

SUNAPEE BOARD OF SELECTMEN

MEETING AGENDA

6:30PM Town Office Meeting Room

Monday, April 17, 2023

Join us on Zoom: <https://us06web.zoom.us/j/86066395397>

1. REVIEW OF ITEMS FOR SIGNATURE:

- CZC's:
Parcel ID: 0114-0006-0000 43 Brown Hill Rd, Richard & Linda Farr
Parcel ID: 0104-0050-0000 21 Springfield Rd, Nicholas Chunias
- TREE CUTTING PERMIT:
Parcel ID: 0112-0022-0000 88 Marys Rd, Adam & Jennifer Hocherman

2. APPOINTMENTS

- 6:45 PM – Short-Term Rental Presentation

3. PUBLIC COMMENTS:

4. SELECTMEN ACTION

- Use of Facilities: Friends of the Abbott Library – Safety Services Building – July 1, 2023
- Use of Facilities: Lake Sunapee Rowing Club – Georges Mills Beach – 2023 Season
- Recreation Committee Appointment – Nicholas Grant
- Flag of Life Request

5. TOWN MANAGER REPORTS

- Health Officer Administrative Rules
- Tri-Town Appointments
- Legal Update
- Audit (FEMA Money)
- Master Plan
- Septic Ordinance Update

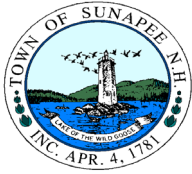
6. CHAIRMAN'S REPORT

7. UPCOMING MEETINGS:

4/20 – 7:00PM – Abbott Library Trustees Meeting

4/20 – 7:00PM – Planning Board Workshop

NONPUBLIC: The Board of Selectmen may enter a nonpublic session, if so voted, to discuss items listed under RSA 91-A:3, II



TOWN OF SUNAPEE

Post Office Box 717
23 Edgemont Road
Sunapee, New Hampshire 03782-0717
Phone: (603) 763-2212 Fax: (603) 763-4925

CERTIFICATE OF APPOINTMENT TOWN OF SUNAPEE, NEW HAMPSHIRE

To, **Nicholas Grant**, of Sunapee, NH in the
County of Sullivan

Whereas, there is a vacancy on the **Recreation Committee** in said town and whereas we, the subscribers, have confidence in your ability and integrity to perform the duties of said office, we do hereby appoint you **Nicholas Grant** as a member of the **Recreation Committee** of said town; and upon your taking the oath of office, and having this appointment and the certificate of said oath of office recorded by the town clerk, you shall have the powers, perform the duties, and be subject to the liabilities of such office, until another person shall be chosen and qualified in your stead. This term expires **April 14, 2025**

Given under our hands this the 17th of April 2023

I, **Nicholas Grant**, do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent on me as a member of the **Recreation Committee** according to the best of my abilities, agreeably to the rules and regulations of the constitution and laws of the State of New Hampshire. So, Help Me God.

STATE OF NEW HAMPSHIRE, ss.
SULLIVAN COUNTY

Personally, appeared the above-named **Nicholas Grant** who took and subscribed to the foregoing oath.
Before me,

Date _____ 20
Received and recorded

Town Clerk

RECEIVED
APR 5 2023
TOWN OF
SUNAPEE

APPLICATION FOR USE OF TOWN OF SUNAPEE FACILITIES

Area (Circle One): Ben Mere/Bandstand – Coffin Park - Dewey Beach - Georges Mills Harbor –
Safety Services Building – Sunapee Harbor-Tilton Park

Name of Organization:

Friends of the Abbott Library
This Organization is: Non-Profit – Political – Private (N/A for profit companies)

Caitlin Clapp
Name of Duly Authorized:

Mailing Address: 169 Burckheven Hill Rd.
Sunapee, NH 03782

Daytime Phone: 603-361-2604 Evening Phone: _____

I/We hereby apply for permission to use the above circled Town facility on:

Event Date: July 1, 2023 Time: From: 5:00 AM To: 11:00 AM

Please describe the complete details of the event: (If advertising please include ad or flyer)

*include a list of outside vendors that will be part of your event.

Pancake Breakfast. all funds benefit Abbott Library

I/We acknowledge understanding the following restrictions:

(1) If this event will likely bring more than 50 people or 20 cars to the area, the applicant must first submit this application to the Chief of Police. The Chief of Police may require the applicant to hire police officer(s) for crowd or traffic control.

(2) I/We agree to abide by the Town of Sunapee's Recreation Area Ordinance, which controls conduct and uses of this area.

(3) The applicant shall indemnify and hold the Town of Sunapee, its employees, agents, and representatives harmless from any and all suits, actions, claims, in equity or at law, for damages asserted by any attendees at such function, or other third parties, resulting from the use of the premises, or from

RECEIVED
APR 13 2023
SUNAPEE
RECEIVED
APR 13 2023
SUNAPEE

APPLICATION FOR USE OF TOWN OF SUNAPEE FACILITIES

Area (Circle One): BenMere/Bandstand – Coffin Park - Dewey Beach - Georges Mills Harbor –
Safety Services Building--Sunapee Harbor-Tilton Park

Name of Organization:

LAKE SUNAPEE ROWING CLUB

This Organization is: Non-Profit – Political –Private (N/A for profit companies)

501(c)(3) NON-PROFIT

Name of Duly Authorized:

BRENDA BALENGER

Mailing Address: 84 SARGENT ROAD

SUNAPEE NH 03782

Daytime Phone: 603.481.2166

Evening Phone: SAME

I/We hereby apply for permission to use the above circled Town facility on:

see attached

Event Date: MAY 1 - OCT 27 Time: From: To:

Please describe the complete details of the event:(If advertising please include ad or flyer)

*include a list of outside vendors that will be part of your event.

see attached

I/We acknowledge understanding the following restrictions:

- (1) If this event will likely bring more than 50 people or 20 cars to the area, the applicant must first submit this application to the Chief of Police. The Chief of Police may require the applicant to hire police officer(s) for crowd or traffic control.
- (2) I/We agree to abide by the Town of Sunapee's Recreation Area Ordinance, which controls conduct and uses of this area.
- (3) The applicant shall indemnify and hold the Town of Sunapee, its employees, agents, and representatives harmless from any and all suits, actions, claims, in equity or at law, for damages asserted by any attendees at such function, or other third parties, resulting from the use of the premises, or from

the food and beverages served at the above-described function. In addition, in the event that the town is required to respond to any claims of any nature arising in connection with the function or the applicant's use of the premises, the applicant agrees to pay to the Town all costs, fees, charges and attorney's fees which may be incurred by the Town concerning such claims.

I/We plan on see attached # of people and _____ # of vehicles attending our event.

Signature of Responsible Individual BB Date 13 APR 2023

Approved by Chief of Police _____ Date _____
of Officer(s) will be assigned to event at applicant's expense.

Approved by Recreation Director (if applicable) _____ Date _____

Approved by Fire Chief (if applicable) _____ Date _____

Approved by Highway Director (if applicable) _____ Date _____

Signature of Approving/Denying Authority (Chairman of the Board of Selectmen) _____ Date _____

Insurance: At least ten (10) days prior to such scheduled function, the applicant shall furnish to the Office of the Sunapee Board of Selectmen written confirmation that the applicant has secured adequate liability insurance covering the event in an amount not less than \$300,000.

***Suggested \$50 contribution for non-residents**

**NO ALCOHOL ALLOWED ON TOWN PROPERTIES WITHOUT A
ALCOHOLIC CONSUMPTION ON TOWN PROPERTY PERMIT**

LAKE SUNAPEE ROWING CLUB – 2023 Application to use Georges Mills Town Beach

Contact: Brenda Balenger, President, 481.2166, and Faith Reney, Secretary,
763.5171 Lake Sunapee Rowing Club
PO Box 287
New London, NH 03257
www.lakesunapeerowing.org

GENERAL INFORMATION

This will be LSRC's 16th year on the water. We are a Non-Profit Charitable Organization recognized by the State of NH, and a 501(c)(3) recognized by the federal government serving the Sunapee area residents with membership open to all. We charge a nominal membership fee of \$150 per year which covers the costs such as the safety launch and safety equipment, boat yard fees, purchase, repair, and maintenance of rowing shells, insurance, registration of boats and coaching fees. An annual fund of \$500 from fund raising efforts is set aside for rowers in need of financial aid.

We provide athletic fit-for-life and competitive opportunities for adults and students. An advantage of our formal rowing sessions is the presence of certified, commercially licensed coaches in a safety launch providing optimum personnel and equipment for safety purposes.

Our fundraising also supports our long-standing adaptive program for students and adults who are mentally and/or physically disabled to row with the club. Staffed entirely by volunteers who are rowers and non-rowers alike, we meet with the disabled athletes once a week for 12 weeks in the summer and fall. Some of our adaptive rowers compete nationally in Philadelphia.

LSRC members also participate in community events such as Love Your Lakes Day, the Sunapee Green Up Day, and we continue to maintain two miles of road-side cleanup on Route 11 through the spring, summer, and fall seasons.

Please see the following information regarding our calendar and schedule. The dates have only been changed from last year to accommodate the calendar. As the past five years, we will continue to use the Exit 12 Park and Ride for non-resident parking. Sunapee residents with parking stickers will provide rides to the non-residents on their way to the Georges Mills town beach.

We thank you for your time and consideration and appreciate your continued support as we look forward to providing rowing and coaching to the Sunapee area.

General Information

- * Community rowing club with 35 - 50% of our members Sunapee town residents
- * Open to all ages and abilities with rowers from ages 14-82
- * Club has liability and equipment insurance
- * Coaches are certified with NH commercial licenses
- * Safety conscious - we use coaching launches equipped with safety kits and life jackets

HOURS Monday - Friday 5:45 AM - 8:30 AM; 9:30 AM - 11:00 AM
Tuesday, Thursday 6:00 - 8:00 PM
Saturday 6:00 AM - 8:30 AM
Sunday 6:00 AM - 8:30 AM

JUNIORS

Spring Season: Monday - Friday, 4 - 6 pm, May 1 to June 9

Fall Season: Monday - Friday, 4 - 6 pm, Aug 21 to Nov 3

MASTERS

Spring Season: Monday - Friday, 5:45 AM – 8:30 AM, May 1 to June 4

Summer Season: Monday - Friday, 5:45 AM - 8:30 AM, June 5 - Aug 18

Fall Season: Monday - Friday, 5:45 AM – 8:30 AM, Aug 21 to Nov 3

NUMBER OF PEOPLE (Pre-arranged)

Most practices are made up of 4-12 participants

1 Eights have 8 rowers, 1 coxswain, 1 coach & 2 alternates = **12 people**

2 Eights have 16 rowers, 2 coxswains, 1 coach & 3 alternates = **22 people (25 max.)**

Other options are single or double sculls, or two Fours = **12 or 22 people** (depending upon configuration)

PARKING

Park and Ride, Exit 12, New London, unlimited spaces. Non-residents will park at the Park and Ride and a pre-determined Sunapee resident will shuttle them to Cooper Street, and return them back to the Park and Ride at the end of practice.

BOAT STORAGE - Rowing shells are kept on racks at 16 Cooper St, Barbara & Don Dupont's property, for which rent is paid monthly. The LSRC coach's safety launch is stored at Sue Cobb's slip at 32 Maple Street, Georges Mills, for which rent is paid for the season. The coach's launches are 12 ft. aluminum boats with 15 hp motors.

LAUNCHING – The rowers launch off the point of land on the north end of the town beach. Rowers carry boats from the storage area to the launch site. Coach talks with the rowers for a few minutes and then the boats are launched. The approximate time from arrival to on-the- water is 15-20 minutes. The same process applies for returning to shore and storing the boats.

INSURANCE - The club has liability insurance through US Rowing, the national governing body for the sport. Equipment insurance is purchased privately. A rider of the club's Liability insurance is attached to this application.

LOW NOISE LEVEL – The first mile and a half from the beach out toward Tilson's Point is our warmup stretch. The coxswains have head phones, speak in normal tones, and the boats have small speakers under rowers' seats. Approximate warm up time is 10-15 minutes. The coaches speak from coach's launch and make an effort to control their volume. Our coaches are careful to speak quietly directly toward the boats and not toward the shoreline when at all possible.

We intend to be good neighbors.

Thanks in advance for your support to LSRC.

Brenda Balenger & Faith Reney
Lake Sunapee Rowing Club

Re: donate for life flag

Allyson Traeger <allyson@town.sunapee.nh.us>

Thu 4/6/2023 2:20 PM

To: Town Manager <manager@town.sunapee.nh.us>

Last year we asked in February..

**SUNAPEE BOARD OF SELECTMEN
MEETING AGENDA**

6:30PM Town Office Meeting Room
Monday, February 21, 2022

Join Zoom Meeting <https://us06web.zoom.us/j/83386192215>
Meeting ID: 833 8619 2215

1. REVIEW OF ITEMS FOR SIGNATURE:
CZC's:

2. APPOINTMENTS

7:00PM-Chief Cahill-Dock Approval for Police Boat

7:15PM-Scott Hazelton-Spring Road Posting

3. PUBLIC COMMENTS:

4. SELECTMEN ACTION

- Fly a Donate Life Flag in April
- Use of Facilities:
 - 05/21-Lake Sunapee Cruising Fleet, Safety Services Building
 - 07/16-Martell/Mahau Wedding, Gazebo
- Authorization to Close Old Abbott Library Capital Reserve Fund
- Authorize Chairman to sign Exercise of Reserved Right to Subdivide
- Authorize Chairman to sign Amendment to Utility Easement Deed
- Sign Selectmen's Agent Appointment Letter for Roger Landry

SELECTMAN ACTION

- Fly the Donate Life Flag in April
Motion to approve flying flag to raise awareness about organ donation during the National Donate Life Month. By Selectman Gottling seconded by Selectman Hathorn. Unanimous.
- Application for use of Safety Services Building for the Annual membership meeting of Lake Sunapee Cruising Fleet, on May 21, 2022, from 8:00AM to 12:30PM for twenty people. **Motion to approve use of facilities from Lake Sunapee Cruising Fleet to use Safety Services Building by Selectman Hathorn seconded by Selectman Wallace. Unanimous.**

From: Allyson Traeger <allyson@town.sunapee.nh.us>

Sent: Thursday, April 6, 2023 2:15 PM

To: Town Manager <manager@town.sunapee.nh.us>

Subject: Fw: donate for life flag

Any insight on this? I can review past agendas?

From: Craig Heino <CraigH@town.sunapee.nh.us>

Sent: Thursday, April 6, 2023 10:56 AM

To: Allyson Traeger <allyson@town.sunapee.nh.us>

Subject: donate for life flag

Allyson:

Every year we fly a Donate for life flag in the Harbor for the month of April. This is something Barb always would take care of. She told me that the Board of Selectman had to approve it each year. Do you know anything about this ? If you don't could you please mention to Shannon.

Thanks

Craig Heino
Building and Grounds Maintenance Supervisor
Town of Sunapee
621 Route 11
Sunapee NH 03782
Telephone : (603)763-5060 ext. 3
Cell Number: (603) 748-0201
e-mail : CraigH@Town.Sunapee.NH.US

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Adopt He-P 900 to read as follows:

CHAPTER He-P 900 TOWN HEALTH OFFICERS

Statutory Authority: RSA 128:10

PART He-P 901 GENERAL INFORMATION

He-P 901.01 Purpose. The purpose of this rule is to establish requirements for appointment, duties, and training of town health officers in the state of New Hampshire. This chapter does not apply to cities pursuant to RSA 128:7.

He-P 901.02 Definitions.

(a) “Cause” means any determination by the town for which a town recommends removal of the health officer.

(b) “Certificate of appointment” means the documentation of an official assignment of a person as a health officer or deputy health officer for a town or unorganized locality.

(c) “Commissioner” means the commissioner of the department of health and human services, or commissioner’s designee.

(d) “Department” means the department of health and human services.

(e) “Health officer” means the person appointed by the commissioner to enforce public health laws and rules in a town or unorganized locality. It includes the term “deputy health officer.”

(f) “New Hampshire Health Officers Association (NHHOA)” means the professional organization established to assist and support local health officials in meeting their responsibilities to the public through programs of education, technical assistance, representation, and resource development.

(g) “Qualified person” means an appointed health officer.

(h) “Town” means a political unit of the state other than a city. It includes the term “municipality.”

(i) “Unorganized localities” means a region of the state with no local incorporated government.

PART He-P 902 HEALTH OFFICER APPOINTMENT

He-P 902.01 Appointment Process of a Health Officer for a Town or for Several Towns.

(a) The selectmen of a town shall recommend to the commissioner a person for nomination as a health officer or deputy health officer by submitting to the department a completed “Health Officer and/or Deputy Health Officer Nomination Form” (March 2023).

(b) If several towns are to use one health officer between them, then the selectmen of those towns shall recommend to the commissioner a person for nomination as a health office or deputy health officer by submitting to the department a completed “Health Officer and/or Deputy Health Officer Nomination Form” (March 2023).

(c) Each municipality shall request and obtain a criminal history record information request from the department of safety, as a prerequisite to any nomination of a health officer or deputy health officer.

(d) The results of the request shall be submitted to the commissioner or commissioner's designee for review to determine if there are any prior convictions that:

- (1) Could disqualify such person; or
- (2) Interfere with the performance of their duties.

(e) The commissioner shall suspend, until action is taken pursuant to (f) below, any nomination for a town health officer if a criminal background check results in evidence of a criminal conviction for any offenses relating to:

- (1) Aggregated felonious sexual assault;
- (2) Felonious sexual assault;
- (3) Sexual assault;
- (4) First degree assault;
- (5) Second degree assault;
- (6) Criminal threatening;
- (7) Kidnapping;
- (8) Endangering the welfare of a child or incompetent;
- (9) Indecent exposure or lewdness;
- (10) Possession of child sex abuse images;
- (11) Offenses relating to obscene matter involving a child;
- (12) Controlled drug act;
- (13) Any offense involving theft;
- (14) Any offense involving fraud;
- (15) Otherwise poses a threat to the health, safety, or well-being of residents to be served; or
- (16) Any other criminal offense that interferes with the performance of a health officer's duties.

(f) If a nominee's criminal background check reveals a conviction for any of the criminal offenses listed above, the commissioner in consultation with the municipality, shall take into consideration the following when deciding whether to approve or deny the nomination:

- (1) The municipality's commitment to and faith in the nominee;
- (2) The nominee's explanation and circumstances;
- (3) The nature and gravity of the offense;
- (4) The length of time since the criminal conviction;
- (5) Whether the conviction has been annulled; and
- (6) Any exceptional or mitigating circumstances.

(g) If approved, the commissioner shall notify the appointee and issue a certificate of appointment within 30 days.

(h) The commissioner shall appoint any qualified person as defined in He-P 901.02(g), to act in unorganized localities as a health officer when a complaint is received by the department and requires an investigation, response, or both.

He-P 902.02 Term of Appointment.

(a) Pursuant to RSA 128:4, a health officer shall hold office for:

- (1) A total of 3 years;
- (2) Unless or until removed for cause as defined in He-P 901.01(a); or
- (3) Until a successor is appointed.

(b) Upon the expiration of the health officer's term, or upon his or her removal, death or resignation, or the occurrence of a vacancy in the office for any reason, the selectmen shall:

- (1) Notify the commissioner; and
- (2) Make a recommendation for a replacement within 15 days of the notice in (1) above.

(c) If no recommendation is made within the 15 day notice of (b)(2) above, the commissioner shall appoint the chair of the board of selectman for each town to serve for each town, subject to approval of a successful background check in He-P 902.01 above, until a recommendation is received,.

He-P 902.03 Deputy Health Officer Appointment and Term.

(a) The appointed health officer shall nominate a person to serve as a deputy health officer as needed, upon approval of the selectmen and the commissioner and pursuant to He-P 902.01.

(b) The term of the deputy health officer shall expire with that of the health officer.

(c) In the event of a vacancy of a health officer, the term of the deputy health officer shall be extended with the approval of the board of selectmen, in consultation with the commissioner, until the health officer vacancy is filled.

PART He-P 903 DUTIES

He-P 903.01 Duties of a Health Officer.

(a) Health officers shall have the authority to:

- (1) Enforce public health laws and rules; and
- (2) Make sanitary investigations as directed by:
 - a. The local board of health; or
 - b. The department.

(b) Deputy health officers shall be empowered to:

- (1) Enforce public health laws and rules; and
- (2) Make sanitary investigations as directed by:
 - a. The health officer; or
 - b. The department.

(c) Pursuant to RSA 128:3, the health officer shall:

- (1) With the board of selectman, constitute the local board of health for the town; and
- (2) Be the secretary and executive officer of the local board of health for the town.

(d) This local board shall:

- (1) Meet at least once every year;
- (2) Review the state of local public health issues and concerns; and
- (3) Provide information as requested to the department on the readiness to address public health threats identified at the local or regional levels.

(e) The department shall contact the local board of health when it receives information regarding a public health threat in order to:

- (1) Determine the readiness of the local board to respond; and
- (2) Provide technical assistance and resources to address the issue.

PART He-P 904 TRAINING AND QUALIFICATIONS

He-P 904.01 Training Required.

(a) Within one year of appointment, each health officer and deputy health officer shall complete a minimum of 3 hours of training on topics related to the specific laws that provide authority to health officers.

(b) The curriculum for training shall include, but not be limited to:

- (1) Duties and responsibilities on rental housing standards pursuant to RSA 48-A:3, I(c);
- (2) Assessment and management of health nuisances pursuant to RSA 147; and
- (3) Duties pursuant to RSA 128:5.

(c) The training shall be administered at no cost to the municipality by the department in collaboration with the NHHOA.

(d) The training shall be taken either:

- (1) In person; or
- (2) Through a remote learning platform provided by the department.

(e) Upon completion of the training required in (a) above, each health officer and deputy health officer shall receive a certification of completion and provide a copy of the certification of completion to the department.

APPENDIX A

Rule	Specific State Statute the Rule Implements
He-P 901	RSA 128:10
He-P 902	RSA 128:1, RSA 128:2, RSA 128:4, RSA 128:5-b, RSA 128:6, RSA 126:6-a, RSA 128:10
He-P 903	RSA 128:3, RSA 128:5, RSA 128:10, RSA 128:11
He-P 904	RSA 128: 8, RSA 128:10

Short-Term Rentals

Utilizing Best Practices to Establish a Local Management Program

by Jonathan Weidenhamer, Government Affairs Consultant and Anna Vaughn, SVP Partners, GovOS

Short-Term Rental Growth & Economics

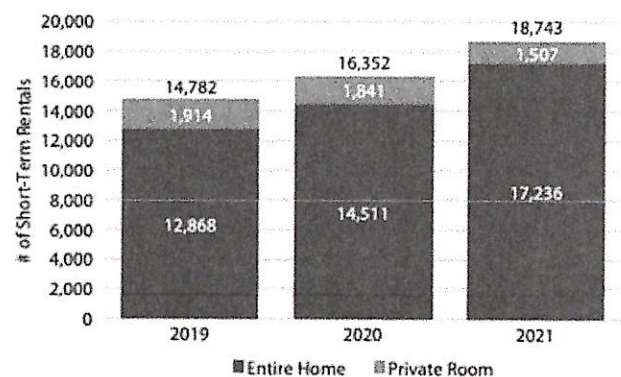
Over the last decade, the short-term rental (STR) industry has been booming in the U.S. The popularity and accessibility of online travel agency platforms (OTAs) contributed largely to the staggering growth in the number of STR properties. The pandemic and remote working trends helped shatter records in STR occupancy in 2021 ([skift](#)¹) and now, despite many sectors of the economy cooling as we recover from the impacts of COVID-19, the STR market is expected to grow at an annual rate of 11.1% from 2022 to 2030. ([Grand View Research](#)²)

Local governments are tasked with finding solutions that protect the interest of all stakeholders, including STR hosts, property managers, residents, and existing businesses. Among the biggest challenges communities face is how to develop balanced policies that address quality of life, guest safety, efficient compliance, and tax remittance from STRs.

As the former Economic Development Manager for 23 years in Park City, Utah, I've framed stakeholder and policy discussions around STRs due to unprecedented increases in visitation. Driven by STRs and the purchasing habits of these guests, the city saw a 33% increase in sales tax from 2021 to 2022 and the economy roared even as the coronavirus raged. ([ParkRecord](#)³)

In this context, the state of Utah as a whole has been at a crossroads as STRs grow statewide. Jurisdictions must operate within the boundaries of the Utah code to balance residents' values while protecting property owners' rights; and minimize the perception of government overreach, while still supporting the growth of the tourism industry.

Figure 1: Number of STRs in Utah, 2019–2021



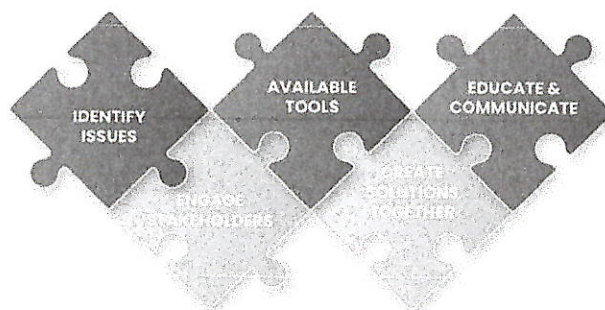
Note: Total omits shared-room listings.
 Source: Transparent

Kem C. Gardner Policy Institute: Short-Term Rental Inventory⁴

Below you will find a roadmap of best practices and tools based on my experiences to help you manage your journey with STRs.

What are you trying to solve?

In my experience with framing policy discussions on STRs, numerous tools were considered to manage and partner with STR industry stakeholders. Of the many lessons I learned, the following still resonate:





IDENTIFY THE ISSUES

The effort for each community has to begin with identifying what issues need to be addressed. Is it growing the local economy? Protecting existing businesses? Protecting residents' quality of life by mitigating the impacts of STRs as it relates to traffic, noise, trash, parking, and emergency services? Are there community character concerns around affordable housing supply, labor supply, and property values? What type of burden is this growth placing on local government staff? Depending on your community, the list of questions can be expansive and overwhelming.

For me, once we identified the core issues, I needed to consider and understand the opportunities and constraints of the Utah code to help policymakers make decisions that were enforceable and not overreaching.

IDENTIFY WHO IS RENTING

This information can only truly be provided accurately by utilizing technology that combines the use of human and industry-leading artificial intelligence resources. Utilizing technology to identify who is renting will provide you with a wealth of information to make data-driven decisions. For example, you will be able to see addresses, property owner contact information, platform listings, occupancy rates, and average daily rates within a single platform. Knowing the number of unique STRs in your jurisdiction is the fundamental building block and first step in managing this market.

Several companies offer this type of software, and I had a few false starts. There is no one-size-fits-all unicorn out there. Be clear on the information you are trying to gather, and the resources available to you to support an information-gathering campaign. In particular, consider the human capital it will take to stand up your own STR division versus working with a technology partner to assemble and efficiently use the information. Making sure your technology partner

understands your unique challenges and is not applying a template to you will yield more meaningful results and long-term success.

ENGAGE WITH STAKEHOLDERS

Creating a stakeholder engagement process before attempting to identify solutions is key. Understanding different pressure points and building trust with your stakeholders is a critical step to success. You need to identify common ground, sensitive issues, and deal killers on the path to building consensus. The STR ecosystem has a broad mix of stakeholders, including any or all of the following:

- A rental host who plays by the rules
- A rental host who isn't aware there are rules at all
- A neighbor next to an impactful rental
- A local business association
- A realtor
- A local municipality responsible for collecting tax, completing inspections, or responding to complaints

It is critical to ensure everyone has a seat at the table in creating a successful STR management program.

IDENTIFY TOOLS AND CREATE SOLUTIONS TOGETHER

I was able to bring our professional business associations, property management companies, concerned citizens, rental hosts, and representatives from the city and county government together. Working on a reasonable timetable, we were able to identify a comprehensive set of options and vet the implications of each in detail. Even when a total consensus wasn't possible, having all the stakeholders be well informed of the pros and cons of these alternatives usually provides policymakers with a clear path forward. I have seen countless examples at both the local and state level where legislators attempted to "solve" the issues, only to have strong blowback at public meetings when various stakeholders arrived underrepresented or misinformed.



ESTABLISH BASIC HEALTH, SAFETY, AND WELFARE STANDARDS

There are many ways to address these complex issues head-on. Framing subjective, value-based community issues like neighborhood quality and affordable housing concerns, mixed with the potential of disrupting an individual's property rights or supporting the local economies can be unsettling. However, working towards a baseline of health, safety, and welfare standards creates a level playing field and baseline of accountability that I've seen all stakeholders agree on. I've researched the efficacy of many destination locations that have proactively adopted STR regulations. In almost every case there is a foundational common ground based on registration requirements to provide emergency contact information and a baseline of inspections to ensure basic life safety standards such as fire extinguishers, smoke alarms, and egress and occupancy requirements. Guest experience and safety are fast becoming "hot topics" as we see devastating outcomes when not addressed head-on.

A review of the State of Vermont Agency of Commerce and Community Development, the State Rental Housing Health Code, and the Vermont Rental Codes provide a comprehensive review of STR rental safety standards and a checklist of existing state requirements from the Division of Fire Safety for property owners. A registration portal could provide an online upload of these requirements, state and local data, and emergency contact in one centralized location. I have come to believe this is the best solution to address these issues, minimize the cost to local governments, protect both local economies, promote guest safety and capture valuable data.

ESTABLISH A COMPLAINT HOTLINE

Another way to reduce the burden on human resources while providing a support mechanism to ensure local rentals are meeting basic safety standards is to use your technology/compliance company to establish a complaint hotline. Securing

a bilingual, 24/7 hotline that categorizes the type and location of all complaints, as well as who made the complaint informs you "how bad the issue really is" and if progress is being made. Regular reporting protects residents, rental hosts, and guests alike by removing perceptions and allowing you to base your next steps on data.

EMPLOY DIGITAL TOOLS TO EDUCATE AND COMMUNICATE

Once a consensus or series of possible tools is identified and vetted, and there is momentum in creating guardrails for managing STRs, stakeholder communication is the last step before attempting to make policy changes and to help drive high compliance and adoption. Getting the word out through a multi-channeled communication strategy is necessary. Overcommunication and public dialogue will prevent misunderstanding or misinformation, paving the way for public conversations and informed decisions.

This is where both the identification and registration tools mentioned above can add further value because your community will know how to reach the right audience to engage in education effectively.

The 2022 State of the STR Community Report asked the following question:

How have you gotten news about local regulations that impact your STR(s)?

News Source	Percentage of Respondents
On government website(s)	48.9%
Social media	32.1%
Online travel agencies, such as Vrbo or Airbnb	31.6%
Emails from government	30.1%
News outlets	27.6%
From an STR alliance or association	24.5%
Letters in the mail from government	21.4%
I attend local government meetings	20.3%
I have never received news about local regulations	9.9%
Professional compliance specialist/company	4.8%
Other	6.5%

Rent Responsibly: 2022 State of the STR Community Report⁵



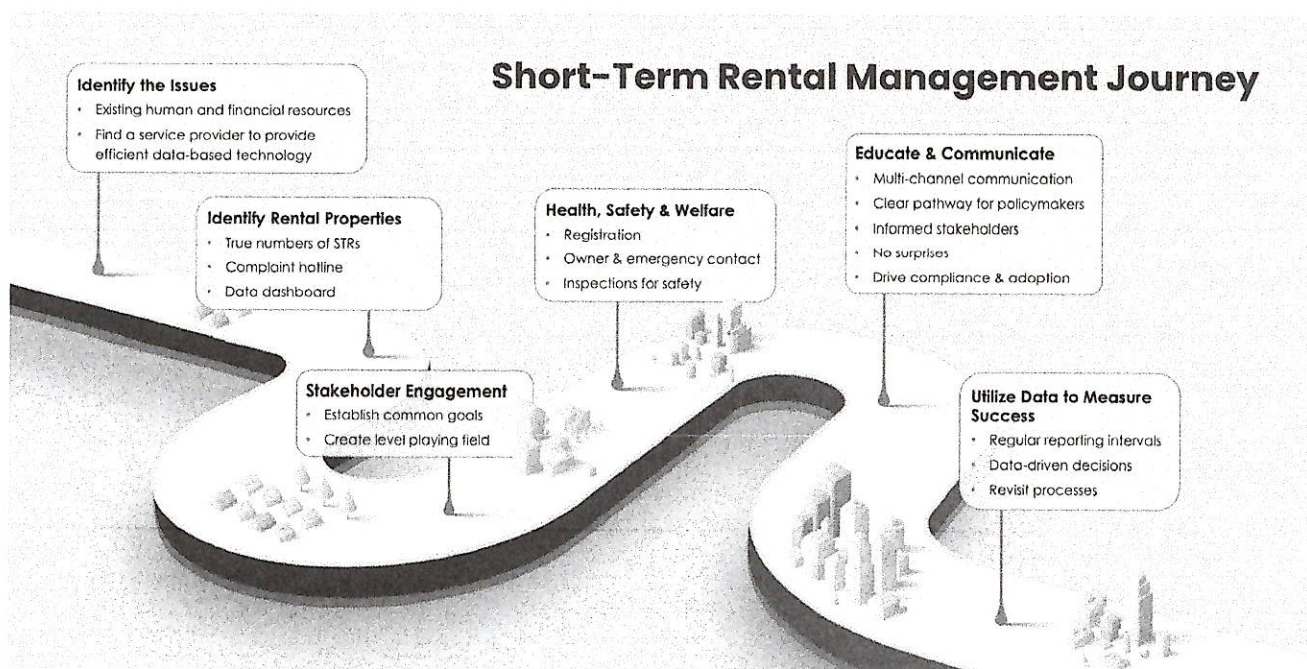
What does success look like?

To continue to meet the demand for STRs and grow local economies sustainably, a broad approach that embraces best management practices is critical to success. Creating a registration and inspection process can provide a template to ensure basic health, safety, and welfare standards are met in your community. With the available technologies that can identify properties and establish complaint hotlines, this doesn't need to be an additional staffing cost or burden on local jurisdictions or emergency services.

A 2022 State of the STR Community report by Rent Responsibly and College of Charleston found that in the past 12 months, approximately 80% reported receiving zero complaints from neighbors or members of their community about their STRs. Additionally, 80% of those with good neighbor practices in place reported positive relationships with all or most of their STRs' neighbors.

Conclusion

Every STR management program will be unique to each municipality. Focusing on the true issues, utilization of tools, stakeholder involvement, and data-driven decisions will lead you down the road to success. The key is to continue to evaluate the program and make adjustments as your community and market change.





References

1. U.S. Short-Term Rental Rate Sticker Shock Will Sting More in 2022 (<https://skift.com/2022/01/25/u-s-short-term-rental-rate-sticker-shock-will-sting-more-in-2022/>)
2. Short-term Vacation Rental Market Size, Share & Trends Analysis Report By Booking Mode (Online, Offline), By Accommodation Type (Apartments, Home), By Region (APAC, North America), And Segment Forecasts, 2022 - 2030 (<https://www.grandviewresearch.com/industry-analysis/short-term-vacation-rental-market-report#:~:text=The%20global%20short%20term%20vacation,11.1%25%20from%202022%20to%202030.>)
3. Park City economy roared as coronavirus raged, City Hall numbers show (<https://www.parkrecord.com/news/park-city/park-city-economy-roared-as-coronavirus-raged-city-hall-numbers-show/>)
4. Short-Term-Rental Inventory (<https://gardner.utah.edu/wp-content/uploads/ShortTermRent-PB-Jun2022.pdf?x71849>)
5. Access the 2022 State of the STR Community Report (<https://www.rentresponsibly.org/download-2022-state-of-the-str-community-report/>)

[EXTERNAL]STR Registration form

peter hoekstra <peterhoeks@gmail.com>

Wed 3/29/2023 3:55 PM

To: Town Manager <manager@town.sunapee.nh.us>

Cc: Scott Hazelton <Scotth@town.sunapee.nh.us>; Lisa Hoekstra <lisamhoeks@gmail.com>

 2 attachments (3 MB)

20210329_152958.PDF; 20210329_151634.PDF;

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Hi Shannon

Thank you for taking time to talk earlier in the week. Per our conversation I have attached a scanned document of a draft registration form I have generated as well as the information sheet from Little Elm Texas. In keeping with my MUD(memorable, understandable and doable)model you can see this is short and sweet.

Lisa and I both attended yesterday's GovOs Fireside Chat Webinar. The presentation was excellent. GovOs is a great resource that I am glad the town has brought in to assist. I have attached a white paper written by one of the discussion presenters. I would encourage everyone who is part of developing our town's STR registration process to review this document.

We are looking forward to the next public meeting.

Peter Hoekstra
25 Maple Street
Sunapee, NH 03782
603.490.8489

FROM PETER HOEKSTRA

TOWN OF SUNAPEE NH

SHORT TERM RENTAL REGISTRATION

Application must be filled out, signed, and submitted with required documents attached.

REQUIREMENTS CHECKLIST

Working Smoke Alarms	Working Carbon Monoxide Alarm
Working Fire Extinguisher	Informational Brochure(emergency contacts, police, fire#)
Maximum Number of Occupants	Floor Sketch
Overnight Parking Area/Spaces	Trash Receptacle Compliance

Property Address of Short-Term Rental

Property Owner Information

Name

Mailing Address

Phone Number

24-Hour Contact Number

Email

Property Owner's Local Emergency Contact Representative

Name

Mailing Address

Phone Number

24-Hour Contact Number

Email

☒ I certify that I am the property owner or authorized agent, and I will provide an informative brochure to guests that includes my 24-hour contact information, and a local contact number should I be out of town during the rental of my property, pertinent information such as noise restrictions and trash compliance and information to assist guests in case of emergencies. I understand I shall include the short term rental will comply with Town of Sunapee Zoning ordinance Article IV, Section 4.95-Short Term Rentals

Date of Application

Signature

\$240 fee enclosed

Permit#

Date Received

**TWO
ADULTS
PER
BEDROOM**



TEN OCCUPANTS MAX



Enjoy your stay in Little Elm! Please be considerate of the residential neighborhood around you and refrain from making any unreasonably loud or disturbing noise.

Quiet Hours

Monday - Thursday:

10 p.m. - 8 a.m.

Friday - Saturday:

11 p.m. - 8 a.m.



See reverse side for more information.

SHORT TERM RENTAL INFO



LITTLE ELM

TOWN NUMBERS

Emergency: **911**

Nonemergency: **214-975-0460**

Public Works Issue: **972-377-5556**

Development Services (report a property issue): **214-975-0453**

Text LEALERT to 888777 for quick, text only updates for all things Little Elm.



**FIVE CAR
MAXIMUM**

**IN ADDITION TO THE
OWNER'S**

PROPERTY OWNER CONTACT:

24-HOUR LOCAL DESIGNATED CONTACT:

**THE PARTY
ISN'T HERE,
IT'S AT THE
LAKEFRONT!**

[HTTPS://LAKEFRONTLITTLEELM.COM/](https://lakefrontlittleelm.com/)

Rentals are prohibited from being rented as a party venue. See reverse side for more information.

FOR MORE INFORMATION, VISIT WWW.LITTLEELM.ORG/STR

[EXTERNAL]GovOS Article

Lisa Hoekstra <lisamhoeks@gmail.com>

Fri 4/7/2023 7:43 AM

To: cpwallace27 <cpwallace27@gmail.com>; Town Manager <manager@town.sunapee.nh.us>; Scott Hazelton <Scotth@town.sunapee.nh.us>; Allyson Traeger <allyson@town.sunapee.nh.us>; Carol Wallace <cwallace@town.sunapee.nh.us>

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.

Good morning:

Have any of you had a chance to read through the GovOS handout that Peter and I supplied last week? Was it passed along to all BoS members and maybe the other boards?

In Sunapee's case, the pieces of the puzzle the article references haven't been fit together in the order the article suggests, but it is not too late to return to some of the foundational parts that may be missing. Namely, point 1 "Identify the Issues" and point 3 "Engage with Stakeholders".

If the BoS is re-considering their earlier agreement to allow current STRs to continue to operate, perhaps a return to point 1 would be helpful: Identify the Issues. What is the evidence of issues these currently operating STRs in RR and RL districts are causing?

It also seems that the boards and public need to move away from the word "grandfathering" the STRs in RR and RL districts. It is an erroneous and misleading term - and seems to be a bit of a trigger word. It is true a situation can't be grandfathered if it wasn't necessarily permitted in the first place.

But, the town has not historically enforced STRs and zoning - for multiple years. This qualifies legally as "administrative gloss." As a town we can't go back and now require an arduous process for the town admins as well as STR owners to go through because the town has been looking the other way for so many years. That's the town's error - not STR owners.

Perhaps better language to address existing STRs in RR and RL being allowed to continue to operate could be more along the lines of "stay in place", or, "permitted to continue", or, "legacied" or "excused from special exception", etc...

As to point 3 in the GovOS article about engaging with stakeholders, I would continue to strongly encourage the town to purposefully reach out to and engage with STR owners. LSSTRA is in communication with about 50% of them, meaning many may not even be aware of the pending requirements.

I would like to request that this email becomes part of the BoS permanent record.

As always, an acknowledgement of receipt is appreciated.

Thank you for your consideration and best regards,

Lisa Hoekstra
603-490-3516
25 Maple St
www.LSSTRA.org

[EXTERNAL]STR's

lindagdrohan2@gmail.com <lindagdrohan2@gmail.com>

Mon 4/10/2023 10:52 AM

To: Town Manager <manager@town.sunapee.nh.us>

[You don't often get email from lindagdrohan2@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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.

Good morning 😊

I am writing in support of allowing currently existing STRs to continue to operate without having to seek a special exception, especially those in Rural and Rural Residential areas..

Many of these have been in existence for years and have a faithful following of repeat guests who stay year after year.. They are always welcome and contribute greatly to the town thru their support of stores, restaurants etc..

Please allow all currently existing STR's in these areas to continue as in the past without having to go thru special permitting!

Thank you for your time and attention..

We appreciate all you do for our town!

All the best,

Linda and Doug Drohan

Sent from my iPhone

Fwd: [EXTERNAL]Amendment 7 Decision Tree

Allyson Traeger <allyson@town.sunapee.nh.us>

Fri 4/7/2023 2:40 PM

To: Town Manager <manager@town.sunapee.nh.us>

From: shaheer mustafa <shaheermustafa@yahoo.com>**Sent:** Friday, April 7, 2023 11:33:25 AM**To:** Allyson Traeger <allyson@town.sunapee.nh.us>**Cc:** Yolanda Coentro <ycoentro@gmail.com>**Subject:** [EXTERNAL]Amendment 7 Decision Tree

You don't often get email from shaheermustafa@yahoo.com. [Learn why this is important](#)

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.

Good Morning Allyson,

My name is Shaheer Mustafa and my wife and I own the property located at 81 Fernwood Point Rd. While disappointed Amendment 7 did not pass, we were encouraged the 'Draft Decision Tree' would allow existing non-conforming STR's to continue, assuming they can provide evidence of rental history prior to 12/1/22.

We are writing today to share our concern this decision may be re-visited in order to strike pre-existing non conforming STR's capacity to remain in operation w/o a special exception. In addition to the incredible workload on limited town human resources in processing an inevitable deluge of special exceptions from existing non conforming STR's, it is against the spirit of collaboration in which we have been collectively working to resolve this issue. We worry walking this key distinction back, would only serve to inflame matters.

We support a reasonable registration process and believe its in everyone's best interest to allow existing non-conforming STRs to operate without special exception while implementing the new ordinance moving forward.

In addition, I would kindly ask this letter become part of the permanent record.

Thank you for your time and consideration.

Sincerely,

Shaheer Mustafa and Yolanda Coentro
81 Fernwood Point Rd

Confidentiality Notice: Privacy should not be assumed with emails associated with town business. Certain emails are public documents and may be subject to disclosure. This electronic message, and any attachments, may contain information that is confidential and/or legally privileged in accordance with NH RSA 91-A and other applicable laws or regulations. This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy/delete all copies of the original message.

[EXTERNAL]GovOS Article

Lisa Hoekstra <lisamhoeks@gmail.com>

Fri 4/7/2023 7:43 AM

To: cpwallace27 <cpwallace27@gmail.com>; Town Manager <manager@town.sunapee.nh.us>; Scott Hazelton <Scotth@town.sunapee.nh.us>; Allyson Traeger <allyson@town.sunapee.nh.us>; Carol Wallace <cwallace@town.sunapee.nh.us>

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I would like to request that this email becomes part of the BoS permanent record.

As always, an acknowledgement of receipt is appreciated.

Thank you for your consideration and best regards,

4/7/23, 8:00 AM

Mail - Town Manager - Outlook

Lisa Hoekstra
603-490-3516
25 Maple St
www.LSSTRA.org

LAW OFFICES OF
SCHUSTER, BUTTREY & WING
Professional Association
79 Hanover Street
P.O. Box 388
Lebanon, New Hampshire 03766
Practice of Law in New Hampshire and Vermont

Barry C. Schuster
barry@ivylegal.com

Telephone
603-448-4780
Fax
603-448-3683

April 4, 2023

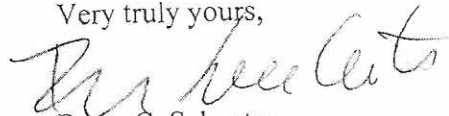
Elizabeth Menard, Clerk of the Board
Housing Appeals Board - Johnson Hall
107 Pleasant Street
Concord, NH 03301

Re: Peter Hoekstra and Elizabeth Hoekstra v. Town of Sunapee, NH
Docket #ZBA-2022-21

Dear Ms. Menard:

Please find enclosed for filing with the Board the Appeal Petition filed with the Supreme Court this day on behalf of Peter Hoekstra and Elizabeth Hoekstra.

Very truly yours,


Barry C. Schuster

BCS/sf

encl.

cc: Cordell A. Johnston, Esq., for Town of Sunapee ✓
cc: NH Attorney General
cc: Peter Hoekstra and Elizabeth Hoekstra

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

DOCKET NO.

APPEAL OF ELIZABETH HOEKSTRA AND PETER HOEKSTRA

**APPEAL OF ELIZABETH HOEKSTRA AND PETER HOEKSTRA
PURSUANT TO RSA 679:15, RSA 541:6 AND RULE 10
FROM THE NEW HAMPSHIRE HOUSING APPEALS BOARD**

Elizabeth Hoekstra and Peter Hoekstra
By their attorneys
Schuster, Buttrey & Wing, P.A.
By: Barry C. Schuster, Bar #2280
79 Hanover Street, PO Box 388
Lebanon, NH 03766
603-448-4780
barry@ivylegal.com

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- a. The names of the parties seeking review of the order, the names of all other parties of record, the names of all counsel, the address of all parties and counsel, and the New Hampshire Bar identification numbers of counsel for the parties seeking review of the order.

Appellants Peter Hoekstra and Elizabeth Hoekstra
25 Maple Street, PO Box 616
Sunapee, NH 03782

Appellants' Counsel Barry C. Schuster, Esq., Bar #2280
Schuster, Buttrey & Wing, P.A.
79 Hanover Street, PO Box 388
Lebanon, NH 03766
603-448-4780
barry@ivylegal.com

Party of Record Town of Sunapee
23 Edgemont Road
Sunapee, NH 03782
603-763-2212

Town Counsel Cordell A. Johnston, Esq., Bar #1275
PO Box 52
Henniker, NH 03242
603-748-4019
cordell@cajohnston.com

Agency/Board Housing Appeals Board
107 Pleasant Street
Johnson Hall, Room 201
Concord, NH 03301

- b. A copy of the administrative agency's findings and rulings, a copy of the order sought to be reviewed, a copy of the motion for rehearing and all objections thereto, and a copy of the order on the motion for rehearing.

Housing Appeals Board's January 30, 2023 Order, App. Pg.

Appellant's February 21, 2023 Motion for Rehearing, App. Pg.

Appellee's February 27, 2023 Objection to Motion for Rehearing, App. Pg.

Housing Appeals Board's March 6, 2023 Interim Order, App. Pg.

Housing Appeals Board's March 17, 2023 Order, App. Pg.

- c. The questions presented for review, expressed in the terms and circumstances of the case, but without unnecessary detail.

1. Where the Town of Sunapee Zoning Ordinance permits a "travel trailer [to] be used for temporary sleeping quarters for not more than 90 days per 12-month period" and where the Town has acknowledged that the Appellants "remain free to sleep in the trailer, or allow a friend, family member, or even a stranger to sleep in the trailer, for up to 90 days in a 12-month period, and they may receive compensation for that temporary use," did the Housing Appeals Board err in finding that the Appellants may not use the travel trailer for temporary sleeping quarters for not more than 90 days for compensation?

2. Did the Housing Appeals Board err in stating that the temporary sleeping accommodations offered by the Appellants were "transient" and therefore not permitted by the Town?

3. Does the decision of the Housing Appeals Board violate the terms of the Sunapee Zoning Ordinance by prohibiting an activity specifically permitted by the Ordinance?

- d. The provisions of the constitutions, statutes, ordinances, rules, or regulations involved in the case, setting them out verbatim, and giving their citation.

Town of Sunapee Zoning Ordinance Section 3.40

(m) Travel Trailers, which include, but are not limited to, camper trailers, motor homes, recreational vehicles, tent trailers and truck campers, are permitted subject to the following restrictions:

- 1) The owner of a travel trailer may store up to two (2) such trailers on his/her property in as inconspicuous a location as possible;
- 2) A travel trailer may be used for temporary sleeping quarters for not more than 90 days per 12-month period unless a Certificate of Compliance is issued. Sewage disposal must be in compliance with New Hampshire Water Supply and Pollution Control regulations or approved by the Sunapee Water and Sewer Department if on municipal sewer;
- 3) All travel trailers used for temporary sleeping quarters must be in compliance with all other provisions of this ordinance including building setbacks...

RSA 541:6

Within thirty days after the application for a rehearing is denied, or, if the application is granted, then within thirty days after the decision on such rehearing, the applicant may appeal by petition to the supreme court.

RSA 679:15. Appeal

Decisions of the board may be appealed to the supreme court by any party in accordance with the provisions of RSA 541 as from time to time amended.

- e. The provisions of insurance policies, contracts, or other documents involved in the case, setting them out verbatim.

The Certified Record provided by the Town of Sunapee and submitted to the Housing Appeals Board, any transcript of the hearing before the Board, and other pleadings submitted to the Board containing other documents and information relevant to this case, will be submitted to this Court by the Housing Appeals Board pursuant to Supreme Court Rule 10(3).

- f. Concise Statement of Case containing the facts material to the consideration of the questions presented.

Peter Hoekstra and Elizabeth Hoekstra are the owners of a home located at 25 Maple Street in the Town of Sunapee, Sullivan County, New Hampshire. They maintain a travel trailer on their property which has received approval for waste disposal from the Sunapee Water and Sewer Department and complies with all provisions of the zoning ordinance including building setbacks. The Hoekstras allow the travel trailer to be used for temporary sleeping quarters for not more than 90 days per 12-month period and they charge for such use.

The Sunapee Zoning Ordinance permits travel trailers to be maintained on one's property as stated in Section 3.40 the Ordinance as follows:

- (m) Travel Trailers, which include, but are not limited to, camper trailers, motor homes, recreational vehicles, tent trailers and truck campers, are permitted subject to the following restrictions:
 - 1) The owner of a travel trailer may store up to two (2) such trailers on his/her property in as inconspicuous a location as possible;
 - 2) A travel trailer may be used for temporary sleeping quarters for not more than 90 days per 12-month period unless a Certificate of Compliance is issued. Sewage disposal must be in compliance with New Hampshire Water Supply and Pollution Control regulations or approved by the Sunapee Water and Sewer Department if on municipal sewer;
 - 3) All travel trailers used for temporary sleeping quarters must be in compliance with all other provisions of this ordinance including building setbacks....

On June 13, 2022, the Town zoning administrator notified the Hoekstras that the rental of the travel trailer for short-term occupancy was not permitted by the Town. On June 29, 2022, the Hoekstras appealed that administrative decision. On July 19, 2022, the

Sunapee zoning board of adjustment denied the Hoekstras' administrative appeal. On August 10, 2022, the Hoekstras filed a request for rehearing and on September 1, 2022, the zoning board denied the request for rehearing.

On September 22, 2023, the Hoekstras appealed the zoning board's decision to the Housing Appeals Board which issued an order on January 30, 2023 affirming the zoning board's decision. The Hoekstras filed a Motion for Rehearing on February 21, 2023, and the Town filed an Objection to Motion for Rehearing on February 27, 2023. In its Objection, the Town stated that "[t]hey, or any other property owners with a travel trailer, remain free to sleep in the trailer, or allow a friend, family member, or even a stranger to sleep in the trailer, for up to 90 days in a 12-month period, and they may receive compensation for that temporary use." The Housing Board, thereafter, issued an Interim Order on March 6, 2023, suspending its prior Order. On March 17, the Housing Appeals Board "UNSUSPENDED and REINSTATED" its January 30, 2023 Order. The Hoekstras appeal the decision of the Housing Appeal Board.

g. Jurisdictional Basis for Appeal.

This appeal is made pursuant to RSA 679:15 and RSA 541:6. This appeal challenges the decision of the Town of Sunapee zoning board which was appealed to the Housing Appeals Board pursuant to RSA 679:5. The Board has concurrent jurisdiction with the Superior Court to hear ZBA appeals pursuant to RSA 679:5, II and RSA 679:7, I. A party may appeal the decision of the Housing Appeals Board to the Supreme Court as permitted by RSA 679:7,1, RSA 679:15 and RSA 541:6.

- h. Direct and concise statement of the reasons why a substantial basis exists for a difference of opinion on the question and why the acceptance of the appeal would protect a party from substantial and irreparable injury, or present the opportunity to decide, modify or clarify an issue of general importance in the administration of justice.

The decision of the Housing Appeals Board conflicts with the plain language of the Sunapee Zoning Ordinance as well as the expressed position of the Town. The decision of the Housing Appeals Board provides no basis for its decision and fails to explain how it prohibited an activity permitted by the Town. The decision of the Housing Appeals Board is unreasonable and erroneous as a matter of law. An expression of property rights, although stated in a dissent from this Court, explains that protecting the appellants' property rights is of general importance in the administration of justice.

Indeed, safe-guarding the constitutional rights of landowners requires that we afford their proposed reasonable uses some modicum of deference. As we stated in *Simplex*, "constitutional property rights must be respected and protected from unreasonable zoning restrictions.... These guarantees limit all grants of power to the State that deprive individuals of the reasonable use of their land." ... Each piece of real property possesses characteristics which contribute to its uniqueness. To hold otherwise would be contrary to our long-standing justification for ordering the specific performance of land contracts. *Bacon v. Town of Enfield*, 150 N.H. 468, 482 (N.H. 2004) (citations omitted) (NADEAU, J., with whom BROCK, C.J., retired, specially assigned under RSA 490:3, joins, dissenting).

- i. Statement that every issue specifically raised has been presented to the administrative agency and has been properly preserved for appellate review by a contemporaneous objection or, where appropriate, by a properly filed pleading.

Every issue specifically raised herein has been presented to the Housing Appeals Board and has been properly preserved for appellate review by Appellant's Motion for Reconsideration.

WHEREFORE, the Appellants, Elizabeth Hoekstra and Peter Hoekstra, respectfully request that this Honorable Court accept this appeal and issue a briefing schedule for Appellants and Appellee to submit briefs on the issues presented herein in accordance with Rule 10.

REQUEST FOR ORAL ARGUMENT

Peter Hoekstra and Elizabeth Hoekstra request the opportunity for their counsel to present their oral argument before the Court.

CERTIFICATION PURSUANT TO RULE 16(3)(i)

I hereby certify that copies of the appealed decisions have been appended to this petition beginning at page 12.

Respectfully submitted,
Elizabeth Hoekstra and Peter Hoekstra
By their attorneys
Schuster, Buttrey & Wing, P.A.
/s/ Barry C. Schuster
By: Barry C. Schuster, Bar #2280
79 Hanover Street, PO Box 388
Lebanon, NH 03766
603-448-4780
barry@ivylegal.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition was this day forwarded to Cordell A. Johnston, Esq., to the Housing Appeals Board at the addresses listed above, and to the Attorney General of the State of New Hampshire, 33 Capitol Street, Concord, NH 03301.

/s/ Barry C. Schuster, Esq., Bar #2280

THE STATE OF NEW HAMPSHIRE SUPREME COURT

DOCKET NO.

APPEAL OF ELIZABETH HOEKSTRA AND PETER HOEKSTRA

**APPEAL OF ELIZABETH HOEKSTRA AND PETER HOEKSTRA
PURSUANT TO RSA 679:15, RSA 541:6 AND RULE 10
FROM THE NEW HAMPSHIRE HOUSING APPEALS BOARD**

APPENDIX

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State of New Hampshire

Board of Tax and Land Appeals

Michele E. LeBrun, Chair
Albert F. Shamash, Esq., Member
Theresa M. Walker, Member

Anne M. Stelmach, Clerk



Governor Hugh J. Gallen
State Office Park
Johnson Hall
107 Pleasant Street
Concord, New Hampshire
03301-3834

NOTICE TO ALL TAX COLLECTORS:

**Please complete and return this form to the Board of Tax and Land Appeals
no later than May 1, 2023.**

In accordance with the provisions of RSA 76:13, the Tax Collector shall notify the Board of Tax and Land Appeals, **in writing**, of the date on which the **final tax bill** was sent (tax bill that establishes the total tax liability – see RSA 76:1-a for definitions).

Complete the information below indicating the date of mailing of the final tax bill covering taxes which were committed to you on the original property tax warrant for 2022 (for the period of April 1, 2022 through March 31, 2023).

MUNICIPALITY: SUNAPEE

FINAL TAX BILL MAILED: NOVEMBER 18, 2022

Final tax bill, pursuant to RSA 76:1-a, means one of the following. Please check one.

- ☐ Bill annually;
☒ Bill semiannually (pursuant to RSA 76:15-a);
☐ Operating with an optional fiscal year (pursuant to RSA 31:94-a); or,
☐ Special legislative act; and
☐ Bill quarterly (pursuant to RSA 76:15-aa).

Were any supplemental tax warrants issued that may be appealed under RSA 76:16-a.

Yes or No: No

If yes, when _____. *You do not need to attach a copy of the warrant.*

John F. Bane
Signature of Tax Collector

CERTIFICATION

I hereby certify a copy of this Form has been provided to the Selectmen/Assessors.

Date: April 6, 2023

John F. Bane
Signature of Tax Collector

Rev. 3/2023

TOWN OF SUNAPEE

Lien Execution Report

Executed On 04/06/2023 at 1 PM

Address

LEVY YEAR 2022

Office Hours

P.O. Box 303
Sunapee, NH 03782

M,Tu,Th, F 8am-4:30pm Wed 8am-12:30pm

Phone: (603) 763-2449

ABBOTT, HOPE

Property Located At: 3 CARY FARM RD

Map Lot Sub: 000119 000004 000001

3 CAREY FARM RD

Property Described As: 2.050 AC & IMPROVEMENTS

SUNAPEE, NH 03782

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 2,258.00	\$ 94.72	\$ 21.00	\$ 19.00	\$ 2,392.72

ALMEIDA, STEPHEN A

Property Located At: 77 TONSET SLOPE

Map Lot Sub: 000114 000029 000000

45 LOOMIS ST, APT 204P

Property Described As: 0.030 AC

MALDEN, MA 02148

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022W Taxes:	\$ 494.40	\$ 4.12	\$ 21.00	\$ 19.00	\$ 538.52

ANDERSEN, KRIST G & HELEN M

Property Located At: 50 JOHN AVERY LN

Map Lot Sub: 000107 000046 000000

PO BOX 430

Property Described As: 0.470 AC & IMPROVEMENTS

GEORGES MILLS, NH 03751

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 2,081.00	\$ 49.26	\$ 21.00	\$ 19.00	\$ 2,170.26

AZAM, NAWAZ

Property Located At: COVENTRY DR

Map Lot Sub: 000209 000018 000000

66 CALEF HILL RD

Property Described As: 1.900 AC

TILTON, NH 03276

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 803.00	\$ 33.66	\$ 21.00	\$ 19.00	\$ 876.66

BLY SR, RICHARD H
BLY JR, RICHARD H
127 EDMONT RD

Property Located At: 127 EDMONT RD
Map Lot Sub: 000137 000011 000000
Property Described As: 1.600 AC & IMPROVEMENTS

SUNAPEE, NH 03782

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 4,715.00	\$ 197.73	\$ 21.00	\$ 19.00	\$ 4,952.73

CHAPMAN, LARRY

Property Located At: ROUTE 103
Map Lot Sub: 000147 000021 000000
Property Described As: 32.800 AC

637 ROUTE 103

SUNAPEE, NH 03782

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 30.00	\$ 1.28	\$ 21.00	\$ 19.00	\$ 71.28

CHAPMAN, LARRY

Property Located At: 637 ROUTE 103
Map Lot Sub: 000147 000022 000000
Property Described As: 9.800 AC & IMPROVEMENTS

637 ROUTE 103

SUNAPEE, NH 03782

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 2,439.00	\$ 102.30	\$ 2.00	\$ 8.00	\$ 2,551.30

CHESTER ROAD PROPERTIES LLC

Property Located At: 118 WINN HILL RD
Map Lot Sub: 000138 000014 000000
Property Described As: 0.510 AC & IMPROVEMENTS

146 CHESTER ROAD

GRANTHAM, NH 03753

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 1,328.00	\$ 31.44	\$ 21.00	\$ 19.00	\$ 1,399.44

CLOUGH, WENDY ANN & ALDEN J

Property Located At: 118 NUTTING RD
Map Lot Sub: 000233 000045 000001
Property Described As: 0.000 AC & IMPROVEMENTS

PO BOX 348

SUNAPEE, NH 03782

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 523.00	\$ 21.93	\$ 21.00	\$ 19.00	\$ 584.93

CURRAN, JENNIFER

Property Located At: 96 NORTH RD
Map Lot Sub: 000218 000012 000002
Property Described As: 1.520 AC & IMPROVEMENTS

96 NORTH RD

SUNAPEE, NH 03782

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 1,654.00	\$ 39.15	\$ 0.00	\$ 19.00	\$ 1,712.15
Fiscal Year 2022W Taxes:	\$ 638.03	\$ 5.31	\$ 0.00	\$ 0.00	\$ 643.34

DEAUGUSTINIS, CHERIE L

139 LAKE AVE

SUNAPEE, NH 03782

Property Located At: 139 LAKE AVE

Map Lot Sub: 000127 000008 000000

Property Described As: 0.090 AC & IMPROVEMENTS

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 10,616.00	\$ 445.25	\$ 21.00	\$ 19.00	\$ 11,101.25

EGAN, TODD

PO BOX 455

WHITMAN, MA 02382

Property Located At: HARBOR SOUTH #B8

Map Lot Sub: 000133 000034 000029

Property Described As: 0.000 AC & IMPROVEMENTS

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 1,234.00	\$ 51.77	\$ 21.00	\$ 19.00	\$ 1,325.77

FARRIS ALLEN L

75 PAPPAS ROAD

CLAREMONT, NH 03743

Property Located At: 680 ROUTE 103

Map Lot Sub: 000147 000002 000000

Property Described As: 15.000 AC

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 481.00	\$ 11.39	\$ 21.00	\$ 19.00	\$ 532.39

FARRIS ALLEN L

75 PAPPAS ROAD

CLAREMONT, NH 03743

Property Located At: ROUTE 103

Map Lot Sub: 000149 000006 000000

Property Described As: 0.220 AC

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 28.00	\$ 0.66	\$ 2.00	\$ 8.00	\$ 38.66

FERGUSON FAMILY IRREVOC TRUST, BRUCE W
C/O PNC BANK
PO BOX 13929

ARLINGTON, TX 76094

Property Located At: 56 WOODLAND RD

Map Lot Sub: 000112 000014 000000

Property Described As: 0.980 AC

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022W Taxes:	\$ 494.40	\$ 4.12	\$ 21.00	\$ 19.00	\$ 538.52

FIELD, DANIELLE L

15 PARADISE RD

SUNAPEE, NH 03782

Property Located At: 15 PARADISE RD

Map Lot Sub: 000225 000042 000000

Property Described As: 1.020 AC

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022W Taxes:	\$ 494.40	\$ 4.12	\$ 21.00	\$ 19.00	\$ 538.52

FORD, COURTNEY A

99 FULLER ST

MIDDLEBOROUGH, MA 02346

Property Located At: 11 GLENWOOD DR

Map Lot Sub: 000233 000008 000000

Property Described As: 0.240 AC & IMPROVEMENTS

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 556.36	\$ 22.33	\$ 21.00	\$ 19.00	\$ 618.69
<hr/>					
GARANT, CHARLENE N	Property Located At: 136 PROSPECT HILL RD				
	Map Lot Sub: 000203 000009 000000				
PO BOX 391	Property Described As: 1.800 AC				
GEORGES MILLS, NH 03751					
	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022W Taxes:	\$ 453.20	\$ 3.77	\$ 21.00	\$ 19.00	\$ 496.97
<hr/>					
GAY, PAULA M	Property Located At: 58 SPRINGFIELD RD				
	Map Lot Sub: 000104 000063 000000				
PO BOX 1022	Property Described As: 1.800 AC				
GEORGES MILLS, NH 03751					
	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022W Taxes:	\$ 929.20	\$ 7.74	\$ 21.00	\$ 19.00	\$ 976.94
<hr/>					
GONZALEZ, MICHAEL & JENNIFER	Property Located At: 28 BEECH ST				
	Map Lot Sub: 000137 000007 000000				
30 BEECH ST	Property Described As: 1.900 AC & IMPROVEMENTS				
SUNAPEE, NH 03782					
	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 1,393.00	\$ 32.97	\$ 21.00	\$ 19.00	\$ 1,465.97
<hr/>					
HAMPSON, ARA J & ANGELA M	Property Located At: 58 NORTH RD				
	Map Lot Sub: 000130 000031 000000				
58 NORTH RD	Property Described As: 0.380 AC				
SUNAPEE, NH 03782					
	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022W Taxes:	\$ 2,153.56	\$ 17.94	\$ 21.00	\$ 19.00	\$ 2,211.50
<hr/>					
JONES, KEVIN F	Property Located At: 358 ROUTE 11				
WHITTAKER, HELEN M	Map Lot Sub: 000131 000006 000000				
358 ROUTE 11	Property Described As: 0.900 AC & IMPROVEMENTS				
SUNAPEE, NH 03782					
	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 1,309.00	\$ 54.89	\$ 21.00	\$ 19.00	\$ 1,403.89
Fiscal Year 2022W Taxes:	\$ 453.20	\$ 3.77	\$ 0.00	\$ 0.00	\$ 456.97
<hr/>					
LAMARE, RUSSELL S & CHRISTINE A	Property Located At: 22 STAGECOACH LN				
	Map Lot Sub: 000138 000043 000000				
22 STAGECOACH LN	Property Described As: 0.760 AC & IMPROVEMENTS				
SUNAPEE, NH 03782					
	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 2,651.00	\$ 111.18	\$ 21.00	\$ 19.00	\$ 2,802.18
Fiscal Year 2022W Taxes:	\$ 1,272.15	\$ 10.60	\$ 0.00	\$ 0.00	\$ 1,282.75

LEAVITT, HAROLD

546 NORTH RD

SUNAPEE, NH 03782

Property Located At: 544 NORTH RD

Map Lot Sub: 000210 000022 000001

Property Described As: 0.000 AC & IMPROVEMENTS

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 4.00	\$ 0.17	\$ 21.00	\$ 19.00	\$ 44.17

LUCAS, SKY M

C/O DAVID B. CAMPBELL, ATTY

PO BOX 330

SUNAPEE, NH 03782

Property Located At: 15 LAKE AVE

Map Lot Sub: 000133 000037 000000

Property Described As: 0.610 AC & IMPROVEMENTS

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 13,080.00	\$ 309.62	\$ 21.00	\$ 19.00	\$ 13,429.62
Fiscal Year 2022W Taxes:	\$ 1,326.13	\$ 11.05	\$ 0.00	\$ 0.00	\$ 1,337.18

M & K MASON PROPERTIES, LLC

330 POVERTY LN

LEBANON, NH 03766

Property Located At: 844 ROUTE 11

Map Lot Sub: 000119 000009 000000

Property Described As: 5.050 AC & IMPROVEMENTS

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 4,699.00	\$ 197.10	\$ 21.00	\$ 19.00	\$ 4,936.10

M & M REALTY TRUST

7 ROCK ST

WOBURN, MA 01801

Property Located At: 120 NEW PROVINCE RD

Map Lot Sub: 000234 000027 000000

Property Described As: 5.200 AC & IMPROVEMENTS

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 4,839.00	\$ 202.95	\$ 21.00	\$ 19.00	\$ 5,081.95

MACH CONSULTING GROUP LLC

PO BOX 3691

NASHUA, NH 03061

Property Located At: 46 NORTH RD

Map Lot Sub: 000130 000033 000000

Property Described As: 1.100 AC & IMPROVEMENTS

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 1,391.00	\$ 32.93	\$ 21.00	\$ 19.00	\$ 1,463.93

MOUNTAINVIEW PROPERTIES LLC

PO BOX 816

SUNAPEE, NH 03782

Property Located At: 111 HAMEL RD

Map Lot Sub: 000148 000006 000000

Property Described As: 0.880 AC & IMPROVEMENTS

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 1,687.00	\$ 70.75	\$ 21.00	\$ 19.00	\$ 1,797.75

MYSTIC RIVER MANAGEMENT, LLC

487 LOCUST ST

DANVERS, MA 01923

Property Located At: 21 SUNNYSIDE DR

Map Lot Sub: 000148 000034 000000

Property Described As: 1.400 AC & IMPROVEMENTS

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 10,714.08	\$ 449.33	\$ 21.00	\$ 19.00	\$ 11,203.41

NEWCOMB, RYAN C & DANIELLE M

3 BRANDYWINE DR

SUNAPEE, NH 03782

Property Located At: 3 BRANDYWINE DR

Map Lot Sub: 000130 000015 000000

Property Described As: 0.380 AC

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022W Taxes:	\$ 958.65	\$ 7.98	\$ 21.00	\$ 19.00	\$ 1,006.63

NICKERSON III, JOSEPH H & MARCIA L

PO BOX 123

WHATELY, MA 01093-0123

Property Located At: LAKE AVE

Map Lot Sub: 000136 000011 000000

Property Described As: 1.090 AC

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 26.08	\$ 0.06	\$ 0.00	\$ 19.00	\$ 45.14

NICKERSON III, JOSEPH H & MARCIA L

PO BOX 123

WHATELY, MA 01093-0123

Property Located At: 4 STAR ISLAND

Map Lot Sub: 000140 000004 000000

Property Described As: 0.390 AC & IMPROVEMENTS

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 3,112.00	\$ 73.66	\$ 2.00	\$ 8.00	\$ 3,195.66

NICKERSON III, JOSEPH H & MARCIA L

PO BOX 123

WHATELY, MA 01093-0123

Property Located At: BURKEHAVEN LN

Map Lot Sub: 000140 000016 000000

Property Described As: 0.020 AC & IMPROVEMENTS

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 2,480.00	\$ 58.70	\$ 2.00	\$ 8.00	\$ 2,548.70

OHI, CHRISTINE S

28 CENTRAL ST

SUNAPEE, NH 03782

Property Located At: 28 CENTRAL ST

Map Lot Sub: 000129 000071 000000

Property Described As: 0.240 AC

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022W Taxes:	\$ 629.08	\$ 5.24	\$ 21.00	\$ 19.00	\$ 674.32

OSGOOD, BRADFORD R

PO BOX 362

GEORGES MILLS, NH 03751

Property Located At: 131 PROSPECT HILL RD

Map Lot Sub: 000206 000013 000000

Property Described As: 4.100 AC

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022W Taxes:	\$ 454.72	\$ 3.79	\$ 21.00	\$ 19.00	\$ 498.51

PIGNATARO, JR. 2022 TRUST, ROCCO S.
PIGNATARO JR, ROCCO S., TRUSTEE
638 ROUTE 103

Property Located At: 638 ROUTE 103
Map Lot Sub: 000147 000005 000000
Property Described As: 10.100 AC & IMPROVEMENTS

SUNAPEE, NH 03782

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 2,047.00	\$ 85.86	\$ 21.00	\$ 19.00	\$ 2,172.86

PITROWSKI, BELINDA
41 WILDERNESS PARK RD

Property Located At: 41 WILDERNESS PARK RD
Map Lot Sub: 000239 000001 000001
Property Described As: 0.000 AC & IMPROVEMENTS

SUNAPEE, NH 03782

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 50.00	\$ 2.12	\$ 21.00	\$ 19.00	\$ 92.12

SAMALIS, DEBBIE
70 WEST COURT RD

Property Located At: 70 WEST COURT RD
Map Lot Sub: 000131 000025 000000
Property Described As: 11.700 AC & IMPROVEMENTS

SUNAPEE, NH 03782

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 1,459.00	\$ 61.19	\$ 21.00	\$ 19.00	\$ 1,560.19

SDB INVESTMENTS, INC
PO BOX 323

Property Located At: 1373 ROUTE 11
Map Lot Sub: 000107 000001 000000
Property Described As: 0.890 AC & IMPROVEMENTS

GEORGES MILLS, NH 03751

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 8,859.98	\$ 151.83	\$ 0.00	\$ 19.00	\$ 9,030.81
Fiscal Year 2022W Taxes:	\$ 3,636.00	\$ 30.28	\$ 0.00	\$ 0.00	\$ 3,666.28

SEALE III, EVERETT
412 LOVEJOY RD

Property Located At: 12 GLENWOOD DR
Map Lot Sub: 000233 000009 000000
Property Described As: 0.120 AC & IMPROVEMENTS

LEMPSTER, NH 03605

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 704.00	\$ 29.52	\$ 21.00	\$ 19.00	\$ 773.52

SIROIS, SUSAN & NATALIE
15 IRON HORSE DRIVE UNIT B211

Property Located At: 710 ROUTE 103
Map Lot Sub: 000149 000004 000000
Property Described As: 0.430 AC & IMPROVEMENTS

BEDFORD, NH 03110

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 513.00	\$ 21.52	\$ 21.00	\$ 19.00	\$ 574.52

SMITH, BARRY S & VIVIAN L

Property Located At: 326 NUTTING RD

Map Lot Sub: 000239 000015 000000

330 NUTTING RD

Property Described As: 20.090 AC & IMPROVEMENTS

SUNAPEE, NH 03782

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 2,184.00	\$ 51.70	\$ 21.00	\$ 19.00	\$ 2,275.70

SUMSON, KYLE

Property Located At: 40 CENTRAL ST

Map Lot Sub: 000129 000069 000000

77 BANK STREET

Property Described As: 0.730 AC

LEBANON, NH 03755

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022W Taxes:	\$ 118.17	\$ 0.98	\$ 21.00	\$ 19.00	\$ 159.15

SUNAPEE BAY REALTY TRUST

Property Located At: 5 UPPER BAY RD

STEVEN M BURKE, TRUSTEE

Map Lot Sub: 000145 000010 000000

900 ELM ST

Property Described As: 1.200 AC & IMPROVEMENTS

MANCHESTER, NH 03101

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 4,986.00	\$ 118.02	\$ 21.00	\$ 19.00	\$ 5,144.02

THE BEARD FAMILY REVOCABLE TRUST

Property Located At: 22 WEST COURT RD

Map Lot Sub: 000130 000009 000000

22 WEST COURT RD

Property Described As: 5.600 AC & IMPROVEMENTS

SUNAPEE, NH 03782

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 1,400.00	\$ 58.74	\$ 21.00	\$ 19.00	\$ 1,498.74
Fiscal Year 2022W Taxes:	\$ 556.03	\$ 4.63	\$ 0.00	\$ 0.00	\$ 560.66

VOYDATCH, STEVEN

Property Located At: NORTH SHORE RD

Map Lot Sub: 000115 000028 000000

55 JEWETT RD

Property Described As: 0.040 AC

DUNBARTON, NH 03045

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 513.00	\$ 21.52	\$ 21.00	\$ 19.00	\$ 574.52

WALSH, PETER

Property Located At: 336 LAKE AVE

Map Lot Sub: 000136 000013 000000

140 HUYSHOPE AVE APT 404

Property Described As: 0.580 AC

HARTFORD, CT 06106

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022W Taxes:	\$ 494.40	\$ 4.12	\$ 21.00	\$ 19.00	\$ 538.52

WENTZELL, RICHARD A

Property Located At: ROUTE 11

Map Lot Sub: 000225 000051 000000

PO BOX 323

Property Described As: 1.100 AC

NEWPORT, NH 03773-0323

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 83.00	\$ 3.47	\$ 21.00	\$ 19.00	\$ 126.47

WENTZELL, RICHARD A

Property Located At: 15 ROUTE 11

Map Lot Sub: 000225 000054 000000

PO BOX 323

Property Described As: 1.360 AC & IMPROVEMENTS

NEWPORT, NH 03773

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 3,761.00	\$ 157.73	\$ 2.00	\$ 8.00	\$ 3,928.73
Fiscal Year 2022W Taxes:	\$ 242.40	\$ 2.02	\$ 0.00	\$ 0.00	\$ 244.42

WHITE POND REAL ESTATE, LLC

Property Located At: 14 SUNNYSIDE TERR

Map Lot Sub: 000148 000031 000000

PO BOX 816

Property Described As: 0.290 AC & IMPROVEMENTS

SUNAPEE, NH 03782

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022P Taxes:	\$ 3,050.00	\$ 72.20	\$ 21.00	\$ 19.00	\$ 3,162.20

WINTERS, EDWARD

Property Located At: 20 PROSPECT HILL RD

Map Lot Sub: 000104 000044 000000

PO BOX 221

Property Described As: 0.570 AC

GEORGES MILLS, NH 03751

	Taxes	Interest	Lien Cost	Exec. Cost	Total
Fiscal Year 2022W Taxes:	\$ 487.60	\$ 4.06	\$ 21.00	\$ 19.00	\$ 531.66

Grand Total:	\$ 122,027.22	\$ 3,668.24	\$ 934.00	\$ 933.00	\$ 127,562.46
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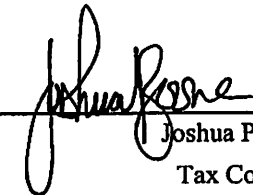
SULLIVAN
COUNTY REGISTRY OF DEEDS
AFFIDAVIT OF EXECUTION OF REAL ESTATE TAX LIEN

STATE OF NEW HAMPSHIRE
COUNTY OF SULLIVAN

Dated: April 6, 2023

Personally appeared the above named Joshua P. Boone, Tax Collector for the Town of TOWN OF SUNAPEE and being duly sworn states that:

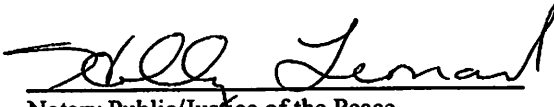
1. The foregoing listing represents a list of current owners or person to whom taxes were assessed and a description of the property assessed as committed to me for collection.
2. That as a result of non-payment of taxes, and after having provided notices as provided by law, I executed to the Town of TOWN OF SUNAPEE, New Hampshire a statutory tax lien in accordance with RSA 80:61 on April 6, 2023, at the Town offices.



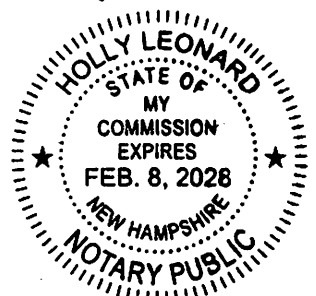
Joshua P. Boone
Tax Collector

STATE OF NEW HAMPSHIRE
COUNTY OF SULLIVAN

On this 6th day of April, 2023 personally appeared Joshua P. Boone, Tax Collector who swore that the foregoing is true to the best of his knowledge and belief and acknowledged the foregoing instrument to be his free act and deed.



Notary Public/Justice of the Peace
My Commission expires: February 8, 2028



State of New Hampshire

Board of Tax and Land Appeals

RECEIVED
APR 5 2023
TOWN OF
SUNAPEE

Michele E. LeBrun, Chair
Albert F. Shamash, Esq., Member
Theresa M. Walker, Member

Anne M. Stelmach, Clerk



Governor Hugh J. Gallen
State Office Park
Johnson Hall
107 Pleasant Street
Concord, New Hampshire
03301-3834

Trainor Revocable Trust, R. Bryan and Beverly A. Trainer, Trustees

v.

Town of Sunapee

Docket No.: 30138-20PT

DECISION

The "Taxpayer" appeals, pursuant to RSA 76:16-a, the "Town's" 2020 assessment of \$584,400 on Map 133/Block 051/Sublot 08, a residential condominium unit located at 1B Indian Cave Landing (the "Property"). For the reasons stated below, the appeal for abatement is denied.¹

The Taxpayer has the burden of showing, by a preponderance of the evidence, the assessment was disproportionately high or unlawful, resulting in the Taxpayer paying a disproportionate share of taxes. See RSA 76:16-a; Tax 201.27(f); Tax 203.09(a); Appeal of City of Nashua, 138 N.H. 261, 265 (1994). To establish disproportionality, the Taxpayer must show the Property's assessment was higher than the general level of assessment in the municipality. Id. We find the Taxpayer failed to prove disproportionality.

The Taxpayer, represented by R. Bryan and Beverly A. Trainer, argued the assessment was excessive because:

¹ Board Members Michele E. LeBrun and Theresa M. Walker heard and decided this appeal.

- (1) between the 2015 and 2020 Town-wide reassessments, the Property's assessed value increased at a greater percentage than other properties;
- (2) there are 58 units in the condominium and only six are as small as the Property; further, only two of the six units sold after undergoing substantial internal renovations;
- (3) the Town "illegally" assessed a \$250,000 features value for every condominium unit owner for the common land, but those owners do not receive the same services as the owners of other properties in the Town;
- (4) the Town has utilized five separate classifications for views, but no criteria are given for the values assigned to each classification;
- (5) a "Seller's Report" by Tracy Nangeroni of Harbor Light Realty (the "Nangeroni Report") arrived at a \$549,088 "comp analysis" on January 31, 2022; and
- (6) the Town's assessment methodology is flawed and the Property's assessment should be abated to \$496,000.

The Town, represented by its Chief Assessor, Kristen McAllister, argued the assessment was proper because:

- (1) the Town used property sales from April, 2018 to June, 2020 to develop the building values tables in the CAMA (Computer Automated Mass Appraisal) system for the 2020 reassessment;
- (2) prior to the 2020 reassessment, a ratio study documented the "disproportion" between property types in assessed values; for example, condominiums were selling at 87% of their assessed value (and Indian Cave and Overlook at Indian Cave at 77%) while single-family homes were at 88%, waterfront properties at 72% and water access properties at 88% (See Municipality Exhibit D, p. 19.);

- (3) the Taxpayer bases its appeal solely on methodology which is not a reason for an abatement as long as like properties are treated consistently;
- (4) each condominium unit owner owns an undivided interest in the common land and the assessed value is based on the overall market value of the units (Id., pp. 20-21); and
- (5) the Taxpayer has failed to carry its burden in showing the assessment under appeal is disproportional and the appeal should be denied.

The parties did not dispute the level of assessment was 97.3% in tax year 2020, the median ratio calculated by the department of revenue administration.

Board's Rulings

Based on the evidence, the board finds the Taxpayer failed to prove the Property was disproportionately assessed and the appeal is denied.

The Taxpayer argued that, during the town-wide 2020 revaluation, the Property's assessed value increased at a greater percentage than other properties. A greater percentage increase in an assessment following a municipal-wide reassessment is not a basis for an abatement since unequal percentage increases (or decreases) are inevitable following such reassessments. RSA 75:8 requires municipalities to examine all real estate in the municipality on an annual basis and reappraise such real estate as has changed in value. The Town's reassessment was intended to remedy past inequities and, thus, the new assessments will vary between properties, both in absolute numbers and in percentages. Therefore, the board finds such evidence does not satisfy the Taxpayer's burden of proving the Property's assessment is disproportionate. See Appeal of Town of Sunapee, 126 N.H. 214 (1985).

The Taxpayer also argued the Town's assessment methodology was flawed because it did not adequately consider the size and floorplan differences between the condominium units.

Specifically, the Property is one of six smaller units and is disproportionately assessed compared to the 52 other, larger units. (Taxpayer Exhibits 3 and 4.) Justice requires that an order of abatement not relieve a taxpayer from bearing its share of the common burden of taxation, notwithstanding any errors of law or fact pertaining to how the assessment was made. For example, proving the municipality lacked a “sound methodology” when it made the assessment is not sufficient, unless there is proof of disproportionality. Porter v. Town of Sanbornton, 150 N.H. 363, 367-68 (2003).

The Taxpayer presented the Nangeroni Report, which was prepared by a real estate broker and included information regarding several sales which took place between August, 2016 and October, 2020 and compared their sale prices to the \$549,088 price paid for the Property in August, 2016. (Taxpayer Exhibit No. 18.) It does not arrive at an estimate of market value and does not include any analysis to indicate whether real estate values had changed during that time or if adjustments were appropriate to account for differences between the Property and the comparables such as location, condition, size and other physical characteristics.² As a result, the board is unable to give much evidentiary weight to the Nangeroni Report³ and finds the Taxpayer failed to present sufficient evidence of market value to show the Property was disproportionately assessed.

² The Nangeroni Report (p. 2) states: “This report contains data and information that is publicly available and/or licensed from third parties and is provided to you on an “as is” and “as available” basis. The information is not verified or guaranteed. Neither this report or the estimated value of a property is an appraisal of the property.”

³ This board, as a quasi-judicial body, must weigh the evidence and apply its judgment in deciding upon a proper assessment. Paras v. City of Portsmouth, 115 N.H. 63, 68 (1975); see also Petition of Grimm, 138 N.H. 42, 53 (1993) (administrative board may use expertise and experience to evaluate evidence).

The Taxpayer argued the \$250,000 “features” value was improper for several reasons. (See Taxpayer Exhibit Nos. 7, 8 and 12.) Ms. McAllister, on behalf of the Town, disagreed and testified the Property is in a very desirable location and the \$250,000 features value considers all aspects of the Property’s location including view, proximity to services, other locational characteristics and all amenities that impact its market value. The \$250,000 features value is supported by the “extracted amenity values table” in Municipality Exhibit B, p. 9. This features value, when added to the value of the unit, results in its assessed value of \$584,400.⁴

In making decisions on value, the board looks at the Property’s value as a whole (i.e., buildings, land and features together) because this is how the market views value. See Appeal of Town of Sunapee, 126 N.H. 214, 217 (1985). Even if a Taxpayer wishes to challenge only one component of the assessment, such as the building (or features) value, the Taxpayer still has the burden of proving the value of the Property as a whole is disproportional and the total assessment is excessive in order to obtain an abatement. Appeal of Walsh, 156 N.H. 347, 356 (2007). The Taxpayer did not carry that burden.

Based on all of the evidence and testimony submitted, and for the reasons stated above, the board finds the Taxpayer failed to prove the Property is disproportionately assessed and the appeal is denied.

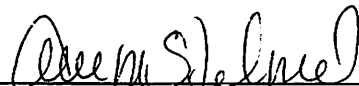
Any party seeking a rehearing, reconsideration or clarification of this Decision must file a motion (collectively “rehearing motion”) within thirty (30) days of the clerk’s date below, not the date this Decision is received. RSA 541:3; Tax 201.37(a). The rehearing motion must state

⁴ The Town also presented six comparable sales in the same condominium as the Property. These comparables sold with prices of \$599,000, \$657,000, \$662,500, \$670,000, \$720,000 and \$725,000 and took place between May, 2018 and July, 2020. Municipality Ex. C. Even after taking into consideration size and other differences between the Property and the comparables, these sale prices are supportive of the assessment under appeal when adjusted by the level of assessment ($\$584,400 / .973 = \$600,600$, rounded).

with specificity all of the reasons supporting the request. RSA 541:4; Tax 201.37(b). A rehearing motion is granted only if the moving party establishes: 1) the Decision needs clarification; or 2) based on the evidence and arguments submitted to the board, the board's Decision was erroneous in fact or in law. Thus, new evidence and new arguments are only allowed in very limited circumstances as stated in board rule Tax 201.37. Filing a rehearing motion is a prerequisite for appealing to the supreme court, and the grounds on appeal are limited to those stated in the rehearing motion. RSA 541:3 and RSA 541:6. Generally, if the board denies the rehearing motion, an appeal to the supreme court must be filed within thirty (30) days of the date on the board's denial with a copy provided to the board in accordance with Supreme Court Rule 10(7).

SO ORDERED

BOARD OF TAX AND LAND APPEALS




Anne M. Stelmach, Clerk
Per Order of the Board

Certification

I hereby certify a copy of the foregoing Decision has this date been mailed, postage prepaid, to: Trainor Revocable Trust, R. Bryan & Beverly A. Trainor, Trustees, 1-B Indian Cave Landing, Sunapee, NH 03782, Taxpayer; and Chairman, Board of Selectmen, Town of Sunapee, 23 Edgemont Road, Sunapee, NH 03782-2513.

Date: March 31, 2023



Anne M. Stelmach, Clerk

LAW OFFICES OF
SCHUSTER, BUTTREY & WING
Professional Association
79 Hanover Street
P.O. Box 388
Lebanon, New Hampshire 03766
Practice of Law in New Hampshire and Vermont

Barry C. Schuster
barry@ivylegal.com

Telephone
603-448-4780
Fax
603-448-3683

April 4, 2023

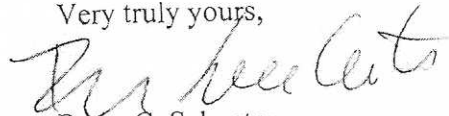
Elizabeth Menard, Clerk of the Board
Housing Appeals Board - Johnson Hall
107 Pleasant Street
Concord, NH 03301

Re: Peter Hoekstra and Elizabeth Hoekstra v. Town of Sunapee, NH
Docket #ZBA-2022-21

Dear Ms. Menard:

Please find enclosed for filing with the Board the Appeal Petition filed with the Supreme Court this day on behalf of Peter Hoekstra and Elizabeth Hoekstra.

Very truly yours,


Barry C. Schuster

BCS/sf

encl.

cc: Cordell A. Johnston, Esq., for Town of Sunapee ✓
cc: NH Attorney General
cc: Peter Hoekstra and Elizabeth Hoekstra

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

DOCKET NO.

APPEAL OF ELIZABETH HOEKSTRA AND PETER HOEKSTRA

**APPEAL OF ELIZABETH HOEKSTRA AND PETER HOEKSTRA
PURSUANT TO RSA 679:15, RSA 541:6 AND RULE 10
FROM THE NEW HAMPSHIRE HOUSING APPEALS BOARD**

Elizabeth Hoekstra and Peter Hoekstra
By their attorneys
Schuster, Buttrey & Wing, P.A.
By: Barry C. Schuster, Bar #2280
79 Hanover Street, PO Box 388
Lebanon, NH 03766
603-448-4780
barry@ivylegal.com

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- a. The names of the parties seeking review of the order, the names of all other parties of record, the names of all counsel, the address of all parties and counsel, and the New Hampshire Bar identification numbers of counsel for the parties seeking review of the order.

Appellants Peter Hoekstra and Elizabeth Hoekstra
25 Maple Street, PO Box 616
Sunapee, NH 03782

Appellants' Counsel Barry C. Schuster, Esq., Bar #2280
Schuster, Buttrey & Wing, P.A.
79 Hanover Street, PO Box 388
Lebanon, NH 03766
603-448-4780
barry@ivylegal.com

Party of Record Town of Sunapee
23 Edgemont Road
Sunapee, NH 03782
603-763-2212

Town Counsel Cordell A. Johnston, Esq., Bar #1275
PO Box 52
Henniker, NH 03242
603-748-4019
cordell@cajohnston.com

Agency/Board Housing Appeals Board
107 Pleasant Street
Johnson Hall, Room 201
Concord, NH 03301

- b. A copy of the administrative agency's findings and rulings, a copy of the order sought to be reviewed, a copy of the motion for rehearing and all objections thereto, and a copy of the order on the motion for rehearing.

Housing Appeals Board's January 30, 2023 Order, App. Pg.

Appellant's February 21, 2023 Motion for Rehearing, App. Pg.

Appellee's February 27, 2023 Objection to Motion for Rehearing, App. Pg.

Housing Appeals Board's March 6, 2023 Interim Order, App. Pg.

Housing Appeals Board's March 17, 2023 Order, App. Pg.

- c. The questions presented for review, expressed in the terms and circumstances of the case, but without unnecessary detail.

1. Where the Town of Sunapee Zoning Ordinance permits a "travel trailer [to] be used for temporary sleeping quarters for not more than 90 days per 12-month period" and where the Town has acknowledged that the Appellants "remain free to sleep in the trailer, or allow a friend, family member, or even a stranger to sleep in the trailer, for up to 90 days in a 12-month period, and they may receive compensation for that temporary use," did the Housing Appeals Board err in finding that the Appellants may not use the travel trailer for temporary sleeping quarters for not more than 90 days for compensation?

2. Did the Housing Appeals Board err in stating that the temporary sleeping accommodations offered by the Appellants were "transient" and therefore not permitted by the Town?

3. Does the decision of the Housing Appeals Board violate the terms of the Sunapee Zoning Ordinance by prohibiting an activity specifically permitted by the Ordinance?

- d. The provisions of the constitutions, statutes, ordinances, rules, or regulations involved in the case, setting them out verbatim, and giving their citation.

Town of Sunapee Zoning Ordinance Section 3.40

(m) Travel Trailers, which include, but are not limited to, camper trailers, motor homes, recreational vehicles, tent trailers and truck campers, are permitted subject to the following restrictions:

- 1) The owner of a travel trailer may store up to two (2) such trailers on his/her property in as inconspicuous a location as possible;
- 2) A travel trailer may be used for temporary sleeping quarters for not more than 90 days per 12-month period unless a Certificate of Compliance is issued. Sewage disposal must be in compliance with New Hampshire Water Supply and Pollution Control regulations or approved by the Sunapee Water and Sewer Department if on municipal sewer;
- 3) All travel trailers used for temporary sleeping quarters must be in compliance with all other provisions of this ordinance including building setbacks...

RSA 541:6

Within thirty days after the application for a rehearing is denied, or, if the application is granted, then within thirty days after the decision on such rehearing, the applicant may appeal by petition to the supreme court.

RSA 679:15. Appeal

Decisions of the board may be appealed to the supreme court by any party in accordance with the provisions of RSA 541 as from time to time amended.

- e. The provisions of insurance policies, contracts, or other documents involved in the case, setting them out verbatim.

The Certified Record provided by the Town of Sunapee and submitted to the Housing Appeals Board, any transcript of the hearing before the Board, and other pleadings submitted to the Board containing other documents and information relevant to this case, will be submitted to this Court by the Housing Appeals Board pursuant to Supreme Court Rule 10(3).

- f. Concise Statement of Case containing the facts material to the consideration of the questions presented.

Peter Hoekstra and Elizabeth Hoekstra are the owners of a home located at 25 Maple Street in the Town of Sunapee, Sullivan County, New Hampshire. They maintain a travel trailer on their property which has received approval for waste disposal from the Sunapee Water and Sewer Department and complies with all provisions of the zoning ordinance including building setbacks. The Hoekstras allow the travel trailer to be used for temporary sleeping quarters for not more than 90 days per 12-month period and they charge for such use.

The Sunapee Zoning Ordinance permits travel trailers to be maintained on one's property as stated in Section 3.40 the Ordinance as follows:

- (m) Travel Trailers, which include, but are not limited to, camper trailers, motor homes, recreational vehicles, tent trailers and truck campers, are permitted subject to the following restrictions:
 - 1) The owner of a travel trailer may store up to two (2) such trailers on his/her property in as inconspicuous a location as possible;
 - 2) A travel trailer may be used for temporary sleeping quarters for not more than 90 days per 12-month period unless a Certificate of Compliance is issued. Sewage disposal must be in compliance with New Hampshire Water Supply and Pollution Control regulations or approved by the Sunapee Water and Sewer Department if on municipal sewer;
 - 3) All travel trailers used for temporary sleeping quarters must be in compliance with all other provisions of this ordinance including building setbacks....

On June 13, 2022, the Town zoning administrator notified the Hoekstras that the rental of the travel trailer for short-term occupancy was not permitted by the Town. On June 29, 2022, the Hoekstras appealed that administrative decision. On July 19, 2022, the

Sunapee zoning board of adjustment denied the Hoekstras' administrative appeal. On August 10, 2022, the Hoekstras filed a request for rehearing and on September 1, 2022, the zoning board denied the request for rehearing.

On September 22, 2023, the Hoekstras appealed the zoning board's decision to the Housing Appeals Board which issued an order on January 30, 2023 affirming the zoning board's decision. The Hoekstras filed a Motion for Rehearing on February 21, 2023, and the Town filed an Objection to Motion for Rehearing on February 27, 2023. In its Objection, the Town stated that "[t]hey, or any other property owners with a travel trailer, remain free to sleep in the trailer, or allow a friend, family member, or even a stranger to sleep in the trailer, for up to 90 days in a 12-month period, and they may receive compensation for that temporary use." The Housing Board, thereafter, issued an Interim Order on March 6, 2023, suspending its prior Order. On March 17, the Housing Appeals Board "UNSUSPENDED and REINSTATED" its January 30, 2023 Order. The Hoekstras appeal the decision of the Housing Appeal Board.

g. Jurisdictional Basis for Appeal.

This appeal is made pursuant to RSA 679:15 and RSA 541:6. This appeal challenges the decision of the Town of Sunapee zoning board which was appealed to the Housing Appeals Board pursuant to RSA 679:5. The Board has concurrent jurisdiction with the Superior Court to hear ZBA appeals pursuant to RSA 679:5, II and RSA 679:7, I. A party may appeal the decision of the Housing Appeals Board to the Supreme Court as permitted by RSA 679:7,1, RSA 679:15 and RSA 541:6.

- h. Direct and concise statement of the reasons why a substantial basis exists for a difference of opinion on the question and why the acceptance of the appeal would protect a party from substantial and irreparable injury, or present the opportunity to decide, modify or clarify an issue of general importance in the administration of justice.

The decision of the Housing Appeals Board conflicts with the plain language of the Sunapee Zoning Ordinance as well as the expressed position of the Town. The decision of the Housing Appeals Board provides no basis for its decision and fails to explain how it prohibited an activity permitted by the Town. The decision of the Housing Appeals Board is unreasonable and erroneous as a matter of law. An expression of property rights, although stated in a dissent from this Court, explains that protecting the appellants' property rights is of general importance in the administration of justice.

Indeed, safe-guarding the constitutional rights of landowners requires that we afford their proposed reasonable uses some modicum of deference. As we stated in *Simplex*, "constitutional property rights must be respected and protected from unreasonable zoning restrictions.... These guarantees limit all grants of power to the State that deprive individuals of the reasonable use of their land." ... Each piece of real property possesses characteristics which contribute to its uniqueness. To hold otherwise would be contrary to our long-standing justification for ordering the specific performance of land contracts. *Bacon v. Town of Enfield*, 150 N.H. 468, 482 (N.H. 2004) (citations omitted) (NADEAU, J., with whom BROCK, C.J., retired, specially assigned under RSA 490:3, joins, dissenting).

- i. Statement that every issue specifically raised has been presented to the administrative agency and has been properly preserved for appellate review by a contemporaneous objection or, where appropriate, by a properly filed pleading.

Every issue specifically raised herein has been presented to the Housing Appeals Board and has been properly preserved for appellate review by Appellant's Motion for Reconsideration.

WHEREFORE, the Appellants, Elizabeth Hoekstra and Peter Hoekstra, respectfully request that this Honorable Court accept this appeal and issue a briefing schedule for Appellants and Appellee to submit briefs on the issues presented herein in accordance with Rule 10.

REQUEST FOR ORAL ARGUMENT

Peter Hoekstra and Elizabeth Hoekstra request the opportunity for their counsel to present their oral argument before the Court.

CERTIFICATION PURSUANT TO RULE 16(3)(i)

I hereby certify that copies of the appealed decisions have been appended to this petition beginning at page 12.

Respectfully submitted,
Elizabeth Hoekstra and Peter Hoekstra
By their attorneys
Schuster, Buttrey & Wing, P.A.
/s/ Barry C. Schuster
By: Barry C. Schuster, Bar #2280
79 Hanover Street, PO Box 388
Lebanon, NH 03766
603-448-4780
barry@ivylegal.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition was this day forwarded to Cordell A. Johnston, Esq., to the Housing Appeals Board at the addresses listed above, and to the Attorney General of the State of New Hampshire, 33 Capitol Street, Concord, NH 03301.

/s/ Barry C. Schuster, Esq., Bar #2280

THE STATE OF NEW HAMPSHIRE SUPREME COURT

DOCKET NO.

APPEAL OF ELIZABETH HOEKSTRA AND PETER HOEKSTRA

**APPEAL OF ELIZABETH HOEKSTRA AND PETER HOEKSTRA
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APPENDIX

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