

**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 7, 2017 at 7:00 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 22, 2017.**

Amendment #1

Amend Article II, Section 2.30 and Article III, Section 3.10 and Article IV, Section 4.10 to create a new low-density residential/moderate intensity commercial zoning district defined as Mixed Use III that will encompass an area 500' either side of Route 11 from Browns Hill Road to Trow Hill Road and 500' on the easterly side of Route 11 from Trow Hill Road to Jobs Creek Road in Georges Mills.

The full text of the amended sections will be as follows:

Article II, Section 2.30, add the following after the Mixed Use II District:

*Mixed-Use III District – The Mixed Use III District of the Town of Sunapee offers some opportunities for highway service businesses while maintaining the rural-residential character with larger lot sizes and lower densities. In general, the Mixed-Use III District will be located along Route 11 between Georges Mills and Brown's Hill Road and is specifically defined as follows:*

*The Mixed-Use III District begins at the intersection of Jobs Creek Road and Route 11 in Georges Mills thence runs 600' easterly along Jobs Creek Road, thence turning and running southerly and westerly parallel to Route 11 to the intersection of Browns Hill Road, thence running southwesterly along Browns Hill Road to the intersection of Route 11, thence due west 600' to a point, thence northerly and easterly parallel to Route 11 to a point 600' due west of the intersection of Trow Hill Road and Route 11, thence 600' easterly along Trow Hill to the center of Route 11, thence northerly along Route 11 to the point of beginning.*

Article III, Section 3.10, add the following to the table of dimensions:

<i>Minimum Lot Size</i>	<i>1.5 Acres</i>
<i>Maximum Residential Density</i>	<i>1 du/1.5 Acres</i>
<i>Minimum Road Frontage</i>	<i>100'</i>
<i>Minimum Front Setback (Rt 11 et al)</i>	<i>75'</i>
<i>Minimum Front Setback (other roads)</i>	<i>50'</i>

<i>Side and Rear Setbacks (Conforming)</i>	25'
<i>Side and Rear Setbacks (Non-Conforming)</i>	15'
<i>Maximum Lot Coverage</i>	40%
<i>Maximum Structure Height</i>	40'

Article IV, Section 4.10, add the following table of uses:

***Mixed Use III District – MIII***

***Permitted Uses by Right:***

*Accessory Uses*

*Bed & Breakfast, Tourist Home, Inns, Lodging & Boarding*

*Boat Storage*

*Day Care*

*Home Business*

*Home Occupations*

*Long Term Storage Facility*

*Municipal Buildings & Facilities*

*Professional Offices & Clinics*

*Single-Family Dwellings*

*Two-Family Dwellings*

*Veterinarian*

*Warehousing*

***Permitted Uses by Special Exception:***

*Auction Halls*

*Auto, Boat, Engine Repair*

*Contractor's Yards*

## Amendment #2

Amend Article VI, Section 6.12 – Reconstruction, Article XI - Definitions and add Article VI, Section 6.13 – Expansion - by changing Section 6.12 to discuss structure reconstruction only (first paragraph of current section plus portion of second paragraph), adding Section 6.13 to define alteration/expansion of non-conforming structures with new definitions for Reconstruction, Envelope and Expansion.

The full text of Section 6.12 as amended will be as follows:

**6.12 Restoration & Reconstruction.** A non-conforming structure existing at the time of the passage of this Ordinance may be replaced ~~on~~ *in* the same ~~or a smaller footprint and having the same or lower height~~ *envelope* by a new structure having the same purpose and use provided that the non-conformity to this Ordinance is not increased thereby.

The replacement ~~or alteration~~ of a non-conforming structure with a structure that increases ~~the horizontal or vertical dimension or one which increases~~ the non-conformity to this Ordinance, *either vertically or horizontally*, shall only be permitted by variance or, if permitted hereby, by Special Exception.

The full text of Section 6.13 as added will be as follows:

**6.13 Expansion.** *A non-conforming structure may be expanded without a Variance or Special Exception provided that the expansion is in an area that fully complies with the setback requirements of this Ordinance. If any part of the expansion occurs in a non-conforming portion of the lot, a Variance or Special Exception will be required.*

**Article XI – Definitions - Envelope** – *The exact exterior dimensions of a structure including length, width, and height.*

**Article XI – Definitions - Expansion** – *Any outward change to the existing envelope.*

**Article XI – Definitions - Reconstruction** – *The voluntary removal of a structure and subsequent rebuilding in the same or smaller envelope.*

## Amendment #3

Amend Article X, Section 10.42 – Variance - by making reference to the statutory definition per the New Hampshire RSA's as may be amended from time to time.

The full text of Section 10.42 as amended will be as follows:

*The description of Variances shall be incorporated into this ordinance by reference as the statutory language of RSA 674.33 as may be amended from time to time by the New Hampshire Legislative Body. A description of the terms of a Variance will be available with all application forms for the Zoning Board of Adjustment.*

#### Amendment #4

Amend Article X, Section 10.43 - Equitable Waivers – by making reference to the statutory definition per the New Hampshire RSAs as may be amended from time to time.

The full text of Article X, Section 10.43 as amended will be as follows:

*The description of Equitable Waivers shall be incorporated into this ordinance by reference as the statutory language of RSA 674:33-a as may be amended from time to time by the New Hampshire Legislative Body. A description of the terms of an Equitable Waiver will be available with all application forms for the Zoning Board of Adjustment.*

#### Amendment #5

Amend Article XI, Definitions – Structures by adding to the definition such items as houses, garages, decks and sheds and including exemptions for landscaping features such as driveways, walkways, patios and retaining walls less than 42”.

The full text of the definition of Structure 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 *house, garage, deck, shed*, building, swimming pool, mobile home, billboard, pier, or wharf. It shall not include a minor structure *or landscaping feature such as a driveway, walkways, patios, rockwalls and retaining walls less than 42”*.

#### Amendment #6

Amend Article XI - Definitions – by adding a new definition of Impervious Surface

The full text of the definition of Impervious Surface will be as follows:

*Impervious Surface – Any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, but are not limited to, roofs, and unless designed to effectively absorb or infiltrate water, decks, patios, and paved, gravel, and crushed stone driveways, parking areas, and walkways.*

#### Amendment #7

Amend Article XI - Definitions – by adding a new definition of Non-Conforming Structure that defines such as any structure existing at the time of passage of this ordinance that does not conform to the dimensional controls set forth in Article III or IV or the Zoning Ordinance.

The full text of Article XI – Definitions – Non-Conforming Structure will be a follows:

***Non-Conforming Structure*** – Any structure existing at the time of passage of this ordinance that does not conform to the dimensional controls set forth in Article III or IV of this ordinance.

## Amendment #8

Article XI - Definitions – by changing the heading of Height to Maximum Structure Height

The full text of Article XI – Definitions – Maximum Structure Height will be as follows:

***Maximum Structure Height*** – The vertical distance measured from the lowest ground elevations around the structure to the highest level of the roof (excluding cupolas, weathervanes, etc...)

## Schedule

September 7, 2017 - Initial Discussions

October 5, 2017 – Review of Amendment structure

November 2, 2017 – Review full proposed text of amendments

**December 7, 2017 – First Public Hearing on Amendments**

January 11, 2018 - Second Public Hearing on Amendments (if necessary)

March 13, 2018 – Town Meeting vote