

Community Planning Ordinance Ballot Items

From time to time sections of Sullivan’s Community Planning Ordinance, or “CPO,” are revised and updated. The Sullivan Master Plan and NH State Law guide the process. Here is a preview of proposed amendments to the CPO and the reasons behind them, as background for the CPO-related ballot questions that you will see at the 2017 Town Election. The final decision on whether to approve the amendments (or not) rests with you, the voters!

On January 4th, the Planning Board held a public hearing to elicit public input on draft amendments to the CPO. The Board then deliberated and the proposed amendments were finalized. A marked-up copy of the CPO showing the proposed revisions is posted on the town website and a hard copy is displayed in the Town Hall lobby, showing the amendments in the context of the whole document. Voters are encouraged to take a look since it may help make the individual amendments easier to understand.

One set of proposed changes to the CPO pertains to new NH statutes on Accessory Dwelling Units, or “ADUs” (RSA 674:71-73, effective June 1, 2017). The statutes require that towns allow one internal or attached ADU per single-family dwelling. Sullivan’s CPO already allows for detached ADUs, but amendments are needed to bring Sullivan’s CPO into compliance with the new statutes going into effect:

*Section III (Use Application), C (Areas and Dimensions for structures and/or buildings), subsection 7 as amended would have an addition, shown here in *italics*: “The maximum density allowed (including multifamily developments, *and with the exception of one attached or internal Accessory Dwelling Unit*) is one dwelling unit for every two acres.” Additionally, “shall” would replace “is” and “may” throughout section III.C.

*Section IV (General Provisions), H (Accessory Dwelling Units) as amended would include the statute provisions for internal or attached ADUs. The text of section IV.I (Additional Dwelling Units) would be folded into section IV.H.

*The definition of an Accessory Dwelling Unit in Article XI would be updated to match the State’s definition. A sentence referring the reader to the definition for “Dwelling Unit” would also be added.

Another change to the CPO is intended to allow for alternative development of large parcels of land (20 acres or greater), in a way other than subdivision and that is consistent with the goals of Sullivan’s Master Plan: preserving open space for agriculture, conservation or recreation; preserving historic, archeological, and cultural features located on the site; utilizing natural features of the land; preserving those areas of the site that have the highest ecological value (for example, wildlife habitat and water resources); locating buildings and structures on those

portions of the site that are the most appropriate for development and avoiding developing in areas ill-suited for development such as areas that have excessively steep slopes; and allowing more efficient provision of public services. The amendment would add a new section to the CPO, IV (General Provisions), N (Alternative Development). It would still require that the landowner provide a minimum of 2 acres per principal dwelling unit. By adoption of the amendment, the Sullivan Cluster Housing Ordinance (1992), which is out of date, would be discontinued.

Changes to the CPO intended to safeguard health and safety are also proposed:

*The requirement for building permits for all new dwellings, including Accessory Dwelling Units (attached or detached) would be clarified in CPO article V (Building Permits), A (When Required) as amended.

*The maximum area for new construction exempt from a building permit would be reduced from 700 sq ft to 400 sq ft. For comparison, the NH Building Code cut-off is 120 sq ft. CPO sections V.A and V.C (Application for an Accessory Building Permit) would be amended to reflect the change to 400 sq ft. In addition, section V.A. would include a sentence clarifying that even absent a building permit requirement, other pertinent laws or ordinances still apply. Section V.C. would include a sentence directing the reader to section III.C for the proper dimensions, setbacks, and density requirements.

*CPO section VII (Administration) as amended would clarify that the town Fire Chief and Health Officer can enter one- and two-family dwellings for investigations or inspections under certain circumstances, such as responding to a complaint that a building is unfit for human habitation or that a condition exists that is injurious to public health.

Finally, four “housekeeping” amendments would improve organization and wording of the CPO:

*CPO section IV (General Provisions) C (Flood Elevations) as amended would substitute the term “manufactured housing” for “manufactured home trailer.” This housekeeping amendment would update terminology in the Sullivan CPO to the current terminology for manufactured housing.

*CPO section IV (General Provisions) I (Seasonal Dwellings) would be a new section that moves two sentences out of XI (Definitions) to the appropriate section of the CPO. This new section would read:

I. Seasonal Dwellings. Any seasonal dwelling may be converted to a permanent dwelling unit provided that local and State sewage disposal regulations and all other local regulations are met. Applicants should also consult Article III. C for the property dimensions, setbacks, and density requirements; and Article V for building permit requirements.

CPO section XI, Definitions, (Seasonal Dwelling Unit) would be amended accordingly, and would

have an added sentence referring the reader to the definition for “Dwelling Unit.”

*CPO section IV (General Provisions) J (Permanent Foundations) as amended would substitute “New Hampshire Code” for “BOCA National Code.” This housekeeping amendment would update the Sullivan CPO to cite the applicable building code under RSA 155-A (NH Building Code). The BOCA National Building Code is no longer current.

*CPO section XI (Definitions, Dwelling Units), as amended would include an added sentence defining “Principal Dwelling Unit.”

The Planning Board is in favor of these changes, which would: (1) improve organization of the CPO document (e.g. move sentences regarding seasonal dwellings; update terminology), (2) bring the Sullivan CPO into alignment with a new NH law and statute change on accessory dwelling units, (3) update and replace the obsolete Cluster Housing Ordinance in accordance with our Master Plan, and (4) help safeguard public health and safety by ensuring that all new dwelling units and new construction greater than 400 sq ft have building permits, and that complaints of living conditions injurious to public health can be investigated.

We hope you will use this information to help you as you preview the ballot questions. And please remember to vote at the Town Election!