

**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 1, 2016 at 7:00 PM at the Town Hall to receive public input on the amendments to the Town of Sunapee Zoning Ordinance. The full text of the zoning amendments are included below:

Amendment #1

Amend Article III, Section 3.10 – Dimensional Controls – by changing the requirement that road setback (excluding routes 11, 103, 103B) applies to all roads as defined in the definition of “Roads” found in Article XI.

The full text of road setback (excluding routes 11, 103, 103B) in the table of dimensional controls will be as follows:

Minimum Front Setback (All other roads as defined in Article XI) 40’ 40’ 40’ 40’ 50’ 50’ 75’

Amendment #2

Amend Article III, Section 3.50 (b) – Special Exceptions – by changing the requirement in subsection (2) that structures used for comparison purposes to reduce road front setback must exist on both sides of the subject property and not just one side.

The full text of Article III, Section 3.50(B)(2) – Special Exceptions – as amended will be as follows:

3.50(b)(2) the majority of lots on the same side of the road and within 500’ ~~either~~ *both sides* of the subject lot have structures of equal or greater type which do not meet front setback requirements (the hierarchy of structures from greater to less is house>garage>shed);

Amendment #3

Amend Article IV, Section 4.33(B)(4) – Shorelines – Specific Provisions - by removing the requirement that shoreline alterations caused by beach and dock construction be reviewed the Planning Board.

The full text of Article IV, Section 4.33(B)(4) – Shorelines – Specific Provisions – as amended will be as follows:

(4) Beach and dock construction may be permitted in accordance with the requirements set forth herein. ~~Alterations of the shoreline must first be reviewed and approved by the Planning Board.~~ In addition, all alterations of the shoreline require a permit from the New Hampshire Wetlands Board as set forth in RSA 483-A and 483-B-1. The Conservation Commission shall review all permit applications submitted to the ~~Planning Board and the~~ Wetlands Board and shall recommend approval, disapproval, or take no action.

Amendment #4

Amend Article IV, Section 4.33(B)(8)(b)(I)(1) – Shorelines – Specific Provisions – by changing allowance for removing up to 5 trees in the natural woodland buffer from calendar year to any 12-month period.

The full text of Article IV, Section 4.33(B)(8)(b)(I)(1) – Shorelines – Specific Provisions – as amended will be as follows:

- (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 existing ground in any ~~calendar year~~ 12 month period.

Amendment #5

Amend Article IV, Section 4.33(B)(8)(b)(VII) – Shorelines – Specific Provisions - by reducing the exempted area that allows vegetative matter to be removed in the natural woodland buffer to 12' from the centerline of driveways and 10' from edge of parking areas and also limiting the exempted area to 25% of the existing basal area in the natural woodland buffer.

The full text of Article IV, Section 4.33(B)(8)(b)(VII)– Shorelines – Specific Provisions – 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 and proposed structures, ~~driveways or parking areas~~ 12' from the centerline of driveways, and 10' from the edge of parking areas. The exempted area may not exceed 25% of the existing basal area in the natural woodland buffer of the lot.

Amendment #6

Amend Article IV – Use Regulations - by adding Section 4.90 which will define an Accessory Dwelling Unit per state requirements and set dimensional controls. This amendment will also add this use to each zoning district.

The full text of Article IV, Section 4.90 – Accessory Dwelling Unit – as proposed will be as follows:

- A. *Authority*
This article is adopted pursuant to RSA 674.21 and is intended as an Accessory Dwelling Unit (ADU) provision.
- B. *The purpose of the ADU is to provide societal benefits for aging homeowners, recent college graduates, care givers, disabled persons, etc...*
- C. *General Requirements*
 1. *An ADU will be permitted in all districts by special exception.*
 2. *Only one (1) ADU is allowed per single family dwelling unit.*
 3. *Owner occupancy is required in the main unit or ADU*
 4. *The ADU cannot be larger than 1,000 square feet. It must be within or attached with heated space to the single-family dwelling and there must be a connecting door between units.*
 5. *Setback dimensions for the ADU must meet the same guidelines as the single-family unit.*
 6. *The ADU addition must comply with existing lot coverage standards as specified elsewhere in this Ordinance.*
 7. *There shall not be more than 2 bedrooms in the ADU.*
 8. *Septic designs and sewer hook ups shall accommodate the number of bedrooms as required by Article VII of this ordinance.*
 9. *Proper off-street parking must be provide per section 3.40(e) of this Ordinance.*

Amendment #7

Amend Article VI, Section 6.12 – Restoration and Reconstruction – by adding alterations of a non-conforming structure as actions which require a special exception or variance.

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

6.12 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 *or alteration* of a non-conforming structure that increases the horizontal or vertical dimension or one which increases the non-conformity to this Ordinance, shall on be permitted by variance or, if permitted hereby, by special exception.

Amendment #8

Amend Article VI, Section 6.40 – Non-Conforming Lots – by adding the term “legal” to nonconforming lots which would allow a non-conforming lot to remain such even if there is a subsequent change in the configuration that is permitting by the Planning and/or Zoning Boards.

The full text of Article VI, Section 6.40 – Non-Conforming Lots – as amended will be as follows:

Section 6.40 *Legal* Non-Conforming Lots

The Planning Board may approve subdivision/lot line adjustments on pre-existing, non-conforming lots with additional approval by the Zoning Board of Adjustment provided that the new lot size(s) and dimension(s) are not more non-conforming than what was existing. *The subdivided or adjusted lot will be considered a legal non-conforming lot and still qualify for the same dimensional reductions or special exceptions given to a pre-existing, non-conforming lot.*

Amendment #9

Amend Article XI – Definitions and Explanations – Structures, Minor - by adding play gym/swing sets and pergolas as structures not requiring a permit.

The full text of Article XI – Definitions and Explanations – Structures, Minor - as amended will be as follows:

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) feet 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 off the ground and is used for access to a structure.
- 6) *Gym/swing sets for private residential use*
- 7) *Pergolas (8’ x 10’ maximum footprint)*

Amendment #10

Amend Article XI – Definitions and Explanations – Structures - by adding patios to the list of structures requiring a permit.

The full text of Article XI – Definitions and Explanations – Structures - 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, pier, wharf, *or patio*. It shall not include a minor structure.