

# **TOWN OF SUNAPEE ZONING BOARD OF ADJUSTMENT**

**A PUBLIC HEARING WILL BE HELD THURSDAY, May 7, 2020  
AT 7:00 PM ON THE FOLLOWING CASES:**

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

The public has access to contemporaneously listen and participate in this meeting through video conferencing at

<https://zoom.us/j/97234281385> (passcode 766215) or by calling 1 (929) 205-6099.

**Any continued cases from previous meeting**

**Appointment of Chair & Vice Chair**

**ZBA20-02**

**Parcel ID: 0115-0038-0000**

**Special Exception per Article III  
Section 3.50(g) to permit a fence  
over 5-feet with a setback 2-feet  
from the boundary.**

**Location: 57 North Shore Rd.**

**Zone: RR w/ Shorelines Overlay**

**Owner: Jennifer & Agnes Slavin**

**Applicant: Jennifer Slavin**

**MISC.**

**Review Minutes from Previous  
Meeting(s); Other business**

For tech problems call (603) 763-2212 ext. 23 or e-mail: [zoning@town.sunapee.nh.us](mailto:zoning@town.sunapee.nh.us).

**NOTE:**

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

March 18, 2020

Nicole Gage, Zoning Administrator  
Town of Sunapee  
23 Edgemont Rd  
Sunapee, NH 03782

Re: Case #ZBA20-02  
Parcel ID: 0115.0038.0000

Dear Ms. Gage,

We own Parcel 0115-0039-0000 which abuts the Slavins' property.

We support the request for a special exception to install a six-foot tall privacy fence with a 2-foot setback. This fence will enclose the designated play area for the home daycare as shown in red on this segment of the survey by Wayne McCutcheon, dated January 16, 2020.

We requested that the Planning Board make this fence a condition for approving the site plan. We believe that we and the Slavins are in agreement on this.

It is important to us that the fence be at least 6 feet tall and solid with no see-through spaces.

If trees or other immovable objects sit in the designated path of the fence, we expect that the fence position would be adjusted as needed to remain inside the 2-foot setback. If for any reason a larger setback is needed for any part of the fence, that is acceptable to us.

We urge the Zoning Board to approve this special exception.

Respectfully,

Robert Evans and Anne VanTine

61 North Shore Road (no mail)  
Sunapee, NH 03782  
603-763-4802

22 Wildwood Road  
Stow, MA 01775  
978-562-4733





**TOWN OF SUNAPEE**  
23 Edgemont Road  
Sunapee, New Hampshire 03782-0717  
[www.town.sunapee.nh.us](http://www.town.sunapee.nh.us)

DATE: March 5, 2020 (for the hearing 4/2/2020)  
TO: Zoning Board of Adjustment  
FROM: Nicole Gage, Zoning Administrator  
CASE: Case #ZBA20-02 – Special Exception  
Owner/Applicant: Jennifer & Agnes Slavin / Jennifer Slavin  
Parcel ID: 01115/ 0038/ 0000/  
57 North Shore Road  
Zoned RR (Rural Residential) w/ Shoreline Overlay – Perkins Pond

**Summary of Case:** The applicant is applying for a Special Exception per Article III Section 3.50(g) to permit a fence over 5-feet with a setback 2-feet from the boundary. The Planning Board required a 6-foot fence when they approved the Site Plan for the home-day care on February 13<sup>th</sup> (see attached decision). In January, the ZBA approved a Special Exception for Ms. Slavin to run a home-based day care. She had the property professionally surveyed after that ZBA hearing.

**References to the Zoning Ordinance:**

Page	Article	Section	
14*	III* Dimensional Controls	3.50 (g)* Special Exception	
15	(same)	3.55 Additional Criteria for Dimensional Special Exceptions	

\*Appeal for Current Application

**Description of Property:**

- The lot is 0.19 acres
- Served by town sewer and private well.
- Zoned RR (Rural Residential) with Shoreline Overlay for being within 250-feet of Perkins Pond.
- Built approximately 1950.
- Frontage on North Shore Road – an “emergency way” which is plowed by the town and is considered a Side Setback

**Land Use History:** (may be incomplete)

1968 Approval for Construction, 3-bedroom septic  
2002 Approval for Construction & Operation, 3-bedroom septic (CA2002044876)  
2015 Connected to town sewer system  
1/2/2020 Special Exception approved by ZBA for home-base day care, with conditions (see attached decision)  
2/13/2020 Site Plan approved by Planning Board for home day care business, with conditions (see attached decision)



**COPY**

**Town of Sunapee  
Planning Board**

**DECISION**

You are hereby notified that the application of JENNIFER SLAVIN

For: SITE PLAN REVIEW: HOME DAY CARE BUSINESS; 57 NORTH SHORE ROAD

PARCEL ID: 0115-0038-0000


Has been: APPROVED

Conditions:

1. THE TYPE OF BUSINESS STATED IS A FAMILY CHILDCARE HOME
2. TWO PARKING SPACES ARE REQUIRED
3. A TEMPORARY FENCE IS TO BE INSTALLED INSIDE THE SLAVIN'S PROPERTY, PRIOR TO OPERATION OF THE BUSINESS, THAT MEETS STATE REQUIREMENTS
4. CONSTRUCTION OF A 6 FT SCREEN FENCE IS TO BE INSTALLED AT A LATER DATE PER SPECIFICATIONS OF THE ZONING BOARD
5. MAXIMUM AGE WILL BE 13
6. THE MAXIMUM NUMBER OF CHILDREN ALLOWED WILL BE NINE PER THE LICENSE
7. THERE WILL BE NO OUTSIDE EMPLOYEES EXCEPT FAMILY MEMBERS PERMITTED TO WORK AT THE FACILITY
8. ONLY THE HOUSE AND PLAY AREAS ARE TO BE USED FOR THE BUSINESS AND BY CHILDREN OF THE SAID BUSINESS
9. A NEW PLAN WILL BE SUBMITTED FROM THE SURVEYOR
10. A TIME LIMIT OF 6 MONTHS FOR THE CONDITIONS TO BE MET

The decision was made at the FEBRUARY 13, 2020 Planning Board meeting.

  
Planning Board Chair

  
Date

*Note: Per NH RSA 677:15: Any person aggrieved by any decision of the Planning Board concerning a plat or subdivision may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the date upon which the Board voted to approve or disapprove the application.*

*At least two (2) weeks prior to the completion of site plan improvements, the property owner shall apply for a Certificate of Site Plan Compliance. The purpose of the application is to allow site visits, project review and signoffs by the Planning/Zoning Department and any applicable Department Heads noted in Article V A (3) as to adherence and completion of the approved Site Plan (per Sunapee Site Plan Regulations Article XII).*



COPY

Town of Sunapee  
Zoning Board

Decision

You are hereby notified that the application of: AGNES H & JENNIFER SLAVIN

For CASE #ZBA 19-24: SPECIAL EXCEPTION, PER ARTICLE IV, SECTION 4.15, TO PERMIT A HOME-BASE DAYCARE IN THE RR DISTRICT; 57 NORTH SHORE RD; ZONED RR W/SHORELINE OVERLAY

PARCEL ID: 0115-0038-0000

Has been APPROVED with the following conditions:

1. THERE WILL BE NO PARKING ON THE STREET FOR DAYCARE USE
2. ALL ACCESS TO THE PROPERTY FOR DAYCARE USES WILL BE FROM THE NORTHERLY ENTRANCE OF NORTH SHORE ROAD OFF PERKINS POND RD
3. TO COMPLY WITH ALL STATE REGULATIONS AND SITE PLAN REVIEW

The decision was made at the JANUARY 2, 2020 Zoning Board meeting.

*David M. Schneider*  
Zoning Board Chair

January *December* 10, 2020  
Date *DMS*

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

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

Property Location: 57 NORTH SHORE RD MAP ID: 01115/0038/0000/ Bldg Name: State Use: 1016  
Vision ID: 642 Account # 1294 Bldg #: 1 of 1 Sec #: 1 of 1 Card 1 of 1 Print Date: 10/17/2019 15:01

<b>CURRENT OWNER</b> SLAVIN, AGNES H SLAVIN, JENNIFER 57 NORTH SHORE RD SUNAPEE, NH 03782 Additional Owners:	<b>TOPO.</b> 4 Rolling 5 Well 3 Public Sewer	<b>UTILITIES</b> 3 Unpaved 7 Waterfront	<b>START/ROAD</b> PP LAKE FRON 30 LOT DEPTH MULTIPLE ROUTING # 1192 SUBDIVISION ASSOC PID#	<b>LOCATION</b> RESIDENTIAL RES LAND RESIDENTIAL	<b>DESCRIPTION</b> 1016 1016 1016	<b>Code</b> 1016 1016 1016	<b>Assessed Value</b> 86,700 152,300 10,200	<b>Assessed Value</b> 86,700 152,300 10,200	<b>2413 SUNAPEE, NH</b>
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<b>RECORD OF OWNERSHIP</b> SLAVIN, AGNES H SLAVIN, RICHARD & AGNES	<b>RE-VOL/PAGE</b> 2008/ 884 768/ 814	<b>SALE DATE</b> 06/06/2017 11/13/1984	<b>SALE PRICE</b> 1A 1A	<b>Yr.</b> 2019 2019 2019	<b>Code</b> 1016 1016 1016	<b>Assessed Value</b> 86,700 152,300 10,200	<b>Yr.</b> 2018 2018 2018	<b>Code</b> 1016 1016 1016	<b>Assessed Value</b> 86,700 152,300 10,200
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<b>EXEMPTIONS</b> Year Type Description 2006 11 VETERAN'S EXEMPTION	<b>Amount</b> 500.00	<b>Code</b>	<b>Description</b>	<b>Number</b>	<b>Amount</b>	<b>Comm. Inc.</b>
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<b>ASSESSING NEIGHBORHOOD</b> NBHD/SUB 0001/A	<b>Street Index Name</b>	<b>Tracing</b>	<b>Batch</b>
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SPB-2 BD, 1 1/2 BATH; SHD = NV - SIZE  
FGRI IS GARAGE OVER GARAGE  
WDK FOUND NEAR WATER  
9/12 - VINYL SHED = NV

**APPROXIMATE VALUE SUMMARY**  
Appraised Bldg. Value (Card) 86,700  
Appraised XF (B) Value (Bldg) 0  
Appraised OB (L) Value (Bldg) 10,200  
Appraised Land Value (Bldg) 152,300  
Special Land Value 0  
Total Appraised Parcel Value 249,200  
Valuation Method: C  
Adjustment: 0  
Net Total Appraised Parcel Value 249,200

<b>BUILDING PERMIT RECORD</b>	<b>VISIT/CHANGE HISTORY</b>
Permit ID Issue Date Type Description Amount Insp. Date % Comp. Date Comp. Comments	Date Type IS ID Cd. Purpose/Result
	06/16/2017 MP AC ADMIN DATA ENTRY
	05/05/2016 MP AC ADMIN DATA ENTRY
	08/17/2015 NB FR IN FIELD REVIEW
	09/13/2012 RE M MEASURE
	12/03/2004 DG M MEASURE

<b>LAND LINE VALUATION SECTION</b>	<b>Special Pricing</b>	<b>S Adj</b>	<b>Unit Price</b>	<b>Land Value</b>
Zone D Front Depth Units Unit Price Factor S.A. Disc. Acre Factor Idx. ST. C. Notes-Adj	Spec Use Spec Calc	Fact	Adj. Unit Price	Land Value
I 1016 0TH LAKE WF RR 8,712 SF 5.41 4.0000 9 1.0000 0.85 PP 0.95 LACK W/F-10-5 TOPO		1.00	17.49	152,300
Total Card Land Units: 0.20 AC Parcel Total Land Area: 0.2 AC				Total Land Value: 152,300

**Property Location: 57 NORTH SHORE RD**  
**Vision ID: 642**

**Account # 1294**

**MAP ID: 0115/ 0038/ 0000/ /**

**Bldg Name:**  
**Sec #:** 1 of

**State Use: 1016**  
**Print Date: 10/17**

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Style	01		Ranch	BAS	1	5	BAS
Model	01		Residential	FEB	5		FEB
DESIGN/APPEARANCE	03		Average	WDK	5		WDK
Stories	1						
Occupancy	1		Pre-Fab Wood				
Exterior Wall 1	13						
Exterior Wall 2							
Roof Structure	03		Gable/Hip				
Roof Cover	03		Asph/F Gls/Cmp				
Interior Wall 1	05		Drywall/Sheet				
Interior Wall 2							
Interior Flr 1	14		Carpet				
Interior Flr 2							
Heat Fuel	02		Oil				
Heat Type	05		Hot Water				
A/C	01		None				
Total Bedrooms	02		2 Bedrooms				
Total Baths	1						
Total Half Baths	1						
Total Xtra Fixrs	4						
Total Rooms	02		Average				
Bath Style	02		Average				
Kitchen Style	02						



CASE# ZBA 20-02

Hearing date  
4/2/2020

Town of Sunapee  
Zoning Board of Adjustment

Special Exception

1. Landowner(s) Name(s): Jennifer Slavin 2. Parcel ID# 0115-0038-0000
3. Zoning District: RR w/ Shoreline Overlay
4. Project Location (Street & #): 57 North Shore Rd Sunapee NH
5. Mailing Address: 57 North Shore Rd Sunapee
6. Phone Number 603 372 6181
7. Reason the Special Exception is necessary: fencing for preschool

above the 5 feet in request of the neighbors to be  
6 ft with a set back of 2 feet. Privacy fence  
to keep children from looking onto neighbor property and to

•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). help keep children in further.

•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.

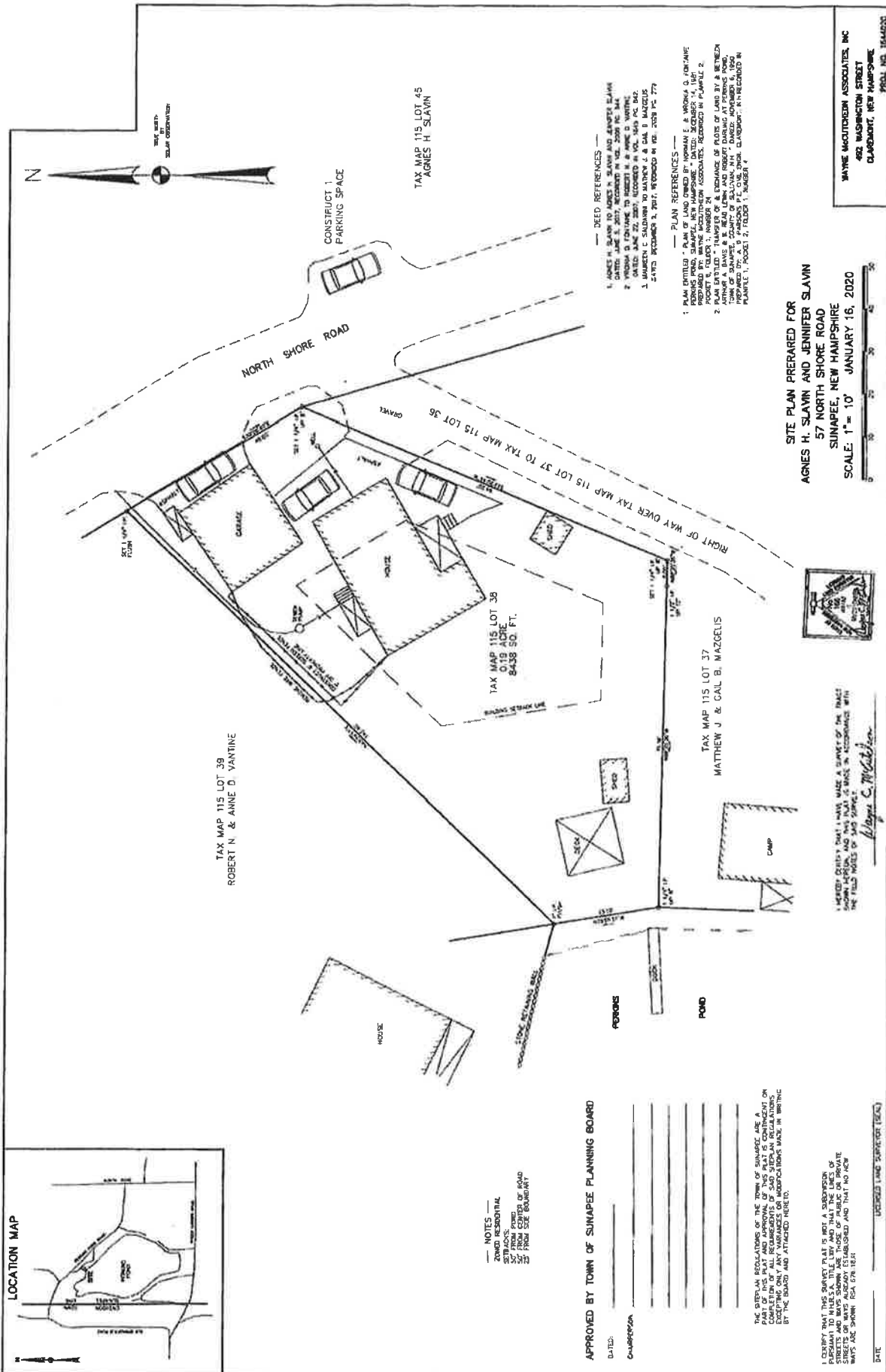
Jennifer Slavin  
Landowner(s) Signature(s)

2/13/2020  
Date



Description of proposed use, showing justification for a Special Exception as specified in the Zoning Ordinance, Article 3.50 Section 9.

Fence with a set back <sup>3.55</sup> 2 feet from the boundaries  
over the 5 ft. without affecting neighboring  
properties



DATE: \_\_\_\_\_

CHARGE: \_\_\_\_\_

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION OF LAND AS DEFINED BY THE REAL PROPERTY ACT AND THEREFORE DOES NOT REQUIRE RECORDATION IN THE PUBLIC OR PRIVATE RECORDS OF THE COUNTY OF LOS ANGELES.

WITNESSED MY HAND AND SEAL OF OFFICE ON

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

COUNTY CLERK

UNCLASSIFIED//FOR OFFICIAL USE ONLY

47

18 HIGHER COUNTRY DUTY WAS MADE A SURVEY OF THE TRADES  
AND MANUFACTURES AND THIS PLAN IS MADE IN ACCORDANCE WITH  
THE FIELD NOTES OF SAID SURVEY.

Ways C. McClinton

SITE PLAN PREPARED FOR  
AGNES H. SLAVIN AND JENNIFER SLAVIN  
57 NORTH SHORE ROAD  
SUNAPEE, NEW HAMPSHIRE  
SCALE: 1" = 10' JANUARY 16, 2020

WAYNE McCUTCHEEN ASSOCIATES, INC  
482 WASHINGTON STREET  
CLAREMONT, NEW HAMPSHIRE  
PH: 603/271-1444

--- DEED REFERENCES ---

1. AGNES H. SLANDY TO AGNES H. SLANDY AND EUGENE E. LAMM  
DATED: JUNE 5, 2017, RECORDED IN VOL. 2009 PG. 344

2. VIRGINIA D. FONTAINE TO ROBERT H. & ANNE D. VORHIES  
DATED: JUNE 27, 2007, RECORDED IN VOL. 2645 PG. 842

3. MAUREEN C. SANDHORN TO MATTHEW J. & CAIL B. MAZGULS  
DATED: JUNE 27, 2007, RECORDED IN VOL. 2645 PG. 842

— PLAN REFERENCES —

1. PLAN ENTITLED "PLAN OF LAND OWNED BY NORMAN E. WOLFE, Q. FORTUNE POND, SUMMIT, NEW HAMPSHIRE," DATED: DECEMBER 14, 1941, PREPARED BY THE ASSOCIATION ASSOCIATES, INCORPORATED IN MASSACHUSETTS.

2. PLAN ENTITLED "TRANSFER OF A REMAINDER OF PLOTS OF LAND BY A REMAINDER TRUST TO THE ASSOCIATION ASSOCIATES, INCORPORATED IN MASSACHUSETTS, ATTORNEY A. HANES E. BEAL, LEBANON AND ROBERT DARTMOUTH, FERRIS POND, TOWN OF SUMMIT, COUNTY OF SULLY, N.H.," DATED: NOVEMBER 6, 1940, PREPARED BY: A. B. PARSONS, P. C. CIVIL ENGINEER, CLARKSON, N.H. RECORDED IN PLAINFIELD 1, FOLDER 2, FOLDER 1, NUMBER 4.

N1BE@Juno.com

**Privacy  
Fencing**

978-562-  
4733

**Andover Fence Company**  
Dale Dukette owner  
603-735-5813

**Andover Fence sells and installs**



<https://illusionsfence.com/>



*Dale estimated for 64 feet of fencing, cost in vicinity of \$2500 for materials and installation.  
Cost will vary by style and color. He can install with rocks and roots.*



TAX MAP 115 LOT 39  
ROBERT N. & ANNE D. VANTINE

NORTH SHORE ROAD

CONSTRUCT 1  
PARKING SPACE

TAX MAP 115 LOT 45  
AGNES H. SLAVIN

NOTES  
ZONED RESIDENTIAL  
K-200000  
50' FROM POND  
50' FROM CENTER OF ROAD  
25' FROM SOIL BOUNDARY  
PARKING IS ONLY TO BE AT THE  
TWO SPACES SHOWN ON THE PLAN

APPROVED BY TOWN OF SUNAPEE PLANNING BOARD

DATE: \_\_\_\_\_  
CHARACTER: \_\_\_\_\_  
\_\_\_\_\_

THE SUBDIVISION REGULATIONS OF THE TOWN OF SUNAPEE ARE A  
PART OF THIS PLAN AND APPROVAL OF THIS PLAN IS CONTINGENT ON  
COMPLETION OF ALL REQUIREMENTS OF SAID SUBDIVISION REGULATIONS  
EXCEPTING ONLY ANY VARIANCES OR MODIFICATIONS MADE IN WRITING  
BY THE BOARD AND ATTACHED HERETO.

I CERTIFY THAT THIS SURVEY PLAN IS NOT A SUBDIVISION  
PURSUANT TO M.R.S.A. TITLE LXXV AND THAT THE LINES OF  
STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE  
STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW  
WAYS ARE SHOWN. RSA 676:10-B

DATE: \_\_\_\_\_ LICENSED LAND SURVEYOR (SLS)

I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE TRACT  
SHOWN HEREON, AND THIS PLAN IS MADE IN ACCORDANCE WITH  
THE FIELD NOTES OF SAID SURVEY.

*Wayne C. Macdonald*



SITE PLAN PREPARED FOR  
AGNES H. SLAVIN AND JENNIFER SLAVIN  
57 NORTH SHORE ROAD  
SUNAPEE, NEW HAMPSHIRE  
SCALE: 1" = 10' JANUARY 16, 2020

DEED REFERENCES  
1. AGNES H. SLAVIN TO AGNES H. SLAVIN AND JENNIFER SLAVIN  
DATED: JUNE 5, 2010, RECORDED IN VOL. 2008 PG. 644.  
2. VICTORIA Q. FORTNAGE TO ROBERT N. & ANNE D. VANTINE  
DATED: JUNE 22, 2007, RECORDED IN VOL. 1645 PG. 842.  
3. MAUREEN C. SALDINER TO MATTHEW J. & GAIL B. MAZGELIS  
DATED: DECEMBER 4, 2010, RECORDED IN VOL. 3028 PG. 775.

PLAN REFERENCES  
1. PLAN ENTITLED "PLAT OF LAND OWNED BY ROBERT E. & VICTORIA Q. FORTNAGE  
PLANNING FIRM, SUNAPEE, NEW HAMPSHIRE" DATED: DECEMBER 14, 2008  
PREPARED BY: WAYNE MACDONALD ASSOCIATES, RECORDED IN PLANK 2,  
BOOK 2, FOLDER 1, NUMBER 24.  
2. PLAN ENTITLED "TRANSFER OF & EXCHANGE OF PLATS OF LAND BY & BETWEEN  
ARTHUR A. BATES & B. BEAR LEVIN AND ROBERT SLAVIN AT FERRIS FORD,  
TOWN OF SUNAPEE, COUNTY OF SUFFOLK, N.H." DATED: NOVEMBER 6, 1950  
PREPARED BY: A. S. PARKS, JR., CIVIL ENGINEER, NEW-HAMPSHIRE  
PLANK 1, BOOK 2, FOLDER 1, NUMBER 4.

WAYNE MACDONALD ASSOCIATES, INC.  
402 WASHINGTON STREET  
CLAREMONT, NEW HAMPSHIRE  
PROJ. NO. 1844020