

TOWN OF SUNAPEE ZONING BOARD OF ADJUSTMENT

**A PUBLIC HEARING WILL BE HELD AT THE TOWN
MEETING ROOM LOCATED AT 23 EDMONT ROAD
ROOM ON THURSDAY, August 1, 2019 AT 7:00 PM ON THE
FOLLOWING CASES:**

**Case #ZBA19-13
Parcel ID:
0114-0001-0002**

**Special Exception per Article IV,
Section 4.15
to operate a dog kennel as allowed
by special exception in the RR
district.
Zone RR
OWNERS: 0 Sunny Lane, LLC
APPLICANT: Susan and George
Neuwirt
LOCATION: Intersection of Sunny
Ln. & Cary Farm Rd.**

MISC.

**Review Minutes from Previous
Meeting(s)**

NOTE:

In the event the meeting is cancelled, the Agenda will be continued to the next scheduled Zoning Board meeting.



TOWN OF SUNAPEE
23 Edgemont Road
Sunapee, New Hampshire 03782-0717
www.town.sunapee.nh.us

DATE: July 18, 2019

TO: ZBA

FROM: Nicole Gage, Zoning Administrator

RE: Case #ZBA19-13
Parcel ID:
0114-0001-0001

Special Exception per Article IV,
Section 4.15
to operate a dog kennel as allowed by special
exception in the RR district.
Zone RR
OWNERS: 0 Sunny Lane, LLC
APPLICANT: Susan and George Neuwirt
LOCATION: Intersection of Sunny Ln. & Cary Farm
Rd.

Comments:

1. Zoned RR (Rural Residential)
2. This is an undeveloped lot, recently created through a 2-lot subdivision. It is approx. 2.88 acres with some wetlands, and frontage on a Class 5 Road (Sunny Ln.) and a Class 6 (Cary Farm Rd, i.e. Old NH Route 11).
3. This parcel is not yet showing up on the online assessing map because it is a newly created lot that will get picked up by the assessors at the end of their yearly cycle.
4. I contacted Town Counsel regarding allowing commercial use off a Class 6, and whether the owner would need to sign a waiver to release the town from liability (per RSA 674:41.I.c).
5. I notified Highway Department and Police Department to see if they have any comments.
6. If allowed, this would be a mixed use of residential (single family?) and commercial (kennel) and would thus require Site Plan approval from the Planning Board next.

Lot History:

7. The lot was recently created through a 2-lot subdivision and then amended by the Planning Board on 3/14/2019 to show an alternate proposed drive off of Cary Farm Road, which is a Class 6 road (see enclosed copy of plan).
8. Driveway Permit #419D was issued 1/14/2019 with the condition "owner shall be responsible for all tree removal and roadway/driveway maintenance."

Ordinance Reference:

Section 4.10	p. 18-19	RR district, Permitted by Special Exception
Section 4.15	p. 19	Special Exception Criteria for Uses

RECEIVED

JUN 26 2019

CASE# ZBA19-13

TOWN OF
SUNAPEE

Town of Sunapee
Zoning Board of Adjustment

(150.00)

Special Exception

1. Landowner(s) Name(s): James & Elizabeth Woodley 2. Parcel ID# 114 Lot #2
3. Zoning District: RR
4. Project Location (Street & #): 8 Sunny Lane
5. Mailing Address: 77 Upper Bay Road Sunapee, NH 03782
6. Phone Number _____
7. Reason the Special Exception is necessary: To operate a dog kennel as allowed
by special exception in the RR district.

•All applications seeking relief from setback requirements on lakefront properties must be accompanied with a professional recorded survey of the property and building location(s).

•Important-Your property has to be identified with your street number or name-without this identification your hearing may be continued to a later date.

•Please use the abutter list form, which is attached, for your abutters' mailing list.

•IMPORTANT: Review application deadline dates for a timely submission.

•Base Fee-See Zoning Administrator for Fee Schedule.

Please sign the following statement: 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 to visit the subject property prior to the public hearing. To the best of my knowledge, the above is true and correct.

James & Elizabeth Woodley (Agent) 6/26/19
Landowner(s) Signature(s) Date

Description of proposed use, showing justification for a Special Exception as specified in the Zoning Ordinance, Article 4.15 Section IV.

My intention is to build a modest home with a fenced in area for the purpose of pet sitting dogs within my home. The dogs would be inside my home the majority of the

time, occasionally going outside in the fenced in area. At no time will they be left outside unattended to bark. I will be home with them all day. Traffic will be extremely limited because customers drop off their dogs for days or weeks at a time while they are on vacation. The use is a permitted special exception as set forth in the Sunapee RR Zoning Uses. The use is designed, located and proposed to be operated in such a way that the public health, safety and welfare will be protected. The proposed use is compatible with the zone district. There will be adequate off street parking for 5+ vehicles. The proposed use conforms with all applicable regulations governing the location. The proposed use will not adversely affect surrounding property values because this is a very low impact business and is allowed by special exception in this district. The lot is large and wooded to provide a buffer between neighboring properties.

Special Exception Criteria:

- #1 The selected site is an appropriate location for a kennel because the zoning of this site allows kennels by special exception.
- #2 There is adequate and safe highway access provided. This lot is located at the end of a dead end road. No one needs to nor does the road go past this lot. There will be 5+ off street parking spaces.
- #3 A new state approved and inspected septic system will be installed on the property.
- #4 The use is designed, located and proposed to not be detrimental, hazardous or injurious to the neighborhood. (Located at the end of a dead end road, off street parking, fenced in area, wooded buffer, etc.)
- #5 The proposed use is consistent with the spirit of the Ordinance and the intent of the Master Plan by the very fact that it is specifically allowed by special exception.

Dear Zoning Board of Adjustment,

July 12, 2019

My name is Jim Woodley, manager of 0 Sunny Lane LLC that is the owner of the lot closest to the property on Sunny Lane and Carey Farm Road for which Susan Neuwirt is seeking a special exception. I am in full support of her dog sitting venture and ask that you grant the special exception. As I understand the property is going to be developed in such a way that there will be a wooded buffer zone left intact around the perimeter. The entrance to the property will be from the very end of Cary Farm Road up in the woods. The fenced in area for the dogs will not be visible from Sunny Lane nor from any of properties that are on Cary Farm Road. It really is as ideal a location as you could have for this sort of endeavor. As a real estate broker I definitely would not be in favor of this if I thought it would devalue my own abutting parcel.

Sincerely,

A handwritten signature in cursive script that reads "Jim Woodley".

Jim Woodley



Dear Zoning Board of Adjustment,

My name is Jim Woodley and I own the lot closest to the property on Sunny Lane for which Susan Neuwirt is seeking a special exception. I am in full support of her dog sitting venture and ask that you grant the special exception. As I understand the property is going to be developed in such a way that there will be a wooded buffer zone left intact around the perimeter. The entrance to the property will be from the very end of Cary Farm Road up in the woods. The fenced in area for the dogs will not be visible from Sunny Lane nor from any of properties that are on Cary Farm Road. It really is as ideal a location as you could have for this sort of endeavor. As a realtor, I definitely would not be in favor of this if I thought it would devalue my own abutting parcel.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Woodley", with a long horizontal flourish extending to the right.

Jim Woodley

41
.80 Ac

42
1.90 Ac

2
210 Ac

32
2.70 Ac

31
2.70 Ac

1
4.3 AcC

30
52 AcC

LANE

SUNNY LANE

ROUTE 11

(Before Subdivision)

OLD ROUTE 11 DISCONTINUED

OLD ROUTE 11 DISCONTINUED

Survey Plan Notes:

"James and Elizabeth E. Woodley"

Boundary Line Subdivision Plan Parcel 1 & 2

Tax Map 114 Lot 1

77 Upper Bay Road Sunapee, NH 03782

Date: August 30, 2018

Surveyed by: Clayton E. Platt LLS # 833

Pennyroyal Hill Land Surveying & Forestry LLC

414 Pine Hill Road Croydon, NH 03773

Date: Revised: January 28, 2019

Recorded Sullivan County Registry of Deeds

Date: February 15, 2019

Plan #: 5253

Zone: RR

FEMA FLOOD MAP:

Map Number: 33019C0215E

Effective Date: May 23, 2006

Zone X

Minimal Flood Hazard

Legend:

- Station Points
- Existing Elevation Points = 09.34
- Tree & Bush Line
- Property Markers IR / IP / GB
- Shoreline / Wetland
- Trees
 - Fruit
 - Pine
 - Maple
 - Spruce
 - Pine
 - Elm
 - Shrub
 - Bushes
- Setback Line
- Property Line
- Utility Pole
- Stone Wall
- Boulders
- Wire Fence
- USGS Topo

Tax Map 215 Lot 30
Timber Rock Trust
Edwin & Denise Preston Trustees
P.O. Box 446
Georges Mills, NH 03751

Tax Map 215 Lot 31
Leona Mark
P.O. Box 1
20 Boward Drive
Enfield, NH 03748

Tax Map 114 Lot 1
O Sunny Lane, LLC
77 Upper Bay Road
Sunapee, NH 03782



Old Rt. 11 & Sunny Lane Sunapee, NH 03782
(Not to Scale)

SOIL REFERENCE:

SULLIVAN COUNTY SOIL SURVEY
USDA

1. MwC / Monadnock-Lyman-Rock
Outcrop Complex
8 to 15% Slope
2. MbC / Marlow Fine Sandy Loam
8 to 15% Slope
Very Stony
3. PIB / Pillsbury Fine Sandy Loam
0 to 8% Slope
Very Stony

Tax Map 114 Lot 2

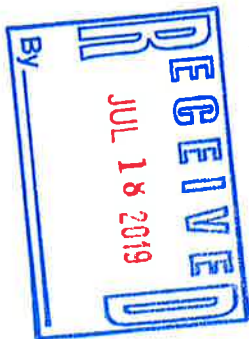
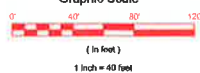
To New London
NH Route 11
To Sunapee Harbor

PLAN NOTES:

A This Site Plan is for a 2 Bedroom 25'X40' House with a Deck and a Kennel 12'X16' for 15 dogs with a Fence In Open Area of 4000sq ft. Plus a Garage 24'X24'. The Kennel will have its own Septic Tank and share a Common Leach Field.

PROPOSED SITE PLAN

Graphic Scale



Lot# Tax Map 114 Lot 01

Book: 2049 Page: 610

2.58 Acres +/-

Street: Old Rt. 11 Access Driveway Easement

Town: Sunapee, NH 037482

Owner: James & Elizabeth E. Woodley

Date: July 17, 2019

Revisions

1. 2/18/2015
- 2.
- 3.



Plan Drawn by:
Ruger Rodowski
South Sutton, NH

Riverside
Land Planning & Surveying
P.O. Box 100, 100 Sunapee, NH 03782
Tel: (603) 237-8822 Fax: (603) 237-8822
Cell: (603) 237-8822

2018 OBSERVED MAGNETIC

No property
card yet
available for
lot 1

**COPY OF
Modified
Subd. Plan
approved
by 3-14-19**

The Subdivision Regulations of the Town of Sunapee are a part of this plan and approval of this plan is contingent on the complete compliance with said Subdivision Regulations excepting only any variances or modifications permitted by the Board and approved hereof.

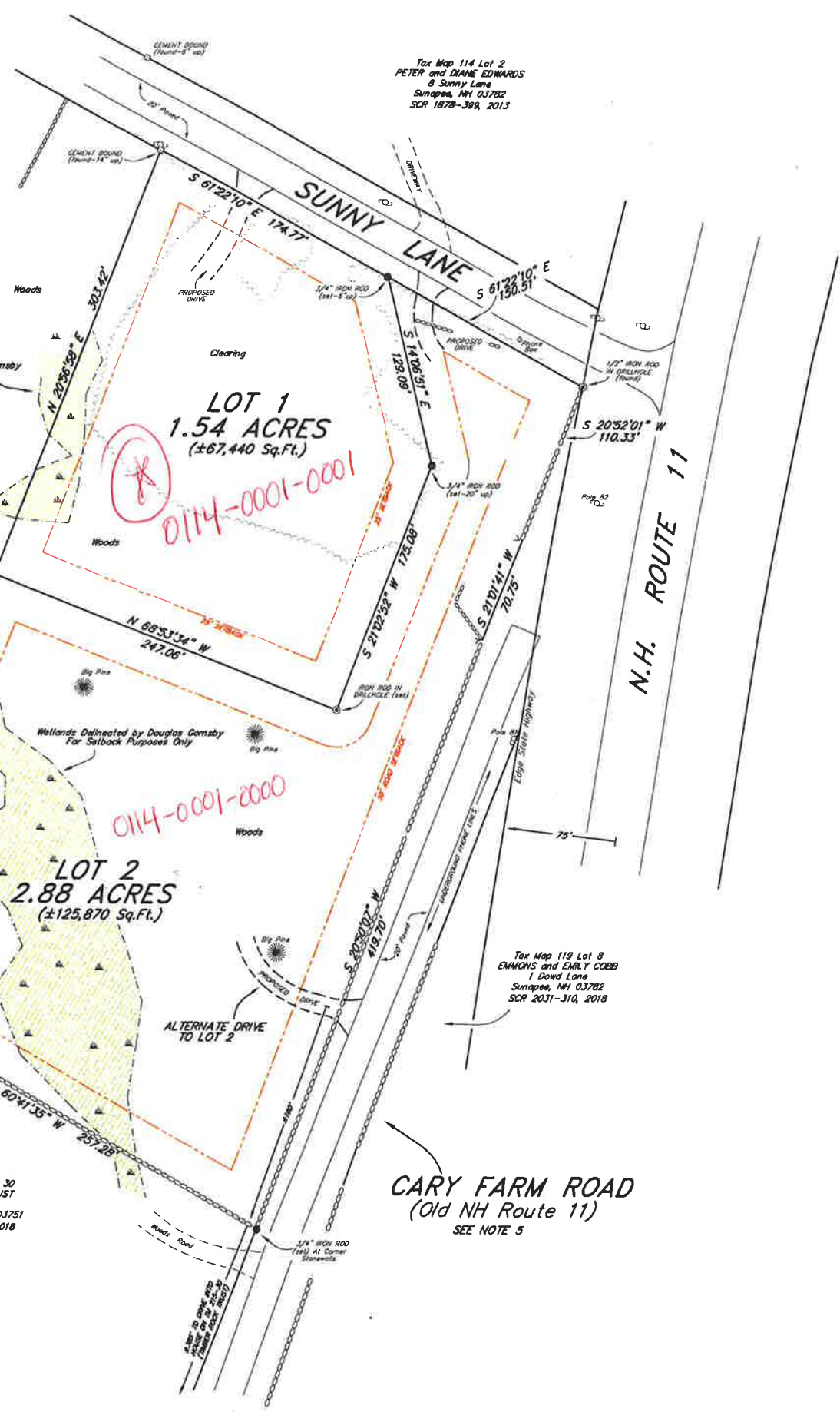
APPROVED BY THE SUNAPEE, N.H. PLANNING BOARD
by 3-14-19

Tax Map 215 Lot 31
LEENA MARK
PO Box 1
Sunapee, NH 03782
SCR 694-129, 1981

Tax Map 215 Lot 30
TIMBER ROCK TRUST
PO Box 448
Georges Mills, NH 03751
SCR 2031-310, 2018

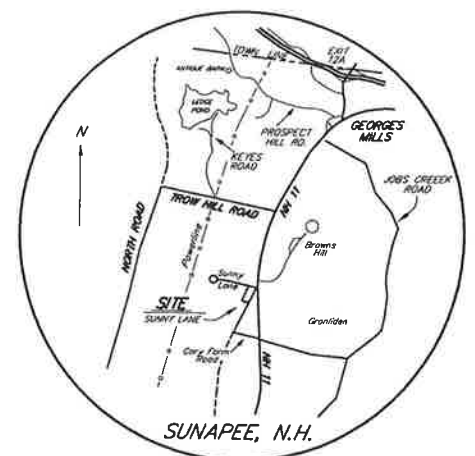
Tax Map 114 Lot 2
PETER and DIANE EDWARDS
8 Sunny Lane
Sunapee, NH 03782
SCR 1878-399, 2013

Tax Map 119 Lot 8
EMMONS and EMILY COBB
1 Dowd Lane
Sunapee, NH 03782
SCR 2031-310, 2018



KEY

- Boundary Stone Wall
- Interior Stone Wall
- 1/2" Iron Pipe (found) - or as noted
- 3/4" Iron Rod (set- 8/2018) or as noted
- Iron Rod in Drift Hole (set- 2018) or as noted
- Cement Bound (found)
- Edge Paved Road/ Drive
- Edge Gravel Road/ Drive
- Culvert
- Utility Pole w/ Overhead Lines
- Edge Wetland (See Note 6)



LOCUS

NOTES

- Deed References:
 - A. SCR Book 2039 Page 748, Teresa Hoarmer et al to James and Elizabeth Woodley, June 5, 2018.
 - B. SCR Book 391 Page 263, Errol and Anna Janson to Emil Bochman, January 1, 1987.
 - C. SCR Book 2049 Page 670, James and Elizabeth Woodley to O Sunny Lane LLC, September 12, 2018.
- This plan is the result of a Nikon total station survey July 11, 2018, having a control traverse relative error of closure greater than 1: 7,500.
- The purpose of this plan is to show the final boundaries for a proposed two lot subdivision of the Woodley property. See a Topographic and Soils Plan by this office for all topography and soils information.
- This property is located in Rural Residential Zoning District; the required building setbacks are 50' from the centerline of Sunny Lane and Old Route 11 (Cary Farm Road), and 25' from side and rear lines.
- Old Route 11 is a Town Highway turned over to the municipality by the NHDOT when new Route 11 was constructed. See a letter from NHDOT to the Town, dated November 29, 1960. The town road agent lists this as a Class B highway.
- See test pit logs and wetlands certification by Douglas Gamady, Designer 1753, dated July 18, 2018.
- See NHDES State Subdivision Approval No. eSA2018082102, August 21, 2018.

REFERENCE PLANS

- SCR P601, Pl. 10, Fl. 04, No. 27 - "Subdivision Plan For Errol and Anna Janson..." by John Morse, July, 1972.
- NH Highway Plans - Project No. J366, Sunapee Lake Highway, 1956 (Sheets 10 & 11).
- SCR Plan No. 5227 - "Final Boundary Plan, Plan of Minor Subdivision, Tax Map 114 Lot 1, James and Elizabeth Woodley..." by this office, dated August 30, 2018, approved September 13, 2018.

THE PURPOSE OF THIS PLAN IS TO SUPPLEMENT SCRD PLAN 5227
WITH REGARDS TO THE ALTERNATE DRIVE PROPOSED FOR LOT 2

**FINAL BOUNDARY PLAN
PLAN OF MINOR SUBDIVISION**

TAX MAP 114 LOT 1 - SUNNY LANE
PREPARED FOR
JAMES and ELIZABETH E. WOODLEY
77 Upper Bay Road, Sunapee NH 03782
(PROPERTY OF O SUNNY LANE LLC)
LOCATED IN
SUNAPEE, N.H.

SCALE = 1" = 50'

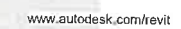
AUGUST 30, 2018
REVISED JANUARY 28, 2019

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



REVISIONS

1/28/19 - Add Alternate drive & distances; Note 1; new owner



	Consultant
	Address
	Address
	Address
	Phone

Consultant	Address	Address	Address	Phone
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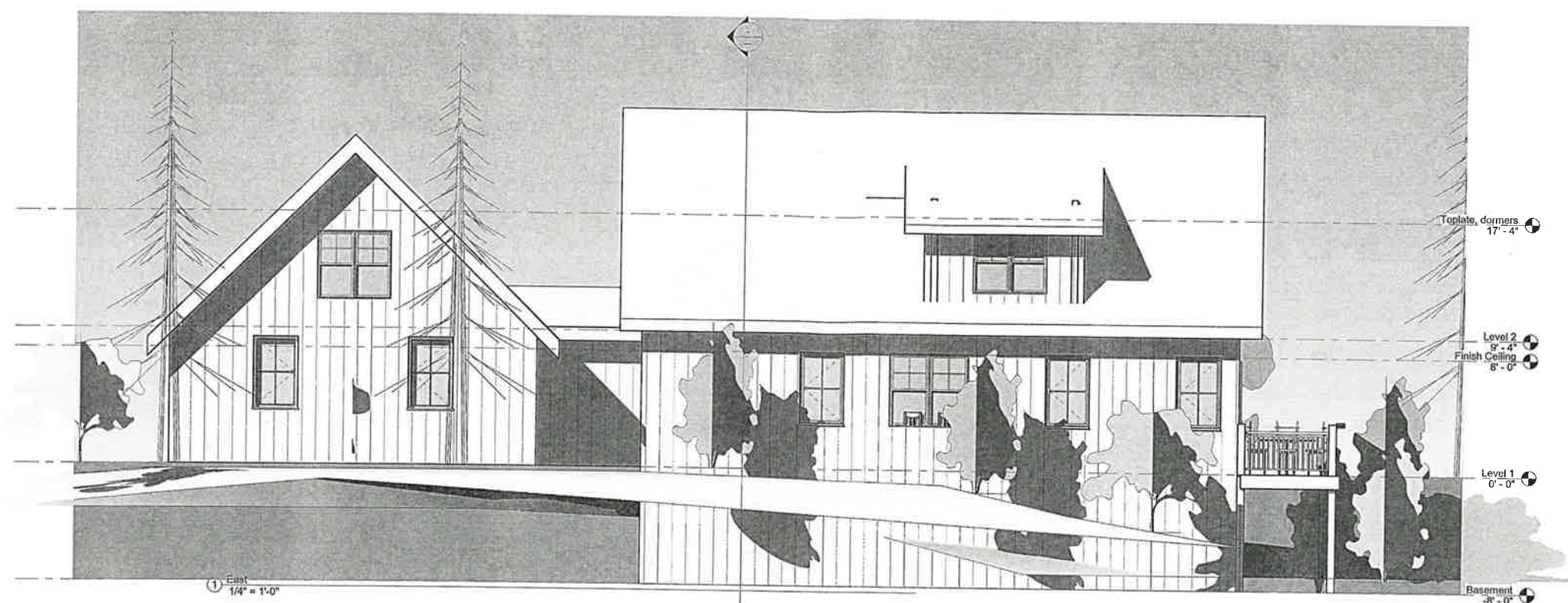
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East/West Elevations

A104

Scale $1/4" = 1'-0"$



② West
1/4" = 1'-0"



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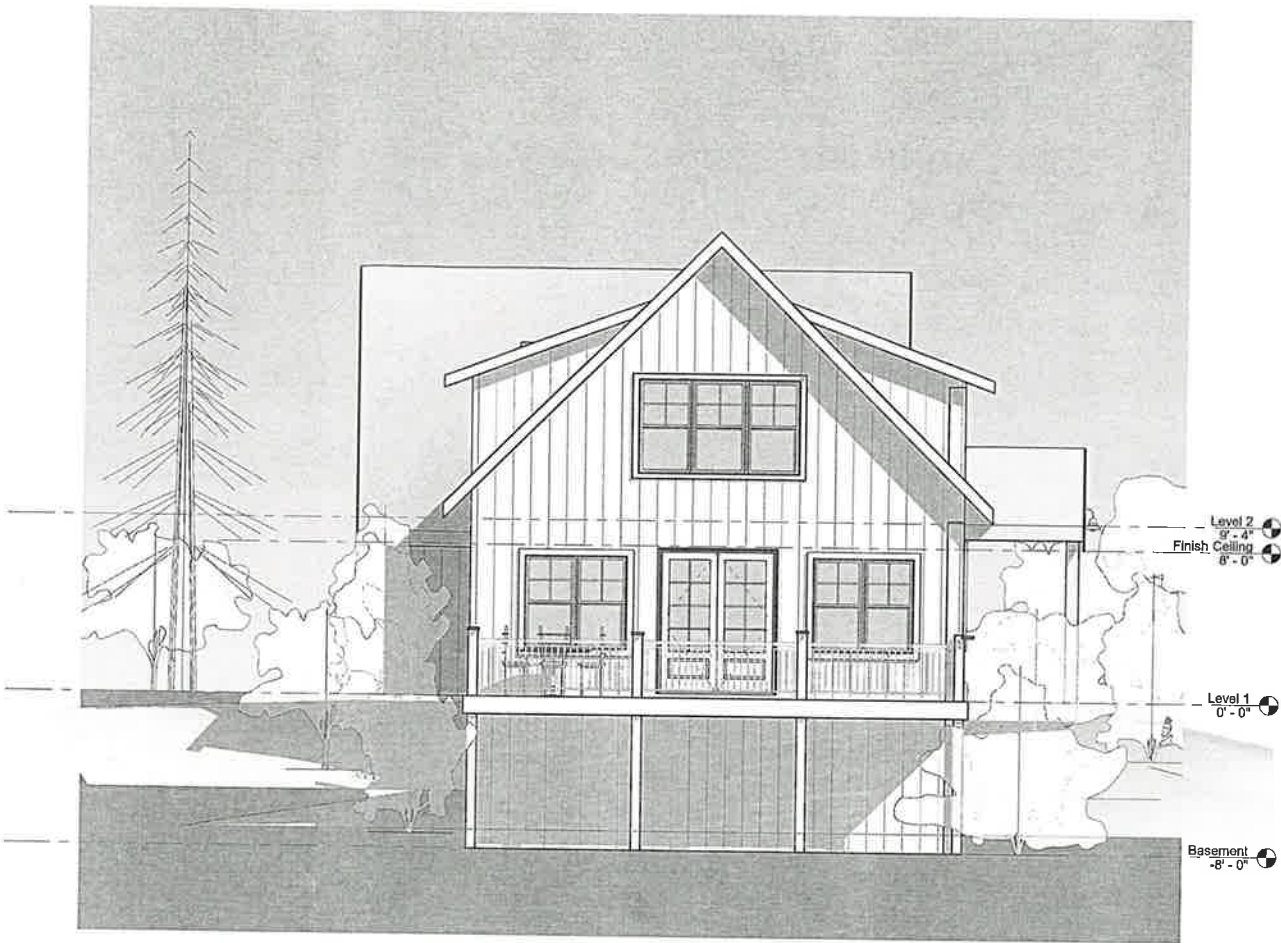
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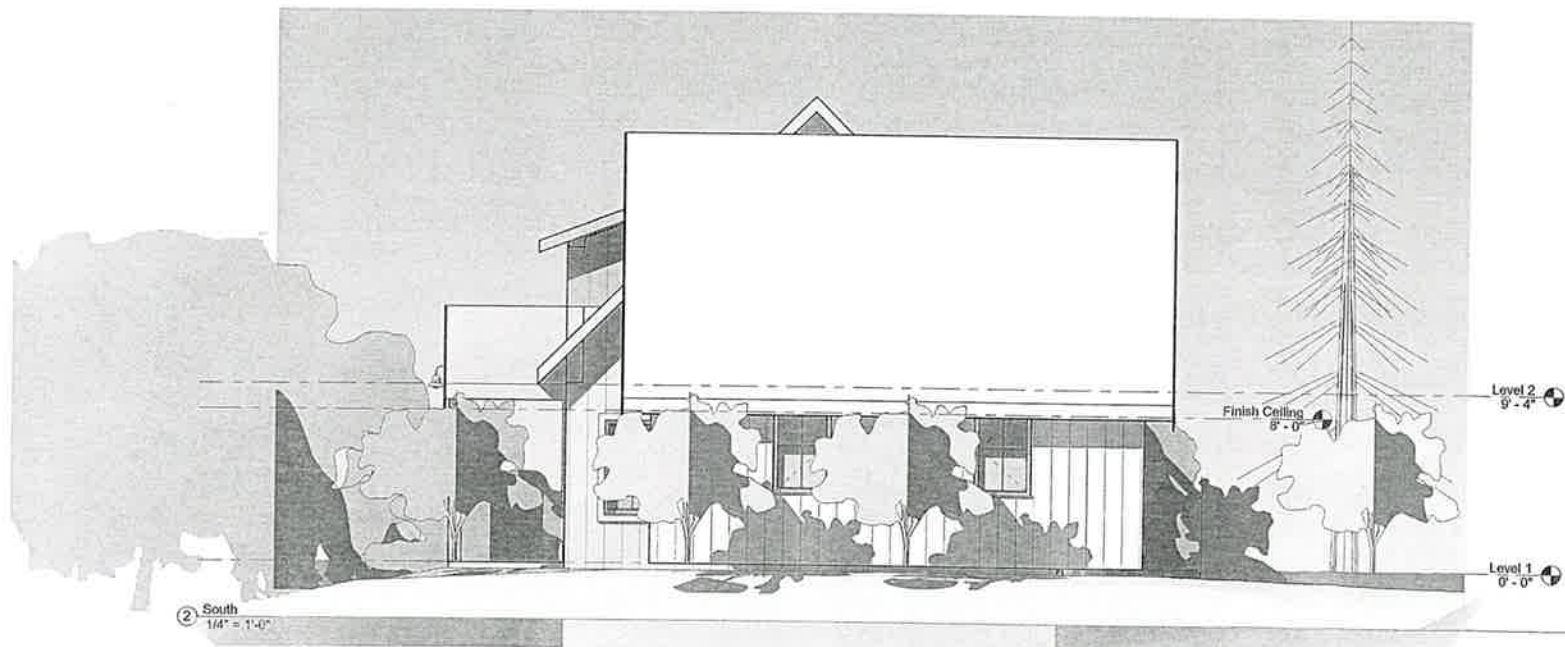
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① North
1/4" = 1'-0"



② South
1/4" = 1'-0"



George & Sue
Neuwirt
Sunapee, New
Hampshire

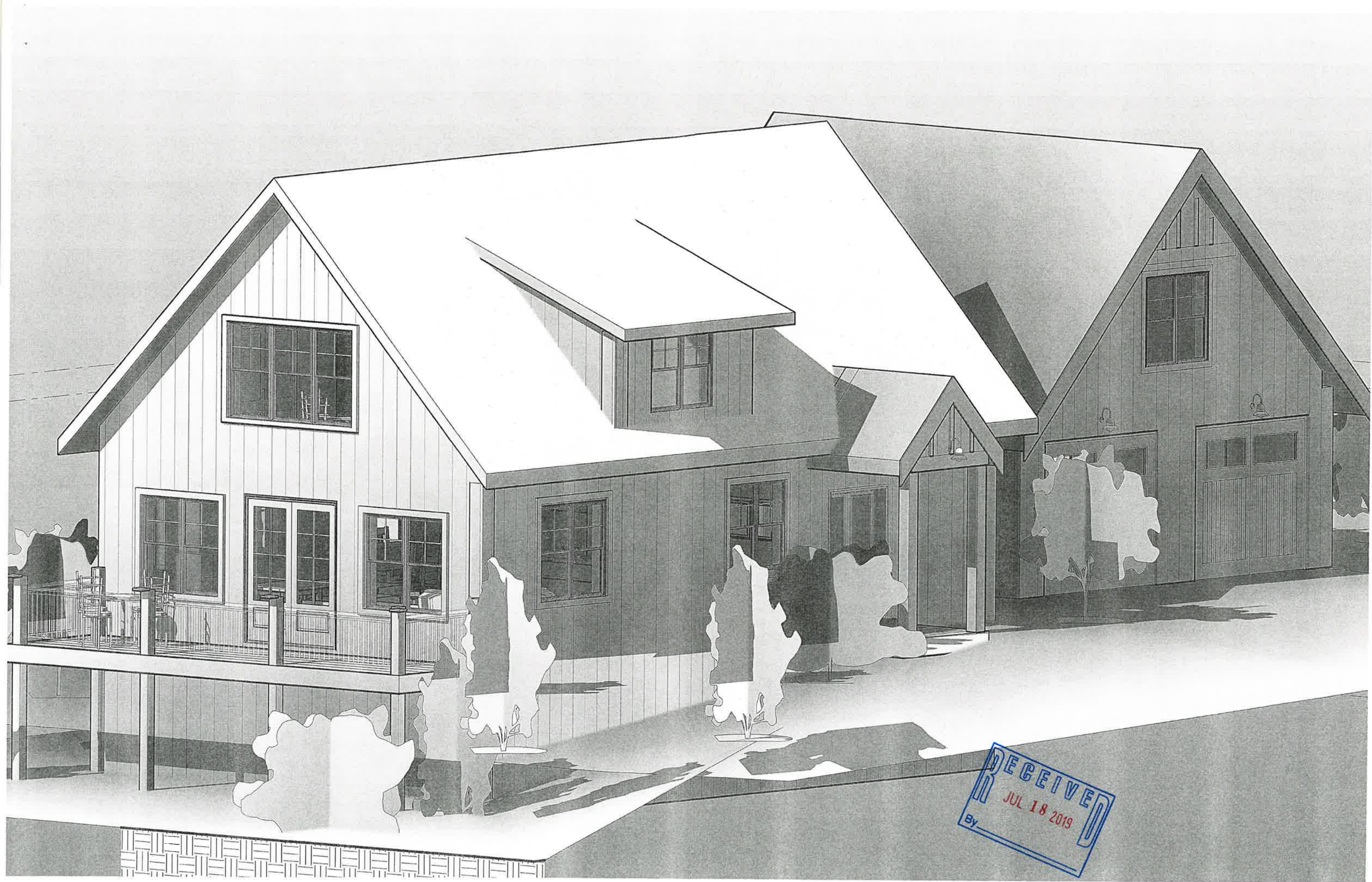
North/South
Elevations

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Issue Date
Author
Checker

A103

Scale 1/4" = 1'-0"



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By



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Phone

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Drawn By	Author
Checked By	Checker

Scale $1/4" = 1'-0"$





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Second Floor,

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Scale $1/4" = 1'-0"$

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① Level 2
 $1/4" = 1'-0"$