

**TOWN OF SUNAPEE
PLANNING BOARD/ZBA WORKSHOP MINUTES
OCTOBER 19, 2023, 7:00 p.m.
TOWN MEETING ROOM, 23 EDMONT ROAD**

Members present in the meeting room:

Planning Board: Peter White, Joe Butler, Randy Clark, Jeff Claus, Greg Swick, Ann Bordeianu, Richard Osborne, Suzanne Gottling

ZBA: Jeff Claus, Michael Jewczyn, David Andrews

Also present in the meeting room: Craig Heino, Code Compliance; Michael Marquise, Town Planner; Sharon Martinez, Town Manager; Allyson Traeger, Land Use and Assessing Coordinator

CALL TO ORDER / ROLL CALL

Chairman White called the workshop to order and conducted a roll call at 7:04 p.m.

OTHER BUSINESS

Joint Meeting of the Planning/Zoning Boards To Discuss Zoning Amendments

Chairman White noted the Planning Board and ZBA will be discussing proposed amendments to appear on the ballot in March 2024. There will be public hearings held on December 14 and December 21, 2023, and possibly on January 11, 2024.

There was a discussion whether consideration of any amendments regarding short-term rentals (STR) should be deferred or moved forward to the voters. Chairman White clarified that the STR ordinance has been in effect since December 2022. The STR registration process is under the purview of the Select Board and has just rolled out.

A vote was taken and the results were 5-4. The decision was made to move forward with discussing the STR amendments.

Amendments

Section 2.30 - District Purpose and Description – Water Resources Overlay District – Shorelines
Amend ordinance to add Otter Pond Brook to the list of protected waterways. Change "lands and ponds" to "lakes and ponds."

Section 3.10 – Table of Dimensional Controls – Maximum Residential Density
Change maximum residential density from 1:7,500 to 1:7,000 square feet.

Section 4.33(B)(8)(b)(i)(1) - Shorelines - Specific Provisions

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Add "hazardous" to dead, diseased, and dying trees. Change "Cutting with" to "Cutting within the Natural Woodland Buffer."

Section 4.90 - Accessory Dwelling Unit

Delete the "attached" stipulation.

Section 8.21(h) – Certificate of Zoning Compliance - Permit

Change CZC interior renovation valuation from \$25,000 to \$15,000 to capture more compliance issues before the fact.

Section 8.25 – Revocation or Lapse of Building Certificate

Amend ordinance to extend validity of Certificate of Zoning Compliance to 24 months

Article XI – Definitions – Marina

Update the definition to "waterfront" facility. The definition of a facility not on the waterfront was clarified.

Article XI – Definitions – Structures

Amend ordinance to address temporary structures. Extend the 60-day limit to 90 days. The need to include bob houses was discussed.

Georges Mills Village Commercial District

Lynn presented an amendment to the ordinance to separate Georges Mills from inclusion in the existing Village Commercial District, making it its own new District: Georges Mills Village Commercial District. The suggested new retail square footage limit was discussed and it was recommended to consider increasing it from 1,500 square feet.

4.34 – Steep Slope District – Specific Provisions

Suzanne Tether, 11 Heritage Drive, thanked the Boards for addressing the steep slope issues and urged them to go forward with additional ridge line and clear-cutting language. They discussed whether the steep slope ordinance will capture these concerns and if there is enough time to properly address this topic this year. Representatives from the LPSA agreed this issue impacts water quality. The impact regulation would have on private land and property values was also considered. Mr. Marquise suggested a petition warrant article, as the timeline limits what the Planning Board can do this year in regards to this issue. Ms. Tether agreed to discuss next steps with interested parties.

The Boards took a five-minute recess.

Delete Sections 3.40(l) & 3.40(n) – Additional Requirements; Amend Section 2.30 – District Purpose and Description – Water Resources Overlay Districts and Add Section 4.34 – Steep Slope District – Specific Provisions

Mr. Marquise gave an overview of the intention of these changes, including erosion control and definitions as to what constitutes steep slopes.

Section 3.50(l) – Special Exceptions

Amend ordinance to clarify language in subsection 4 and 5:

Subsection 4: Change from "existing has to meet proposed" to "non-conforming existing has to meet proposed."

Subsection 5: 3.50(k) can only be used for the part of the square footage of structure that has not been relocated under 3.50(l).

Wording changes were suggested for clarification and discussed.

Section 4.33 – Shorelines – Specific Provisions – Erosion Control

The Boards discussed and clarified the intent of the proposed new text and suggested wording changes regarding natural vegetation.

Section 4.95 – Short-term rentals

Mr. Marquise suggested two options:

Option 1 would limit a STR to no more than 120 days in a calendar year in certain districts.

Option 2 would identify anything over 120 days as a home business.

The Boards discussed whether it is premature to make changes to a ordinance that has only been in effect for nine months. These suggestions are the result of having more information available on housing. Seasonal residences were discussed in terms of how they differ from STRs. The Boards discussed how STRs contribute to the lack of available housing and the nature of the community. The administration of enforcing the ordinance and registration was reviewed. The Boards agreed that the 120-day requirement would require more effort to enforce and process. Option 1 was the choice of the Boards.

The Boards discussed whether limiting STRs to 120 days per calendar year is feasible.

Lisa Hoekstra asked the Boards to consider how limiting STRs to 120 days per calendar year would impact the owners of the STRs. She believes limiting STRs will not provide more affordable housing. She stated there were errors in some of the supporting documentation. She asked for this topic to be discussed earlier in meetings.

Chris Whitehouse asked for clarification regarding the 120-day restriction.

Peter Hoekstra said he believed the supporting documentation provided was misleading and asked the Boards to do their due diligence.

Carol Wallace, Burkehaven Lane, noted that on the master plan survey, two of the top items the voters noted were affordable housing and maintaining the character of the town. She said she believes the 120-day limit is to deter outside investors from buying homes. She suggested the Boards keep the voters' wishes in mind.

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Suzanne Graves, 52 Burma Road, offered the State of New Hampshire's definition of a resident. She shared the numbers of STRs that she personally counted on Perkins Pond. She said there is a fundamental difference between a STR run as a business versus owners that rent their homes for occasional use.

Carl Dunlap, 46 Ridgewood Road, said it is hard to justify that the 120-day limit will help provide affordable housing. He said income earned from an investment home is not reported differently for long-term versus short-term rentals.

Joanne L., Youngs Hill Road, said she feels people are being punished for the actions of others and it is unfair. She said the rules hurt the "little guy."

The procedure for providing and responding to public input to the Boards was reviewed.

REVIEW OF MINUTES

Mr. Swick made a motion, seconded by Mr. Osborne, to adjourn. The motion carried unanimously.

ADJOURNMENT

Meeting adjourned at 11:36 p.m.

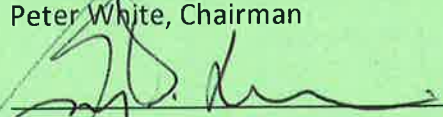
Respectfully submitted,

Beth Hanggeli
Recording Secretary

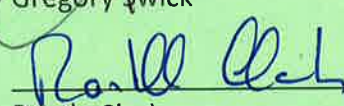
Planning Board



Peter White, Chairman

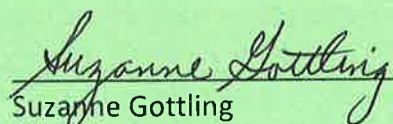


Gregory Swick



Randy Clark

Ann Bordeianu



Suzanne Gottling

Joe Butler

Jeff Claus