

**TOWN OF SUNAPEE
PLANNING BOARD AGENDA
For THURSDAY DECEMBER 11TH 6:30 PM at the TOWN MEETING ROOM
23 EDGEMONT ROAD**

NEW CASES:

Case # SPR 25-08 Parcel ID: 0133-0087-0000	Site Plan Review to allow for additional smoothie business to be added to pre-existing commercial use. <i>Final Site Plan Review Main St Partnership, LLC 72 Main St Village Commercial</i>
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OTHER BUSINESS:

Lot Merger: Parcel ID: 0125-0050-0000 & 0125-0051-0000	Daria Mayfield Old Georges Mills Rd <i>Residential</i>
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CONSULTATION

Parcel ID: 0237-0001-0000	Proposed Retail Space Jesse Yates Mike Plunkett 489 Route 103 <i>Mixed Use District</i>
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Review of upcoming Zoning Amendments:

- Including, but not limited to, Solar Ordinance (SolSmart), State Required Amendments, Forward Sunapee Committee discussions, ZBA Member recommendations, & Food Truck definitions.

Review of Meeting Minutes

NOTE: Any and all submissions must be provided 5 days prior to the meeting

NOTE: In the event the meeting is canceled, the agenda will be continued to the next scheduled Planning Board meeting.

Check:

RECEIVED
NOV 13 2025
TOWN OF
SUNAPEE

TOWN OF SUNAPEE APPLICATION FOR SITE PLAN REVIEW

(PDF OF SITE PLAN MUST BE INCLUDED WITH APPLICATION)

SCANNED

1. Landowner(s) Name(s) Main Street Partnership LLC
Address 72 Main Street
(Mailing) 323 Lake Ave, Sunapee, NH 03782
Phone 781-820-0040

2. Zoning District Village Commercial

3. Project Location: 72 Main Street

4. Parcel ID: 149033

5. Complete description of current use of property:

Fenton's Landing, 2 Residential Apt's, Seasonal - Taco trailer/Beer Garden, Quack Shack, swingset, misc games,
parking lot, tent over decking, outside seating, entertainment, bridge over Sugar river

6. Does this project require a special exception or variance by the ZBA as outlined in the Sunapee Zoning Regulations? Yes No (If yes, complete the Zoning Board of Adjustment application, and Land Use Questionnaire.)

7. Complete description of proposed project (Include area dimensions, use, # of employees, # of dwelling units, etc.)

Sublet a portion of Fenton's Landing to Stacy's Smoothies

Expand parking from 6 to 12 spaces, increase seating to 99 people

8. Certification/Permission for inspection. To the best of my knowledge, the above is true and accurate. I hereby grant permission for site inspection to Planning Board official(s). I also understand that it is my responsibility for providing a complete application. I realize that any of the application requirements, which are assumed waivable during the initial review, may still be required at the time of review by the Planning Board.

Deborah Pasenland
Signature(s) of Landowner(s)

11/11/25
Date

Date of Application:

Phase I _____ Phase II _____

Phase III _____ Major Site Plan _____

Home Business _____

Fee Paid _____ Method of Payment _____

Statement of Property Usage

Town of Sunapee

23 Edgemont Rd., Sunapee NH 03782

(603) 763-2212 ext. 1023 | www.town.sunapee.nh.us

1. Owner's Name(s): 72 Main Street Partnership LLC

2. Address (Mail): 323 Lake Ave

3. Phone: 781-820-0040 Email: debpas3@outlook.com

4. Property Location: 72 Main Street

5. Parcel ID: 149033

6. Current Use of Property:

a. Describe in detail the current use of Property: Taco trailer & beer garden, Quack Shack Ice Cream, swingset, misc yard games, 2 residential second floor apartments, Fenton's Landing, parking lot, tent over decking, outside seating, and bridge over Sugar River

b. Number of Employees: 15

c. Square feet of Commercial Space: Retail 1200 Office 0 Other 1100

d. Hours of Operation: Summer 8-3 FL, 12-7 Taco; Winter Fri 4-8, Sat 12-8, Sun 8-7

7. Proposed Use of Property:

a. Describe in detail the proposed use of Property: Same as the above with the addition of renting a portion of front of house space to Stacy's Smoothies within the Fenton's Landing building, an application for transfer of location for Stacy's Smoothies has been submitted to DHHS, 12 parking spaces, and 99 seats

b. Number of Employees: 18

c. Square feet of Commercial Space: Retail 1200 Office _____ Other 1100

d. Hours of Operation: Summer 8-3 FL, 12-7 Taco; Winter Fri 4-8, Sat 12-8, Sun 8-7

8. **Certification / Permission for Inspection:** To the best of my knowledge the above is true and accurate. I hereby grant permission for site inspection to Planning or Zoning Officials.

Signature of Landowners: Deborah Roseulano

THIS PAGE FOR TOWN-USE ONLY

Code Compliance Officer's Comments Relative to Zoning Compliance

Code Compliance Officer's Comments: _____

Signature

Date

Town Planner's Comments

- 1. Increase in Employees? Yes ___ No ___
- 2. Increase in Business Area? Yes ___ No ___
- 3. Increase in Use Intensity? Yes ___ No ___
- 4. Increase in Days/Hours Operation? Yes ___ No ___
- 5. Liquor License change or required? Yes ___ No ___

Based on the above data, findings, and comments, it is recommended that:

- ___ (1) The applicant should apply for a Site Plan Review Hearing
- ___ (2) The applicant should consult with the Planning Board to determine if a Site Plan Review Hearing is required.
- ___ (3) The applicant may move forward with the conversion without applying to the Planning Board for Site Plan Review as no use increase or other impacts have been identified.
- ___ (4) The application should be discussed at the next scheduled Peer Review meeting.

Planner's Comments: _____

Signature

Date

Planning Board Decision (as per #2 above)

Based on the information provided by the applicant, the recommendations above, and as a result of review and discussion by the Planning Board, it is the opinion of the Board this this project **will / will not** require a Site Plan Review Hearing for the proposed conversion.

Signature

Date

FINAL HEARING CHECKLIST

The following items must be submitted in accordance with the attached meeting and deadline schedule for the Planning Board meeting you wish to attend:

- Completed Application
- Fees
- Two (2) copies of plans for review (with required information per Article V)
- List of abutters, including mailing addresses
- PDF of Site Plan emailed to zoning@town.sunapee.nh.us

The Planner will review the plans to determine if the appropriate information has been provided on the plans. If the submission is deemed complete, notices will be sent (14) calendar days prior to the hearing. The following items must be included on the plan per Article V:

- Plan at a scale of 1" = 20' or less
- Perimeter boundary survey
- Title of drawing with name of applicant
- Parcel ID
- Name and mailing addresses of abutting property owners
- Signature block for Water & Sewer Commission, Police Chief, Road Agent & Conservation Commission
- Site location map
- North point, bar scale, appropriate dates
- Name, address, and seal of person preparing map
- Location and shape of existing and proposed buildings
- Square footage for each use designated on plan
- Existing and proposed contours at an interval or no more than 5'. Spot elevations for level lot.
- Streams, wetlands, and other water bodies
- Width, location, and grades of existing and proposed streets and driveways
- Layout and size of parking spaces
- Sewage disposal facilities for property including mains and service lines
- Water supply for property including mains and services lines
- Proposed landscaping plan
- Existing and proposed electric lines
- Existing and proposed telephone lines

Exterior lighting plan

Article V requirements (cont.):

Proposed signs-size and location

Locations of retaining walls, fences, and outside storage areas

Location of fire alarms and sprinklers

The Planning Board may waive the following items if it is determined, the project's impact will be minor, and otherwise, each item will be required:

Drainage design, including drainage structures, culverts, ditches, and storm sewer lines

Drainage calculations

Plans for toxic waste storage

Location of hazardous materials storage

State of New Hampshire Permits:

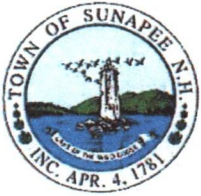
Department of Transportation (Highway/Access)

NHWSPCD (Septic Systems)

Water Supply Division

Site Specific (Department of Environmental Services)

Wetlands Board



**Town of Sunapee
Planning Board**

NOTICE OF DECISION

CASE # SPR 25-04

You are hereby notified that the Planning Board application of:

PARCEL ID: 0133-0087-0000 72 Main Street

; VILLAGE COMMERCIAL

SEEKING A SITE PLAN REVIEW TO ALLOW FOR THE CONTINUED USE OF THE PROPERTY GREEN SPACE WITH SEATING AND ACTIVITIES/EVENTS.

Has been **APPROVED** by the affirmative vote of at least four members of the Planning Board.

Conditions:

1. Interior and Exterior seated occupancy shall not exceed 50.
2. A physical barrier should be installed to prevent access to the sewer chamber by the public.
3. Property use shall comply with noise ordinance, lighting requirements and zoning setbacks.

The decision was made at the 7/10/2025 Planning Board meeting.

Planning Board Chair

July 17, 2025
Date

Note: Per NH RSA 677: 15: Any person aggrieved by any decision of the Planning Board concerning a plat or subdivision may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the date upon which the Board voted to approve or disapprove the application.

At least two (2) weeks prior to the completion of site plan improvements, the property owner shall apply for a Certificate of Site Plan Compliance. The purpose of the application is to allow site visits, project review and signoffs by the Planning/Zoning Department and any applicable Department Heads noted in Article VA (3) as to adherence and completion of the approved Site Plan (per Sunapee Site Plan Regulations Article XU).



Deborah Pascualano

To: Allyson Traeger

Bcc: Tim Fenton, Pete (Repeat) Fenton, Gabe Humphrey

Reply Reply all Forward

Thu 10/16/2025 1:37 PM

ParkingMap.heic

Hi Allyson,

I went outside this morning and measured the parking lot. Attached is a map drawn to scale using actual conditions. Using 9 x 18 as a parking space size there are currently 6 perpendicular parking spaces available (Perpendicular parking: Vehicles parked at a 90-degree angle to the curb or lines). If we expand the parking area as indicated on the map we can add 3 additional 9 x 18 perpendicular parking spaces, a 50% increase.

I do not know what size allowance is needed to reverse a car and pull out forward (there is an additional 21' to do so) and if 3 additional parallel parking spaces can be created due to clearing (done this past summer) at the base of the hill adjacent to 72 Main Street parking. Depending on the regulations we may or maynot be able to add 3 parallel parking spaces.

On another subject, I spoke with Theodore Tillson this morning and met with Neil Cobb. There is an occupancy limit under the tent as that is considered a structure (53 with 6 picnic tables, 114 with the tables removed and 93 with a band and some tables removed). Per my conversations, there is no maximum on outdoor space unless there is a town ordinance. Is there one and if so what is that ordinance?

Thanks for your help and sorry to be a pest, I want to make sure I get this correct. Next email will contain a site plan review application.

Deb Pascualano

From: Allyson Traeger <allyson@sunapeenh.gov>

Sent: Wednesday, October 15, 2025 3:14 PM

To: Deborah Pascualano <debpas3@outlook.com>

Cc: Town Manager <manager@sunapeenh.gov>; Michael Marquise <Michael@sunapeenh.gov>

Subject: Re: [EXTERNAL]Re: [EXTERNAL]Question

Hi Deb,

Happy to clarify

Seating/Occupancy

- Yes, you must follow the most restrictive limit.
- The Fire Chief sets the maximum indoor occupancy, and that number does not increase in winter even if outdoor seating is closed. Indoor and outdoor seating numbers cannot be combined beyond the approved fire occupancy.
- Outdoor areas (deck/tent) may receive a separate occupancy limit from the Fire Chief.

Planning Board

- Even though the use is still food service, adding another business on site is considered an intensification of use, which triggers Site Plan Review.

Parking

- I will need to confirm what was previously approved for 72 Main Street.
- The Town uses 9 x 18' for parking space dimensions. With site changes over time, the best approach is to measure the current layout to calculate how many compliant spaces are on site today.

Best,

Allyson Traeger

Land Use Administrator

Town of Sunapee

23 Edgemont Rd., Sunapee, NH 03782

Book a Meeting: <https://calendly.com/allyson-town-of-sunapee>

Deborah Pasculano
Allyson Traeger
Tim Fenton;Pete (Repeat) Fenton;Gabe Humphrey

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Deb Pasculano

From: Allyson Traeger <allyson@sunapeenh.gov>
Sent: Wednesday, October 15, 2025 3:14 PM
To: Deborah Pasculano <debpas3@outlook.com>
Cc: Town Manager <manager@sunapeenh.gov>; Michael Marquise <Michael@sunapeenh.gov>
Subject: Re: [EXTERNAL]Re: [EXTERNAL]Question

Hi Deb,
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Planning Board

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Best,

Allyson Traeger

Land Use Administrator

Town of Sunapee

23 Edgemont Rd, Sunapee, NH 03782

Book a Meeting: <https://calendly.com/allyson-town-of-sunapee>

From: Deborah Pasculano <debpas3@outlook.com>

Sent: Saturday, October 11, 2025 8:48 AM

To: Allyson Traeger <allyson@sunapeenh.gov>

Subject: [EXTERNAL]Re: [EXTERNAL]Question

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Allyson,

One more question to add to my list: how many parking spaces are currently at 72 Main St? I can count curb units placed there many years ago (they are in rough shape) but I am unsure how many are recognized by the town or where to find this information? With the removal of the wood stairs and installation of granite ones additional space has been created and I might cut back the decking as well, but, want to know what is our starting point?

Thanks

Deb Pasculano

From: Allyson Traeger <allyson@sunapeenh.gov>
Sent: Friday, October 10, 2025 3:53 PM
To: Deborah Pasculano <debpas3@outlook.com>
Cc: Town Manager <manager@sunapeenh.gov>
Subject: Re: [EXTERNAL]Question

Hi Deb,

Thanks for your question. Here's how seating and occupancy are handled:

- Fire Department – Sets the maximum occupancy for the building based on life safety codes. This is the number the Town enforces.
- Planning Board – Uses that number to review parking and site capacity. If both indoor and outdoor seating are proposed, the Planning Board may limit total seating based on parking or site constraints.
- NH Department of Health – The food service license and the seating number should match the number approved at the local level.

Since you are proposing a change to the property, this will require Planning Board approval. It may also be helpful to first come before the Planning Board for a consultation to review your plans and get their initial feedback.

I'm happy to help coordinate next steps or answer any additional questions.

Best,

Allyson Traeger

Land Use Administrator

Town of Sunapee

23 Edgemont Rd, Sunapee, NH 03782

Book a Meeting: <https://calendly.com/allyson-town-of-sunapee>

From: Deborah Pasculano <debpas3@outlook.com>
Sent: Saturday, October 4, 2025 8:38 AM
To: Town Manager <manager@town.sunapee.nh.us>
Subject: [EXTERNAL]Question

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Shannon,

I hope all is well with you and your family. I have a question regarding seating as I start the renovation project at 72 Main Street.

Is seating calculated by:

- The fire marshall (allows 50 seats indoors)
- The State of NH Dept of Health which issues food licenses by type of establishment which includes seating numbers
- The town planning board - not sure what they base it on? Parking?
- If the interior is closed and the outside is open - how does that factor into seating numbers? This is irrelevant for the winter but it would be nice to know going forward
- Or all of the above and we use the lowest common denominator?

As we move to combine 2 totally separate businesses into one location/address (3 if you count the Quack Shack) I am not sure who is the governing body. I just submitted our interior layout to the NH Health Dept and left the seating plan blank as I need help with answering this question. Thank you, I want to do the correct thing but am unsure what that is. Help!!

Deb Pasculano

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50 feet Abutters List Report

Tri Town, NH
November 13, 2025

Subject Property:

Parcel Number: Sun-0133-0087-0000
CAMA Number: Sun-0133-0087-0000
Property Address: 72 MAIN ST

Mailing Address: MAIN ST PARTNERSHIP LLC
323 LAKE AVE
SUNAPEE, NH 03782

Abutters:

Parcel Number: Sun-0133-0033-0000
CAMA Number: Sun-0133-0033-0000
Property Address: MAIN ST

Mailing Address: TOWN OF SUNAPEE
23 EDMONT ROAD
SUNAPEE, NH 03782

Parcel Number: Sun-0133-0035-0000
CAMA Number: Sun-0133-0035-0000
Property Address: 77 MAIN ST

Mailing Address: SUNAPEE HARBOR-RIVERWAY INC
PO BOX 850
SUNAPEE, NH 03782

Parcel Number: Sun-0133-0086-0000
CAMA Number: Sun-0133-0086-0000
Property Address: 74 MAIN ST

Mailing Address: SUNAPEE NH HISTORICAL SOCIETY
PO BOX 501
SUNAPEE, NH 03782

Parcel Number: Sun-0133-0087-0001
CAMA Number: Sun-0133-0087-0001
Property Address: 68 MAIN ST Unit 1

Mailing Address: SUNAPEE HARBOR-RIVERWAY INC
PO BOX 850
SUNAPEE, NH 03782

Parcel Number: Sun-0133-0090-0000
CAMA Number: Sun-0133-0090-0000
Property Address: 1 RIVER RD

Mailing Address: TOWN OF SUNAPEE
23 EDMONT ROAD
SUNAPEE, NH 03782

Parcel Number: Sun-0133-0091-0000
CAMA Number: Sun-0133-0091-0000
Property Address: 31 RIVER RD

Mailing Address: F. E. CLARK HOLDINGS, LLC
PO BOX 350
SUNAPEE, NH 03782

Parcel Number: Sun-0133-0092-0000
CAMA Number: Sun-0133-0092-0000
Property Address: 33 RIVER RD

Mailing Address: SUNAPEE HARBOR-RIVERWAY INC
PO BOX 850
SUNAPEE, NH 03782



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.



Rebuild retaining wall and move it 1' closer to the building



Existing parking curbs

Remove this portion of decking



ADD New parking curbs





New stairs have created additional space at the bottom of the hill for parking. They were moved back and built into the hill.



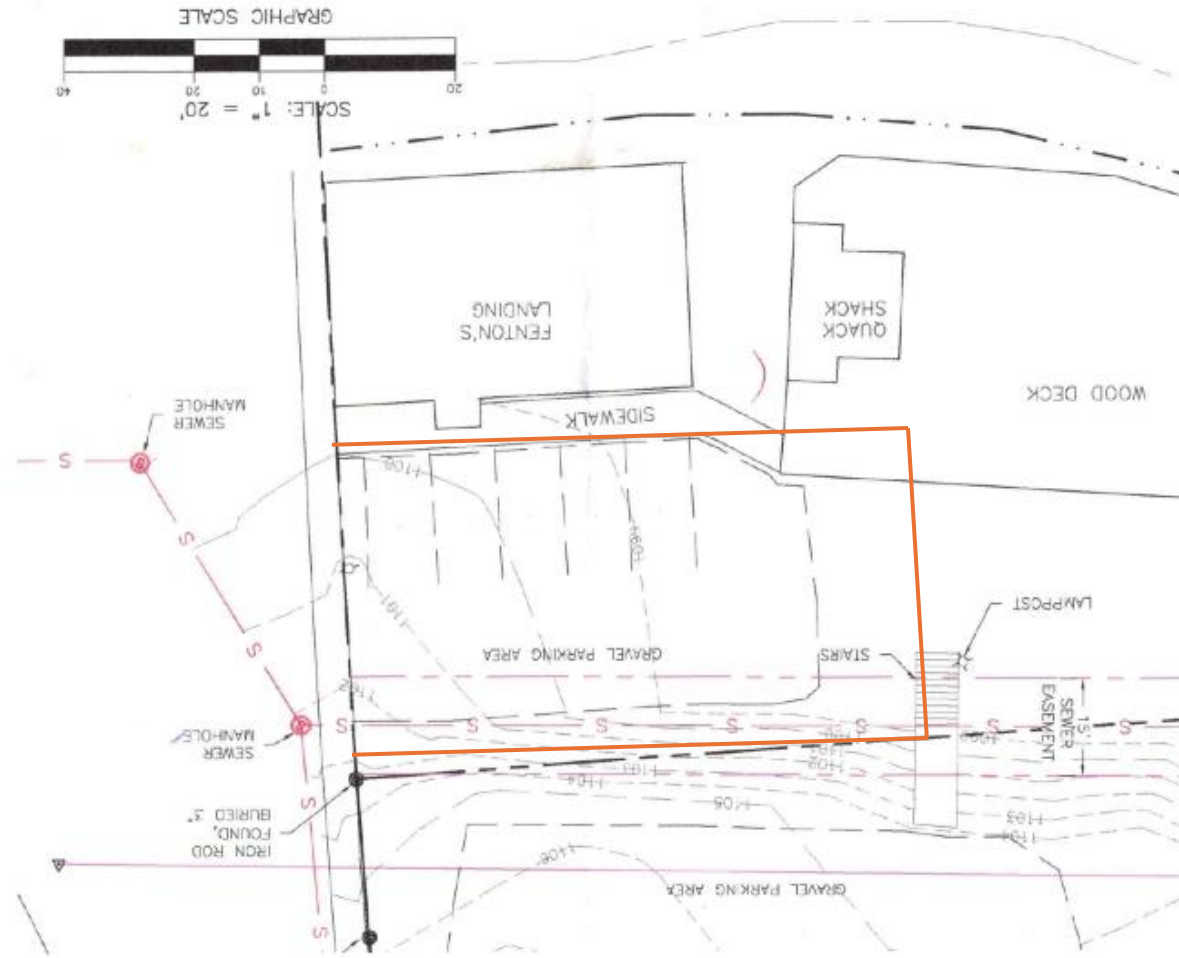
To increase parking the following changes are proposed:

1. Move retaining wall between parking lot and building 1' closer to the building changing walkway from 5' to 4' wide*.
2. Cut back hill by 1'
3. Remove decking so parking lot is a rectangle. Add railings and parking curbs to separate parking from pedestrians

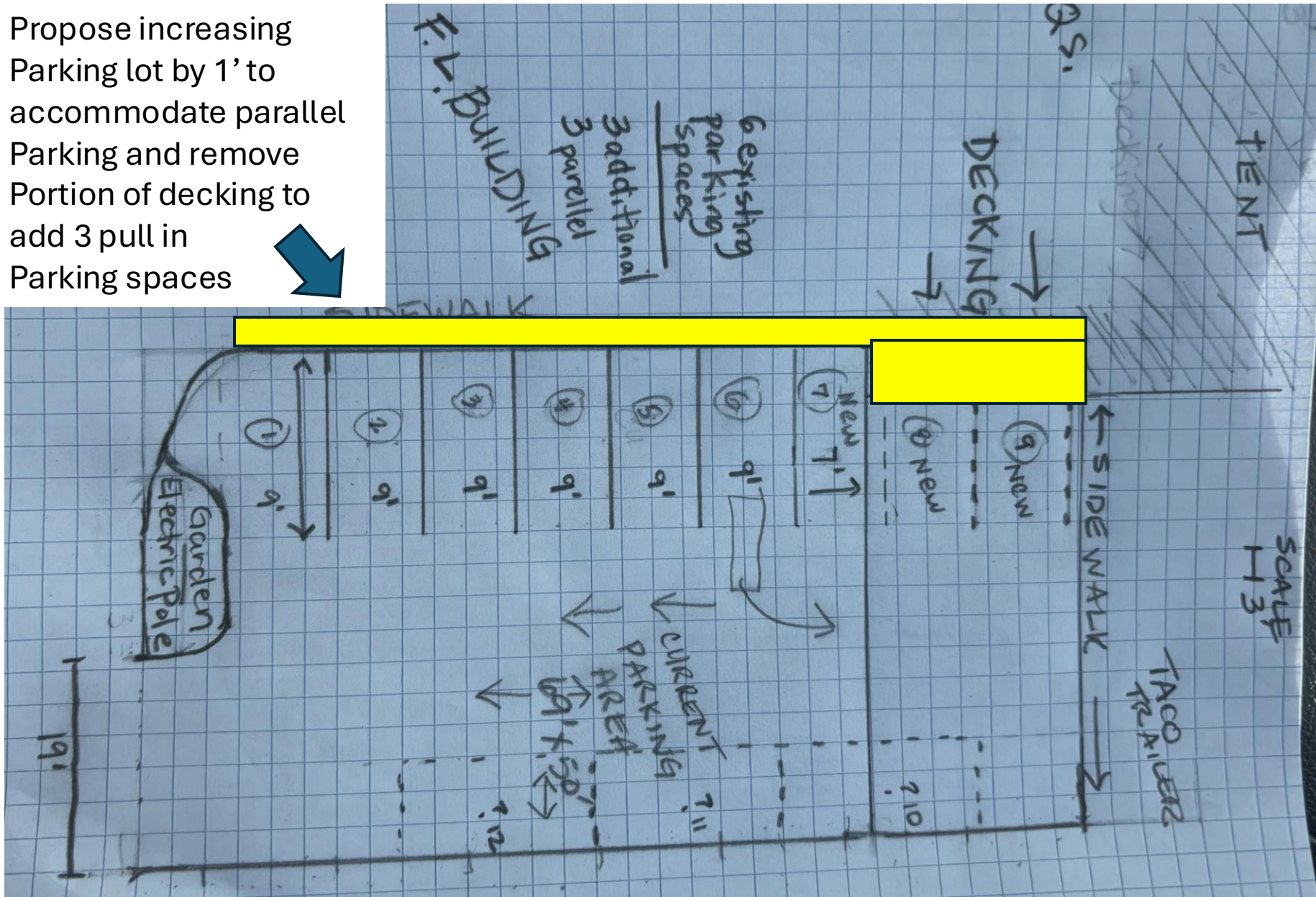
— Parking Lot boundry

* Retaining wall is falling and in disrepair

Survey of 72 Main St Parking Lot



Propose increasing
Parking lot by 1' to
accommodate parallel
Parking and remove
Portion of decking to
add 3 pull in
Parking spaces





Drone View
Area of expansion
in yellow

**Town of Sunapee
Full Proposed Text
of
2026 Zoning Amendments**

Proposed Zoning Amendment #1

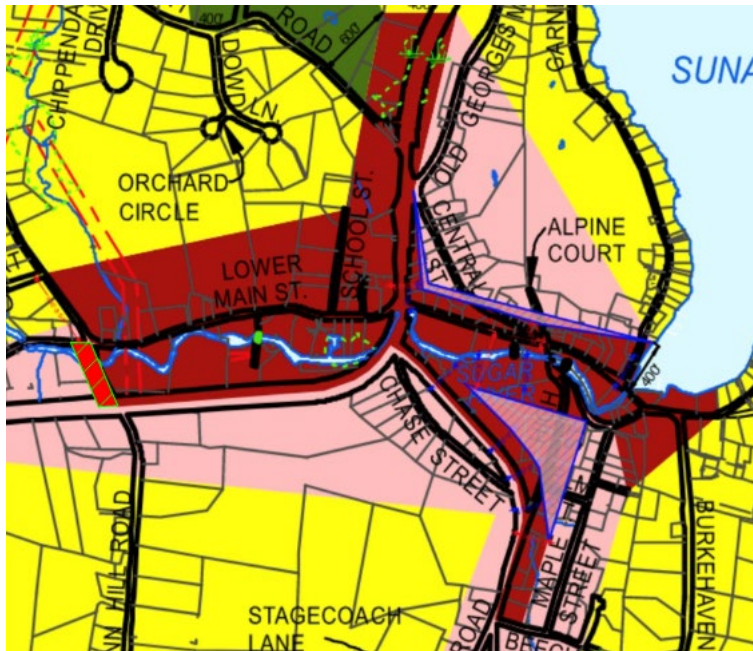
Amend Sections 2.10/2.20/2.30/3.10/4.10/5.30 – to create a new Waterfront Village Commercial Zoning District from existing Village-Commercial (VC) District in Sunapee Village. Adjust district lines between existing VC and Village Residential (VR) Districts. Revise dimensional controls, uses, and signage requirements.

The full text of Sections 2.10/2.20/2.30/3.10/4.10/5.30 as amended will be as follows:

2.10 Zoning Map and Description of Districts

WVC – Waterfront Village Commercial District

2.20 Zoning Map



Map Key:

Dark Red:

Proposed Waterfront District

Pink w/ Blue Diagonal Lines:

Current Village Commercial to be re-assigned as Village Residential

Red w/ Green Diagonal Lines:

Current Village Residential to be re-assigned as Waterfront District

Solid Pink: Existing Village Residential District

Yellow: Residential District

2.30 District Purpose and Description

Village-Commercial District - (The Remainder of the opening paragraph remains the same)

Waterfront Commercial District - In Sunapee Village, the *Waterfront* Village Commercial District begins at the intersection of Route 11 and Route 103B and goes southwesterly 125' past the intersection of Route 11 and Winn Hill Road, *thence northwesterly along Old Winn Hill Road and North Road to a point on Lower Main 125' southwesterly of the intersection of North Road and Lower Main thence back easterly to the intersection of North Road and Lower Main thence Northwesterly to the intersection of West Court Road*, thence east-northeasterly to the end of School Street, thence northerly to a point 600' north of the center of Sargent Road and 400' west of the center of Route 11, thence due east to a point 100' easterly of the center of Route 11, thence southerly to the intersection of Old Georges Mills Road, Central Street, and Route 11, thence south-southeasterly to a point 200' east of the center of Route 11, *and 125 ft 200 ft* north of the center of Main Street and *125' east of Route 11*, thence easterly to a point 125 ft from the intersection of Main St and Alpine Court parallel to Alpine Court thence easterly to a point which is 400 ft north of the dam on Lake Sunapee, thence southerly along Lake Sunapee to said dam, thence easterly along Lake Sunapee 600', thence southerly to the intersection of Quarry Road and Lake Avenue, thence southwesterly to the end of Maple Court, thence northwesterly to the intersection of River Road and Maple Street, ~~thence westerly to a point on River Road which is 200' westerly of the intersection of River Road and Maple Street, thence southerly running parallel to Maple Street to a point on Beech Street~~, thence westerly to the intersection of a point 450 ft south of Main St and 200 ft northeast of Route 103B, thence running parallel to Route 103B 200' southeasterly and easterly to the intersection of Beech St, thence westerly along Beech Street to the intersection of Route 103B, thence northwesterly to the point of beginning.

Georges Mills Village Commercial District – In Georges Mills Village, the Georges Mills Village-Commercial District is centered at a point at the intersection of Route 11 and Springfield Road and includes all the lands within a 600' radius of said point.

This paragraph replaces the existing Village-Residential District boundary definition.

Village-Residential District – The Village-Residential Districts in the Town of Sunapee are areas characterized by mostly single-family and two-family residential with some low-impact commercial uses. In general, the two Village-Residential Districts are adjacent to the two Village-Commercial Districts in Sunapee Village and Georges Mills and are further described 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 westerly 125' along Lower Main*, thence southeasterly *to a point 125' southwesterly* from 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 northwesterly a distance of 200' off set from Route 103B to a point of intersection offset 450 ft to south of Main St*, thence easterly ~~along River Road~~ *to the intersection of River Road and* with Maple Street, thence southeasterly to the point of beginning. The Village-Residential District also includes an area beginning at a point along the shore of Lake Sunapee 400' north of the dam, *thence westerly to a point 125 ft from the intersection of Main St and Alpine Court parallel to Alpine Court*, thence west-north westerly to a point *125' 200²* north of the center of Main Street and *125' 200²* 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.

3.10 Table of Dimensional Controls – (Proposed changes to new Waterfront Village Commercial District)

Requirement	V.C Existing	Proposed Waterfront	Reason for Change
Minimum Lot Size	½ acre	1/3 acre	Allow for more affordable development
Minimum Lot Size (Shoreline Overlay)	1.0	1/3 rd acre	
Maximum Residential Density (Dwelling Unit per sq ft)	10,000	4,840 (see 4.10 permitted uses)	Permits three units per 1/3 acre; addresses shortage of affordable housing
Minimum Road Frontage (feet)	75	75	
Minimum Front Setback (Routes 11, 103, 103B, feet)	75	75	
Minimum Front Setback – All Others (feet)	40'	30'	Supports economic development in village settings with retail stores opening directly onto sidewalks; measured from road center (road 10 ft, sidewalk 7–10 ft)
Side and rear Setback (Lots Meeting/Exceeding Minimum Lot Size or Not Pre-Existing, feet)	10	10	Allow for economic development in village setting where stores are clustered conveniently together. Safety requires at least 10 feet side setback. Note; Driveways and alleys not governed by side setbacks allowing for rear parking and access to rear retail space. Exception for parking spaces not limited by rear setback.
Side and rear Setbacks for Pre-Existing Lots Below Minimum size	10	10	Allows renovation of pre-existing structures using allowed setbacks for new development
Maximum Lot Coverage (%)	80	80	Comparable to other villages in NH (75–80%)
Maximum Structure Height (feet)	40	38'	Measured 15 feet from lowest grade around structure

4.10 Permitted Uses

Waterfront Village Commercial District – Permitted by Right		
	Funeral Homes	Post Office
Accessory Uses	Home Business	Professional Offices and Clinics
Assembly Halls	Home occupations	Restaurants up to 5,000 sf (excluding drive-in and drive-thru restaurants)
Banks	Multi-Family (3-6 Units per building)	Tasting Room per state definition
Bed & Breakfast	Municipal Buildings and Facilities	Retail (up to 10,000 SF building. Up to 3,000 per retail shop space),
Inns	Museums and Galleries	Schools Public and Private
Churches	Nursing and Convalescent Homes	Short-Term Rentals Owner-in-Residence (STR-OIR)
Day Care	Playhouse/Performing Arts Theater	Single-Family Dwellings (up to 4 per lot)
		Two-Family Dwellings

Permitted Uses by Special Exception		
Auto, Boat & Engine Repair Shops	Marinas	Parking lot as primary use of up to 15 spaces)
Food Vendor Cart	Veterinarians	Restaurants > 5000 sf (excluding drive-in and drive-thru restaurants)
Motels and Hotels	Yards, (Lumber, etc.)	

4.60(B) General Requirements

(4) Permissible Zoning Districts – A Planned Unit Development is permitted in the *Waterfront Village Commercial, Georges Mills Village Commercial, Mixed-Use, and Rural –Residential* zoning districts.

(8)(a) Open Space Requirements – The total area of the open space shall equal at least one-quarter (in *Waterfront Village Commercial, Georges Mills Village Commercial* and *Mixed-Use* districts) and one-half in the *Rural-Residential* District) o the total land area of the Planned Unit Development. Open space shall be considered areas exclusive of any road or utility right-of-way, parking areas and any amenity to the development (i.e. swimming pools, tennis courts, garages, barns, storage, etc...).

5.3 General Requirements

5.31 Size. Signs in the Residential, Rural-Residential, Rural Lands, and Mixed-Use Districts shall not exceed 48 Square feet per side and total signage on any given lot may not exceed 96 square feet. Signs in the ~~Village-Commercial~~, *Georges Mills Village-Commercial* and *Village-Residential* Districts shall not exceed 24 square feet per side and total signage on any given lot may not exceed 48 square feet. *Signs in the Waterfront Village Commercial District may not exceed 24 square feet per side of the building facing the street and 30 square feet per side of the building not facing the street. If a building has multiple stores with entrances on the side of the building not facing the street, each store site signage is limited to 10 square feet.* Any structure or device used as a sign base or carrier will be considered in the square footage calculation (*excluding those only displaying restaurant menus or ice cream flavors*). *Signs in the Waterfront District may be made of wood, engineered or composite materials so long as they mimic in appearance those of a traditional New England Center*

Proposed Zoning Amendment #2

Amend Section 3.40(e) – Additional Requirements – to reduce residential parking requirements to meet new state mandate of 1 space per dwelling unit.

The full text of Sections 3.40(e) as amended will be as follows:

Section 3.40(e) Parking for one- and two-family residential dwellings shall be as follows:

One space per residential dwelling unit (in addition to any garage or carport spaces)

~~One family dwelling (up to four bedrooms) – 2 spaces plus ½ space /bedroom for each additional bedroom over four~~

~~Two family dwelling (up to eight bedrooms) – 4 spaces plus ½ space/bedroom for each additional bedroom over eight~~

~~Total required spaces must be rounded up to nearest whole space~~

~~Garage spaces may be counted as parking spaces for residential uses~~

~~Three or more dwelling units and commercial uses must meet the parking guidelines in the Site Plan Review Regulations~~

Proposed Zoning Amendment #3

Amend Section 3.50(l) - Special Exceptions – to consider all required setbacks (not just property lines) as allowable for reduction if a building is moved into a more conforming area.

The full text of Sections 3.50(l) as amended will be as follows:

Section 3.50(l)

- (1) The proposed structure's non-conformity to one or more ~~property boundaries~~ *required setbacks*, or the water body is reduced; and
- (2) The proposed structure's non-conformity shall not be increased as determined by its location closer to one or more ~~property boundaries~~ *required setbacks* or the water body reference line, from which the dimensional setback the structure is non-conforming to is established; and

(The remainder of this special exception shall remain unchanged)

Proposed Zoning Amendment #4

Amend Section 4.33(B)(8)(b)(viii) – Shoreline Overlay District – Specific Provisions – by defining the maximum length a pervious path may be in the Shoreline Overlay District.

The full text of Sections 4.33(B)(8)(b)(viii) – Shoreline Overlay District - Specific Provisions as amended will be as follows:

(viii) The existing grade within the 50' shoreline setback must remain unaltered unless, as part of a construction project, retaining walls must be installed to stabilize a steep slope area. Any level areas created by these walls must be re-vegetated with native species. Patios and grassed areas may only be created in the 10'; exempted area around the structure as noted in subsection VII. Dock construction and beach replenishment projects that are approved by the State of New Hampshire DES are exempt from this requirement. A 4' wide pervious path is exempt from this requirement *provided that the path does not exceed 100' in length for the first 50' of shorefront and an additional 25' in length for each additional 100' of shorefront*. Land disturbance for planting of trees, shrubs or other native plant species is allowed provided that it is done by non-mechanical means. Removing a structure, any size retaining wall or patio, may be done by mechanical means if the disturbance is limited to 10' around the perimeter of the structure, retaining wall or patio.

Proposed Zoning Amendment #5

Amend Article IV by adding Section 4.75 – Solar Energy Systems – to create a definition for various sizes of solar farms/arrays and adding requirements for siting, buffering, and allowable locations.

The full text of Section 4.75 as added will be as follows:

Article IV – Use Regulations

Section 4.75 – Solar Energy Systems

A. Purpose

The purpose of this section is to promote the safe, effective, and efficient use of solar energy systems, while protecting the public health, safety, and welfare and preserving the character of the Town of Sunapee.

B. Applicability

This section applies to all solar energy systems installed, constructed, or modified after the effective date of this ordinance. Routine maintenance and repair of existing systems shall be exempt. All municipal solar energy systems are exempt pursuant to RSA 674:54.

C. Definitions

1. Residential Solar Energy System: A solar energy system designed primarily to serve the on-site energy needs of a residence or accessory structure.
 - a. Roof-Mounted System: A solar photovoltaic system mounted on the roof of an existing or proposed structure.
 - b. Ground-Mounted System: A solar photovoltaic system mounted on a rack or pole, fixed tilt, or single/dual axis tracker, installed on the ground with a facility area of less than 0.5 acre.
2. Commercial Solar Energy System: A solar energy system with a facility area equal to or greater than 0.5 acre, designed to generate electricity for sale or off-site use.
3. Facility Area: The cumulative area occupied by the solar panels, inverters, mounting equipment, access drives, and associated infrastructure.
4. Decommissioning: The removal of all solar energy system components after the system has ceased operation for a period of 12 months.

D. Residential Solar Energy Systems

1. **Permitted Use:** Residential solar energy systems shall be permitted as accessory uses in all zoning districts.
2. **Roof-Mounted Systems:**
 - a. May be installed on existing or proposed structures.
 - b. Shall not increase the height of a pre-existing, nonconforming structure beyond its existing

maximum height.

c. Shall comply with applicable building and electrical codes.

3. **Ground-Mounted Systems:**

a. Shall meet the dimensional controls for structures within the zoning district, including setbacks and lot coverage.

b. Shall be considered accessory to the principal residential use of the lot.

c. Shall be limited to systems occupying less than 0.5 acre of facility area.

E. Commercial Solar Energy Systems

1. Permitted Use: Commercial solar energy systems shall be permitted as an accessory use to an existing, previously approved commercial property, subject to Site Plan Review and approval by the Planning Board. Commercial Solar Energy System shall be accessory to, and primarily serve, the energy needs of the approved principal commercial use on the lot. Export of energy to the grid shall be incidental.

2. Standards:

a. Systems shall comply with all applicable sections of this Ordinance, including setbacks, lot coverage, shoreline, wetlands, aquifer protection, and steep slopes.

b. Commercial solar energy systems shall not be permitted as a principal use on undeveloped land or on properties without an approved commercial use.

c. Systems shall include appropriate screening or buffering from abutting residential properties and public ways, as determined by the Planning Board during Site Plan Review.

d. Decommissioning requirements, including financial surety, shall be addressed in accordance with the Town's Site Plan Review Regulations.

3. Facility Area: Systems with a facility area of 0.5 acre or greater shall be considered commercial.

F. Compliance

All solar energy systems shall comply with state and local building, electrical, fire safety, and environmental codes and regulations.

Proposed Zoning Amendment #6

Amend Section 4.90 – Accessory Dwelling Units – by eliminating the requirement for a special exception for the first accessory dwelling unit (ADU) on a property per state mandate and allowing a second ADU by special exception.

The full text of Sections 4.90 as amended will be as follows:

4.90 – Accessory Dwelling Units

A. Authority. This article is adopted pursuant to RSA 674:71 – 674:73 and is intended as an Accessory Dwelling Unit (ADU) provision

B. Purpose. The purpose of the ADU is to provide societal benefits for aging homeowners and caregivers along with increase access to affordable housing or long-term renters.

C. General Requirements

- 1) ~~An~~ *The first ADU on a lot* will be permitted in all districts by ~~special exception right~~. *The second ADU on a lot will be permitted in all districts by special exception.* The requirements for the first ADU and the special exception the second will be based on items 2-911 in this section and not on the requirements found in Section 4.15.
- 2) ~~Only one (1) ADU is allowed per single family dwelling unit~~ *No more than the two ADUs described above will be allowed on any lot.*
- 3) Owner occupancy is required in the main unit or *either of the ADUs.*
- 4) ~~The~~ An ADU cannot have more than 1,000 square feet of living space.
- 5) Setback dimensions for ~~the~~ *an ADU* must meet the same guidelines as the single-family unit.
- 6) ~~The~~ *An ADU* must comply with existing lot coverage standards as specified elsewhere in this Ordinance.
- 7) There shall not be more than 2 bedrooms in ~~the~~ *an 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 provided per section 3.40(e) of this Ordinance.

- 10) If an ADU is used as a short-term rental, the owner must be in residence during the time of the rental. *Only one ADU per lot may be used as a short-term rental if allowed in the underlying zoning district.*
- 11) *Only one ADU may be detached from the main dwelling.*

Proposed Zoning Amendment #7

Amend Section 10.20 – Appeals to Zoning Board of Adjustment – to define that an appeal of any action of an administrative officer must be made to the Zoning Board of Adjustment within 30 days per state mandate.

The full text of Sections 10.20 as amended will be as follows:

Section 10.20

Any person aggrieved or any Officer, Department, Board, or Bureau of the Town affected by any decision of the administrative officer or Board may appeal to the *Zoning Board of Adjustment*. Such appeal must occur within ~~a reasonable time as provided by the Rules of the Board, or as provided elsewhere in this Ordinance~~ *30 days* by filing with the Administrative Officer from whom the appeal is taken and with the Zoning Board of Adjustment a notice of appeal specifying the grounds thereof.

(The remainder of this section will be unchanged)

Proposed Zoning Amendment #8

Amend Section 4.10 – Uses & Article XI – Definitions – by adding a definition of a Food Truck and defining what districts/circumstances where they will be allowed.

The full text of Sections 4.10 and Article XI as amended will be as follows:

Add Food Truck to following districts: *Mixed-Use 1, Georges Mills Village Commercial*

Definition:

Food Truck – *A motorized vehicle or trailer equipped to cook, prepare, serve, and/or sell food. Food trucks must meet state licensing requirements. Food trucks commercially operating in permitted districts for extended periods require Site Plan Review with the Planning Board. A food truck may be used without Site Plan Review approval at any location in town if it is for a special event not open to the public or has an approval from the Selectboard.*

Proposed Zoning Amendment #9

Amend Article XI – Definitions – Maximum Structure Height – by clarifying that building height is measured to the top of a parapet and railing around a roof deck.

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

Maximum Structure Height – The vertical distance measured from the lowest finished grade 15’ away from the structure to the highest level of the roof, *parapet or top of railing around a roof top deck* (excluding cupolas, weathervanes, chimneys, antennae, etc.)