

1 **TOWN OF SUNAPEE**

2 **ZONING BOARD**

3 **August 17, 2023**

4 **Chairman Claus called the meeting to order at 6:04 PM.**

5 **MEMBERS PRESENT IN THE MEETING ROOM:** David Andrews, Ann Bordeianu, Jamie Silverstein, Jeff
6 Claus - Chairman, Michael Jewczyn.

7 **MEMBERS PRESENT VIA ZOOM:** None.

8 **ALSO PRESENT IN THE MEETING ROOM:** Michael Marquise - Town Planner, Allyson Traeger - Land Use
9 and Assessing Coordinator, Cordell Johnston – Legal Counsel.

10 **PRESENT VIA ZOOM:** None.

11 **MOTION FOR REHEARING**

12 **Case # VA 23-07, Parcel ID: 0121-0042-0000, 106 Fernwood Point Rd, KTP Cottage, LLC**

13 **Pursuant to RSA 677:2, the board will act on a motion for rehearing with respect to their July 6, 2023,**
14 **decision to deny the Applicant's variance request. No testimony will be taken at this time. The board**
15 **will make a determination as to whether a rehearing is in order based solely on the information**
16 **described in the motion for rehearing as submitted by the applicant.**

17 **At the beginning of the meeting, Ms. Ann Bordeianu and Mr. David Andrews were appointed as voting**
18 **members since there were three Board members present at the meeting.**

19 Ms. Silverstein started with several points regarding the case, as she felt that the grant of a rehearing
20 should be based on the fact that errors in the previous decision were made. However, she also
21 expressed that they didn't perceive any significant mistakes in the initial judgment. The recording and
22 correspondence related to the case were reviewed and did not find any new evidence that warranted a
23 rehearing.

24 It was also noted that the property in question did not present any special conditions that would set it
25 apart from any other property, which is typically an essential element for demonstrating hardship. The
26 submission of letters from real estate agents was deemed insufficient to justify a rehearing, as this
27 information could have been presented during the original hearing.

28 The Board also acknowledged the concerns raised by the abutters, who believed that granting the
29 variance would negatively impact their property values. In their view, this aligned with the spirit of the
30 ordinance and supported the initial decision to deny the variance.

31 Mr. Andrews also pointed out that during the initial hearing, the Board faced challenges in identifying
32 special conditions for the property in question. This was especially evident given their consistent
33 adherence to established regulations and interpretations.

34 The sentiment was shared that the appeal for rehearing did not introduce any new information or facts
35 that could potentially alter the original decision. Moreover, the members concurred that the initial
36 verdict closely aligned with the intent of the ordinance, as previously highlighted by Ms. Silverstein.

37 Considering the lack of new evidence and the alignment of their original decision with the ordinance's
38 spirit, the Board agreed that the motion for a rehearing should be denied.

39 **Ms. Silverstein made a motion to deny the rehearing of Case # VA 23-07, Parcel ID: 0121-0042-0000,**
40 **106 Fernwood Point Rd, KTP Cottage, LLC, and seconded by Mr. Claus. All voted in favor.**

41 **The motion passed unanimously.**

42 OTHER BUSINESS:

43 Ms. Silverstein requested a revised draft of the Minutes of Meeting of the last meeting of the Zoning
44 Board since she felt it was deficient.

45 **Mr. Claus made a motion to adjourn the meeting at 6:45 PM.**

46 **Ms. Silverstein seconded the motion.**

47 **The motion passed unanimously.**

48 Respectfully submitted by

49 Rajmonda Selimi