

1 **TOWN OF SUNAPEE**

2 **ZONING BOARD**

3 **APRIL 10, 2014**

4 **PRESENT:** Edward Frothingham, Chair, Daniel Schneider, Vice-chair, Aaron Simpson, Clayton Platt,
5 William Larrow, Roger Landry, Zoning Administrator

6 **ABSENT:**

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

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

9 **ELECTION OF OFFICERS**

10 Aaron Simpson made a motion to nominate Edward Frothingham as Chair. Daniel Schneider seconded
11 the motion. The motion passed with one abstention (Edward Frothingham).

12 Aaron Simpson made a motion to nominate Daniel Schneider as Vice Chair. William Larrow seconded
13 the motion. The motion passed with one abstention (Daniel Schneider).

14 **MINUTES**

15 Changes to the minutes from the January 9, 2014 Zoning Board Meeting: Change line 68 to read
16 "...rights of others due to the fact that it is so remote..." Change line 146 to read "...already has in that
17 he has the space..." Change line 169 to read "...there is an office that people can wait and..."

18 Aaron Simpson made a motion to approve the minutes as amended for January 9, 2014. William Larrow
19 seconded the motion. The motion passed unanimously.

20 **CONTINUATION CASE # 14-03: PARCEL ID: 0226-0030-0000: SEEKING A VARIANCE OF ARTICLE IV,**
21 **SECTION 4.10 TO OPERATE AN AUTOMOBILE AND HEAVY EQUIPMENT REPAIR BUSINESS AND AN R.V.**
22 **STORAGE SPACE IN A RURAL RESIDENTIAL ZONE. RICHARD K OSBORNE, 284 ROUTE 11.**

23 Chairman Frothingham informed the applicants that they are missing one member of the Board and
24 gave them the option of postponing the hearing. The applicants said that they will proceed with the
25 hearing.

26 Roger Rodewald and Richard Osborne continued presenting the case. Mr. Rodewald gave the Board a
27 copy of the Plan for their review.

28 Mr. Rodewald said that they have been to the Planning Board and received Site Plan approval. Mr.
29 Rodewald presented letters from NH DOT, NH DES for the holding tank and the EPA ID number for oil
30 burner usage, and a septic approval from NH DES. Mr. Rodewald continued that he also sent a letter to
31 the Wetlands Bureau about Wendell Marsh and received a response that he gave to the Board.

32 Mr. Simpson asked and Mr. Rodewald confirmed that the Plans are the same that the Planning Board
33 approved, just amended as per their approval.

34 Vice Chair Schneider said that the Plan should read Mustard Seed Lane, not Mustard Seed Lake.

35 Mr. Larrow said that he understands that there is an EPA number for the oil burner. However, in the
36 letter it says that should they produce hazardous waste, being antifreeze, etc., they need to contact DES.
37 Mr. Larrow asked if the applicants do not anticipate producing any hazardous waste. Mr. Osborne said
38 that the antifreeze would be handled by a licensed carrier who comes in and drops off drums to fill. Mr.
39 Larrow said that is usually when an EPA number would be issued in order for the carrier to come in,
40 write down the number, gallons, etc. Mr. Osborne said that they listed antifreeze, batteries, waste oil,
41 etc. on their application and they were told that they are a small use generator. Mr. Rodewald said that
42 he believes the approval is all inclusive because everything was on the application. Mr. Larrow said that
43 he is asking specifically because of what the sentence says about producing hazardous materials in the
44 future. Mr. Simpson noted that the approval letter says that the number is for a waste oil generator and
45 nothing else. Mr. Osbrone said that he did send an application for everything and if he needs a different
46 number that he understands that he will have to get one. Mr. Larrow said that he does not believe
47 there would be a problem getting a letter saying that it is not required. Peter Hill said that when they
48 sent in the application it asked for the quantity of what is being generating now and what will be
49 generated this year. DES then determines whether an EPA number is needed. Mr. Osborne is
50 considered a small use generator that does not need an EPA number. Mr. Hill continued that if Mr.
51 Osborne starts to generate more hazardous waste then he will have to change his status. Mr. Larrow
52 asked and Mr. Rodewald agreed to give the Board a copy of the application.

53 Mr. Platt arrived and apologized for his late entrance.

54 Mr. Simpson asked if Mr. Osborne looked into getting an increase in capacity for the holding tank for
55 waste oil. Mr. Osborne explained that the holding tank is for the floor drains and is not for waste oil. He
56 keeps the waste oil in a separate tank. Mr. Simpson asked and Mr. Osborne confirmed that he has a
57 holding tank for waste oil and has a waste oil permit number. Mr. Osborne said that they put the
58 anticipated usage of 600 gallons in their application and they now don't even produce 100 gallons. The
59 approval did not specify any holding tank requirements.

60 Mr. Platt asked what happens to the tank for the water from the drains. Mr. Osborne explained that it is
61 pumped out by a licensed hauler.

62 Chairman Frothingham asked about the Current Use boundary line and Mr. Rodewald explained that it
63 has been changed with a different configuration. Mr. Simpson asked if the applicants had notified the
64 Town and Mr. Rodewald said that as long as they kept the same acreage the Town doesn't care. Mr.
65 Platt said that is not the case and Current Use boundary lines cannot just be changed. Mr. Platt
66 continued that if the Town agreed then he doesn't think the Board should disagree.

67 Mr. Simpson asked who created the restrictive covenants. Mr. Osborne said that they were voluntary
68 on their part to address the issue of the sight line from the highway.

69 Mr. Platt said that he would like to apply the Variance just to the area that is not in Current Use and
70 showed on the Plan so the entire parcel does not get the approval. There was further discussion
71 regarding this issue.

72 Mr. Simpson asked if anyone had any comments or questions before the public input portion of the
73 hearing is closed and there were none.

74 Aaron Simpson made a motion to approve Case #14-03, Parcel ID: 0226-0030-0000: seeking a Variance
75 to operate an automobile and heavy repair business and an RV storage space in a Rural Residential
76 Zone, Richard K Osborne, 284 Route 11; conditional on the receipt of an application that was delivered
77 to DES in order to verify that it was clear they were applying for everything the applicants have said they
78 were applying for and that it be restricted only to the area not in Current Use as shown on the Plan that
79 was presented to the Board dated April 8, 2014 and prepared by Riverside Ecological Designs, Inc., South
80 Sutton, NH. Daniel Schneider seconded the motion. The motion passed with four in favor and one
81 opposed (William Larrow).

82 There was a brief discussion regarding Mr. Osborne not having the EPA number that Mr. Larrow felt was
83 needed.

84 **MISCELLANEOUS**

85 Vice Chair Schneider said that the Planning Board was supposed to hear a case for 112 Sargent Rd and
86 he noticed that it is not on the agenda. Mr. Simpson said that he believes that the reason it is not on the
87 agenda is because it is an appeal of Mr. Landry's decision and he is not available for this meeting and
88 they agreed to continue it.

89 **ALTERNATE MEMBER APPLICATION**

90 Chairman Frothingham informed the Board that George Neuwirt has applied to become an Alternate
91 Member of the Board. Mr. Neuwirt introduced himself to the Board and said that he owns a
92 construction company in Town.

93 Mr. Simpson asked how Mr. Neuwirt would feel about hearing about projects that he does not get and
94 Mr. Neuwirt said that he would be fine. Mr. Simpson commented that it may be proper for Mr. Neuwirt
95 to recuse himself if this did occur. Mr. Neuwirt said that he rarely bids on projects and if he loses a job it
96 is because he hasn't done enough to sell the job. It will not be a conflict for him to sit on a case for a job
97 he loses. Mr. Simpson asked if Mr. Neuwirt has seen the Town's conflict of interest policy. Mr. Neuwirt
98 said that he has not. Mr. Simpson explained the policy to Mr. Neuwirt. Mr. Neuwirt said that he feels
99 like he can be fairly objective and just stick to the facts of the case. There was further discussion
100 regarding recusing oneself from a case.

101 Chairman Frothingham asked and Mr. Neuwirt stated that he will have time to go out and look at the
102 properties for the hearings.

103 Mr. Neuwirt said that he is interested in hearing the different Board members' perspectives and how
104 they view the cases. There was further discussion regarding this matter and the Board being fair to the
105 applicants while perhaps challenging each other. There was also a discussion about how it is different to
106 sit on the Board rather than present to them as well as how much the members have learned.

107 Clayton Platt made a motion to approve George Neuwirt as an Alternate to the Zoning Board. Aaron
108 Simpson seconded the motion. The motion passed unanimously.

109 The Board informed Mr. Neuwirt that he needs to get sworn in to the Board at the Town Clerk's office.

110 Daniel Schneider made a motion to adjourn at 7:59 pm. Aaron Simpson seconded the motion. The
111 motion passed unanimously.

112 Respectfully submitted,

113 Melissa Pollari

114

115

116 Edward Frothingham

Aaron Simpson

117

118 Clayton Platt

Daniel Schneider

119

120 William Larrow

George Neuwirt, Alternate