

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

Notice is hereby given that the Sunapee Planning Board will hold a First Public Hearing on Thursday, November 21, 2013 at 7:15 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 8, 2013.

Amendment #1

Amend Article II, Section 2.30 – District Purpose and Description – Village-Residential District (Sunapee Village) by changing various course descriptions to more accurately reflect the current Zoning Map.

The full text of Article II, Section 2.30 – District Purpose and Description – Village-Residential District (Sunapee Village) as amended will be as follows:

In Sunapee Village, the Village-Residential District begins at a point at the end of Maple Court, thence southerly to a point 500' due east of the intersection of Route 103B and Schoolhouse Lane, thence along Schoolhouse Lane to the intersection with Stagecoach Road, thence northerly to a point 200' south of the center of Chase Street and 200' west of the center of Route 103B, thence westerly to the intersection of Lower Main Street and Route 11, thence northwesterly along the discontinued road 500', thence east-northeasterly parallel to West Court Road to the center of North Road, *then southeasterly to the intersection of North Road and Lower Main Street, thence southeasterly along discontinued road to the intersection of Winn Hill Road and Route 11, thence easterly along Route 11 to the intersection with Route 103B, thence easterly and southerly along Route 103B to the intersection with Beech Street, thence easterly along Beech Street approximately 200', thence northerly and parallel to Maple Street to the center of River Road, thence easterly to a point 200' westerly of the intersection of River Road and Maple Street* thence easterly along River Road to the intersection with Maple Street, thence southeasterly to the point of beginning. The Village-Residential District also includes an area beginning at a pint along the shore of Lake Sunapee 400' north of the dam, thence ~~eastwest-north~~ *east westerly* to a point 200' north of the center of Main Street and 200' east of the center of Route 11, thence northerly to the intersection of Old Georges Mills Road, Central Street and Route 11, thence northerly 1000' to a point which is 100' easterly of the center of Route 11, thence southeasterly to the point of beginning. ~~This district includes all lands within the areas described above with the exception of the Village=Commercial area described above.~~

Amendment #2

Amend Article III, Section 3.10 – Table of Dimensional Controls – by adding a new requirement that any structure located within the side and rear setback reduction automatically granted to lots below minimum lot size, may only be 25’ in height in the area within the allowable setback reduction.

Requirement	Village Comm.	Village Resid.	Mixed Use I	Mixed Use II	Residential	Rural Residential	Rural Lands
Side & Rear Setbacks for Pre-existing Lots Below Minimum Lot Size	10’	10’	10’	15’	10’	15’	25’

(If a structure is allowed a reduced side or rear setback due to inadequate lot size, the portion of the structure in the area of reduced setback shall have a maximum height of 25’.)

Amendment #3

Amend Article III, Section 3.40(g) – Additional Requirements – by repealing this section which currently allows certain decks and walkways within the 50’ shoreline setback.

Amendment #4

Amend Article III, Section 3.50(i) – Special Exceptions – by changing the reference point for allowable increases in building height per this special exception from “story” to fixed numerical distances from the ground surface.

The full text of Article III, Section 3.50(j) – Special Exceptions – as amended will be as follows:

The ZA may allow a pre-existing non-conforming structure to be enlarged, replaced and/or the roofline altered provided that:

- 1) such enlargement or replacement will not increase the horizontal dimensions of the structure unless such horizontal increase would ordinarily be permitted by the Ordinance;
- 2) the existing structure is a house (living area only), garage, or commercial building;
- 3) the existing structure is less than ~~two (2) stories high~~ *24’ in height*
- 4) the enlarged or replaced structure will be no more than ~~one additional story higher~~ *10’ additional in height* than the pre-existing structure.
- 5) any roof changes are within the height requirements set forth in this Ordinance;
- 6) in the judgment of the ZBA no abutter will be adversely affected by the enlargement (loss of view will not be considered an adverse impact)
- 7) all State and Local permits are acquired to insure compliance with Article VII of the Ordinance;
- 8) such enlargement or replacement, in the judgment of the ZBA, is consistent with the intent of the Ordinance.

Amendment #5

Amend Article IV, Section 4.33(B)(8)(b)(vii) – Shorlines-Specific Provisions – by removing the requirement that the Planning Board review any changes of grade of 12 inches or more within 50’ of a shoreline.

The full text of Article IV, Section 4.33(B)(8)(b)(vii) – Special Exceptions – as amended will be as follows:

(VII) A Well Distributed Stand of Vegetative Matter shall be maintained in the Natural Woodland Buffer except for those areas within 20’ of existing or proposed structures, driveways, or parking areas. The exception does not apply to minor structures ~~or walkways as defined in Section 3.40(g)(2).~~ This exception also does not apply to the area within 50’ of a lake, pond, or fourth order stream where cutting shall be limited to 10’ around a proposed structure. ~~The grade within 50’ of a lake, pond, or fourth order stream may not be raised or lowered more than 12” without approval of the Planning Board.~~

Amendment #6

Amend Article VI, Section 6.12 – Non-Conforming Structures – Restoration and Reconstruction by adding wording which will make it clear that any horizontal or vertical change to a non-conforming structure will require a variance or special exception by the Zoning Board of Adjustment.

The full text of Article VI, Section 6.12 – Non-Conforming Structures – Restoration and Reconstruction as amended will be as follows:

Restoration and Reconstruction. A non-conforming structure existing at the time of the passage of this ordinance, may be replaced on the same or smaller footprint *and having the same or lower height* by a new structure having the same purpose and use provided that the non-conformity to this ordinance is not increased thereby. The replacement of a non-conforming structure with a ~~larger~~ *structure that increases the horizontal or vertical dimension* or one which increases the non-conformity to this Ordinance, shall only be permitted by variance or, if permitted hereby, by Special Exception.

Amendment #7

Amend Article VI, Section 6.32 – Grandfather Policy – by adding the full wording of the Board of Selectmen’s Grandfather Right’s Policy.

The full text of Article VI, Section 6.32 – Grandfather Policy – as amended will be as follows:

In order for any non-conforming use or structure to remain in effect or to be rebuilt, *it must comply with the “Grandfathered Rights Policy for the Town of Sunapee. The full text of this policy is as follows:*

1. *Structures existing on or before March 12, 1987 are grandfathered.*
 - a. *Structures that have been removed may be rebuilt, provided that within two years of removal, a building permit is applied for an approved. The new structure must fit within the footprint existing at the time the structure was removed, and the original footprint, building size and location must be documented. Acceptable documentation includes a signed survey, pictures and sworn affidavits from neighbors attesting to the footprint, building size, and location. Note: the replaced building may be enlarged along those dimensions where the enlargement would meet the current Zoning Ordinances.*
 - b. *Under extraordinary conditions, such as family death, etc..., the Selectmen may, at their discretion, extend the building permit application period for an additional year.*
2. *“Grandfathered” uses:*
 - a. *All existing uses may continue as long as it complies with the Planning Board requirements that were in existence at the time the use was established. Exceptions to this policy include those uses, which impact public health and safety.*
 - b. *A use that has been discontinued for two years is no longer “grandfathered”.*
 - c. *One exception to (b) is discontinuance caused by the death of the owner. In that case, the usage must be discontinued for three years before “grandfathered” rights are lost.*
 - d. *In either situation (b) or (c), the Selectmen may extend the applicable discontinuance period by an additional year or, under extraordinary circumstances, an additional two years. To qualify for this extension, the owner of the “grandfathered” usage must apply for the extension with a written plan justifying the extension, including backup details to support the plan. There will be no further extensions and all “grandfathered” uses will end.*

This policy was passed by a vote of the Board of Selectmen on December 14, 1998.

Amendment #8

Amend Article VII, Section 7.10 – Conversion Requirements – by requiring that any increase in water or sewer flow will require approval of New Hampshire Department of Environmental Services Water Division rather than the automatic installation of a new water or septic system.

The full text of Article VII, Section 7.10 – Conversion Requirements – as amended will be as follows:

7.10 No structure shall be converted in any manner resulting in increased septic flow or water utilization without ~~installation of a septic system approved by the New Hampshire Water Supply and Pollution Control Commission~~ *the approval of the New Hampshire Department of Environmental Services Water Division – Subsurface Systems Bureau* or approval from the Sunapee Water and Sewer Commission if on municipal sewer ~~or water~~.

Amendment #9

Amend Article VIII, Section 8.21 – Certificate of Zoning Compliance – Permit – by adding Site Plan Review Approvals to the list of items requiring Certificates of Zoning Compliance.

The full text of Article VIII, Section 8.21 – Certificate of Zoning Compliance - as amended will be as follows:

8.21 Certificate Required if:

- (a) a new structure is to be constructed or installed;
- (b) an existing structure is dimensionally changed;
- (c) additional dwelling units are to be added or to existing structure;
- (d) any municipal structure is to be constructed or dimensionally changed;
- (e) major alterations/interior improvements are planned;
- (f) a structure is to be demolished;
- (g) *a Site Plan Review Approval has been granted by the Planning Board*

Amendment #10

Amend Article X, Section 10.40 – Conditions To Be Met by adding a subsection which would define Equitable Waivers as provided in State Statutes.

The full text of Article X, Section 10.40 – Conditions to be Met - as amended will be as follows:

10.43 Equitable Waivers. Waivers shall be granted under this section only from physical layout, mathematical or dimensional requirements, and not from use restrictions. An equitable waiver granted under this section shall not be construed as a nonconforming use, and shall not exempt future use, construction, reconstruction, or additions on the property from full compliance with the ordinance. This section shall not be construed to alter the principle that owners of land are bound by constructive knowledge of all applicable requirements. This section shall not be construed to impose upon municipal officials any duty to guarantee the correctness of plans reviewed by them or property inspected by them.

Amendment #11

Amend Article XI - Definitions - Contractor's Yard by defining that a contractor's yard is solely a place for materials storage by a contractor and not a place for conducting business (i.e. office or retail).

The full text of Article XI – Definitions – Contractor's Yard – as amended will be as follows:

Contractor's Yards – An area used by builders, electricians, plumbers, excavators, roofers, yard maintenance, or other similar constructing service establishments for the storage of materials and equipment *only*. *There shall be no service or sales on the site and any signs must be in accordance with Section 5.34 of this ordinance and specify for deliveries only. A Site Plan Review will be required. Any use of the contractor yard beyond this definition will require a variance from the Zoning Board of Adjustment*

Amendment #12

Amend Article XI – Definitions - Front Setback to indicate that front setback is measured from the end of a right-of-way in the circumstance where there is a dead-end road and also affirm that the setback applies to private roads.

The full text of Article XI – Definitions – Setback, Front – as amended will be as follows:

Setback, Front – The distance from the centerline of a road Right-of-Way to a structure *or, if applicable, from the end of a road Right-of-Way to a structure. This definition will apply to all State and Town maintained roads and also all private roads meeting town specifications.*

Amendment #13

Amend Article XI – Definitions – Marinas by removing the requirement that a marina be a waterfront structure.

The full text of Article XI – Definitions – Marinas – as amended will be as follows:

Marinas – A ~~waterfront~~ facility whose principal use is the provision of publicly available services for the securing, launching, storing, servicing, repairing or sales of watercraft or other marine equipment. A facility for short-term docking that is ancillary to other land uses is considered a commercial use and not a marina.

Amendment #14

Amend Article XI – Definitions - Structure, Temporary Structure & Minor Structure (new) by removing the reference to minor installation, deleting the definition of Temporary Structure, and creating a new definition entitled “Minor Structure” which will have a list of all structures not requiring a Certificate of Zoning Compliance.

The full text of Article XI – Definitions Structure & Structure, Minor as amended will be as follows:

Structure – Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Structure includes but is not limited to a building, swimming pool, mobile home, billboard, pier or wharf. It shall not include a minor ~~installation structure. such as a fence measuring less than five (5) feet high from the ground surface, mailbox, flagpole, or dog house, or a temporary structure as defined. A 32 square foot~~ open platform and associated stairs which is no more than 4’ off the ground and is used for access to a structure shall also be considered a minor installation. Fences which are considered minor installations must be constructed in such a manner as to allow the fence owner the ability to maintain both the fence and fence owner’s land, if any, on the neighbor’s side of the fence.

Temporary Structure —A structure which is portable, does not exceed 20 square feet in area, and is in place no more than six months in any calendar year. For the purpose of this definition, the following, regardless of size, may also be considered temporary structures; tents, awnings, and in the Village District, any deck which does not rise more than 2’ above the existing natural topography and whose sole purpose is to provide unrestricted public access.

Structure, Minor – *A minor structure is exempt from the terms of this Ordinance and shall not require a Certificate of Zoning Compliance. Minor structures shall include the following:*

- 1) *Fence measuring less than five (5) high from the ground surface provided that the fence is constructed in such a manner as to allow the fence owner the ability to maintain both the fence and fence owner’s land, if any, on the neighbor’s side of the fence.*
- 2) *Mail Box*
- 3) *Flag Pole*
- 4) *Dog House*
- 5) *Thirty-two (32) square foot open platform and associated stairs which is no more than four (4) feet of the ground and is used for access to a structure.*