

**TOWN OF SUNAPEE - ZONING BOARD OF ADJUSTMENT  
A PUBLIC MEETING WILL BE HELD THURSDAY,  
February 1, 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/85228933562?pwd=RZUMbbMlxHi4tOb59LqG4yuzxOvU7q.1>

Password: 387580

---

**NEW CASES**

Case # SE 24-01 Parcel ID: 0233-0064-0000  Joseph Krol, III & Stephanie Krol 41 Nutting Road Rural Residential	Requesting a Special Exception from Article IV, Section 4.95 to allow for a Short-Term Rental Owner-Not-in-Residence in the Rural Residential District.
---	---

---

**CONTINUED CASES**

Case #VA 23-09 Parcel ID: 0133-0087-0000  <i>Sunapee Harbor Riverway Quack Shack 72 Main St. Village Commercial District</i>	Requesting a Variance from Article III, Section 3.40(c) to allow a 9.5' x 9.5' panelized freezer to be placed within the 50-foot shoreline setback of Sugar River.
---	--

---

**MISCELLANEOUS:**

---

**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.

Town of Sunapee  
23 Edgemont Rd., Sunapee NH  
Phone (603) 763-3194 / 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 24-01

RECEIVED

DEC 27 2023

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): Joseph Krol, III & Stephanie Krol
2. Parcel ID: Sun-0233-0064-0000 3. Zoning District: Rural Residential
4. Project Location (Street & #): 41 Nutting Road, Sunapee NH
5. Mailing Address: 390 Front Street, Weymouth, MA 02188
6. Phone Number: 281-450-6512 / 617-686-6637
7. Email: Joseph.krol@siemens.com / stephaniejkrol@comcast.net

☒ **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 x 6 \* 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 a Special Exception from the Board of Adjustment?

See attached

Attach additional sheets of paper as necessary.

**EXPLAIN HOW THE PROPOSAL MEETS THE SPECIAL EXCETION CRITERIA AS SPECIFIED IN ARTICLE 4, SECTION 15 OF THE ZONING ORDINANCE** (list all criteria from the Ordinance)

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

See attached

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.

See attached

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

See attached

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

See attached

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

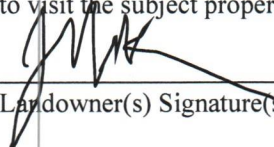
See attached

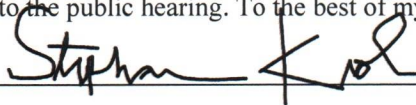
Criteria 6:

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.

  
Landowner(s) Signature(s)



12/18/2023

Date





# 41 Nutting Road

## Special Exemption Report

### **GENERAL INFORMATION**

We purchased 41 Nutting Road in October with the intent of using it as a vacation home for our family and we had planned to rent the property to other families who would like to enjoy all that Sunapee has to offer when we are not there. The property is a 3 bedroom 2 bath fully functioning home 1,968 sq. ft. home. It is set on .45 acres of land and is located on the corner of Nutting Road and Bradford Street. We have a 2 car garage along with ample parking spaces in the driveway to accommodate 6 cars if needed.

We are submitting this application as the property is located in the rural residential zoning district.

As part of our future rental process we will hire a local management company, Relax and Co, to oversee routine maintenance of the property, address urgent tenant requests, and as well plowing.

If we do receive the approval our rental will also adhere to the following:

- a) Ensuring the minimum age of anyone booking the rental is 25 years-old.
- b) Mandating a 3-night stay minimum.
- c) Renting to how many bedrooms we have 3 bedrooms, so 6 plus one additional, 7 total.



# EXPLAIN HOW THE PROPOSAL MEETS THE SPECIAL EXCEPTION CRITERIA AS SPECIFIED IN ARTICLE 4, SECTION 4.15 OF THE ZONING ORDINANCE

## CRITERIA 1

**That the selected site is an appropriate location for the proposed use.**

Our house is located at the corner of Bradford Road and Nutting Road. The house is 6 minutes to the Mount Sunapee and 6 minutes to the Lake Sunapee. Please see plot plan snapshot below.

## 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.**

The house sits on Nutting Road. Nutting Road provides direct access to Bradford Street which runs into Route 103. The home is accessed from the asphalt driveway off Nutting road. The driveway and garage has adequate space to allow for off-street parking necessary for a 3 bedroom home.



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

The property has a 1250 gallon septic tank which we recently had serviced and pumped. McKenzie Septic will provide this service going forward. See invoice from 12/14/23

McKenzie Septic

21 Grissom Ln  
Claremont, NH 03743

Invoice

Date	Invoice #
12/14/2023	1895

Bill To

Stephanie Krol  
41 Nutting Road  
Sunapee, NH

Service At

P.O. No.

Terms

Project

Due on receipt

Quantity	Description	Rate	Amount
1	Cleaned Septic Tank 1,250 gal *Dug Up	425.00	425.00
Thank you for your business.		<b>Total</b>	<b>\$425.00</b>



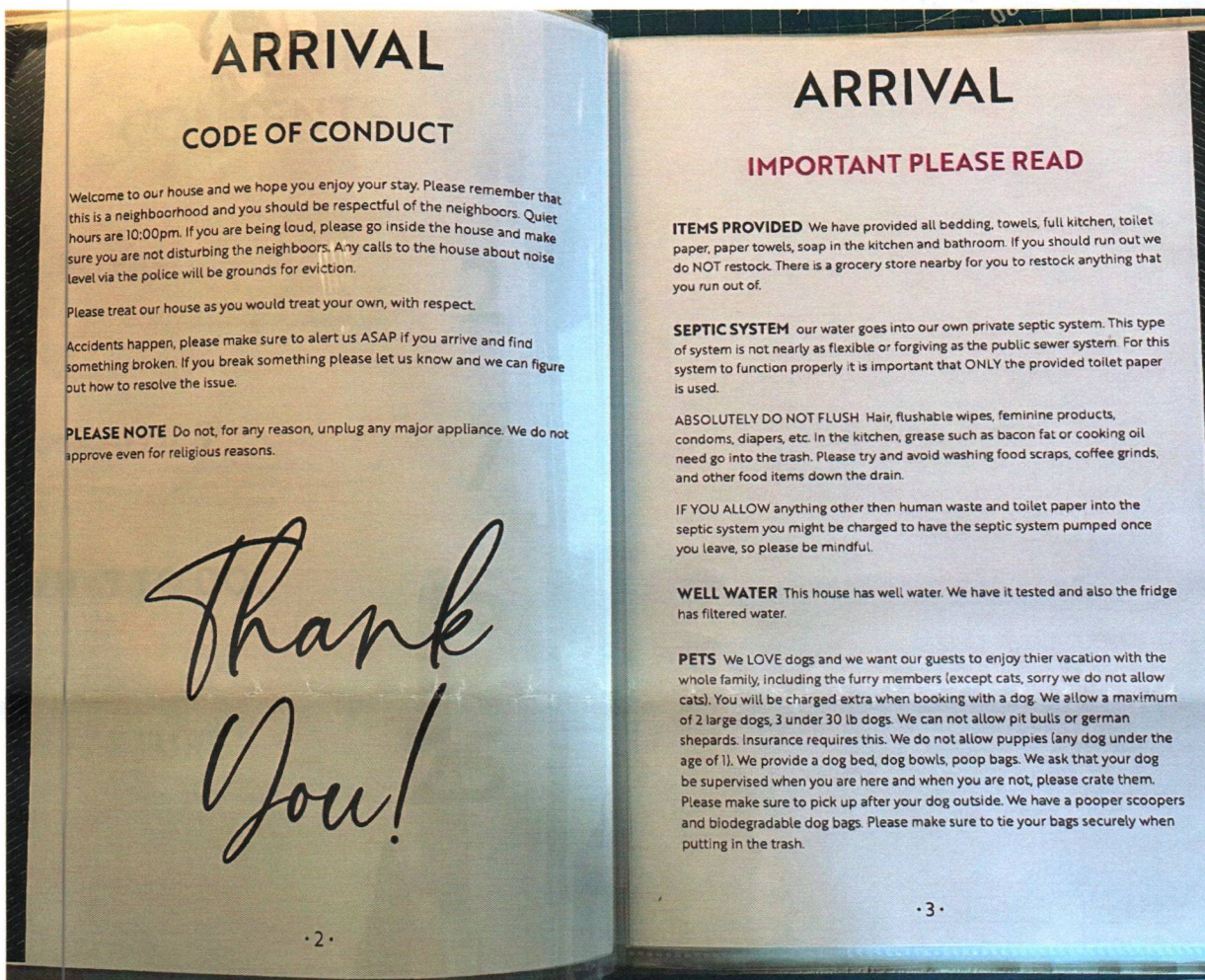
## CRITERIA 4

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

The proposal will not be detrimental to the neighborhood. The property will be maintained both interior and exterior as well as the house grounds. We will continue to invest in the home to assure it is updated and safe for our family and other families who might rental the home in the future.

We have done extensive research on how to go about doing a STR. We will follow all Sunapee guidelines such as providing a robust guest information book which gives information on code of conduct, how to use the appliances, and how to deal with a septic system among other things.

Please see below a draft version of our guidebook.





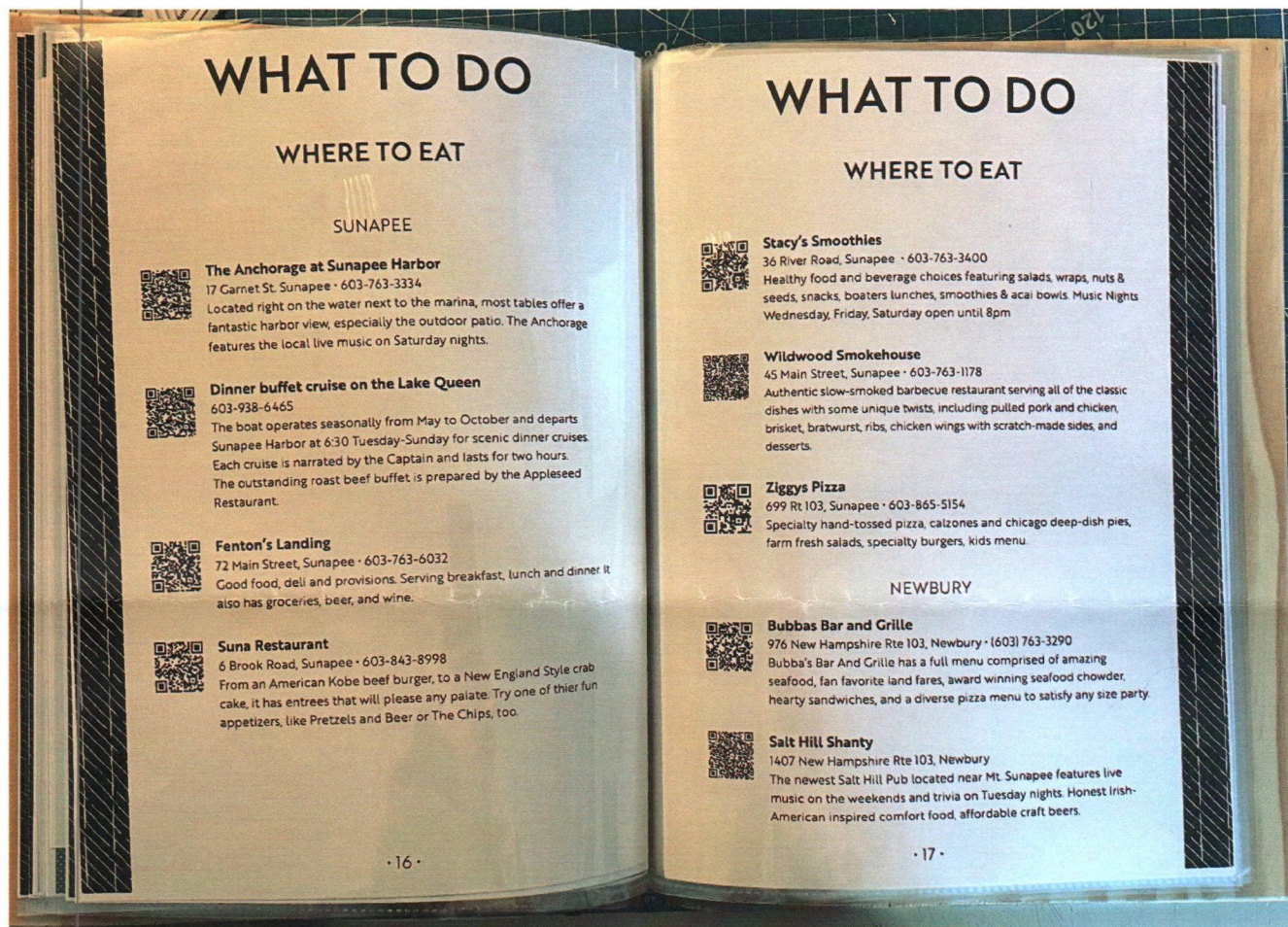
## CRITERIA 5

That the proposed use is consistent with the spirit of the Ordinance and intent of the Master Plan.

Using our recently purchased home as an STR will bring in tax revenue and as well revenue to local business. Having our home as a STR should not adversely impact the neighborhood. the home will be maintained and upkeep.

Having the STR also is also avenue for the use of the applicaants professional design skills. See snapshot from guidebook (draft) below as designed by applicant. Our guidebook would highlight the local businesses and services such as retail establishments, restaurants, shops and other small to midsize commercial establishments that are located in Sunapee and surrounding towns.

Allowing 41 Nutting Road to be used as an STR would not have an negative impact on the Sunepee Master Plan.





We would like to draw attention to how we would comply, as applicable with Section 4.95 of the Ordinance as currently drafted, as well as with respect to proposed amendments to the Section 4.95 of the Ordinance. Below, in black, you will see text of proposed amendments to Section 4.95 the Ordinance with my commentary on compliance with respect to my property at 41 Nutting Road, in pink.

1. Short-term Rentals Owner-in-Residence (STR-OIR) are allowed in all zoning districts. **Short-term Rentals Owner-Not-in-Residence (STR-ONIR)** are allowed in all the Mixed-Use Districts, Village-Commercial, Village-Residential, and Residential District. They are permitted only be Special Exception in the Rural-Residential District and prohibited in the Rural Lands District. **Special Exception required and applied for via this application for Rural Residential District**
2. Occupancy shall be limited to two persons per approved bedroom plus one additional person per unit. **We will limit occupancy to 7 persons due to the home being a 3 bedroom residence. Please refer to Exhibit A: Excerpt From Town Property Card (summarizing tax assessment criteria)**
3. The number of bedrooms used at the property must conform to the permit requirements from either the State of New Hampshire Department of Environmental Services Water Division Subsurface Systems Bureau (property on a septic system) or the Sunapee Water and Sewer Department (property on municipal sewer). **As described above, the property's septic system meets requirements mandated by New Hampshire Code of Administrative Rules.**
4. Short-term rentals of single-family dwellings in their entirety (STR-ONIR) do not require Site Plan Review. **This is relevant to my property.**
5. Short-term rentals with owners in residence (STR-OIR) do not require Site Plan Review. **N/A**
6. Short-term rentals with owners not in residence (STR-ONIR) in either a single-family dwelling with an additional room for rent or a two-family dwelling requires Site Plan Review. **N/A**
7. Short-term rentals that require site plan review may apply via the Home Business requirements (Article V, Section D) in the Site Plan Review regulations. **N/A**
8. Parking shall be 1 space/bedroom and a parking plan shall be submitted for review and approval. **There is ample space to fit 2 cars in the detached garage and up to 4 cars in property driveway. Please refer to picture included as response to "Criteria 3".**
9. The exterior of the property must maintain residential character. **This criteria is met – please refer to picture of home in Exhibit A and this website: <https://www.redfin.com/NH/Sunapee/41-Nutting-Rd-03782/home/63525950>.**
10. Short-term rentals must comply with any registration process set forth by the Board of Selectmen. **Special Exception required and applied for via this application as well as via GovOS system.**
11. A travel trailer, boat, or other mobile enclosure may not be used as a short-term rental. **N/A**
12. Outside trash receptacles must be screened and meet the building setbacks in the district in which they are located. **We have contracted with a local business (Casella) to provide residential trash pickup. The trash bucket will be located in the garage.**


**Amend Article IV, Section 4.95 – Short-term rentals - to confirm the maximum allowed occupancy and parking, and to stipulate what accessory structures are allowed to be used as short-term rentals.**

## AMENDMENT #10

The full new text of Section 4.95(13) will be as follows:

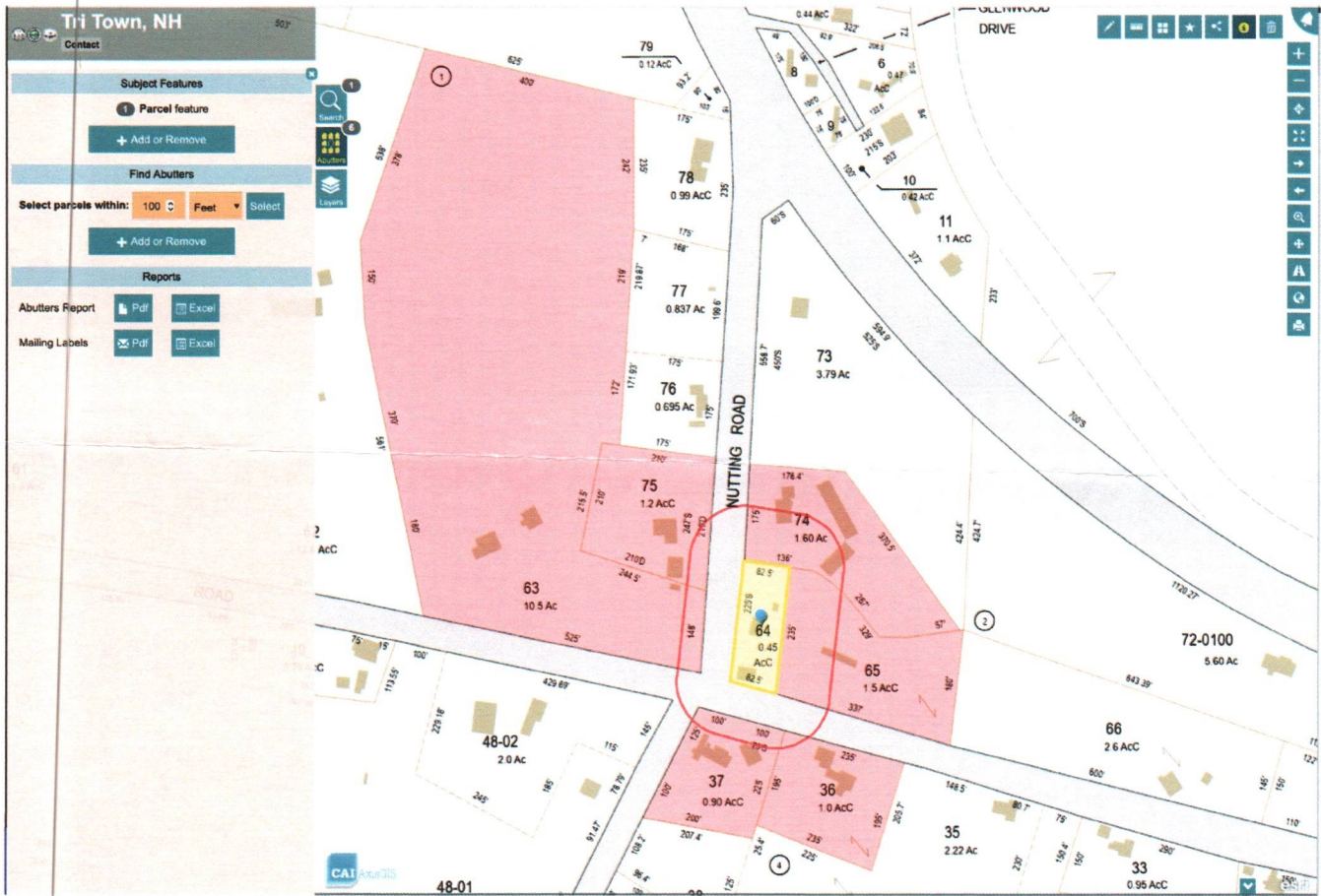
13. An STR-ONIR shall not be operated as a short-term rental more than 120 days in a 12-month period. **We will not rent the property for more than 120 days in a 12-month period.**

Excerpt From Town Property Card (summarizing tax assessment criteria)

PICTURE		OWNER	TAXABLE DISTRICTS		BUILDING DETAILS	
	DURKEE, GARY J & KELLIE M		District	Percentage	Model: 2.00 STORY FRAME CONVENTION	
	41 NUTTING RD				Roof: GABLE OR HIP/STANDING SEAM	
	SUNAPEE, NH 03782				Ext: PREFAB WD PNL	
					Int: DRYWALL	
					Floor: CARPET/HARDWOOD	
					Heat: OIL/HOT WATER	
					Bedrooms: 3	
					Baths: 2.0	
					Fixtures:	
					Extra Kitchens:	
				Fireplaces: 1		
				Generators:		
				A/C: No		
				Quality: 02 A/D 02 BASE -15		
				Com. Wall:		
				Size Adj: 0.9920		
				Base Rate: RSA 125.00		
				Bldg. Rate: 0.8186		
				Sq. Foot Cost: \$ 102.32		



# EXHIBIT B: Abutters (6)



## Abutters:

Parcel Number: Sun-0233-0036-0000  
CAMA Number: Sun-0233-0036-0000  
Property Address: 117 BRADFORD RD

Mailing Address: SEAVER JR, DONALD E & BELLIOR, WANDA J  
117 BRADROD RD  
SUNAPEE, NH 03782

Parcel Number: Sun-0233-0037-0000  
CAMA Number: Sun-0233-0037-0000  
Property Address: 47 NUTTING RD

Mailing Address: GREGORY, DELORES GREGORY, RANDY; GREGORY, RICHA  
47 NUTTING RD  
SUNAPEE, NH 03782

Parcel Number: Sun-0233-0063-0000  
CAMA Number: Sun-0233-0063-0000  
Property Address: 146 BRADFORD RD

Mailing Address: SPEAR, MARK D & CINDY L  
146 BRADFORD RD  
SUNAPEE, NH 03782

Parcel Number: Sun-0233-0065-0000  
CAMA Number: Sun-0233-0065-0000  
Property Address: 120 BRADFORD RD

Mailing Address: SAINDON, ROBERT E & CANDY  
18910 BAY WOODS LAKE DR UNIT 101  
FT MYERS, FL 33908

Parcel Number: Sun-0233-0074-0000  
CAMA Number: Sun-0233-0074-0000  
Property Address: 27 NUTTING RD

Mailing Address: BROWN, STEWART J  
PO BOX 12  
GUILD, NH 03754

Parcel Number: Sun-0233-0075-0000  
CAMA Number: Sun-0233-0075-0000  
Property Address: 34 NUTTING RD

Mailing Address: PATNODE, GERALD & ALTA MARIE  
34 NUTTING RD  
SUNAPEE, NH 03782

**Zoning Board of Adjustment (ZBA)  
Variance Application**

**RECEIVED**

**AUG 14 2023**

**TOWN OF  
SUNAPEE**

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): Sunapee Harbor Riverway
2. Parcel ID: 0133-0087-0000 3. Zoning District: \_\_\_\_\_
4. Project Location (Street & #): 72 Main Quack Shack
5. Mailing Address: Po Box 850
6. Phone Number: 603-763-9988
7. Email: Shu @ Sunapeeharborriverway.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:** 1 Application Fee: \$150.00 \* Make check payable to Town of Sunapee.  
6 Abutter Notification Fee: \$8.00 \* 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?

PANELIZED FREEZER ON QUACK SHACK

Attach additional sheets of paper as necessary.

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

Ordinance, Article 4, Section 4.33 to permit

Within setback

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

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

The work on this project will not be obtrusive and it will be beneficial as the business owner will have easy access to the ice cream supply w/o moving it through the harbor behind.

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

No alterations to the existing building building taking place. Panelized freezer unit meets requirements for height etc.

3. Granting the variance would do substantial justice because:

The addition of the unit is consistent with the present use of the building.

4. If the variance were granted, the values of the surrounding properties would not be diminished because: The area is business use and the addition of the packaged freezer unit will be in keeping with the current use of the building.

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:

The addition of the unit will not take away from the current use of the area. The area of placement is currently not used except for two 55 gal trash cans.

- and -

ii. The proposed use is a reasonable one because:

It will eliminate the need for transporting 5 gallon containers of ice cream through the harbor and give the business more space inside.

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.

The variance requirement is due to the proximity of the Sugar River. The unit will sit outside ~~at~~ current dock, which the building also sits on. No DES Shoreland ~~req~~ requirement needed.

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.

Susan Mills  
Landowner(s) Signature(s)

8-3-2023  
Date



— = 1 foot

Deck

Roof Line

Deck Railing

COUNTER

Proposed  
Freezer

9'6"

9'6"

9'

3'6"

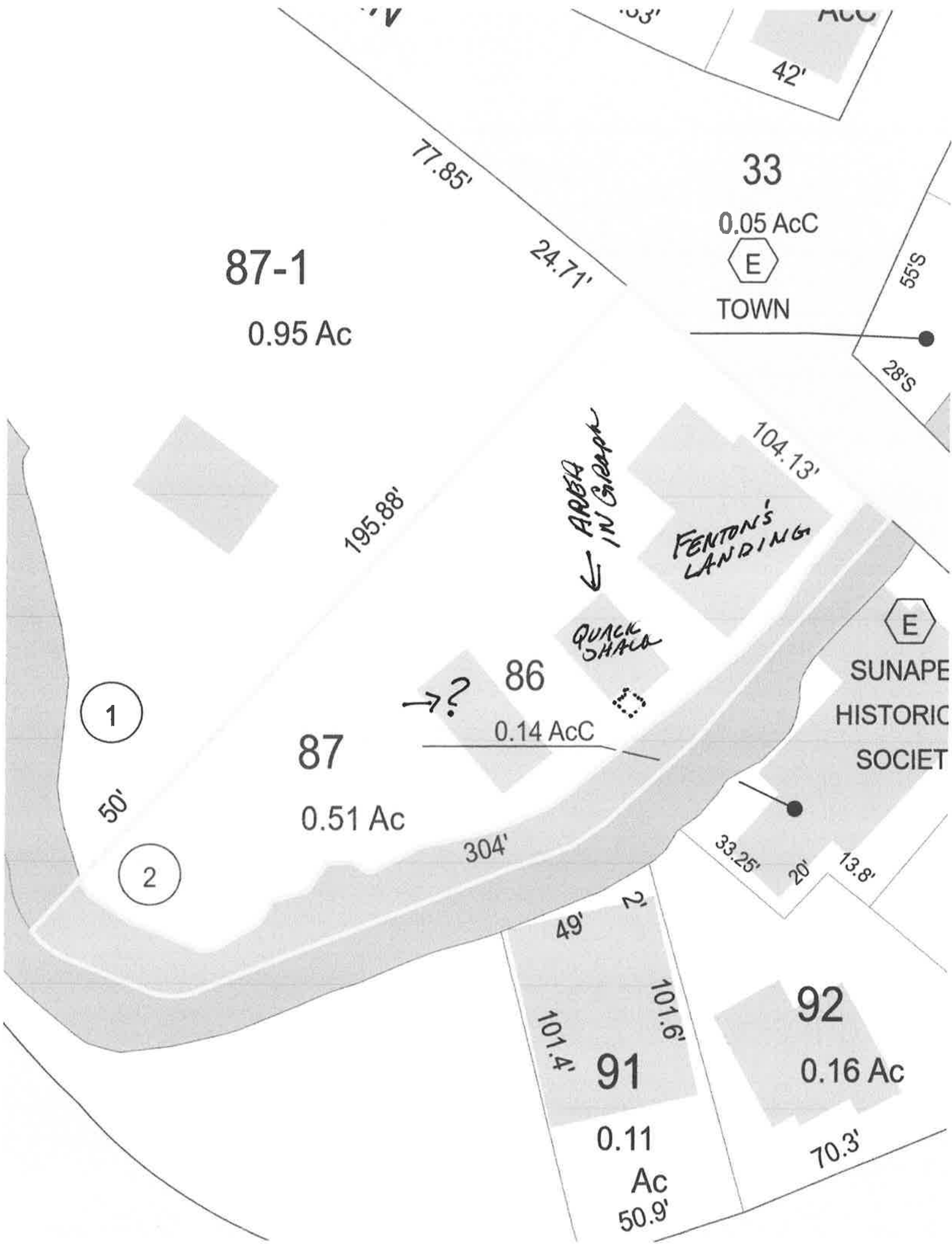
Quack  
Shack  
Building

Fence

4'

10'6"

8'6"







# 68 foot Abutters List Report

Tri Town, NH  
August 14, 2023

## Subject Properties:

Parcel Number: Sun-0133-0087-0000  
CAMA Number: Sun-0133-0087-0000  
Property Address: 72 MAIN ST

Mailing Address: SUNAPEE HARBOR-RIVERWAY INC  
PO BOX 850  
SUNAPEE, NH 03782

## Abutters:

Parcel Number: Sun-0133-0025-0000  
CAMA Number: Sun-0133-0025-0000  
Property Address: 63 MAIN ST

Mailing Address: LAKE SUNAPEE PROTECTIVE ASSOCI  
PO BOX 683  
SUNAPEE, NH 03782

Parcel Number: Sun-0133-0026-0000  
CAMA Number: Sun-0133-0026-0000  
Property Address: 5 GARNET ST

Mailing Address: ROYCE ENTERPRISES, LLC  
PO BOX 50  
SUNAPEE, NH 03782

Parcel Number: Sun-0133-0033-0000  
CAMA Number: Sun-0133-0033-0000  
Property Address: MAIN ST

Mailing Address: TOWN OF SUNAPEE  
23 EDMONT ROAD  
SUNAPEE, NH 03782

Parcel Number: Sun-0133-0035-0000  
CAMA Number: Sun-0133-0035-0000  
Property Address: 77 MAIN ST

Mailing Address: SUNAPEE HARBOR-RIVERWAY INC  
PO BOX 850  
SUNAPEE, NH 03782 *dup*

Parcel Number: Sun-0133-0086-0000  
CAMA Number: Sun-0133-0086-0000  
Property Address: 74 MAIN ST

Mailing Address: SUNAPEE NH HISTORICAL SOCIETY  
PO BOX 501  
SUNAPEE, NH 03782

Parcel Number: Sun-0133-0087-0001  
CAMA Number: Sun-0133-0087-0001  
Property Address: 68 MAIN ST Unit 1

Mailing Address: SUNAPEE HARBOR-RIVERWAY INC  
PO BOX 850  
SUNAPEE, NH 03782 *dup*

Parcel Number: Sun-0133-0090-0000  
CAMA Number: Sun-0133-0090-0000  
Property Address: 1 RIVER RD

Mailing Address: TOWN OF SUNAPEE  
23 EDMONT ROAD  
SUNAPEE, NH 03782

Parcel Number: Sun-0133-0091-0000  
CAMA Number: Sun-0133-0091-0000  
Property Address: 31 RIVER RD

Mailing Address: F. E. CLARK HOLDINGS, LLC  
PO BOX 350  
SUNAPEE, NH 03782

Parcel Number: Sun-0133-0092-0000  
CAMA Number: Sun-0133-0092-0000  
Property Address: 33 RIVER RD

Mailing Address: SUNAPEE HARBOR-RIVERWAY INC  
PO BOX 850  
SUNAPEE, NH 03782



www.cai-tech.com

8/14/2023

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.

Page 1 of 1

ROYCE ENTERPRISES, LLC  
PO BOX 50  
SUNAPEE, NH 03782

SUNAPEE HARBOR-RIVERWAY I  
PO BOX 850  
SUNAPEE, NH 03782

SUNAPEE NH HISTORICAL SOC  
PO BOX 501  
SUNAPEE, NH 03782

TOWN OF SUNAPEE  
23 EDMONT ROAD  
SUNAPEE, NH 03782

F. E. CLARK HOLDINGS, LLC  
PO BOX 350  
SUNAPEE, NH 03782

LAKE SUNAPEE PROTECTIVE A  
PO BOX 683  
SUNAPEE, NH 03782



0133-0087-0000



July 14, 2023

Tri Town, NH

1 inch = 20 Feet



Precision Mapping Geospatial Solutions

www.cai-tech.com

87-1

0.95 AC

24.71'



TOWN

104.13'

195.88'

86

0.14 AcC

87

0.51 AC

304'

33.25'

20'

13.8'

49'

2'

101.6'

101.4'

91

0.11

AC

92

0.16 A

70.3'

RECEIVED

DEC 07 2023

TOWN OF  
SUNAPEE

OWNER AUTHORIZATION

Sunapee Harbor-Riverway, Inc. (the "Riverway"), owner of the property known as 72 Main Street, Sunapee, New Hampshire (Tax Map 133, Lot 87), hereby authorizes Brett W. Allard, Esq. of Shaughnessy Allard, PLLC, to appear before the Town of Sunapee Zoning Board of Adjustment on behalf of the Riverway in connection with pending Case #VA 23-09.

Dated: December 6, 2023



---

David Hoffman, LRPC Chair



1

The information contained in this electronic message is privileged and confidential and is intended only for the use of the individual or entity named above. If the recipient of this message is not the above-named intended recipient, you are hereby notified that any dissemination, copy or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify Sunapee Harbor Riverway 603 763 9988 and purge the communication immediately without making any copy or distribution.

**From:** DES: Shoreland <[shoreland@des.nh.gov](mailto:shoreland@des.nh.gov)>  
**Sent:** Tuesday, July 18, 2023 2:58 PM  
**To:** Susan Mills <[sue@sunapeeharborriverway.com](mailto:sue@sunapeeharborriverway.com)>  
**Subject:** RE: Sunapee Harbor Riverway query

Hello,  
Thank you for contacting the Department. You are placing this on top of an existing structure (i.e. pavilion)? How far away from the water will the structure be placed?

**Calvin G. Diessner**  
Shoreland Section Supervisor, Land Resources Management  
Water Division, NH Department of Environmental Services  
P.O. Box 95  
Concord, NH 03302-0095  
Office: (603) 271-4067  
Email: [calvin.g.diessner@des.nh.gov](mailto:calvin.g.diessner@des.nh.gov)

We greatly appreciate your feedback. Please take a moment to fill out our 3-minute [NHDES-LRM customer satisfaction survey](#).

**From:** Susan Mills <[sue@sunapeeharborriverway.com](mailto:sue@sunapeeharborriverway.com)>  
**Sent:** Monday, July 17, 2023 3:11 PM  
**To:** DES: Shoreland <[shoreland@des.nh.gov](mailto:shoreland@des.nh.gov)>  
**Subject:** Sunapee Harbor Riverway query

**EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.**

Hello,

I'm trying to get a handle on whether we need a Shoreland Permit to place a panelized freezer unit (approx. 9x9 or less) on our pavilion located in Sunapee Harbor. The map/parcel # is 0133-0087 -0000. There are other buildings located on this site, this is the building furthest from the road.  
It is a completely enclosed outdoor freezer unit.

Regards,  
Sue Mills

Susan Mills, Manager  
Sunapee Harbor Riverway, Inc.  
PO Box 850  
Sunapee, NH 03782

603 763 9988

"To preserve and enhance the Harbor Village experience in the present and into the future."

The information contained in this electronic message is privileged and confidential and is intended only for the use of the individual or entity named above. If the recipient of this message is not the above-named intended recipient, you are hereby notified that any dissemination, copy or disclosure of this communication is strictly prohibited. **If you have received this communication in error, please notify Sunapee Harbor Riverway 603 763 9988 and purge the communication immediately without making any copy or distribution.**

**From:** DES: Shoreland <[shoreland@des.nh.gov](mailto:shoreland@des.nh.gov)>  
**Sent:** Friday, July 21, 2023 3:03 PM  
**To:** Susan Mills <[sue@sunapeeharborriverway.com](mailto:sue@sunapeeharborriverway.com)>  
**Subject:** RE: Sunapee Harbor Riverway query

Hello,

No permit require to simply set the freezer on top of the deck. The freezer could not be converted to living space. The structure would need to be setback 20 feet from the water.

**Calvin G. Diessner**  
Shoreland Section Supervisor, Land Resources Management  
Water Division, NH Department of Environmental Services  
P.O. Box 95  
Concord, NH 03302-0095  
Office: (603) 271-4067  
Email: [calvin.g.diessner@des.nh.gov](mailto:calvin.g.diessner@des.nh.gov)

*We greatly appreciate your feedback. Please take a moment to fill out our 3-minute [NHDES-LRM customer satisfaction survey](#).*

**From:** Susan Mills <[sue@sunapeeharborriverway.com](mailto:sue@sunapeeharborriverway.com)>  
**Sent:** Friday, July 21, 2023 10:50 AM  
**To:** DES: Shoreland <[shoreland@des.nh.gov](mailto:shoreland@des.nh.gov)>  
**Subject:** RE: Sunapee Harbor Riverway query

**EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.**

Dear Calvin,

Thank you for your response. I've attached a simple drawing done by the business owner of the Quack Shack Ice Cream stand in the Harbor. The deck (pavilion) is an old footprint of a former building on that site. The ice cream building sits on the deck. This property borders the Sugar River.

Regards,  
Sue

Susan Mills, Manager  
Sunapee Harbor Riverway, Inc.  
PO Box 850  
Sunapee, NH 03782

603 763 9988

"To preserve and enhance the Harbor Village experience in the present and into the future."

[www.sunapeeharborriverway.com](http://www.sunapeeharborriverway.com)



"To preserve and enhance the Harbor Village experience in the present and into the future."

[www.sunapeeharborriverway.com](http://www.sunapeeharborriverway.com)

The information contained in this electronic message is privileged and confidential and is intended only for the use of the individual or entity named above. If the recipient of this message is not the above-named intended recipient, you are hereby notified that any dissemination, copy or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify Sunapee Harbor Riverway 603 763 9988 and purge the communication immediately without making any copy or distribution.

**From:** DES: Shoreland <[shoreland@des.nh.gov](mailto:shoreland@des.nh.gov)>  
**Sent:** Monday, July 24, 2023 2:43 PM  
**To:** Susan Mills <[sue@sunapeeharborriverway.com](mailto:sue@sunapeeharborriverway.com)>  
**Subject:** RE: Sunapee Harbor Riverway query

Hello,

We can not permit structures within 20 feet of the water other than decks and patios. This structure would need to be setback 20 feet from the water.

**Calvin G. Diessner**  
Shoreland Section Supervisor, Land Resources Management  
Water Division, NH Department of Environmental Services  
P.O. Box 95  
Concord, NH 03302-0095  
Office: (603) 271-4067  
Email: [calvin.g.diessner@des.nh.gov](mailto:calvin.g.diessner@des.nh.gov)

We greatly appreciate your feedback. Please take a moment to fill out our 3-minute [NHDES-LRM customer satisfaction survey](#).

**From:** Susan Mills <[sue@sunapeeharborriverway.com](mailto:sue@sunapeeharborriverway.com)>  
**Sent:** Monday, July 24, 2023 12:07 PM  
**To:** DES: Shoreland <[shoreland@des.nh.gov](mailto:shoreland@des.nh.gov)>  
**Subject:** RE: Sunapee Harbor Riverway query

**EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.**

Calvin, I've attached some photos of the area. The Pavilion railing is about 2' from the edge of the river as seen in picture 1. The area the freezer will sit is in picture 2. The counter shelf will be removed, and the freezer will be placed there. It's not 20' from the water. The building isn't 20' from the water.

Regards,

Susan Mills, Manager  
Sunapee Harbor Riverway, Inc.  
PO Box 850  
Sunapee, NH 03782

603 763 9988

"To preserve and enhance the Harbor Village experience in the present and into the future."

The information contained in this electronic message is privileged and confidential and is intended only for the use of the individual or entity named above. If the recipient of this message is not the above-named intended recipient, you are hereby notified that any dissemination, copy or disclosure of this communication is strictly prohibited. **If you have received this communication in error, please notify Sunapee Harbor Riverway 603 763 9988 and purge the communication immediately without making any copy or distribution.**

**From:** DES: Shoreland <[shoreland@des.nh.gov](mailto:shoreland@des.nh.gov)>  
**Sent:** Monday, July 24, 2023 10:29 AM  
**To:** Susan Mills <[sue@sunapeeharborriverway.com](mailto:sue@sunapeeharborriverway.com)>  
**Subject:** RE: Sunapee Harbor Riverway query

The freezer.

**Calvin G. Diessner**  
Shoreland Section Supervisor, Land Resources Management  
Water Division, NH Department of Environmental Services  
P.O. Box 95  
Concord, NH 03302-0095  
Office: (603) 271-4067  
Email: [calvin.g.diessner@des.nh.gov](mailto:calvin.g.diessner@des.nh.gov)

*We greatly appreciate your feedback. Please take a moment to fill out our 3-minute [NHDES-LRM customer satisfaction survey](#).*

**From:** Susan Mills <[sue@sunapeeharborriverway.com](mailto:sue@sunapeeharborriverway.com)>  
**Sent:** Friday, July 21, 2023 4:33 PM  
**To:** DES: Shoreland <[shoreland@des.nh.gov](mailto:shoreland@des.nh.gov)>  
**Subject:** RE: Sunapee Harbor Riverway query

**EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.**

Calvin,

I'm not sure what you mean by the structure would need to be 20' from the water. Which structure, a living quarters?

Thanks,  
Sue

Susan Mills, Manager  
Sunapee Harbor Riverway, Inc.  
PO Box 850  
Sunapee, NH 03782

603 763 9988

"To preserve and enhance the Harbor Village experience in the present and into the future."



The information contained in this electronic message is privileged and confidential and is intended only for the use of the individual or entity named above. If the recipient of this message is not the above-named intended recipient, you are hereby notified that any dissemination, copy or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify Sunapee Harbor Riverway 603 763 9988 and purge the communication immediately without making any copy or distribution.

**From:** DES: Shoreland <[shoreland@des.nh.gov](mailto:shoreland@des.nh.gov)>  
**Sent:** Friday, July 28, 2023 9:25 AM  
**To:** Susan Mills <[sue@sunapeeharborriverway.com](mailto:sue@sunapeeharborriverway.com)>; DES: Shoreland <[shoreland@des.nh.gov](mailto:shoreland@des.nh.gov)>  
**Cc:** [quackphoto@aol.com](mailto:quackphoto@aol.com)  
**Subject:** RE: Sunapee Harbor Riverway query

Nope, please see my email.

Hello,

No permit require to simply set the freezer on top of the deck. The freezer could not be converted to living space. The structure would need to be setback 20 feet from the water.

**Calvin G. Diessner**  
Shoreland Section Supervisor, Land Resources Management  
Water Division, NH Department of Environmental Services  
P.O. Box 95  
Concord, NH 03302-0095  
Office: (603) 271-4067  
Email: [calvin.g.diessner@des.nh.gov](mailto:calvin.g.diessner@des.nh.gov)

We greatly appreciate your feedback. Please take a moment to fill out our 3-minute [NHDES-LRM customer satisfaction survey](#).

**From:** Susan Mills <[sue@sunapeeharborriverway.com](mailto:sue@sunapeeharborriverway.com)>  
**Sent:** Thursday, July 27, 2023 3:22 PM  
**To:** DES: Shoreland <[shoreland@des.nh.gov](mailto:shoreland@des.nh.gov)>  
**Cc:** [quackphoto@aol.com](mailto:quackphoto@aol.com)  
**Subject:** RE: Sunapee Harbor Riverway query

**EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.**

Calvin,

Okay, so we need a Permit by Notification to put the freezer on the deck next to the building. Correct?

Sue

Susan Mills, Manager  
Sunapee Harbor Riverway, Inc.  
PO Box 850  
Sunapee, NH 03782

603 763 9988

## Susan Mills

---

**From:** DES: Shoreland <shoreland@des.nh.gov>  
**Sent:** Wednesday, October 11, 2023 3:11 PM  
**To:** Susan Mills  
**Subject:** RE: Sunapee Harbor Riverway query

No, this is not something at we can provide you. You can use the email chain as evidence of our discussion.

**Calvin G. Diessner**  
Shoreland Section Supervisor, Land Resources Management  
Water Division, NH Department of Environmental Services  
P.O. Box 95  
Concord, NH 03302-0095  
Office: (603) 271-4067  
Email: [calvin.g.diessner@des.nh.gov](mailto:calvin.g.diessner@des.nh.gov)

We greatly appreciate your feedback. Please take a moment to fill out our 3-minute [NHDES-LRM customer satisfaction survey](#).

**From:** Susan Mills <sue@sunapeeharborriverway.com>  
**Sent:** Wednesday, October 11, 2023 2:10 PM  
**To:** DES: Shoreland <shoreland@des.nh.gov>  
**Cc:** quackphoto@aol.com  
**Subject:** RE: Sunapee Harbor Riverway query

**EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.**

Hello Calvin,

We are going before the Sunapee Planning and Zoning Committee on the issue of the freezer we discussed earlier (please see email thread below). Could you please provide me with a letter attachment on DES letterhead stating that we do not need any special permit from DES Shoreland to put the freezer on the deck at the Quack Shack?

Thank you, your time is appreciated.

Regards,  
Sue

Susan Mills, Manager  
Sunapee Harbor Riverway, Inc.  
PO Box 850  
Sunapee, NH 03782

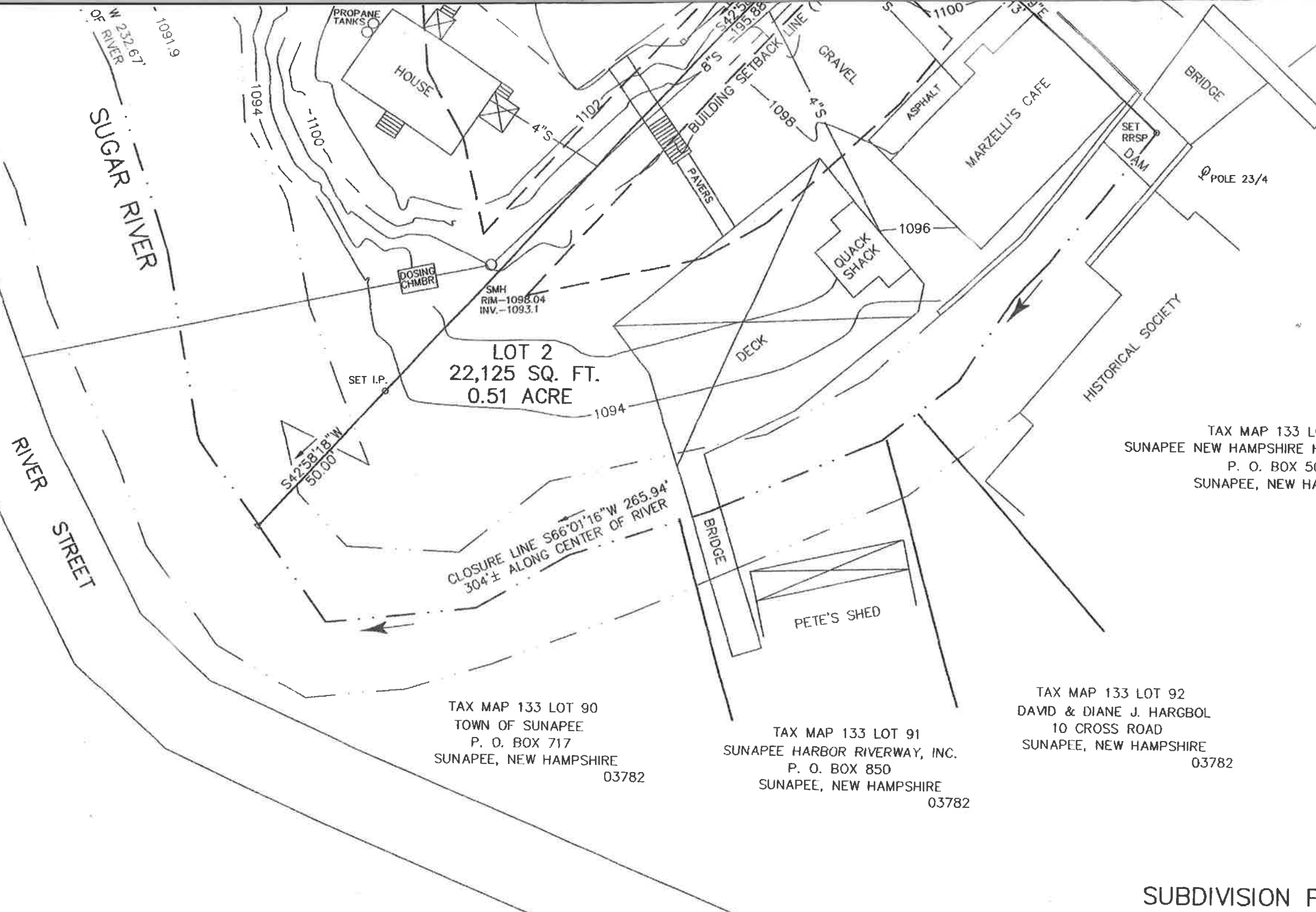
603 763 9988

"To preserve and enhance the Harbor Village experience in the present and into the future."

[www.sunapeeharborriverway.com](http://www.sunapeeharborriverway.com)



TAX MAP 133 LOT 120  
DANVILLE A. HUFF  
P. O. BOX 136  
SUNAPEE, NEW HAMPSHIRE  
03782

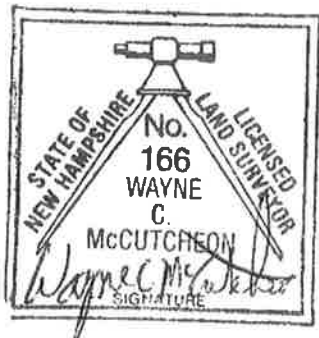


TAX MAP 133 LOT 86  
SUNAPEE NEW HAMPSHIRE HISTORICAL SOCIETY  
P. O. BOX 501  
SUNAPEE, NEW HAMPSHIRE  
03782

TAX MAP 133 LOT 90  
TOWN OF SUNAPEE  
P. O. BOX 717  
SUNAPEE, NEW HAMPSHIRE  
03782

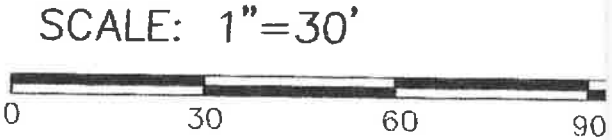
TAX MAP 133 LOT 91  
SUNAPEE HARBOR RIVERWAY, INC.  
P. O. BOX 850  
SUNAPEE, NEW HAMPSHIRE  
03782

TAX MAP 133 LOT 92  
DAVID & DIANE J. HARGBOL  
10 CROSS ROAD  
SUNAPEE, NEW HAMPSHIRE  
03782



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

SUBDIVISION PLAN OF LAND  
SUNAPEE HARBOR-RIVER  
SUNAPEE HARE  
SUNAPEE, NEW HAM





**TOWN OF SUNAPEE**  
***Water and Sewer Commission***

P.O. Box 347, Sunapee, NH 03782-0347  
(603) 763-2115

October 23, 2023

Sunapee Zoning Board  
23 Edgemont Road  
Sunapee, NH 03782

Re: Sunapee Harbor Riverway Quackshack/Fenton's Landing Property

Dear Members of the Board,

I have been speaking with the Sunapee Harbor Riverway in regards to the sewer department's siphon chamber that is located on the edge of the river at map 0133-0087. The Riverway is reporting that the Zoning Board has suggested that they place a cooler on the property adjacent to the Quack Shack deck.

There can't be anything located there that is not easily moved. The Sewer Department needs to maintain a 20' right of way along the sewer line through the property and to be able to access the siphon chamber to keep it cleaned out of grease.

Although I have not been able to locate a recorded easement yet for this right-of-way for the sewer line and siphon chamber. The Sewer Department can't allow a large cooler to be placed in the way of access to these sewer structures.

Sincerely,

David Bailey  
Superintendent

Cc:Sunapee Harbor Riverway



Open in Map Viewer Classic >

Sunapee Water and Sewer

◆ = Siphon Chamber

Sewer Main



VCGL, Maxar, Microsoft | Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus... Powered by Esri



Re: [EXTERNAL]FW: 72 Main Street, Sunapee (ZBA Case #VA 23-09)

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

Thu 1/11/2024 6:15 PM

To: Brett Allard <Brett@salaw-nh.com>

Cc: Dave Hoffman <jdavidhoffman7@gmail.com>; JOHN QUACKENBOS <quackphoto@aol.com>

Hi Brett,

Thank you for sending this over I will be sure to share this with the Zoning Board Members prior to the next meeting.

Best,

Allyson Traeger  
Land Use and Assessing Coordinator  
Town of Sunapee  
23 Edgemont Rd, Sunapee, NH 03782  
Cell: (603) 558-7829

---

**From:** Brett Allard <Brett@salaw-nh.com>

**Sent:** Wednesday, January 10, 2024 1:33 PM

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

**Cc:** Dave Hoffman <jdavidhoffman7@gmail.com>; JOHN QUACKENBOS <quackphoto@aol.com>

**Subject:** [EXTERNAL]FW: 72 Main Street, Sunapee (ZBA Case #VA 23-09)

You don't often get email from brett@salaw-nh.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,

Please see email correspondence below between myself and NHDES regarding the ZBA's question about whether the state will require any permits for placement of the freezers on the deck. Our proposed freezers will simply be placed on the deck – they will not be “built into” the deck, nor will an enclosure be built for them. As such, NHDES is not requiring any permits on their end. If you could please forward this along to the ZBA, that would be greatly appreciated. A number of us (myself included) will be present at the 2/1 meeting to proceed with this case now that we have clarified this item with the state.

Thanks.

Brett W. Allard, Esq.

**S<sub>A</sub> Shaughnessy Allard**

24 Eastman Ave., Suite C3

Bedford, NH 03110

Tel: (603) 644-4357 ext. 3

Fax: (603) 296-2341

Website: [salaw-nh.com](http://salaw-nh.com)

**\*\*PLEASE NOTE\*\*** Effective September 1, 2023, our firm name has changed to **Shaughnessy Allard, PLLC**. As such, my email address has changed to [brett@salaw-nh.com](mailto:brett@salaw-nh.com). However, I will still receive any emails inadvertently sent to my srlaw-nh.com email address.\*\*

Confidentiality Notice - This e-mail transmission and any accompanying material may contain confidential information that is protected by the attorney-client privilege. The information is intended only for disclosure to and use by the addressee(s) named above. Distribution, publication, reproduction or use of this transmission and materials, in whole or in part, by any person other than an intended recipient is prohibited. If you are not the intended recipient, please notify me immediately by reply e-mail or call (603) 644-4357 so that I can take the appropriate measures to ensure confidentiality.

---

**From:** Forst, Darlene <DARLENE.C.FORST@des.nh.gov>  
**Sent:** Tuesday, December 26, 2023 3:51 PM  
**To:** Brett Allard <Brett@salaw-nh.com>  
**Cc:** Diessner, Calvin <Calvin.G.Diessner@des.nh.gov>  
**Subject:** RE: 72 Main Street, Sunapee

Mr. Allard,

My apologies for the delay in getting back to you on this matter. My answer is based upon the definition of structure as found in RSA 483-B:4 which reads:

“ XXII. "Structure" means anything constructed or erected for the support, shelter or enclosure of persons, animals, goods, or property of any kind, with a fixed permanent location on or in the ground, exclusive of fences.”

If the freezers were built into the existing structure such that they become a continuation of it, then I would argue a Shoreland Permit would be required. If an enclosure was to be built for it, then a Shoreland permit would be required for the enclosure. If the freezer is an independent unit, essentially an appliance, albeit a monstrosly large one, that is placed on the deck and plugged into a power supply, it would not meet the statutory definition of a structure and thus would not need a shoreland permit.

Respectfully,  
D. Forst  
Wetlands Bureau Administrator  
Land Resources Management  
Water Division, NH Department of Environmental Services  
P.O. Box 95  
Concord, NH 03302-0095  
Phone: (603) 271-4054  
Email: [Darlene.forst@des.nh.gov](mailto:Darlene.forst@des.nh.gov)

Please take a moment to fill out our [NHDES-LRM customer satisfaction survey](#).



[Follow us on Twitter!](#)



[Like us on Facebook!](#)

---

**From:** Brett Allard <[Brett@salaw-nh.com](mailto:Brett@salaw-nh.com)>  
**Sent:** Friday, December 15, 2023 3:04 PM  
**To:** Forst, Darlene <[DARLENE.C.FORST@des.nh.gov](mailto:DARLENE.C.FORST@des.nh.gov)>  
**Subject:** 72 Main Street, Sunapee

<b>EXTERNAL:</b> Do not open attachments or click on links unless you recognize and trust the sender.
---

Hi Darlene,

Following up on our conversation this afternoon. This commercial property is 72 Main Street in Sunapee. Per our discussion, the Sunapee ZBA had a question about whether the placement of my client's tenant's two 9' x 6' panelized freezers on the

existing deck behind the building would require a permit from NHDES. Given our conversation, it sounds like no such permit would be required, but I have copied a link below to the ZBA application for your review. The application starts on page 68 of the pdf, and there are plans/sketches on pages 71-72. After you have had a chance to review, could you confirm one way or the other? Let me know if you think you might need any additional information.

Thanks.

[final\\_zba\\_agenda\\_11.2\\_v3\\_2.pdf \(sunapee.nh.us\)](#)

Brett W. Allard, Esq.

**S<sub>A</sub> Shaughnessy Allard**

24 Eastman Ave., Suite C3

Bedford, NH 03110

Tel: (603) 644-4357 ext. 3

Fax: (603) 296-2341

Website: [salaw-nh.com](http://salaw-nh.com)

**\*\*PLEASE NOTE\*\*** Effective September 1, 2023, our firm name has changed to **Shaughnessy Allard, PLLC**. As such, my email address has changed to [brett@salaw-nh.com](mailto:brett@salaw-nh.com). However, I will still receive any emails inadvertently sent to my [srlaw-nh.com](mailto:srlaw-nh.com) email address. **\*\***

Confidentiality Notice - This e-mail transmission and any accompanying material may contain confidential information that is protected by the attorney-client privilege. The information is intended only for disclosure to and use by the addressee(s) named above. Distribution, publication, reproduction or use of this transmission and materials, in whole or in part, by any person other than an intended recipient is prohibited. If you are not the intended recipient, please notify me immediately by reply e-mail or call (603) 644-4357 so that I can take the appropriate measures to ensure confidentiality.