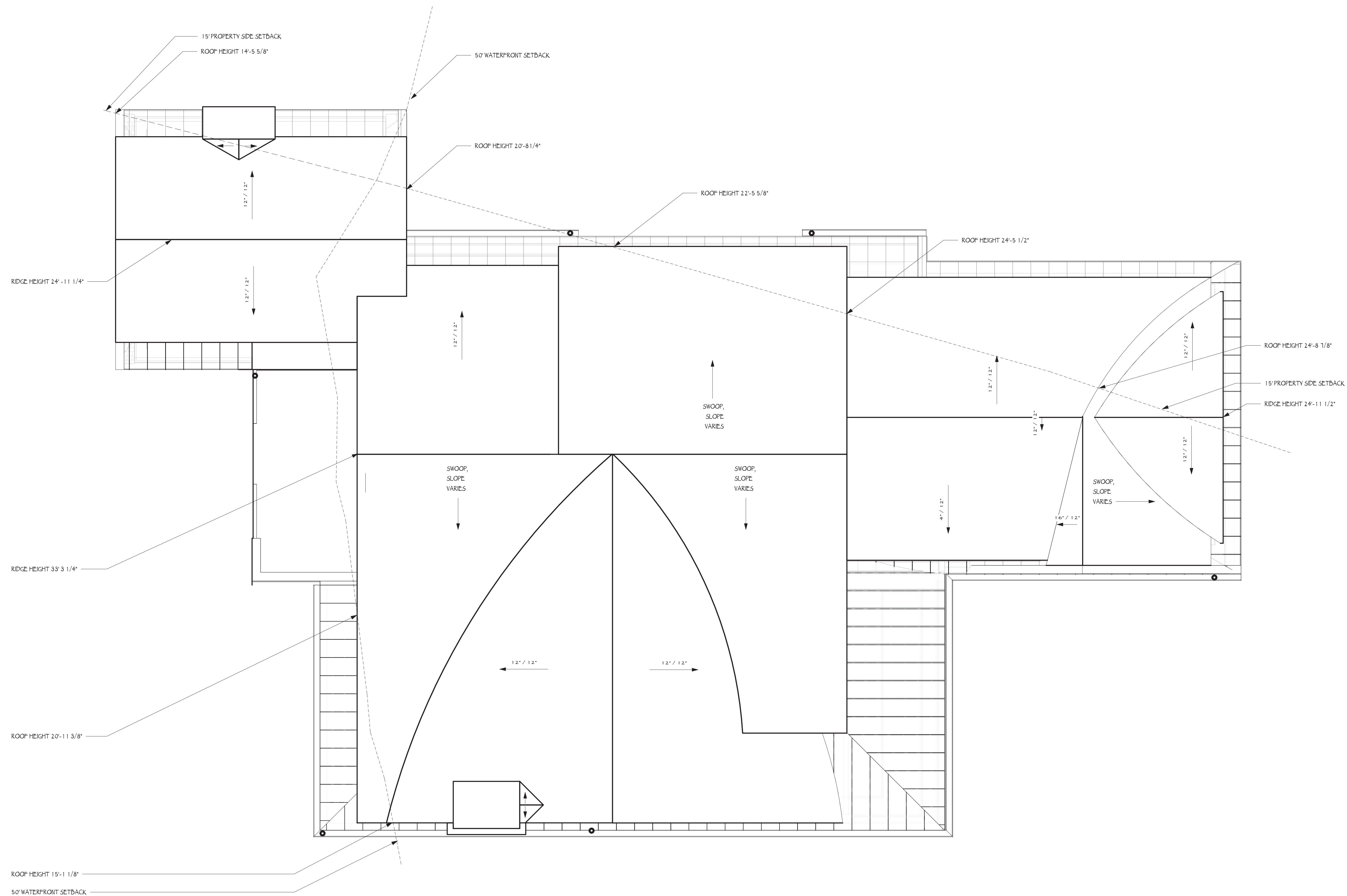
SPECIAL

## EXCEPTION

SHEET TITLE:  
ROOF PLAN

SHEET NUMBER:

A-SE-103



1 ROOF PLAN  
1/4" = 1'-0"



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TENHULA RESIDENCE

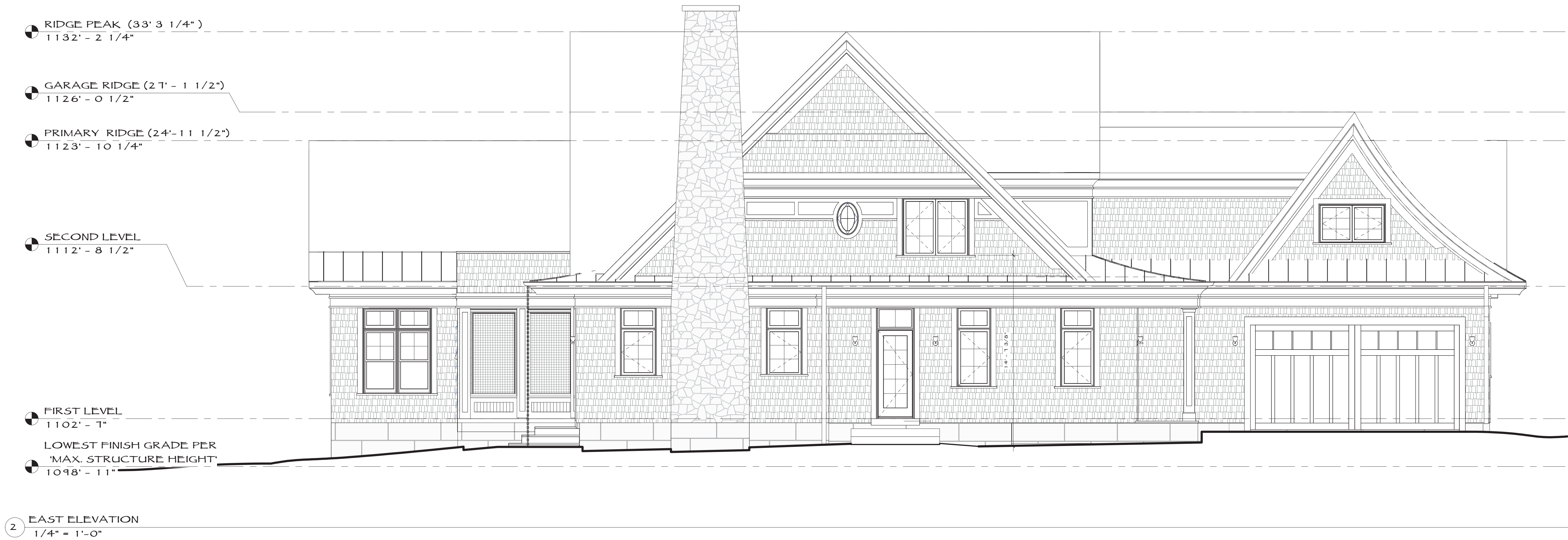
EREMY K. BONIN

LIC. NO. 3309

REVISION SCHEDULE		
No.	Date	Description

DATE: 4/1/24
SCALE: 1/4" = 1'-0"
DRAWING SET REVISION:
SPECIAL
EXCEPTION
SHEET TITLE:
ELEVATIONS

SHEET NUMBER:  
A-SE-200







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TENHULA RESIDENCE

EREMY K. BONIN

LIC. NO. 3309

[illegible]

DATE: 4/1/24
SCALE: 1/4" = 1'-0"
DRAWING SET REVISION:
SPECIAL
EXCEPTION
SHEET TITLE:
ELEVATIONS

SHEET NUMBER:  
A-SE-201



1 SOUTH ELEVATION  
1/4" = 1'-0"



2 WEST ELEVATION  
1/4" = 1'-0"

A-SE-201

Allyson Traeger  
Land Use and Assessing Coordinator  
Town of Sunapee  
23 Edgemont Rd.  
Sunapee, NH 03782

April 16, 2024

E-mail: [allyson@town.sunapee.nh.us](mailto:allyson@town.sunapee.nh.us)

CC: Roy Tilsley ([rtilsley@bernsteinshur.com](mailto:rtilsley@bernsteinshur.com)) and Eli Leino ([eleino@bernsteinshur.com](mailto:eleino@bernsteinshur.com))


RE: Parcel ID 0121-0042-00000 (KTP Cottage LLC)

Dear Ms. Traeger:

My name is Laura Anissian and I own the property at 110 Fernwood Point Road. The owners of the property at 106 Fernwood Point Road, the Tenhulas, have shared with me their plans to build a new single-family home that is further away from the lake and from the neighbor's property line than the existing cottage. I have no issues with their proposal and encourage the Zoning Board of Adjustment to grant the Special Exception application submitted on behalf of KTP Cottage LLC.

The property had been in my family for three generations and holds a very special place in my heart. The Tenhulas have expressed their love for Lake Sunapee and the region and have been looking to make a home in the area for some time. They have shared their design with me which has been meticulously planned and I have no doubt this house will be a wonderful addition to Fernwood Point!

Sincerely,

  
Laura Anissian  
110 Fernwood Point Rd.  
Sunapee, NH 03782  
[Anissian96@gmail.com](mailto:Anissian96@gmail.com)

April 14, 2024

Allyson Traeger  
Land Use and Assessing Coordinator  
Town of Sunapee  
23 Edgemont Rd.  
Sunapee, NH 03782

E-mail: [allyson@town.sunapee.nh.us](mailto:allyson@town.sunapee.nh.us)

CC: Roy Tilsley [rtilsley@bernsteinshur.com](mailto:rtilsley@bernsteinshur.com) and Eli Leino [eleino@bernsteinshur.com](mailto:eleino@bernsteinshur.com)

RE: Parcel ID 0121-0042-00000 (KTP Cottage LLC)

Dear Ms. Traeger:

My name is Anne Wachner and I own the property at 108 Fernwood Point Road. The owners of the property next door at 106 Fernwood Point Road, the Tenhulas, have shared with me their plans to redevelop the property. I have no concerns about their plans and encourage the Zoning Board of Adjustment to grant the Special Exception application submitted on behalf of KTP Cottage LLC.

As a prior owner of 106 Fernwood Point Road, I am aware of the deteriorated condition of the Home. I feel confident that the Tenhulas, in coordination with their architect and builders, will improve the lot in a sustainable and enduring manner.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Anne Wachner', written in a cursive style.

Anne Wachner  
108 Fernwood Point Rd.  
Sunapee, NH 03782

**CASE #: SE 24-05**

**PARCEL ID: 0119-0018-0000**

**Special Exception for Use****Applicant****Primary Location****SEU-24-2** Sarah Pena34 FAIRWAY DR  
Sunapee, NH 03782

Submitted On: Mar 23, 2024

**Applicant Information****Landowner(s) Name(s):**

Ed and Sarah Pena

**Project Location (Street & #):**

34 Fairway Dr

**Phone Number:****Parcel ID:**

Sun-0119-0018-000

**Mailing Address:**

23A Fairway Dr

**Zoning District**

Rural Residential (RR)

**Unsure what zone your property is in?** Click **HERE** to search for your property card. ([https://www.axisgis.com/tri\\_townnh/](https://www.axisgis.com/tri_townnh/))

([https://www.axisgis.com/tri\\_townnh/](https://www.axisgis.com/tri_townnh/))**Is there an Authorized Agent for this project?**

No

**Requested Type of Use**

Short Term Rental

**General Description**

A **Special Exception** is a permission granted by the Zoning Board of Adjustments (ZBA) that allows a property owner to use their land for a specific purpose that is listed as a permitted use under the Zoning Ordinance but requires additional review and approval due to its unique characteristics or potential impacts.

The Zoning Ordinance typically designates certain uses as "Special Exceptions" because they may have specific requirements or conditions that need to be met to ensure compatibility with the surrounding area. Special Exceptions are typically granted if the proposed use meets the specific criteria outlined in the Zoning Ordinance.

*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 Special Exception from the Zoning Board of Adjustment?

**General Summary:**

Our property is a townhouse style condo within the Granliden community.

**Have you prepared an abutters list?**

Yes

**Number of Abutters**

3

**Special Exception Criteria****Zoning Ordinance ARTICLE**

ARTICLE IV: USE REGULATIONS

**Zoning Ordinance SECTION**

4.95 SHORT-TERM RENTALS

**Click here for the Sunapee Zoning Ordinance**  
**([https://www.town.sunapee.nh.us/sites/g/files/vyhlf5056/f/uploads/2023\\_zoning\\_ordinance\\_master\\_copy\\_0.pdf](https://www.town.sunapee.nh.us/sites/g/files/vyhlf5056/f/uploads/2023_zoning_ordinance_master_copy_0.pdf))**

**4.15 Special Exception Criteria For Uses** - The Zoning Board of Adjustment pursuant to its powers outlined in Article X may, subject to appropriate conditions and safeguards such as Site Plan Review with the Planning Board, approve certain uses as Special Exceptions.

**Criteria #1: The selected site is an appropriate location for the proposed use.**

The Granliden Community has a long history of successfully hosting short term rentals. The community offers amenities specifically for owners or renters including trash removal and sewer.

**Criteria #2: Adequate and safe highway access is provided to the proposed site and that there is adequate off-street parking provided for the proposed use.**

Our unit is assigned a parking space in a parking lot maintained by the Granliden Community Association and there is additional parking within the parking lot for additional vehicles.

**Criteria #3: Adequate method of sewage disposal are available at the proposed site.**

We pay for town water and sewer at our unit, so there is adequate sewer available for short term renters to use the home.

**Criteria #4: The proposal will not be detrimental, hazardous, or injurious to the neighborhood.**

We have had renters in the past and they always follow the rules and regulations of the community. Having renters in the home will not be detrimental in any way to the abutters on either side of our home.

**Criteria #5: The proposed use is consistent with the spirit of the Ordinance and the intent of the Master Plan.**

Our condominium being used for short term rentals is consistent with the spirit of the ordinance and the intent of the Master Plan because it is a use that has occurred in the past for us and many of our neighbors and renters being in our home will provide a benefit to the town because these are families that will visit local businesses and contribute to the success of the business that operate year round in Sunapee.

## **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.

true

**Date**

03/23/2024

## Property Information

### Property Description

34 Fairway Drive is a 1,872 square foot 4 bedroom townhouse style home on 0.03 acres with 2.5 bathrooms. It is on town sewer and is serviced for waste removal by the Granliden Community Association. (Pictures below)

The abutters are the townhouses on either side of the house at 33 Fairway Drive and 35 Fairway Drive. The abutters mailing addresses are listed below. 34 Fairway drive is not adjacent to any water bodies, wetlands, or septic systems.

### Abutters

Abutters 1: 33 Fairway Drive

Mailing Address of owners:

Peter and Alice Machinist  
125 Windermere Rd, Newton, MA 02466

Abutters 2: 34 Fairway Drive (this is our unit)

Mailing address:

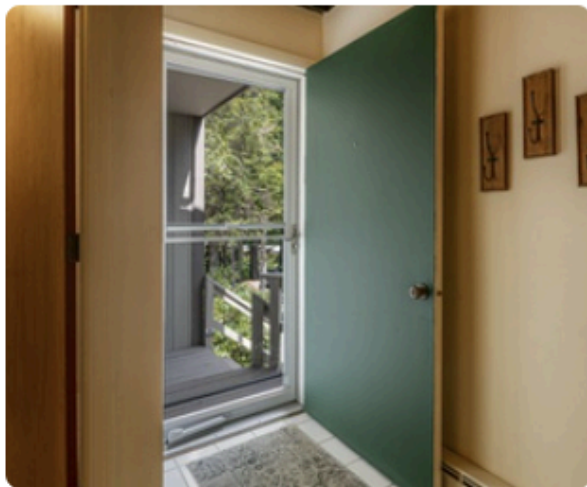
33 Barney Hill Rd  
Wayland, MA 01778

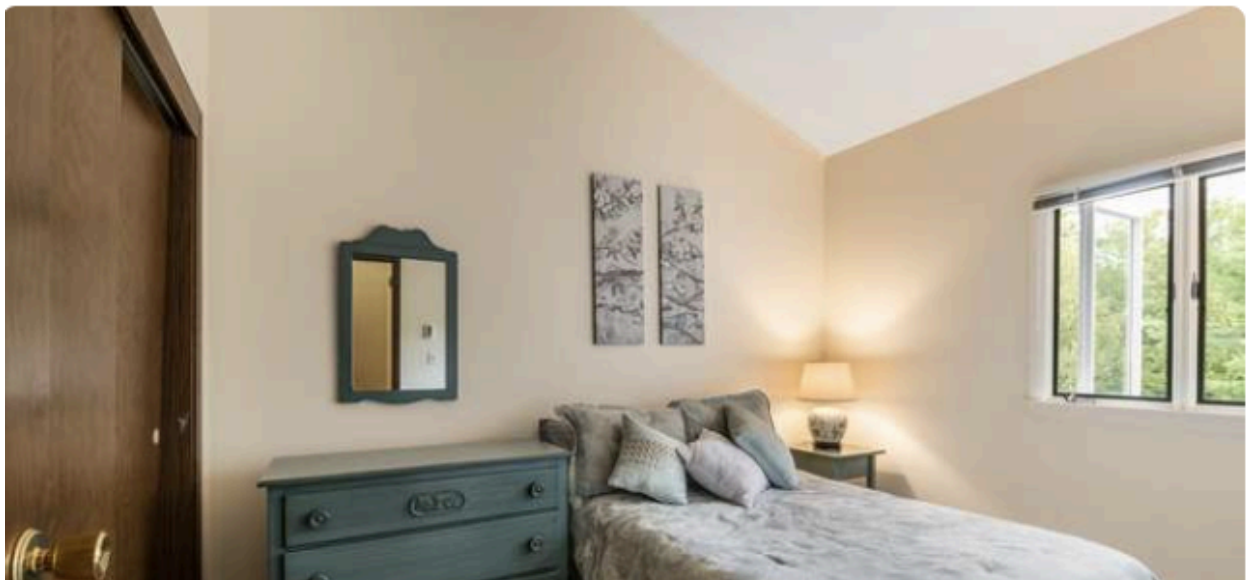
Abutters 3: 35 Fairway Drive

Mailing address:

David Wolfe and Pauline Mark  
103 Clinton Rd  
Brookline, MA 02445









**CASE #: SE 24-06**

**PARCEL ID:**

**0233-0023-0000**

**Special Exception for Use****Applicant****Primary Location****SEU-24-3**

 Liam Sherwin  
 603-995-1046  
@ lsherwin8@gmail.com

8 BRADFORD RD  
Sunapee, NH 03782

Submitted On: Apr 3, 2024

**Applicant Information****Landowner(s) Name(s):**

Liam Sherwin/Bridget Sherwin

**Project Location (Street & #):**

8 Bradford Road

**Phone Number:**

**Unsure what zone your property is in?** Click **HERE** to search for your property card. ([https://www.axisgis.com/tri\\_townnh/](https://www.axisgis.com/tri_townnh/))

([https://www.axisgis.com/tri\\_townnh/](https://www.axisgis.com/tri_townnh/))**Parcel ID:**

0233-0023-0000

**Mailing Address:****Zoning District**

Rural Residential (RR)

**Is there an Authorized Agent for this project?**

No

**Requested Type of Use**

Short-Term Rental

**General Description**

A **Special Exception** is a permission granted by the Zoning Board of Adjustments (ZBA) that allows a property owner to use their land for a specific purpose that is listed as a permitted use under the Zoning Ordinance but requires additional review and approval due to its unique characteristics or potential impacts.

The Zoning Ordinance typically designates certain uses as "Special Exceptions" because they may have specific requirements or conditions that need to be met to ensure compatibility with the surrounding area. Special Exceptions are typically granted if the proposed use meets the specific criteria outlined in the Zoning Ordinance.

**General Summary:**

The home at 8 Bradford Road was purchased from my Great Aunt and Uncle with the intent of a) keeping the house in the family b) using it as a Primary/Secondary home in Sunapee c) renting the property to other families looking to enjoy the close proximity to Mount Sunapee and Lake Sunapee while we are not using the property. The property is located on the corner of Bradford Road and Route 103, and contains a fully functioning 1,520 sq. ft. home set on .45 acres of land. The home has 3 bedrooms and 1.5 baths. The property is located in the rural residential zoning district, and as a result requires a Short-Term Rental Permit in order to continue operating as such. Zoning Ordinance Article 4, Section 4.10 explicitly contemplates special permits being allowed for "Short-Term Rentals Owner Not in Residence" and is relevant to my situation.

*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 Special Exception from the Zoning Board of Adjustment?

I take pride in self-managing my rental and overseeing/completing the routine maintenance of the property, managing tenants needs, and ensuring compliance with the policies set forth by the town and myself.

I have lived in the Lake Sunapee Area my entire life (attending SMHS K-12) and have seen how Short-Term Rentals benefit our area. I began Hosting on Airbnb in January 2023 and have hosted a total of 133 nights so far. I have maintained "Superhost" status for over a year and am committed to providing a high quality experience to my guests and representing Sunapee well. I would like to continue operating the house as a Short-Term Rental.

Have you prepared an abutters list?

Number of Abutters

Yes

5

## Special Exception Criteria

Zoning Ordinance ARTICLE

Zoning Ordinance SECTION

4.95-SHORT-TERM RENTAL

Section 1

Click here for the Sunapee Zoning Ordinance  
([https://www.town.sunapee.nh.us/sites/g/files/vyhlif5056/f/uploads/2023\\_zoning\\_ordinance\\_master\\_copy\\_0.pdf](https://www.town.sunapee.nh.us/sites/g/files/vyhlif5056/f/uploads/2023_zoning_ordinance_master_copy_0.pdf))

**4.15 Special Exception Criteria For Uses** - The Zoning Board of Adjustment pursuant to its powers outlined in Article X may, subject to appropriate conditions and safeguards such as Site Plan Review with the Planning Board, approve certain uses as Special Exceptions.

**Criteria #1: The selected site is an appropriate location for the proposed use.**

The site is in the Rural Residential Zone and per Zoning Ordinance Article 4, Section 4.10 it explicitly contemplates special permits being allowed for "Short-Term Rentals Owner Not in Residence" in this area, this provision is relevant to my situation. There are many STRs in the neighboring area and I have been successfully operating my property as one since January 27<sup>th</sup> 2023. The ongoing upkeep and maintenance of the property has helped to maintain and enhance the neighborhood.

**Criteria #2: Adequate and safe highway access is provided to the proposed site and that there is adequate off-street parking provided for the proposed use.**

There is adequate and safe highway access from the property on both Bradford Road and Route 103. There is more than enough parking space available for a 3-bedroom home and the house could be easily accessed by emergency personnel. I have attached a photo of the driveways for reference.

**Criteria #3: Adequate method of sewage disposal are available at the proposed site.**

There is an adequate method of sewage disposal on the site. The house has a 1,000 gallon septic tank. See attached photos.

**Criteria #4: The proposal will not be detrimental, hazardous, or injurious to the neighborhood.**

The proposal will not be detrimental, hazardous, or injurious to the neighborhood, as the house has been operating as such for over a year without issue. There are many other Short-Term rentals within a close proximity to my property that also have been in operation without issue.

**Criteria #5: The proposed use is consistent with the spirit of the Ordinance and the intent of the Master Plan.**

The proposed use is consistent with the spirit of the Ordinance and intent of the Master Plan. In reference to Master Plan Section IX: "Encourage home based occupations and businesses." Allowing me to continue using my home as a Short-Term Rental will help support the already strong local tourism industry without taking away from the rural identity of the area. The Zoning Ordinance (Article 4, Section 4.10) allows for special permits for "Short-Term Rentals

Owner Not In Residence". Allowing me to continue operating 8 Bradford Road as a Short Term Rental will have no adverse effects on the preservation of the quality of Lake Sunapee, maintaining a school system with small class sizes, or the ability for residents and property owners to capitalize on local recreational opportunities. The increased tax revenue as a result of the property being a Short-Term Rental helps to further support the town and its goals.

**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.**

true

**Date**

04/03/2024

ID	Description	Area	Adj.	Effect.
WDK	DECK, WOOD	272	0.10	27
UST	UTILITY,	208	0.15	31
EAF	ATTIC,	816	0.40	326
BAS	FIRST FLOOR	816	1.00	816
FBM	BASEMENT,	816	0.30	245
FEP	PORCH,	98	0.70	69
FOP	PORCH, OPEN,	30	0.20	6
GLA:	1,142	3,056		1,520















**SEWAGE DISPOSAL SYSTEM**

TYPE OF SYSTEM: Public: ☐ Yes ☐ No Community/Shared: ☐ Yes ☐ No  
Private: ☒ Yes ☐ No ☐ Unknown:

**IF PUBLIC OR COMMUNITY/SHARED:**

Have you experienced any problems such as line or other malfunctions? ☐ Yes ☒ No

What steps were taken to remedy the problem? \_\_\_\_\_

**IF PRIVATE:**

TANK: ☒ Septic Tank ☐ Holding Tank ☐ Cesspool ☐ Unknown ☐ Other \_\_\_\_\_

Tank Size 1000 Gal. ☐ Unknown ☐ Other \_\_\_\_\_

Tank Type ☒ Concrete ☐ Metal ☐ Unknown ☐ Other \_\_\_\_\_

Location: Left side of House ☐ Location Unknown Date of Installation: \_\_\_\_\_

Date of Last Servicing: April 2020 Name of Company Servicing Tank: \_\_\_\_\_

Have you experienced any malfunctions? ☐ Yes ☒ No

Comments: \_\_\_\_\_

LEACH FIELD: ☒ Yes ☐ No ☐ Other \_\_\_\_\_

IF Yes: Location: ~~1570~~ Left side of House Size \_\_\_\_\_

Date of installation of leach field: 10/80 ☐ Installed By: \_\_\_\_\_

Have you experienced any malfunctions? ☐ Yes ☒ No

Comments: \_\_\_\_\_

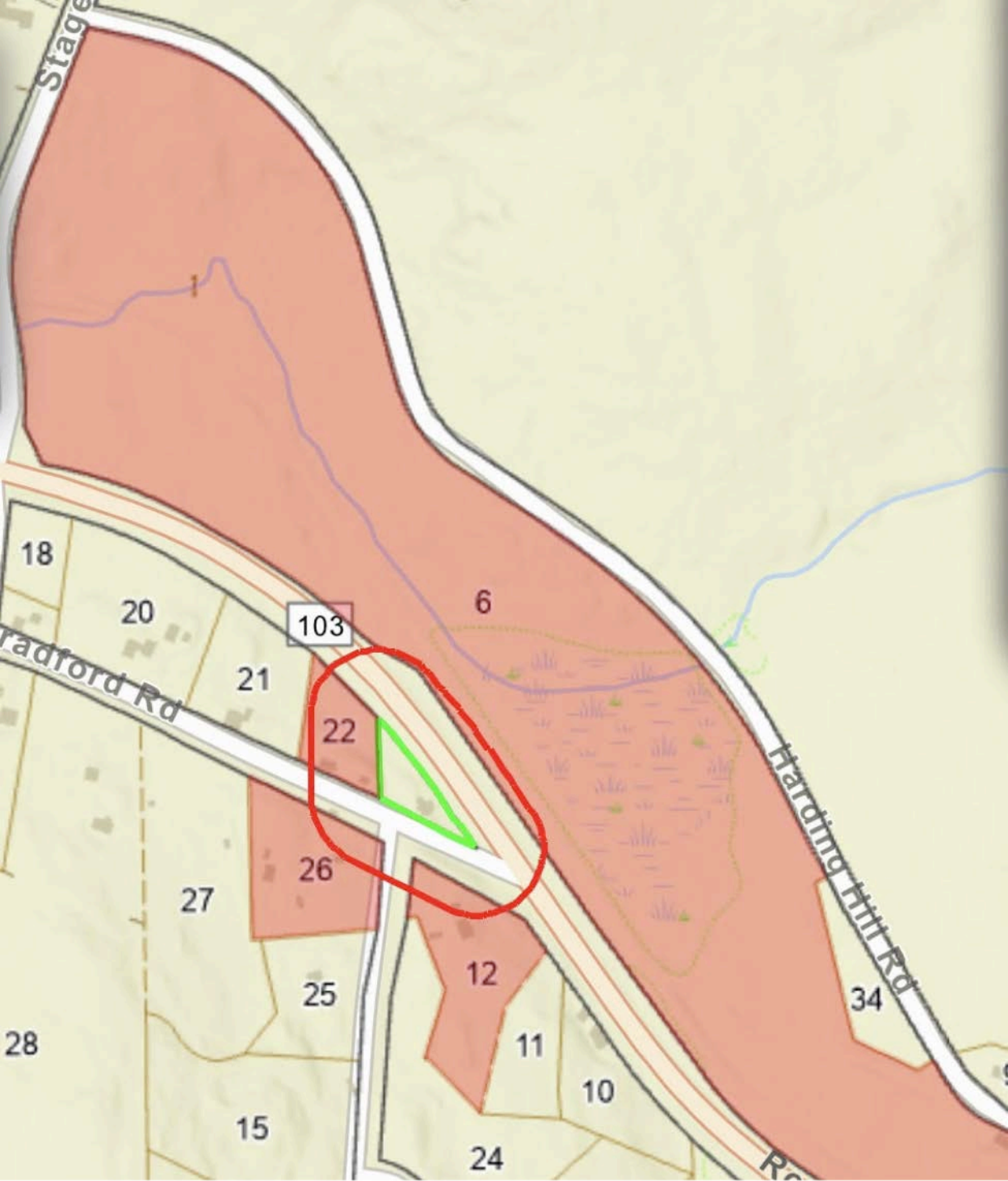
R(S) INITIALS RJA , \_\_\_\_\_

BUYER(S) INITIALS \_\_\_\_\_

NEW HAMPSHIRE ASSOCIATION OF REALTORS® , INC. ALL RIGHTS RESERVED FOR USE BY NHAR REALTOR® MEMBERS ONLY. ALL OTHER USE P

Parcel Number	Property Address	Owner Name	Owner Address
Sun-0234-0012-0000	3 TIMMOTHY RD	SINK, CHARLES S & KIMBER L	3 Timothy RD Sunapee, NH 03782
Sun-0233-0026-0000	8 TIMMOTHY RD	ST. PIERRE, KASSIE & JESSE	940 John Stark Highway Newport, NH 03773
Sun-0237-0006-0000	545 STAGECOACH RD	HARDING HILL FARM, LLC	524 Stagecoach Road Sunapee, NH 03782
Sun-0233-0022-0000	16 BRADFORD RD	CARLEY, JUSTIN JAMES AND LUCY	65 Elm Hill Road Peterborough, NH 03458







**CASE #: SE 24-07**

**PARCEL ID: 0115-0031-0000**

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



CASE #: SE 24-07  
FEE PAID: \$270.00  
METHOD: CK # 216

Zoning Board of Adjustment (ZBA)  
**Special Exception**

Questions? Please contact the Land Use & Assessing Coordinator or the Planning & Zoning Director. All dates and deadlines are published on the ZBA calendar.

1. Landowner(s) Name(s): April & Tanner Royce
2. Parcel ID: 47622 3. Zoning District: RR
4. Project Location (Street & #): 35 North Shore Road; Sunapee, NH 03782
5. Mailing Address: 23 Central St; Sunapee, NH 03782
6. Phone Number: 603-477-9366
7. Email: april\_snow@msn.com

☐ **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:**

<input type="checkbox"/>	Application Fee: Please See Fee Schedule Attached
<input type="checkbox"/>	Abutter Notification Fee: Please See Fee Schedule Attached
<input type="checkbox"/>	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 Shoreline Overlay District, a professional survey is required. Supplemental materials for the Board must be submitted no later than five (5) days before the scheduled hearing, however, adequate plans and exhibits must accompany the application. This includes, but is not limited to: lot dimensions, dimensions of proposed and existing structures, identification of abutting properties and roads, locations of water bodies, wetlands, septic systems, etc.

**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 a Special Exception from the Board of Adjustment?

Application forr STR- The property located at 35 North Shore Road is ideal as a STR as it is directly on Perkins Pond. The property is a 2 Bedroom, 1 bath home.

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

Town of Sunapee

Special Exception  
Updated January 2024

Attach additional sheets of paper as necessary.

**EXPLAIN HOW THE PROPOSAL MEETS THE SPECIAL EXCETION CRITERIA AS SPECIFIED IN ARTICLE 4, SECTION 4.15 OF THE ZONING ORDINANCE** (list all criteria from the Ordinance)

Criteria 1: please see attached

Criteria 2: please see attached

Criteria 3: please see attached

Criteria 4: please see attached

Criteria 5: please see attached

Criteria 6: \_\_\_\_\_

Criteria 7: \_\_\_\_\_

Criteria 8: \_\_\_\_\_

**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.

April Royce 4/10/24  
Landowner(s) Signature(s) Date

**Address: 35 North Shore Road:**



**Criteria 1: "That the selected site is an appropriate location for the proposed use"**

As stated, Zoning Ordinance Article 4, Section 4.10 contemplates special permits being allowed for "Short-term Rental Owner Not in Residence". This provision is relevant to my situation and there are many STRs in the neighborhood.

**Criteria 2: That adequate and safe highway access is provided to the proposed site and that there is adequate off-street parking provided for the proposed use.**

There are no hazards that would obstruct or impair emergency response vehicles to access the home. There are two parking spaces.

**Criteria 3: That adequate method of sewage disposal is available at the proposed site.**

The property has been attached to town sewer as required.

**Criteria 4: That the proposal will not be detrimental, hazardous, or injurious to the neighborhood.**

The proposal will not be detrimental, hazardous, or injurious to the neighborhood. The neighborhood already has many STRs, including the abutting property at 41 North Shore Road, and many others in the neighborhood, that have been operating within the bounds of local law for years and has not adversely impacted the community.

**Criteria 5: That the proposed use is consistent with the spirit of the Ordinance and intent of the Master Plan.**

The proposed use is consistent with the spirit of the Ordinance and intent of the Master Plan. Using our home as an STR will bring in tax revenue as well as revenue to local business. Having our home as a STR will not adversely affect the neighborhood. The home will be maintained and upkept. Having our home as a STR would not have a negative impact on the Master Plan.



## 20 feet Abutters List Report

Tri Town, NH  
April 10, 2024

### Subject Property:

Parcel Number: Sun-0115-0031-0000  
CAMA Number: Sun-0115-0031-0000  
Property Address: 35 NORTH SHORE RD

Mailing Address: ROYCE, APRIL SNOW & TANNER THO  
23 CENTRAL ST  
SUNAPEE, NH 03782

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### Abutters:

Parcel Number: Sun-0115-0030-0000  
CAMA Number: Sun-0115-0030-0000  
Property Address: NORTH SHORE RD

Mailing Address: VACATION HOMES LLC  
51 PLEASANT ST, PMB 824  
MALDEN, MA 02148

Parcel Number: Sun-0115-0031-0000  
CAMA Number: Sun-0115-0031-0000  
Property Address: 35 NORTH SHORE RD

Mailing Address: ROYCE, APRIL SNOW & TANNER THO  
23 CENTRAL ST  
SUNAPEE, NH 03782

Parcel Number: Sun-0115-0032-0000  
CAMA Number: Sun-0115-0032-0000  
Property Address: 41 NORTH SHORE RD

Mailing Address: BICK, EVAN C SOWDEN, GILLIAN L  
418 DOGFORD RD  
ETNA, NH 03750

Parcel Number: Sun-0115-0044-0000  
CAMA Number: Sun-0115-0044-0000  
Property Address: 151 PERKINS POND RD

Mailing Address: GARRAND, RALPH & NANCY  
PO BOX 353  
SUNAPEE, NH 03782



[www.cai-tech.com](http://www.cai-tech.com)

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4/10/2024

Page 1 of 1



Map Block Sub: 000115 000031 000000


Card: 1 of 1

35 NORTH SHORE RD

SUNAPEE

Printed: 01/30/2024

PICTURE



OWNER

ROYCE, APRIL SNOW & TANNER TH  
23 CENTRAL ST  
SUNAPEE, NH 03782

TAXABLE DISTRICTS

District	Percentage

BUILDING DETAILS

Model: 1 STORY FRAME CAMP  
Roof: GABLE OR HIP/ASPHALT  
Ext: ASPHALT  
Int: WALL BOARD  
Floor: INLAID SHT GDS  
Heat: WOOD/COAL/NONE  
Bedrooms: 2 Baths: 1.0  
Extra Kitchens:  
A/C: No  
Quality: 02 A/D 02 BASE -15  
Corn. Wall:  
Size Adj: 1.5143 Base Rate: RCA 80.00  
Bldg. Rate: 0.9919  
Sq. Foot Cost: \$ 79.35

BUILDING SUB AREA DETAILS

ID	Description	Area	Adj.	Effect.
BAS	FIRST FLOOR	656	1.00	656
FSP	PORCH, SCREEN,	112	0.25	28
GLA:	656	768		684

2023 BASE YEAR BUILDING VALUATION

Market Cost New: \$ 54,275  
Year Built: 1950  
Condition For Age: FAIR  
Physical:  
Functional:  
Economic:  
Temporary:  
Total Depreciation: 33 %  
Building Value: \$ 36,400

718

7

18

FSP

24

18

14

8

10

32

BAS

24

7



**Case VA 24-03 & VA 24-03 - A**  
**Parcel ID: 0118-0062-0000**

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

CASE# \_\_\_\_\_

## Zoning Board of Adjustment (ZBA) Variance Application

Questions? Please contact the Land Use & Assessing Coordinator or the Planning & Zoning Director. 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): Gretchen Hall C/O Brett W. Allard, Esq., Shaughnessy Allard, PLLC
2. Parcel ID: 118-62 3. Zoning District: RR
4. Project Location (Street & #): 46 Burma Road
5. Mailing Address: 24 Eastman Ave., Suite C3, Bedford, NH 03110
6. Phone Number: (603) 644-4357 ext. 3
7. Email: brett@salaw-nh.com

☒ **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 (under Assessing Department).

☒ **FEES:**      \_\_\_ Application Fee:      \$ 150 \* Make check payable to Town of Sunapee.  
                 \_\_\_ Abutter Notification Fee:      \$ 15 \* per abutter.      Make payable to US Post Office.

\* NOTE: Rates and fees are subject to change. For the most current rate, please check with the Town Office.

☒ **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 Shoreline Overlay District, a professional survey is required. Supplemental materials for the Board must be submitted no later than five (5) days before the scheduled hearing, however, adequate plans and exhibits must accompany the application. This includes, but is not limited to: lot dimensions, dimensions of proposed and existing structures, identification of abutting properties and roads, locations of water bodies, wetlands, septic systems, etc.

*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?

See attached.

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**Attach additional sheets of paper as necessary.**

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

Ordinance, Article 3, Section 3.10 & 3.40(c) to permit the area over the

existing deck and foundation to be converted to living space within the 50 FT waterbody setback and partially

within the 15 FT side setback.

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**Facts in support of granting the variance:**

1. Granting the variance would not be contrary to the public interest because: \_\_\_\_\_  
See attached.

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2. If the variance were granted, the spirit of the ordinance would be observed because: \_\_\_\_\_  
See attached.

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3. Granting the variance would do substantial justice because: \_\_\_\_\_  
See attached.

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4. If the variance were granted, the values of the surrounding properties would not be diminished because: \_\_\_\_\_  
See attached. \_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
See attached. \_\_\_\_\_  
\_\_\_\_\_

- and -

ii. The proposed use is a reasonable one because: \_\_\_\_\_  
See attached. \_\_\_\_\_  
\_\_\_\_\_

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. N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

  
Landowner(s) Signature(s)

3/6/2024  
Date

By: Brett W. Allard, Esq., Attorney for the Owner/Applicant



## **Introduction**

Gretchen Hall (the “Applicant”) is the owner of the approximately 0.20-acre (8,700 square foot) property situated at 46 Burma Road (Tax Parcel 118-62) along Perkins Pond. The lot is situated in the Rural Residential District. The property has about 62 feet of frontage along Burma Road and approximately 69 feet of frontage along Perkins Pond. The lot is a legal preexisting nonconforming lot of record. The cottage is situated on the westerly waterfront side of the parcel and is served by a well and municipal sewer. The existing cottage is situated entirely within the 50-foot waterbody setback. A small portion on the southerly side of the existing cottage also encroaches about 2.5 feet into the southerly side setback.

As shown on the enclosed plans, the Applicant proposes to reconstruct the cottage on its existing footprint, thereby maintaining the existing foundation. The Applicant also proposes a building addition off the easterly “road” side of the existing structure. With the exception of a small sliver of land (approximately 35 square feet) within the 50-foot waterbody setback between the easterly edge of the existing cottage and the westerly building envelope boundary that the proposed addition must cover in order to reach the building envelope (that is the subject of the special exception application submitted simultaneously herewith), the proposed addition is situated entirely within the building envelope and does not require any relief from the ZBA.

This variance application concerns only a portion of the existing cottage. The southerly portion of the cottage running the length of the building is a deck over a foundation (approximately 114 square feet). This portion of the cottage is labeled on the enclosed Existing Conditions Plan dated September 6, 2023 as a “covered concrete foundation” and is situated entirely within the 50-foot waterbody setback. A very small portion of its southerly corner (approximately 10 square feet) is also situated within the 15-foot side setback (12.5 feet from the property line, i.e., a 2.5-foot encroachment). Since the Applicant proposes to convert the area over the deck and foundation to living space, she is requesting variances from Section 3.40(c) of the zoning ordinance (waterbody setback) and Section 3.10 of the zoning ordinance (side setback) to permit same.

For the reasons set forth below, the Applicant submits that she has satisfied the five variance criteria and respectfully requests that the Board grant the variances.

### **1 & 2. Granting the variances will not be contrary to the public interest and will be consistent with the spirit of the ordinance.**

For a variance to be contrary to the public interest, the proposal has to conflict with the ordinance so much that it violates the ordinance’s basic zoning objectives. Farrar v. City of Keene, 158 N.H. 684 (2009). The relevant tests are (1) whether the proposal will alter the essential character of the neighborhood; and (2) whether it threatens the public health, safety or welfare. Id. Because it is in the public’s interest to uphold the spirit of the ordinance, the Supreme Court has held that these two criteria are related. Id. If you

meet one test you almost certainly meet the other. Id. As such, the Applicant addresses these two criteria together.

Granting the variances will not alter the essential character of the neighborhood because the property will remain consistent with the single-family residential character of the area. There is nothing about the Applicant's request that will threaten public health and safety. Indeed, if the variances are granted, the property will not be made more nonconforming relative to the distance between the cottage and reference line because the Applicant is not proposing to expand further toward the Pond. Similarly, the property will not be made more nonconforming relative to the distance between the cottage and southerly property line because the Applicant is not proposing to expand further toward that property line.

Further, if the variances are granted, the Applicant will be removing all existing outbuildings on the property. Doing so will result in the removal of four (4) encroachments within side setbacks, bringing the lot further into compliance with the zoning ordinance than it is presently in that regard. Moreover, if the variances are granted, the Applicant will be reconfiguring the existing driveway and walkway. As a result of this reconfiguration and the removal of the largest outbuilding, impervious coverage on the property will be made less nonconforming, as it will be reduced from 30.61% existing to 26.9% proposed, even with the building addition (where up to 25% impervious area is allowed on the lot). The height of all new or expanded structures will be constructed in compliance with all applicable height requirements of the zoning ordinance. Accordingly, granting the variances will not be contrary to the public interest and will be consistent with the spirit and intent of the zoning ordinance.

### **3. Granting the variances would do substantial justice.**

The Supreme Court has held that measuring substantial justice requires balancing public and private rights. "Perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice." Harborside Assocs., L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508, 515 (2011). There is no injury to the public if the variances are granted because it will allow the Applicant to realize reasonable property rights without harming abutters or developing the property in a manner out-of-character with other residences in the neighborhood – on Burma Road in particular and Perkins Pond in general.

Additionally, there is no gain to the public if the variances are denied. There is only loss to the Applicant if the variances are denied. Therefore, when balancing public and private rights, the loss to the Applicant if the variances are denied outweighs any loss or injury to the public if the variances are granted. Indeed, given the outdated condition of the existing cottage, the proposed addition is "appropriate for the area". See U-Haul Co. of New Hampshire & Vermont v. City of Concord, 122 N.H. 910, 913 (1982). Granting variances for requests that are appropriate for the area does substantial justice. Accordingly, granting the variances would do substantial justice.



**4. The values of the surrounding properties will not be diminished.**

The proposal is in harmony with the neighborhood. If the variances are granted, the property will be completely revitalized and aesthetically enhanced, which will be a benefit to surrounding property values and the neighborhood generally. Additionally, the proposed single-family residential use of the property is permitted by right, and uses permitted by right are *per se* reasonable. See Malachy Glen Assocs., Inc. v. Town of Chichester, 155 N.H. 102, 107 (2007) (permitted uses are *per se* reasonable). It is presumed that a reasonable use will not diminish the values of surrounding properties. Further, the area in which the Applicant proposes to enclose the existing deck within the side setback is extremely small (only 10 square feet), and only encroaches 2.5 feet into the setback. 12.5 feet of open space will remain between the enclosed existing deck and the southerly lot line. Therefore, surrounding property values will not be diminished if the variances are granted.

**5. Unnecessary hardship.**

Unnecessary hardship will be found when the subject property has special conditions or circumstances that distinguish it from other properties in the area and (1) there is no fair and substantial relationship between the purpose of the ordinance and the specific application of the ordinance as applied to the property; and (2) the proposed use is reasonable. See RSA 674:33.

This property has several special conditions that distinguish it from other properties in the area, the most relevant ones being the small size of the parcel and the location of the existing cottage. First, the entire cottage is situated on a foundation outside what is already a modestly sized building envelope – partially within the side setback and entirely within the waterbody setback. As a result, the creation of any additional living space above the existing footprint – even over that portion of the existing foundation that presently lacks living space – requires a waterbody setback variance. Moreover, if the existing cottage were situated only 2.5 feet to the north, the existing deck and foundation would be outside the 15-foot side setback and that setback variance would not be required to convert that area to living space. In other words, given the small size of the lot and the location of the existing cottage, the strict application of the zoning ordinance requires a variance for essentially any external redevelopment of the cottage.

Owing to these special conditions, there is no fair and substantial relationship between the purpose and application of the zoning ordinance's waterbody and side setback requirements and their application here. The property will remain consistent with the single-family residential character of the area. The property will not be made more nonconforming relative to the distance between the cottage and reference line because the Applicant is not proposing to expand further toward the Pond. Similarly, the lot will not be made more nonconforming relative to the distance between the cottage and southerly property line because the Applicant is not proposing to expand further toward same. The removal of four (4) encroaching outbuildings within side setbacks will bring the lot further into compliance with the zoning ordinance than it is presently in that regard. As a result



of the removal of the largest outbuilding and reconfigured driveway, impervious coverage on the property will be made less nonconforming even with the building addition (30.61% existing to 26.9% proposed). The side setback encroachment is extremely modest, at only 10 square feet and only 2.5 feet into the setback area. In sum, notwithstanding the conversion of deck area to living space, on balance, the property will be made less nonconforming than it presently is if the variances are granted.

Accordingly, the purposes that the zoning ordinance seeks to protect are not in any way threatened if the variances are granted. Therefore, the Applicant can show unnecessary hardship and the variances should be granted. Indeed, granting the variances will allow the Applicant to realize reasonable, constitutional property rights without harming abutters or developing the property in a manner out-of-character with other residences in the neighborhood.

**The proposed use is reasonable.**

For all of the foregoing reasons, which are incorporated herein by reference, the proposed use is reasonable. Moreover, the building addition is requested in connection with the single-family residential use of the property, which is permitted by right, and uses permitted by right are *per se* reasonable. See Malachy Glen Assocs., Inc. v. Town of Chichester, 155 N.H. 102, 107 (2007) (permitted uses are *per se* reasonable).



# 50 foot Abutters List Report

Tri Town, NH  
March 05, 2024

## Subject Property:

Parcel Number: Sun-0118-0062-0000  
CAMA Number: Sun-0118-0062-0000  
Property Address: 46 BURMA RD

Mailing Address: HALL, GRETCHEN  
PO BOX 4041  
SHREWSBURY, MA 01545

---

## Abutters:

Parcel Number: Sun-0118-0039-0000  
CAMA Number: Sun-0118-0039-0000  
Property Address: BURMA RD

Mailing Address: HALL, GRETCHEN  
PO BOX 4041  
SHREWSBURY, MA 01545

Parcel Number: Sun-0118-0040-0000  
CAMA Number: Sun-0118-0040-0000  
Property Address: BURMA RD

Mailing Address: APPLEBEE-COLE, TRACEY  
60 RONDEAU ST  
PALMER, MA 01069

Parcel Number: Sun-0118-0061-0000  
CAMA Number: Sun-0118-0061-0000  
Property Address: 48 BURMA RD

Mailing Address: APPLEBEE-COLE, TRACEY  
60 RONDEAU ST  
PALMER, MA 01069

Parcel Number: Sun-0118-0063-0000  
CAMA Number: Sun-0118-0063-0000  
Property Address: 44 BURMA RD

Mailing Address: MARTINEZ-PARIS FAMILY REVOC TR  
29 BURMA RD  
SUNAPEE, NH 03782

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

Mailing Address: LEONE, RALPH & RICHARD , ET AL  
PO BOX 98  
GRANTHAM, NH 03753



[www.cai-tech.com](http://www.cai-tech.com)

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3/5/2024

Page 1 of 1

Tracey Applebee-Cole  
60 Rondeau Street  
Palmer, MA 01069

Martinez-Paris  
Family Revocable Trust  
29 Burma Road  
Sunapee, NH 03782

Ralph Leone, Richard Leone &  
Ronald Leone  
P.O. Box 98  
Grantham, NH 03753

Gretchen Hall C/O  
Brett W. Allard, Esq.  
Shaughnessy Allard, PLLC  
24 Eastman Avenue, Suite C3  
Bedford, NH 03110

Chris Kessler, PLA  
Gradient, PLLC  
P.O. Box 311  
New London, NH 03257

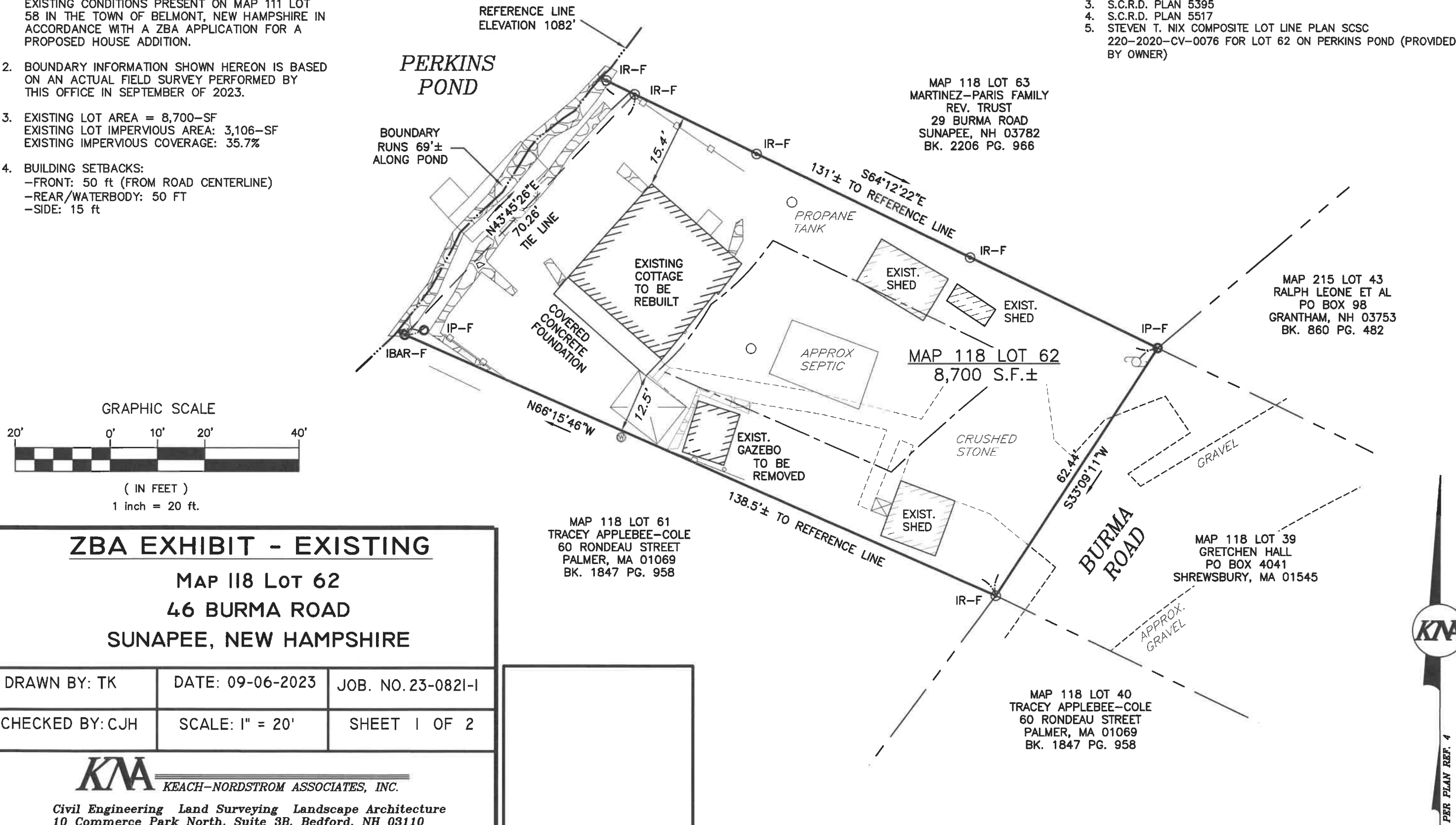
Peter White, AIA  
Peter J. White, Assoc.  
228 Main Street  
New London, NH 03257

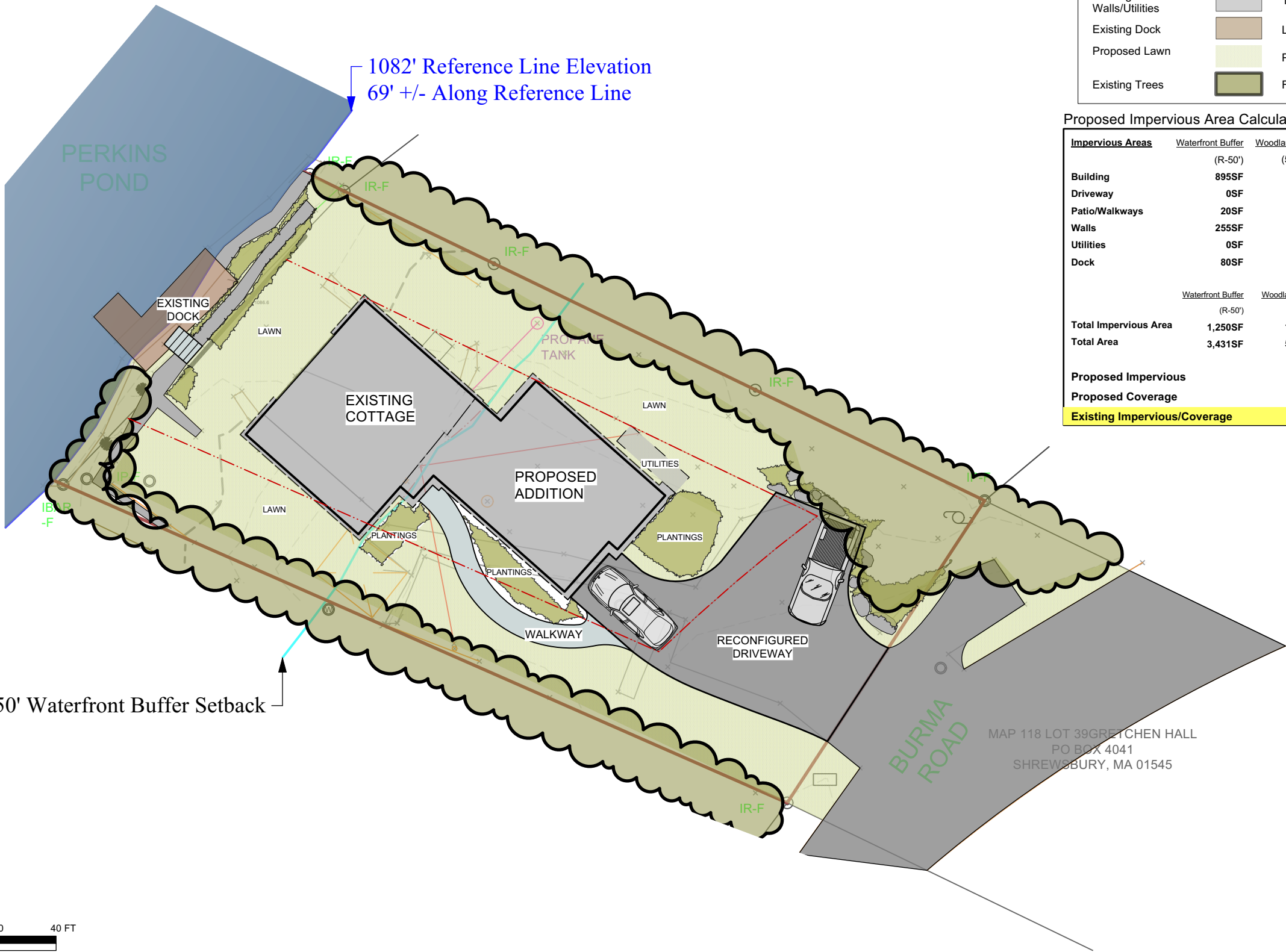
NOTES:

- 1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING CONDITIONS PRESENT ON MAP 111 LOT 58 IN THE TOWN OF BELMONT, NEW HAMPSHIRE IN ACCORDANCE WITH A ZBA APPLICATION FOR A PROPOSED HOUSE ADDITION.
- 2. BOUNDARY INFORMATION SHOWN HEREON IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED BY THIS OFFICE IN SEPTEMBER OF 2023.
- 3. EXISTING LOT AREA = 8,700-SF  
EXISTING LOT IMPERVIOUS AREA: 3,106-SF  
EXISTING IMPERVIOUS COVERAGE: 35.7%
- 4. BUILDING SETBACKS:  
-FRONT: 50 ft (FROM ROAD CENTERLINE)  
-REAR/WATERBODY: 50 FT  
-SIDE: 15 ft

REFERENCE PLANS

- 1. S.C.R.D. PLAN DR05-0088
- 2. S.C.R.D. PLAN DR05-0162
- 3. S.C.R.D. PLAN 5395
- 4. S.C.R.D. PLAN 5517
- 5. STEVEN T. NIX COMPOSITE LOT LINE PLAN SCSC 220-2020-CV-0076 FOR LOT 62 ON PERKINS POND (PROVIDED BY OWNER)





Legend

Proposed Building

Proposed Driveway

Proposed Walkway/  
Patio

Existing  
Walls/Utilities

Existing Dock

Proposed Lawn

Existing Trees

Property Line

Existing Major Contour

Existing Minor Contour

1082' Reference Line

Lake Setback Lines

Property Setback Lines

Feature Stone

Proposed Impervious Area Calculations

Impervious Areas	Waterfront Buffer (R-50')	Woodland Buffer (50'-150')	Protected Shoreland (150'-250')	Total (R-250')
Building	895SF	855SF	0SF	1,750SF
Driveway	0SF	0SF	0SF	0SF
Patio/Walkways	20SF	105SF	0SF	125SF
Walls	255SF	0SF	0SF	255SF
Utilities	0SF	50SF	0SF	50SF
Dock	80SF	0SF	0SF	80SF
	Waterfront Buffer (R-50')	Woodland Buffer (50'-150')	Protected Shoreland (150'-250')	Total (R-250')
Total Impervious Area	1,250SF	1,010SF	0SF	2,260SF
Total Area	3,431SF	5,297SF	0SF	8,728SF
Proposed Impervious	25.89%			
Proposed Coverage	39.90%			
Existing Impervious/Coverage	30.61%			

N

Description

#

Date

Revisions

Gretchen Hall  
46 Burma Road  
Sunapee, NH

GRADIENT

LANDSCAPE ARCHITECTS

P.O. Box 311 | New London | NH | 03257

Project Name:  
Hall Property

Drawing Title:  
Conceptual Master Plan

Project Manager:  
Chris Kessler

Drawn By:  
C. Kessler

Date:  
5 March 2024

Scale:  
1" = 20'

CMP1

**Case VA 24-04**  
**Parcel ID: 0118-0062-0000**



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

CASE# \_\_\_\_\_

## Zoning Board of Adjustment (ZBA) Variance Application

Questions? Please contact the Land Use & Assessing Coordinator or the Planning & Zoning Director. 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): Gretchen Hall C/O Brett W. Allard, Esq., Shaughnessy Allard, PLLC
2. Parcel ID: 118-62 3. Zoning District: RR
4. Project Location (Street & #): 46 Burma Road
5. Mailing Address: 24 Eastman Ave., Suite C3, Bedford, NH 03110
6. Phone Number: (603) 644-4357 ext. 3
7. Email: brett@salaw-nh.com

☒ **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 (under Assessing Department).

☒ **FEES:**             Application Fee:      \$ 150 \* Make check payable to Town of Sunapee.  
                        Abutter Notification Fee:      \$ 15 \* per abutter.      Make payable to US Post Office.

\* NOTE: Rates and fees are subject to change. For the most current rate, please check with the Town Office.

☒ **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 Shoreline Overlay District, a professional survey is required. Supplemental materials for the Board must be submitted no later than five (5) days before the scheduled hearing, however, adequate plans and exhibits must accompany the application. This includes, but is not limited to: lot dimensions, dimensions of proposed and existing structures, identification of abutting properties and roads, locations of water bodies, wetlands, septic systems, etc.

*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?

See attached.

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**Attach additional sheets of paper as necessary.**

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

Ordinance, Article 3, Section 3.40(c) to permit construction of

an approximately 35 square foot structure approximately 47 feet from the reference line of Perkins Pond

connecting an existing cottage to a proposed building addition within the building envelope where a 50-foot

waterbody setback is required.

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**Facts in support of granting the variance:**

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

See attached.

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

See attached.

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3. Granting the variance would do substantial justice because: \_\_\_\_\_

See attached.

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4. If the variance were granted, the values of the surrounding properties would not be diminished because: \_\_\_\_\_  
See attached. \_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
See attached. \_\_\_\_\_  
\_\_\_\_\_

- and -

ii. The proposed use is a reasonable one because: \_\_\_\_\_  
See attached. \_\_\_\_\_  
\_\_\_\_\_

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. N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

 \_\_\_\_\_  
Landowner(s) Signature(s) Date 3/21/24

By: Brett W. Allard, Esq., Attorney for the Owner/Applicant

## **Introduction**

Gretchen Hall (the “Applicant”) is the owner of the approximately 0.20-acre (8,700 square foot) property situated at 46 Burma Road (Tax Parcel 118-62) along Perkins Pond. The lot is situated in the Rural Residential District. The property has about 62 feet of frontage along Burma Road and approximately 69 feet of frontage along Perkins Pond. The lot is a legal preexisting nonconforming lot of record. The cottage is situated on the westerly waterfront side of the parcel and is served by a well and municipal sewer. The existing cottage is situated entirely within the 50-foot waterbody setback. A small portion on the southerly side of the existing cottage also encroaches about 2.5 feet into the southerly side setback.

As shown on the enclosed plans, the Applicant proposes to reconstruct the cottage on its existing footprint, thereby maintaining the existing foundation. The Applicant also proposes a building addition off the easterly “road” side of the existing structure. This application concerns only this building addition because it must cover a small sliver of land (approximately 35 square feet) within the 50-foot waterbody setback between the easterly edge of the existing cottage and the westerly building envelope boundary in order to reach the building envelope where the balance of the addition will be constructed by right.

For the reasons set forth below, the Applicant submits that she has satisfied the five variance criteria and respectfully requests that the Board grant the variances.

### **1 & 2. Granting the variance will not be contrary to the public interest and will be consistent with the spirit of the ordinance.**

For a variance to be contrary to the public interest, the proposal has to conflict with the ordinance so much that it violates the ordinance’s basic zoning objectives. Farrar v. City of Keene, 158 N.H. 684 (2009). The relevant tests are (1) whether the proposal will alter the essential character of the neighborhood; and (2) whether it threatens the public health, safety or welfare. Id. Because it is in the public’s interest to uphold the spirit of the ordinance, the Supreme Court has held that these two criteria are related. Id. If you meet one test you almost certainly meet the other. Id. As such, the Applicant addresses these two criteria together.

Granting the variance will not alter the essential character of the neighborhood because the property will remain consistent with the single-family residential character of the area. Indeed, granting the variance will allow the existing cottage to be connected to the dwelling proposed within the building envelope, and the spirit of the zoning ordinance in the Rural Residential District favors a single dwelling over multiple disconnected dwellings on the same lot. There is nothing about the Applicant’s request that will threaten public health and safety. Further, if the variance is granted, the property will not be made more nonconforming relative to the distance between the cottage and reference line because the Applicant is not proposing to expand further toward the Pond.

Moreover, the Town has taken the position that the Applicant only needs a variance for the purposed connector building addition because she is simultaneously seeking variances to permit reconstruction of the existing cottage within the waterbody and side setbacks. If the Applicant did not need those variances, a special exception could be obtained for the connector addition pursuant to Section 3.50(k) of the zoning ordinance. If Section 3.50(k) were available to the Applicant, all three criteria would be unequivocally satisfied because the proposed addition (1) is more than 40 feet from Perkins Pond; (2) is on the side of the existing cottage that faces away from the Pond; and (3) is not higher than 25 feet from the finished grade at its tallest point.

Further, if the variances are granted, the Applicant will be removing all existing outbuildings on the property. Doing so will result in the removal of four (4) encroachments within side setbacks, bringing the lot further into compliance with the zoning ordinance than it is presently in that regard. Moreover, if the variances are granted, the Applicant will be reconfiguring the existing driveway and walkway. As a result of this reconfiguration and the removal of the largest outbuilding, impervious coverage on the property will be made less nonconforming, as it will be reduced from 30.61% existing to 25.89% proposed, even with the building addition (where up to 25% impervious area is allowed on the lot). The height of all new or expanded structures will be constructed in compliance with all applicable height requirements of the zoning ordinance. Accordingly, granting the variances will not be contrary to the public interest and will be consistent with the spirit and intent of the zoning ordinance.

### **3. Granting the variance would do substantial justice.**

The Supreme Court has held that measuring substantial justice requires balancing public and private rights. “Perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” Harborside Assocs., L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508, 515 (2011). There is no injury to the public if the variance is granted because it will allow the Applicant to realize reasonable property rights without harming abutters or developing the property in a manner out-of-character with other residences in the neighborhood – on Burma Road in particular and Perkins Pond in general.

Additionally, there is no gain to the public if the variance is denied. There is only loss to the Applicant if the variance is denied. Therefore, when balancing public and private rights, the loss to the Applicant if the variance is denied outweighs any loss or injury to the public if the variance is granted. Indeed, the proposed addition is “appropriate for the area”. See U-Haul Co. of New Hampshire & Vermont v. City of Concord, 122 N.H. 910, 913 (1982). Granting variances for requests that are appropriate for the area does substantial justice. Accordingly, granting the variance would do substantial justice.

### **4. The values of the surrounding properties will not be diminished.**

The proposal is in harmony with the neighborhood. If the variances are granted, the property will be completely revitalized and aesthetically enhanced, which will be a

benefit to surrounding property values and the neighborhood generally. Additionally, the proposed single-family residential use of the property is permitted by right, and uses permitted by right are *per se* reasonable. See Malachy Glen Assocs., Inc. v. Town of Chichester, 155 N.H. 102, 107 (2007) (permitted uses are *per se* reasonable). It is presumed that a reasonable use will not diminish the values of surrounding properties. Further, this variance application only seeks to permit construction of an approximately 35 square foot building addition ranging from 47 feet to 49 feet from the reference line of the Pond. Granting this variance to allow for such a small addition one to three feet from the permitted building envelope will not diminish the value of surrounding properties. Therefore, surrounding property values will not be diminished if the variance is granted.

## **5. Unnecessary hardship.**

Unnecessary hardship will be found when the subject property has special conditions or circumstances that distinguish it from other properties in the area and (1) there is no fair and substantial relationship between the purpose of the ordinance and the specific application of the ordinance as applied to the property; and (2) the proposed use is reasonable. See RSA 674:33.

As discussed above, the Town has taken the position that the Applicant only needs a variance for the purposed connector building addition because she is simultaneously seeking variances to permit reconstruction of the existing cottage within the waterbody and side setbacks. If the Applicant did not need those variances, a special exception could be obtained for this connector addition pursuant to Section 3.50(k) of the zoning ordinance, and, as discussed above, the Applicant would satisfy all three criteria. The Town's reasoning is that Section 3.50(k) relates to alterations to grandfathered structures and, once a variance is granted, the structure is no longer grandfathered, but rather, is permitted by variance, so the special exception provision of Section 3.50(k) would no longer be applicable. It is precisely these types of unusual and unique circumstances inherent in the specific, strict application of the zoning ordinance for which the variance mechanism is designed to provide relief to landowners. See NH Practice 15 – Land Use, Planning, and Zoning, Peter Loughlin at 24.03 (variances are “designed to correct maladjustments and inequities in the operation of zoning regulations”); see also Bacon v. Town of Enfield, 150 N.H. 468, 477 (2004) (the variance is designed to operate as zoning's constitutional “safety valve”).

This property has several special conditions that distinguish it from other properties in the area, the most relevant ones being the small size of the parcel and the location of the existing cottage. First, the entire cottage is situated on a foundation outside what is already a modestly sized building envelope – entirely within the waterbody setback. As a result, the construction of even a modest 35 square foot addition requires a waterbody setback variance. In other words, given the small size of the lot and the location of the existing cottage, the strict application of the zoning ordinance requires a variance for essentially any external redevelopment of the cottage.



Owing to these special conditions, there is no fair and substantial relationship between the purpose and application of the zoning ordinance's waterbody setback requirement and its application here. The property will remain consistent with the single-family residential character of the area. The property will not be made more nonconforming relative to the distance between the cottage and reference line because the Applicant is not proposing to expand further toward the Pond. The removal of four (4) encroaching outbuildings within side setbacks will bring the lot further into compliance with the zoning ordinance than it is presently in that regard. As a result of the removal of the largest outbuilding and reconfigured driveway, impervious coverage on the property will be made less nonconforming even with the building addition (30.61% existing to 25.89% proposed). The proposed waterbody setback encroachment is extremely modest – 35 square feet – and is a mere one to three feet from the building envelope. This variance is only required in order to connect the existing cottage to the building addition within the permitted envelope. In sum, notwithstanding the proposed connector addition, on balance, the property will be made less nonconforming than it presently is if the variance is granted.

Accordingly, the purposes that the zoning ordinance seeks to protect are not in any way threatened if the variance is granted. Therefore, the Applicant can show unnecessary hardship and the variance should be granted. Indeed, granting the variance will allow the Applicant to realize reasonable, constitutional property rights without harming abutters or developing the property in a manner out-of-character with other residences in the neighborhood.

**The proposed use is reasonable.**

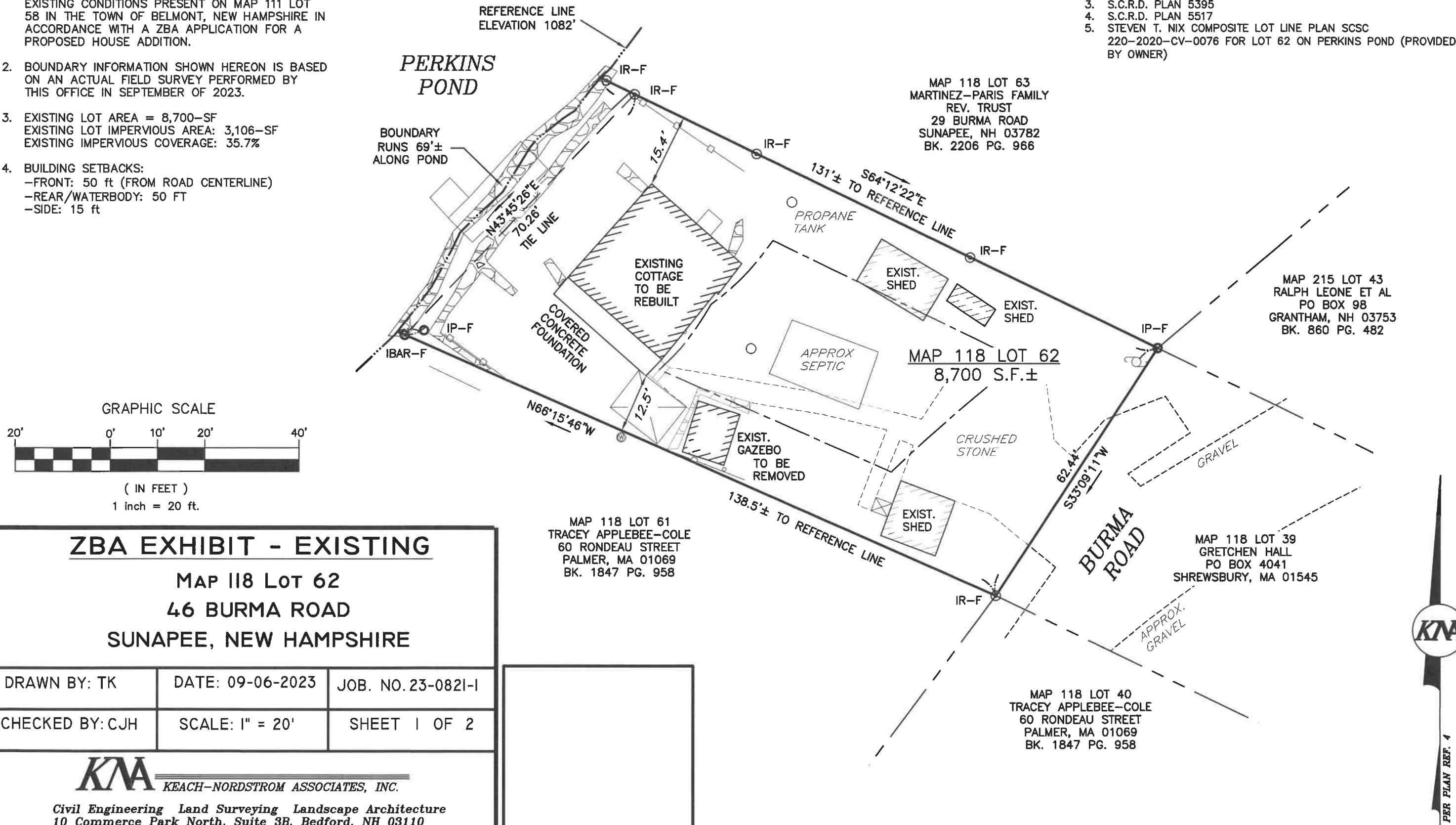
For all of the foregoing reasons, which are incorporated herein by reference, the proposed use is reasonable. Moreover, the building addition is requested in connection with the single-family residential use of the property, which is permitted by right, and uses permitted by right are *per se* reasonable. See Malachy Glen Assocs., Inc. v. Town of Chichester, 155 N.H. 102, 107 (2007) (permitted uses are *per se* reasonable).

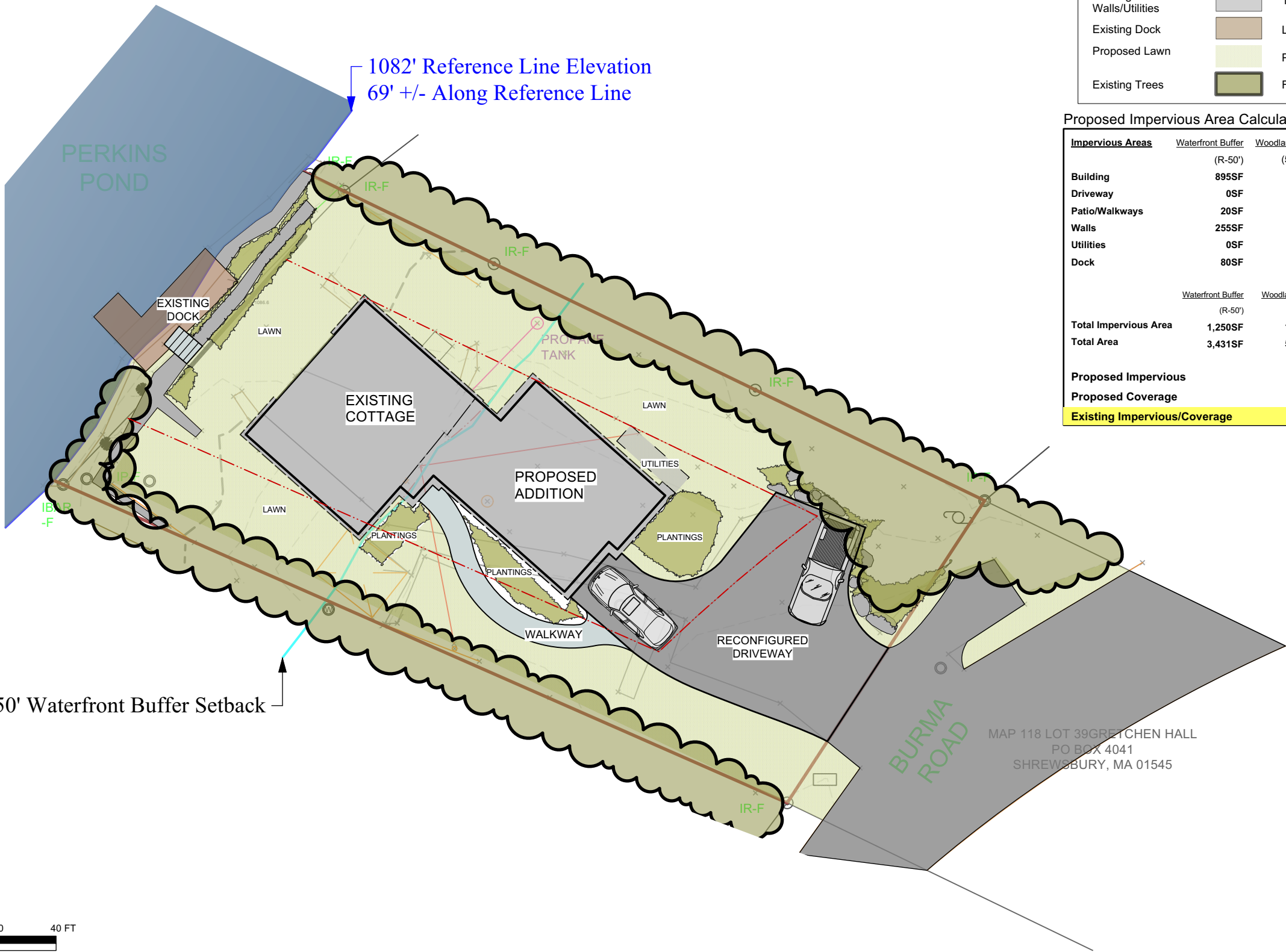
NOTES:

- 1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING CONDITIONS PRESENT ON MAP 111 LOT 58 IN THE TOWN OF BELMONT, NEW HAMPSHIRE IN ACCORDANCE WITH A ZBA APPLICATION FOR A PROPOSED HOUSE ADDITION.
- 2. BOUNDARY INFORMATION SHOWN HEREON IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED BY THIS OFFICE IN SEPTEMBER OF 2023.
- 3. EXISTING LOT AREA = 8,700-SF  
EXISTING LOT IMPERVIOUS AREA: 3,106-SF  
EXISTING IMPERVIOUS COVERAGE: 35.7%
- 4. BUILDING SETBACKS:  
-FRONT: 50 ft (FROM ROAD CENTERLINE)  
-REAR/WATERBODY: 50 FT  
-SIDE: 15 ft

REFERENCE PLANS

- 1. S.C.R.D. PLAN DR05-0088
- 2. S.C.R.D. PLAN DR05-0162
- 3. S.C.R.D. PLAN 5395
- 4. S.C.R.D. PLAN 5517
- 5. STEVEN T. NIX COMPOSITE LOT LINE PLAN SCSC 220-2020-CV-0076 FOR LOT 62 ON PERKINS POND (PROVIDED BY OWNER)





Legend

Proposed Building

Proposed Driveway

Proposed Walkway/  
Patio

Existing  
Walls/Utilities

Existing Dock

Proposed Lawn

Existing Trees

Property Line

Existing Major Contour

Existing Minor Contour

1082' Reference Line

Lake Setback Lines

Property Setback Lines

Feature Stone

Proposed Impervious Area Calculations

Impervious Areas	Waterfront Buffer (R-50')	Woodland Buffer (50'-150')	Protected Shoreland (150'-250')	Total (R-250')
Building	895SF	855SF	0SF	1,750SF
Driveway	0SF	0SF	0SF	0SF
Patio/Walkways	20SF	105SF	0SF	125SF
Walls	255SF	0SF	0SF	255SF
Utilities	0SF	50SF	0SF	50SF
Dock	80SF	0SF	0SF	80SF
	Waterfront Buffer (R-50')	Woodland Buffer (50'-150')	Protected Shoreland (150'-250')	Total (R-250')
Total Impervious Area	1,250SF	1,010SF	0SF	2,260SF
Total Area	3,431SF	5,297SF	0SF	8,728SF
Proposed Impervious				25.89%
Proposed Coverage				39.90%
Existing Impervious/Coverage				30.61%

N

Description

#

Date

Revisions

Gretchen Hall  
46 Burma Road  
Sunapee, NH

GRADIENT

LANDSCAPE ARCHITECTS

P.O. Box 311 | New London | NH | 03257

Project Name:  
Hall Property

Drawing Title:  
Conceptual Master Plan

Project Manager:  
Chris Kessler

Drawn By:  
C. Kessler

Date:  
5 March 2024

Scale:  
1" = 20'

CMP1



# 50 foot Abutters List Report

Tri Town, NH  
March 05, 2024

## Subject Property:

Parcel Number: Sun-0118-0062-0000  
CAMA Number: Sun-0118-0062-0000  
Property Address: 46 BURMA RD

Mailing Address: HALL, GRETCHEN  
PO BOX 4041  
SHREWSBURY, MA 01545

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## Abutters:

Parcel Number: Sun-0118-0039-0000  
CAMA Number: Sun-0118-0039-0000  
Property Address: BURMA RD

Mailing Address: HALL, GRETCHEN  
PO BOX 4041  
SHREWSBURY, MA 01545

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Parcel Number: Sun-0118-0040-0000  
CAMA Number: Sun-0118-0040-0000  
Property Address: BURMA RD

Mailing Address: APPLEBEE-COLE, TRACEY  
60 RONDEAU ST  
PALMER, MA 01069

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Parcel Number: Sun-0118-0061-0000  
CAMA Number: Sun-0118-0061-0000  
Property Address: 48 BURMA RD

Mailing Address: APPLEBEE-COLE, TRACEY  
60 RONDEAU ST  
PALMER, MA 01069

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Parcel Number: Sun-0118-0063-0000  
CAMA Number: Sun-0118-0063-0000  
Property Address: 44 BURMA RD

Mailing Address: MARTINEZ-PARIS FAMILY REVOC TR  
29 BURMA RD  
SUNAPEE, NH 03782

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

Mailing Address: LEONE, RALPH & RICHARD , ET AL  
PO BOX 98  
GRANTHAM, NH 03753

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[www.cai-tech.com](http://www.cai-tech.com)

3/5/2024

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Page 1 of 1