

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **NOVEMBER 15, 2012**

4 **PRESENT:** Peter White, Vice-Chair; Donna Davis Larrow; Kurt Markarian; Erin Andersen; Shane Hastings,  
5 ex-officio member; Michael Marquise, Planner

6 **ABSENT:** Bruce Jennings, Chair; Robert Stanley

7 **ALSO PRESENT:** See attached Sign-in Sheet.

8 Peter White, Vice-Chair, called the meeting to order at 7:00 PM.

9 **DISCUSSION OF PROPOSED AMENDMENTS TO THE ZONING ORDINANCE:**

10 Michael Marquise explained that a notice with the basic intents of the changes to the Ordinances has to  
11 be published in the paper informing the community about the public hearing. After tonight's meeting  
12 he will write the full text out as it needs to be available to the public right after the notice. The text can  
13 be changed at the public hearing but the intent cannot be changed. It was clarified that below every  
14 descriptive change on the full text there will be the new wording of the full Ordinance.

15 The changes are proposed as follows:

16 Amendment One: Article II, Section 2.30: District Purpose and Description: Village Commercial & Village  
17 Residential Zones – The change is to make the area around the bandstand, the Quacks building, the  
18 former Woodbine and some of the back pieces off of Maple Court to make them from Village Residential  
19 back to Village Commercial. This will be done by changing the boundary line to be from Quarry Rd to  
20 the end of Maple Court and back to River Rd.

21 Amendment Two: Article II, Section 2.30: District Purpose and Description: Water Resources Overlay  
22 Districts: Shorelines - This change reduces the Zone from 300' to 250' of any lake, pond, or stream to be  
23 consistent with the State.

24 Amendment Three: Article III, Section 3.20: This modification is to change the table so that it includes  
25 the allowed impervious and pervious material coverage.

26 Amendment Four: Article II, Section 3.50: Special Exceptions: (J): The concept of the change was to  
27 have the handicap access enablers be temporary in nature and it would not become a change to the  
28 footprint.

29 Mr. Marquise said that he questions as to if the changes were to a commercial building how they would  
30 be addressed if they are supposed to be temporary in nature. Mr. White said that usually a commercial  
31 project a ramp would not be temporary. Mr. Marquise questioned whether the change should only  
32 apply to residential properties. There was further discussion regarding this change and what would  
33 happen if a commercial property changed use or the owner changed. Mr. Hastings suggested that a

34 new business would have to come back to the Board and the handicap access enabler would have to be  
35 part of the proposal. The Board agreed to this change leaving it to broadly cover all properties.

36 Amendment Five: Article VI, 6.31 – This adds a reference to the Grandfathered rights that already exist.

37 Amendment Six: Article XI, Definition of Height – This change redefines the measurement of height to  
38 be the distance from the lowest ground elevation around the structure to the highest roof peak,  
39 excluding cupolas, weathervanes, etc.

40 Mr. Marquise explained that Mr. Landry had originally suggested from the lowest floor elevation but  
41 that means you are starting from the basement which would mean you could reach 40' quickly. Mr.  
42 White agreed that in his mind the height is relevant to the finished grade, not to where the floors are.  
43 Mr. Marquise said that Mr. Landry also suggested going to 45' though Mr. Marquise feels that 40' is  
44 generous. There was a brief discussion regarding the height restrictions in other area towns. Mr. White  
45 liked the simplicity of the proposed change regarding measuring the height from the lowest ground  
46 elevation as it will be easier for Mr. Landry. Mr. White suggested changing the definition and leaving the  
47 height as it and said that the only real issue he sees is with the steep lake front lots. There was a  
48 discussion regarding if you could step the roof as the lot got less steep and it was determined that with  
49 this proposed definition you could not as the measurement is from the lowest ground elevation to the  
50 highest point. There was further discussion regarding this issue and horizontally challenged lots. The  
51 Board decided to make the change and keep the 40' height restriction and see if many issues arise.

52 Amendment Seven: Article XI, Definition of Rain Garden – This change is to add the definition of a rain  
53 garden, what it is and that some form of pretreatment will be required to be part of the design.

54 Mr. Marquise said that the proposal from the Zoning Board was to require a catch basin however he  
55 changed this part as he feels the pretreatment design should be left up to the engineer.

56 Amendment Eight: Article XI, Definition of Structure - Fence – This change will say that a fence must  
57 measure less than 5' off the ground surface at all points in order to qualify as a minor installation.

58 Mr. Marquise asked if there were any more comments from the Board regarding the proposed  
59 Amendments.

60 Mr. White said that he had done some research on Zoning Ordinances on some other towns regarding  
61 the 50' buffer. Mr. White spoke about some aspects of the case that brought this to his attention. Mr.  
62 White feels as though the Town is the least restrictive, New London says that the 50' buffer cannot be  
63 disturbed except for the walk down to the waterfront, you can build up to the line as long as you don't  
64 disturb anything so they ask for 10' in addition to 50' buffer. Newbury is similar with having a 50' buffer  
65 that cannot be disturbed and goes further by extending their buffer to not allow building within 75' of  
66 the waterfront. Mr. White said he feels as though this should be revisited. Mr. White asked if the cases  
67 that come before the Board regarding the grade change can be denied by the Board as they are only  
68 supposed to be reviewing the proposals. There was further discussion regarding this issue.

69 Mr. White adjourned the meeting at 7:30 PM.

70 Respectfully submitted,

71 Melissa Pollari

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75 Bruce Jennings, Chairman

Peter White

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78 Erin Andersen

Donna Davis Larrow

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81 Robert Stanley

Kurt Markarian

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84 Shane Hastings, ex-officio member

Emma Smith, ex-officio alternate member