

1 **TOWN OF SUNNAPEE**

2 **PLANNING BOARD**

3 **JULY 14, 2022**

4 **Chairman White called the meeting to order at 7:00 PM.**

5 **MEMBERS PRESENT BY VIDEO:** Suzanne Gottling

6 **MEMBERS PRESENT IN THE MEETING ROOM:** Randy Clark, Richard Osborne, Chairman Peter White,
7 Joseph Butler, Gregory Swick, Jeff Claus (Zoning Board).

8 **MEMBERS ABSENT:**

9 **ALSO PRESENT IN THE MEETING ROOM:** Shannon Martinez - Town Manager, Michael Marquise - Town
10 Planner, Michael Jewczyn - Zoning Board.

11 **ALSO PRESENT BY VIDEO:** None

12 Chairman White presented this meeting as a joint meeting between the Planning and the Zoning Board
13 as well as the public.

14 7:00pm: -Open discussion on potential Zoning Amendments for 2023

15 Chairman White presented the meeting as a regular meeting that they have with The Zoning Board
16 every year and this year they are doing it earlier because some issues require some additional time if the
17 plan is to get them in the ballot for 2023.

18 There are couple of issues that they would not discuss and those are any discussion related to two cases
19 that are pending before the ZBA; one is based on the decision made by the Planning Board and the other
20 is an administrative decision.

21 Robin Saunders from the Sunapee Short-Term Rental Advisory Committee had created and presented a
22 15-minute PWP presentation. She mentioned that they have done a lot of research and went through
23 thousands of pages of documents and always invited any members of the public and community to
24 contribute and this represents what they want the Town of Sunapee to look like in 2-3 years.

25 Chairman White asked more information about the statement mentioned on the Presentation that
26 Short-Term Rentals are not allowed in the Town of Sunapee.

27 Town Manager Martinez explained that according to their lawyers because Short-Term Rentals are not
28 expressly permitted it means that they are prohibited in the Town of Sunapee.

29 Ann Bordeianu also added that they were not sure if the Tourist Homes are allowed either, because
30 there are a number of Tourist Homes in the town. It was established that a Tourist Home is clearly
31 defined in the Ordinance. She also added that a lot of communities have dropped the designation of a
32 Tourist Home, because in reality it is unregulated, vague and old fashioned and does not contribute to
33 the economy of the State of New Hampshire or Town of Sunapee, and she asked the Board if they could
34 critically look into this term and see if that is something that they want to include in their definitions.

35 Mr. Jewczyn from the Zoning Board asked Lisa Hoekstra if it would matter to her if they would
36 contribute to the community or she just don't want them in general.

37 Lisa Hoekstra answered that she would want to see them regulated like any other commercial business
38 and contribute economically to the community.

39 Unidentified member of the audience said that this proposed ordinance is really extreme and some of
40 the points are as well so she wants to see facts about the parties, about the parking, about water and
41 sewer, taxing the police, economic issues. She also asked for everybody to be reasonable about this
42 whole Short-Term Rentals situation and look at all the sides and concerns.

43 Chairman White reacted that they have not been showed any proposed changes to the Ordinance from
44 anyone yet. He also proposed that they discuss things that they can look at codifying so they could get
45 them on the ballot and so far, they have not seen anything to discuss.

46 Robin Saunders said that there is a reason why they did not bring the proposed changes to the
47 Ordinance, because they wanted to put some structure to this conversation after a lot of research as a
48 beginning discussion point and they gave it only to the Town Manager because some of it maybe
49 impossible for the Town to do.

50 Lisa Hoekstra said that they need to start with the definition of the Short-Term Rentals so they can vote
51 on and permitting them and with the permitting certain things they have to fulfill like the fire alarm,
52 contact person, registering with the State, collecting their taxes. She said that this process would take up
53 to 1-2 years so they can get things done right and get all the pieces in place so they not push anything
54 too fast or too big. The proposed Ordinance is lengthy and dense with a lot of verbiage in there and a lot
55 of things that are not enforceable. They need the infrastructure and foundation in place and they are
56 getting in there with the new Code Enforcement Officer but they need to be careful not to move on
57 forward too soon and too quickly. They also need to be certain to include the end user constituencies
58 and stake holders which are the Short-Term Rental owners. Whether they live here full time or not, they
59 still have the right to be involved in the process because they pay taxes. They need to use third party
60 authorities and experts and she thinks that the Town Manager is contracting with an attorney who has
61 experience in this.

62 Joan Puchtler said that they are looking for rules and regulations about the Short-Term Rentals and by
63 the Town Ordinance Short-Term Rentals are not allowed and how did the town then get 180 of them if
64 they are prohibited.

65 Chairman White pointed out that the ordinance does not say that Short-Term Rentals are not allowed,
66 but does not mention them at all. The legal interpretations of that is since is not expressly permitted by
67 having a written section in the Ordinance, it is excluded. And it does not say it is prohibited.

68 Town Manager Martinez further explained that the lawyer will come up with a definition of all these
69 terms and what is the law about them.

70 Town Planner Marquise said that having been through this process several times it is important to
71 separate what is ordinance related and what is registration related.

Mr. Osborne pointed out that from the Board's perspective he would like to see all the definitions, so they can review them and try to adapt first and then work on the foundation and regulations maybe next year.

Town Planner Marquise introduced some tasks to the Board that he had got from the Town Manager such as Parking Definition. They have updated them in the Site Plan Regulations to 10x20 ft and in the Zoning Regulations, they are 9x18 ft so they should make them consistent. He assumes to go with 10x20 ft, because vehicles are getting bigger.

Mr. Claus pointed out that there are no regulations about the parking space when it comes to the single-family residences but he has seen the two different numbers on a commercial special exception and he is wondering if they are going to impact anyone more negatively if they go for the extra size in the parking space.

Town Planner Marquise suggested that they keep 9x18 ft for residential uses and if site plan talks about 10x20 ft they could say that any commercial use has to meet the site plan regulations. He also told the Board that this is just something that they could think of and they could come up with suggestions on the next meetings.

Chairman White asked what are the dimensions of the parking space outside now, so Mr. Osborne offered to go and measure it. The measurements were 9x18 ft.

Town Planner Marquise said that few years ago that got into this concept of Envelopes for what could be replaced. Some concern of the way it was written in terms of an Envelope it says that you could replace the same envelope but it does not make it clear that it has to be in the same place. So, some are implying that they can take this building and move it 20 ft and that is the same envelope but not in the same footprint. He had two considerations for the Board: do they make it clear how far can the Zoning Administrator go as far as approving the envelopes and not only do the buildings have to be in the same envelope but they have to be in the same footprint as well.

After the discussion they had with the Board the conclusion was that the Board does feel that the Zoning Administrator does not have the necessarily authority to shift the envelope.

Town Planner Marquise mentioned the struggles that the Zoning Board had with the retail sales on home business that was limited to antiques only.

Mr. Claus explained that the applicant had said that they are not going to sell product from their home business which was a hair (beauty) salon.

The next topic of discussion was defining the front setback measurements which now are set to be measured from the center of the road and they have had some issues with some cases about the way it is measured.

After a discussion the Board have decided that there are no issues with the current definition of measurements of the front setback.

The last thing that Town Planner Marquise brought up was about the term New Hampshire Water Supply and Pollution Control Commission mentioned in the Ordinance which needs to be substituted with New Hampshire DES.

110 Sunapee Cove Request for Additional Residents

111 There were no representatives from the Sunapee Cove for this case.

112 Other Business: Master Plan Updates and Discussion

113 Town Planner Marquise gave the Board update on the survey that was done.

114 Review of Minutes: March-May - There were No Minutes Reviewed.

115 Signing of Mylar's

116 **Mr. Clark made a motion to adjourn at 10:10 pm. Seconded by Mr. Butler. The motion passed**

117 **unanimously.**

118 Respectfully submitted: Rajmonda Selimi

119 Panning Board

120	_____	_____
121	Peter White, Chairman	Richard Osborne
122	_____	_____
123	Randy Clark	Joseph Butler
124	_____	_____
125	Gregory Swick	Jeff Claus