

SUNAPEE BOARD OF SELECTMEN
MEETING AGENDA
7:00PM Town Office Meeting Room
Monday, January 23, 2023
Join us on Zoom: <https://us06web.zoom.us/j/86066395397>

1. REVIEW OF ITEMS FOR SIGNATURE:

CZC's:

PARCEL ID: 0210-0058-0000 100 Trow Hill Rd, Robert, Kathleen, Steven, and Kevin Maticotta

PARCEL ID: 0133-0009-0000 28 High St, Austin & Mary Willis

DEMO PERMIT:

PARCEL ID: 0133-0009-0000 28 High St, Austin & Mary Willis

2. APPOINTMENTS:

7:00PM-Public Hearing-Acceptance and Expenditure of Unanticipated Revenue from State of NH-Department of Transportation

7:15PM- Mike Martell & Mark Sheehan- Request Approval to Purchase 2019 Ford F350 Dump Truck with Plow

7:30PM- Josh Boone Interest Payment Refund

3. PUBLIC COMMENTS:

4. SELECTMEN ACTION:

- Review and Discuss Interest Payment Refund
- Review and Sign DTB
- Review and Sign MS 636
- Review and Sign Current Use Application
- Review and Sign Warrant

5. TOWN MANAGER REPORT:

- Moving Forward Community Power Working Group
- Coalition Community 2.0 Update
- Encumbrances, Policy Setting
- Second Meeting Room Camera Installation (1/30)
- M. Letter (Tree Plaque)
- Septic Ordinance Public Hearing Date Set, January 31 at 6 PM
- Short Term Rental Platform Update
- Staffing Changes

6. CHAIRMAN'S REPORT:

7. UPCOMING MEETINGS:

1/25-5:00PM-Energy Committee Meeting

1/26-5:30PM-Water & Sewer Commissioner Meeting

1/26-6:30PM-Abbott Library Trustees Meeting

1/31-6:00PM- Health Officer Public Hearing

2/7-7:00PM- Deliberative Session, Sunapee Middle High School Gymnasium

The Sunapee Selectmen will be holding a non-public session under

RSA 91-A:3II(I)-- Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

The Sunapee Selectmen will be holding a non-public session under

RSA 91-A:3II(c)--Matters which, if discussed in public, would likely affect adversely the reputation of any person



William Cass, P.E.
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



Andre Briere
Deputy Commissioner



December 14, 2022

Joshua Trow, Chair of Selectboard
Town of Sunapee
23 Edgemont Road
Sunapee, NH 03782

Re: Sunapee Special One Time Bridge Payment – in Accordance with Senate Bill 401
Payment for Maintenance, Construction and Reconstruction of Municipally Owned Bridges

Dear Mr. Trow:

The following is notification of a one-time bridge payment being made available to your municipality in State Fiscal Year 2023 based on the passage of Senate Bill (SB) 401 effective July 2022. SB 401 directs the Department to divide and distribute a \$36 million one-time payment between all New Hampshire municipalities that have municipally owned bridges per state definitions. Fifty percent (50%) of the distribution is based on your municipality's percentage of statewide municipal bridge deck surface area and the remaining fifty percent (50%) of the distribution is based on your municipality's percentage of statewide population. This one-time bridge payment is not related at all to the quarterly block grant aid payments that a municipality receives. This payment can only be used on the maintenance, construction, or reconstruction of municipally owned bridges.

This one-time payment is anticipated to be available to the Town of Sunapee during the month of December 2022 as follows:

December 2022 Actual Bridge Payment: \$91,935.24

Happy holidays and please contact me at 271-6472 if you have any questions.

Sincerely,

C. R. Willeke

C. R. Willeke, PE
Municipal Highways Engineer
Bureau of Planning and Community Assistance

CRW/dmp



SUNAPEE HIGHWAY DEPARTMENT

621 Route 11

Sunapee, New Hampshire 03782

Phone: (603) 763-5060 Fax: (603) 763-4337

MEMORANDUM

FROM: Scott A. Hazelton, Highway Director
TO: Shannon Martinez, Town Manager
DATE: January 16, 2023
RE: Request Approval to Purchase a 2019 Ford F350 Dump Truck with Plow

The Highway Department's Chevrolet 3500HD dump truck has approximately 80,150 miles on it and was scheduled to be replaced in 2022 per the Used Equipment Capital Reserve Plan back. My Mechanic and I recently located a used 2019 Ford F350 dump truck with 17,000 miles on it (see attached photographs) that we would like to purchase to replace the Chevrolet 3500HD dump truck with. We will trade our 2013 Chevrolet 3500HD towards the purchase.

The sticker price of the Ford F350 dump truck is \$59,995. The current owners of the Ford F350 have agreed to give the Town \$9,995 for our truck towards the purchase. Therefore, we are seeking authorization from the Board of Selectmen to trade our 2013 Chevrolet 3500HD towards the purchase of a 2019 Ford F350 dump truck, and to purchase the Ford F350 dump truck for an out-of-pocket cost of \$50,000 from the "Used Equipment Capital Reserve Fund". The current fund balance is \$66,415.

I look forward to discussing this with you at your next regularly scheduled meeting.

FORM
A-10

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION
APPLICATION FOR CURRENT USE ASSESSMENT

STEP 1 - PROPERTY OWNER(S)

TAX YEAR APPLIED FOR: April 1, 2023

PLEASE TYPE OR PRINT	LAST NAME/CORPORATION/TRUST NAME	FIRST NAME/CORPORATION/TRUST NAME	INITIAL
	Oveastory Trust		
	LAST NAME/CORPORATION/TRUST NAME	FIRST NAME/CORPORATION/TRUST NAME	INITIAL
	LAST NAME/CORPORATION/TRUST NAME	FIRST NAME/CORPORATION/TRUST NAME	INITIAL
	LAST NAME/CORPORATION/TRUST NAME	FIRST NAME/CORPORATION/TRUST NAME	INITIAL
MAILING ADDRESS			
P.O. Box 824			
MUNICIPALITY		STATE	ZIP CODE
New London		NH	03257

STEP 2 - PROPERTY LOCATION

PLEASE TYPE OR PRINT	(a) ACCESSIBLE STREET LOCATION		MUNICIPALITY		COUNTY	
	Edgemont Rd - 103 B		Sunapee		Sullivan	
	(b) TOTAL ACRES/PARCEL/TRACT	# ACRES ALREADY IN CU	# ACRES TO BE ENROLLED IN CU	TOTAL REMAINING ACRES NOT IN CU		
	4.3	N/A	4.3	N/A		
	(c) TAX MAP AND LOT #		TAX MAP AND LOT #		TAX MAP AND LOT #	
	# IN CU	# NOT IN CU	# IN CU	# NOT IN CU	# IN CU	# NOT IN CU
DEED BOOK AND PAGE #		DEED BOOK AND PAGE #		DEED BOOK AND PAGE #		
2211 708						

NOTE: Lots must be contiguous. Noncontiguous lots must be submitted on a separate application.

STEP 3 - DOCUMENTATION AND FEE FOR PROPERTY TO BE ENROLLED IN CURRENT USE (CU)

(a) Required map attached for the parcel/tract identifying acres in CU and not in CU	<input checked="" type="checkbox"/>
(b) Required "County Registry of Deeds Recording and Filing Fee" enclosed with form	<input type="checkbox"/>
(c) Has a Soil Potential Index (SPI) percentage been provided for Farm Land	<input type="checkbox"/> Yes <input type="checkbox"/> No
(d) Has "Documentation of Stewardship" been provided for Forest Land	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, type of documentation: _____	

FORM
A-10

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION
APPLICATION FOR CURRENT USE ASSESSMENT
 (continued)

STEP 4 - SUMMARY OF LAND TO BE ENROLLED IN CURRENT USE (CU)

CURRENT USE CLASSIFICATION	# ACRES	20% RECREATIONAL ADJUSTMENT*	
		Yes	No
FARM LAND		<input type="checkbox"/>	<input type="checkbox"/>
FOREST LAND: WHITE PINE		<input type="checkbox"/>	<input type="checkbox"/>
HARDWOOD		<input type="checkbox"/>	<input type="checkbox"/>
ALL OTHER	4.3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FOREST LAND WITH DOCUMENTED STEWARDSHIP:			
WHITE PINE		<input type="checkbox"/>	<input type="checkbox"/>
HARDWOOD		<input type="checkbox"/>	<input type="checkbox"/>
ALL OTHER		<input type="checkbox"/>	<input type="checkbox"/>
UNPRODUCTIVE LAND		<input type="checkbox"/>	<input type="checkbox"/>
WETLAND		<input type="checkbox"/>	<input type="checkbox"/>


*To be eligible for the 20% recreation adjustment, land must be open to the public for skiing, snowshoeing, fishing, hunting, hiking and nature observation at no charge. See RSA 79-A:4, II for further information.

STEP 5 - SIGNATURE OF ALL PROPERTY OWNERS OF RECORD

I/We certify that the land indicated above qualifies for current use assessment under the New Hampshire Statute RSA 79-A and Administrative Rules Cub 300, and that all requirements will continue to be met.

I/We do firmly understand that by enrolling land under current use assessment that a contingent lien is created on the tract or parcel and should the use of the above described land be changed to a non-qualifying use, that the owner of record at the time of the change in use is liable for the land use change tax.

This form must be signed by all owners of record or agent with Power of Attorney. Submit a copy of the Power of Attorney form, if applicable.

TYPE OR PRINT NAME (in black or dark blue ink) JOHN FINCK	SIGNATURE (in black or dark blue ink) 	DATE 1/17/23
TYPE OR PRINT NAME (in black or dark blue ink)	SIGNATURE (in black or dark blue ink)	DATE
TYPE OR PRINT NAME (in black or dark blue ink)	SIGNATURE (in black or dark blue ink)	DATE
TYPE OR PRINT NAME (in black or dark blue ink)	SIGNATURE (in black or dark blue ink)	DATE

FORM
A-10

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION
APPLICATION FOR CURRENT USE ASSESSMENT
 (continued)

STEP 6 - APPROVAL/DENIAL BY MUNICIPAL ASSESSING OFFICIALS

<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DENIED	Reason for denial of application:
<p>OWNS Contiguous parcel 000235-000079-00000 22.7 Ac. Already enrolled in C.U.</p>		

STEP 7 - SIGNATURES OF A MAJORITY OF THE MUNICIPAL ASSESSING OFFICIALS

TYPE OR PRINT NAME (In black or dark blue ink)	SIGNATURE (In black or dark blue ink)	DATE
TYPE OR PRINT NAME (In black or dark blue ink)	SIGNATURE (In black or dark blue ink)	DATE
TYPE OR PRINT NAME (In black or dark blue ink)	SIGNATURE (In black or dark blue ink)	DATE
TYPE OR PRINT NAME (In black or dark blue ink)	SIGNATURE (In black or dark blue ink)	DATE
TYPE OR PRINT NAME (In black or dark blue ink)	SIGNATURE (In black or dark blue ink)	DATE



Default Budget of the Municipality

Sunapee

For the period beginning January 1, 2023 and ending December 31, 2023

RSA 40:13, IX (b) "Default budget" as used in this subdivision means the amount of the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, and reduced by one-time expenditures contained in the operating budget. For the purposes of this paragraph, one-time expenditures shall be appropriations not likely to recur in the succeeding budget, as determined by the governing body, unless the provisions of RSA 40:14-b are adopted, of the local political subdivision.

This form was posted with the warrant on: _____

GOVERNING BODY OR BUDGET COMMITTEE CERTIFICATION

Under penalties of perjury, I declare that I have examined the information contained in this form and to the best of my belief it is true, correct and complete.

Name	Position	Signature

This form must be signed, scanned, and uploaded to the Municipal Tax Rate Setting Portal:

<https://www.proptax.org/>

For assistance please contact:

NH DRA Municipal and Property Division
(603) 230-5090

<http://www.revenue.nh.gov/mun-prop/>



Appropriations

Account	Purpose	Prior Year Adopted Budget	Reductions or Increases	One-Time Appropriations	Default Budget
General Government					
4130-4139	Executive	\$325,455	\$4,653	\$0	\$330,108
4140-4149	Election, Registration, and Vital Statistics	\$280,570	\$7,144	\$0	\$287,714
4150-4151	Financial Administration	\$357,040	\$4,782	\$0	\$361,822
4152	Revaluation of Property	\$101,300	\$2,508	\$0	\$103,808
4153	Legal Expense	\$18,000	\$0	\$0	\$18,000
4155-4159	Personnel Administration	\$1,000	\$0	\$0	\$1,000
4191-4193	Planning and Zoning	\$290,399	\$3,289	\$0	\$293,688
4194	General Government Buildings	\$313,904	\$7,456	\$0	\$321,360
4195	Cemeteries	\$14,392	\$66	\$0	\$14,458
4196	Insurance	\$8,068	\$726	\$0	\$8,794
4197	Advertising and Regional Association	\$13,890	\$1	\$0	\$13,891
4199	Other General Government	\$31,968	\$0	\$0	\$31,968
General Government Subtotal		\$1,755,986	\$30,625	\$0	\$1,786,611
Public Safety					
4210-4214	Police	\$977,826	\$11,002	\$0	\$988,828
4215-4219	Ambulance	\$64,980	\$0	\$0	\$64,980
4220-4229	Fire	\$373,949	\$828	\$0	\$374,777
4240-4249	Building Inspection	\$0	\$0	\$0	\$0
4290-4298	Emergency Management	\$500	\$0	\$0	\$500
4299	Other (Including Communications)	\$147,100	\$297	\$0	\$147,397
Public Safety Subtotal		\$1,564,355	\$12,127	\$0	\$1,576,482
Airport/Aviation Center					
4301-4309	Airport Operations	\$0	\$0	\$0	\$0
Airport/Aviation Center Subtotal		\$0	\$0	\$0	\$0
Highways and Streets					
4311	Administration	\$0	\$0	\$0	\$0
4312	Highways and Streets	\$1,948,883	\$26,067	\$0	\$1,974,950
4313	Bridges	\$0	\$0	\$0	\$0
4316	Street Lighting	\$15,000	\$0	\$0	\$15,000
4319	Other	\$0	\$0	\$0	\$0
Highways and Streets Subtotal		\$1,963,883	\$26,067	\$0	\$1,989,950
Sanitation					
4321	Administration	\$0	\$0	\$0	\$0
4323	Solid Waste Collection	\$0	\$0	\$0	\$0
4324	Solid Waste Disposal	\$640,288	\$11,196	\$0	\$651,484
4325	Solid Waste Cleanup	\$0	\$0	\$0	\$0
4326-4328	Sewage Collection and Disposal	\$0	\$0	\$0	\$0
4329	Other Sanitation	\$0	\$0	\$0	\$0
Sanitation Subtotal		\$640,288	\$11,196	\$0	\$651,484



Appropriations

Account	Purpose	Prior Year Adopted Budget	Reductions or Increases	One-Time Appropriations	Default Budget
Water Distribution and Treatment					
4331	Administration	\$0	\$0	\$0	\$0
4332	Water Services	\$0	\$0	\$0	\$0
4335	Water Treatment	\$0	\$0	\$0	\$0
4338-4339	Water Conservation and Other	\$0	\$0	\$0	\$0
Water Distribution and Treatment Subtotal		\$0	\$0	\$0	\$0
Electric					
4351-4352	Administration and Generation	\$0	\$0	\$0	\$0
4353	Purchase Costs	\$0	\$0	\$0	\$0
4354	Electric Equipment Maintenance	\$0	\$0	\$0	\$0
4359	Other Electric Costs	\$0	\$0	\$0	\$0
Electric Subtotal		\$0	\$0	\$0	\$0
Health					
4411	Administration	\$462	\$0	\$0	\$462
4414	Pest Control	\$500	\$0	\$0	\$500
4415-4419	Health Agencies, Hospitals, and Other	\$15,176	\$0	\$0	\$15,176
Health Subtotal		\$16,138	\$0	\$0	\$16,138
Welfare					
4441-4442	Administration and Direct Assistance	\$43,149	\$1,500	\$0	\$44,649
4444	Intergovernmental Welfare Payments	\$0	\$0	\$0	\$0
4445-4449	Vendor Payments and Other	\$0	\$0	\$0	\$0
Welfare Subtotal		\$43,149	\$1,500	\$0	\$44,649
Culture and Recreation					
4520-4529	Parks and Recreation	\$199,554	\$506	\$0	\$200,060
4550-4559	Library	\$470,814	\$5,011	\$0	\$475,825
4583	Patriotic Purposes	\$300	\$0	\$0	\$300
4589	Other Culture and Recreation	\$5,000	\$0	\$0	\$5,000
Culture and Recreation Subtotal		\$675,668	\$5,517	\$0	\$681,185
Conservation and Development					
4611-4612	Administration and Purchasing of Natural Resources	\$4,500	\$0	\$0	\$4,500
4619	Other Conservation	\$0	\$0	\$0	\$0
4631-4632	Redevelopment and Housing	\$0	\$0	\$0	\$0
4651-4659	Economic Development	\$0	\$0	\$0	\$0
Conservation and Development Subtotal		\$4,500	\$0	\$0	\$4,500



Appropriations

Account	Purpose	Prior Year Adopted Budget	Reductions or Increases	One-Time Appropriations	Default Budget
Debt Service					
4711	Long Term Bonds and Notes - Principal	\$135,328	(\$34,711)	\$0	\$100,617
4721	Long Term Bonds and Notes - Interest	\$38,594	(\$455)	\$0	\$38,139
4723	Tax Anticipation Notes - Interest	\$1,000	\$0	\$0	\$1,000
4790-4799	Other Debt Service	\$0	\$0	\$0	\$0
Debt Service Subtotal		\$174,922	(\$35,166)	\$0	\$139,756
Capital Outlay					
4901	Land	\$0	\$0	\$0	\$0
4902	Machinery, Vehicles, and Equipment	\$0	\$0	\$0	\$0
4903	Buildings	\$0	\$0	\$0	\$0
4909	Improvements Other than Buildings	\$0	\$0	\$0	\$0
Capital Outlay Subtotal		\$0	\$0	\$0	\$0
Operating Transfers Out					
4912	To Special Revenue Fund	\$0	\$0	\$0	\$0
4913	To Capital Projects Fund	\$0	\$0	\$0	\$0
4914A	To Proprietary Fund - Airport	\$0	\$0	\$0	\$0
4914E	To Proprietary Fund - Electric	\$225,307	\$144	\$0	\$225,451
4914O	To Proprietary Fund - Other	\$0	\$0	\$0	\$0
4914S	To Proprietary Fund - Sewer	\$1,279,643	\$0	\$0	\$1,279,643
4914W	To Proprietary Fund - Water	\$587,885	\$13,538	\$0	\$601,423
4915	To Capital Reserve Fund	\$0	\$0	\$0	\$0
4916	To Expendable Trusts/Fiduciary Funds	\$0	\$0	\$0	\$0
4917	To Health Maintenance Trust Funds	\$0	\$0	\$0	\$0
4918	To Non-Expendable Trust Funds	\$0	\$0	\$0	\$0
4919	To Fiduciary Funds	\$0	\$0	\$0	\$0
Operating Transfers Out Subtotal		\$2,092,835	\$13,682	\$0	\$2,106,517
Total Operating Budget Appropriations		\$8,931,724	\$65,548	\$0	\$8,997,272



Reasons for Reductions/Increases & One-Time Appropriations

Account	Explanation
4441-4442	\$1,500 re-classified between health and welfare
4197	Insurance increases
4195	Insurance increases
4140-4149	Insurance increases, NH Retirement decreases
4130-4139	Insurance increases, NH Retirement decreases
4150-4151	Insurance increases, NH Retirement decreases
4220-4229	Insurance increases, NH Retirement decreases
4194	Insurance increases, NH Retirement decreases
4312	Insurance increases, NH Retirement decreases
4196	Insurance increases
4550-4559	Insurance increases, NH Retirement decreases
4721	Entire principal paid off for PD debt in FY22 - no interest in FY23
4711	Entire principal paid off for PD debt in FY22
4299	Insurance increases
4520-4529	Insurance increases
4191-4193	Insurance increases, NH Retirement decreases
4210-4214	Insurance increases, NH Retirement decreases
4152	Insurance Increase
4324	Insurance increases, NH Retirement decreases
4914E	Insurance increases, NH Retirement decreases
4914W	New UV System Loan

**TOWN OF SUNAPEE TOWN WARRANT THE
STATE OF NEW HAMPSHIRE**

**TO THE INHABITANTS OF THE TOWN OF SUNAPEE, County of
Sullivan, in the State of New Hampshire, qualified to vote in Town Affairs:**

**You are hereby notified to meet in the Sunapee Middle High School Gymnasium,
located on North Road, in said Sunapee, on Tuesday, the 7th day of February 2023,
at 7:00 pm for the deliberative portion of the Annual Town Meeting, to discuss
Articles 1 thru 14 and to amend, if deemed appropriate, Articles 15 through 41,
hereinafter set forth. Final voting action on all articles shall take place by ballot on
Tuesday, the 14th day of March 2023, at the Sherburne Gymnasium, Route 11, in said
Sunapee. The polls shall be opened from 8:00 am to 7:00 pm.**

Article 1: To choose all necessary Town Officers for the ensuing year.

1 Selectman	3 Year Term
1 Town Clerk/Tax Collector	1 Year Term
1 Treasurer	1 Year Term
1 Cemetery Commissioner	3 Year Term
2 Library Trustees	3 Year Term
1 Trustee of Trust Fund	2 Year Term
1 Trustee of Trust Fund	3 Year Term
1 Planning Board Members	2 Year Term
2 Planning Board Members	3 Year Term
2 Water & Sewer Commissioners	3 Year Term
1 Zoning Board Members	3 Year Term

Article 2: Shall the Town raise and appropriate the sum of up to \$2,148,000 for first phase of the engineering, design, construction and installation of new water mains at five Route 11 crossings and on Lower Main Street, High Street, Central Street and Route 103B, and to authorize the issuance of not more than \$2,148,000 of bonds or notes in accordance with RSA 33, the Municipal Finance Act and authorizing the Sunapee Board of Selectmen to issue and negotiate said bonds or notes and to fix the date, maturities, denominations, interest rate and other details of said bonds or notes: and to authorize the Sunapee Board of Selectmen to apply for, accept and expend any grant funds that are available for such purpose? (3/5 majority vote required) ***Recommended by the Board of Selectmen.***

Without impairing the general obligation of the Town to repay such bonds, the Sunapee Water and Sewer Commission will collect through water bond fees any amounts necessary to support repayment of 100% of the project cost.

Article 3: Shall the town vote for the adoption of Amendment No. 1, proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amendment No. 1

Amend Article II, Section 1.42 – Filing of Zoning Ordinance Amendments - to add language that allows Zoning Ordinance amendments to be placed on Town website per RSA 675:7.

Full Text of the amended section will be as follows:

1.42 **Filing of Zoning Ordinance Amendments.** All zoning ordinance amendments shall be placed on file with the Town Clerk for public inspection. *They may also be published on the Town website per RSA 675:7*

Article 4: Shall the town vote for the adoption of Amendment No. 2, proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amendment No. 2

Amend Article II, Section 2.41 – Location of District Boundaries - to clarify language that the discontinuance of a road does not alter a zoning district boundary.

Full Text of the amended section will be as follows:

2.41 **Location of District Boundaries** – District boundaries shown within the lines of roads, streets, and transportation rights-of-way shall be deemed to follow the center lines. The ~~vacation~~ *discontinuance* of roads shall not affect the location of such district boundaries. When the Board of Selectmen or their duly appointed agent cannot definitively determine the location of a district boundary by such center lines, by the scale of dimensions on the Zoning Map, or by the fact that it clearly coincides with a property line, it shall refuse action, and the Zoning Board of Adjustment, on appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this ordinance.

Article 5: Shall the town vote for the adoption of Amendment No. 3, proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amendment No. 3

Amend Article III, Section 3.40(m) – Additional Requirements - to better define 90-day use and allowable extensions of time with issuance of a Certificate of Zoning Compliance, require that if a travel trailer is used for sleeping quarters it must be connected to septic system or municipal sewer or be self-contained, and not used as a rental.

Full Text of the amended section will be as follows:

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 the 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 *total* days per ~~calendar year 12-month period~~ unless a Certificate of Zoning Compliance is issued. Sewage Disposal must be in compliance with New Hampshire ~~Water Supply and Pollution Control Department of Environmental Services Water Division Subsurface Systems Bureau~~ regulations or approved by the Sunapee Municipal Water and Sewer Department if on municipal sewer. *If the travel trailer is self-contained, sewage must be disposed of per Water and Sewer Department Standards;*
- 3) All travel trailers used for temporary sleeping quarters must be in compliance with all other provisions of this ordinance including building setbacks;
- 4) If three (3) or more travel trailers are to be placed on an individual lot and used ~~as sleeping quarters for any purpose including storage~~, a Site Plan Review approval must *first* be granted by the Planning Board.
- 5) *Travel trailers may not be used as a rental.*

Article 6: Shall the town vote for the adoption of Amendment No. 4, proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amendment No. 4

Amend Article III, Section 3.50(b) – Special Exceptions - to clarify that an average front setback may be applied when a comparison method is used per this special exception and update how the hierarchy of structures is determined.

Full Text of the amended section will be as follows:

- 3.50(b) The ZBA may allow a lesser front setback provided that all of the following conditions are met:
- (1) the lot for which the lesser front setback is requested is a pre-existing lot and non-conforming due to lot size
 - (2) the majority of the lots on the same side of the road and within 500' of both sides of the subject lot have structures of equal or greater type which do not meet front setback requirements (the hierarchy of structures from greater to lesser is house>garage>shed. *If a lesser structure is contained within a greater structure, then it shall all be considered as the greater structure*)
 - (3) the proposed structure for which the special exception is being sought shall be ~~no closer at the average distance from to~~ the centerline the centerline of road right-of-way ~~than any of~~ all structures of equal or greater type used in the comparison in paragraph (2) above;
 - (4) the proposed structure shall be no closer than 10' to the right-of-way line of the road and;
 - (5) the portion of the proposed structure encroaching on the front setback shall be no higher than 25'.

Article 7: Shall the town vote for the adoption of Amendment No. 5, proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amendment No. 5

Amend Article III – Special Exceptions – by adding Section 3.50(l) to allow more flexibility in shifting an existing non-conforming footprint into an area of a lot that is more conforming while maintaining certain minimums to protect water bodies and neighboring properties.

Full Text of the amended section will be as follows

- 3.50(l).** *The ZBA shall allow any legal structure, whether a pre-existing, non-conforming structure or a structure approved by prior variance or special exception, which presently is non-conforming to one or more dimensional setbacks to be relocated, reconstructed, modified or replaced by a new structure having the same purpose and use, provided that:*
- (i) The proposed structure's non-conformity shall be lessened as determined by its location further from one or more property boundaries, or the water body, from which the dimensional setback the structure is non-conforming to is established; and*
 - (ii) The proposed structure's non-conformity shall not be increased as determined by its location closer to one or more property boundaries, or the water body reference line, from which the dimensional setback the structure is non-conforming to is established; and*
 - (iii) The proposed structure is no higher than the greater of 25' from the finished grade at its highest point within any setback or the maximum structure height applicable to the existing structure that may have been permitted by a prior Special Exception or Variance approved by the Zoning Board of Adjustment; and*
 - (iv) The proposed structure is of the same or less horizontal square footage as the existing structure; and*
 - (v) If the proposed structure is (a) in a water body setback and (b) widened relative to the existing structure on the side most closely parallel to the shoreline, the area directly behind and between it and the buildable area of the property is of no greater square footage than the comparable area associated with the existing structure; and*
 - (vi) If the proposed structure is non-conforming to a water body setback, it is at least 25' from the water body at all points where the structure is proposed; and*
 - (vii) A drainage and erosion control plan is prepared by a licensed professional engineer as part of the application; and*
 - (viii) Approval of a special exception under this provision is contingent upon receipt of an approved Shoreland Water Quality Protection Act (SWQPA) permit, and*
 - (ix) Approval of a special exception under this provision is contingent upon receipt of all state and local permits to ensure compliance with Article VII of the Ordinance.*

Article 8: Shall the town vote for the adoption of Amendment No. 6, proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amendment No. 6

Amend Article IV, Section 4.33(B)(8)(b)(I) – Cutting and Removal of Natural Vegetation within the Natural Woodland Buffer - to create a cutting/clearing standard for landowners who phase their project over several years. This addition will set a limit on the number of trees over a longer period of time to allow for re-growth.

Full Text of the amended section will be as follows:

- (I) A cutting and clearing plan shall be subject to the approval of the Planning Board for the following:
- (1) Cutting within the Natural Woodland Buffer of more than five (5) trees *in any 12-month period or ten (10) trees in any 5-year period* having a diameter of six (6) inches or more at a point 4.5 feet above the existing ground. ~~in any 12-month period~~ Trees that are determined by an arborist, forester, or Selectman's agent to be dead, diseased, or dying are exempt from this requirement provided this determination is filed with the Selectmen's agent, *or*
 - (2) Removal of large areas of vegetation (over one thousand [1000] square feet) within the Natural Woodland buffer in any calendar year *or over 2000 square feet in a 5-year period.*

Article 9: Shall the town vote for the adoption of Amendment No. 7, proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amendment No. 7

Amend Article IV, Sections 4.10 – Permitted Uses and create Section 4.95 – Short Term Rentals, Article VIII, Section 8.21 – Certificate of Zoning Ordinance Compliance- Permit and Amend Article XI – Definitions to provide definition of short-term rentals, new definitions for Owner-in-residence, Bed & Breakfasts, Inns, and Hotel/Motels. Further provide standards that short-term rentals must follow and limit which districts certain types of short-term rentals will be allowed to operate.

Full Text of the amended section will be as follows:

Article IV, Section 4.10

Remove Lodging and Boarding and Tourist Homes from use list.

Add Short-Term Rentals Owner-in-Residence (STR-OIR) as permitted uses in all districts

Add Short-Term Rentals Owner-Not-in-Residence (STR-ONIR) as permitted uses in only the Mixed-Use (I,II,III), Village-Commercial, Village-Residential, and Residential Districts. These will be permitted only by Special Exception in the Rural-Residential District and prohibited in the Rural Lands District.

Article IV, Section 4.95 – Short-Term Rentals

For the purposes of this section Short-term rentals shall include any single-family residence, two-family

residence, or single-family residence with an additional room for rent. It shall not include bed & breakfasts, inns, or hotel/motels.

Short-term rentals shall meet the following standards:

- 1) Short-Term Rentals Owner-in-Residence (STR-OIR) are allowed in all zoning districts. Short-Term Rentals Owner-Not-in-Residence (STR-ONIR) are allowed in all the Mixed-Use Districts, Village-Commercial, Village-Residential, and Residential District. They are permitted only by Special Exception in the Rural-Residential District and prohibited in the Rural Lands District.*
- 2) Occupancy shall be limited to two persons per approved bedroom plus one additional person per unit.*
- 3) The number of bedrooms used at the property must conform to the permit requirements from either the State of New Hampshire Department of Environmental Services Water Division Subsurface Systems Bureau (property on a septic system) or the Sunapee Water and Sewer Department (property on municipal sewer).*
- 4) Short-term rentals of single-family dwellings in their entirety (STR-ONIR) do not require Site Plan Review.*
- 5) Short-term rentals with owners in residence (STR-OIR) do not require Site Plan Review.*
- 6) Short-term rentals with owners not in residence (STR-ONIR) in either a single-family dwelling with an additional room for rent or a two-family dwelling requires Site Plan Review.*
- 7) Short-term rentals that require site plan review may apply via the Home Business requirements (Article V, Section D) in the Site Plan Review regulations.*
- 8) Parking shall be 1 space/bedroom and a parking plan shall be submitted for review and approval.*
- 9) The exterior of the property must maintain residential character.*
- 10) Short-term rentals must comply with any registration process set forth by the Board of Selectmen.*
- 11) A travel trailer, boat, or other mobile enclosure may not be used as a short-term rental.*
- 12) Outside trash receptacles must be screened and meet the building setbacks in the district in which they are located.*

Article VIII, Section 8.21 – Certificate of Zoning Ordinance Compliance – Permit

8.21 ~~Certificate Required~~ – If *The following actions require a Certificate of Zoning Ordinance Compliance:*

- (a) a new structure is to be constructed or installed;*
- (b) an existing structure is to undergo expansion;*
- (c) additional dwelling units are to be added to the existing structure;*
- (d) any municipal structure is to be constructed or undergo expansion;*
- (e) a bedroom or kitchen is to be added to an existing structure;*
- (f) a structure is to be demolished;*
- (g) a Site Plan Review approval has been granted by the Planning Board;*
- (h) interior renovations in excess of \$25,000 not included in (a)-(g) above (no fee will be required for a permit under this subsection)*
- (i) a property is used as a Short-term Rental*

Article XI – Definitions

New Definitions:

Short-Term Rental – Owner not in Residence (STR-ONIR) - *A one or two-family dwelling where transient accommodations are provided for any periods less than 30 days. The landowner does not need to be in residence. Short term rentals of this type shall not include Hotels/Motels, Bed & Breakfasts or Inns as these are separately defined.*

Short-Term Rental - Owner-in-Residence (STR-OIR) – *A portion of a dwelling unit or second dwelling unit where transient accommodations are provided for any periods less than 30 days. The landowner must be in residence during the period of any rental.*

Amended Definitions:

Bed & Breakfast, Tourist Homes, & Inns, Lodging and Boarding – ~~An owner-occupied single-family dwelling in which no more than ten (10) between two (2) and six (6) additional rooms are used to provide transient sleeping accommodations and the landowner is in residence during the operation of the bed & breakfast, with meals served to guests only.~~ *Breakfast may be served to lodging guests only.*

Inns – *A single-family dwelling in which between two (2) and ten (10) additional rooms are used to provide transient sleeping accommodations. The landowner does not need to be in residence, but a duly designated operator must be on site during the operation of the inn. Inns may hold special functions such as weddings, meetings, or other gatherings. Meals may be served to lodging guests or guests at special functions.*

Hotel & Motel – *A commercial building or group of buildings providing sleeping accommodations for persons on a transient basis. A property will be considered a hotel/motel if it has three (3) or more units and does not meet the definition of a bed & breakfast or inn. Hotel/motel units may not be dwelling units per the definition in this ordinance.*

Article 10: Shall the town vote for the adoption of Amendment No. 8, proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amendment No. 8

Amend Article IV, Section 4.90 A & B - to add language to the Accessory Dwelling Unit (ADU) section to reflect correct state statute reference along with updated reasons for allowing ADUs.

Full Text of the amended section will be as follows:

- A. **Authority.** This article is adopted pursuant to ~~RSA 674:21~~ *RSA 674:71 – 674:73* and is intended as an Accessory Dwelling Unit (ADU) provision.
- B. The purpose of the ADU is to provide societal benefits for aging homeowners, ~~recent college graduates, and care givers, disabled persons, etc~~ *along with increased access to affordable housing or long-term renters.*
- C. **General Requirements**
1. An ADU will be permitted in all districts by Special Exception. The special exception will be based on items 2-9 in this section and not on the requirements found in Section 4.15 (Amended 3/10/2020)
 2. Only one (1) ADU is allowed per single family dwelling unit.
 3. Owner occupancy is required in the main unit or ADU
 4. The ADU cannot be larger than 1000 square feet. It must be within or attached with heated space to the single-family dwelling and there must be a connecting door between units.
 5. Setback dimensions for the ADU must meet the same guidelines as the single-family unit.
 6. The ADU addition must comply with existing lot coverage standards as specified elsewhere in this Ordinance.
 7. There shall not be more than 2 bedrooms in the ADU.
 8. Septic designs and sewer hookups shall accommodate the number of bedrooms as required by Article VII of this ordinance.
 9. Proper off-street parking must be provided per section 3.40(e) of this Ordinance.

Article 11: Shall the town vote for the adoption of Amendment No. 9, proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amendment No. 9

Amend Article VI, Section 6.12 – Non-Conforming Structures – Reconstruction & Article XI – Definitions - to clarify that any reconstruction of a building envelope must be in the same horizontal footprint as the previous structure.

Full Text of the amended section will be as follows:

6.12 Reconstruction. A pre-existing, non-conforming structure existing at the time of the passage of this Ordinance (March 18, 1987) may be replaced in the same or smaller envelope by a new structure having the same purpose and use provided that the non-conformity to this Ordinance is not increased thereby *and the new structure stays within the horizontal footprint of the existing structure.* The reconstruction *or relocation* of any other non-conforming structure requires a variance or special exception from the Zoning Board of Adjustment.

The replacement of a non-conforming structure with a structure that increases the non-conformity to this Ordinance, either vertically or horizontally, shall only be permitted by variance, or if permitted hereby, by Special Exception.

Article XI – Definitions (add)

Horizontal Footprint – The exact horizontal location on the ground of an existing structure.

Article 12: Shall the town vote for the adoption of Amendment No. 10, proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amendment No. 10

Amend Article X, Section 10.50 – Decision - to update the rules for Zoning Board of Adjustment decisions including extending time for issuing decisions and clarifying methods of noticing decisions.

Full Text of the amended section will be as follows:

10.50 Decision

Within ~~thirty (30)~~ *forty-five (45)* days after the public hearing, the Board shall issue its decision *per RSA 676:7, II.* The concurring vote of three (3) members of the Zoning Board of Adjustment shall be needed to ~~reverse an action of an administrative official or decide in favor of an applicant in any matter before it take any action (RSA 674:33, III.).~~ The Board shall make a final written decision relative to an application or appeal, *which shall include findings of fact that support the decision.* The decision shall be filed in the Town Office within ~~seventy-two (72) hours~~ *five business days* after the decision has been made. If the appeal is approved, the decision shall ~~state the conditions of the special exception or variance were found to exist and shall indicate~~ *include* any conditions attached to the approval. If the appeal is denied, all reasons for denial shall be indicated in the denial letter and on the record.

Article 13: Shall the town vote for the adoption of Amendment No. 11, proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amendment No. 11

Amend Article XI - Definitions - Maximum Structure Height - to confirm that height is measured from the finished grade at a point 15' away from the structure to the highest level of the roof.

Full Text of the amended section will be as follows:

Maximum Structure Height – The vertical distance measured from the lowest ~~ground elevation around the~~ *finished grade 15' away from the* structure to the highest level of the roof (excluding cupolas, weathervanes, *chimneys, antennae*, etc...)

Article 14: Shall the town vote for the adoption of Amendment No. 12, proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amendment No. 12

Amend Article XI – Definitions - to change the requirement that retail sales in a home business are limited to antiques by allowing products that are associated with an approved service.

Full Text of the amended section will be as follows:

Home Business – Any business that is conducted within the home, by the inhabitants of the home and no more than three non-resident employees. The home business shall meet all of the requirements of the Site Plan Review Regulations. If the home business ~~is for retail purposes~~ *has retail items for sale*, it shall be limited to items which are made on the premises, antiques, *or associated with a service offered in the home business*. The home business shall be subordinate and incidental to the primary residential use of the property and shall not change the residential character of the dwelling or neighborhood. The home business shall not generate noise, odor, traffic, or any other negative influence on the community or neighboring properties.

Article 15: To hear the reports of the Selectmen, Treasurer, Auditors, Committees, and/or other officers heretofore chosen.

Article 16: Shall the Town raise and appropriate, as an operating budget, not including appropriations by special warrant articles, nor other appropriations voted separately, the amounts as set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein totaling \$9,545,063.00? Should this article be defeated, the default budget shall be \$8,997,272.00, which is the same as last year, with certain adjustments required by the previous action of the Town of Sunapee or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. ***The Board of Selectmen recommend this appropriation.***

Article 17: Shall the Town raise and appropriate the sum of \$59,378.00 to change the part-time position of fire chief to full-time. This sum covers nine months of wages and benefits. If approved, it is intended that this position will remain as part of the operating and default budgets in the future. ***The Board of Selectmen recommend this appropriation.***

Article 18: Shall the Town raise and appropriate the sum of \$192,594.00 to expand the per-diem staffing of the Fire Department from 8-hour weekday positions up to 24-hour, 7 day per week coverage. This sum covers nine months of wages, and these positions will continue to be part-time, non-benefitted. If approved, it is intended that these positions will remain as part of the operating and default budgets in the future. ***The Board of Selectmen recommend this appropriation.***

Article 19: Shall the Town raise and appropriate the sum of up to \$38,711.00 to make the current part-time Recreation Director a full-time fully benefitted position? The current budgeted hours provide 30 hours a week. This will bring the position to 40 hours a week. This sum covers 9 months of wages and benefits. If approved, it is intended that this funding will remain as part of the operating and default budget for the future. ***The Board of Selectmen recommend this appropriation.***

Article 20: Shall the Town raise and appropriate the sum of \$115,000.00 to be added to the Fire Apparatus and Equipment Capital Reserve Fund previously established? (There is currently \$699,721.59 in said reserve fund.) ***The Board of Selectmen recommend this appropriation.***

Article 21: Shall the Town raise and appropriate the sum of \$135,000.00 to be added to the Highway and Transfer Station Equipment Capital Reserve Fund previously established? (There is currently \$121,162.26 in said reserve fund.) ***The Board of Selectmen recommend this appropriation.***

Article 22: Shall the Town raise and appropriate the sum of \$25,000.00 to be added to the Used Highway Equipment Capital Reserve Fund? (There is currently \$66,415.26 in said reserve fund.) ***The Board of Selectmen recommend this appropriation.***

Article 23: Shall the Town raise and appropriate the sum of \$20,000.00 to be added to the Town Buildings Maintenance Capital Reserve Fund previously established? (There is currently \$106,890.02 in said reserve fund.) ***The Board of Selectmen recommend this appropriation.***

Article 24: Shall the Town raise and appropriate the sum of \$50,000.00 to be added to the Highway Garage Infrastructure Improvements Capital Reserve Fund previously established? (There is currently \$98,427.56 in said reserve fund.) ***The Board of Selectmen recommend this appropriation.***

Article 25: Shall the Town raise and appropriate the sum of \$100,000.00 to be added to the Town Road Bridges Capital Reserve Fund previously established? (There is currently \$77,122.57 in said reserve fund.) ***The Board of Selectmen recommend this appropriation.***

Article 26: Shall the Town raise and appropriate the sum of \$25,000.00 to be added to the Dirt Roads Paving Capital Reserve Fund previously established? (There is currently \$91,123.45 in said reserve fund.) ***The Board of Selectmen recommend this appropriation.***

Article 27: Shall the Town raise and appropriate the sum of \$3,800.00 to be added to the Cemetery Expendable Trust Fund previously established for the general maintenance and care of burial lots of the Cemeteries, and to authorize the transfer of said sum from the December 31, 2022, Unassigned Fund Balance? (There is currently \$69,239.83 in said trust fund.) ***The Board of Selectmen recommend this appropriation.***

Article 28: Shall the Town raise and appropriate the sum of \$1,500.00 to be placed in the Conservation Commission Fund previously established, to be used for conservation purposes in accordance with RSA 36-A? (There is currently \$130,806.00 in said fund.) ***The Board of Selectmen recommend this appropriation.***

Article 29: Shall the Town raise and appropriate the sum of \$5,000.00 to be placed in the Milfoil Control Non-Capital Reserve Fund previously established? (There is currently \$10,553.89 in said reserve fund.) ***The Board of Selectmen recommend this appropriation.***

Article 30: Shall the Town raise and appropriate the sum of up to \$50,000.00 to be placed in the Veteran's Field Capital Reserve Fund previously established? (There is currently \$18,174.23 in said reserve fund.) ***The Board of Selectmen recommend this appropriation.***

Article 31: Shall the Town raise and appropriate the sum of \$220,000 to purchase and equip a new dump/plow truck for the Highway Department, authorize the withdrawal of up to \$220,000 from the Highway and Transfer Station Capital Reserve Fund previously established for that purpose, and authorize the sale or trade-in of the existing dump/plow truck (H6), with proceeds from the trade-in or sale to be used to reduce the amount withdrawn from said fund? ***The Board of Selectmen recommend this appropriation.***

Article 32: Shall the town raise and appropriate the sum of up to \$70,000 to purchase and equip a new truck for the Water & Sewer Department, authorize the withdrawal of up to \$70,000 from the Water & Sewer Department Replacement Fund previously established for such purposes, and authorize the sale or trade-in of the existing 2005 Chevrolet Panel Truck (W3), with proceeds from the trade-in or sale to be used to reduce the amount withdrawn from said fund? ***Recommended by the Board of Selectmen.***

Article 33: Shall the Town raise and appropriate the sum of up to \$45,000 to fund the replacement of the manhole at the Garnet Hill/Stone End Road Intersection, and to authorize the withdrawal of said funds from the Collection System Replacement Fund previously established for such purposes? ***Recommended by the Board of Selectmen.***

Article 34: Shall the Town vote to modify the elderly exemption from property tax in the Town of Sunapee under RSA 72:39-a, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years \$50,000; for a person 75 years of age up to 80 \$70,000; for a person 80 years of age or older \$90,000. To qualify, the person must have been a New Hampshire resident for at least 3 years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married for at least 5 years. In addition, the taxpayer must have a net income of not more than \$34,000 or, if married, a combined net income of less than \$41,000; and own net assets not in excess of \$75,000, excluding the value of the person's residence. ***The Board of Selectmen recommend this appropriation.***

Article 35: Shall the Town vote to modify the Blind Exemption amount, previously adopted in 1987 as per RSA 72:37 of the amount of \$15,000.00. It is proposed to increase this exemption amount to \$23,000.00. This exemption provides that every inhabitant who is legally blind shall be exempt each year from the property tax on a residence to the value of \$23,000.00. ***The Board of Selectmen recommend this appropriation.***

Article 36: Shall the Town vote to readopt the provisions of RSA 72:28, II, previously adopted (2006), for an Optional Veterans' Tax Credit at \$500.00 per year, and readopt RSA 72:28-b, the All Veterans' Tax Credit, at \$500.00 per year. This readoption includes the expansion of the eligibility requirements of the Optional Veterans' Credit and All Veterans' tax credit to include individuals who have not yet been discharged from service in the armed forces. If readopted and approved, this article shall take effect for the 2023 property tax year. ***The Board of Selectmen recommend this appropriation.***

Article 37: Shall the Town vote to discontinue the **Trustees of Trust Funds Sugar River Account created in 2018**; said funds with any accumulated interest to the date of withdrawal, are to be transferred to the Town's General Fund? **2022 Sugar River Account with \$33.00.** ***The Board of Selectmen recommend this decision.***

Article 38: Shall the Town vote to discontinue the **New Library Building Fund created in 2012**; said funds with any accumulated interest to the date of withdrawal, are to be transferred to the Town's General Fund? **09/30/2022 TD Bank Account with \$0.08.** *The Board of Selectmen recommend this decision.*

Article 39: Shall the Town vote to start the process to select a municipal flag to be flown over public buildings and recreational areas in town, beginning with an open call for public submissions for said municipal flag, and then establishing a Town of Sunapee Flag Design Committee which would convene to select finalists to be voted upon by residents of the Town of Sunapee?

Article 40: Shall the Town vote to convey the 2.5% fractional ownership interest in property on Oak Ridge Road – Parcel ID 0103-0024-000, bequeathed to the Town of Sunapee F.A.S.T. Squad by Donald R. Osgood, to Janet McAlister of Sunapee, New Hampshire on such terms and conditions as the selectmen may deem appropriate?

Article 41: Shall the town remove land on which the Wastewater Treatment Plant is located, and land needed for expansion of the plant, from the town forest? The land to be removed is a portion of the parcel previously known as the Barrett Lot, Map 5, Lot 22. It is anticipated that approximately 24 acres of the 41-acre parcel would be removed. Removal is contingent on the town forest being surveyed and exact boundaries being agreed upon by the Conservation Commission and the Water and Sewer Commission.

January 23, 2023

Joshua Trow

Suzanne Gottling

Fredrick Gallup

Jeremy Hathorn

Carol Wallace

Proposed Septic Rules for the Town of Sunapee
Final 1-21-23

Authority: Health Officers

NH RSA 147:10 grants municipal health officers, with the approval of the Board of Selectmen (NH RSA 147:1), authority to adopt regulations that will ensure that wastewater disposal systems shall not be a nuisance or injurious to public health.

General Purpose and Intent

- 1) Protect the quality of the surface waters of Lake Sunapee, which is the major public water supply for the Town of Sunapee
- 2) Protect the quality of ground water in the lakes, ponds and Sugar River in the Town of Sunapee
- 3) Protect public health through prevention of human contact with sewage and related pathogens
- 4) Prevent increased nitrogen and phosphorus accumulations and related pathogens from entering the lakes, ponds, rivers, streams and aquifer recharge areas
- 5) Provide a proactive approach towards septic systems posing higher risk and significance of failure within the Shoreland Overlay District.

Reference & Definitions

All terms used herein shall have the same definitions as found in State regulations and references based on Chapter Env-Wq 1000 “Subdivisions; Individual Sewage Disposal Systems” with Statutory Authority RSA 485-A:6, latest effective date Oct. 1, 2016, or most recent.

Applicability

These regulations apply to all sewage disposal systems on private septic system located wholly, or part within the Shoreline Overlay District, (within 250 feet of lakes & ponds over 10 acres in size and fourth order streams) as well as all commercial food preparation facilities within the entire Town of Sunapee on a septic system.

Septic Tank Pumping

All septic tanks to be pumped on the following schedule:

All developed properties with septic systems in the Shoreline Overlay District in the Town of Sunapee shall be pumped a minimum of once every three years.

In cases where a septic tank or pump chamber has not been pumped out in the three years prior to the adoption of this regulation, such systems shall be pumped out within one year of the effective date of this regulation.

Exceptions

Exceptions to these regulations are to be determined by the Town Selectboard or its designee.

Holding Tank Exception: Properties that have a 'holding tank' system, shall abide by the NHDES regulations, which currently require the holding tank to be pumped when the tank is at 80% capacity.

Grease Trap Exception: All commercial Food preparation facilities within the Town of Sunapee, on a septic system are required to have a grease trap system installed. All grease trap systems must be pumped per manufacturer's or service providers recommendation but no less than twice a year.

Owners of Residential properties occupied by 2 or fewer persons and owners of properties used on a strictly seasonal use may apply to the Board of Selectmen, or designee, for a waiver of the 3-year requirement. In no case shall a septic tank be pumped less often than once every 7 years.

Waivers shall not be granted for commercial or any type of Short Term Rental (STR) properties.

The Health Officer shall maintain a list of approved proprietary Innovative/Alternative Technology (ITA) septic systems as defined in NHDES Env-Wq1024. Such systems shall be pumped out, inspected and maintained at a frequency specified by the ITA manufacturer. The Health Officer may also request inspection records from the manufacturers of the ITA systems.

Sale of property within Shoreland Overlay District

When a developed waterfront property is sold or transferred, a copy of the **Waterfront Property Site Assessment Study required by NHDES Env-Wq 1025 regulations** must be submitted to the Town either by the seller or their Agent within 10 days of the sale of property.

Adoption

- A) These regulations shall be administered by the Code Enforcement Officer and/or Health Officer or by such person as the Board of Selectmen may designate. Any person willfully violating these regulations shall be guilty of a violation.

- B) Prior to the effective date of this regulation, the owners of all affected properties shall be provided with a written notice of the requirements of these regulations.
- C) Property owners who have had their septic tanks pumped within 3 years prior to the effective date of this regulation shall provide the Health Officer, or designee, with documentation of such pumping, failing which it, shall be presumed that the septic tank pumped has not been pumped within 3 years prior to the effective date of this regulation.
- D) Property owners who have had their septic tank/ holding tank/ grease trap pumped out after the effective date of this regulation shall provide the Health Officer or designee with documentation of the pumping, including receipts from the Company that did the pumping, and the approximate gallons of septage pumped. Such information shall be provided within 10 days of the pumping.

Douglas Gamsby
Health Officer, Town of Sunapee

Sunapee Conservation Commission
Town Hall, 23 Edgemont Road, Sunapee, New Hampshire, 03782

January 6, 2023

Re: Proposed Septic System Rules

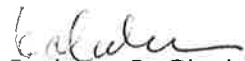
To the Sunapee Selectmen:

At the January 4, 2023 meeting of the Sunapee Conservation Commission, the commission voted unanimously in support of adoption of the proposed new septic system rules to require periodic inspections and pumping of septic tanks located in the Sunapee Aquifer Overlay District and Shoreline Overlay District, and for commercial food preparation facility grease traps. Your adoption of these rules is an important step to advance water quality protection in Sunapee. The Conservation Commission has just completed the 2022 Sunapee Natural Resources Inventory & Conservation Action Plan which identifies water quality protection as a top strategy for over the next decade. The inventory, maps, and action plan can be viewed at our town webpage:

town.sunapee.nh.us/conservation-commission

Sincerely,

Sunapee Conservation Commission



Barbara B. Chalmers, secretary

cc: Douglas Gamsby, Health Inspector
Elizabeth Harper, Lake Sunapee Protective Association

January 12th, 2023

To the Town of Sunapee Planning Board,

We recognize and appreciate the time and effort you put into this draft ordinance. We understand the need for Sunapee to ensure the health and safety of both its residents as well as visitors to the town. We have concerns with the proposed ordinance as written and would hope the board will slow down this process. We believe this proposed ordinance is not supported by RSA 674, that state zoning statute and would likely be subject to legal challenge. And if the planning board is basing its authority on RSA 48-A, the housing standards statute, then clearly this ordinance violates that statute.

Similar issues surrounding ordinances prohibiting short-term rentals in residential properties have arisen around that state and several of those ordinances are now the subject of cases in front of the state Supreme Court. Fundamentally the question is whether short-term rentals, under state law, is a residential or commercial use of the property. Regardless of how anyone in this room might view the residential vs. commercial question; we can all agree that the NH Supreme Court has not weighed in on this issue. However, it is inevitable that the court will need to as result of the various lawsuits currently taking place in the state. Keep in mind that Conway's ordinance was overturned by a Superior Court judge. She agreed that short-term rentals are a protected residential use writing that "so long as the renters continue to relax, eat, sleep, bathe, and engage in other incidental activities" as the owner of that property would then it is clearly a permitted residential use. The fact that money is exchanged is irrelevant or else long-term rentals, where monthly or weekly payments are made, would also be prohibited in a residential zone.

Under this ordinance, will property owners already utilizing their properties be grandfathered? We believe state statute would mandate that.

How much will this ordinance cost the town to enforce?

What new fees on property owners are proposed? What are the penalties if a property owner fails to comply?

Where in state statute are such fees and penalties authorized?

The Town of Sunapee Chamber of Commerce markets the town by stating that "*For more than two centuries, visitors from all over the world have chosen New Hampshire's Lake Sunapee Region as their ideal year-round vacation destination.*" And property owners have been renting out their homes, without government interference, to those visitors for as long as they have been coming here. If we are going to overturn hundreds of years of precedent, then I hope we take our time.

Our Association attempted to work with the state legislature to grant towns additional authority in state statute to regulate residential properties being used for rentals. The Senate agreed unfortunately the House decided to leave the question up to the courts.

At the very least, we would suggest that this board waits for the Supreme Court decision on the Conway cases.

Respectively,

Sunapee Region Board of Realtors

Kristin Angeli, President, 2023

Carter Bascom, Past President, 2022

Stacy Kelley, Association Executive

11 South Main Street, Suite 301

Concord, NH 03301

603-255-5549