

1 **TOWN OF SUNAPEE**

2 **ZONING BOARD**

3 **APRIL 11, 2013**

4 **PRESENT:** Edward Frothingham, Chair, Dick Katz, Daniel Schneider, Clayton Platt, Aaron Simpson,  
5 William Larrow, Alternate

6 **ABSENT:** Roger Landry, Zoning Administrator

7 **ALSO PRESENT:** See Sign-in Sheet

8 Chairman Frothingham called the meeting to order at 7:00 pm.

9 **ELECTION OF OFFICERS**

10 Dick Katz nominated Edward Frothingham as Chairman. Aaron Simpson seconded the nomination. The  
11 nomination passed unanimously.

12 Edward Frothingham nominated Dick Katz as Vice-Chairman. Daniel Schneider seconded the  
13 nomination. The motion passed unanimously.

14 **MINUTES**

15 Changes to the minutes from February 14, 2013:

16 Daniel Schneider made a motion to approve the minutes of the February 14<sup>th</sup> meeting of the Town of  
17 Sunapee Zoning Board. Dick Katz seconded the meeting. The motion passed with four in favor and one  
18 abstention (Clayton Platt).

19 **CASE # 13-03: PARCEL ID: 0109-0002-0000: SEEKING APPROVAL OF A SPECIAL EXCEPTION AS PER**  
20 **ARTICLE III, SECTION 3.50-I TO RAISE THE ROOFLINE WITHIN THE ROAD FRONT SETBACK TO**  
21 **ACCOMMODATE A SECOND FLOOR ON EXISTING GARAGE. JOHN & DOREEN BRANDOLINI, 7**  
22 **WESTWOOD RD.**

23 John Brandolini presented the case. Mr. Brandolini explained that they would like to take the roof off an  
24 existing two car garage, raise it about six to six and a half feet and put the roof back on. Mr. Brandolini  
25 said that the space would be used for storage and will not have any living space, just electricity for lights.  
26 Mr. Brandolini was asked and confirmed that the staircase will be inside the building. Mr. Brandolini  
27 explained that the existing garage is 24' x 24' and the staircase will be in the back of the garage.

28 Mr. Katz said that in the surrounding area of this property, it appears that every building has a second  
29 floor storage or living space near the road. Mr. Brandolini was asked about the lot across the street and  
30 explained that he owns that lot as well. Mr. Schneider noted that the Zoning Ordinance says that view  
31 issues are not a reason to deny an application.

32 Mr. Simpson asked Mr. Brandolini if there will be any land disturbance and Mr. Brandolini said there will  
33 not. Mr. Larrow asked if State permits were required due to the distance from the Lake. Mr. Brandolini  
34 said he does not believe he does as he thinks it is far enough back and the footprint is staying the same.  
35 Mr. Simpson asked and Mr. Brandolini confirmed that he is not cutting any trees. There was a  
36 discussion regarding the State Permit issue and it was determined that as the applicant is not changing  
37 the impervious surface area, the footprint, or doing any land disturbance that a State Permit is not  
38 needed.

39 Daniel Schneider made a motion to approve case #13-03 Parcel ID: 0109-0002-0000 seeking approval of  
40 a Special Exception as per Article III, Section 3.50-I to raise the roofline within the road front setback to  
41 accommodate a second floor on existing garage; John & Doreen Brandolini, 7 Westwood Road as  
42 submitted. Dick Katz seconded the motion. The motion passed unanimously.

43 **CASE # 13-04: PARCEL ID: 0209-0031-0000: SEEKING APPROVAL OF A SPECIAL EXCEPTION AS PER**  
44 **ARTICLE IV, SECTION 4.10 FOR A HOME BUSINESS / OFFICE FOR A HOME IMPROVEMENT COMPANY**  
45 **“FOREMOST BUILDERS, LLC”. DAVID CLARENBACH, 24 TWIN BIRCH LN.**

46 David Clarenbach of 24 Twin Birch Lane and owner of Foremost Builders, LLC presented the case. Mr.  
47 Clarenbach explained that he has moved his office from Main Street in New London to his house. He  
48 received a call from Mr. Landry regarding advertising and informing him that he needs a Special  
49 Exception if he is going to have a Home Business

50 Mr. Frothingham asked and Mr. Clarenbach confirmed that his house is at the end of Twin Birch Lane.

51 Mr. Schneider asked if this business would be an office only or if there will be construction equipment or  
52 materials stored at the property. Mr. Clarenbach said that he has trucks and trailers at his house but  
53 they have been parked there for years and confirmed that he does not have excavators. Mr. Schneider  
54 explained that if there is equipment and materials stored then it is a Contractor's Yard not just a Home  
55 Business. Mr. Larrow explained the nature of a Contractor's Yard to Mr. Clarenbach.

56 Mr. Simpson suggested that Mr. Clarenbach was applying for a Home Occupation and not a Home  
57 Business. Mr. Clarenbach was asked if he will have a sign advertising the business and said that it was  
58 suggested to him to have a sign. Mr. Schneider explained the difference between a Home Occupation  
59 and a Home Business. Mr. Clarenbach confirmed that he will have a sign and it was therefore confirmed  
60 that he is applying for a Home Business.

61 Mr. Larrow asked if Mr. Clarenbach plans on having customers go to the office and review plans and  
62 such. Mr. Clarenbach explained that he moved out of his New London office because he was paying  
63 rent for a showroom that people rarely visited. Customers typically want him to go to their house to  
64 view the projects but they might occasionally go to his office as well.

65 Mr. Schneider asked if Mr. Clarenbach's crew would be going to the property and Mr. Clarenbach  
66 explained that they go directly to the job site. Mr. Clarenbach continued that he has one employee that

67 goes to his house on a once a week basis who does bookkeeping and estimates but the other days he is  
68 at the job sites.

69 Mr. Frothingham asked how many employees Mr. Clarenbach has. Mr. Clarenbach said that he  
70 currently has two employees and only one works at his house one day per week though he may get  
71 more employees if the economy grows. Mr. Frothingham explained that Mr. Clarenbach will have to  
72 keep his business within the Guidelines unless he is going to expand which would need a Site Plan  
73 Review. There was further discussion regarding this matter.

74 Mr. Platt asked how many vehicles and trailers are at or anticipated to be at the property. Mr.  
75 Clarenbach said that today there is one handy man truck and trailer. Most days it is the handy man  
76 truck, job trailer, and dump trailer though there could be as many as three trailers. Mr. Platt asked and  
77 Mr. Clarenbach confirmed that there could be as many as five vehicles on the property. Mr. Clarenbach  
78 explained that he has a lower level parking area that runs the back of the house where he stores the  
79 trailers.

80 Mr. Platt asked if there is a driveway that goes behind the house or if it is just parking. Mr. Clarenbach  
81 explained to the Board where the proposed parking for the employee vehicles is located and more  
82 about the driveway access. Mr. Simpson asked and Mr. Clarenbach clarified that his employees go  
83 directly to the jobsite but that Mr. Landry had suggested adding additional parking in case he expands in  
84 the future.

85 There was a discussion regarding if the property should be classified as a Contractor's Yard with the  
86 trucks and trailers. Mr. Schneider suggested including a restriction on the approval that no construction  
87 equipment or materials be stored on the premises except for what might be needed for maintenance of  
88 the property. Mr. Frothingham asked about the trailers on the property and Mr. Schneider said that he  
89 does not think they are construction equipment. Mr. Simpson asked Mr. Clarenbach if he had submitted  
90 an application to go the Planning Board for a Site Plan Review. There was a discussion regarding this  
91 issue because if Mr. Clarenbach is not approved for a Contractor's Yard, just an office, the Planning  
92 Board can't change the approval.

93 Chairman Frothingham suggested continuing the Case until the next meeting and asked Mr. Clarenbach  
94 if there was a reason he needs the approval at this meeting. Mr. Clarenbach explained that he had  
95 advertised that he was moving his office to his home which is why he received notification from Mr.  
96 Landry that he needed approval. Chairman Frothingham clarified that Mr. Clarenbach could not  
97 advertise or put a sign out without approval. Mr. Clarenbach explained that he does need to advertise  
98 his business. Chairman Frothingham suggested approving the office and not the trailers.

99 Mr. Platt read the description of a Contractor's Yard. Mr. Clarenbach asked for a definition of  
100 equipment and Mr. Platt said that he believes equipment does include job site trailers and dump trucks.  
101 Mr. Clarenbach explained that as he gets busier, there is less equipment stored at his property. Mr.  
102 Larrow said that it sounds as though Mr. Clarenbach has room behind his house that could qualify as  
103 Contractor's Yard and that though it is in a residential neighborhood, they have approved them before.  
104 Chairman Frothingham said that he does not feel as though the Board would have an issue with the

105 Contractor's Yard, but Mr. Clarenbach did not apply for a Contractor's Yard. Mr. Larrow suggested  
106 approving the Home Business subject to Mr. Clarenbach applying for a Contractor's Yard. Mr.  
107 Clarenbach said that he thought everything would fall under a Home Business. There was further  
108 discussion regarding Home Businesses and Contractor Yards. Mr. Clarenbach said that he would have  
109 had a Contractor's Yard for the past five years as he has stored trailers on his property for at least that  
110 long. Mr. Simpson said that if Mr. Clarenbach has had a Contractor's Yard on his property in the same  
111 condition for at least five years then it may predate the Zoning Ordinance. There was further discussion  
112 regarding this matter. Mr. Platt said that he does not see in the Ordinances that Contractor's Yards are  
113 allowed by Special Exception in the Rural Residential Zone.

114 Chairman Frothingham explained to Mr. Clarenbach that during Site Plan Review, the Planning Board  
115 may not approve the storage of trailers on the property. Also, Mr. Clarenbach may not be able to  
116 advertise his business until he receives Site Plan Approval from the Planning Board.

117 Daniel Schneider made a motion to approve Case 13-04, Parcel ID 0209-0031-0000, seeking approval of  
118 a Special Exception as per Article IV, Section 4.10 for a Home Business / Office for a home improvement  
119 company "Foremost Builders, LLC", David Clarenbach, 24 Twin Birch Lane under the condition that this  
120 approval is not an approval of a Contractor's Yard which by definition is the storage of materials and  
121 equipment by contractors. Dick Katz seconded the motion. The motion passed unanimously.

122 **CASE # 13-05: PARCEL ID: 0135-0007-0000: SEEKING APPROVAL OF A SPECIAL EXCEPTION AS PER**  
123 **ARTICLE III, SECTION 3.50-I TO RAISE THE ROOFLINE WITHIN THE ROAD FRONT SETBACK TO**  
124 **ACCOMMODATE A SECOND FLOOR IN NEW GARAGE FOR A LIBRARY / STUDIO. JAMIE MILLER, 19**  
125 **LOVEJOY LN.**

126 Charlie Hirshberg from CLD Engineers presented the case on behalf of Jamie Miller. Mr. Hirshberg  
127 explained that this property has a new house that is currently under construction. The existing garage  
128 on the property needs a new foundation. The owners want to replace the garage in the same footprint  
129 but they want to make the garage a story higher. Mr. Hirshberg continued that the second floor is built  
130 into the roof so it is not a true two story building. Mr. Hirshberg showed a Plan of the building to the  
131 Board.

132 Mr. Simpson asked if the room will be a studio apartment. Mr. Hirshberg explained that the space will  
133 have a bathroom, but it will not have a kitchen though it will have a bar. Chairman Frothingham  
134 suggested that if the Board decides to approve this application that they should include as a condition  
135 that the space could never become a dwelling unit.

136 Mr. Hirshberg was asked if there will be any tree cutting for this project. Mr. Hirshberg said that the  
137 tree cutting was all handled through the Shoreland Permit for the house. They are not changing the  
138 footprint of the garage; they are going to rebuild the garage and want to add a story. Mr. Hirshberg  
139 explained that the project is covered under the original Shoreland Plan as he amended the Plan to  
140 include the impact from the garage. Mr. Hirshberg gave a copy of the amended Shoreland Permit to the  
141 Board.

142 Mr. Hirshberg explained that they will be doing some re-grading around the garage and the Shoreland  
143 Permit includes this work as well. Mr. Hirshberg continued that with the garage, the property is still  
144 under the Shoreland Overlay District impervious coverage which is 30% as they are at 28%. They are  
145 also under the Non-Overlay District total coverage which takes into account the total impervious and  
146 pervious coverage which is 50% and they are at 31%. Mr. Schneider asked why this application would  
147 change coverage and Mr. Hirshberg explained that they added a walkway between the garage and the  
148 house.

149 Mr. Simpson asked about the erosion control for the property. Mr. Hirshberg explained that the Plan  
150 that Mr. Landry has which covers the rest of the Site has all the erosion control on it. Mr. Hirshberg  
151 explained that the erosion control was covered by the previous Shoreland Permit.

152 There was a brief discussion regarding the front setback and if it is from the centerline of the right of  
153 way or from the centerline of the road. Mr. Hirshberg explained that they are not asking for a Variance  
154 from the setback as they are staying with the preexisting footprint.

155 Dick Katz made a motion to accept Case 13-05, Parcel ID 0135-0007-0000, seeking approval of a Special  
156 Exception as per Article III, Section 3.50-I to raise the roofline within the road front setback to  
157 accommodate a second floor in new garage for a library / studio, Jamie Miller, 19 Lovejoy Lane with the  
158 caveat that it cannot be used as a dwelling unit without approval. Aaron Simpson seconded the motion.  
159 The motion passed unanimously.

## 160 **ZONING REGULATIONS**

161 The Board discussed the Zoning Regulation changes from Mr. Simpson. Mr. Schnedier said that he felt  
162 that it was too stringent to say that all members must attend all the meetings. Mr. Simpson clarified  
163 that it says that all members are expected to attend all meetings and they are expected to notify the  
164 Chair if they are not able. There was further discussion regarding this matter.

165 Chairman Frothingham asked for clarification regarding making motions, seconding motions, and  
166 discussion on the motion to be put in the Regulations. Mr. Simpson explained that it part of Roberts  
167 Rules of Order but agreed to add it to the Regulations.

168 There was a discussion regarding Alternates and Appointments to the Board.

169 There was a discussion regarding the Order of Business and setting appointment times for hearings.

170 Dick Katz made a motion to adjourn the meeting at 8:13pm. Aaron Simpson seconded the motion. The  
171 motion passed unanimously.

172 Respectfully submitted,

173 Melissa Pollari

174

175	_____	_____
176	Edward Frothingham	Aaron Simpson
177	_____	_____
178	Dick Katz	Clayton Platt
179	_____	_____
180	Daniel Schneider	William Larrow, alternate member