

**Town of Sunapee Planning Board
Sunapee, New Hampshire
Notice of Public Hearing**

Notice is hereby given that the Sunapee Planning Board will hold a Public Hearing on Thursday, December 12, 2019 at 8:00 PM at the Town Hall to receive public input on the amendments to the Town of Sunapee Zoning Ordinance. The proposed amendments are summarized below and the full text may be reviewed at the Sunapee Town Clerk's Office during regular business hours or on the Town of Sunapee Website beginning November 26, 2019.

Amendment #1

Amend Article II, Section 2.30 and Article IV, 4.31 – Wetlands - by making changes to the definition of the Wetland Overlay District. The current broad wording of poorly or very poorly drained soils would be replaced by a more specific definition of larger wetlands that contain these types of soils. A 25 foot buffer would be added around delineated portion of the wetland.

The full text of Article II, Section 2.30 as amended will be as follows:

The Wetlands Overlay District is defined as those areas ~~delineated~~ mapped as very poorly drained soils and any contiguous poorly drained soils by the USDA Natural Resources Conservation Service. The district shall also include any poorly drained soils which are contiguous to the shorelines of lakes and ponds greater than 10 acres in area. The area 25 ' surrounding the above mapped areas shall also be part of the Wetlands Overlay District. Poorly drained soils that are not contiguous to very poorly drained soils or lakes or ponds greater than 10 acres in area are not included in this district. ~~Soil Conservation Service, in the Soil Survey of Sullivan County contiguous to surface waters such as lakes, ponds, and streams, subjected to high water tables for extended periods of time and includes but are not necessarily limited to, all such area delineated as Wetlands on the current Wetland Overlay District Map, which is on file in the office of the Planning Board.~~ Where it is alleged that an area has been incorrectly ~~delineated~~ mapped as a wetland, or that an area not so designated meets the criteria for wetlands designation, the ~~Planning Board Zoning Administrator~~ shall determine whether the regulations contained herein have application. The ~~Planning Board Zoning Administrator~~ shall make their judgment under this section only upon the determination by a qualified wetland or soil scientist based on physical on-site investigations or other suitable research that the information contained on the Wetland Overlay District Map is incorrect. This evidence shall be acceptable only when presented in written form by said scientist to the ~~Planning Board Zoning Administrator~~. Any such investigation, including soil tests, shall be conducted at the expense of the landowner or developer. Once a jurisdictional wetland is delineated, the 25 ' wetland setback buffer shall be applied to the delineated line. It is important to note that the requirements of the Overlay District do not supersede any requirements of the State of New Hampshire Wetlands Bureau or the Army Corps of Engineers.

Amendment #2

Amend Article III, Section 3.20 - Table of Dimensional Controls – by adding dimensional controls to the Mixed Use III district for the district overlays that would be consistent with the requirements in the other districts.

The full text will be as follows:

<i>Lot Size – Shoreline</i>	<i>N/A</i>
<i>Lot Size – Aquifer</i>	<i>2.0 Acres</i>
<i>Lot Size – Wetlands</i>	<i>1.5 Acres</i>
<i>Lot Coverage – Shoreline</i>	<i>N/A</i>
<i>Lot Coverage – Aquifer</i>	<i>20%</i>
<i>Lot Coverage – Wetlands</i>	<i>0%</i>

Amendment #3

Amend Article III, Section 3.40 (o) - Additional Requirements – by adding the Mixed Use III district to the Rural-Residential and Rural Lands Districts as those districts requiring highway buffering.

The full text will be as follows:

For all new construction in the Rural-Residential, ~~and~~ Rural lands, *and Mixed-Use III* Districts, the existing 25' vegetative buffer extending back from the state right-of-ways of Route 11, Route 103 and Route 103B shall be preserved. If no vegetation currently exists, then new plantings will be required, which shall include both trees and evergreen shrubs. Plantings preferably will be grouped, not evenly spaced and shall be located or trimmed to avoid blocking egress visibility. Driveways are exempt from this requirement.

Amendment #4

Amend Article III, 3.50 (k) – Special Exceptions –to include in this exception houses that may be only partially within the 50' shoreland setback.

The full text will be as follows:

If a pre-existing house is located *partially or* entirely within the 50' water bodies setback, additions may be made to the structure provided that:

- (1) the house is at least 40' from the water body at all points where the addition is proposed,
- (2) the proposed addition is to be only on the side of the structure away from the water body and behind the existing structure, and
- (3) the proposed addition is no higher than 25' from the finished grade at its highest point.

Amendment #5

Amend Article IV, Section 4.33(8)(b)(I) – Cutting and Removal of Natural Vegetation within the Natural Woodland Buffer – by making changes to this section to exempt dead trees from the permit requirements if the trees have been declared such by an arborist, forester, or Selectmen's agent.

The full text will be as follows:

A cutting and clearing plan shall be subject to the approval of the Planning Board for the following:

- (1) Cutting within the Natural Woodland Buffer of more than five (5) trees having a diameter of six (6) inches or more at a point 4.5 feet above the existing ground in any 12-month period. *Trees that are determined by an arborist, forester, or Selectman 's agent to be dead, diseased, or dying are exempt from this requirement.*
- (2) Removal of large areas of vegetation (over one thousand [1000] square feet) within the Natural Woodland buffer in any calendar year.

The Board of Selectmen or their Agent shall review and approve the cutting of all trees having a diameter of six (6) inches or more. *Trees that are determined by an arborist, forester, or Selectman 's agent to be dead, diseased, or dying are exempt from this requirement.*

In addition, on ponds, lakes or rivers, any cutting, or removal of natural vegetation must be by permit from DES.

Amendment #6

Amend Article IV, Section 4.90 – Accessory Dwelling Unit – to make it clear that applicants only need to meet the list of special exception requirements in Section 4.90 and not the additional requirements of Section 4.15

The full text as amended will be as follows:

1. An ADU will be permitted in all districts by special exception. *The special exception will be based on items 2-9 in this section and not on the requirements found in Section 4.15*

Amendment #7

Amend Article V, Section 5.31 – Sign Regulations – by changing this section so that signs defined in Section 5.20 (exempt signs) are not included in the overall square footage allowed on a property.

The full text as amended will be as follows:

5.31 **Size.** Signs in the Residential, Rural-Residential, Rural Lands, and Mixed-Use Districts shall not exceed 48 squares *feet* per side and total signage on any given lot may not exceed 96 square feet. Signed in the Village-Commercial and Village-Residential Districts shall not exceed 24 square feet per side and total signage on any given lot may not exceed 48 square feet. Total signage includes ~~signs noted in Section 5.20 as well as~~ any signs attached to the exterior of the buildings. Any structure or device used as a sign base or carrier will be considered in the square footage calculation.

Amendment #8

Article IX - Section 9.12 – Site Plan Review – by changing the allowance that “Home Occupations” be given special consideration by the Planning Board to “Home Businesses” being accorded such consideration, since this is the actual procedure outlined in the Site Plan Review Regulations. Home Occupations will remain exempt from the Site Plan Review Regulations.

The full text as amended will be as follows:

9.12 **Site Plan Review Required.** The Planning Board shall require site plans to be submitted to it for review by an applicant seeking any new or altered non-residential use, whether or not such application is one for which a certificate of *zoning* compliance, *special exception*, or variance is required. The Planning Board shall give special consideration to home ~~occupations~~ *businesses*, waiving much of the review process if it is determined such usage does not significantly increase traffic, parking requirements, noise, odor, waste disposal, lighting, or other negative influence on the local community. Planning Board approval of such site plans shall be a necessary prerequisite to issuance of any certificate of zoning compliance. Zoning Board approval of a variance or special exception (if required) shall be a prerequisite to any approval of a site plan review by the Planning Board. Disapproval of such site plans by the Planning Board shall be subject to appeals to the Superior Court in the small manner as provided for appeals from decision of the Planning Board as prescribed by law.

Amendment #9

Amend Article X, Section 10.14 – Meetings – by changing the time requirements for the Zoning Board to hear appeals from 30 days of the date of application to 45 days and also make notification times for Board meetings to be consistent with RSA 91-A.

The full text as amended will be as follows:

10.14 Meetings. Meetings of the Zoning Board of Adjustment shall be held at the call of the chairman and as such time as the Board may determine. The presence of 3 regular members of the Zoning Board of Adjustment shall constitute a quorum to transact business. If a quorum is present, the Chairman may designate an alternate member to act in the absent member's place. Hearings must be scheduled by the Zoning Board of Adjustment within ~~thirty (30)~~ *forty-five (45)* days of receipt of notice of appeal. All meetings of the Board shall ~~require ten (10) days advance notice except that in an emergency members shall be given the best practicable notice~~ *be noticed per the requirements of RSA 91-A.* The Board shall keep minutes of the proceedings, showing the vote of each member upon each question, or if absent or failed to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Town Office and shall be a public record available for inspection in accordance with the provisions of RSA 91-A:4 and RSA 91-A:5. At its first regular meeting, the Board shall adopt rules of procedure concerning the method and conduct of business. The rules shall be placed on file with the Town Office for public inspection in accordance with the provisions of RSA 91-A:4 and RSA 91-A:5.

Amendment #10

Amend Article X, Section 10.16(e) – Powers – to specify that all ZBA approvals (variances and special exceptions) are valid for 2 years from date of approval and that all approvals granted before August 19, 2013 will stay valid for 3 years from the posting of a notice of this fact.

The full text as amended will be as follows:

10.16(e) 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 *Zoning* Compliance from the Board of Selectmen, the Variance or Special Exception will become void. The time period during which a previously granted Variance or Special Exception shall remain valid may be extended by the Zoning Board of Adjustment for one additional twelve (12) month period without a public hearing upon written application by the applicant *prior to the expiration date*, but only so long as no amendments to the town Zoning Ordinance, Subdivision Regulations, or Site Plan Review Regulations, which would limit or preclude the use for which the Variance or Special Exception was granted, have been enacted or described in a notice posted or published pursuant to RSA 675:3 as of the date of such written application. *For Variances or Special Exceptions granted prior to August 19, 2013, the applicant shall have three years from the date of posting of notice of the twenty-four (24) month expiration requirement to exercise the pre-existing approval.*

Amendment #11

Amend Article XI – Definitions – Owner Occupied – by eliminating the two existing definitions of “Owner” and “Occupied” to create a single definition of “Owner-Occupied” that ties into other definitions such as ADU and Bed & Breakfast.

The full text of the new combined definition will be as follows:

Owner-Occupied – *The occupancy of a dwelling for more than 120 days in a calendar year by a landowner who is a natural person.*

Amendment #12

Amend Article X – Definitions – Dwelling Unit – by changing this definition to better define what constitutes a dwelling unit, especially in terms of the kitchen area

The full text as amended will be as follows:

Dwelling Unit – *One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure. For the purpose of this definition, an independent housekeeping establishment includes the following minimum attributes: space devoted to kitchen facilities for the storage, preparation and consumption of food (including counters, cabinets, appliances, and a sink for washing dishes), space for one or more bedrooms for sleeping, and a bathroom with a tub and/or shower. A bar equipped with a bar-sink and an under-the-counter refrigerator shall not constitute kitchen facilities.)*